

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

BEFORE THE SHELLFISH CULTIVATION
LEASE REVIEW COMMITTEE
25-01

IN THE MATTER OF THE THIRD-PARTY
HEARING REQUEST BY:
THOMAS PERALTO

**RECOMMENDATION OF THE
DIVISION OF MARINE FISHERIES**

I. BACKGROUND

Petitioner Thomas Peralto (“Petitioner”) requests permission to file a petition for a contested case hearing as a third party pursuant to N.C.G.S. § 113-202(g). Petitioner seeks to challenge the April 14, 2025, decision by Kathy Rawls, Director of the NC Division of Marine Fisheries (“DMF”) to grant both a bottom shellfish lease and a water column lease (the “Lease Area”) to C.I. Salts Oyster Company, LLC (“Potential Lessee”). The Lease Area proposed by the Potential Lessee is located in North Bay near Cedar Island in Carteret County. Petitioner owns property to the north and east of the Lease Area.

Under law, a third party may file a contested case hearing petition to challenge the approval of a shellfish bottom lease or water column lease to someone else only if the Shellfish Cultivation Lease Review Committee (“SCLRC”), established pursuant to N.C.G.S. § 143B-289.57(f), first determines that a contested case hearing is appropriate. N.C.G.S. § 113-202 (g) provides that along with being timely filed, the determination as to whether a hearing is appropriate should be based upon a consideration of whether a petitioner:

1. Has alleged that the decision is contrary to a statute or rule;
2. Is directly affected by the decision; and
3. Has alleged facts or made legal arguments that demonstrate that the request for the hearing is not frivolous.

The SCLRC determines whether a third-party request for a hearing should be granted or denied. A third party whose hearing request is granted may file a contested case hearing petition with the Office of Administrative Hearings (“OAH”) and a third party whose hearing request is denied may seek judicial review. N.C.G.S. § 113-202(g).

II. FACTS

A. The Potential Lessee is a North Carolina Limited Liability Company Organized in 2025. The Registered Agent is Ralph W. Brittingham, Jr. The current registered office address (as well as the principal office and mailing address) is 415 Highway 70, Smyrna. The description of the business is listed as “home improvement.” A copy of the Potential Lessee’s 2025 Articles of Organization is attached.

B. Mr. Brittingham resides at 415 Highway 70, Smyrna.

C. The Lease Area is approximately 4.22 acres in size and sits within North Bay behind an undeveloped area of beach and marsh on the northern shore of Cedar Island. The Lease Area sits parallel to the middle of three peninsulas of marshland separated by channels that extend nearly to the beach. The Shellfish Lease Investigation Report, a copy of which is part of the Decision Record, indicates a water depth in the Lease Area of 0.6 to 1.0 meters (1.98-3.28 feet). The Lease Area is approximately 30 feet waterward from the edge of the marsh. Aerial and ground level photographs are attached showing the Lease Area, its distance to the shoreline, its distance to the nearest existing lease, and its distance to Petitioner’s house.

Proposed Lease ID/Number: 24-007BL/24-008WC
C.I. Salts Oyster Company, LLC- Ralph W. Brittingham, Jr.
Date: 2/5/2025



- D. The Potential Lessee does not hold any other shellfish leases.
- E. Petitioner is a North Carolina resident. Petitioner's Mailing Address is PO Box 190, Newport.
- F. Petitioner owns a total of 21 parcels of property on Cedar Island according to Carteret County tax and GIS records. Eight of these are not in the vicinity of the Lease Area.

Eleven of Petitioner's parcels are on Soundview Drive. In addition to road access, these lots include upland and marsh and have shoreline on the Pamlico Sound. One of Petitioner's parcels, 301 Soundview Drive, is developed with a single-family residence. The remaining lots are undeveloped. To the northeast of the eleven parcels on Soundview Drive, Petitioner also owns two parcels classified as marshland with a combined area of approximately 50 acres with 3,795 feet of shoreline on the Pamlico Sound and 4,700 feet on North Bay. The marshland lot borders on North Bay and is adjacent to the lease. A map from the Shellfish Lease GIS is attached showing these parcels and copies of the tax cards for each of the eleven parcels on Soundview Drive and two north of the lease location are attached.

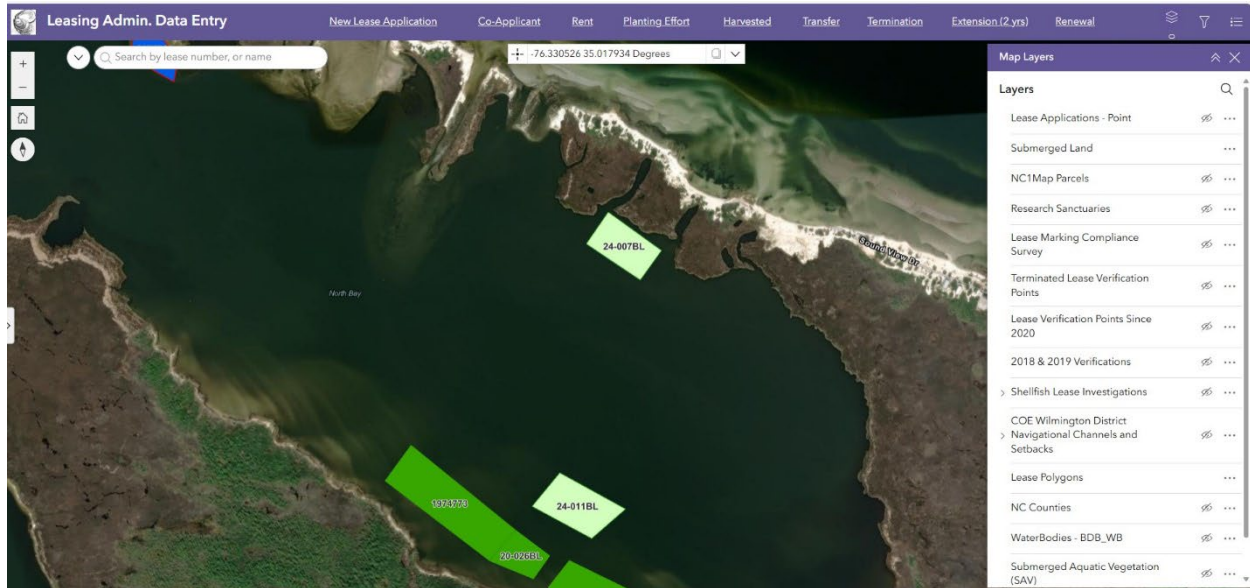
G. Petitioner received a Coastal Area Management Act ("CAMA") Major Permit authorizing development of a living shoreline on the Pamlico Sound side of the Petitioner's parcels at 301 Soundview Drive, Cedar Island:

1. CAMA Major Permit #144-21 issued October 28, 2021 authorizing the development of a living shoreline on the Pamlico Sound shoreline of Petitioner's property. A copy of this Permit is attached.

There may be other CAMA permits that had been issued for construction of the other structures on Petitioner's property which were not located by Division of Coastal Management ("DCM") staff, including a permit for the construction of the existing lodge building and associated accessory structures¹ which are noted on the attached tax cards. Based on a review of the limited development on Petitioner's property, DMF Staff concluded that Petitioner's property was not a developed shoreline and did not require a proposed lease to be 250 feet from the shoreline per 15A NCAC 03O .0201(a)(2).

¹ Upland structures are usually issued CAMA Minor Permits by the Carteret County CAMA Local Permitting Officer, and related documents are held by the LPO and not by DCM.

H. There are no recognized submerged lands claims (as described in N.C.G.S. § 113-205 and -206) around the Lease Area, as shown on the DMF GIS delineation of recognized claims. A screenshot of the DMF GIS with the submerged lands layer is attached showing no recognized claims in the area at issue. Therefore, the submerged lands below mean high water are owned by the State, as is most often the case.



I. North Bay at the Lease Area is classified as Coastal SA Waters, High Quality Waters (HQW) and Nutrient Sensitive Waters (NSW) by the Environmental Management Commission (“EMC”). These waters are not classified as a Primary Nursery Area (PNA), a Secondary Nursery Area (SNA) or a Special Secondary Nursery Area (SSNA) by the Marine Fisheries Commission (“MFC”). These waters at the Lease Area are in the F3 Growing Area in the Central Region and are an Approved harvest area for shellfish harvesting. A screenshot of the DMF Shellfish Siting GIS tool is attached showing the Lease Area is open.

J. During the site investigation, DMF staff photographed two duck blind structures in various states of repair/disrepair. The closest duck blind to the Lease Area is located approximately

189 feet to the southeast of the Lease Area. The other duck blind is approximately 316 feet to the northwest of the Lease Area, as measured with the DMF Shellfish Siting GIS tool. A screenshot of these measurements is included as an attachment.

K. In researching cases and laws related to duck blinds, the Undersigned summarizes the laws regarding duck blinds in North Carolina as follows:

1. The North Carolina Department of Justice (“DOJ”) wrote a memo in 1985, a copy of which is attached, that concluded that at that time, there were no laws prohibiting hunting in a duck blind located within/over public trust waters but near (50 yards in this case) private upland riparian property. It also notes that hunting is understood to be one of the activities which comprises “public trust rights” as commonly understood in North Carolina.
2. As noted in the 1985 memo, at that time and since, the DCM has not required permits pursuant to the CAMA or the State Dredge & Fill Law for the construction of duck blinds² in public trust waters.
3. While a CAMA permit is not required for duck blind construction, regulations promulgated by the Coastal Resources Commission (CRC) pursuant to the CAMA include a description of water-dependent uses in 15A NCAC 7H .0208(a)(1) where it notes that “uses that are not water dependent shall not be permitted in coastal wetlands, estuarine waters, and public trust areas...Uses that are water dependent include: utility crossings, wind energy facilities, docks, wharves, boat ramps, dredging, bridges and bridge approaches, revetments, bulkheads, culvers, groins navigational aids, mooring pilings, navigational channels, access channels and drainage ditches;” 15A NCAC 07H .0206(d) also notes that the prioritization of uses in Estuarine Waters Area of Environmental Concern are for “those types of development activities that require water access and use which cannot function elsewhere such as simple access channels; structures to prevent erosion; navigation channels; boat docks, marinas, piers, wharfs, and mooring pilings.”
4. The EMC also defines “water dependent structures” at 15A NCAC 02B .0202(59) as “those structures that require access or proximity to or siting within surface waters to fulfill its purpose, such as boat ramps, boat houses, docks, and bulkhead. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.”

² There have been enforcement situations in the past by DCM related to structures built within/over public trust waters which the builders alleged were “duck blinds” but were in fact habitable structures or cabins.

5. Statutes administered by the Department of Administration requiring submerged lands easements for structures built within/over public trust waters specifically note that such easements are not required for duck blinds. See N.C.G.S. § 76-40(b).
6. Session Law 1981-581, a copy of which is attached, is a local act regarding migratory waterfowl hunting in Carteret and Pamlico counties which states that “it is unlawful to take migratory wild waterfowl within 500 yards of another person’s permanently established hunting location” and defines a “permanently established hunting location” as a structure including a blind which is “permanently established” for hunting by “(2) The riparian landholder, if the site is on or in water and hunting rights in that water are not controlled by someone other than the riparian landholder;”
7. While Dare and Currituck counties have local laws requiring permits from their local government’s Game & Wildlife Commissions for in-water duck hunting from blinds, no similar local regulations specific to Carteret County were found in the Carteret County Ordinances or Carteret County Land Use Plan.

L. On or about March 8, 2024, the Potential Lessee, through its business agent Ralph W. Brittingham, Jr., applied for a shellfish lease at the Lease Area. A copy of the application materials date-stamped as received on March 8, 2024, is part of the Decision Record.

M. The Lease Area was reviewed thoroughly as all proposed shellfish leases are, through a comprehensive review process. The shellfish lease application process is a multistep process that is dependent upon review and comment by DMF Staff from multiple sections and from outside agencies such as DCM and the Division of Water Resources (“DWR”). Requirements for shellfish leases including the application process are specified in N.C.G.S. § 113-201 and 202.2, and in the MFC rules at 15A NCAC 03O .0201 through -.0211. The shellfish lease application process includes an initial Internal Review Process where staff from various sections of DMF and other pertinent state and federal agencies review shellfish lease applications and provide comments back to DMF staff. In this case for the Lease Area, comments were received back from:

1. Tina Moore of the DMF Fisheries Management Section on October 22, 2024.

2. Officer Justin Lott and Officer Zachary Nelson of the DMF Marine Patrol on December 4, 2024.

3. Andrew Haines of the DMF Shellfish Sanitation Section on October 24, 2024.

Copies of Internal Review Process comments are part of the Decision Record. The Division of Coastal Management provided an MOU to DMF in May of 2023 pertaining to the materials and dimensions of acceptable marking poles for all proposed shellfish leases.

N. A shellfish lease application must also meet federal requirements promulgated by the U.S. Army Corps of Engineers (“Corps”) through their Nationwide Permit #48. The shellfish lease application to DMF serves as a joint application with the Corps.

O. Also, as part of the shellfish lease application process, DMF Staff complete Biological Site Investigations, where they observe the proposed Lease Area and sample for the presence of Submerged Aquatic Vegetation (“SAV”) and natural shellfish beds and record other pertinent information regarding the location. In this case, the Biological Site Investigation took place May 22-23, 2024. Staff found no presence of SAV and zero bushels per acre of natural shellfish.

P. Through a memo dated December 9, 2024, DMF Shellfish Lease staff, through DMF Habitat and Enhancement Section Chief Zach Harrison, summarized the Proposed Lease and Lease Area for DMF Director Kathy Rawls, a copy of which is attached. This memo summarized the findings to date, and following her review of that information, on February 12, 2025, Director Rawls decided to proceed with a 30-day public comment period followed by a public hearing for the Potential Lease.

Q. On March 13, 2025, at 6:00 p.m., the public hearing was held for this Potential Lease at DMF’s Central District Office in Morehead City and via WebEx. A link to a copy of the

recording of the hearing is available on DMF's website as part of the Decision Record. Petitioner, Petitioner's wife Cathy Peralto, Dallas Goodwin, Hayden Owens, and Ed Wheatly spoke against the Potential Lease.

R. As part of the public comment period regarding this shellfish lease, nine individuals, including Petitioner, submitted comments in opposition to this Proposed Lease, copies of which are part of the Decision Record.

S. Following the public hearing on March 13, 2025, and public comment period, which closed on March 14, 2025, Mr. Harrison summarized the information obtained about this Potential Lease in a memo to Director Rawls, a copy of which is attached. On April 15, 2025, Director Rawls made the decision to grant this Proposed Lease as proposed as indicated by her marking and signature on the April 14, 2025 memo. DMF Staff also mailed a notice letter dated April 16, 2025 to Mr. Brittingham notifying him of the shellfish lease decision, a copy of which is attached to the Decision Record.

T. On April 23, 2025, DMF received Petitioner's third-party hearing request, a copy of which is attached. This was eight (8) days after the April 15, 2025 shellfish lease application final decision. DMF staff provided Mr. Peralto with the appeal form on May 2, 2025, after updating the formatting and contact information for the Counsel for the Committee. Petitioner returned the hearing request on May 5, 2025.

U. On May 28, 2025, Counsel for the Committee, Assistant Attorney General Sarah Zambon, wrote to Staff, the Potential Lessee, and Petitioner's Counsel with information about the process the SCLRC would use for deciding this matter, including a hearing date of June 25, 2025, as well as deadlines and details about requested submission. A copy of this letter is attached.

V. Staff did not receive a written response from the Potential Lessee by the June 4, 2025 deadline indicated by the Committee's Counsel in his letter of May 28, 2025.

W. A recent Final Decision of ALJ Lassiter in the 8 ½ Marina v. DEQ and Boyd contested case (17 EHR 1382) in May of 2018 is helpful to understanding how DMF applies the language of the shellfish statutes and rules, a copy of which is attached.

III. DMF'S RECOMMENDATIONS

A. Has the Petitioner Alleged that the Decision is Contrary to a Statute or Rule?

Yes. Petitioner lists and argues that the Lease decision was contrary to two statutes and, indirectly, MFC rule 15A NCAC 03O .0201(b)(2):

1. N.C.G.S. 113-202.1 [Petitioner lists G.S. 113-202; however, the language quoted is from G.S. 113-202.1] "The Area must not be within an area traditionally used and available for fishing or hunting activities incompatible with the activities proposed by the lease holder, such as trawling or seining;
2. 14-399. Littering. (a) No person, including but not limited to, any firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by him within this State or in the waters of this State including, but not limited to, any public highway, public park, lake, river, ocean, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley except: (1) When such property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or (2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters. (b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed such offense. This presumption, however, does not apply to a vehicle transporting agricultural products or supplies when the litter from that vehicle is a nontoxic, biodegradable agricultural product or supply.

3. 15A NCAC 03O .0201(b) “in order to be deemed suitable for leasing for shellfish aquaculture purposes: . . . (2) the proposed shellfish lease area shall not be closer than 250 feet from a developed shoreline or a water-dependent shore-based structure, except no minimum setback is required when the area to be leased borders the applicant's property, the property of "riparian owners" as defined in G.S. 113-201.1 who have consented in a notarized statement, or is in an area bordered by undeveloped shoreline. For the purpose of this Rule, a water-dependent shore-based structure shall include docks, wharves, boat ramps, bridges, bulkheads, and groins;”

On Argument 1, Staff agrees that Petitioner has “*alleged* that the agency has made a decision that is contrary to a statute or rule” which is relevant to the shellfish lease decision *and within DMF’s jurisdiction*, and therefore meets the requirements of N.C.G.S. § 113-202(g).

On Argument 2 above, while Petitioner has “*alleged* that the agency has made a decision that is contrary to a statute or rule” it is not a law within DMF’s jurisdiction to consider when evaluating a lease. The lease does not authorize littering and Petitioner’s assertion that littering will result in the future is speculative. As the possibility of littering is speculative and because neither G.S. 113-202 nor 113-202.1 prohibit the siting of a lease based on the possibility of littering, Staff contend that Petitioner in raising this statute does not meet the requirements of N.C.G.S. § 113-202(g).

On Argument 3, Staff agrees that MFC rule prohibits the siting of a lease within 250 feet of a developed shoreline. Although Staff disagrees that Petitioner’s property adjacent to the lease constitutes a developed shoreline, Petitioner has met the threshold of alleging that the Lease was granted contrary to a statute and rule within the MFC’s authority.

B. Is the Petitioner Directly Affected by the Decision?

Yes. Petitioner makes several arguments on how he is directly affected by the lease approval. First, he argues that an existing hunting lease on his property will not be renewed as a

result of the shellfish lease. A copy of the lease is included as an exhibit. Petitioner also asserts that the lease location encroaches on established duck blinds on the shoreline of the property.

Second, Petitioner asserts that the lease will be subject to southwest winds and will “cause debris to be a constant problem” and lead to littering. Finally, Petitioner asserts that his property adjacent to the lease site is a developed shoreline and therefore the required setback from the shoreline is 250 feet.

Petitioner asserts that hunting has taken place on his property near the lease site for some time and that he has leased some portion of his property to Dallas Woodard for hunting for the past ten years. Petitioner asserts that Mr. Woodard is not renewing the hunting lease as a result of the shellfish lease granted by the Division. Public comments submitted by Petitioner, Mr. Woodard, and others described the history of hunting in the lease area. Staff agrees that Petitioner has alleged facts demonstrating that he is directly affected by the shellfish lease.

Petitioner next asserts that he will be directly affected by the possibility of debris and litter resulting from the operation of the lease. The bottom and water column leases granted by the Division authorize the lessee to operate a shellfish aquaculture operation. The lease does not authorize the lessee to litter or otherwise allow equipment or materials outside the lease area. The lease application and subsequent Aquaculture Operations Permit required to work an approved lease both require a Storm Preparedness and Debris Management Plan. This is reviewed by Division staff to ensure the plan is sufficient to prevent loss of aquaculture gear and damage to the area surrounding the lease from lost gear. If littering were to occur, the shellfish lease would not prevent Petitioner from filing an action for trespass or by reporting the matter to law enforcement. Staff disagrees that the granting of the shellfish lease directly affects Petitioner because of the potential for littering.

Petitioner's final argument on being directly affected by the lease is that the lease is within the setback required under 15A NCAC 03O .0201 for a developed shoreline. Petitioner owns numerous lots near the Lease Area, including upland property east of the lease area. Petitioner asserts that the lease fails to meet the 250-foot setback required for a developed shoreline absent a waiver by the riparian owner. Because Petitioner's property lies closer to the lease area than the 250-foot setback, Staff agrees that he is directly affected. It should be noted, however, that staff disagree with Petitioner's assertion that his property constitutes a developed shoreline. Petitioner also asserts that the lease location is visible from his home, although Staff notes that impacts to viewshed are not a factor upon which the Division may rely to deny a lease application.

For these reasons, Staff agree that Petitioner's assertions that a hunting lease was not renewed and that the lease encroaches into the 250-foot setback required for a developed shoreline demonstrate that Petitioner is directly affected by the granting of the lease. Staff note that even meeting this "directly affected" standard in this proceeding may not satisfy the elevated standard of harm employed at the OAH.

C. Has the Petitioner Demonstrated that the Hearing Request is not Frivolous?

Yes. Petitioner's arguments consist of the three issues noted in Sections A and B above and will be discussed separately below considering this statutory factor.

1. Incompatible competing uses of the public trust resources

Petitioner asserts that the shellfish lease approved is not compatible with the lawful utilization by the public of other marine and estuarine resources, including, but not limited to, navigation, fishing and recreation and that the lease is within an area traditionally used and available for fishing and hunting activity. Petitioner and other members of the public provided public comment during the lease period describing the hunting activity that has traditionally taken

place in the vicinity of the lease area. Petitioner's hearing request described a longstanding hunting lease that was not renewed as a result of the shellfish lease. In addition to the hunting lease, there are two duck blinds near the lease that Petitioner contends are affected by the proximity of the lease. Staff agrees that a hearing on the issue of compatibility of the lease with lawful utilization of other marine and estuarine resources, and the traditional use of the area for hunting would not be frivolous and therefore meet the requirements of N.C.G.S. § 113-202(g)(3).

2. The lease is likely to lead to litter in violation of G.S. 14-399

Petitioner alleges that the potential shellfish lease was approved contrary to G.S. 14-399, which defines the crime of littering. Petitioner asserts that due to prevailing weather conditions and geographic characteristics at the lease location, littering is likely and will affect Petitioner's property. The shellfish bottom and water column leases approved by the Division authorize the lessee to utilize the lease area for the production of shellfish. It does not exempt the lessee from any criminal statutes such as the one cited by Petitioner. The potential for a criminal violation is not a criteria upon which DMF can deny a lease. G.S. 14-399 is outside of DMF's jurisdiction, and having a contested case on the issue of whether the shellfish lease was issued contrary to G.S. 14-399 would be frivolous and that this argument does not meet the requirements of G.S. 113-202(g)(3).

3. Petitioner's property is a developed shoreline that requires a 250-foot setback

Petitioner asserts that a 250-foot setback is required because his property has a developed shoreline. As discussed above, Petitioner owns numerous parcels in the vicinity of the lease area. The two parcels immediately adjacent to the lease location are undeveloped and no CAMA permits have been applied for on these parcels. Petitioner also owns multiple lots to the southeast of the lease location that include road access and upland that may be suitable for development. Only one

of these lots includes a structure – a single-family residence, and this lot is not contiguous with any of Petitioner’s lots that have shoreline on North Bay. This lot is separated from Petitioner’s other properties to the west by a lot owned by a third party. Petitioner’s single-family residence at [Address] is more than 2,500 feet away from the lease location. Based upon DMF staff’s investigation and Petitioner’s representation, there is not evidence that Petitioner’s property along North Bay constitutes a developed shoreline that would require a 250-foot setback. Staff asserts that’s opinion is that having a contested case on the issue of whether Petitioner’s property constitutes a developed shoreline would be frivolous and that this argument does not meet the requirements of G.S. 113-202(g)(3).

IV. CONCLUSION

In conclusion, Staff believes that Petitioner has met the criteria justifying a contested case hearing. For the reasons stated herein, the DMF, through its undersigned attorney, recommends that Petitioner’s Third Party Hearing Request be GRANTED by the Committee.

This the 10th day of June 2025.

FOR THE DIVISION OF MARINE FISHERIES

____/s/ M. Shawn Maier____
M. Shawn Maier
Assistant General Counsel
North Carolina Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601
(919) 707-8118
Shawn.Maier@deq.nc.gov

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the attached Recommendation of the Division of Marine Fisheries on following people:

Thomas Peralto, Petitioner, via email to: tom.peralto@yahoo.com

Ralph “Buddy” Brittingham, Member/Manager of
C.I. Salts Oyster Company, LLC, Lessee, via email to: buddy@cisaltsoysterco.com

Shellfish Cultivation Lease Review Committee, via email to: MFC@ncdenr.gov
Special Deputy AG Phillip Reynolds, SCLRC Counsel preynolds@ncdoj.gov
Assistant AG Sarah Zambon, SCLRC Co-Counsel szambon@ncdoj.gov

This the 11th day of June, 2025.

/s/ M. Shawn Maier
M. Shawn Maier
DEQ Assistant General Counsel

LIST OF ATTACHMENTS TO THE STAFF RECOMMENDATION

1. C.I. Salts Oyster Company, LLC 2024? Articles of Organization (Fact A)
2. Brittingham's deed to 415 Highway 70, Smyrna (Fact B)
3. Brittingham's tax card (Fact B)
4. Aerial of Brittingham's house at 415 Highway 70, Smyrna, and one showing distance to lease (Fact B)
5. Aerial/Ground images of Lease Area (Fact C)
6. Aerial from lease tool showing distance of 30' waterward from shoreline (Fact C)
7. Aerial from lease tool showing distance from proposed lease to existing lease (Fact C)
8. Aerial from lease tool showing distance from proposed lease to Petitioner's house (Fact C)
9. Peralto's parcels 13 tax cards (Fact F)
10. GIS showing Peralto's 13 parcels (Fact F)
11. CAMA Major 144-21 from 2021 (Fact G)
12. Aerial from lease tool showing no recognized submerged lands claims in area (Fact H)
13. Aerial from lease tool showing nearby closure line (Fact I)
14. GIS of distance from proposed lease to Petitioner's duck blinds (Fact J)
15. Ground images of Petitioner's two duck blinds (Fact J)
16. Two ground-level photos showing two duck blinds nearest lease area (Fact J)
17. 1985 DOJ memo re: duck blinds (Fact K)
18. SL 1981-581 about waterfowl hunting in Carteret Co and Pamlico Co (Fact K)
19. 8.5 marina contested case- final decision (Fact Z)

State of North Carolina
Department of the Secretary of State

SOSID: 2979532
Date Filed: 1/29/2025 4:46:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2025 020 00938

Limited Liability Company
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: C.I. Salts Oyster Company, LLC
(See Item 1 of the Instructions for appropriate entity designation)
2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both by checking all applicable boxes.) **Note: This document must be signed by all persons listed.**

Christy Bethann Brittingham - 415 Highway 70 Smyrna, NC 28579 -

3. The name of the initial registered agent is: Ralph W. Brittingham Jr.

4. The street address and county of the initial registered agent office of the limited liability company is:

Number and Street 415 Highway 70
City Smyrna State: NC Zip Code: 28579 County: Carteret

5. The mailing address, if different from the street address, of the initial registered agent office is:

Number and Street _____
City _____ State: NC Zip Code: _____ County: _____

6. Principal office information: (Select either a or b.)

a. ☐ The limited liability company has a principal office.

The principal office telephone number: _____

The street address and county of the principal office of the limited liability company is:

Number and Street: _____

City: _____ State: _____ Zip Code: _____ County: _____

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: _____

City: _____ State: _____ Zip Code: _____ County: _____

b. ☒ The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. **(Optional):** Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.

Owner Manager - Christy Bethann Brittingham - 415 Highway 70 Smyrna, NC 28579

9. **(Optional):** Please provide a business e-mail address: Privacy Redaction
The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

This is the 20 day of January, 2025.

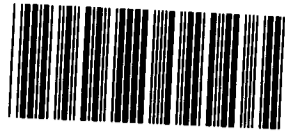
Ralph W. Brittingham

Signature

Ralph W. Brittingham General Partner

Type or Print Name and Title

1. Filing fee is \$125. This document must be filed with the Secretary of State.



FILE # 1473253

NORTH CAROLINA, CARTERET COUNTY
This instrument and this certificate are duly filed at
the date and time and in the Book and Page shown
on the first page hereof.

Joy Lawrence, Register of Deeds
[Signature]
Deputy, Register of Deeds

FOR REGISTRATION REGISTER OF DEEDS

Joy Lawrence
Carteret County, NC
March 07, 2014 03:56:26 PM
LDL DEED 3 P

FEE: \$26.00

NC REVENUE STAMP: \$530.00
FILE # 1473253

Parcel No. 734702580930
Excise Tax \$530.00

File No. 15194/BRITTING.X

✓
Prepared By: The Harris Law Firm, PLLC
P.O. Box 712, Morehead City, NC 28557

NORTH CAROLINA GENERAL WARRANTY DEED

This DEED made this the 6th day of March, 2014, by and between JESSICA BARACOS, unmarried; and GEORGE BARACOS, unmarried, whose mailing address is 210 Straits Haven Road, Beaufort, NC 28516, hereinafter "Grantor" and RALPH W. BRITTINGHAM AND WIFE, KRISTY B. BRITTINGHAM, 415 Hwy 70, Smyrna, NC 28579, whose mailing address is hereinafter "Grantee". 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.

Pursuant to NCGS 105-317.2, Grantor certifies the property x does not include 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 that certain lot or parcel of land situated in Smyrna Township, Carteret County, North Carolina and more particularly described as follows:

Beginning at an existing iron pipe along the western margin of the right of way of U.S. Highway 70 and located at the Southeast corner of the lands of George Baracos (Deed Book 1016, Page 483), such existing iron pipe being the following courses and distances from a magnetic nail found at the centerline intersection of S.R. 1353 and U.S. Highway 70, from such magnetic nail found at the centerline intersection S.R. 1353 and U.S. Highway 70, N 20-24-47 W, 74.32 feet to an existing iron pipe located at the Northeast corner of the lands of George Baracos (Deed Book 1016, Page 483), thence S 03-30-00 W, 100.03 feet to an existing iron pipe, such existing iron pipe being the Point and Place of beginning, from such Point and Place of beginning, S 03-30-00 W, 40.27 feet to a point, thence N 87-05-24 W, 399.79 feet to a point, thence N 03-53-00 E, 62.68 feet to a point, thence N 03-18-40 E, 177.71 feet to a point, thence S 86-30-00 E, 162.50 feet to a set iron pipe, thence S 03-32-22 W, 95.97 feet to a set iron pipe, thence S 86-30-00 E, 37.50 feet to an existing iron pipe, thence S 03-30-00 W, 100.03 feet along the lands of George Baracos (Deed Book 1016, Page 483) to an existing iron pipe, thence S 86-30-00 E, 200.00 feet along the lands of George Baracos (Deed Book 1016, Page 483) to the point and place of beginning.

The above description contains 1.22 acres. The above description based upon that map entitled "One Lot Division for George Baracos" dated May 24, 2010, by Powell Surveying Company, P.A. and being all of that property conveyed to Grantors by Deed recorded in Book 1349, page 395, Carteret County Registry and a portion of that property conveyed to Grantors by Deed recorded in Book 766, Page 807, Carteret County Registry.

BOOK 1473 PAGE 253

(B)

Also conveyed are all easement rights contained in that document recorded in Book 1036, Page 246, Carteret County Registry.

Additionally, GRANTORS have bargained and sold and by these presents does hereby bargain, sell, grant and convey to said GRANTEES, a nonexclusive perpetual easement for the establishment, installation, maintenance and repair of an access area for ingress, egress and regress and for the installation of utilities to service a residence on the above described property, said easement location to be identified below:

EASEMENT AREA

An easement of fifteen feet (15') in width and running a distance of 200 feet from NC HWY 70 East and adjacent to the south property line of that parcel of property owned by Grantor with a street address of 425 HWY 70, Smyrna, NC and being the same property identified in that Deed recorded in Book 1016, page 483, Tax PIN# 734702582935000. The easement runs from NC HWY 70 to the rear property line of the Grantor's property identified in this paragraph.

This easement shall be limited to allow only ingress and egress to the property of Grantors, and for repair and maintenance of the area and also for the installation and maintenance of utilities in the easement area to serve a residence on the property conveyed to Grantees as described above and shall be a benefit to the parties, their heirs and assigns and future Owners, Tenants, Lessees and Assignees of the property described of GRANTEE and a burden upon the property owned by Grantor.

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 except for the exceptions hereinafter stated.

Title to the property hereinabove is subject to the following exceptions:

1. Restrictive Covenants of record.
2. Public utility easements of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Jessica Baracos (SEAL)
JESSICA BARACOS
George Baracos (SEAL)
GEORGE BARACOS

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

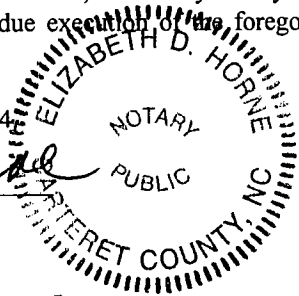
I, Elizabeth D. Horne, a Notary Public of the aforesaid County and State, do hereby certify that JESSICA BARACOS, personally came before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 7th day of March, 2014

Elizabeth D. Horne
NOTARY PUBLIC

My Commission Expires: 2-1-19

BOOK 1423 PAGE 253



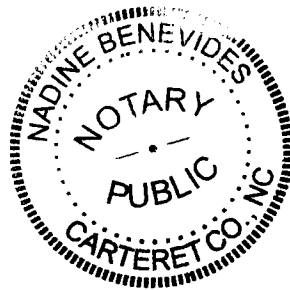
STATE OF NORTH CAROLINA
COUNTY OF CARTERET

I, Nadine Benevides, a Notary Public of the aforesaid County and State, do hereby certify that **GEORGE BARACOS**, personally came before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 6th day of March, 2014.

Nadine Benevides
NOTARY PUBLIC

My Commission Expires: 12-18-2017



BOOK 1473 PAGE 253

PARCEL: 734702580930000
BRITTINGHAM RALPH W
BRITTINGHAM KRISTY B
4702 ARENDELL ST
MOREHEAD CITY, NC 28557-2704
ACCOUNT NUMBER: 25781

Carteret County, North Carolina

Tax Districts
01 County, 17 Otway Rescue, 25 Marshallberg Fire
Jurisdiction:1006 - 1006 SMY/MBERG FIRE/OTW RESCUE

Route Number:	
Appraiser Area:	
Tax Year: 2025	Reval Year: 2025
Visited By:	
Information Source:	

PARCEL INFORMATION		PROPERTY DESCRIPTION	VALUE SUMMARY	
ADDRESS:	415 HWY 70 SMYRNA SMYRNA NC 28579	ACRE HWY 70 SMYRNA 1.2040 AC	LAND VALUE:	27,683
NBHD:	0610001.00-Smyrna N		BUILDING VALUE:	483,287
TOWNSHIP:	06 - SMYRNA		OBXF VALUE:	2,878
MAP #:	7347		APPRAISED VALUE:	513,848
			DEFERRED VALUE:	0
			ASSESSED VALUE:	513,848

NOTES	PERMIT INFORMATION				SALES INFORMATION					
	Date	Status	Amount	CO Date	Date	Price	V/I	S	Book/Page	Valid Code
					3/7/2014	265,000	V		1473/0253	N
					8/12/2010		0	V	1349/0395	N

LAND DATA - MARKET VALUE

L#	CODE	DESCRIPTION	SIZE	TYPE	BASE RATE	ADJUSTMENTS	ADJUSTED UNIT PRICE	VALUE
1	RP	RESIDENTIAL PRIMARY	1.00000	AC	36,000	10-SHAPE:-15 7-TRAFF:-15	26,010	26,010
2	RL	RESIDUAL ACRES	0.20400	AC	9,000	10-SHAPE:-15 7-TRAFF:-15	8,200.98	1,673
		Total Market Land	1.20400					27,683

OUTBUILDING DATA

[illegible]

BUILDING DESCRIPTION BUILDING 1 of 1

ACTUAL YR BLT: 2004
BATHS FULL/HALF: 2/
BEDROOMS: 3
CONDITION: Average
CONDO VIEW:
ELEVATOR:
ELEVATORS:
EXTERIOR WALL: 26 Vinyl/Alum
FIREPLACE:
FIREPLACES:
FOUNDATION: 01 Brick
GRADE: B-
HEATING SYSTEM: 11 Central Heat/AC
IMPROVEMENT TYPE: SFR - Single Family
MODEL: RES
PERCENT COMPLETE:
ROOF STRUCTURE: 02 Gable
ROOFING COVER: 06 Comp Shingle
STYLE: 10 Conventional
UNIT LOCATION:

BUILDING SKETCH

BUILDING COMPUTATION

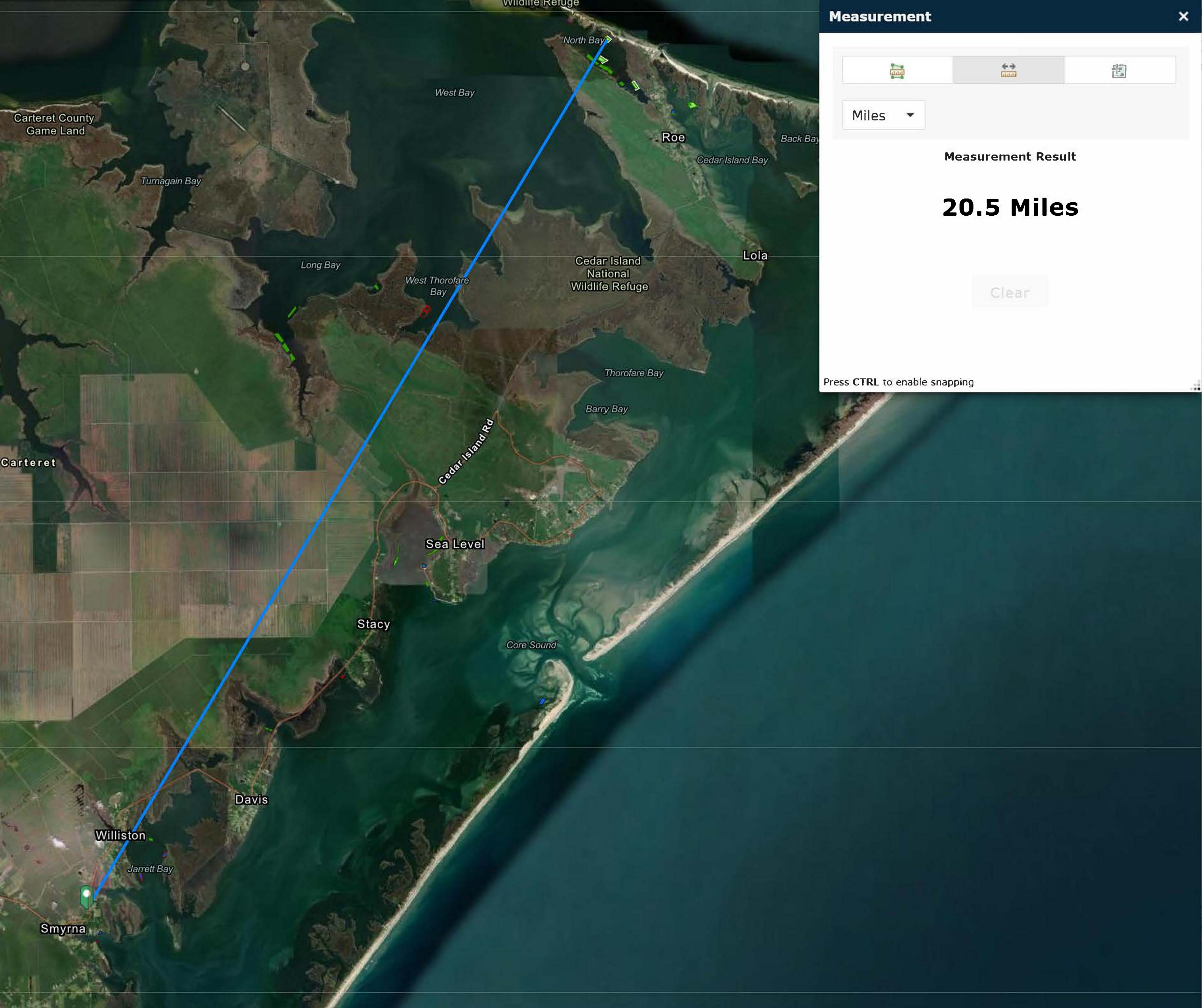
BUILDING VALUE: 483,287
ECONOMIC OBSOLESCENCE:
FUNCTIONAL OBSOLESCENCE:
HEATED AREA: 3,578.50
PHYSICAL DEPRECIATION: 15%
REPLACEMENT COST NEW LESS DEPR: 498,234
REPLACEMENT COST NEW: 586,158
VALUE PER SQUARE FOOT HEATED: 135.05

BUILDING SECTIONS										
L#	LL	1ST	2ND	3RD	DESCRIPTION	RATE	ADJUSTED RATE	SIZE FACTOR	AREA	RCN
A		OPCH			Porch - Open	26.25	26.25	90%	544	12,852
B		FGR			FIN GARAGE	31.50	31.50	94%	421	24,902
B			SFU5		UPPER HALF	141.75	141.75	76%	421	45,355
E			SFUO		UPPER ONE	141.75	141.75	76%	1,304	140,480
E		SFON			MAIN FINISHED	168.00	170.00	76%	1,304	168,477
F		SFON			MAIN FINISHED	168.00	170.00	76%	203	26,228
G		SFON			MAIN FINISHED	168.00	170.00	76%	347	44,832
H		OPCH			Porch - Open	26.25	26.25	94%	419	10,339

VIEW
PHOTO

US Highway 70 Smyrna





Measurement



Miles



Measurement Result

20.5 Miles

Clear

Press CTRL to enable snapping

Proposed Lease ID/Number: 24-007BL/24-008WC
C.I. Salts Oyster Company, LLC- Ralph W. Brittingham, Jr.
Date: 2/5/2025











Measurement



Feet ▼

Measurement Result

31.8 Feet

Clear

Press **CTRL** to enable snapping



Measurement✕

Feet ▾

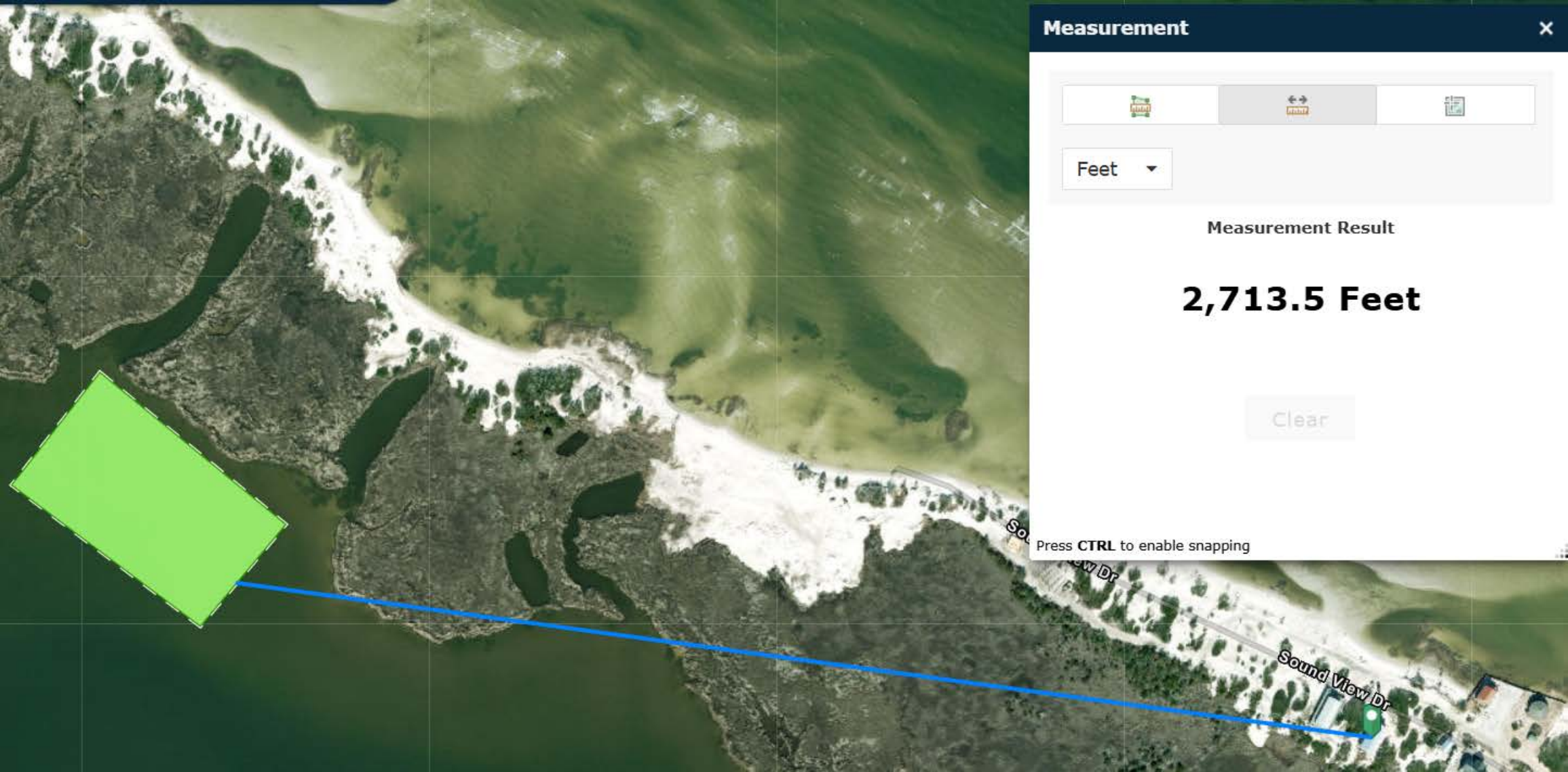
Measurement Result
1,812.4 Feet

Clear

Press **CTRL** to enable snapping

Proposed Lease ID/Number: 24-007BL/24-008WC
C.I. Salts Oyster Company, LLC- Ralph W. Brittingham, Jr.
Date: 2/5/2025





Measurement



Feet ▼

Measurement Result

2,713.5 Feet

Clear

Press **CTRL** to enable snapping

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

Parcel: **840703017906000**
PERALTO THOMAS

Carteret County, North Carolina

Tax Year: 2025 Reval Year: 2025

BUILDING DESCRIPTION	BUILDING SKETCH
<p>MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:</p>	

[illegible]

[VIEW PHOTO](#)

BUILDING DESCRIPTION BUILDING 1 of 1		BUILDING SKETCH	
ACTUAL YR BLT:	2025	<div><div>40'</div><div>2- SFUONE 1- SFONE</div><div>40'</div></div>	
BATHS FULL/HALF:	3/1		
BEDROOMS:	3		
CONDITION:	Average		
CONDO VIEW:			
ELEVATOR:			
ELEVATORS:			
EXTERIOR WALL:	06 Hardiplank/Hardishingle		
FIREPLACE:			
FIREPLACES:			
FOUNDATION:	09 Pile		
GRADE:	C+		
HEATING SYSTEM:	11 Central Heat/AC		
IMPROVEMENT TYPE:	SFR - Single Family		
MODEL:	RES		
PERCENT COMPLETE:	50%		
ROOF STRUCTURE:	01 Hip		
ROOFING COVER:	09 Convent Metal		
STYLE:	10 Conventional		
UNIT LOCATION:			
BUILDING COMPUTATION			
BUILDING VALUE:	265,045		
ECONOMIC OBSOLESCENCE:			
FUNCTIONAL OBSOLESCENCE:			
HEATED AREA:	3,200		
PHYSICAL DEPRECIATION:	0%		
REPLACEMENT COST NEW LESS DEPR:	240,950		
REPLACEMENT COST NEW:	240,950		
VALUE PER SQUARE FOOT HEATED:	82.83		

BUILDING SECTIONS										
L#	LL	1ST	2ND	3RD	DESCRIPTION	RATE	ADJUSTED RATE	SIZE FACTOR	AREA	RCN
B		SFON			MAIN FINISHED	168.00	176.00	80%	1,600	225,280
B			SFUO		UPPER ONE	141.75	145.75	80%	1,600	186,560

VIEW
PHOTO

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

Parcel: **840703114995000**
PERALTO THOMAS

Carteret County, North Carolina

Tax Year: 2025
Reval Year: 2025

BUILDING DESCRIPTION	BUILDING SKETCH
<p>MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:</p>	

[illegible]

BUILDING DESCRIPTION	BUILDING SKETCH
MODEL: ARCHITECTURE: IMPROVEMENT TYPE: QUAL: STORY HEIGHT: PLUS/MINUS: CONDITION: FOUNDATION: FRAME: A/C: EXTERIOR WALL: ROOF STRUCTURE: HEATING SYSTEM: ROOFING COVER: INTERIOR WALL: INTERIOR FLOOR: BEDROOMS: BATHS FULL/HALF: / FIREPLACE: HEATING FUEL TYPE: SPECIAL CONDITION: ACTUAL YR BLT: EFFECTIVE YR BLT: INFO SOURCE:	

BUILDING SECTIONS								VIEW PHOTO
DESCRIPTION	ACTUAL	ADJUSTED	HEATED	RATE	VALUE	% GOOD	RCNLD	

Parcel: **840703129240000**
PERALTO THOMAS

Carteret County, North Carolina

Tax Year: 2025
Reval Year: 2025

BUILDING DESCRIPTION BUILDING 1 of 1		BUILDING SKETCH
ACTUAL YR BLT:	2021	<p>1- DCK</p> <p>34'</p> <p>10'</p> <p>30'</p> <p>34'</p> <p>24'</p> <p>4'</p> <p>68'</p> <p>2- SFU50</p> <p>1- SFONE</p> <p>30'</p>
BATHS FULL/HALF:	2/	
BEDROOMS:	3	
CONDITION:	Average	
CONDO VIEW:		
ELEVATOR:		
ELEVATORS:		
EXTERIOR WALL:	06 Hardiplank/Hardishingle	
FIREPLACE:		
FIREPLACES:		
FOUNDATION:	09 Pile	
GRADE:	C+	
HEATING SYSTEM:	11 Central Heat/AC	
IMPROVEMENT TYPE:	SFR - Single Family	
MODEL:	RES	
PERCENT COMPLETE:		
ROOF STRUCTURE:	02 Gable	
ROOFING COVER:	06 Comp Shingle	
STYLE:	10 Conventional	
UNIT LOCATION:		
BUILDING COMPUTATION		
BUILDING VALUE:	514,823	
ECONOMIC OBSOLESCENCE:		
FUNCTIONAL OBSOLESCENCE:		
HEATED AREA:	3,060	
PHYSICAL DEPRECIATION:	1%	
REPLACEMENT COST NEW LESS DEPR:	468,021	
REPLACEMENT COST NEW:	472,748	
VALUE PER SQUARE FOOT HEATED:	168.24	

[illegible]

[VIEW PHOTO](#)

BUILDING DESCRIPTION BUILDING 1 of 1

ACTUAL YR BLT: 2024
BATHS FULL/HALF: 1/
BEDROOMS: 1
CONDITION: Average
CONDO VIEW:
ELEVATOR:
ELEVATORS:
EXTERIOR WALL: 26 Vinyl/Alum
FIREPLACE:
FIREPLACES:
FOUNDATION: 09 Pile
GRADE: C-
HEATING SYSTEM: 16 Minisplit
IMPROVEMENT TYPE: SFR - Single Family
MODEL: RES
PERCENT COMPLETE:
ROOF STRUCTURE: 02 Gable
ROOFING COVER: 06 Comp Shingle
STYLE: 11 Cottage
UNIT LOCATION:

BUILDING COMPUTATION

BUILDING VALUE: 112,307
ECONOMIC OBSOLESCENCE:
FUNCTIONAL OBSOLESCENCE:
HEATED AREA: 384
PHYSICAL DEPRECIATION: 0%
REPLACEMENT COST NEW LESS DEPR: 102,097
REPLACEMENT COST NEW: 102,097
VALUE PER SQUARE FOOT HEATED: 292.47

BUILDING SKETCH

1- SFONE
L- DCK

BUILDING SECTIONS										
L#	LL	1ST	2ND	3RD	DESCRIPTION	RATE	ADJUSTED RATE	SIZE FACTOR	AREA	RCN
A		SFON			MAIN FINISHED	168.00	172.00	150%	192	49,784
B		OPCH			Porch - Open	26.25	26.25	100%	128	3,360
C		DCK			DECK	21.00	21.00	98%	224	4,610
E		SFON			MAIN FINISHED	168.00	172.00	150%	144	37,338
G		SFON			MAIN FINISHED	168.00	172.00	150%	48	12,446

VIEW
PHOTO



Permit Class
NEW

Permit Number
144-21

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

Permit

for

- ☒ Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118
- ☒ Excavation and/or filling pursuant to NCGS 113-229

Issued to **Thomas Peralto, 301 Soundview Dr., Cedar Island, NC 28520**

Authorizing development in **Carteret** County at **adj. to Pamlico Sound, at 301 Soundview Dr., in Cedar Island**, as requested in the permittee's application dated **8/27/21 (MP-1) and 8/30/21 (MP-2)**, including attached workplan drawings (2), Overview and Profile dated "Rec DCM MHD City 8/27/21".

This permit, issued on **October 28, 2021**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Living Shoreline

- 1) The living shoreline shall be positioned no more than 25 feet waterward of the normal high-water level contour at any point along its alignment.
- 2) The alignment of the authorized living shoreline shall be staked by the permittee and verified by a representative of the Division of Coastal Management within a maximum of 30 days prior to the start of construction. Failure to initiate construction within 30 days, or erosion of the shoreline by adverse weather conditions, shall require the alignment to be re-staked by permittee and verified by DCM within a maximum of 30 days prior to the new expected start of construction.

(See attached sheets for Additional Conditions)

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

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

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

All work must cease when the permit expires on

December 31, 2024

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

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



Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The height of the permitted living shoreline shall not exceed 12 inches above the normal high-water level.
- 4) The living shoreline shall have at least one, five-foot opening at every 100 feet. The living shoreline sections may be staggered and overlap as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 5 feet.
- 5) Living shoreline sections shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above normal high-water level.
- 6) No backfill of the living shoreline sections or any other filling of wetlands, estuarine waters, public trust areas or high ground is authorized by this permit.
- 7) The living shoreline material shall consist of clean rock or masonry materials such as, but not limited to, granite, marl, or broken concrete or exposed rebar. It shall be of a size sufficient to prevent its movement from the approved alignment by wave or current action. The permittee shall be responsible for immediate removal of any materials or debris that becomes dislodged or moves outside the authorized alignment.
- 8) Live concrete shall not be allowed to contact waters of the State or waters that will enter waters of the State.
- 9) No open water shall be filled, even temporarily, outside of the approved living shoreline alignment.
- 10) No vegetated wetlands shall be excavated or filled, even temporarily.

Sedimentation and Erosion Control

- 11) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 12) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties.

General

- 13) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 14) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location.
- 15) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

ADDITIONAL CONDITIONS

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

NOTE: The U.S. Army Corps of Engineers authorized the project by way of Regional General Permit 201801536 (Action ID SAW-2021-02007).

NOTE: The N.C. Division of Water Resources authorized the proposed project by way of General Water Quality Certification 4175 and assigned the project DWR Project No. 2021-1363.

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.

NOTE: An application processing fee of \$250 was received by DCM for this project.

DCM Coordinator: Boonlar

Permit #: 146-21

MAILING DISTRIBUTION SHEET

Permittee: Thomas Peralto 301 Soundview Dr. Cedar Island NC 28520

Agents: tom.peralto@yahoo.com

DCM Field Offices

Elizabeth City

Morehead City Ray

Washington

Wilmington

(with revised work plan drawings)

(OBJECTIONS Brown Farnsworth Williamson Pippin Big email GB)

US ACOE Offices:

Washington:

Raleigh Bland (Beaufort, Camden, Chowan, Craven, Hertford, Hyde, Perquimans, Tyrrell)

Josh Pelletier (Bertie, Currituck, Dare, Gates, Pamlico, Pasquotank, Washington)

Tom Steffans (NC DOT- Beaufort, Carteret, Craven, Pamlico)

Bill Biddlecome (NC DOT-Remainder ECity/Washington District)

Wilmington:

Greg Curry (Brunswick, New Hanover)

Liz Hair (Carteret, Onslow, Pender)

Brad Shaver (NCDOT-Brunswick, New Hanover, Onslow, Pender)

Cultural Resources:

Renee Gledhill-Earley at Environmental.Review@ncdcr.gov

Public Water Supply:

Heidi Cox (WIRO)

Clif Whitfield (WARO)

Marine Fisheries:

Kim Harding

Jimmy Harrison

NC DOT:

David Harris

Shellfish Sanitation:

Shannon Jenkins / Sharon Gupton

State Property:

Tim Walton / Mike Moser

DEMLR/DWR:

Sheri Montalvo / Shelton Sullivan

Washington:

Chris Pullinger - 401

Tina Martin - 401

Roger Thorpe-Stormwater

Garcy Ward- (NCDOT-Beaufort, Bertie, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Pamlico, Pasquotank, Perquimans, Tyrrell, Washington)

Wilmington:

Holley Snider - 401 (Carteret, Onslow, Pender, Brunswick, New Hanover)

John Perry - 401 (TBD)

Christine Hall - Stormwater

Joanne Steenhuis - 401 (NCDOT-Brunswick, New Hanover, Onslow, Pender)

Wildlife Resources:

Maria Dunn (WARO)

(NCDOT) Travis Wilson

Natural Heritage Program

Rodney Butler

LPO:

Gene Foxworth

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

October 28, 2021

Frank Williamson
264 Soundview Dr.
Cedar Island, NC 28520

Dear Mr. Williamson,

This letter is intended to notify you of the issuance of CAMA Major Permit No. 144-21 for proposed development by Thomas Peralto, at 301 Soundview Dr., in Cedar Island, Carteret County. The authorized project consists of a 345 linear foot living shoreline. The proposed project has been determined to comply with the Rules of the Coastal Resources Commission and as such, a permit has been issued to authorize the development. I have enclosed a copy of the permit for reference.

If you wish to contest our decision to issue this permit, you may file a request for a Third-Party Appeal pursuant to N.C.G.S. 113A-121.1(b). The Chair of the Coastal Resources Commission will consider the case and determine whether to grant your request to file a Contested Case Hearing in the Office of Administrative Hearings. The hearing request must be filed with the Director, Division of Coastal Management, in writing and must be received within twenty (20) days of the disputed permit decision. More information about this process as well as the forms are available on DCM's website, here: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>

If you would like to discuss the specifics of the process, please feel free to contact DCM legal counsel DEQ Asst. General Counsel Christine Goebel by email at Christine.goebel@ncdenr.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg Bodnar".

Gregg Bodnar
Assistant Major Permits Coordinator

CC: DCM MHD City Files
DEQ Asst. GC Christine Goebel, via email



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

Permit Class
NEW

Permit Number
144-21

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

Permit

for

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

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

Issued to **Thomas Peralto, 301 Soundview Dr., Cedar Island, NC 28520**

Authorizing development in Carteret County at adj. to Pamlico Sound, at 301 Soundview Dr., in Cedar Island, as requested in the permittee's application dated 8/27/21 (MP-1) and 8/30/21 (MP-2), including attached workplan drawings (2), Overview and Profile dated "Rec DCM MHD City 8/27/21".

This permit, issued on **October 28, 2021**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Living Shoreline

- 1) The living shoreline shall be positioned no more than 25 feet waterward of the normal high-water level contour at any point along its alignment.
- 2) The alignment of the authorized living shoreline shall be staked by the permittee and verified by a representative of the Division of Coastal Management within a maximum of 30 days prior to the start of construction. Failure to initiate construction within 30 days, or erosion of the shoreline by adverse weather conditions, shall require the alignment to be re-staked by permittee and verified by DCM within a maximum of 30 days prior to the new expected start of construction.

(See attached sheets for Additional Conditions)

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

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

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

All work must cease when the permit expires on

December 31, 2024

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

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



Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The height of the permitted living shoreline shall not exceed 12 inches above the normal high-water level.
- 4) The living shoreline shall have at least one, five-foot opening at every 100 feet. The living shoreline sections may be staggered and overlap as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 5 feet.
- 5) Living shoreline sections shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above normal high-water level.
- 6) No backfill of the living shoreline sections or any other filling of wetlands, estuarine waters, public trust areas or high ground is authorized by this permit.
- 7) The living shoreline material shall consist of clean rock or masonry materials such as, but not limited to, granite, marl, or broken concrete or exposed rebar. It shall be of a size sufficient to prevent its movement from the approved alignment by wave or current action. The permittee shall be responsible for immediate removal of any materials or debris that becomes dislodged or moves outside the authorized alignment.
- 8) Live concrete shall not be allowed to contact waters of the State or waters that will enter waters of the State.
- 9) No open water shall be filled, even temporarily, outside of the approved living shoreline alignment.
- 10) No vegetated wetlands shall be excavated or filled, even temporarily.

Sedimentation and Erosion Control

- 11) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 12) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties.

General

- 13) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 14) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location.
- 15) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

ADDITIONAL CONDITIONS

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

NOTE: The U.S. Army Corps of Engineers authorized the project by way of Regional General Permit 201801536 (Action ID SAW-2021-02007).

NOTE: The N.C. Division of Water Resources authorized the proposed project by way of General Water Quality Certification 4175 and assigned the project DWR Project No. 2021-1363.

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.

NOTE: An application processing fee of \$250 was received by DCM for this project.

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

October 28, 2021

George Brown
137 McBry Rd.
Marshallberg, NC 28553

Dear Mr. Brown,

This letter is intended to notify you of the issuance of CAMA Major Permit No. 144-21 for proposed development by Thomas Peralto, at 301 Soundview Dr., in Cedar Island, Carteret County. The authorized project consists of a 345 linear foot living shoreline. The proposed project has been determined to comply with the Rules of the Coastal Resources Commission and as such, a permit has been issued to authorize the development. I have enclosed a copy of the permit for reference.

If you wish to contest our decision to issue this permit, you may file a request for a Third-Party Appeal pursuant to N.C.G.S. 113A-121.1(b). The Chair of the Coastal Resources Commission will consider the case and determine whether to grant your request to file a Contested Case Hearing in the Office of Administrative Hearings. The hearing request must be filed with the Director, Division of Coastal Management, in writing and must be received within twenty (20) days of the disputed permit decision. More information about this process as well as the forms are available on DCM's website, here: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>

If you would like to discuss the specifics of the process, please feel free to contact DCM legal counsel DEQ Asst. General Counsel Christine Goebel by email at Christine.goebel@ncdenr.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg Bodnar".

Gregg Bodnar
Assistant Major Permits Coordinator

CC: DCM MHD City Files
DEQ Asst. GC Christine Goebel, via email



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

Permit Class
NEW

Permit Number
144-21

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

Permit

for

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

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

Issued to **Thomas Peralto, 301 Soundview Dr., Cedar Island, NC 28520**

Authorizing development in **Carteret** County at adj. to Pamlico Sound, at 301 Soundview Dr., in Cedar Island, as requested in the permittee's application dated 8/27/21 (MP-1) and 8/30/21 (MP-2), including attached workplan drawings (2), Overview and Profile dated "Rec DCM MHD City 8/27/21".

This permit, issued on **October 28, 2021**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Living Shoreline

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(See attached sheets for Additional Conditions)

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

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

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

All work must cease when the permit expires on

December 31, 2024

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

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



Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The height of the permitted living shoreline shall not exceed 12 inches above the normal high-water level.
- 4) The living shoreline shall have at least one, five-foot opening at every 100 feet. The living shoreline sections may be staggered and overlap as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 5 feet.
- 5) Living shoreline sections shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above normal high-water level.
- 6) No backfill of the living shoreline sections or any other filling of wetlands, estuarine waters, public trust areas or high ground is authorized by this permit.
- 7) The living shoreline material shall consist of clean rock or masonry materials such as, but not limited to, granite, marl, or broken concrete or exposed rebar. It shall be of a size sufficient to prevent its movement from the approved alignment by wave or current action. The permittee shall be responsible for immediate removal of any materials or debris that becomes dislodged or moves outside the authorized alignment.
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Sedimentation and Erosion Control

- 11) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
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General

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- 15) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

ADDITIONAL CONDITIONS

- NOTE:** This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.
- NOTE:** The U.S. Army Corps of Engineers authorized the project by way of Regional General Permit 201801536 (Action ID SAW-2021-02007).
- NOTE:** The N.C. Division of Water Resources authorized the proposed project by way of General Water Quality Certification 4175 and assigned the project DWR Project No. 2021-1363.
- NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.
- NOTE:** An application processing fee of \$250 was received by DCM for this project.

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

October 28, 2021

Jeff and Mary Pippin
210 Soundview Dr.
Cedar Island, NC 28520

Dear Mr. and Mrs. Pippin,

This letter is intended to notify you of the issuance of CAMA Major Permit No. 144-21 for proposed development by Thomas Peralto, at 301 Soundview Dr., in Cedar Island, Carteret County. The authorized project consists of a 345 linear foot living shoreline. The proposed project has been determined to comply with the Rules of the Coastal Resources Commission and as such, a permit has been issued to authorize the development. I have enclosed a copy of the permit for reference.

If you wish to contest our decision to issue this permit, you may file a request for a Third-Party Appeal pursuant to N.C.G.S. 113A-121.1(b). The Chair of the Coastal Resources Commission will consider the case and determine whether to grant your request to file a Contested Case Hearing in the Office of Administrative Hearings. The hearing request must be filed with the Director, Division of Coastal Management, in writing and must be received within twenty (20) days of the disputed permit decision. More information about this process as well as the forms are available on DCM's website, here: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>

If you would like to discuss the specifics of the process, please feel free to contact DCM legal counsel DEQ Asst. General Counsel Christine Goebel by email at Christine.goebel@ncdenr.gov

Sincerely,

Gregg Bodnar
Assistant Major Permits Coordinator

CC: DCM MHD City Files
DEQ Asst. GC Christine Goebel, via email



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

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- NOTE:** The N.C. Division of Water Resources authorized the proposed project by way of General Water Quality Certification 4175 and assigned the project DWR Project No. 2021-1363.
- NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.
- NOTE:** An application processing fee of \$250 was received by DCM for this project.

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

FILE

October 28, 2021

Rodney Farnsworth III
161 Edinboro St.
Newton, MA 02460-1337

Sent by email to reply@rf3.biz

Dear Mr. Farnsworth,

This letter is intended to notify you of the issuance of CAMA Major Permit No. 144-21 for proposed development by Thomas Peralto, at 301 Soundview Dr., in Cedar Island, Carteret County. The authorized project consists of a 345 linear foot living shoreline. The proposed project has been determined to comply with the Rules of the Coastal Resources Commission and as such, a permit has been issued to authorize the development. I have enclosed a copy of the permit for reference.

If you wish to contest our decision to issue this permit, you may file a request for a Third-Party Appeal pursuant to N.C.G.S. 113A-121.1(b). The Chair of the Coastal Resources Commission will consider the case and determine whether to grant your request to file a Contested Case Hearing in the Office of Administrative Hearings. The hearing request must be filed with the Director, Division of Coastal Management, in writing and must be received within twenty (20) days of the disputed permit decision. More information about this process as well as the forms are available on DCM's website, here: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>

If you would like to discuss the specifics of the process, please feel free to contact DCM legal counsel DEQ Asst. General Counsel Christine Goebel by email at Christine.goebel@ncdenr.gov

Sincerely,

Gregg Bodnar
Assistant Major Permits Coordinator

CC: DCM MHD City Files
DEQ Asst. GC Christine Goebel, via email



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

Bodnar, Gregg

From: Bodnar, Gregg
Sent: Thursday, October 28, 2021 10:21 AM
To: 'Rodney Farnsworth III'
Cc: Goebel, Christine A; Brownlow, Roy D
Subject: Thomas Peralto CAMA permit notification
Attachments: Farnsworth (Peralto).pdf; 144-21 Thomas Peralto.pdf

Morning Mr. Farnsworth,

Please see above for details concerning the issuance of a CAMA Permit to Mr. Thomas Peralto.

Regards,

Gregg



Gregg Bodnar
Assistant Major Permits Coordinator
Division of Coastal Management
Department of Environmental Quality
252 808 2808 ext 215 (Office)
Gregg.Bodnar@ncdenr.gov

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

Bodnar, Gregg

From: Cannon, Amanda J
Sent: Thursday, September 23, 2021 2:25 PM
To: Bodnar, Gregg; Brownlow, Roy D; Davenport, Ryan
Subject: Fw: [External] Request Peralto Beach Alteration Application
Attachments: Tom Peralto - Public Notice to Destroy Beach 9-21-21 v1 .pdf

I have not replied to him yet. Wanted to make sure with you all before I do.

obj

From: Rodney Farnsworth III <reply@rf3.biz>
Sent: Thursday, September 23, 2021 1:16 PM
To: Cannon, Amanda J <Amanda.Cannon@ncdenr.gov>; George & Rhonda Brown <fishshack@hotmail.com>
Subject: [External] Request Peralto Beach Alteration Application

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Ahoy Amanda,

I am responding to the attached public notice that Thomas A. Peralto has submitted an application to alter the Beach at Cedar Island NC.

All owners and and the thousands of users of this beach are stake holders. But myself and George and Rhonda Brown, are most likely to be severely impacted.

There is extreme concern because Thomas A. Peralto has historically and consistently acted with relentlessly and egregious aggression to prevent public use of the public beach, even brandishing and discharging his gun to intimidate locals, myself and innumerable guests. Thomas A. Peralto has been restrained by the police repeatedly. The rumor that I believe is over 200 times.

Can you please reply email with a copy of the proposed permit by Thomas A. Peralto.

We want to keep the public beach public and accessible.

If you have to snail mail the permit, my accounting office address is below. If there are any fees for seeing the "Thomas A. Peralto, please advise how I can quickly advance payment to you.

Thanks your for your assistance.

Sincerely,

Rodney Farnsworth III 252-363-8626

161 Edinboro Street,

Newton, MA 02460-1337

XX

CC: George and Rhonda Brown

Bodnar, Gregg

From: Bodnar, Gregg
Sent: Thursday, September 23, 2021 3:45 PM
To: reply@rf3.biz
Cc: fishshack@hotmail.com; Brownlow, Roy D; Davenport, Ryan; Cannon, Amanda J
Subject: Peralto CAMA application

Afternoon Mr. Farnsworth,

Thank you for your email dated 9/23/21 concerning the Coastal Area Management Act (CAMA) Major Permit application submitted by Mr. Thomas Peralto, in which permission was requested to install a living shoreline at 301 Soundview Dr., on Cedar Island. As you may be aware, the Division of Coastal Management is coordinating a multi-agency state and federal review of the proposal. At this time, the application is in review, and no final action has been made concerning the application. I can assure your comments will be examined and taken into consideration prior to the Division taking final action on this permit application, and you will be informed of this final action.

The Division appreciates you submitting comments on this application. Your comments will be added to the official permit application file for this project. Please feel free to contact me by phone (252-808-2808 extension 215), or email (Gregg.Bodnar@ncdenr.gov) if you should have any additional concerns relating to this project.

Regards,



Gregg Bodnar
Assistant Major Permits Coordinator
Division of Coastal Management
Department of Environmental Quality
252 808 2808 ext 215 (Office)
Gregg.Bodnar@ncdenr.gov

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

Bodnar, Gregg

From: Rodney Farnsworth III <reply@rf3.biz>
Sent: Friday, September 24, 2021 11:46 AM
To: Bodnar, Gregg
Subject: Re: [External] Re: Peralto CAMA application

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Ahoy Gregg,

Thank you for your prompt reply. I will review your attachment. It may be all I need to evaluate the likely impact on PUBLIC access of the PUBLIC beach, and the possible impact on erosion / accretion of our properties and the PUBLIC Beach.

Thanks again for your assistance,

Best wishes and good health to all,

Rodney Farnsworth III

XX

On 9/24/2021 8:16 AM, Bodnar, Gregg wrote:

Morning Mr. Farnsworth,

My apologies, in your previous email you requested the permit, which at this time no final action has been made concerning the application. I do have the application, along with the application narrative, field report and workplans available (see above). If you would like the complete file, which includes agency comments, deed, etc., that is not available in electronic format at this time. If you would like to see the entire file please let me know and we can make arrangements. But it seems like you may be most interested in the documents I have attached above.

Hope this helps,



Gregg Bodnar
Assistant Major Permits Coordinator
Division of Coastal Management
Department of Environmental Quality
252 808 2808 ext 215 (Office)
Gregg.Bodnar@ncdenr.gov

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

Bodnar, Gregg

From: tom.peralto@yahoo.com
Sent: Monday, October 18, 2021 10:54 AM
To: Bodnar, Gregg
Cc: Simmons, Christy; Brownlow, Roy D
Subject: [External] Re: Objections to Peralto CAMA Major Permit
Attachments: somepdf (1).pdf

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Thank you Gregg,

Mr. Williamson is a convicted drug trafficker. See attached I don't want him near my family. Also, he has removed trees and grasses from my property and transplanted to his father's which I have on video.

He continues to cause damage to my property. If he removes plants from my property along the shoreline is that not a CAMA offense? Violation?

Mr. Pippin has been asked to leave my property when he was using his firearm near my home. I have never stopped him from walking along the shoreline. Also since George Brown and Rodney Farnsworth have put in their bulkheads my property is inaccessible and the beach along that section of shoreline adjacent to the bulkhead is now gone. Which is why I am applying for this permit to save what property I have left.

Regards,

Tom Peralto
(617) 620-8029

On Oct 18, 2021, at 9:47 AM, Bodnar, Gregg <gregg.bodnar@ncdenr.gov> wrote:

Morning Mr. Peralto,

Per our phone conversation this morning I have attached the additional objections received by DCM for your application.

Regards,

Gregg

From: Bodnar, Gregg
Sent: Monday, September 27, 2021 11:10 AM

To: tom.peralto@yahoo.com

Cc: Simmons, Christy <christy.simmons@ncdenr.gov>; Brownlow, Roy D <roy.brownlow@ncdenr.gov>

Subject: Objections to Peralto CAMA Major Permit

Morning Mr. Peralto,

Per your request from our phone conversation earlier, please see above for copies of the objections currently on file for your project.

Regards,

Gregg

<image001.png>

<DOC100821-10082021104055.pdf>

**No
Photo
Available**

HENRY F WILLIAMSON

Offender ID: 0441516
Inmate Status: INACTIVE
Gender: MALE
Race: WHITE
Ethnic Group: UNKNOWN
Birth Date: 09/07/1967
Age: 54

Name(s) Of Record

Last Name	Suffix	First Name	Middle Name	Name Type
WILLIAMSON		HENRY	FRANKLIN	COMMITTED

Most Recent Incarceration Summary

Incarceration Status: INACTIVE	Total Incarceration Term:
Conviction Date:	Projected Release Date: UNAUDITED
Primary Crime:	Primary Crime Type:
Special Characteristics: REGULAR	Current Status: N/A
Admission Date: 08/09/1991	Admission Facility: HOKE CI
Control Status: REGULAR POPULATION	Next Control Review: UNKNOWN
Custody Classification: MEDIUM	Next Custody Review: UNKNOWN
Current Location: UNKNOWN AT CONVERSION	Previous Location: SANDY RIDGE CC
Last Movement : EXPIRATION	Last Movement Date: 08/28/1991
Escapes?: N	

Offender Sentence History

Most Recent Period of Incarceration Record

Sentence Number: AA-001	Commitment Type: INMATE
Conviction Date: 07/31/1991	County Of Conviction: PITT
Service Status: EXPIRED	Sentence Begin Date: 07/31/1991
	Actual Release Date: 08/28/1991

Offender Sentence History**Punishment Type:** FAIR FELONS**Projected Release Date:** 08/28/1991**Sentence Type 1:** DEPT OF CORR DIV OF PRISONS**Sentence Type 2:** SPECIAL PROBATION (SPLIT)**Split Sentence Active Term:** 45 DAYS

commitment	Docket#	Offense (Qualifier)	Offense Date	Type	Sentencing Penalty Class Code
INITIAL	91009043	POSSESS WITS SCHEDULE VI (PRINCIPAL)		FELON	CLASS H
CONSOLIDATED FOR JUDGMENT	00000000	POSSESS SCHEDULE I (PRINCIPAL)			

Rodney Farnsworth III

132 Landing Rd, Cedar Island, NC 28520-9635
Cell & Text = 252-363-8626 // eMail = c1@rf3.biz

October 13, 2021

Mr. Roy Brownlow, District Manager
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, North Carolina 2885

Please Put
w/ Peralto
Major Permit

VIA: USPS Certified 7012 1640 0002 0628 2159

RE: Objections to Peralto CAMA Permit # 2750

Dear Mr. Brownlow:

Forward

This letter is intended to provide substantive concerns and alternative solutions regarding Mr. Thomas Peralto's Major CAMA application for a proposed "marsh sill" to be constructed out of 2,710 cinder blocks.

Mr. Peralto proposes hand laying 2710 cinder blocks seaward of the beach, and in the littoral navigable waters of Pamlico Sound. This location is in the public access Beach rights to the high water mark and is 100+ feet in front of Peralto's property at 301 Soundview Drive on Cedar Island Beach. It is also adjacent to my properties, and other residences.

Peralto claims these 2710 cinderblocks, stacked 16" high are for the protection of his house, septic and well.

Support for Preserving Private Property & Public Beach Access

I honestly believe I speak for most of the Cedar Island Beach stake holders, including dozens of private beach front property owners, (hopefully the applicant), and thousands of public beach users, when I say:

“We are pleased at all regulatory and conservation efforts that result in the equitable preservation of the private property and public beach access on Cedar Island Beach”

While we may have differing opinions about the most effective and equitable conservations measures, all stake holders should applaud beach conservation efforts and equitable protection of private property, while preserving public beach access to the high water mark, as legally mandated under Federal Law.

Summary of Objections to This Permit

- 1) **Structural Failure Guaranteed:** Every other permitted concrete rubble structure on this beach has FAILED !!! Einstein defines insanity as doing the same thing over and over and expecting different results. There is absolutely ZERO chance of survival of these loosely stacked cinder blocks with no anchoring and no foundation.
- 2) **A Threat to Life and Property:** The structure itself or the debris from its predictable, certain, and untimely failure, will create, significant and potentially life threatening public hazards.
- 3) **Equitable Permit Issuance:** Equity requires a consistent CAMA policy that fairly balances public and mariner safety, private property preservation and public beach access, on the entire Cedar Island Beach. All property owners should be treated equally when attempting to protect their property, and preferential permits like this should not be granted unless every property owner is offered identical relief.
- 4) **Public Access Needlessly Impaired:** This structure consisting of 2710 cinder blocks that will be scattered over the beach in the first major storm, will prevent and or endanger pedestrian beach use, endanger or prevent vehicular beach use, create navigable hazards for small boat beach access, create hazards and nuisances for windsurfers and kite boarders and additional hazards for pedestrians from safely enjoying the public beach to the high water mark.
- 5) **Thank You for Including the Public in this Process:** We appreciate and support your ongoing effort to find an equitable balance between private property preservation, beach preservation, Public beach access preservation and dune preservation. We understand the difficulty of balancing these diverse stake holder interests. Our hope is this permit process helps define objectives and solutions to these married interests.

In Depth Discussion is Provided Below

Introduction

I own neighboring property Beach Front Lots at:

- 282 Soundview Drive (vinyl bulkhead under an emergency permit)
- 276 Soundview Drive (vinyl bulkhead under an emergency permit)
- 258 Soundview Drive house lot rapidly eroding
- Numerous other Carteret, Waterfront and inland lots & houses.

Maritime Background of this Contributor:

- I am a USCG Licensed Captain
- A Merchant Marine Reservist
- Founder of 501c3 Charity "American Academy of Boat Building and Seamanship" 13 years ago.
- The owner of 23 boats and 2 hovercraft boats, including a self designed and self built 58 foot catamaran with 24" draft that sleeps 14.
- I have 61 years of off shore sailing experience.
- Licensed: National Association of Underwater Instructors # 456950
- Licensed: Professional Association of Diving Instructors # 3544
- Have 5 decades of Boat Design and Construction Experience
- My family has a maritime tradition dating back to Admiral Rodney's "ships of the line" (my namesake) and including a family nautical museum, nautical books about the family, numerous Merchant Marines, and two "Fortune 500" Maritime Shipping Magnets.
- My estate is destined to donation FBO Maritime Conservation, safety and recreational enjoyment. It is proud family tradition.

Navigable Littoral Waters

- I wish to respectfully and factually disagree with the opinion represented in the permit application, that the littoral waters of Pamlico sound where the proposed 2710 cinder blocks will be placed, are "not navigable" waters.

- Please consider my maritime resume above, as well as my personal observation of thousands of navigable expeditions on this beach and over the exact location of the proposed 2710 cinder block hazards to navigation, and hazards to beach use.
- I have personally and repeatedly operated my hovercrafts in the exact proposed location of this revetment.
- For almost a decade, I have personally witnessed many hundreds of boats navigate onto this beach for recreation, sometimes lifting the engine, and walking the boat over the proposed location at low tide, and full throttle over the location at high tide.
- The famous and locally manufactured "Hancock Jet Boats" operate in these waters, on plane at full throttle, especially when the tide is high. This revetment would tear the bottom out and destroy the jet drives of these high tech, shallow draft speed boats. The mariners could be thrown over the bow, potentially to their death.
 - Jet Skis,
 - jet boats
 - Wind surfers
 - Kite boarders all are capable of operating in a few inches of water and vulnerable to damage, death and dismemberment.
 - My 56 foot catamaran with a 24" draft is completely capable of navigating in this location on high tides. Any one of these blocks would tear a hole in the laminate hull, causing hundreds of thousands of dollars of damage.
- The proposed location is 100 feet from my elevated home deck. So I have had a perfect surveillance point to give sworn testimony to these observations of factual navigability.
- This location is used all summer long, and only Thomas Peralto standing on the beach and threateningly discharging his gun, has discouraged the use of the beach. I have pictures. Sheriff Buck can provide police reports, of an estimated over 150 dispatches involving Tom Peralto's and complaints about interfering with public beach use.
- This is all evidence of the true purpose of Thomas Peralto's permit: to deter public use of the public beach for his personal benefit.

Threat to Life and Property

- All revetments MUST be VISIBLE to Mariners, or they are **a threat to life and property.**
- Revetments that lurk just inches below the surface in prevailing tides, represent the most deadly and dangerous navigation hazards.
- For safety, all revetments must be prominently visible or well marked, well above any high water, (excepting only named storm surge high water levels).
- This proposed revetment creates needless and unlimited legal liabilities for **everyone** involved. Property damage, personal injury and possible death and dismemberment, added to lesser injuries, are a certainty of allowing the creation of this dangerous menace.

Location of Permit Revetment

This proposed permit shoreline is oriented exactly North-East, and subjected direct impact by 20 to 60 Miles of storm fetch, in the notoriously devastating Nor-Easterly Storms that routinely ravage **this** shore of Pamlico Sound. The Nor'Easter that followed the recent two "100 year" hurricanes, caused extreme beach erosion whereas the two extreme "100 year" Hurricanes resulted in notable accretion of sandy beach. The point is that this is an exceptionally dynamic shoreline, routinely impacted by very high energy wave action.

Failure of Revetments **in Extreme High Energy Wave Action**

The proposed revetment has ZERO CHANCE OF SURVIVAL in this extreme high energy wave action, that every Nor'Easter is certain to repeatedly slam directly into the revetment until it is nothing more than scattered dangerous rubble.

The Nor'Easter wave action will disperse the sill materials (concrete cinder blocks). The blocks will end up in my riparian area and scattered across the beach for a quarter mile. Some of these 50 lb cinderblocks will be hurled as projectiles against my vinyl sheetpile bulkhead seawall.

It is not a matter of when, but a certainty, these blocks will disperse and litter and endanger the beach. They will be hurled repeatedly by violent wave action and cause damage as they hit my vinyl bulkhead. My bulkhead is only $\pm 100'$ from the nearest proposed cinder block stack location. The cinder blocks will also be hurled against my Neighbors industrial steel Bulkhead, damaging the rust inhibitive coatings and accelerating corrosion.

I cannot find anywhere in the application, a description of how these 50 Lb cinder blocks are to be connected together and then securely anchored to the sand.

The concrete cinder blocks weighing 50 lbs, measuring 10" wide x 17" long x 4" thick, have large flat surfaces for the hydraulic wave forces to impart their full energy. There is not enough gravity and friction force to ensure individual blocks will remain in place when subject to storm wave action. With no foundation, and no attachment but gravity, they will be quickly under washed, and under-mined and hurled across the beach as projectiles in the wave action.

Hazard to Beach Users

An additional concern is that these randomly disbursed concrete blocks, scattered and shattered in the near shore area, will cause injuries to beach users including guests and beach users. Cut feet, sprained ankles and trip and falls accidents are all foreseeable injuries.

Damage to My Sea Wall

- I am concerned that when wave action disperses the sill materials (2710 cinder blocks), that they will end up in my riparian area, hurled against my vinyl sheet pile bulkhead, causing extensive damage.

Previous Beach Permitting Process

I am encouraged that others are applying for shoreline stabilization on Cedar Island Beach and that CAMA is working on solutions.

We appreciate the time and effort CAMA is investing in finding equitable solutions.

I currently own three beach lots and want to buy more. But I cannot buy "wasting assets", that can be washed away in a storm or two, while waiting for permits to issue. A uniform fair solution is needed.

For seven years I had been told that I could not place a bulkhead or other stabilization measure on my existing property to save my custom beach house. My deeded beach at one time went out 100 feet in front of the house. But CAMA staff said it was imposable to issue any stabilization permit because it would interfere with "public beach use". My property was deemed ineligibility for permits for shoreline stabilization.

This led to erosion reaching my house pilings and causing structural instability that could have cause my house to collapse in the next storm, or next high wind event.

Although, the Emergency GP 15A NCAC 7H.1700 was ultimately allowed for a permanent measure to extend as much as 20' below the normal water level or mean high water on estuarine shorelines, I was limited to 10' from my house pilings due to concerns with public outcry from loss of public access across private property. It did not make sense to me but at the time

- SEE Mr. Roy Brownlow
- October 11, 2020
- Page Two

I did not challenge this finding. Further permit delays meant increasing the risk of damage to, or complete collapse of my house from further erosion around my house pilings. It took months to get the emergency permit. Thank you for personally intervening and finally allowing the emergency CAMA permit that saved my home.

I am not resentful, despite the difficult, multi year and expensive path to a permit, that resulted in the complete loss of all of my beach. I am actually grateful that in the end I was allowed some remedy to save, at least my home.

Others Beach property owners have not been so fortunate and were not allowed to save their homes.

Their houses are virtually condemned because a permit for effective shoreline stabilization on their properties were denied. Mountains of Rip Rap, some boulders weighing 10,000 lb were tossed around like marbles in the hurricanes. The porches on their homes collapsed. Their septic systems were washed out and their houses were constructively and or legally condemned for habitation.

We need a better solution.

Equal Treatment of Property Owners **Mariners and Public Beach Users**

To grant Tom Peralto a permit when his house presently has over 100 feet set back from the high water mark on the beach, and not grant others permits when their homes that face collapse and condemning, whose septic systems are being washed out, their wells damaged and their homes constructively condemned, is completely unequal and patently unfair.

Everyone should be allowed equal opportunity to protect their property.

These remedies should be durable, safe and effective.

The applicant should not advance his clearly spurious intent of protecting his home, when his behavior is clearly intended to obstruct and endanger and intimidate public use, of the public beach, to the high water mark.

Preserving Public Access to Beach

While it is not the duty of CAMA to prevent criminal behavior intended to deny public Beach use, (the Sheriff's, Job) CAMA should avoid being a party to issuing a spurious and dangerous permit that is clearly intended to and will deny Public Beach Use. I believe this is the primary objective of the applicant Thomas Peralto, since his words and actions consistently ratify this intent.

Finding a Solution

Permanent Bulkhead Seawall Revetments

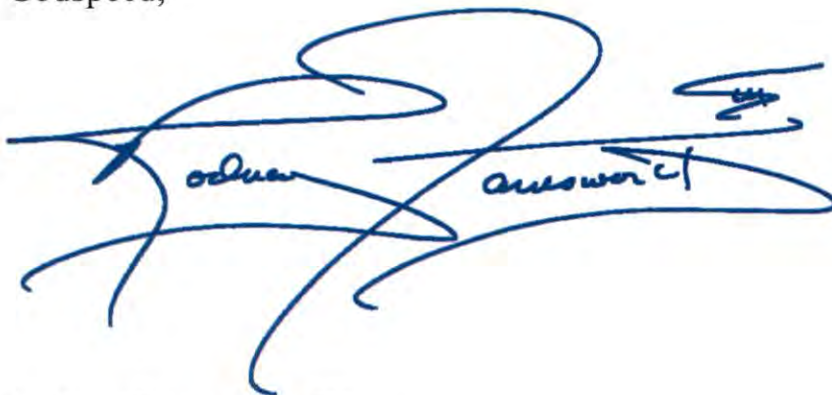
- As an alternative to creating a navigation, health and safety hazards, may I humbly suggest that a properly constructed, robustly founded seawall, is the preferred solution.
- I would support the existing sea walls on the adjacent properties being extended in a straight line, in both directions, down the beach, for any party interested in preserving their property.
- I am pleased to report that there is sand accreting in front of our seawalls. Nature is doing some of the beach reclamation in front of the sea walls, without further intervention. Pedestrian beach use past our sea walls is possible in most tides.
- Something as simple as short seawall jetties would likely result in a capturing of the south flowing sand, and create a stable, usable recreational beach in front of the bulkheads, and that would benefit owners and public use alike. Any accretion intervention would likely create a contiguous sandy beach access.

Conclusion

Thank you for your consideration of public comments regarding the Peralto permit.

We look forward to cooperating with you and your staff with a combined objective of preserving this extraordinary ecological gift of the Cedar Island National Nature Preserve. Lets make it safe and enjoyable recreation for all private and public stakeholders as well as Mariners.

Godspeed,



Rodney Farnsworth III

Let21/ Peralto Permit Objection Let - Rf v1.rtf

APPLICATION for Major Development Permit

(last revised 12/27/06)



North Carolina DIVISION OF COASTAL MANAGEMENT

1. Primary Applicant/ Landowner Information

Business Name		Project Name (if applicable)	
Applicant 1: First Name THOMAS	MI	Last Name PERALTO	
Applicant 2: First Name	MI	Last Name	
If additional applicants, please attach an additional page(s) with names listed.			
Mailing Address 381 SOUNDVIEW DRIVE		PO Box 571	City CEDAR ISLAND State NC
ZIP 28520	Country CARTERET	Phone No. 617-620-8029 ext.	FAX No. -
Street Address (if different from above)		City	State -
Email tom.peralto@yahoo.com			

2. Agent/Contractor Information

Business Name			
Agent/ Contractor 1: First Name	MI	Last Name	
Agent/ Contractor 2: First Name	MI	Last Name	
Mailing Address		PO Box	City State
ZIP	Phone No. 1 - - ext.	Phone No. 2 - - ext.	
FAX No.	Contractor #		
Street Address (if different from above)		City	State ZIP
Email			

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3. Project Location				
County (can be multiple) CARTERET		Street Address 301 SOUNDVIEW DRIVE		State Rd. #
Subdivision Name		City CEDAR ISLAND	State NC	Zip 28-520
Phone No. 617-630-9029 ext.		Lot No.(s) (if many, attach additional page with list)		
a. In which NC river basin is the project located? PAMLICO SOUND		b. Name of body of water nearest to proposed project PAMLICO SOUND		
c. Is the water body identified in (b) above, natural or manmade? <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Manmade <input type="checkbox"/> Unknown		d. Name the closest major water body to the proposed project site. PAMLICO SOUND		
e. Is proposed work within city limits or planning jurisdiction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		f. If applicable, list the planning jurisdiction or city limit the proposed work falls within.		

4. Site Description	
a. Total length of shoreline on the tract (ft.) 304 feet	b. Size of entire tract (sq.ft.) 25 ACRES
c. Size of individual lot(s) 0.5, 11, 13, (if many lot sizes, please attach additional page with a list)	d. Approximate elevation of tract above NHW (normal high water) or NWL (normal water level) <input type="checkbox"/> NHW or <input type="checkbox"/> NWL
e. Vegetation on tract SPARTIANIA, OAK	
f. Man-made features and uses now on tract MY HOME, WELL, SEPTIC SYSTEMS, ROAD.	
g. Identify and describe the existing land uses <u>adjacent</u> to the proposed project site. RESIDENTIAL HOME SITES	
h. How does local government zone the tract? RESIDENTIAL	i. Is the proposed project consistent with the applicable zoning? (Attach zoning compliance certificate, if applicable) <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
j. Is the proposed activity part of an urban waterfront redevelopment proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Has a professional archaeological assessment been done for the tract? If yes, attach a copy. If yes, by whom? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
l. Is the proposed project located in a National Registered Historic District or does it involve a National Register listed or eligible property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	

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m. (i) Are there wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(ii) Are there coastal wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(iii) If yes to either (i) or (ii) above, has a delineation been conducted? (Attach documentation, if available)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
n. Describe existing wastewater treatment facilities. SEPTIC SYSTEM ATTACHED TO MY HOME	
o. Describe existing drinking water supply source. 100 foot 2 inch WELL.	
p. Describe existing storm water management or treatment systems. N/A	

5. Activities and Impacts

a. Will the project be for commercial, public, or private use?	<input type="checkbox"/> Commercial <input type="checkbox"/> Public/Government <input checked="" type="checkbox"/> Private/Community
b. Give a brief description of purpose, use, and daily operations of the project when complete. MARSH SILL IS TO BE CONSTRUCTED TO REDUCE SHORE LINE EROSION AND PROTECT MY HOME	
c. Describe the proposed construction methodology, types of construction equipment to be used during construction, the number of each type of equipment and where it is to be stored. HAND BUILT, ALL VEHICLES WILL BE IN MY DRIVEWAY.	
d. List all development activities you propose. STACKING CONCRETE BLOCKS, PREVIOUSLY CURED ON LAND	
e. Are the proposed activities maintenance of an existing project, new work, or both? NEW WORK	
f. What is the approximate total disturbed land area resulting from the proposed project?	<input checked="" type="checkbox"/> Sq.Ft or <input type="checkbox"/> Acres
345 LF 384 feet, 4 feet at BASE TOTAL 1536 sq ft	
g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
h. Describe location and type of existing and proposed discharges to waters of the state.	
i. Will wastewater or stormwater be discharged into a wetland?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
If yes, will this discharged water be of the same salinity as the receiving water?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
j. Is there any mitigation proposed?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
If yes, attach a mitigation proposal.	

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6. Additional Information

In addition to this completed application form, (MP-1) the following items below, if applicable, must be submitted in order for the application package to be complete. Items (a) – (f) are always applicable to any major development application. Please consult the application instruction booklet on how to properly prepare the required items below.

- a. A project narrative.
- b. An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale. Please give the present status of the proposed project. Is any portion already complete? If previously authorized work, clearly indicate on maps, plats, drawings to distinguish between work completed and proposed.
- c. A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site.
- d. A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties.
- e. The appropriate application fee. Check or money order made payable to DENR.
- f. A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management.

Name	KENDALL SMITH MATAMUSKEET MWR	Phone No.
Address	85 MATAMUSKEET ROAD	252-926-4021 x 43901
Name	GEORGE BROWN	Phone No.
Address	137 MACBRY ROAD MARSHALL BERLE NC	
Name		Phone No.
Address		

- g. A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.

- h. Signed consultant or agent authorization form, if applicable.

- i. Wetland delineation, if necessary.

- j. A signed AEC hazard notice for projects in oceanfront and inlet areas. (Must be signed by property owner)

- k. A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A 1-10), if necessary. If the project involves expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

7. Certification and Permission to Enter on Land

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit.

I certify that I am authorized to grant, and do in fact grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project.

I further certify that the information provided in this application is truthful to the best of my knowledge.

Date AUG. 27/2021 Print Name THOMAS PERAZO

Signature 

Please indicate application attachments pertaining to your proposed project.

- | | |
|---|--|
| <input type="checkbox"/> DCM MP-2 Excavation and Fill Information | <input type="checkbox"/> DCM MP-5 Bridges and Culverts |
| <input type="checkbox"/> DCM MP-3 Upland Development | |
| <input type="checkbox"/> DCM MP-4 Structures Information | |

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Form DCM MP-2

EXCAVATION and FILL

(Except for bridges and culverts)

Attach this form to Joint Application for CAMA Major Permit, Form DCM MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project. Please include all supplemental information.

Describe below the purpose of proposed excavation and/or fill activities. All values should be given in feet.

	Access Channel (NLW or NWL)	Canal	Boat Basin	Boat Ramp	Rock Groin	Rock Breakwater	Other (excluding shoreline stabilization)
Length							384 feet
Width							4 feet
Avg. Existing Depth					NA	NA	8 inches
Final Project Depth					NA	NA	14 inches

345 LF
GB
9/28/21

1. EXCAVATION

☒ This section not applicable

- a. Amount of material to be excavated from below NHW or NWL in cubic yards.
0
- b. Type of material to be excavated.
0
- c. (i) Does the area to be excavated include coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.
☐ CW ☐ SAV ☐ SB ☐ WL ☐ None
- d. High-ground excavation in cubic yards.
0
- (ii) Describe the purpose of the excavation in these areas:

2. DISPOSAL OF EXCAVATED MATERIAL

☒ This section not applicable

- a. Location of disposal area.
- b. Dimensions of disposal area.
- c. (i) Do you claim title to disposal area?
☐ Yes ☐ No ☐ NA
- d. (i) Will a disposal area be available for future maintenance?
☐ Yes ☐ No ☐ NA
- (ii) If no, attach a letter granting permission from the owner.
- (ii) If yes, where?
- e. (i) Does the disposal area include any coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.
☐ CW ☐ SAV ☐ SB ☐ WL ☐ None
- f. (i) Does the disposal include any area in the water?
☐ Yes ☐ No ☐ NA
- (ii) Describe the purpose of disposal in these areas:
- (ii) If yes, how much water area is affected?

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3. SHORELINE STABILIZATION

(If development is a wood groin, use MP-4 – Structures)

☐ This section not applicable

- a. Type of shoreline stabilization:
☐ Bulkhead ☐ Riprap ☒ Breakwater/Sill ☐ Other: _____
- b. Length: ~~384~~ feet **345 LF** **EB** **9/28/21**
 Width: 4 feet
- c. Average distance waterward of NHW or NWL: 25 feet
- d. Maximum distance waterward of NHW or NWL: 25 feet
- e. Type of stabilization material:
 concrete blocks
- f. (i) Has there been shoreline erosion during preceding 12 months?
☒ Yes ☐ No ☐ NA
 (ii) If yes, state amount of erosion and source of erosion amount information.
 25 feet of shoreline adjacent property bulkhead installed January 2021 causing erosion issue in front of my house
- g. Number of square feet of fill to be placed below water level.
 Bulkhead backfill _____ Riprap _____
 Breakwater/Sill 10 inches Other _____
- h. Type of fill material:
 cured concrete
- i. Source of fill material.
 cured concrete

4. OTHER FILL ACTIVITIES

(Excluding Shoreline Stabilization)

☒ This section not applicable

- a. (i) Will fill material be brought to the site? ☐ Yes ☐ No ☐ NA
 If yes,
 (ii) Amount of material to be placed in the water _____
 (iii) Dimensions of fill area _____
 (iv) Purpose of fill _____
- b. (i) Will fill material be placed in coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.
☐ CW _____ ☐ SAV _____ ☐ SB _____
☐ WL _____ ☐ None _____
 (ii) Describe the purpose of the fill in these areas: _____

5. GENERAL

- a. How will excavated or fill material be kept on site and erosion controlled?
 Cured concrete to be performed 100 feet from location and carried in _____
- b. What type of construction equipment will be used (e.g., dragline, backhoe, or hydraulic dredge)?
 None _____
- c. (i) Will navigational aids be required as a result of the project?
☐ Yes ☐ No ☒ NA
 (ii) If yes, explain what type and how they will be implemented. _____
- d. (i) Will wetlands be crossed in transporting equipment to project site? ☐ Yes ☐ No ☒ NA
 (ii) If yes, explain steps that will be taken to avoid or minimize environmental impacts. _____

8/30/2021

Date

Thomas Peralto

Applicant Name

Project Name

Applicant Signature

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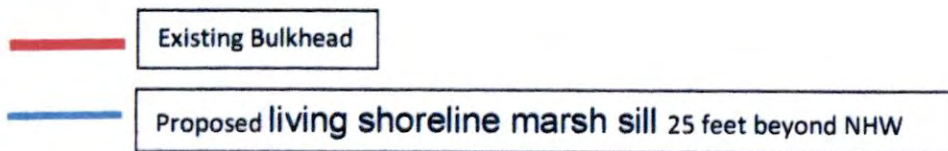
AUG 30 2021

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CONSTRUCTION MARSH SILLS

PURPOSE

Construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



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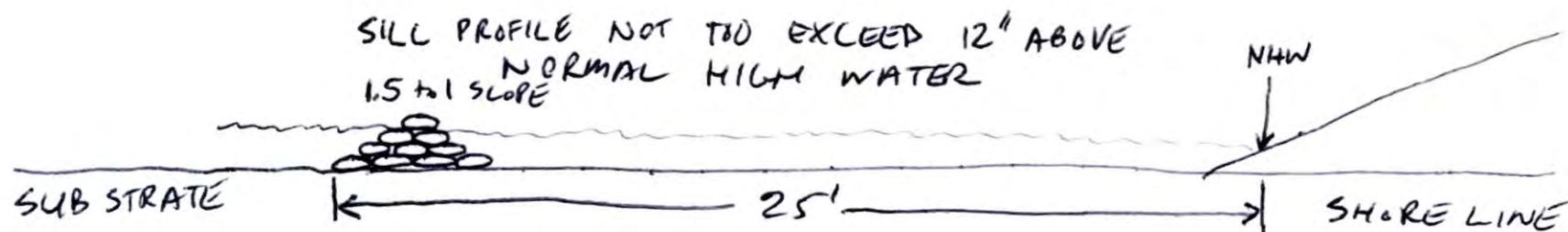
DCM-MHD CITY

MARSH SILL PROFILE

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AUG 27 2021

NOV 11 2021



Bodnar, Gregg

From: tom.peralto@yahoo.com
Sent: Monday, September 27, 2021 10:50 AM
To: Bodnar, Gregg
Cc: Brownlow, Roy D
Subject: Re: [External] Re: Peralto Major App Question

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Yes please do.

Thank-you,

Tom Peralto
(617) 620-8029

Sent from my iPhone

On Sep 27, 2021, at 10:45 AM, Bodnar, Gregg <gregg.bodnar@ncdenr.gov> wrote:

Mr. Peralto,

Thank you for the clarification. With your permission, can I revise the application to reflect the correct 345 linear feet of proposed living shoreline?

Regards,

Gregg

From: tom.peralto@yahoo.com <tom.peralto@yahoo.com>
Sent: Monday, September 27, 2021 10:41 AM
To: Brownlow, Roy D <roy.brownlow@ncdenr.gov>
Cc: Bodnar, Gregg <gregg.bodnar@ncdenr.gov>
Subject: [External] Re: Peralto Major App Question

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Thank-you,

The work plan and section dimensions and diagram are correct. It's 345 feet total.

The 384 was my miscalculation while filling out the application form.

Sorry for the confusion.

Regards,

Tom Peralto
(617) 620-8029

Sent from my iPhone

On Sep 27, 2021, at 9:43 AM, Brownlow, Roy D <roy.brownlow@ncdenr.gov> wrote:

Mr. Peralto:

Hope you are doing well.

Please see the information below. Please verify the correct dimensions for your proposed living shoreline sill and let us know the correct feet of total length or clarify the discrepancy.

Thank you,

Roy Brownlow

District Manager, Division of Coastal Management
North Carolina Department of Environmental Quality
252.725.2683 (mobile) 252.808.2808 ext 217 (Office)
Roy.Brownlow@ncdenr.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: Bodnar, Gregg <gregg.bodnar@ncdenr.gov>

Sent: Tuesday, September 21, 2021 3:02 PM

To: Brownlow, Roy D <roy.brownlow@ncdenr.gov>

Subject: Peralto

Hey Roy,

When you get back from leave I have a question. The bio-report and the app narrative have the living shoreline at 384LF. But the workplan shows 4 sections (63LF, 100LF, 82LF and 100LF = 345LF). Can you help verify the correct lengths?

Thanks,

Gregg

<image001.png>

**DIVISION OF COASTAL MANAGEMENT
APPLICATION TRANSMITTAL AND PROCESSING RECORD**

APPLICANT: *Peralto, Thomas*

COUNTY: *Carteret*

PROJECT NAME:

LOCATION OF PROJECT: Cedar Island

DATE APPLICATION RECEIVED COMPLETE BY FIELD: **8-27-21**

FIELD RECOMMENDATION: Attached: **Yes**

To Be Forwarded: Yes

FIELD REPRESENTATIVE: Brownlow/Davenport

DISTRICT OFFICE: **MHC**

DISTRICT MANAGER REVIEW: **Roy Brownlow**

B) DATE RECEIVED BY MAJOR PERMITS UNIT:

FEE REC'D: **\$250** Click or tap here to enter text.

APPLICATION ASSIGNED TO: **Bodnar**

PUBLIC NOTICE REC'D: **9-15-21**

END OF NOTICE DATE: **9/15/2021**

ADJ. RIP. PROP NOTICES REC'D: 8/27/2021

DEED REC'D: Yes

C) 75 DAY DEADLINE: **11-10-21**

150 DAY DEADLINE: _____

HOLDS: _____

EMAIL OUT DATE: **9-10-21**

STATE DUE DATE: Click or tap to enter a date.

PERMIT FINAL ACTION: ISSUE _____ DENY _____

AGENCY	DATE COMMENTS RETURNED	OBJECTIONS:		NOTES
		YES	NO	
DCM – Field Rep	10/13/21			Conditions
DCM – LUP Consistency Determination	9/16/21			Consistent
Local Permit Officer	10/11/21		x	
Corps of Engineers – Regulatory Branch	10/12/21			GP36 2021-02007
DWR – 401 Section	10/25/21			2021-1363
DWR – Public Water Supply	9/14/21		x	
DEMLR – Stormwater				
DEMLR – Sed and Erosion				
DOA – State Property Office				
Wildlife Resources Commission	10/16/21			Reflectors
DMF – Shellfish Section	9/22/21		x	
DMF – Habitat & Enhancement	10/11/21			Reflectors @ low tide
DNCR – Archives & History	10/13/21		x	
DNCR – Natural Heritage Program				
NCDOT				
NC Dept of Commerce	9/14/21			

From: Brownlow, Roy D
Sent: Wednesday, October 13, 2021 10:11 AM
To: Bodnar, Gregg
Cc: Howell, Jonathan; Davenport, Ryan
Subject: Revised Recommendations and Conditions for Peralto Permit

The recommendations are revised as follows:

1. No attempt will be made by the permittee to prevent the free and full use by the public of all navigable waters at or adjacent to the authorized work. Use of the permitted activity must not interfere with the public's right to free navigation within Public Trust Waters.
2. No part of the sill or sill construction shall interfere with the exercise of riparian rights by adjacent property owners.
3. No wetlands/marsh grass will be excavated or filled.
4. The temporary placement or double handling of sill construction materials within waters or wetlands is not authorized.
5. No back filling is authorized by this permit without modification
6. There shall be no wet-curing of concrete or masonry material in estuarine waters.
7. The waterward edge of the sills shall be positioned no greater than 25 feet waterward of the normal high water or normal water level or five feet waterward of the existing wetlands, whichever distance is greater, and in no case shall any part of the sills go further waterward than the alignment established by DCM staff on 06/28/2021.
8. The permittee shall maintain the authorized sill in conformance with the terms and conditions of this permit, or the remaining sill structures shall be removed within 90 days of notification of noncompliance from the Division of Coastal Management.
9. The height of sills shall not exceed 12 inches above normal high water or the height of the adjacent wetland substrate, whichever is higher.
10. The sills shall have at least one five-foot opening every 100 feet and may be staggered, overlapped, or left open as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 10 feet.

11. The sill structure shall not exceed a slope of a one foot vertical rise over a one and a half foot horizontal distance. The width of the structure on the bottom shall not exceed 12 feet.
12. Any part of the sills' structure, including and loose or displaced material from the sills, shall not encroach over the riparian access lines. Any loose or displaced material from the sills must be replaced within the authorized sill footprint or removed from any Area of Environmental Concern.
13. Sills shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above normal high water or normal water level and must be maintained for the life of the structure.
14. If the crossing of wetlands or non-coastal wetlands with mechanized construction equipment is necessary, temporary construction mats shall be utilized for the areas to be crossed. The temporary mats shall be removed upon completion of the construction of the sill structure. Material used to construct the sill shall not be stockpiled on existing wetlands or in open water unless contained in a containment structure supported by construction mats.
15. Sedimentation and erosion control measures shall be implemented if necessary to ensure that no incidental filling by runoff or loose masonry/concrete debris do not enter adjacent wetlands or waters.
16. No excavation or filling, other than the minimum necessary for the construction and bedding of the sill structure, is authorized by this permit.
17. Sills shall not be constructed within any native submerged aquatic vegetation. If submerged aquatic vegetation is present within a project area, a submerged aquatic vegetation survey shall be completed during the growing season of April 1 through September 30. All sills shall have a minimum setback of 10 feet from any native submerged aquatic vegetation.
18. Sills shall not be constructed within any habitat that includes oyster reefs or shell banks. All sills shall have a minimum setback of 10 feet from any oysters, oyster beds, or shell banks.

NOTE: The permittee is advised that any development or land disturbing activity that is considered non-water dependent is not authorized within 50 feet of the normal high/low water level unless specifically exempted by Environmental Management Commission (EMC) Tar Pamlico/Neuse River buffer regulations in place at the time of such development.

Roy Brownlow

District Manager, Division of Coastal Management
North Carolina Department of Environmental Quality
252.725.2683 (mobile) 252.808.2808 ext 217 (Office)
Roy.Brownlow@ncdent.gov

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

Bodnar, Gregg

From: Brownlow, Roy D
Sent: Monday, October 11, 2021 2:26 PM
To: Bodnar, Gregg
Cc: Davenport, Ryan; Davis, Braxton C; Goebel, Christine A
Subject: RE: Peralto Sill Living Shoreline recommendations

Gregg:

The recommendations are as follows:

VOID

- No attempt will be made by the permittee to prevent the free and full use by the public of all navigable waters at or adjacent to the authorized work. Use of the permitted activity must not interfere with the public's right to free navigation within Public Trust Waters.

(BRAXTON AND CHRISTY WANT TO REVIEW THIS AND LIKELY EDIT THIS CONDITION BASED ON THE COMMENTS RECEIVED)

- No part of the sill or sill construction shall not interfere with the exercise of riparian rights by adjacent property owners, including access to navigation channels from piers, or other means of access.
- No vegetated wetlands/marsh grass will be excavated or filled.
- The temporary placement or double handling of sill construction materials within waters or vegetated wetlands is not authorized.
- No back filling is authorized by this permit without modification
- No wet-curing of concrete or masonry material in estuarine waters, or within 75' of the Normal High Water line.
- The landward edge of the sill shall be positioned no greater than 25 feet waterward of the normal high water or normal water level or five feet waterward of the existing wetlands, whichever distance is greater.
- The permittee shall maintain the authorized sill, including wetlands and tidal inundation, in conformance with the terms and conditions of this permit, or the remaining sill structures shall be removed within 90 days of notification of noncompliance from the Division of Coastal Management.
- The height of sills shall not exceed 12 inches above normal high water or the height of the adjacent wetland substrate, whichever is higher.

- The sills shall have at least one five-foot opening every 100 feet and may be staggered, overlapped, or left open as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 10 feet.
- The sill structure shall not exceed a slope of a one and a half foot horizontal distance over a one foot vertical rise. The width of the structure on the bottom shall not exceed 12 feet.
- The sill shall not be within a navigation channel or associated setbacks marked or maintained by a state or federal agency.
- Sills shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above normal high water or normal water level and must be maintained for the life of the structure.
- If the crossing of wetlands with mechanized construction equipment is necessary, temporary construction mats shall be utilized for the areas to be crossed. The temporary mats shall be removed upon completion of the construction of the sill structure. Material used to construct the sill shall not be stockpiled on existing wetlands or in open water unless contained in a containment structure supported by construction mats.
- Sedimentation and erosion control measures shall be implemented if necessary to ensure that eroded materials or loose masonry/concrete materials do not enter adjacent wetlands or waters.
- No excavation or filling, other than that necessary for the construction and bedding of the sill structure, is authorized by this permit.
- Sills shall not be constructed within any native submerged aquatic vegetation. If submerged aquatic vegetation is present within a project area, a submerged aquatic vegetation survey shall be completed during the growing season of April 1 through September 30. All sills shall have a minimum setback of 10 feet from any native submerged aquatic vegetation.
- Sills shall not be constructed within any habitat that includes oyster reefs or shell banks. All sills shall have a minimum setback of 10 feet from any oysters, oyster beds, or shell banks.

NOTE: The permittee is advised that any development or land disturbing activity that is considered non-water dependent is not authorized within 50 feet of the normal high/low water level unless specifically exempted by Environmental Management Commission (EMC) Tar Pamlico/Neuse River buffer regulations in place at the time of such development.

From: Bodnar, Gregg <gregg.bodnar@ncdenr.gov>
Sent: Monday, October 11, 2021 1:50 PM
To: Davenport, Ryan <ryan.davenport@ncdenr.gov>

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2021-02007 County: Carteret County U.S.G.S. Quad: North Bay

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: Thomas Peralto
Address: 301 Soundview Drive
Cedar Island NC, 28520
Telephone Number: 617-620-8029
Tom.peralto@yahoo.com

Size (acres) ~0.04 acre project area
Nearest Waterway Pamlico Sound
USGS HUC 03020204

Nearest Town Cedar Island
River Basin Neuse
Coordinates Latitude: 35.01792
Longitude: -76.32088

RECEIVED

NOV 8 2021

MP SECTION MHD

Location description: The project site is located within waters of the Pamlico Sound, adjacent to three parcels (PINs: 840703135078000; 840703129240000; and 840703118939000), 301 Soundview Drive, in Cedar Island, Carteret County, North Carolina.

Description of projects area and activity: This verification authorizes impacts associated with the construction of a Marsh Sill as described in the application and subsequent CAMA MAJOR permit no 144-21.

Applicable Law: ☒ Section 404 (Clean Water Act, 33 USC 1344)
☒ Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number and/or Nationwide Permit Number: RGP 36-Marsh Sills
SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information received on September 10, 2021. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Morehead City, NC, at (252) 808-2808.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Sarah Hair at (910) 251-4049 or Sarah.E.Hair@usace.army.mil.

Corps Regulatory Official: Liz Hair
Expiration Date of Verification: March 21, 2024

Date: November 6, 2021

SAW-2021-02007

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Enclosures:

Corps RGP 36

CAMA Permit 144-21

Electronic Copy furnished:

NC DWR

NC DCM

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NOV 8 2021

MP SECTION MHD

Action ID Number: SAW-2021-02007

County: Carteret County

Permittee: Thomas Peralto

Project Name: 301 Soundview Drive / Cedar Island / Carteret

Date Verification Issued: November 6, 2021

Project Manager: Sarah Hair

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Sarah Hair
69 Darlington Avenue
Wilmington, North Carolina 28403

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

RECEIVED

NOV 8 2021

MP SECTION MHD

Permit Class
NEW

Permit Number
144-21

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

Permit

for

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

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

Issued to **Thomas Peralto, 301 Soundview Dr., Cedar Island, NC 28520**

Authorizing development in **Carteret** County at **adj. to Pamlico Sound, at 301 Soundview Dr., in Cedar Island**, as requested in the permittee's application dated **8/27/21 (MP-1)** and **8/30/21 (MP-2)**, including attached workplan drawings (2), Overview and Profile dated "Rec DCM MHD City 8/27/21".

This permit, issued on **October 28, 2021**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Living Shoreline

- 1) The living shoreline shall be positioned no more than 25 feet waterward of the normal high-water level contour at any point along its alignment.
- 2) The alignment of the authorized living shoreline shall be staked by the permittee and verified by a representative of the Division of Coastal Management within a maximum of 30 days prior to the start of construction. Failure to initiate construction within 30 days, or erosion of the shoreline by adverse weather conditions, shall require the alignment to be re-staked by permittee and verified by DCM within a maximum of 30 days prior to the new expected start of construction.

(See attached sheets for Additional Conditions)

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

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

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

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

All work must cease when the permit expires on

December 31, 2024

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



Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The height of the permitted living shoreline shall not exceed 12 inches above the normal high-water level.
- 4) The living shoreline shall have at least one, five-foot opening at every 100 feet. The living shoreline sections may be staggered and overlap as long as the five-foot separation between sections is maintained. Overlapping sections shall not overlap more than 5 feet.
- 5) Living shoreline sections shall be marked at 50-foot intervals with yellow reflectors extending at least three feet above normal high-water level.
- 6) No backfill of the living shoreline sections or any other filling of wetlands, estuarine waters, public trust areas or high ground is authorized by this permit.
- 7) The living shoreline material shall consist of clean rock or masonry materials such as, but not limited to, granite, marl, or broken concrete or exposed rebar. It shall be of a size sufficient to prevent its movement from the approved alignment by wave or current action. The permittee shall be responsible for immediate removal of any materials or debris that becomes dislodged or moves outside the authorized alignment.
- 8) Live concrete shall not be allowed to contact waters of the State or waters that will enter waters of the State.
- 9) No open water shall be filled, even temporarily, outside of the approved living shoreline alignment.
- 10) No vegetated wetlands shall be excavated or filled, even temporarily.

Sedimentation and Erosion Control

- 11) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 12) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties.

General

- 13) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 14) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location.
- 15) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

ADDITIONAL CONDITIONS

- NOTE:** This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.
- NOTE:** The U.S. Army Corps of Engineers authorized the project by way of Regional General Permit 201801536 (Action ID SAW-2021-02007).
- NOTE:** The N.C. Division of Water Resources authorized the proposed project by way of General Water Quality Certification 4175 and assigned the project DWR Project No. 2021-1363.
- NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.
- NOTE:** An application processing fee of \$250 was received by DCM for this project.

Bodnar, Gregg

From: Hair, Sarah E CIV USARMY (USA) <Sarah.E.Hair@usace.army.mil>
Sent: Tuesday, October 12, 2021 1:16 PM
To: Bodnar, Gregg
Subject: [External] RE: Projects

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hi Gregg,

Doing well here-hope you are.

Innamorato: SAW-2021-01935; if the revisions are consistent w/the ¼ width rule then it's a GP 56. Just waiting on the plans, as you mention below.

Chambers: SAW-2021-02006; working on the 291 notice-should go out by mid-week.

Danny Rice: SAW-2021-01605; currently on 291 notice-comment end date is October 20; I don't have the info on the new owner, so if you could please send it over when you can, I will add it to our record.

Peralto: SAW-2021-02007; believe this still meets the Corps RGP 36 for Marsh sills, so we would wait until we had the CAMA permit (if authorized by the state) to issue on my end.

Liz

From: Bodnar, Gregg <gregg.bodnar@ncdenr.gov>
Sent: Monday, October 11, 2021 1:40 PM
To: Hair, Sarah E CIV USARMY (USA) <Sarah.E.Hair@usace.army.mil>
Subject: [Non-DoD Source] Projects

Hey Liz,

Checking in on a few...

Innamorato – Still waiting on the complete updated workplans to reflect the ¼ width .

Chambers, Kenneth

Danny Rice LLC/Salak – This is the one that added the new co-applicant mid process

Peralto – This is the living shoreline in Cedar Island that could have been a GP if not for the objections we received

Hope all is well,

Gregg



Gregg Bodnar
Assistant Major Permits Coordinator
Division of Coastal Management
Department of Environmental Quality
252 808 2808 ext 215 (Office)
Gregg.Bodnar@ncdenr.gov

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

Bodnar, Gregg

From: Eugene Foxworth <Eugene.Foxworth@carteretcountync.gov>
Sent: Monday, October 11, 2021 2:02 PM
To: Bodnar, Gregg
Subject: [External] RE: Peralto CAMA Application

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Mr. Bodnar,
Thank you so much for reaching out to me on this. We have no comments at this time.
Thanks,
Gene

Eugene Foxworth
Assistant County Manager
Carteret County

From: Bodnar, Gregg <gregg.bodnar@ncdenr.gov>
Sent: Monday, October 11, 2021 1:52 PM
To: Eugene Foxworth <Eugene.Foxworth@carteretcountync.gov>
Subject: Peralto CAMA Application

CAUTION: This email originated from outside of the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe.

Afternoon Mr. Foxworth,

I wanted to check on any comments from this living shoreline project in Cedar Island. This would normally be a General Permit if not for objections we received from the riparian neighbors, which elevated it to a Major Permit.

Thanks,

Gregg



Gregg Bodnar
Assistant Major Permits Coordinator
Division of Coastal Management
Department of Environmental Quality
252 808 2808 ext 215 (Office)
Gregg.Bodnar@ncdenr.gov

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

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

September 10, 2021

MEMORANDUM:

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (**Courier 11-12-09**)
gregg.bodnar@NCDENR.gov

SUBJECT: CAMA / Dredge and Fill Application Review

Applicant: Thomas Peralto

Project Location: 301 Soundview Dr, Carteret County

Proposed Project: Marsh Sill

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **October 15, 2021**. If you have any questions regarding the proposed project, contact Roy Brownlow 252-808-2808. When appropriate, in-depth comments with supporting data is requested.

REPLY: ☒ This agency has no objection to the project as proposed.
Additional comments may be attached
☐ This agency has no comment on the proposed project.
☐ This agency approves of the project only if the recommended changes are incorporated. See attached.
☐ This agency objects to the project for reasons described in the attached comments.

PRINT NAME Rachel Love-Adrick

AGENCY DCM

SIGNATURE 

DATE 9/16/2021

RECEIVED

SEP 16 2021

MP SECTION MHD



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

ROY COOPER

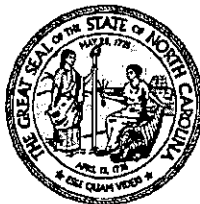
Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

MEMORANDUM

TO: Gregg Bodnar, Assistant Major Permits Coordinator
Division of Coastal Management

FROM: Rachel Love-Adrick, District Planner
Division of Coastal Management *RJA*

SUBJECT: Major Permit Request by Thomas Peralto

DATE: September 16, 2021

RECEIVED

SEP 16 2021

MP SECTION MHD

Consistency Determination: The request is consistent with/not in conflict with the Carteret County Land Use Plan certified by the CRC on December 20, 2010.

Overview: The applicant is proposing to construct a marsh sill in four segments totaling 384 linear feet within Pamlico Sound, in Cedar Island, Carteret County. The proposed development would take place at starting at 301 Soundview Drive and extend west for a total combined length of 384 linear feet. The proposed sill would occur contiguous to applicant's properties. The applicant intends to populate the area landward of the proposed sills with marsh plantings which would naturalize over time with native coastal wetland species and aid in shoreline stabilization.

The property is located within Pamlico Sound at 301 Soundview Drive in Cedar Island, Carteret County. One of the properties is developed with the applicant's single family dwelling. The adjacent property to the east is developed with a single family dwelling and a bulkhead. The bulkhead on the adjacent property was constructed in February of 2021 in request to protect the imminently threatened residential structure where the NHW was within 20' and closer to the structure's foundation and its septic system because of the accelerated erosion in this area. The other adjacent properties to the west of 301 Soundview Dr. are undeveloped.

AECs include Estuarine Waters (EW) and Public Trust Areas (PTA). The Pamlico Sound is approximately 25 miles across east to west at this location and the property is subject to the expanse 67-mile open fetch of Pamlico Sound running north to south. These coastal waters are not classified as a Primary Nursery Area and submerged aquatic vegetation habitat is not present within the project area. This area is open to shellfish harvest and is classified as SA/HQW. There is not a defined Federal Channel in the project area. This project area is within the Neuse River Basin. This area is subject to estuarine wave action, dynamic shoreline changes and sand movement, including but not limited to accelerated erosion.

There is exposed relic marsh substrate that is devoid of vegetation in the sill's proposed footprint. At or near the normal high water line there is marsh substrate that has been recently exposed from the erosion



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

which has exposed remnant marsh rhizome and roots. Field observations revealed predominantly *Spartina patens* (Salt Meadow Grass) evident in the higher exposed marsh substrate areas. There is a 400 square foot fringe of coastal wetland marsh consisting mostly of *Spartina alterniflora* (Smooth Cordgrass) waterward of the proposed project footprint and other random areas with only sparse (< 4 shoots within a square meter) of *Spartina alterniflora* located in various areas of the exposed substrate. There is an evident erosion scarp and scour cuts in the relic marsh substrate.

Anticipated Impacts: The proposal will not pose a hazard to navigation. The proposed sills would extend a maximum of 25' waterward into Pamlico Sound. The proposed sills would fill 1,536 square feet of shallow bottom habitat.

Minimal temporary turbidity impacts are anticipated during construction. Each sill would be manually constructed with no mechanized equipment waterward of the NHW line. There is no earthen fill proposed in conjunction with these sills. The applicant proposes to populate the area landward of the sills up to the NHW with sprigs of *Spartina alterniflora* once the area is stabilized.

This proposed project's dimensions, location, and specifications as shown and described in this application otherwise meet all the criteria for the CAMA General Permit 7H 2700 Construction of Marsh Sills. Because of an objection from the adjacent riparian owner (east of the applicant's property) regarding the public's access to the Public Trust Waters, this project was elevated to a Major Permit.

Basis for Determination:

The project site is located in Carteret County and is subject to the 2005 Carteret County Land Use Plan Update. The Future Land Use Map (FLUM) designates the site as Conservation.

The following LUP policies may be applicable to this request:

2.0 Land Use Compatibility

2.2.1, Carteret County will allow only land uses in coastal wetlands that require water access, cannot function elsewhere, and are consistent with state and federal regulations. Examples of acceptable uses are utility easements, piers, and docks.

2.4.1: Carteret County will only allow development in estuarine and public trust waters that are associated with water-dependent uses, consistent with state and federal standards, and meet all local policies contained in this plan.

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SEP 16 2021

MP SECTION MHD



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

BRAXTON DAVIS
Director



ROY COOPER

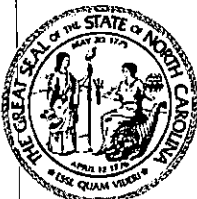
Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

September 10, 2021

MEMORANDUM:

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (**Courier 11-12-09**)
gregg.bodnar@NCDENR.gov

SUBJECT: CAMA / Dredge and Fill Application Review

Applicant: Thomas Peralto

Project Location: 301 Soundview Dr, Carteret County

Proposed Project: Marsh Sill

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **October 15, 2021**. If you have any questions regarding the proposed project, contact Roy Brownlow 252-808-2808. When appropriate, in-depth comments with supporting data is requested.

REPLY: ☒ This agency has no objection to the project as proposed.
Additional comments may be attached
☐ This agency has no comment on the proposed project.
☐ This agency approves of the project only if the recommended changes are incorporated. See attached.
☐ This agency objects to the project for reasons described in the attached comments.

PRINT NAME Mark Brown

AGENCY Public Water Supply

SIGNATURE Mark Brown

DATE 9-13-21

RECEIVED

SEP 14 2021

MP SECTION MHD



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

September 10, 2021

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NCDEQ - Division of Coastal Management
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REPLY: _____ This agency has no objection to the project as proposed.
_____ **X** **Additional comments may be attached**
_____ This agency has no comment on the proposed project.
_____ This agency approves of the project only if the recommended changes are incorporated. See attached.
_____ This agency objects to the project for reasons described in the attached comments.

PRINT NAME Shannon Myers

AGENCY NCDMF- Shellfish Sanitation and Recreational Water Quality

SIGNATURE Shannon Myers for Shannon Jenkins

DATE 9/22/2021

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SEP 22 2021

MP SECTION MHD



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

September 10, 2021

MEMORANDUM

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (**Courier 11-12-09**)
gregg.bodnar@NCDENR.gov

SUBJECT: CAMA / Dredge and Fill Application Review

Applicant: Thomas Peralto

Project Location: 301 Soundview Dr, Carteret County

Proposed Project: Marsh Sill

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **October 15, 2021**. If you have any questions regarding the proposed project, contact Roy Brownlow 252-808-2808. when appropriate, in-depth comments with supporting data is requested.

REPLY: ☒ This agency has no objection to the project as proposed.
Additional comments may be attached
☐ This agency has no comment on the proposed project.
☐ This agency approves of the project only if the recommended changes are incorporated. See attached.
☐ This agency objects to the project for reasons described in the attached comments.

PRINT NAME James Harrison

AGENCY NCDMF

SIGNATURE James Harrison

DATE 7 October 2021

RECEIVED

OCT 11 2021

MP SECTION MHD



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808.



ROY COOPER
Governor

JOHN NICHOLSON
Interim Secretary

KATHY B. RAWLS
Director

TO: Gregg Bodnar, NCDCM Assistant Major Permits Coordinator
FROM: James Harrison, NCDMF Fisheries Resource Specialist
SUBJECT: Peralto Marsh Sill, Carteret County
DATE: 7 October 2021

A North Carolina Division of Marine Fisheries (DMF) Fisheries Resource Specialist has reviewed the permit application for proposed actions that may impact fish and/or fish habitats. The proposed work is located at 301 Sound View Drive, Cedar Island, within Carteret County. The applicant is proposing to construct a marsh sill in four segments totaling 384 linear feet within Pamlico Sound. The proposed sill would occur contiguous to the applicant's properties, and the applicant intends to populate the area landward of the sills with marsh plantings that would naturalize over time. The applicant is proposing to construct the sills using pre-cast masonry concrete blocks that are 10" wide by 17" long and 4" thick and weigh 50 pounds each. The sill would be constructed by placing each block in a staggered bond with the first course being 4 blocks wide, the second being 3 blocks, the third being 2 blocks, and the top course being 1 block. The applicant plans on constructing the sill by hand, starting at the waterward end of the neighbor's bulkhead and extending a maximum of 25' from the normal high water (NHW) line. There will be 5' wide openings between segments and the segments will have 5' of overlap.

DMF approves of the project as proposed. However, DMF would recommend that reflective materials be incorporated into the design. At a minimum, these reflectors should be placed at the ends and in the middle of each segment (i.e. three per sill segment). The inclusion of reflective material will aid in visibility and minimization of potential interactions with boaters, kayaks, etc. Additionally, DMF would recommend that the proposed work occur during the lowest tides possible. This will help to minimize increases in turbidity that would be associated with the placement of blocks and traversing the area during installation.

Thank you for consideration of our comments and concerns. Please contact Jimmy Harrison at (252) 948-3835 or at james.harrison@ncdenr.gov with any further questions or concerns.

RECEIVED

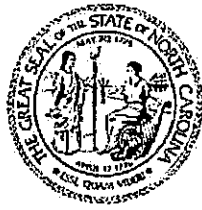
OCT 11 2021

MP SECTION MHD

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

September 10, 2021

MEMORANDUM:

FROM: Gregg Bodnar, Assistant Major Permits Coordinator
NCDEQ - Division of Coastal Management
400 Commerce Avenue, Morehead City, NC 28557
Fax: 252-247-3330 (Courier 11-12-09)
gregg.bodnar@NCDENR.gov

SUBJECT: CAMA / Dredge and Fill Application Review

Applicant: Thomas Peralto

Project Location: 301 Soundview Dr, Carteret County

Proposed Project: Marsh Sill

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Gregg Bodnar** at the address above by **October 15, 2021**. If you have any questions regarding the proposed project, contact Roy Brownlow 252-808-2808. When appropriate, in-depth comments with supporting data is requested.

REPLY: ☐ This agency has no objection to the project as proposed.
Additional comments may be attached

☒ This agency has no comment on the proposed project.

☒ This agency approves of the project only if the recommended changes are incorporated. See attached below.

☐ This agency objects to the project for reasons described in the attached comments.

PRINT NAME Maria T. Durin

AGENCY NCWRC

SIGNATURE

DATE 10-6-2021

* Include reflectors at the ends
and middle of the structure to
aid in visibility.

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OCT 6 2021

MP SECTION MHD



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA
Environmental Quality

DATE: October 22, 2021

FROM: Holley Snider #S
NCDEQ-Division Water Resources
401 Buffer Permitting Branch

SUBJECT: DWR #20211363
No Written Approval Required

PROJECT LOCATION: 301 Soundview Drive, Cedar Island, Carteret County
Peralto Properties

PROPOSED PROJECT: Construction of a Marsh Sill for Shoreline Protection.

The Division of Water Resources (DWR) has received a copy of your CAMA Major permit application request dated received by this office on September 7, 2021.

The waters of Pamlico Sound are classified as SA;HQW:NSW by the Division of Water Resources (DWR). In accordance with the attached General Certification #4175 (GC 4175), the impacts described in your application do not require written authorization to utilize GC 4175. However, you are required to follow the conditions listed in the attached certification.

You should also obtain and comply with any other federal, state and local requirements including (but not limited to erosion and sedimentation control regulations and state stormwater requirements before you proceed with your project). **Also, the approval to proceed with your proposed impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.**

This Certification can be contested as provided in Articles 3 and 4 of General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH). A petition form may be obtained from the OAH at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000 for information.

RECEIVED

OCT 25 2021

MP SECTION MHD



North Carolina Department of Environmental Quality | Division of Water Resources
Wilmington Regional Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405
910.796.7215

**DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT**

APPLICANT'S NAME: Thomas Peralto

LOCATION OF PROJECT SITE: The project is located adjacent to Pamlico Sound at 301 Soundview Drive (unpaved sand access only), Cedar Island, Carteret County.

Latitude: 35.0260659

Longitude: -76.322013

INVESTIGATION TYPE: CAMA/D&F

INVESTIGATIVE PROCEDURE: Date(s) of Site Visit – 06/28/2021

Was Applicant or Agent Present – Yes

Photos Taken – Yes

PROCESSING PROCEDURE: Application Received – cc: 08/27/2021
Office – MHC

SITE DESCRIPTION:

(A) Local Land Use Plan – Carteret County
Land Classification from LUP – Developed

(B) AEC(s) Involved: EW, PTA

(C) Water Dependent: Yes

(D) Intended Use: Residential

(E) Wastewater Treatment: Existing – Onsite
Planned – N/A

(F) Type of Development: Existing – Single family residential structure
Planned – Living Shoreline Marsh Sill Shoreline Stabilization

(G) Estimated Annual Rate of Erosion: Accelerated Erosion Area
Source – DCM

HABITAT DESCRIPTION: DREDGED

FILLED

INCORP/SHADED

(A) Shallow Bottom		1,536 ft ²	

(E) Total Area Disturbed: 1,536 ft²

(F) Primary Nursery Area: No

(G) Water Classification: SA / HQW Open: Yes

(H) Cultural Resources: None

(I) River Basin: Neuse

Project Summary: The applicant proposes to construct a living shoreline sill in Pamlico Sound, Carteret County.

Narrative Description:

This proposed project was originally a request for a CAMA General Permit 7H 2700 to construct a living shoreline sill waterward of the applicant's three residential properties in an area of accelerated erosion and immediately west of an existing bulkhead contiguous to the applicant's property. Because of an objection from the adjacent riparian owner (east of the applicant's property) regarding the public's access to the Public Trust Waters, this project was elevated to a Major Permit. This proposed project's dimensions, location, and specifications as shown and described in this application otherwise meet all the criteria for the CAMA General Permit 7H 2700 Construction of Marsh Sills.

The property is located within Pamlico Sound at 301 Soundview Drive in Cedar Island, Carteret County. The proposed project area is 2,252 (.43 mile) feet west of the Cedar Island State Ferry Terminal property. The Cedar Island National Wildlife Refuge is located 4,798 feet (.91 mile) to the west of the project site and is the westernmost adjacent riparian property owner to the Applicant. One of the properties is developed with the applicant's single family dwelling. The adjacent property to the east is developed with a single family dwelling and a bulkhead. The bulkhead on the adjacent property was constructed in February of 2021 in request to protect the imminently threatened residential structure where the NHW was within 20' and closer to the structure's foundation and its septic system because of the accelerated erosion in this area. The other adjacent properties to the west of 301 Soundview Dr. are undeveloped.

The average elevation of the high ground within the Estuarine Shoreline is 4' above the normal high water (NHW) and consists mostly of sand and woody shoreline vegetation. There is 317 feet of shoreline along Pamlico Sound on the three tracts of land involved with this proposed project. Immediate offshore water depths adjacent to the parcel range from -0' to -2' normal low water level (nlw). The tidal amplitude for this area is .72 foot relative to MLLW. The subaqueous substrate is firm sand. There is exposed relic marsh substrate that is devoid of vegetation in the sill's proposed footprint. At or near the normal high water line there is marsh substrate that has been recently exposed from the erosion which has exposed remnant marsh rhizome and roots. Field observations revealed predominantly *Spartina patens* (Salt Meadow Grass) evident in the higher exposed marsh substrate areas. There is a 400 square foot fringe of coastal wetland marsh consisting mostly of *Spartina alterniflora* (Smooth Cordgrass) waterward of the proposed project footprint and other random areas with only sparse (<4 shoots within a square meter) of *Spartina alterniflora* located in various areas of the exposed substrate. There is an evident erosion scarp and scour cuts in the relic marsh substrate.

The Pamlico Sound is approximately 25 miles across east to west at this location and the property is subject to the expanse 67 mile open fetch of Pamlico Sound running north to south. These coastal waters are not classified as a Primary Nursery Area and submerged aquatic vegetation habitat is not present within the project area. This area is open to shellfish harvest and is classified as SA/HQW. There is not a defined Federal Channel in the project area. This project area is within the Neuse River Basin. This area is subject to estuarine wave action, dynamic shoreline changes and sand movement, including but not limited to accelerated erosion.

Field Investigation Report:

Thomas Peralto, 301 Soundview Dr, Cedar Island, Carteret Co.

Page 3

Proposed Development:

The applicant proposes to construct a marsh sill in four segments totaling 384 linear feet within Pamlico Sound, in Cedar Island, Carteret County. The proposed development would take place at starting at 301 Soundview Drive and extend west for a total combined length of 384 linear feet. The proposed sill would occur contiguous to applicant's properties. The applicant intends to populate the area landward of the proposed sills with marsh plantings which would naturalize over time with native coastal wetland species and aid in shoreline stabilization. *LB*

The applicant would construct the sill from pre-cast masonry concrete block units. Each masonry concrete block weighs 50 pounds and is rectangular shaped (10" wide x 17" long x 4" thick). The sill would be constructed by placing each block in a staggered bond with the first course consisting of 4 blocks in width, the second course consisting of three blocks, the third course consisting of two blocks, and the final top course consisting of one block.

The first sill segment would begin at the waterward end of the applicant's neighbor's existing bulkhead on the applicant's east property line. The sill would then proceed 63' to the west and extend to a maximum of 25' from the normal high water line (NHW) as delineated by DCM staff on 06/28/2021. The other two sill segments would be 100 linear feet each and follow the shoreline NHW line at a maximum distance of 25' waterward of the NHW. The final western sill segment would terminate at the western property line of the three properties at 25' waterward of NHW. There would be a 5' wide opening between the sill segments and the ends of each sill segment would overlap or be staggered and a 5' separation between segments would be maintained. Each sill would be 48" inches wide at the base and would be 16" in height or less. Each sill would not exceed 12" inches above the NHW.

Anticipated Impacts:

The proposal will not pose a hazard to navigation. The proposed sills would extend a maximum of 25' waterward into Pamlico Sound. The proposed sills would fill 1,536 square feet of shallow bottom habitat.

Minimal temporary turbidity impacts are anticipated during construction. Each sill would be manually constructed with no mechanized equipment waterward of the NHW line. There is no earthen fill proposed in conjunction with these sills. The applicant proposes to populate the area landward of the sills up to the NHW with sprigs of *Spartina alterniflora* once the area is stabilized.

This proposed project's dimensions, location, and specifications as shown and described in this application otherwise meet all the criteria for the CAMA General Permit 7H 2700 Construction of Marsh Sills. Because of an objection from the adjacent riparian owner (east of the applicant's property) regarding the public's access to the Public Trust Waters, this project was elevated to a Major Permit.

Project Narrative:

In order to protect my home, well, driveway, septic systems I am proposing building a Marsh Sill across 3 parcels that I own;

The first parcel has 48 feet of shoreline and is 0.68 acres, the second parcel which is where my home is located has 128 feet of shoreline and is 11.8 acres, and the final parcel is adjacent to my home 12 acres.

The Marsh sill is to be located 25 feet waterward from the Normal High Water line, it will average 10-16 inches high and will not exceed 12 inches above NHW, in fact average height will be 6 inches above normal high water.

I plan to build it with cured concrete blocks stacked at a 1.5 to 1 slope on either side, the project is composed of 4 sections none exceed 100 feet in length and total project sill length will be 384 feet. 345 LF (S)

I plan to hand build the sill wall and used machinery only to transport concrete material to my driveway. 9/28/21
I will hand carry the concrete to its final location to minimize impact on shoreline.

- The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief.

- The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

AUG. 27/2021

Date

THOMAS PERAUD

Applicant Name

[Signature]

Applicant Signature

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AUG 30 2021

DCM-MHD CITY

7. GENERAL

a. Proximity of structure(s) to adjacent riparian property lines

0 Feet

b. Proximity of structure(s) to adjacent docking facilities.

3200 feet

Note: For buoy or mooring piling, use arc of swing including length of vessel.

c. Width of water body

3 miles

d. Water depth at waterward end of structure at NLW or NWL

8-10 inches

e. (i) Will navigational aids be required as a result of the project?

☐ Yes ☒ No ☐ NA

(ii) If yes, explain what type and how they will be implemented.

8. OTHER

LB 9/28/21

☐ This section not applicable

a. Give complete description:

MARSH SILL to BE CONSTRUCTED 25 feet
From NHW line composed of 4 sections
totaling ~~384~~ 345 feet not to exceed 12 inches
above NHW. Actually designed to be no
more than 6 inches above NHW.
CONCRETE BLOCKS at a slope of 1.5 to 1

Date

AUG. 27 / 2021

Project Name

THOMAS PERAZO

Applicant Name

[Signature]

Applicant Signature

RECEIVED

AUG 30 2021

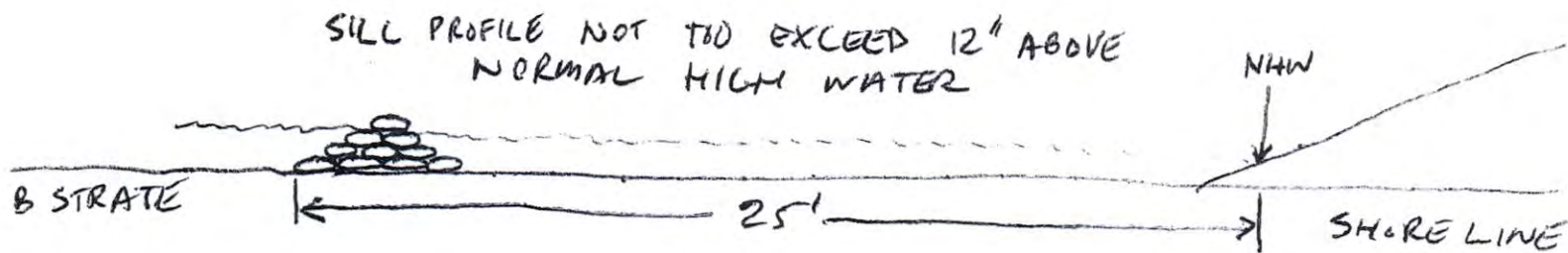
DCM-MHD CITY

MARSH SILL PROFILE

RECEIVED

AUG 30 2021

DCM-MHD CITY



Melanie Arthur 4P
CARTERET COUNTY
MA Date 07/01/2004 Time 16:31:00
BR 1063135 Page 1 of 4

CARTERET COUNTY
17483

07/01/2004
\$1,900.00



Real Estate
Excise Tax

NORTH CAROLINA, CARTERET COUNTY
The foregoing certificate(s) of Notary Public(s) is/are
certified to be correct. This instrument and this certifi-
cate are duly registered at this date and time and in
the Book and Page shown on the last page hereof.

Melanie Arthur, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 1900.00 Tax# 840703223321 #840703036547 #840703112762

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

By: _____

Mail/Box to: Mason & Mason, P.A. P.O. Drawer 99, Morehead City, NC 28557

This instrument was prepared by: Edith W. Mason, Attorney at Law

Brief description for the Index: Acres-Cedar Island

THIS DEED made this 25th day of June, 2006, by and between

GRANTOR

AMANDA B. JOHNSON and husband, OGDEN H.
JOHNSON

GRANTEE

THOMAS PERALTO (unmarried)

23 Saint James Terrace
Newton, MA 02458

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 City of _____, Township, Carteret County,

North Carolina and more particularly described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY
REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____

A map showing the above described property is recorded in Plat Book _____ page _____

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association (1994)

BOOK 1063 PAGE 135 James Williams & Co., Inc.
www.JamesWilliams.com

RECEIVED

AUG 27 2001

DCM-MHD CITY

AUG 27 2021

EXHIBIT "A"

TRACT ONE: BEING all of that property described in Map Book 29 at page 454, Carteret County Registry, the same being a survey entitled: "PHYSICAL SURVEY FOR MANDY JOHNSON", prepared by Powell Surveying Company, P.A. dated November 13, 1997, (amended December 19, 1997), reference to said recorded map being hereby made for a more particular description. Together with all riparian and littoral rights appurtenant to the property.

This property is conveyed together with and subject to a perpetual non-exclusive easement for ingress, egress, regress, and for utility and drainage installation over that certain 60' right-of-way easement from N.C. Highway #12 to the subject property as shown and described on the above-referenced Map.

THERE IS EXCEPTED FROM THIS CONVEYANCE THE FOLLOWING PROPERTY: BEGINNING at a point located the following courses and distances from USC&GS vertical control monument D-239, 1947 (as shown in Map Book 29, Page 454): N 37-55-02 E 51.20' to a point, a set iron pipe; thence N 34-43-44 E 250.31' to a point, a set iron pipe; thence N 45-48-00 W 250' to a point, a set iron pipe; thence N 41-25-30 E 998.30' to a point, an existing iron rod; thence N 60-24-42 W 1139.70' to a point, a set iron pipe, the POINT OF BEGINNING; thence N 52-26-50 W 355.39' to a point, a set iron pipe; thence N 40-28-40 E 218.75' to a point, a set iron pipe in the ordinary highwater mark of Pamlico Sound; thence with the said ordinary highwater mark, S 58-12-21 E 48.78' to a point; thence leaving the ordinary highwater mark, S 48-56-27 E 267.22' to a point, a set iron pipe; thence S 29-35-10 W 209.03' to a point, the POINT OF BEGINNING. Together with and subject to a perpetual non-exclusive easement for ingress, egress, regress and for utility and drainage installation over that certain 60' right-of-way easement from NC Highway #12 to the subject property as shown and described in Map Book 29 at Page 454, Carteret Registry.

TRACT TWO:

BEING all of that property described in Map Book 29 at page 807, Carteret County Registry, the same being a survey entitled: "AMANDA JOHNSON PROPERTY" prepared by Stroud Engineering, P.A. recorded August 31, 2000, reference to said recorded map being hereby made for a more particular description. Together with all riparian and littoral rights appurtenant to the property. See Notice recorded in Book 893, Page 613 Carteret Registry.

Grantor conveys TRACT TWO to the Grantee without warranties.

BOOK 1063 PAGE 135 *Mandi B. Johnson*
Ngela H. Johnson

RECEIVED

AUG 27 2021

EXHIBIT "A" (page 2)

TRACT THREE:

In Cedar Island Township: BEGINNING at a point in the north line of a 60 foot easement dedicated by Dollie G. Goodwin, widow, et al, by an instrument recorded September 15, 1972, in Book 341, page 401, it being the southeast corner of the lot conveyed by Dollie G. Goodwin, et al, to Donald L. Hansen by deed recorded in Book 343, page 457; runs thence South 59-00 East, along the north line of said easement, 50 feet to a point; thence North 39-59 East, approximately 214 feet to the waters of Pamlico Sound; thence in a westerly direction, along the waters of Pamlico Sound, approximately 50 feet to a point, the northeast corner of the said Hansen lot; and thence South 39-59 West, along the east line of said Hansen lot, approximately 212 feet to the north line of said 60 foot easement, the point of BEGINNING. Being all of that property conveyed by Deed Book 354 at Page 387, Carteret Registry.

It is the purpose and intent of this deed to convey 50 feet on the north line of said 60 foot easement along parallel lines to Pamlico Sound in accordance with the courses herein.

TRACT FOUR:

In Cedar Township: BEGINNING at a point in the north line of a 60 foot right-of-way, said point being from the intersection of the center line of State Secondary Road #1387 with the ferry dock on Pamlico Sound, 967.5 feet along the center line of SR #1387; runs thence North 46-15 East, to and along the North Line of the right-of-way by Clayton Fulcher, Jr., et al, to North Carolina State Highway Commission, recorded June 8, 1971, in Book 327, page 287, Office of the Register of Deeds of Carteret County, 348.38 feet to a point, the northeast corner of the said North Carolina State Highway Commission right-of-way; runs thence the following courses and distances: North 39-23 East, 324.6 feet to a point; thence North 61-00 West, 1078.4 feet to a point; thence North 53-00 West, 475.85 feet to a point; thence North 50-00 West, 200 feet to a point; and thence North 59-24 West, 1112.92 feet to a point.

From this BEGINNING POINT runs North 51-02 West, along the north line of said 60 foot right-of-way, 75 feet to a point; thence North 39-59 East, 200 feet to a point on Pamlico Sound; thence along the waters of Pamlico Sound to a point which in a straight line is South 51-02, 75 feet; and thence South 39-59 West, 200 feet to the said right-of-way, the POINT OF BEGINNING.

The above described lot is a part of North Carolina State Grant #19350, issued to Dennis and Dallas Goodwin, recorded May 14, 1952, in Book 142, page 7, Office of the Register of Deeds of Carteret County. For right-of-way see dedication by Dollie G. Goodwin, widow, and Dallas L. Goodwin and wife, Lola K. Goodwin, recorded September 15, 1972, Office of the Register of Deeds of Carteret County. Being all of that property conveyed by Deed Book 343 at Page 457 and Exhibit "B" of Deed Book 861 at Page 305, Carteret Registry.

CONVEYED TOGETHER WITH ALL RIPARIAN AND LITTORAL RIGHTS APPURTENANT THERETO.

1063 135
Mandi B. Johnson
Cyda H. Johnson

RECEIVED

AUG 27 2021

DCM-MHD CITY

7014 0510 0002 2254 0616

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 55
Certified Fee	3.60
Return Receipt Fee (Endorsement Required)	2.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.00
Sent To <u>George Brown</u>	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, August 2006 See Reverse for Instructions	



CEDAR ISLAND P.O.
3553 CEDAR ISLAND RD
CEDAR ISLAND, NC 28520
USPS 3613080622
1-800-275-8777
28520003

Term ID: 003
Clerk ID: 000001

SALE

7014 0510 0002 2254 0623

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 55
Certified Fee	3.60
Return Receipt Fee (Endorsement Required)	2.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.00
Sent To <u>Kendall Smith</u>	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, August 2006 See Reverse for Instructions	



*****7771

VISA

Chip

TOTAL: \$14.28

08/02/21 08:57:07
Inv #: 000001 Appr Code: 125082
Receipt #: 00000039

All Sales Final on Stamps and Postage.
Refunds for Guaranteed Services Only.

US DEBIT

AID: A0000000980840
AC: 41 48 07 10 65 3D F8 B9
CVR: 1F 00 02
IAD: 06011203A08000
TVR: 80 80 08 80 00
TS: 68 00

CUSTOMER COPY

Order Stamps at USPS.com/shop or call
1-800-Stamps24. Go to
USPS.com/clickship to print shipping
labels with postage. For other info call
1-800-ASK-USPS.

RECEIVED

AUG 16 2021

DCM-MHD CITY

Tracking Number: 70140510000222540623

F

Status

Your item was delivered to an individual at the address at 11:04 am on August 4, 2021 in SWANQUARTER, NC 27885.

✓ **Delivered, Left with Individual**

August 4, 2021 at 11:04 am
SWANQUARTER, NC 27885

Get Updates ▼

		Delivered
Text & Email Updates		▼
Tracking History		▼
Product Information		▼

See Less ^

Tracking Number: 70140510000222540616

Status

Your item was picked up at the post office at 12:46 pm on August 5, 2021 in MARSHALLBERG, NC 28553.

✓ **Delivered, Individual Picked Up at Post Office**

August 5, 2021 at 12:46 pm
MARSHALLBERG, NC 28553

Get Updates ▼

		Delivered
Text & Email Updates		▼
Tracking History		▼
Product Information		▼

RECEIVED

AUG 16 2021

DCM-MHD CITY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

Name of Property Owner: THOMAS PERALTO
Address of Property: 301 SOUNDVIEW DRIVE, CEDAR ISLAND, CARTERET
(Lot or Street #, Street or Road, City & County)
Agent's Name #: _____ Mailing Address: PO BOX 571
Agent's phone #: _____ CEDAR ISLAND, NC, 28520

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me as shown on the attached drawing the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

_____ I have no objections to this proposal. _____ I have objections to this proposal.

If you have objections to what is being proposed, you must notify the Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Contact information for DCM offices is available at <http://www.nccoastalmanagement.net/web/cm/staff-listing> or by calling 1-888-4RCOAST. No response is considered the same as no objection if you have been notified by Certified Mail.

WAIVER SECTION

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, or lift must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

_____ I do wish to waive the 15' setback requirement.

_____ I do not wish to waive the 15' setback requirement.

(Property Owner Information)

THOMAS PERALTO
Signature

THOMAS PERALTO
Print or Type Name

PO BOX 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029
Telephone Number / Email Address

08/01/2021
Date

(Riparian Property Owner Information)

Signature

MATTAMUSKEET NWR. Attn: Kendall Smith
Print or Type Name

65 MATTAMUSKEET RD
Mailing Address

SWAN QUARTER, NC, 27885
City/State/Zip

(252) 926-4021
Telephone Number / Email Address

Date

RECEIVED

AUG 16 2021

DCM-MHD CITY

SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION MARSH SILLS

15A NCAC 07H .2701 PURPOSE

A general permit under this Section shall allow for the construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



- Existing Bulkhead
- Proposed living shoreline marsh sill 25 feet beyond NHW

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(Property Owner Information)


Signature

THOMAS PERALTO
Print or Type Name

PO BOX 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029
Telephone Number / Email Address

09/01/2021
Date

(Riparian Property Owner Information)

Signature

GEORGE BROWN
Print or Type Name

137 MCBRY ROAD
Mailing Address

MARSHALL BERG, NC, 28553
City/State/Zip

252-342-5411
Telephone Number / Email Address

Date

RECEIVED

-- AUG 16 2021

DCM-MHD CITY

SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION MARSH SILLS

15A NCAC 07H .2701 PURPOSE

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- Proposed living shoreline marsh sill 25 feet beyond NHW

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ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

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(Property Owner Information)


Signature

THOMAS PERALTO
Print or Type Name

PO Box 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029 / tom.peralto@yahoo.com
Telephone Number / Email Address

AUG - 2 / 2021
Date

(Riparian Property Owner Information)

Signature

GEORGE BROWN
Print or Type Name

137 MACBRY ROAD
Mailing Address

MARSHALL BERT, NC, 28553
City/State/Zip

Telephone Number / Email Address

Date

RECEIVED

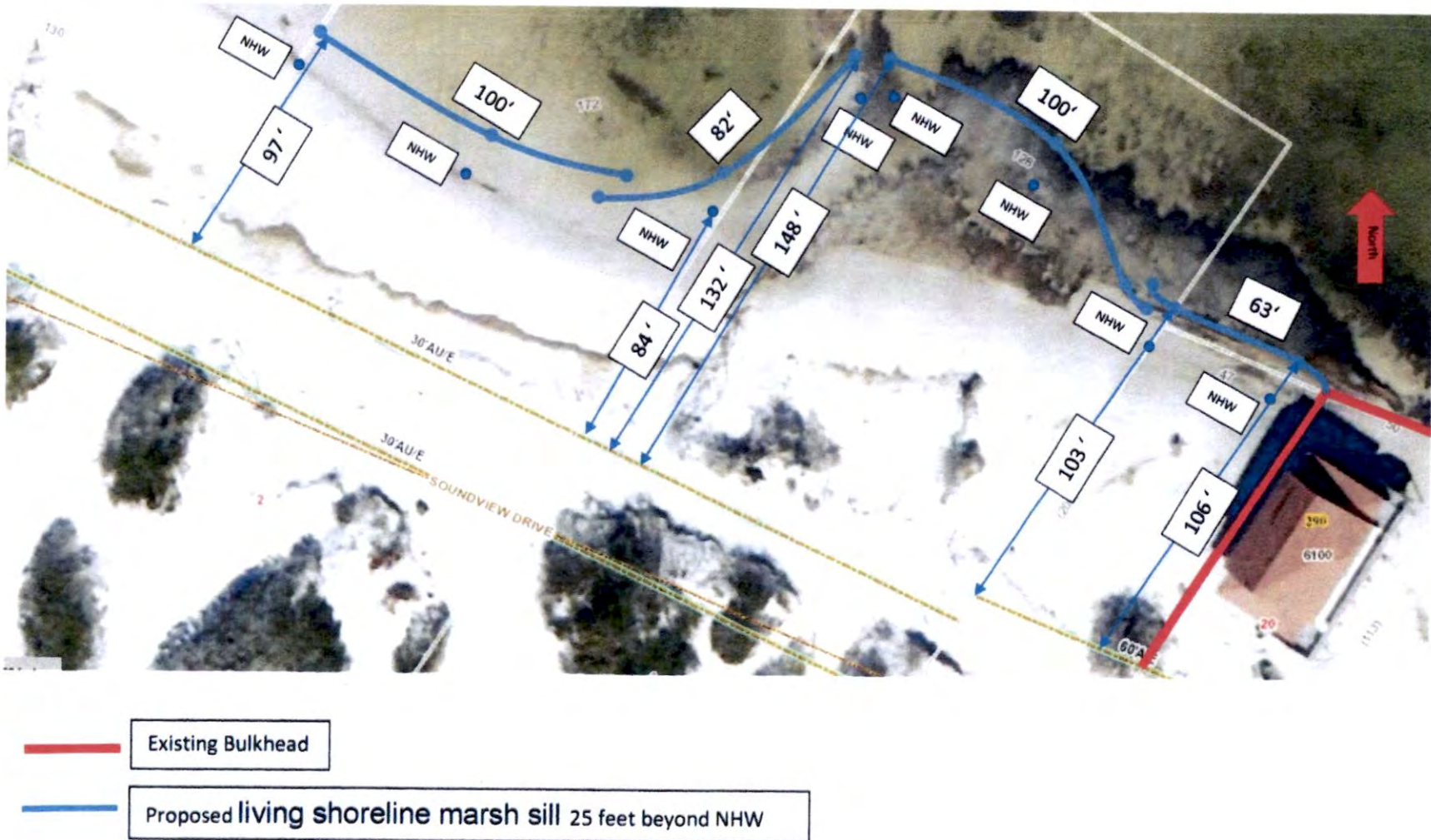
AUG 27 2021

DCM-MHD CITY

CONSTRUCTION MARSH SILLS

PURPOSE

Construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



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(Property Owner Information)

THOMAS PERALTO
Signature

THOMAS PERALTO
Print or Type Name

PO BOX 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029 / tom.peralto@yahoo.com
Telephone Number / Email Address

AUG. 2 / 2021
Date

(Riparian Property Owner Information)

Signature

MATTAMUSKEET NWR AHN: KENDALL SMITH
Print or Type Name

85 MATTAMUSKEET ROAD
Mailing Address

SWAMP QUARTER, NC, 27885
City/State/Zip

252-926-4021 x 43901
Telephone Number / Email Address

Date

RECEIVED

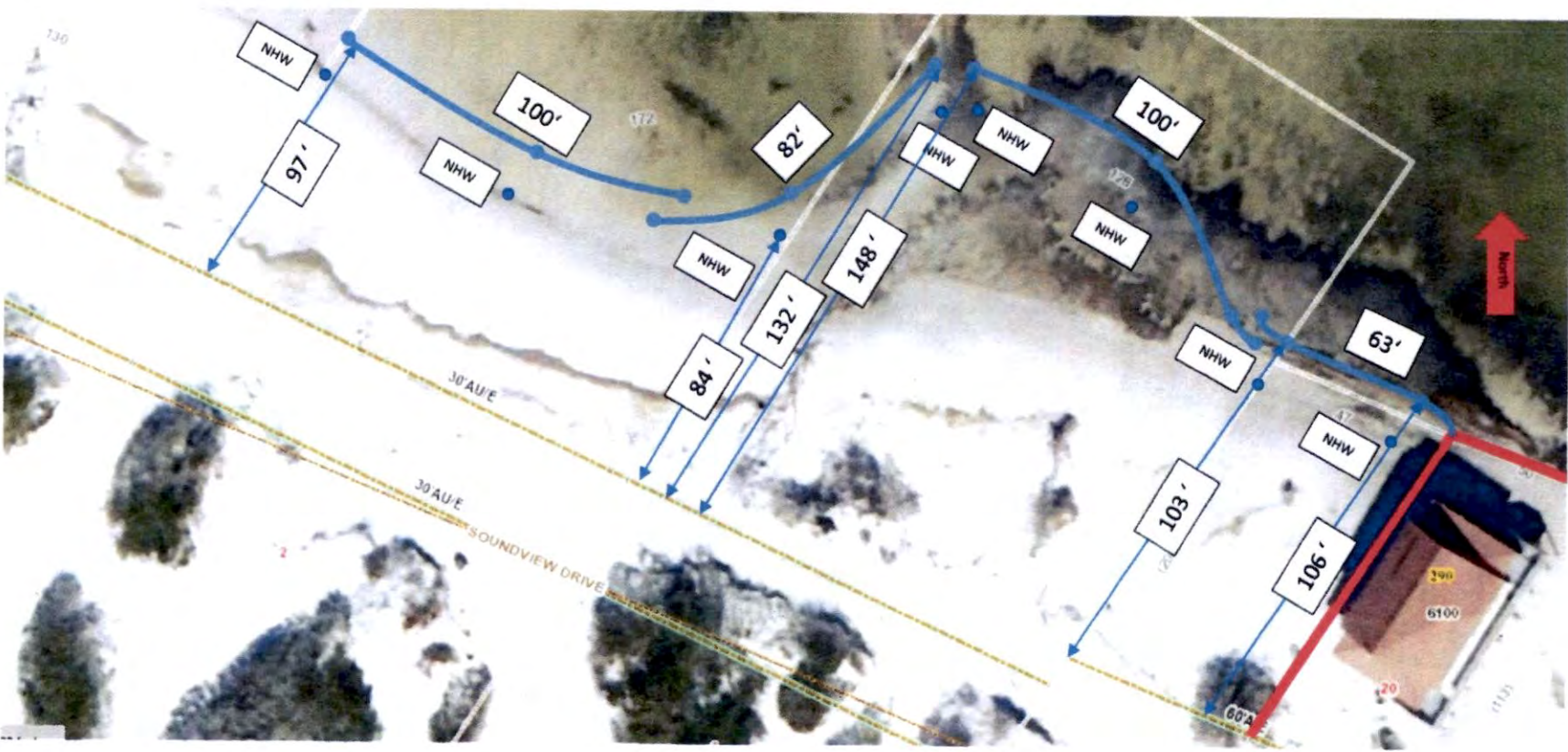
... AUG 27 2021

DCM-MHD CITY

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- Existing Bulkhead
- Proposed living shoreline marsh sill 25 feet beyond NHW

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



September 09, 2021

Mr. Thomas Peralto
P.O. Box 571
301 Soundview Dr
Cedar Island, NC 28520

Dear Mr. Peralto:

The NC Division of Coastal Management hereby acknowledges receipt of your application for State approval for development of your project at 301 Soundview Drive in Cedar Island, Carteret County. The application was received as complete on 08/30/2021 and appears to be adequate for processing at this time. The projected deadline for making an expedited decision is October 29, 2021; however, an additional 75-day review period is provided by law when such time is necessary to complete the review. If you have not been notified of a final action by the initial deadline stated above, you should consider the review period extended. Under those circumstances, this letter will serve as your notice of an extended review. However, an additional letter will be provided on or about October 29, 2021 if necessary.

If this agency does not render an expedited permit decision within 45 days from 9/9/2021, you may request a meeting with the Director of the Division of Coastal Management and permit staff to discuss the status of your project. Such a meeting will be held within five working days from the receipt of your written request and shall include the property owner, developer, and project designer/consultant.

NCGS 113A-119(b) requires that Notice of an application be posted at the location of the proposed development. Enclosed you will find a "Notice of Permit Filing" postcard which must be posted at the property of your proposed development. You should post this notice at a conspicuous point along your property where it can be observed from a public road. Some examples would be: Nailing the notice card to a telephone pole or tree along the road right-of-way fronting your property, or at a point along the road right-of-way where a private road would lead one into your property. Failure to post this notice could result in an incomplete application.

An onsite inspection will be made, and if additional information is required, you will be contacted by the appropriate State or Federal agency. Please contact me if you have any questions and notify me in writing if you wish to receive a copy of my field report and/or comments from reviewing agencies.

Sincerely,

Roy Brownlow
District Manager, DCM



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

Carteret News Times
PO Box 1679
Morehead City, NC 28557

September 10, 2021

Re: Public Notice – Thomas Peralto Major Permit Application

To Whom It May Concern:

Please publish the attached Notice in the 9/15/2021 issue of the Carteret News Times.

The State Office of Budget and Management requires an original Affidavit of Publication prior to payment for newspaper advertising. **Please send the affidavit, an original copy of the published notice, and an original invoice to Jessica Gibson, NC Division of Coastal Management, 400 Commerce Avenue, Morehead City, North Carolina 28557, Telephone (252) 808-2808.**

Thank you for your assistance in this matter. If you should have any questions, please contact me at our Morehead City office.

Sincerely,

AMANDA CANNON
Coastal Management



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

**NOTICE OF FILING OF
APPLICATION FOR CAMA MAJOR
DEVELOPMENT PERMIT**

The Department of Environment and Natural Resources hereby gives public notice as required by NCGS 113A-119(b) that application for a development permit in an Area of Environmental Concern as designated under the CAMA was received as complete on 08/30/2021. According to said application, Mr. Thomas Peralto proposes to construct a marsh sill living shoreline for wetland enhancement and shoreline protection at 301 Soundview Drive in Cedar Island, Carteret County, NC. A copy of the entire application may be examined or copied at the office of the NC Division of Coastal Management, located at 400 Commerce Avenue, Morehead City, NC, (252) 808-2808 during normal business hours.

Comments mailed to Braxton Davis, Director, Division of Coastal Management, 400 Commerce Avenue, Morehead City, N.C. 28557, prior to 10/15/2021, will be considered in making the permit decision. Later comments will be accepted and considered up to the time of permit decision. Project modification may occur based on review and comment by the public and state and federal agencies. Notice of the permit decision in this matter will be provided upon written request.

PUBLISH ON: 9/15/2021



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

NOTICE

CAMA PERMIT APPLIED FOR

**PROJECT: PROPOSED MARSH SILL LIVING
SHORELINE FOR WETLAND ENHANCEMENT AND
SHORELINE PROTECTION.**

COMMENTS ACCEPTED THROUGH 10/15/2021

APPLICANT:

**Thomas Peralto
301 Soundview Dr
Cedar Island, NC 28520
617.620.8029**



FOR MORE DETAILS CONTACT
THE LOCAL PERMIT OFFICER BELOW:

**NC Division of Coastal
Management
400 Commerce Avenue
Morehead City, NC 28557
(252)808-2808**

NC Division of Coastal Management
Major Permit Application Computer Sheet
(11/01/2012)

Applicant: Thomas Peralto		Date: 09/09/2021
Project Site County Carteret		
Staff: RDB	District: <input type="checkbox"/> Elizabeth City <input type="checkbox"/> Washington <input checked="" type="checkbox"/> Morehead City <input type="checkbox"/> Wilmington	
Project Name: Oaks		
Date of initial application submittal (EX: 1/8/2007): 08/16/2021		

Date application "received as complete" in the Field office: 08/30/2021 Accepted Complete: 09/09/2021
Permit Authorization: <input type="checkbox"/> CAMA <input type="checkbox"/> Dredge & Fill <input checked="" type="checkbox"/> Both

SITE DESCRIPTION/PERMIT INFORMATION

PNA: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Photos Taken: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Setback Required (riparian): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Critical Habitat: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Sure	15 foot waiver obtained: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Hazard Notification Returned: <input type="checkbox"/> Yes <input type="checkbox"/> No
SAV: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Sure	Shell Bottom: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Sure	Temporary Impacts: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sandbags: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Sure	Did the land use classification come from county LUP: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Mitigation Required (optional): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Moratorium Conditions: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	Environmental Assessment Done: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

SECONDARY WATER CLASSIFICATION – OPTIONAL (choose MAX of 4)

<input type="checkbox"/> Future Water Supply (FWS)	<input type="checkbox"/> Nutrient Sensitive Waters (NSW)	<input type="checkbox"/> Swamp Waters (SW)
<input checked="" type="checkbox"/> High Quality Waters (HQW)	<input type="checkbox"/> Outstanding Resource Waters (ORW)	

WETLANDS IMPACTED

<input type="checkbox"/> (404) Corp. of Engineers (Jurisdictional wetlands)	<input type="checkbox"/> (LS) Sea lavender (Limonium sp.)	<input type="checkbox"/> (SS) Glasswort (Salicornia sp.)
<input type="checkbox"/> (CJ) Saw grass (Cladium jamaicense)	<input type="checkbox"/> (SA) Salt marsh cordgrass (Spartina alterniflora)	<input type="checkbox"/> (SY) Salt reed grass (Spartina cynosuroides)
<input type="checkbox"/> (DS) Salt or spike grass (Distichlis spicata)	<input type="checkbox"/> (SC) Bullrush or three square (Scirpus sp.)	<input type="checkbox"/> (TY) Cattail (Typha sp.)
<input type="checkbox"/> (JR) Black needlerush (Juncus roemerianus)	<input type="checkbox"/> (SP) Salt/meadow grass (Spartina patens)	

APPLICATION FEE

<input type="checkbox"/> No fee required - \$0.00	<input checked="" type="checkbox"/> III(A) Private w/ D&F up to 1 acre; 3490 can be applied - \$250	<input type="checkbox"/> III(D) Priv. public or comm w/ D&F to 1 acre; 3490 can't be applied - \$400
<input type="checkbox"/> Minor Modification to a CAMA Major permit - \$100	<input type="checkbox"/> Major Modification to a CAMA Major permit - \$250	<input type="checkbox"/> IV Any development involving D&F of more than 1 acre - \$475
<input type="checkbox"/> Permit Transfer - \$100	<input type="checkbox"/> III(B) Public or commercial w/ D&F to 1 acre; 3490 can be applied - \$400	<input type="checkbox"/> Express Permit - \$2000
<input type="checkbox"/> Major development extension request - \$100	<input type="checkbox"/> II. Public or commercial/no dredge and/or fill - \$400	
<input type="checkbox"/> I. Private no dredge and/or fill - \$250	<input type="checkbox"/> III(C) Priv. public or comm w /D&F to 1 acre; 3490 can be applied; DCM needs DWQ agreement - \$400	

Activity Name	Number	TYPE Choose One	REPLACE Choose One	Dimension 1	Dimension 2	Dimension 3	Dimension 4
Marsh sill	1	New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N	4'	384'		
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input checked="" type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input checked="" type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input checked="" type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				
		New Work <input type="checkbox"/> Maint <input type="checkbox"/>	Replace <input type="checkbox"/> Y <input type="checkbox"/> N				

Applicant: Peralto, Thomas

Date: 09/09/2021

Describe below the HABITAT disturbances for the application. All values should match the name, and units of measurement found in your Habitat code sheet.

Habitat Name	DISTURB TYPE Choose One	TOTAL Sq. Ft. (Applied for. Disturbance total includes any anticipated restoration or temp impacts)	FINAL Sq. Ft. (Anticipated final disturbance. Excludes any restoration and/or temp impact amount)	TOTAL Feet (Applied for. Disturbance total includes any anticipated restoration or temp impacts)	FINAL Feet (Anticipated final disturbance. Excludes any restoration and/or temp impact amount)
Shallow Bottom	Dredge <input type="checkbox"/> Fill <input type="checkbox"/> Both <input type="checkbox"/> Other <input checked="" type="checkbox"/>	1536	1536		
	Dredge <input type="checkbox"/> Fill <input type="checkbox"/> Both <input type="checkbox"/> Other <input type="checkbox"/>				
	Dredge <input type="checkbox"/> Fill <input type="checkbox"/> Both <input type="checkbox"/> Other <input type="checkbox"/>				
	Dredge <input type="checkbox"/> Fill <input type="checkbox"/> Both <input type="checkbox"/> Other <input type="checkbox"/>				
	Dredge <input type="checkbox"/> Fill <input type="checkbox"/> Both <input type="checkbox"/> Other <input type="checkbox"/>				
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ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

FILE

October 28, 2021

Jeff and Mary Pippin
210 Soundview Dr.
Cedar Island, NC 28520

Dear Mr. and Mrs. Pippin,

This letter is intended to notify you of the issuance of CAMA Major Permit No. 144-21 for proposed development by Thomas Peralto, at 301 Soundview Dr., in Cedar Island, Carteret County. The authorized project consists of a 345 linear foot living shoreline. The proposed project has been determined to comply with the Rules of the Coastal Resources Commission and as such, a permit has been issued to authorize the development. I have enclosed a copy of the permit for reference.

If you wish to contest our decision to issue this permit, you may file a request for a Third-Party Appeal pursuant to N.C.G.S. 113A-121.1(b). The Chair of the Coastal Resources Commission will consider the case and determine whether to grant your request to file a Contested Case Hearing in the Office of Administrative Hearings. The hearing request must be filed with the Director, Division of Coastal Management, in writing and must be received within twenty (20) days of the disputed permit decision. More information about this process as well as the forms are available on DCM's website, here: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>

If you would like to discuss the specifics of the process, please feel free to contact DCM legal counsel DEQ Asst. General Counsel Christine Goebel by email at Christine.goebel@ncdenr.gov

Sincerely,

Gregg Bodnar
Assistant Major Permits Coordinator

CC: DCM MHD City Files
DEQ Asst. GC Christine Goebel, via email



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

September 30, 2021

CAMA
Braxton Davis
Director, Div. of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

Dear Mr. Davis:

My wife and I are currently property owners at Cedar Island beach. My father had our house at 210 Soundview Drive built in 1957. I have walked and run on this beach, which is a "designated nature trail", since I was 5 years old.

I wish to retain the right as a citizen to be able to continue to walk without getting shot for trespassing on a public beach. As a tax payer, we have the right to walk most waterways with a few exceptions.

Your consideration to keeping this beach as it has been – a right for all to walk our beaches will be appreciated.

Sincerely,



Jeff and Mary Pippin
210 Soundview Drive
Cedar Island, NC 28520
919-362-4941

Obj.

~~Jeff~~ Pippin

Williamson

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ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

FILE

October 14, 2021

Jeff and Mary Pippin
210 Soundview Dr.
Cedar Island, NC 28520

Dear Mr. and Mrs. Pippin:

Thank you for your letter dated 9/30/21 concerning the Coastal Area Management Act (CAMA) Major Permit application submitted by Mr. Thomas Peralto, in which permission was requested to install a living shoreline located in Cedar Island, North Carolina. As you may be aware, the Division of Coastal Management is coordinating a multi-agency state and federal review of the proposal. I can assure your comments will be examined and taken into consideration prior to the Division taking final action on this permit application, and you will be informed of this final action.

The Division appreciates you submitting comments on this application. Your comments will be added to the official permit application file for this project. Please feel free to contact me by phone (252-808-2808 extension 215), or email (Gregg.Bodnar@ncdenr.gov) if you should have any additional concerns relating to this project.

Sincerely,

Gregg Bodnar
Assistant Major Permits Coordinator



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



FILE

October 28, 2021

Frank Williamson
264 Soundview Dr.
Cedar Island, NC 28520

Dear Mr. Williamson,

This letter is intended to notify you of the issuance of CAMA Major Permit No. 144-21 for proposed development by Thomas Peralto, at 301 Soundview Dr., in Cedar Island, Carteret County. The authorized project consists of a 345 linear foot living shoreline. The proposed project has been determined to comply with the Rules of the Coastal Resources Commission and as such, a permit has been issued to authorize the development. I have enclosed a copy of the permit for reference.

If you wish to contest our decision to issue this permit, you may file a request for a Third-Party Appeal pursuant to N.C.G.S. 113A-121.1(b). The Chair of the Coastal Resources Commission will consider the case and determine whether to grant your request to file a Contested Case Hearing in the Office of Administrative Hearings. The hearing request must be filed with the Director, Division of Coastal Management, in writing and must be received within twenty (20) days of the disputed permit decision. More information about this process as well as the forms are available on DCM's website, here: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>

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Sincerely,

Gregg Bodnar
Assistant Major Permits Coordinator

CC: DCM MHD City Files
DEQ Asst. GC Christine Goebel, via email



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

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To whom it may concern,

My name is Frank Williamson and I am writing to protest and inform of Mr.Peralto's interest in obtaining a bulkhead permit for Cedar Island beach.

Mr.Peralto has harassed me,my family and many other locals too many times to count. My father built our home on the Cedar Island beachfront in 1975. My wife and I have raised our children locally,using the beach house regularly and often. The children haven't stayed for almost 5 years because of Mr.Peralto's harassment. They appreciate and respect the beach. We have taught them to maintain and keep the beaches clean so the water and beach are healthy. We haven't been able to be in or allow our children to stay in our home because of Mr.Peralto. He has brought trespassing charges for walking the beach against me twice. One case dismissed,the other not guilty. After the recent court loss,he immediately filed theft charges against me.

I believe if given this permit,Mr.Peralto will use the bulkhead as an excuse to harass not just me,but anyone that he sees on the beach. People other than Mr.Peralto live,visit and work on Cedar Island and use the beach.

Thank you,
Frank Williamson



252-732-5904

Hand delivered to Angela Willis
in the office 10/14/21.

GB

Address via
Carters Co. GIS

264 Soundview Dr.
Cedar Is, NC 28520

Braxton
400 Commerce Dr

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

FILE

October 28, 2021

George Brown
137 McBry Rd.
Marshallberg, NC 28553

Dear Mr. Brown,

This letter is intended to notify you of the issuance of CAMA Major Permit No. 144-21 for proposed development by Thomas Peralto, at 301 Soundview Dr., in Cedar Island, Carteret County. The authorized project consists of a 345 linear foot living shoreline. The proposed project has been determined to comply with the Rules of the Coastal Resources Commission and as such, a permit has been issued to authorize the development. I have enclosed a copy of the permit for reference.

If you wish to contest our decision to issue this permit, you may file a request for a Third-Party Appeal pursuant to N.C.G.S. 113A-121.1(b). The Chair of the Coastal Resources Commission will consider the case and determine whether to grant your request to file a Contested Case Hearing in the Office of Administrative Hearings. The hearing request must be filed with the Director, Division of Coastal Management, in writing and must be received within twenty (20) days of the disputed permit decision. More information about this process as well as the forms are available on DCM's website, here: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>

If you would like to discuss the specifics of the process, please feel free to contact DCM legal counsel DEQ Asst. General Counsel Christine Goebel by email at Christine.goebel@ncdenr.gov

Sincerely,

Gregg Bodnar
Assistant Major Permits Coordinator

CC: DCM MHD City Files
DEQ Asst. GC Christine Goebel, via email



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

LIFE

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DCM-MHD CITY

Objection
Brown

 **J.S. Mitchell INC.**
John Mitchell
President
P.O. Box 362
Wrightsville Beach, NC 28480
jsmitchell360@gmail.com
910.471.1728



J.S.Mitchell INC.

Over 30 years of successful planning and consulting

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AUG 12 2021

DCM-MHD CITY

Mr. Roy Brownlow
Compliance Corrdinator
400 Commerce Ave.
Morehead City, NC 28557

Re: Thomas Peralto CAMA Permit

Mr. Brownlow:

George Brown and wife do object to Mr. Thomas Peralto's request pursuant to 15A NCAC07H 2701 construction of a sill. Over the years, it is my opinion that Mr. Peralto has interfered with the public's access public trust waters adjacent to his property. He has called the Sheriff's department and had many people charged for utilizing what, in my opinion, are public trust waters. Many of these cases are still pending. He has made clear his intention, in my opinion, to deny the public access to the public trust waters adjacent to his property. I believe this is a matter of public concern.

In my opinion, this permit appears to be another attempt by Mr. Peralto to further interfere with the public's access to the public trust waters. For Mr. Peralto, the public, and the Carteret County Sheriff, and District Attorney's office benefit, the verification and location of normal high water should be staked and witnessed so all interested parties can know their respective rights and boundaries. Furthermore, verification and location of normal high water should be staked and witnessed so the public can clearly be aware of the impacts Mr. Paralto's proposed activities will have on the utilization of these waters by the residents of Cedar Island, their guests, and the general public.

At the absolute minimal, a public hearing should be requested by your office so a clear understanding of the public trust waters issues can be achieved for all parties. In addition, a hearing would be beneficial to provide an understanding of what materials Mr. Peralto will be using, what the project objective is, and what the time tables are for his project are.

I have a couple of additional questions that I would like answers to, if possible, as they are not clear from Mr. Peralto's drawing:

1. Has the mean high water mark been surveyed, to date?
2. Have the distances shown on his permit been verified?

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3. How far from mean high water is this sill to be placed?

Thank you for your time and consideration of this matter.

Sincerely,

 8/12/21

George Brown

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

Name of Property Owner: THOMAS PERALTO
Address of Property: 301 SOUNDVIEW DRIVE, CEDAR ISLAND, CARTERET
(Lot or Street #, Street or Road, City & County)
Agent's Name #: _____ Mailing Address: PO BOX 571
Agent's phone #: _____ CEDAR ISLAND, NC, 28520

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me as shown on the attached drawing the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

_____ I have no objections to this proposal. ☒ I have objections to this proposal.

If you have objections to what is being proposed, you must notify the Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Contact information for DCM offices is available at <http://www.ncccoastalmanagement.net/web/cm/staff-listing> or by calling 1-888-4RCOAST. No response is considered the same as no objection if you have been notified by Certified Mail.


WAIVER SECTION

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, or lift must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you must initial the appropriate blank below.)

_____ I do wish to waive the 15' setback requirement.

G.B. I do not wish to waive the 15' setback requirement.

(Property Owner Information)


Signature

THOMAS PERALTO
Print or Type Name

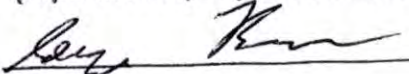
PO BOX 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029
Telephone Number / Email Address

08/01/2021
Date

(Riparian Property Owner Information)


Signature

GEORGE BROWN
Print or Type Name

137 MCBRY ROAD
Mailing Address

MARSHALL BERG, NC, 28553
City/State/Zip

252-342-5411
Telephone Number / Email Address

Date

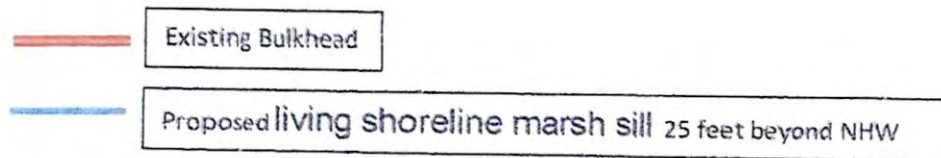
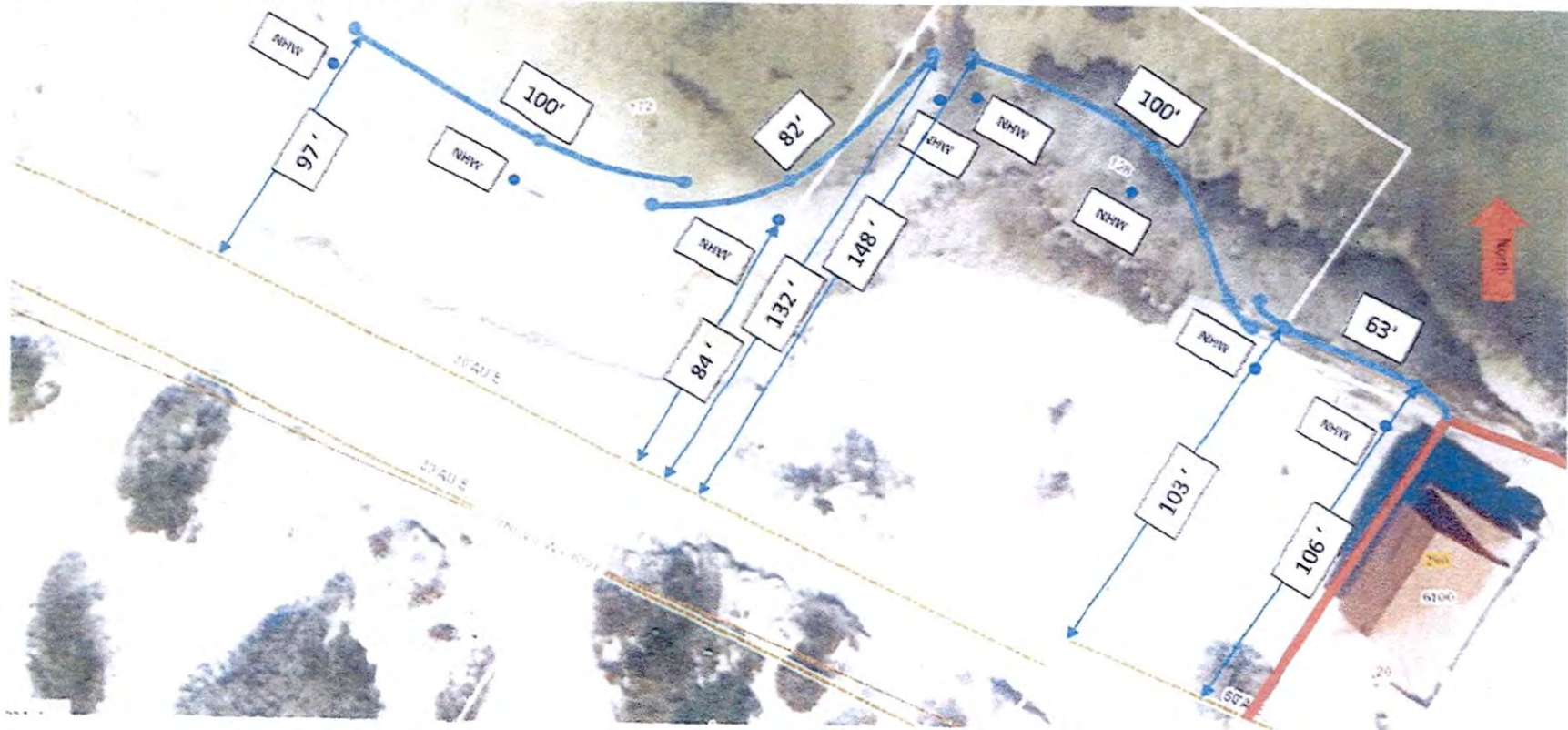
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SECTION .2700 -- GENERAL PERMIT FOR THE CONSTRUCTION MARSH SILLS

15A NCAC 07H .2701 PURPOSE

A general permit under this Section shall allow for the construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



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MAJOR PERMIT FEE MATRIX

Pd \$250
2750

Applicant: Peralto

Selection	Development Type	Fee	DCM % (14300 1601 435100093 1625 6253)	DWQ % (24300 1602 435100095 2341)
<input type="checkbox"/>	I. Private, non-commercial development that does not involve the filling or excavation of any wetlands or open water areas:	\$250	100% (\$250)	0% (\$0)
<input type="checkbox"/>	II. Public or commercial development that does not involve the filling or excavation of any wetlands or open water areas:	\$400	100% (\$400)	0% (\$0)
<input type="checkbox"/>	Major Modification to a CAMA Major permit	\$250	100% (\$250)	0% (\$0)
	III. For development that involves the filling and/or excavation of up to 1 acre of wetlands and/or open water areas, determine if A, B, C, or D below applies:			
<input checked="" type="checkbox"/>	III(A). Private, non-commercial development, if General Water Quality Certification No. 4097 (See attached) can be applied:	\$250	100% (\$250)	0% (\$0)
<input type="checkbox"/>	III(B). Public or commercial development, if General Water Quality Certification No. 4097 (See attached) can be applied:	\$400	100% (\$400)	0% (\$0)
<input type="checkbox"/>	III(C). If General Water Quality Certification No. 4097 (see attached) could be applied, but DCM staff determined that additional review and written DWQ concurrence is needed because of concerns related to water quality or aquatic life:	\$400	60% (\$240)	40% (\$160)
<input type="checkbox"/>	III(D). If General Water Quality Certification No. 4097 (see attached) cannot be applied:	\$400	60% (\$240)	40% (\$160)
<input type="checkbox"/>	IV. For development that involves the filling and/or excavation of more than one acre of wetlands and/or open water areas:	\$475	60% (\$285)	40% (\$190)



NORTH CAROLINA
Environmental Quality

North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

AGENCY REVIEW DISTRIBUTION SHEET
FOR
PROJECT COMMENTS

DCM Coordinator: Gregg Bodnar

Distributed Yes ☒ No ☐

Peralto

9/10/2021

AGENCY	WIRO	WARO
LPO	<i>JD Donahue</i> Gene Foxworth <i>Gene Foxworth</i>	
DCM Planner	Rachel Love Adrick <i>MHC</i> Mike Christenbury <i>Wilmington</i>	Rachel Love Adrick <i>Washington</i> Charlan Owens <i>Eliz City</i>
US COE:	Liz Hair <i>(Carteret, Onslow, Pender)</i> Jordan Jessup (TBD) Greg Curry (TDB) <i>(Brunswick, New Hanover)</i> DOT Brad Shaver <i>(Brunswick, New Hanover, Onslow, Pender)</i>	Raleigh Bland <i>(Beaufort, Camden, Chowan, Craven, Hertford, Hyde, Perquimans, Tyrrell)</i> Josh Peletier – <i>(Bertie, Currituck, Dare, Gates, Pamlico, Pasquotank, Washington)</i> DOT - Tom Steffans – <i>(Beaufort, Carteret, Craven, Pamlico)</i>
US COE (NC DOT)		
Community Assistance	Mark Zeigler <i>(Onslow, Pender, New Hanover, Brunswick)</i> Lee Padrick <i>(Beaufort, Carteret, Craven, Eliz City, Pamlico, Washington)</i>	Lee Padrick <i>(Beaufort, Carteret, Craven, Eliz City, Pamlico, Washington)</i>
Cultural Resources	Renee Gledhill-Earley	Renee Gledhill-Earley
Div. of Water Infrastructure	Heidi Cox	Clif Whitfield
Marine Fisheries	Kimberlee Harding	Jimmy Harrison
NC DOT	David Harris	David Harris
Shellfish Sanitation	Shannon Jenkins & Sharon Gupton	Shannon Jenkins & Sharon Gupton
State Property	Tim Walton & Mike Moser & Wanda Hillard	Tim Walton & Mike Moser & Wanda Hillard
DEMLR/DWR: (NC DOT)	Sheri A. Montalvo/Shelton Sullivan Kristy Lynn Carpenter	Sheri A. Montalvo/ Shelton Sullivan Kristy Lynn Carpenter
DEMLR Sediment & Erosion Storm water DWR 401 (NC DOT)	Dan Sams Christine Hall Robb Mairs <i>(Carteret, New Hanover, Onslow, Pender,)</i> Chad Coburn <i>(Brunswick)</i> Joanne Steenhuis <i>Brunswick, New Hanover, Onslow, Pender</i>	Sami Dumpor Roger Thorpe Anthony Scarbraugh Garcy Ward
WRC WRC (NC DOT)	Maria Dunn <i>(WARO)</i> Travis Wilson	Maria Dunn <i>(WARO)</i> Travis Wilson

AGENCY REVIEW DISTRIBUTION SHEET
FOR
PROJECT COMMENTS

Natural Heritage Program	Rodney Bulter	Rodney Bulter
--------------------------	---------------	---------------

Applicant: _____ **Distribution Date:** _____

2d \$250
2750

DWQ %
502 435100095 2341)

0% (\$0)

0% (\$0)

0% (\$0)

0% (\$0)

0% (\$0)

40% (\$160)

NC Division of Coastal Management
Cashier's Official Receipt

15759 A B C D



-Roy

Received From: Thomas Pecalto

\$ 250-

Permit No.: Major App

Check No.: 2750

Applicant's Name: Same

County: Carteret

Project Address: 301 Sound Dr. Cedar Island

Please retain receipt for your records as proof of payment for permit issued.

Signature of Agent or Applicant: _____

Date: _____

Signature of Field Representative: myf

Date: Same

Selection	Dev			
<input type="checkbox"/>	I. Private develop involve excavat or open			
<input type="checkbox"/>	II. Public develop involve excavat or open			
<input type="checkbox"/>	Major M CAMA I			
<input type="checkbox"/>	III. For c involves excavat of wetla water a B, C, or			
<input type="checkbox"/>	III(A). P comme Genera Certifici attache			
<input type="checkbox"/>	III(B). F develop Water C No. 409 can be			
<input type="checkbox"/>	III(C). I Quality 4097 (s be app determ review concur becaus related aquatic			
<input type="checkbox"/>	III(D). If General Water Quality Certification No. 4097 (see attached) cannot be applied:	\$400	60% (\$240)	40% (\$160)
<input type="checkbox"/>	IV. For development that involves the filling and/or excavation of more than one acre of wetlands and/or open water areas:	\$475	60% (\$285)	40% (\$190)

APPLICATION for Major Development Permit

(last revised 12/27/06)



North Carolina DIVISION OF COASTAL MANAGEMENT

1. Primary Applicant/ Landowner Information

Business Name		Project Name (if applicable)	
Applicant 1: First Name THOMAS	MI	Last Name PERALTO	
Applicant 2: First Name	MI	Last Name	
If additional applicants, please attach an additional page(s) with names listed.			
Mailing Address 321 SOUNDVIEW DRIVE		PO Box 571	City CEDAR ISLAND State NE
ZIP 28520	Country CARTERET	Phone No. 617-610-8029 ext.	FAX No. -
Street Address (if different from above)		City	State -
Email tom.peralto@yahoo.com			

2. Agent/Contractor Information

Business Name			
Agent/ Contractor 1: First Name	MI	Last Name	
Agent/ Contractor 2: First Name	MI	Last Name	
Mailing Address		PO Box	City State ZIP
ZIP		Phone No. 1 - - ext.	Phone No. 2 - - ext.
FAX No.	Contractor #		
Street Address (if different from above)		City	State ZIP
Email			

<Form continues on back>

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3. Project Location

County (can be multiple) CARTERET	Street Address 301 SOUNDVIEW DRIVE	State Rd. #
Subdivision Name	City CEDAR ISLAND	State NC
Phone No. 617-630-9029 ext.	Zip 28-520	
Lot No.(s) (if many, attach additional page with list)		
a. In which NC river basin is the project located? PAMLICO SOUND	b. Name of body of water nearest to proposed project PAMLICO SOUND	
c. Is the water body identified in (b) above, natural or manmade? <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Manmade <input type="checkbox"/> Unknown	d. Name the closest major water body to the proposed project site. PAMLICO SOUND	
e. Is proposed work within city limits or planning jurisdiction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	f. If applicable, list the planning jurisdiction or city limit the proposed work falls within.	

4. Site Description

a. Total length of shoreline on the tract (ft.) 304 feet	b. Size of entire tract (sq.ft.) 25 ACRES
c. Size of individual lot(s) 0.5, 11, 13. (If many lot sizes, please attach additional page with a list)	d. Approximate elevation of tract above NHW (normal high water) or NWL (normal water level) <input type="checkbox"/> NHW or <input type="checkbox"/> NWL
e. Vegetation on tract SPARTANIA, OAK	
f. Man-made features and uses now on tract MY HOME, WELL, SEPTIC SYSTEMS, ROAD.	
g. Identify and describe the existing land uses adjacent to the proposed project site. RESIDENTIAL HOME SITES	
h. How does local government zone the tract? RESIDENTIAL	i. Is the proposed project consistent with the applicable zoning? (Attach zoning compliance certificate, if applicable) <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
j. Is the proposed activity part of an urban waterfront redevelopment proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Has a professional archaeological assessment been done for the tract? If yes, attach a copy. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA If yes, by whom?	
l. Is the proposed project located in a National Registered Historic District or does it involve a National Register listed or eligible property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	

<Form continues on next page>

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m. (i) Are there wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(ii) Are there coastal wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(iii) If yes to either (i) or (ii) above, has a delineation been conducted? (Attach documentation, if available)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
n. Describe existing wastewater treatment facilities. SEPTIC SYSTEM ATTACHED TO MY HOME	
o. Describe existing drinking water supply source. 100 foot 2 inch WELL.	
p. Describe existing storm water management or treatment systems. N/A	

5. Activities and Impacts	
a. Will the project be for commercial, public, or private use? PRIVATE	<input type="checkbox"/> Commercial <input type="checkbox"/> Public/Government <input checked="" type="checkbox"/> Private/Community
b. Give a brief description of purpose, use, and daily operations of the project when complete. MARSH SILL IS TO BE CONSTRUCTED TO REDUCE SHORE LINE EROSION AND PROTECT MY HOME	
c. Describe the proposed construction methodology, types of construction equipment to be used during construction, the number of each type of equipment and where it is to be stored. HAND BUILT, ALL VEHICLES WILL BE IN MY DRIVEWAY.	
d. List all development activities you propose. STACKING CONCRETE BLOCKS, PREVIOUSLY CURED ON LAND	
e. Are the proposed activities maintenance of an existing project, new work, or both? NEW WORK	
f. What is the approximate total disturbed land area resulting from the proposed project? 384 feet, 4 feet at BASE TOTAL 1536 sq ft	<input checked="" type="checkbox"/> Sq.Ft or <input type="checkbox"/> Acres
g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
h. Describe location and type of existing and proposed discharges to waters of the state.	
i. Will wastewater or stormwater be discharged into a wetland?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
If yes, will this discharged water be of the same salinity as the receiving water?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
j. Is there any mitigation proposed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
If yes, attach a mitigation proposal.	

<Form continues on back>

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6. Additional Information

In addition to this completed application form, (MP-1) the following items below, if applicable, must be submitted in order for the application package to be complete. Items (a) – (f) are always applicable to any major development application. Please consult the application instruction booklet on how to properly prepare the required items below.

- a. A project narrative.
- b. An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale. Please give the present status of the proposed project. Is any portion already complete? If previously authorized work, clearly indicate on maps, plats, drawings to distinguish between work completed and proposed.
- c. A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site.
- d. A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties.
- e. The appropriate application fee. Check or money order made payable to DENR.
- f. A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management.

Name	KENDALL SMITH MATAMUSKEET NWR	Phone No.
Address	85 MATAMUSKEET ROAD	252-926-4021 x 43901
Name	GEORGE BROWN	Phone No.
Address	137 MACBRY ROAD MARSHALL BURG, NC	
Name		Phone No.
Address		

- g. A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.

- h. Signed consultant or agent authorization form, if applicable.

- i. Wetland delineation, if necessary.

- j. A signed AEC hazard notice for projects in oceanfront and inlet areas. (Must be signed by property owner)

- k. A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A 1-10), if necessary. If the project involves expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.


7. Certification and Permission to Enter on Land

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit.

I certify that I am authorized to grant, and do in fact grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project.

I further certify that the information provided in this application is truthful to the best of my knowledge.

Date AUG. 27/2021 Print Name THOMAS PERAZO

Signature 

Please indicate application attachments pertaining to your proposed project.

- | | |
|---|--|
| <input type="checkbox"/> DCM MP-2 Excavation and Fill Information | <input type="checkbox"/> DCM MP-5 Bridges and Culverts |
| <input type="checkbox"/> DCM MP-3 Upland Development | |
| <input type="checkbox"/> DCM MP-4 Structures Information | |

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Form DCM MP-4

STRUCTURES

(Construction within Public Trust Areas)

Attach this form to Joint Application for CAMA Major Permit, Form DCM MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project. Please include all supplemental information.

1. DOCKING FACILITY/MARINA CHARACTERISTICS

~~X~~ This section not applicable

- a. (i) Is the docking facility/marina:
☐ Commercial ☐ Public/Government ☐ Private/Community
- b. (i) Will the facility be open to the general public?
☐ Yes ☐ No
- c. (i) Dock(s) and/or pier(s)
(ii) Number _____
(iii) Length _____
(iv) Width _____
(v) Floating ☐ Yes ☐ No
- d. (i) Are Finger Piers included? ☐ Yes ☐ No
If yes:
(ii) Number _____
(iii) Length _____
(iv) Width _____
(v) Floating ☐ Yes ☐ No
- e. (i) Are Platforms included? ☐ Yes ☐ No
If yes:
(ii) Number _____
(iii) Length _____
(iv) Width _____
(v) Floating ☐ Yes ☐ No
Note: Roofed areas are calculated from dripline dimensions.
- f. (i) Are Boatlifts included? ☐ Yes ☐ No
If yes:
(ii) Number _____
(iii) Length _____
(iv) Width _____
- g. (i) Number of slips proposed _____
(ii) Number of slips existing _____
- h. Check all the types of services to be provided.
☐ Full service, including travel lift and/or rail, repair or maintenance service
☐ Dockage, fuel, and marine supplies
☐ Dockage ("wet slips") only, number of slips: _____
☐ Dry storage; number of boats: _____
☐ Boat ramp(s); number of boat ramps: _____
☐ Other, please describe: _____
- i. Check the proposed type of siting:
☐ Land cut and access channel
☐ Open water; dredging for basin and/or channel
☐ Open water; no dredging required
☐ Other, please describe: _____
- j. Describe the typical boats to be served (e.g., open runabout, charter boats, sail boats, mixed types).

- k. Typical boat length: _____
- l. (i) Will the facility be open to the general public?
☐ Yes ☐ No
- m. (i) Will the facility have tie pilings?
☐ Yes ☐ No
(ii) If yes number of tie pilings?

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2. DOCKING FACILITY/MARINA OPERATIONS

~~X~~ This section not applicable

a. Check each of the following sanitary facilities that will be included in the proposed project.

☐ Office Toilets

☐ Toilets for patrons; Number: _____; Location: _____

☐ Showers

☐ Boatholding tank pumpout; Give type and location: _____

b. Describe treatment type and disposal location for all sanitary wastewater.

c. Describe the disposal of solid waste, fish offal and trash.

d. How will overboard discharge of sewage from boats be controlled?

e. (i) Give the location and number of "No Sewage Discharge" signs proposed.

(ii) Give the location and number of "Pumpout Available" signs proposed.

f. Describe the special design, if applicable, for containing industrial type pollutants, such as paint, sandblasting waste and petroleum products.

g. Where will residue from vessel maintenance be disposed of?

h. Give the number of channel markers and "No Wake" signs proposed. _____

i. Give the location of fuel-handling facilities, and describe the safety measures planned to protect area water quality.

j. What will be the marina policy on overnight and live-aboard dockage?

k. Describe design measures that promote boat basin flushing?

l. If this project is an expansion of an existing marina, what types of services are currently provided?

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Form DCM MP-4 (Structures, Page 3 of 4)

- m. Is the marina/docking facility proposed within a primary or secondary nursery area?
☐ Yes ☐ No
- n. Is the marina/docking facility proposed within or adjacent to any shellfish harvesting area?
☐ Yes ☐ No
- o. Is the marina/docking facility proposed within or adjacent to coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.
☐ CW _____ ☐ SAV _____ ☐ SB _____
☐ WL _____ ☐ None
- p. Is the proposed marina/docking facility located within or within close proximity to any shellfish leases? ☐ Yes ☐ No
If yes, give the name and address of the leaseholder(s), and give the proximity to the lease.

3. BOATHOUSE (including covered lifts)

☒ This section not applicable

- a. (i) Is the boathouse structure(s):
☐ Commercial ☐ Public/Government ☐ Private/Community
- (ii) Number _____
- (iii) Length _____
- (iv) Width _____

Note: Roofed areas are calculated from dipline dimensions.

4. GROIN (e.g., wood, sheetpile, etc. If a rock groin, use MP-2, Excavation and Fill.)

☒ This section not applicable

- a. (i) Number _____
- (ii) Length _____
- (iii) Width _____

5. BREAKWATER (e.g., wood, sheetpile, etc.)

☐ This section not applicable

- a. Length _____
- b. Average distance from NHW, NWL, or wetlands _____
- c. Maximum distance beyond NHW, NWL or wetlands _____

6. MOORING PILINGS and BUOYS

☒ This section not applicable

- a. Is the structure(s):
☐ Commercial ☐ Public/Government ☐ Private/Community
- b. Number _____
- c. Distance to be placed beyond shoreline _____
- d. Description of buoy (color, inscription, size, anchor, etc.)
- Note: This should be measured from marsh edge, if present.

- e. Arc of the swing _____

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7. GENERAL

- a. Proximity of structure(s) to adjacent riparian property lines

0 feet

- b. Proximity of structure(s) to adjacent docking facilities.

3200 feet

Note: For buoy or mooring piling, use arc of swing including length of vessel.

- c. Width of water body

3 miles

- d. Water depth at waterward end of structure at NLW or NWL

8-10 inches

- e. (i) Will navigational aids be required as a result of the project?

☐ Yes ☒ No ☐ NA

- (ii) If yes, explain what type and how they will be implemented.

8. OTHER

☐ This section not applicable

- a. Give complete description:

MARSH SILL TO BE CONSTRUCTED 25 feet from N/MHW line, composed of 4 sections totaling 384 feet not to exceed 12 inches above N/MHW. Actually designed to be no more than 6 inches above N/MHW. CONCRETE at a slope of 1.5 to 1. BLOCKS

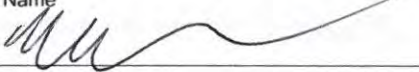
AUG. 27 / 2021

Date

Project Name

THOMAS PERALTO

Applicant Name



Applicant Signature

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Project Narrative:

In order to protect my home, well, driveway, septic systems I am proposing building a Marsh Sill across 3 parcels that I own;

The first parcel has 48 feet of shoreline and is 0.68 acres, the second parcel which is where my home is located has 128 feet of shoreline and is 11.8 acres, and the final parcel is adjacent to my home 12 acres.

The Marsh sill is to be located 25 feet waterward from the Mean High Water line, it will average 10-16 inches high and will not exceed 12 inches above MHW, in fact average height will be 6 inches above mean high water.

I plan to build it with cured concrete blocks stacked at a 1.5 to 1 slope on either side, the project is composed of 4 sections none exceed 100 feet in length and total project sill length will be 384 feet.

I plan to hand build the sill wall and used machinery only to transport concrete material to my driveway. I will hand carry the concrete to its final location to minimize impact on shoreline.

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Tracking Number: 70140510000222540623

F

Status

✓ **Delivered, Left with Individual**

Your item was delivered to an individual at the address at 11:04 am on August 4, 2021 in SWANQUARTER, NC 27885.

August 4, 2021 at 11:04 am
SWANQUARTER, NC 27885

Get Updates ▼

		Delivered
Text & Email Updates		▼
Tracking History		▼
Product Information		▼

See Less ^

Tracking Number: 70140510000222540616

Status

✓ **Delivered, Individual Picked Up at Post Office**

Your item was picked up at the post office at 12:46 pm on August 5, 2021 in MARSHALLBERG, NC 28553.

August 5, 2021 at 12:46 pm
MARSHALLBERG, NC 28553

Get Updates ▼

		Delivered
Text & Email Updates		▼
Tracking History		▼
Product Information		▼

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DCM-MHD CITY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

Name of Property Owner: THOMAS PERALTO
Address of Property: 301 SOUNDVIEW DRIVE
(Lot or Street #, Street or Road, City & County)
Agent's Name #: _____ Mailing Address: PO BOX 571
Agent's phone #: _____

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me as shown on the attached drawing the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

_____ I have no objections to this proposal. _____ I have objections to this proposal.

If you have objections to what is being proposed, you must notify the Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Contact information for DCM offices is available at <http://www.nccoastalmanagement.net/web/cm/staff-listing> or by calling 1-888-4RCOAST. No response is considered the same as no objection if you have been notified by Certified Mail.

WAIVER SECTION

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, or lift must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you must initial the appropriate blank below.)

_____ I do wish to waive the 15' setback requirement.
_____ I do not wish to waive the 15' setback requirement.

(Property Owner Information)

THOMAS PERALTO
Signature
THOMAS PERALTO
Print or Type Name
PO BOX 571
Mailing Address
CEDAR ISLAND, NC, 28520
City/State/Zip
617-620-8021 / tom.peralto@yahoo.com
Telephone Number / Email Address

AUG. 2 / 2021
Date

(Riparian Property Owner Information)

MATTAMUSKEET NWR
Signature
MATTAMUSKEET NWR
Print or Type Name
85 MATTAMUSKEET ROAD
Mailing Address
SWAMP QUARTER, NC, 27885
City/State/Zip
252-926-4021 x 43901
Telephone Number / Email Address

Date

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CONSTRUCTION MARSH SILLS

PURPOSE

Construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



- Existing Bulkhead
- Proposed living shoreline marsh sill 25 feet beyond NHW

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_____ I do wish to waive the 15' setback requirement.

_____ I do not wish to waive the 15' setback requirement.

(Property Owner Information)


Signature

THOMAS PERALTO
Print or Type Name

PO Box 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029 / tom.peralto@yahoo.com
Telephone Number / Email Address

AUG - 2 / 2021
Date

(Riparian Property Owner Information)

Signature

GEORGE BROWN
Print or Type Name

137 MACBRY ROAD
Mailing Address

MARSHALL BERT, NC, 28553
City/State/Zip

Telephone Number / Email Address

Date

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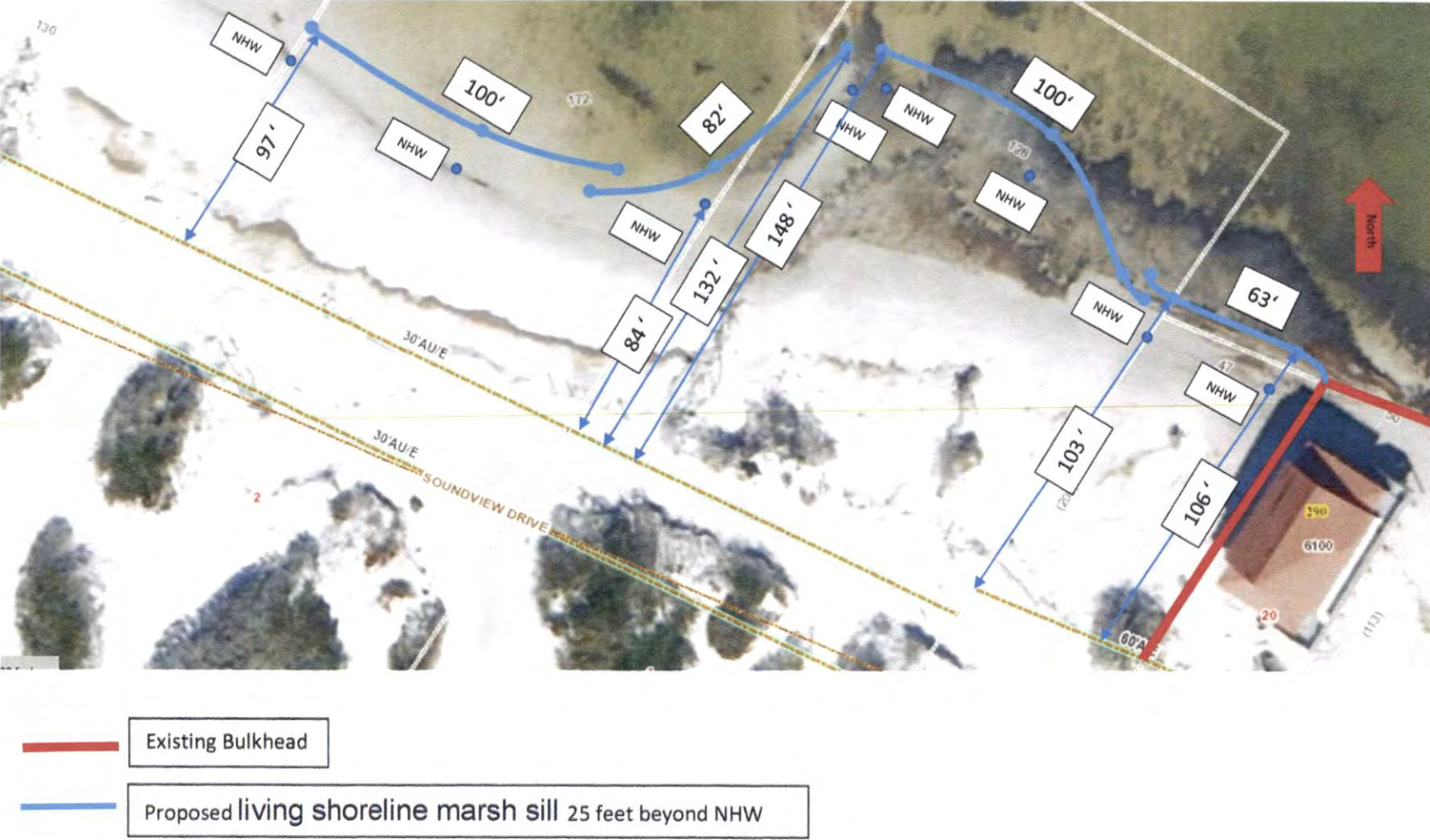
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PURPOSE

Construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



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CARTERET COUNTY
17463



07/01/2004
\$1,900.00

Real Estate
Excise Tax

Melanie Arthur 4P
CARTERET COUNTY
MA Date 07/01/2004 Time 16:31:00
GR 1063135 Page 1 of 4

NORTH CAROLINA, CARTERET COUNTY
The foregoing certificate(s) of Notary Public(s) is/are
certified to be correct. This instrument and this certifi-
cate are duly registered at the date and time and in
the Book and Page shown on the last page hereof.

Melanie Arthur, Register of Deeds

NORTH CAROLINA GENERAL WARREN'S DEED

Excise Tax: \$ 1900.00 Tax# 840703223321 #840703036547 #840703112762

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

Mail/Box to: Mason & Mason, P.A. P.O. Drawer 99, Morehead City, NC 28557

This instrument was prepared by: Edith W. Mason, Attorney at Law

Brief description for the Index: Acceage-Cedar Island

THIS DEED made this 25th day of June, 2006, by and between

GRANTOR

AMANDA B. JOHNSON and husband, OGDEN H.
JOHNSON

GRANTEE

THOMAS PERALTO (unmarried)

23 Saint James Terrace
Newton, MA 02458

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 City of _____ Township, Carteret County, North Carolina and more particularly described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____

A map showing the above described property is recorded in Plat Book _____ page _____

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association 1999 BOOK 1063 PAGE 135 James Williams & Co., Inc. www.JamesWilliams.com

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EXHIBIT "A"

TRACT ONE: BEING all of that property described in Map Book 29 at page 454, Carteret County Registry, the same being a survey entitled: "PHYSICAL SURVEY FOR MANDY JOHNSON", prepared by Powell Surveying Company, P.A. dated November 13, 1997, (amended December 19, 1997), reference to said recorded map being hereby made for a more particular description. Together with all riparian and littoral rights appurtenant to the property.

This property is conveyed together with and subject to a perpetual non-exclusive easement for ingress, egress, regress, and for utility and drainage installation over that certain 60' right-of-way easement from N.C. Highway #12 to the subject property as shown and described on the above-referenced Map.

THERE IS EXCEPTED FROM THIS CONVEYANCE THE FOLLOWING PROPERTY: BEGINNING at a point located the following courses and distances from USC&GS vertical control monument D-239, 1947 (as shown in Map Book 29, Page 454): N 37-55-02 E 51.20' to a point, a set iron pipe; thence N 34-43-44 E 250.31' to a point, a set iron pipe; thence N 45-48-00 W 250' to a point, a set iron pipe; thence N 41-25-30 E 998.30' to a point, an existing iron rod; thence N 60-24-42 W 1139.70' to a point, a set iron pipe, the POINT OF BEGINNING; thence N 52-26-50 W 355.39' to a point, a set iron pipe; thence N 40-28-40 E 218.75' to a point, a set iron pipe in the ordinary highwater mark of Pamlico Sound; thence with the said ordinary highwater mark, S 58-12-21 E 48.78' to a point; thence leaving the ordinary highwater mark, S 48-56-27 E 267.22' to a point, a set iron pipe; thence S 29-35-10 W 209.03' to a point, the POINT OF BEGINNING. Together with and subject to a perpetual non-exclusive easement for ingress, egress, regress and for utility and drainage installation over that certain 60' right-of-way easement from NC Highway #12 to the subject property as shown and described in Map Book 29 at Page 454, Carteret Registry.

TRACT TWO:

BEING all of that property described in Map Book 29 at page 807, Carteret County Registry, the same being a survey entitled: "AMANDA JOHNSON PROPERTY" prepared by Stroud Engineering, P.A. recorded August 31, 2000, reference to said recorded map being hereby made for a more particular description. Together with all riparian and littoral rights appurtenant to the property. See Notice recorded in Book 893, Page 613 Carteret Registry.

Grantor conveys TRACT TWO to the Grantee without warranties.

BOOK 1063 PAGE 135 → *Mandi B. Johnson*
Dyda H. Johnson

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EXHIBIT "A" (page 2)

TRACT THREE:

In Cedar Island Township: BEGINNING at a point in the north line of a 60 foot easement dedicated by Dollie G. Goodwin, widow, et al, by an instrument recorded September 15, 1972, in Book 341, page 401, it being the southeast corner of the lot conveyed by Dollie G. Goodwin, et al, to Donald L. Hansen by deed recorded in Book 343, page 457; runs thence South 59-00 East, along the north line of said easement, 50 feet to a point; thence North 39-59 East, approximately 214 feet to the waters of Pamlico Sound; thence in a westerly direction, along the waters of Pamlico Sound, approximately 50 feet to a point, the northeast corner of the said Hansen lot; and thence South 39-59 West, along the east line of said Hansen lot, approximately 212 feet to the north line of said 60 foot easement, the point of BEGINNING. Being all of that property conveyed by Deed Book 354 at Page 387, Carteret Registry.

It is the purpose and intent of this deed to convey 50 feet on the north line of said 60 foot easement along parallel lines to Pamlico Sound in accordance with the courses herein.

TRACT FOUR:

In Cedar Township: BEGINNING at a point in the north line of a 60 foot right-of-way, said point being from the intersection of the center line of State Secondary Road #1387 with the ferry dock on Pamlico Sound, 967.5 feet along the center line of SR #1387; runs thence North 46-15 East, to and along the North Line of the right-of-way by Clayton Fulcher, Jr., et al, to North Carolina State Highway Commission, recorded June 8, 1971, in Book 327, page 287, Office of the Register of Deeds of Carteret County, 348.38 feet to a point, the northeast corner of the said North Carolina State Highway Commission right-of-way; runs thence the following courses and distances: North 39-23 East, 324.6 feet to a point; thence North 61-00 West, 1078.4 feet to a point; thence North 53-00 West, 475.85 feet to a point; thence North 50-00 West, 200 feet to a point; and thence North 59-24 West, 1112.92 feet to a point.

From this BEGINNING POINT runs North 51-02 West, along the north line of said 60 foot right-of-way, 75 feet to a point; thence North 39-59 East, 200 feet to a point on Pamlico Sound; thence along the waters of Pamlico Sound to a point which in a straight line is South 51-02, 75 feet; and thence South 39-59 West, 200 feet to the said right-of-way, the POINT OF BEGINNING.

The above described lot is a part of North Carolina State Grant #19350, issued to Dennis and Dallas Goodwin, recorded May 14, 1952, in Book 142, page 7, Office of the Register of Deeds of Carteret County. For right-of-way see dedication by Dollie G. Goodwin, widow, and Dallas L. Goodwin and wife, Lola K. Goodwin, recorded September 15, 1972, Office of the Register of Deeds of Carteret County. Being all of that property conveyed by Deed Book 343 at Page 457 and Exhibit "B" of Deed Book 861 at Page 305, Carteret Registry.

CONVEYED TOGETHER WITH ALL RIPARIAN AND LITTORAL
RIGHTS APPURTENANT THERETO.

BOOK 1063 PAGE 135
Mandi B. Johnson
Cydon A. Johnson

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AUG 27 2021

DCM-MHD CITY

CONSTRUCTION MARSH SILLS

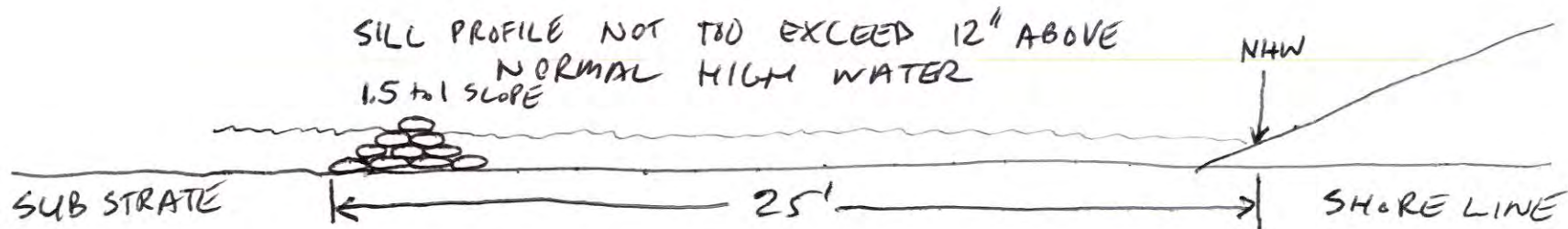
PURPOSE

Construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



- Existing Bulkhead
- Proposed living shoreline marsh sill 25 feet beyond NHW

MARSH SILL PROFILE



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AUG 27 2021

DCM-MHD CITY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

Name of Property Owner: THOMAS PERALTO

Address of Property: 301 SOUNDVIEW DRIVE, CEDAR ISLAND, CARTERET
(Lot or Street #, Street or Road, City & County)

Agent's Name #: _____ Mailing Address: PO BOX 571

Agent's phone #: _____ CEDAR ISLAND, NC, 28520

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me as shown on the attached drawing the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

_____ I have no objections to this proposal. _____ I have objections to this proposal.

If you have objections to what is being proposed, you must notify the Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Contact information for DCM offices is available at <http://www.nccoastalmanagement.net/web/cm/staff-listing> or by calling 1-888-4RCOAST. No response is considered the same as no objection if you have been notified by Certified Mail.

WAIVER SECTION

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, or lift must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

_____ I do wish to waive the 15' setback requirement.

_____ I do not wish to waive the 15' setback requirement.

(Property Owner Information)


Signature

THOMAS PERALTO
Print or Type Name

PO BOX 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029
Telephone Number / Email Address

09/01/2021
Date

(Riparian Property Owner Information)

Signature

GEORGE BROWN
Print or Type Name

137 MCBRY ROAD
Mailing Address

MARSHALL BERG, NC, 28553
City/State/Zip

252-342-5411
Telephone Number / Email Address

Date

RECEIVED

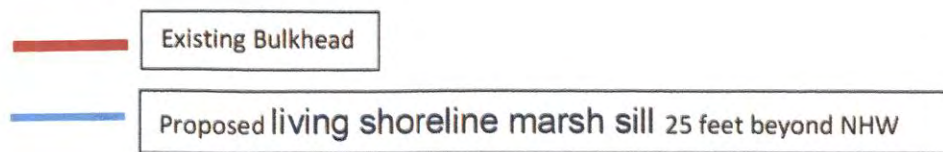
-- AUG 16 2021

DCM-MHD CITY

SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION MARSH SILLS

15A NCAC 07H .2701 PURPOSE

A general permit under this Section shall allow for the construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

Name of Property Owner: THOMAS PERALTO
Address of Property: 301 SOUNDVIEW DRIVE, CEDAR ISLAND, CARTERET
(Lot or Street #, Street or Road, City & County)
Agent's Name #: _____ Mailing Address: PO BOX 571
Agent's phone #: _____ CEDAR ISLAND, NC, 28520

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me as shown on the attached drawing the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

_____ I have no objections to this proposal. _____ I have objections to this proposal.

If you have objections to what is being proposed, you must notify the Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Contact information for DCM offices is available at <http://www.nccoastalmanagement.net/web/cm/staff-listing> or by calling 1-888-4RCOAST. No response is considered the same as no objection if you have been notified by Certified Mail.

WAIVER SECTION

I understand that a pier, dock, mooring pilings, boat ramp, breakwater, boathouse, or lift must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

_____ I do wish to waive the 15' setback requirement.
_____ I do not wish to waive the 15' setback requirement.

(Property Owner Information)


Signature

THOMAS PERALTO
Print or Type Name

PO BOX 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029
Telephone Number / Email Address

08/01/2021
Date

(Riparian Property Owner Information)

Signature

MATTAMUSKEET NWR. Attn: Kendall Smith
Print or Type Name

85 MATTAMUSKEET RD
Mailing Address

SWAN QUARTER, NC, 27885
City/State/Zip

(252) 926-4021
Telephone Number / Email Address

Date

RECEIVED

AUG 16 2021

DCM-MHD CITY

SECTION .2700 – GENERAL PERMIT FOR THE CONSTRUCTION MARSH SILLS

15A NCAC 07H .2701 PURPOSE

A general permit under this Section shall allow for the construction of marsh sills for wetland enhancement and shoreline stabilization in estuarine and public trust waters as set out in 15A NCAC 07J .1100. Marsh sills are defined as sills that are shore-parallel structures built in conjunction with existing, created, or restored wetlands.



Existing Bulkhead

Proposed living shoreline marsh sill 25 feet beyond NHW

7014 0510 0002 2254 0616

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Postage	\$ 55
Certified Fee	3.60
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Restricted Delivery Fee (Endorsement Required)	
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Sent To George Brown
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

CEDAR ISLAND P.O.
 3553 CEDAR ISLAND RD
 CEDAR ISLAND, NC 28520
 USPS 3613080622
 1-800-275-8777
 28520003

Term ID: 003

Clerk ID: 000001

SALE

7014 0510 0002 2254 0620

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OFFICIAL USE

Postage	\$ 55
Certified Fee	3.60
Return Receipt Fee (Endorsement Required)	2.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.00



Sent To Kendall Smith
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

*****7771

VISA

Chip

TOTAL:

\$ 14.28

08/02/21

08:57:07

Inv #: 000001

Appr Code: 125087

Receipt #: 00000039

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 Refunds for Guaranteed Services Only.

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CVR 1F 00 02

IAD 06011203A08000

TVR 80 80 08 80 00

TSI 68 00

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USPS.com/shop for other info call
 1-800-USA-USPS

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AUG 16 2021

DCM-MHD CITY

Tracking Number: 70140510000222540623

Status

✓ **Delivered, Left with Individual**

Your item was delivered to an individual at the address at 11:04 am on August 4, 2021 in SWANQUARTER, NC 27885.

August 4, 2021 at 11:04 am
SWANQUARTER, NC 27885

Get Updates ✓

Delivered

Text & Email Updates



Tracking History



Product Information



See Less ^

Tracking Number: 70140510000222540616

Status

✓ **Delivered, Individual Picked Up at Post Office**

Your item was picked up at the post office at 12:46 pm on August 5, 2021 in MARSHALLBERG, NC 28553.

August 5, 2021 at 12:46 pm
MARSHALLBERG, NC 28553

Get Updates ✓

Delivered

Text & Email Updates



Tracking History



Product Information



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AUG 16 2021

DCM-MHD CITY

Mr. Roy Brownlow
Compliance Corrdinator
400 Commerce Ave.
Morehead City, NC 28557

Re: Thomas Peralto CAMA Permit

Mr. Brownlow:

George Brown and wife do object to Mr. Thomas Peralto's request pursuant to 15A NCAC07H 2701 construction of a sill. Over the years, it is my opinion that Mr. Peralto has interfered with the public's access public trust waters adjacent to his property. He has called the Sheriff's department and had many people charged for utilizing what, in my opinion, are public trust waters. Many of these cases are still pending. He has made clear his intention, in my opinion, to deny the public access to the public trust waters adjacent to his property. I believe this is a matter of public concern.

In my opinion, this permit appears to be another attempt by Mr. Peralto to further interfere with the public's access to the public trust waters. For Mr. Peralto, the public, and the Carteret County Sheriff, and District Attorney's office benefit, the verification and location of normal high water should be staked and witnessed so all interested parties can know their respective rights and boundaries. Furthermore, verification and location of normal high water should be staked and witnessed so the public can clearly be aware of the impacts Mr. Paralto's proposed activities will have on the utilization of these waters by the residents of Cedar Island, their guests, and the general public.

At the absolute minimal, a public hearing should be requested by your office so a clear understanding of the public trust waters issues can be achieved for all parties. In addition, a hearing would be beneficial to provide an understanding of what materials Mr. Peralto will be using, what the project objective is, and what the time tables are for his project are.

I have a couple of additional questions that I would like answers to, if possible, as they are not clear from Mr. Peralto's drawing:

1. Has the mean high water mark been surveyed, to date?
2. Have the distances shown on his permit been verified?

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AUG 12 2021

DCM-MHD CITY

3. How far from mean high water is this sill to be placed?

Thank you for your time and consideration of this matter.

Sincerely,

 8/12/21

George Brown

RECEIVED

AUG 12 2021

DCM-MHD CITY

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ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

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_____ I do wish to waive the 15' setback requirement.

G.B I do not wish to waive the 15' setback requirement.

(Property Owner Information)


Signature

THOMAS PERALTO
Print or Type Name

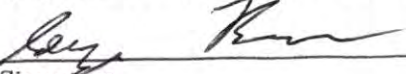
PO BOX 571
Mailing Address

CEDAR ISLAND, NC, 28520
City/State/Zip

617-620-8029
Telephone Number / Email Address

08/01/2021
Date

(Riparian Property Owner Information)


Signature

GEORGE BROWN
Print or Type Name

137 MCBRY ROAD
Mailing Address

MARSHALL BERG, NC, 28553
City/State/Zip

252-342-5411
Telephone Number / Email Address

Date

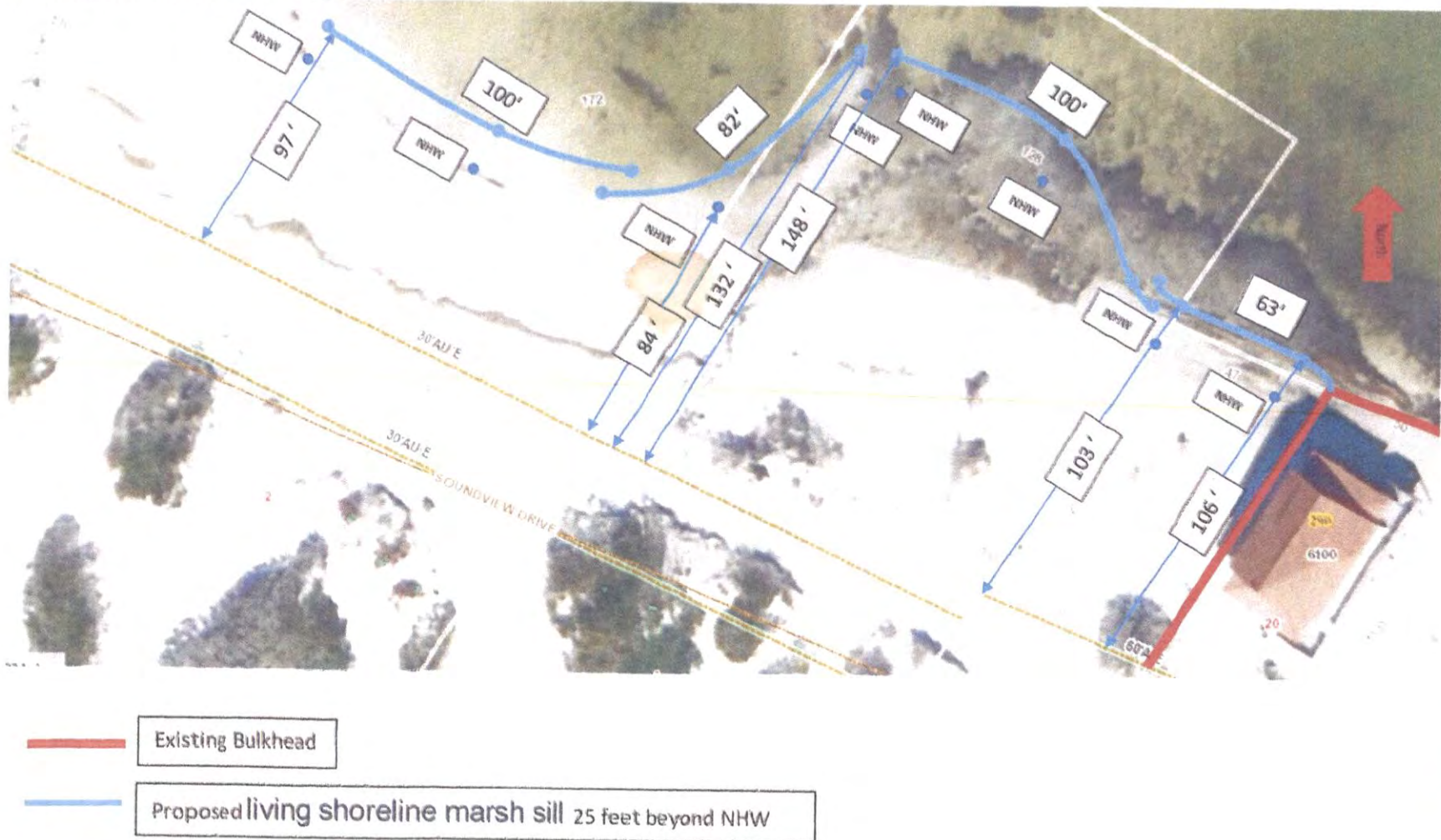
RECEIVED

AUG 12 2021

SECTION .2700 -- GENERAL PERMIT FOR THE CONSTRUCTION MARSH SILLS

15A NCAC 07H .2701 PURPOSE

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AUG 12 2021



-76.330526 35.017934 Degrees



Map Layers



Layers



Lease Applications - Point



Submerged Land



NC1Map Parcels



Research Sanctuaries



Lease Marking Compliance Survey



Terminated Lease Verification Points



Lease Verification Points Since 2020



2018 & 2019 Verifications



> Shellfish Lease Investigations



COE Wilmington District

> Navigational Channels and Setbacks



Lease Polygons



NC Counties



WaterBodies - BDB_WB



Submerged Aquatic Vegetation (SAV)



Proposed Lease ID/Number: 24-007BL/24-008WC
C.I. Salts Oyster Company, LLC- Ralph W. Brittingham, Jr.

Date: 2/5/2025





Duck Blind East of Lease



Duck Blind West of Lease



State of North Carolina

Department of Justice

P.O. BOX 629

RALEIGH

27602-0629

LACY H. THORNBURG
ATTORNEY GENERAL

5 February 1985

MEMORANDUM

TO: Mr. Vernon Bevill
Executive Director
Wildlife Resources Commission

FROM: J. Allen Jernigan *Allen Jernigan*
Associate Attorney General

RE: Regulation of Hunting from Duck Blinds
in Proximity of Occupied Dwellings

The Attorney General's Office recently received and responded to a citizen inquiry from a Mr. Leigh Winslow, Jr. of Hertford, concerning hunting from a duck blind located on the Perquimans River approximately fifty yards from his home. (Letter and response attached). In my response, I informed Mr. Winslow that my research uncovered no state laws, regulations or policies which prohibited duck hunting from blinds located in such proximity to occupied dwellings.

The purpose of this memorandum is to inform your office of this situation, and to forward to you a response from Joseph H. Henderson of the Department of Administration's State Property Office which expresses concern respecting this situation. The State Property Office regulates state-owned lands, including the submerged lands beneath the Perquimans River upon which the duck blind in question is located.

Thank you for your attention to this matter. If I may be of assistance, please do not hesitate to contact me at 3-9039.

/bs

Attachments

cc: Joseph H. Henderson
Reggie Watkins
Dan McLawhorn



504

State of North Carolina

Department of Justice

RUFUS L. EDMISTEN

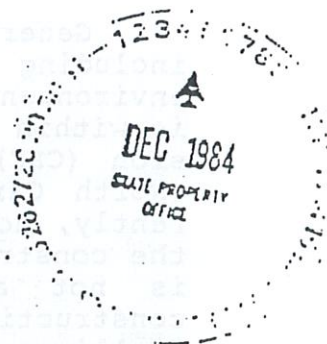
ATTORNEY GENERAL

P. O. BOX 529

RALEIGH

27602-0529

4 December 1984



Mr. Leigh Winslow, Jr.
Route 3, Box 66
Hertford, North Carolina 27944

RE: Regulation of duck blinds

Dear Mr. Winslow:

Your letter of November 17, 1984 regarding the location of a duck blind in the Perquimans River near Hertford, was recently forwarded to me for response. As a matter of state law and long-standing policy, the Attorney General's Office provides legal counsel and advice only to its clients, the State of North Carolina, and its agencies and officials. This office, however, has researched the general question which your letter presented, and I am happy to provide you with the following information.

The issue your letter raises appears first to have arisen in the 1846 North Carolina Supreme Court case of Hatfield v. Grimsted, 29 NC 139 (1846). From that decision, it appears that a landowner may prevent persons from hunting from a duck blind, if he owns the land on which the blind is located. Under North Carolina law, however, lands beneath navigable waters such as the Perquimans River, are generally considered to be held by the State in public trust for the use and benefit of all the State's citizens. This common law principle has been applied in this State and most others which evolved from English colonial areas, and has been construed to include the hunting of waterfowl.

Although the Wildlife Resources Commission is authorized by statute to regulate hunting in North Carolina, the Commission does not, at this time, regulate or license duck blinds in Perquimans County. Only Currituck County, by virtue of special local legislation creating the Currituck

Mr. Leigh Winslow, Jr.

4 December 1984

Page 2

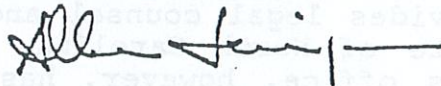
County Game Commission, issues licenses to control the location of duck blinds.

Generally, the regulation of "development" activities, including the construction of structures, in areas of environmental concern such as estuarine or navigable waters, is within the jurisdiction of the Coastal Resources Commission (CRC) under the Coastal Area Management Act (CAMA). (North Carolina General Statute 113A-100, et seq.) Currently, however, the CRC does not require CAMA permits for the construction of duck blinds. At this time, this office is not aware of any State law which prohibits the construction of duck blinds in the vicinity of occupied dwellings.

I hope this information is of assistance to you. Perhaps consultation with a private attorney could yield more positive results. If I may be of further assistance, please feel free to contact me.

Sincerely,

RUFUS L. EDMISTEN
Attorney General



J. Allen Jernigan
Associate Attorney General

JAJ/dw

cc: Preston Page
Reggie Watkins
Charles Holliday

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 581
SENATE BILL 616

AN ACT TO PROVIDE FOR SAFE DISTANCES FOR HUNTING MIGRATORY
WILD WATERFOWL IN CARTERET AND PAMLICO COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Except as provided in Section 2 of this act, it is unlawful to take migratory wild waterfowl within 500 yards of another person's permanently established hunting location.

Sec. 2. This act does not apply to a person taking migratory wild waterfowl:

- (1) On property of which he is the landholder or has the landholder's permission to hunt; or
- (2) Within the riparian water area of property of which he is the landholder or has the landholder's permission to hunt; or
- (3) If he comes within 500 yards of another person's permanently established hunting location only after legally shooting at migratory wild waterfowl and while in active pursuit of a visible, crippled bird.

Sec. 3. The definitions of Subchapter IV of Chapter 113 of the General Statutes apply in interpreting this act. A "permanently established hunting location" is a blind, float, raft, mat, or other buoyant craft or any other location, position, or device that is permanently established for hunting migratory wild waterfowl at a specific site by:

- (1) The landholder of the property; or
- (2) The riparian landholder, if the site is on or in water and hunting rights in that water are not controlled by someone other than the riparian landholder; or
- (3) A person who has written permission to establish the permanent site from a landholder who would qualify under subdivisions (1) or (2).

Sec. 4. Any person who violates this act is guilty of a misdemeanor. A first offense is punishable by a fine of not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250.00), imprisonment not to exceed five months, or both. A second offense is a misdemeanor punishable by mandatory revocation of the violator's hunting licenses and cancellation of all his hunting privileges for one year and by fine, imprisonment or both in the discretion of the court. The court must notify the North Carolina Wildlife Resources Commission of such revocation of licenses and cancellation of privileges.

Sec. 5. This act applies only to the counties of Carteret and Pamlico.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1981.

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
17 EHR 01382

8 1/2 Marina Village John F Matthews VP Petitioner, v. NC Department of Environmental Quality Respondent, v. Samuel G. Boyd Respondent-Intervenor.	FINAL DECISION
---	-----------------------

This contested case was heard by Administrative Law Judge Melissa Owens Lassiter on September 20-22, 2017 and January 8-10, 2018, in Beaufort, North Carolina, pursuant to Petitioners filing a contested case petition on February 27, 2017, appealing Respondent's decision to issue a shellfish bottom lease and a water column lease to Respondent-Intervenor.

APPEARANCES

For Petitioners: Keith H. Johnson, Robert John Glowacki
Poyner Spruill LLP, Raleigh, North Carolina

For Respondent: Scott A. Conklin, Thomas Hill Davis, Assistant Attorneys General
North Carolina Department of Justice, Raleigh, North Carolina

For Respondent-Intervenor: Stevenson L. Weeks,
Wheatly, Wheatly, Weeks, Lupton, & Massie
Beaufort, North Carolina

ISSUE

Whether Respondent otherwise substantially prejudiced Petitioners' rights and acted erroneously, or acted arbitrarily or capriciously when it granted Respondent-Intervenor's application for a shellfish bottom lease and the associated water column lease?

STATUTES AND RULES AT ISSUE

N.C. General Statute, Chapter 113, Article 16
15A NCAC 03O .0201- .0211 (Marine Fisheries)

EXHIBITS ADMITTED INTO EVIDENCE

For Petitioners: 1 - 8, 13, 17(A-DD), 20 - 28

For Respondent: 1 - 24

For Respondent-Intervenor: 2 - 11, 14 - 16, 16A, 17, 17A, and 18

WITNESSES

For Petitioners: The Honorable Alfred Braswell Cooper, III; Thomas Edward Briley, Jr; James Hinton Pugh Bailey, Jr.; Adrian Tyndall; Rebecca Bunn Matthews; Charles Steven Smith; Mike Gurrera; John Heath; Floyd Cohoon; Christopher Hill; Leslie Clinton Collins

For Respondent: Stephen Murphey; Officer Joe Marlette; Captain Steven Anthony; Dr. Braxton Davis

For Respondent-Intervenor: David Sledge; John Hopkins; Sammy Boyd; Charles Steven Smith

FINDINGS OF FACT

BASED UPON careful consideration of the preponderance of the evidence presented at the contested case hearing, including the undersigned's assessment of each witness' credibility and testimony, and the documents and exhibits admitted into evidence, the undersigned finds as follows:

PARTIES

1. Petitioner 8½ Marina Village (8½ Marina) is the homeowners' association for a condominium development located on Bogue Sound in Atlantic Beach, North Carolina. Petitioner John F. Matthews was the Vice President of 8½ Marina at the time the contested case petition was filed, and is an owner of a residence at 8½ Marina.

2. Respondent North Carolina Department of Environment Quality, Division of Marine Fisheries (Division or DMF) is a state agency authorized to administer and implement the North Carolina laws and rules for the protection of marine and estuarine fisheries and habitats of the State.

3. Respondent-Intervenor Sammy G. Boyd (Respondent-Intervenor) is the holder of the approved shellfish bottom and water column lease at issue in this case.

LEASE SITE

4. On June 2, 2016, Respondent-Intervenor applied for a shellfish bottom lease (181458) and associated water column lease (1871466) (hereinafter referred to collectively as the “lease”). (Resp. Exh. 6). The lease application included a management plan, a site map, a water column amendment application, and a site view map. (Resp. Exh. 6).

5. The lease site is located in Bogue Sound, east of the Atlantic Beach Bridge, between the navigation channel going out of 8½ Marina to the west, and the navigation channel going out of Triple S Marina to the east. The lease is approximately .690 miles to the northeast of the navigation channel as it enters 8½ Marina. (T p 669). (Resp. Exh. 1).

6. The lease site is not located in a marked navigation channel. (T p 758).

7. The lease site is located approximately 381 feet off the shore. (Resp. Exh. 1). The riparian owner to the south of the lease site is David Sledge. (T pp 942-45). 8½ Marina is not a riparian owner adjacent to the lease. (T p 668).

8. Respondent-Intervenor also applied for adjoining shellfish bottom leases and associated water column leases located to the east and west of the lease site, respectively. The Division denied these lease sites. (Resp. Ex. 1).

9. There is an approximate six-inch difference in depth between the northern boundary of the lease site and the southern boundary. (T p 759). At low tide, the depth of the water within the lease site is on average approximately two feet. (T p 760).

REVIEW OF APPLICATION

10. When determining whether to grant or deny a lease, the Division determines whether the lease meets the minimum statutory criteria set forth in N.C. Gen. Stat. §§ 113-202 and 202.1. (T p 852).

11. One minimum statutory criteria of particular relevance to this case is that “[c]ultivation of shellfish in the leased area will be compatible with lawful utilization by the public of other marine and estuarine resources.” N.C. Gen. Stat. § 113-202(a)(3). The phrase “compatible with” under N.C. Gen. Stat. § 113-202(a)(3) is not further defined by statute or regulation. DMF does not interpret this standard to mean there can be no impact to other public uses. Instead, DMF interprets this minimum standard to mean that existing uses must be able to exist along with the shellfish lease within the general area at the same time. (T pp 604, 854-55).

12. Additionally, DMF “may not grant a new lease in an area heavily used for recreational purposes.” N.C. Gen. Stat. § 113-202(b). The phrase “area heavily used for recreational purposes” under N.C. Gen. Stat. § 113-202(b) is not further defined by statute or regulation. The Division interprets the phrase “area heavily used for recreational purposes” pursuant to this subsection as an area where recreational use is concentrated relative to the surrounding water body. (T pp 853-54). The Division makes this determination by examining

whether there is heavy recreational use concentrated within the lease footprint. (T pp 853-54). Usually, this is an area where people tend to congregate, such as a popular sandbar, beach, or particular fishing spot. (T pp 606-07).

13. Water column leases must also “not significantly impair navigation.” N.C. Gen. Stat § 113-202.1(b)(1). The phrase “significantly impair navigation” is not further defined by statute or rule. The Division does not interpret this minimum standard to require that there be no impact to navigation. The Division interprets “significantly impair navigation” under this subsection to exclude leases in marked channels or in unmarked channels if the unmarked channel is the only deep passage through the area. The Division also prohibits a lease from taking up more than a third of the water body in a smaller water body such as a creek, to allow plenty of access around the lease so that individuals can get by. (T pp 608-09).

14. After receiving Respondent-Intervenor’s lease application and determining that the application was complete, DMF provided Respondent-Intervenor with four laminated proposed lease signs, and instructed Respondent-Intervenor to put a sign on each corner of the proposed lease site. The signs make the public aware that the area is being considered for a shellfish lease and provides contact information for DMF. Respondent-Intervenor marked the lease site pursuant to DMF’s requirements. (T pp 613, 631-32).

15. After Respondent-Intervenor marked the lease site with signs, the Division performed a site investigation on July 14, 2016. During its investigation of the lease site, Division staff looked for submerged aquatic vegetation and shellfish. (T p 614, Resp. Exh. 7). The Division determined that there was no submerged aquatic vegetation during the site visit. (T p 660). It also determined that the site did not contain a natural shellfish bed. (T p 667).

16. After the site investigation, DMF staff developed maps showing the location of the site, and sent the maps for internal review within DMF to the Marine Patrol, the Fisheries Management Section, and Shellfish Sanitation. DMF also requested the Division of Coastal Management review the proposed lease site. (T pp 616-17).

17. The Fisheries Management Section within DMF has the responsibility of managing sustainable fisheries for the benefit of the people of North Carolina. The Division seeks input from the Fisheries Management Section to determine whether there may be an issue with traditional fishing gear use, or if the area is considered under some sort of management status. (T p 618). Trish Murphey with Fisheries Management opined that the proposed lease would be compatible with recreational, commercial fishing, and shellfishing interests in the area, and would not adversely affect navigation. (Resp. Exh. 9).

18. Shellfish Sanitation determined that the lease was in an area that is approved for the harvest of shellfish, and that the status of the area had not changed within the last year. (Resp. Exh. 9).

19. The Division's usual practice is to request comment from the Division of Coastal Management ("DCM") on leases because they are familiar with coastal development issues. The Division did not start requesting comments from DCM until early 2016. Therefore, comment from DCM is relatively new. The Comments provided by DCM for this lease site were general comments that DCM provides on nearly all water column leases and are not site-specific comments. (T p 624).

20. Out of the three commenting sections within the Division, Fisheries Management, Shellfish Sanitation, and Marine Patrol, the Marine Patrol is the section that usually has the most information pertaining to the public's recreational use of an area. This is because the Marine Patrol officer assigned to the specific area spends more time in that area than anyone else in the Division. (T p 623).

21. The shellfish leasing program sought input from Captain Steven Anthony from Marine Patrol. Captain Anthony is the District Captain for the Central District. Captain Anthony began working for DMF in 1995. Captain Anthony was a pilot and then chief pilot for the Division before becoming a captain over ten years ago. Captain Anthony oversees 12 field officers, 2 sergeants, and a pilot. His district includes Bogue Sound, Core Sound, Neuse River, Pamlico River, and part of the Pamlico Sound. (T pp 816-17).

22. Captain Anthony forwarded the request for comments to Officer Marlette, the local officer charged with patrolling the area in which the lease site is located. (T pp 817-18).

23. Officer Marlette has been a marine patrol officer for approximately ten years. Prior to working for the Division, Officer Marlette served in the military, worked for the Lenoir County and Carteret County sheriffs' offices, and ran a forty-passenger ferry. (T p 753).

24. Officer Marlette is specifically assigned to work the area around Morehead City, which is the area marked as 215 on Respondent's Exhibit 19. This area includes the specific area shown in Respondent's Exhibit 1, which includes the lease site. (T p 754). Officer Marlette has been assigned to this location for approximately nine and a half years. (T p 780).

25. Officer Marlette spends the majority of his patrol time within the area shown as Respondent's Exhibit 1, because there is a lot of activity in the Intracoastal Waterway and the State Port area. (T pp 754-55). Officer Marlette's patrol time includes weekends and nights. (T p 755). It is a necessary part of Officer Marlette's duties to know those areas within his patrol area where recreational users tend to congregate to ensure individuals in his patrol area are complying with the rules and laws pertaining to boat safety and fishery resources. (T pp 753, 756).

26. Officer Marlette visited the lease site before submitting comments. The lease site was clearly marked with poles and signs with the lease number and the applicant's name. (T p 757). Officer Marlette did not notice anything about the lease site that would distinguish it from the surrounding area in terms of recreational use. (T p 758). Based on his observations, Officer Marlette concluded that there was very minimal recreational activity in and around the lease area.

27. Officer Marlette has observed that the majority of boating traffic in the general vicinity uses the marked channels, including the Intracoastal Waterway. (T pp 756, 802). Officer Marlette had not noticed any particular concentration of boating within close proximity to the area where the lease is located prior to the time that the lease was granted. (T p 759).

28. Officer Marlette would occasionally see paddle boarders going up and down the shoreline within the general vicinity of the lease site but not many. (T p 811). Officer Marlette has seen some kayakers go up and down the shoreline within the general vicinity of the lease during the summer. (T p 758). Officer Marlette opined that there is still enough room for kayakers to paddle between the lease and the shoreline. (T p 763).

29. At night time, Officer Marlette has also seen flounder giggers around the shoreline within the general vicinity. However, fishing activities were not concentrated within close proximity to the lease site. (T p 758). Officer Marlette opined that individuals could still fish in the area around the lease site. (T p 764).

30. Officer Marlette has seen only a few jet skis in the general vicinity of the lease site. Officer Marlette may occasionally see a Hobie Cat sailboat on the outside of the lease site, but nothing within the lease site. He opined that the granting of the lease would not prevent future sailing activity within the general vicinity of the lease site. (T p 811).

31. Based on his knowledge of the lease site, Officer Marlette submitted the comments contained in Respondent's Exhibit 20. Specifically, Officer Marlette commented that:

- a) the lease would be compatible with fishing, boating, and other recreational interests, and that the proposal is not in a high traffic area;
- b) the lease would adversely affect navigation in the area, but is not in a channel;
- c) the lease would be compatible with commercial fishing and shellfishing interests in the area; and
- d) he had not received any public comment concerning the proposed lease.

(Resp. Exh. 20).

32. After completing the comment form marked as Respondent's Exhibit 20, Officer Marlette discussed the lease site and his answers on the form with Captain Anthony. Officer Marlette informed Captain Anthony that there was very minimal activity in and around the lease site. (T p 801).

33. Captain Anthony was somewhat familiar with the location of the lease site. Specifically, when Captain Anthony was a pilot for the Division, he would fly out of the Beaufort Airport and over the general area around the lease site. (T p 820). Further, Captain Anthony has passed by this area about ten or twelve times within the last year while going out in the field with officers in his office. (T p 821). The boat traffic Captain Anthony witnessed in the general area was mostly to the north of the lease site, and coming in and out of the channels to the marinas. In his opinion, Captain Anthony thought there was no reason the recreational activities he observed could not continue with the proposed lease in place. (T p 823).

34. Captain Anthony questioned Officer Marlette as to why he had commented that the proposed lease site would adversely affect navigation. (T p 819). Officer Marlette explained to Captain Anthony that anything that is put in the water is going to affect navigation, because boats would have to go around it. When Captain Anthony asked whether one could go around the lease, Officer Marlette explained that there was plenty of room to go around the lease site. (T p 766). Based upon this conversation, Captain Anthony changed the Marine Patrol's written comment to state that the lease would not adversely affect navigation, while commenting: "[n]ot in the channel but small boats do operate in the area." (T p 82). Officer Marlette agreed with this change. (T p 767). Captain Anthony submitted the comments contained in Respondent's Exhibit 21 on behalf of the Marine Patrol to the Respondent's shellfish program. (T p 819-20).

35. N.C. Gen. Stat. § 150B-34(a) provides that the undersigned shall "giv[e] due regard to the demonstrated knowledge and expertise of the agency with respect to facts and inferences within the specialized knowledge of the agency."

36. The undersigned finds the testimony by Officer Marlette to be particularly persuasive as to the level of recreational use in the general and specific areas where the lease site is located, as well as the lease's impact to recreational use and navigation. This weight is based, in part, upon Officer Marlette's years of experience as a marine patrol officer charged with enforcing safety and fishing regulations within the general area of Bogue Sound where the lease is located.

37. Dr. Braxton Davis is the Director of the North Carolina Division of Coastal Management. Dr. Davis also served as Director of the Division of Marine Fisheries from April 2016 to January 2018. (T p 847).

38. Dr. Davis has a great deal of experience in Coastal and Marine Science and Policy, including experience handling user conflicts relating to Marine Resources. This experience includes serving as the Director of the North Carolina's Division of Coastal Management, the Director of the Policy, and Planning Division with the South Carolina Coastal Management Program, and as a policy analyst with the National Oceanic and Atmospheric Administration. Dr. Davis' prior experience and education is summarized in Respondent's Exhibit 22.

39. Dr. Davis has experience with boats as he previously held a Captain's license from the Coast Guard, and previously owned a 30-foot sailboat, a 25-foot power boat, and a 23-foot power boat. Dr. Davis also owns kayaks and a paddle board.

40. Part of Dr. Davis' delegated authority as Director of Marine Fisheries (DMF) is to approve or deny shellfish leases. (T p 850). Dr. Davis has been involved with approximately 40 to 50 lease decisions during his time as Director of Marine Fisheries. (T p 850).

41. After the Fisheries Management Section, Marine Patrol, Shellfish Sanitation Section, and DCM submitted comments on the proposed lease, a memorandum from Mr. Stephen Murphey (Resp. Exh. 9) was sent to Dr. Davis. (T p 628).

42. Mr. Murphey is the current Director of the Division of Marine Fisheries as of January 1, 2018. (T p 593). Mr. Murphy began his employment with the Division of Marine Fisheries in 1987. In 1999, Mr. Murphey transferred to the Shellfish Sanitation section which was with the Division of Environmental Health at the time. In 2015, Mr. Murphey returned to the Division where he was employed as the Section Chief of the Habitat Enhancement Section within the Division. Mr. Murphey served as Section Chief until he was named Director of DMF in January 2018. (T pp 593-94).

43. The memorandum from Mr. Murphey (Resp. Exh. 9) was presented to Dr. Davis so Dr. Davis could determine whether to proceed with a public hearing. Dr. Davis decided to proceed with a public hearing. (T pp 628-29).

44. A Notice for the public hearing for the proposed lease and other proposed shellfish leases was published in the Carteret County News Times, the Jacksonville Daily News, and on the Division's website. In addition, the Division notified an individual at 8½ Marina about the public hearing. (T pp 629-30).

45. On January 18, 2017, DMF staff conducted a public hearing at DMF's central district office in Morehead City. The meeting minutes (Resp. Ex. 15) accurately reflect what was discussed at the public hearing. During the public hearing, the Division received comments both in favor and in opposition to the subject lease. (T pp 638-39, Resp. Exh. 15).

46. In addition to holding a public hearing, the Division also accepted written public comments. (T p 633). The majority of the written comments received by the Division were form letters, such as the letter introduced as Respondent's Exhibit 13. The second paragraph of that letter stated that the lease area is closed to shellfishing. This statement is incorrect as the lease site was not in an area closed to shellfishing. (T pp 633-64).

47. Some of the comments DMF received from the public pertained to concerns regarding the potential impact to recreational use in the general area. (Res Exh. 24).

48. The Division also received comments relating to the proposed leases' effect on the viewshed of the area. The letter introduced as Respondent's Exhibit 14 is an example of such a comment. Nonetheless, the Division does not consider impacts on viewshed as a basis for denying a shellfish lease, as this is not a criterion in the relevant statutes or rules pertaining to shellfish leases. (T pp 635-36).

49. After the public hearing and comment period, Dr. Davis received Mr. Murphey's memorandum that summarized the comments received by the Division during the public hearing. (Resp. Exh. 16). In addition to this Memorandum, Dr. Davis received the entire lease package which included internal comments, as well as the written public comments. (T p 639). Dr. Davis read all of the public comments prior to making his decision in this case. (T p 899). Mr. Murphey then met with Dr. Davis and discussed the lease site further. (T p 640).

50. Dr. Davis has driven his boats by the general area of Bogue Sound where the lease site is located, and hence, has a general familiarity with the boat traffic in that area and the width of the water body. (T pp 865, 928).

51. When determining whether to grant or deny a lease, Dr. Davis considers the minimum statutory criteria described in N.C. Gen. Stat. §§ 113-202 and 113-202.1. (T p 852).

52. In this case, Dr. Davis did not see sufficient evidence during the application review to conclude that there was a concentration of recreational activity within the specific footprint of the lease site. Based upon the evidence, Dr. Davis concluded that the lease site was not within an area heavily used for recreational purposes. (T p 862).

53. Dr. Davis further concluded that the lease would not significantly impair navigation as he did not see sufficient evidence during the application review that the lease site would be located within a navigation channel. He also determined that there would be plenty of area to maneuver around the lease. Dr. Davis also determined that the lease would be compatible with other public uses in the general area. (T p 863).

54. Taking into account public concerns regarding navigation and recreational use, Dr. Davis denied the outer two leases due to: (1) their proximity to the entrance channels to 8½ Marina and Triple S Marina, and (2) to reduce the footprint of the overall area that would be covered to ensure that the lease site would be compatible with recreational activities in the area. (T pp 867-68).

55. The lease site is not in an area that is any more heavily used by recreational users than other areas in which the Division has granted leases. (T p 642).

TESTIMONY FROM RESPONDENT-INTERVENOR'S WITNESSES

56. David Sledge has lived in Carteret County since 1951. (T p 943). Mr. Sledge owns and resides at the property directly in front of the lease site. (T pp 942-43). He has owned this property for over five years. (T p 943).

57. Mr. Sledge has an unobstructed view of the lease site from his house. Mr. Sledge has observed very little boat traffic between Triple S Marina and 8½ Marina. (T pp 944-45, 949). Mr. Sledge may see a boat go by that area once every three days. (T p 945).

58. Mr. Sledge has seen only about four kayaks in the area in front of his property in the seven or eight months preceding his testimony at the hearing on January 9, 2018. (T p 947). Mr. Sledge opined that there was limited kayak traffic because there is no nearby public access.

59. Mr. Sledge and his family own and use kayaks. Mr. Sledge also keeps a boat at Ft. Macon Marina. The proposed lease does not interfere with Mr. Sledge's use of the area around the lease site. (T pp 945-47).

60. John Hopkins has been living at 125 Island Quay Drive for over twenty years. Mr. Hopkins also has an unobstructed view of the lease site from his house. (T pp 959-60). Depending on the weather, Mr. Hopkins sees a tremendous amount of traffic in the Intracoastal Waterway. As Mr. Hopkins gets closer into shore and out of the Triple S, particularly the proposed oyster lease, he estimates that "less than one percent of the boat traffic he has viewed going east-west and west to east are -- are ever anywhere close to shore because it's so shallow there." (T p 961).

61. Mr. Hopkins has seen jet skis in the subject Bogue Sound area, but has not observed any jet skis riding through the lease site, and not that close to shore. (T pp 962, 964). Mr. Hopkins has never observed anyone pulling another individual on a tube behind a boat in the area where the lease site is located. Mr. Hopkins has pulled his son and his son's friends on a tube on numerous occasions, but does not use the area of the lease site as there is not enough water in the area for the outboard motor on his boat. (T p 962).

62. Respondent-Intervenor Boyd has lived in Morehead City for forty-seven years. (T p 969). Mr. Boyd has fished in Bogue Sound since he was about 12 or 13 years old. (T p 970).

63. Mr. Boyd visits the lease site about three times a week during the spring, summer, and fall. He has not seen any boating traffic at the lease site during the times that he has visited the site. (T p 981).

64. Mr. Boyd was familiar with the boat traffic in the area prior to obtaining the lease. The lack of boat traffic in the lease site, and the fact that he would not be infringing or impeding on anyone else, was the reason Mr. Boyd chose that area. (T p 985).

TESTIMONY FROM PETITIONER'S WITNESSES

65. The Town of Atlantic Beach (the Town) also challenged the issuance of the lease at issue in this case by filing a contested case petition (17 EHR 01564). The Town's challenge was consolidated with this contested case for hearing. The Town offered two witnesses in support of its case: The Honorable Alfred Braswell Cooper, III, Mayor of the Town, and Town Councilman Thomas Edward Briley, Jr. The undersigned dismissed the Town's contested case (17 EHR 01564) by Order dated November 3, 2017 for lack of standing pursuant to N.C. Rule of Civil Procedure 41(b) following the close of the Town's evidence. However, the undersigned Granted Petitioner's Motion to adopt the testimony of the Town's witnesses, Mayor Alfred Braswell Cooper, III and Town Councilman Thomas Edward Briley, Jr. as part of this contested case.

66. Atlantic Beach Town Mayor Alfred B. Cooper, III alleged that the Town was concerned about the lease based on potential conflicts with use of the waters of Bogue Sound by tourists. (T p 62). However, the Mayor's concerns were general and not specific to the use of the lease site. The Mayor did not claim any personal use of the lease site, and had not even been to the location for several years. (T p 83). Although the Mayor voiced concerns about potential loss of revenue from tourism and taxes, the Mayor could point to no evidence establishing any such losses, much less any such losses attributable to the lease site. (T pp 63-66).

67. Atlantic Beach Town Councilman Thomas Edward Briley, Jr. is familiar with the general area of the lease site. Despite fishing in the general area, Mr. Briley has never fished within the bounds of the lease site, and has never observed others fishing in the area of the lease site, except perhaps on the outer fringes. Yet, he has seen recreational fishing occur in deeper water offshore of the lease site. (T p 101). Despite the presence of signs marking the lease site since July 2016, Mr. Briley has not personally seen the lease site until after the public hearing on whether to approve the lease in January 2017. (T p 123). Mr. Briley typically passes the lease site on his way to somewhere else. He does not spend much time personally recreating in the area near or around the lease site. (T pp 108, 110). Mr. Briley thinks that boat traffic could still transit the area with the proposed lease in place. (T pp 107-09). He is not concerned with this lease site specifically, but is generally concerned with the potential for future leases in the waters surrounding the Town. (T pp 106, 125).

68. Petitioners offered nine witnesses in support of their case: four residents of 8½ Marina Village, two residents of Triple S Marina, the owner of a jet ski rental outfit, the owner of a local marina, and the technician who took photographs of the lease site on behalf of Petitioners.

69. James Hinton Pugh Bailey, Jr., is the owner of Anchorage Marina in the Town of Atlantic Beach and lives in a home that overlooks the area of Bogue Sound near the lease site. Mr. Bailey described his business and the use of the waters in the area by the boats that use his marina. Mr. Bailey generally explained about use of the waters in the vicinity of the lease site. Although testifying at length about general uses of the waters in the vicinity of the lease site, Mr. Bailey had never seen a boat within the lease site itself. (T pp 172-73). Mr. Bailey opined that there was no need for the boats traversing the general area to cut through the actual lease site. (T pp 174-75). Mr. Bailey similarly noted that the other activities occurring in the general area, such as kayaking, flounder-gigging, and fireworks viewing, do not occur in the lease footprint, and would not be prevented by the presence of the lease. (T pp 176-778).

70. Adrian Tyndall is the owner of Eastern Carolina Computers. At the request of Petitioners, and with Petitioners' knowledge, Tyndall installed a video recorder and digital camera to record activity in the area of the lease site from July 8, 2017 through September 6, 2017. This recording occurred after Respondent granted Respondent-Intervenor's lease, and before the contested case hearing in this matter. (T pp 214-15). On behalf of Petitioners, Mr. Tyndall selected images of east to west boat traffic in the general area of the lease. (Pet. Ex. 17A-17DD). (T pp 217-18). These pictures were selected with the specific purpose of showing boat traffic and other activity in the area and were not random samples. (T pp 236-37). All pictures were taken during the summer tourist season, and all but four of the pictures were taken on weekends. (T pp 235-

36). Much of the activity depicted in the photographs occurred outside the marked lease area. (T p 239).

71. Rebecca Bunn “Bunny” Matthews kayaks in the general area of Bogue Sound east of the Atlantic Beach Bridge, between the channel going out of 8½ Marina, the channel going out of Triple S Marina to the east, and the lease site. (T p 253). On September 20, 2017, the day Ms. Matthews testified in this case, she kayaked in the area between the shore and the southern portion of the lease area. (T pp 262-263).

72. Ms. Matthews has also witnessed small boat traffic in this general area of Bogue Sound. (T pp 258-59, 262). The presence of the lease site did not prevent or impede her continued kayaking in the water area at issue. (T p 263).

73. Charles Steven Smith has fished by wading along the marsh line within sight of the lease site. The majority of his fishing is basically limited to the shoreline and the sloughs in close proximity to 8½ Marina. (T pp 287-288). Mr. Smith has never fished within the lease itself, and the lease site did not affect his fishing. (T pp 284, 288). Although Mr. Smith expressed general concerns regarding small boat traffic, particularly jet skis, in the Bogue Sound area at issue, Mr. Smith does not own a jet ski, and, to his knowledge, no one at 8½ Marina owns a jet ski. He has personally never witnessed any problems with jet skis at the lease site, and there was ample room for jet skis to avoid the lease site. (T pp 285-86, 289).

74. Floyd “Chip” Cohoon owns a unit at 8½ Marina Village and resides there approximately five months during the year. Mr. Cohoon has observed small boat traffic in the lease site. He also cuts through the area on his own skiffs. Mr. Cohoon’s primary concern regarding the lease was for the safety of other users of Bogue Sound that lacked local knowledge and not for the residents of 8½ Marina. The general area of activity he is concerned about runs from the shoreline on the sound side of Atlantic Beach at the south, to roughly the Intracoastal Waterway at the north, and from the Atlantic Beach bridge on the west, to Spoils Island and the North Carolina State Port on the east in Morehead City. (T pp 382, 384). In Mr. Cohoon’s opinion, there is no reason that boaters cannot continue to use the area surrounding the lease site. He does not think the proposed lease will interfere with boat traffic transiting the area. (T pp 386-87). Mr. Cohoon has only seen one or two boats pass through the leased site daily, which he could see from his home at 8½ Marina. (T p 390).

75. Leslie Clinton Collins frequently transits the general area of the lease site in his boats, typically running from east to west along the shoreline when doing so. Mr. Collins drives his boats up and down the Bogue Sound, offshore, and as far north as Ocracoke. (T pp 427-28, 471). Mr. Collins has observed other general recreational activity in the area surrounding the lease site, including the area from the Atlantic Beach Causeway to the N.C. State Port. (T pp 468-69). The majority of the recreational and navigational activity described by Mr. Collins occurs outside of the specific lease site. (T pp 432-35, 472-74). Other than transiting the area and occasional tubing in the vicinity of the lease, Mr. Collins does not personally use the lease site or the surrounding area too much.

76. Mike Gurrera is the owner of AB Water Sports in Atlantic Beach. He is not a resident of 8½ Marina. The majority of AB Watersports' business is jet ski rentals; but it also rents kayaks, paddleboards, and offers parasailing. (T pp 298-99). AB Watersports limits jet ski rentals to the area between the Atlantic Beach causeway and the N.C. State Port. AB Watersports also offers guided tours outside of this area. (T pp 301-02, 312). Mr. Gurrera opined that the lease site is approximately half of one percent of the total riding area between the Atlantic Beach Causeway and the N.C. State Port. (T pp 320-21). Mr. Gurrera also thought that jet skiers could safely pass along the sides of the lease, both the side nearest the shoreline and the side nearest the Intracoastal Waterway. (T p 324).

77. John Heath and Christopher Hill own residences at Triple S Marina, a mobile home community on Bogue Sound on the opposite (eastern) side of the lease from 8½ Marina. (Resp. Exh. 1).

78. Mr. Heath and his family boat in the general area of the lease site between the Atlantic Beach Causeway and the N.C. State Port, and south of the Intracoastal Waterway. Mr. Heath has seen approximately one boat a day go through the lease site. (T p 351). One of Mr. Heath's chief concerns is that he does not want to see the oyster lease from his home. (T pp 353, 361, 366).

79. Mr. Hill and his family boat, tube, paddleboard, and swim in the general area of the lease site between the Atlantic Beach Causeway and the N.C. State Port, and south of the Intracoastal Waterway. (T pp 392-98). Mr. Hill can navigate his boat to the north and south of the lease site as necessary. (T p 407). Even with the PVC pipes marking the lease site, Mr. Hill has continued to tube straight through the lease site as of the date of the hearing. (T pp 408-09).

80. To the extent the testimony of Petitioners' witnesses regarding the general public's use of the waters (Bogue Sound) within and surrounding the lease area conflicts with the testimony of Officer Marlette, Captain Anthony, Mr. Sledge, and Mr. Hopkins, the undersigned finds the testimony of Mr. Sledge, Mr. Hopkins, Captain Anthony, and Officer Marlette to be more credible, even in the absence of any deference given to the demonstrated knowledge and expertise of Officer Marlette and Captain Anthony concerning existing uses of the area.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, and the preponderance of the evidence in the whole record, the undersigned concludes as follows:

1. The Office of Administrative Hearings has personal and subject matter jurisdiction over this contested case. The parties received proper notice of the hearing in this matter. To the extent that the Findings of Fact contain Conclusions of Law, or that the Conclusions of Law are Findings of Fact, they should be so considered without regard to their given labels.

2. Petitioners bear the burden of proof by a preponderance of the evidence to show that Respondent otherwise substantially prejudiced Petitioners' rights and acted erroneously, or acted arbitrarily or capriciously when it granted Respondent-Intervenor's application for a shellfish bottom lease and an associated water column lease. N.C. Gen. Stat. § 150B-25.1(a).

3. North Carolina law presumes that a regulatory agency has properly performed the duties it has been delegated to perform. *Matter of Broad and Gales Creek Community Ass'n*, 300 N.C. 267, 280, 266 S.E.2d 645, 654 (1980); *Adams v. North Carolina State Bd. Of Registration for Professional Engineers and Land Surveyors*, 129 N.C. App. 292, 297, 501 S.E.2d 660, 663 (1998).

4. The proper interpretation of a law or rule is a question of law, and an agency interpretation of a statute or rule is not binding on the undersigned. Nevertheless:

It is a tenet of statutory construction that a reviewing court should defer to the agency's interpretation of a statute it administers 'so [] long as the agency's interpretation is reasonable and based on a permissible construction of the statute.'

County of Durham v. North Carolina Dept. of Environment and Natural Resources, 131 N.C. App. 395, 397, 507 S.E.2d 310, 311 (1998), *dis. rev. denied*, 350 N.C. 92, 528 S.E.2d 361 (1999) (citations omitted).

5. "[W]here the waters covering land are navigable in law, those lands are held in trust by the State for the benefit of the public." *State ex rel. Rohrer v. Credle*, 322 N.C. 522, 527, 369 S.E.2d 825, 828 (1988).

6. The General Assembly has declared in N.C. Gen. Stat. § 113-201(a) that:

[I]t is the policy of the State to encourage the development of private, commercial shellfish cultivation in ways that are compatible with other public uses of marine and estuarine resources.

7. The Secretary of the Department of Environmental Quality (Secretary) may, in his discretion, authorize shellfish bottom and associated water column leases when he determines that the public interest will benefit from issuance of such a lease, and the proposed lease otherwise meets certain minimum standards set forth in N.C. Gen. Stat. §§ 113-202, 113-202.1. N.C. Gen. Stat. §§ 113-202(a), 113-202.1(a). 15A NCAC 03O .0203 states that:

the Secretary shall consider the lease application, the Division's proposed lease area analysis, and public comments, and may in his discretion lease or decline to lease the proposed lease area or any part thereof.

8. Pursuant to N.C. Gen. Stat. § 113-201(a), the Secretary has delegated his authority for issuing leases to the Director of the Division of Marine Fisheries. See N.C. Gen. Stat. § 143B-10.

9. N.C. Gen. Stat. § 113-202(a) declares:

To increase the use of suitable areas underlying coastal fishing waters for the production of shellfish, the Secretary may grant shellfish cultivation leases to persons who reside in North Carolina under the terms of this section when the Secretary determines, in accordance with his duty to conserve the marine and estuarine resources of the State, that the public interest will benefit from issuance of the lease. Suitable areas for the production of shellfish shall meet the following minimum standards:

- (1) The area leased must be suitable for the cultivation and harvesting of shellfish in commercial quantities.
- (2) The area leased must not contain a natural shellfish bed.
- (3) Cultivation of shellfish in the leased area will be **compatible with** lawful utilization by the public of other marine and estuarine resources. Other public uses which may be considered include, but are not limited to, navigation, fishing and recreation.
- (4) Cultivation of shellfish in the leased area will not impinge upon the rights of riparian owners.
- (5) The area leased must not include an area designated for inclusion in the Department's Shellfish Management Program.
- (6) The area leased must not include an area which the State Health Director has recommended be closed to shellfish harvest by reason of pollution.

(Emphasis added)

10. The phrase “compatible with” under N.C. Gen. Stat. § 113-202(a)(3) is not further defined by statute or regulation.

11. The undersigned finds that DMF’s interpretation of the phrase “compatible with” is reasonable, is consistent with, and supported by the plain language of the statute and statutory framework. For that reason, the undersigned defers to DMF’s interpretation of this minimum standard in determining the validity of Petitioners’ claims in this case. Even in the absence of deference, the undersigned independently adopts DMF’s interpretation of this minimum standard.

12. N.C. Gen. Stat. § 113-202(b) states that DMF “may not grant a new lease in an area heavily used for recreational purposes.”

13. The phrase “area heavily used for recreational purposes” under N.C. Gen. Stat. § 113-202(b) is not further defined by statute or regulation.

14. The undersigned finds that DMF's interpretation of the phrase "area heavily used for recreational purposes" is reasonable, consistent with, and supported by the plain language of the statute and statutory framework. Therefore, the undersigned defers to DMF's interpretation of this minimum standard in determining the validity of Petitioners' claims in this case. Furthermore, even in the absence of deference, the undersigned independently adopts DMF's interpretation of this minimum standard.

15. N.C. Gen. Stat § 113-202.1(b) states:

Suitable areas for the authorization of water column use shall meet the following minimum standards:

- (1) Aquaculture use of the leased area must not significantly impair navigation; . . .

16. The phrase "significantly impair navigation" is not further defined by statute or rule.

17. The undersigned finds that DMF's interpretation of the phrase "significantly impair navigation" is reasonable, consistent with, and supported by the plain language of the Statute and statutory framework. Therefore, the undersigned defers to DMF's interpretation of this minimum standard in determining the validity of Petitioners' claims in this case. Furthermore, even in the absence of deference, the undersigned independently adopts DMF's interpretation of this minimum standard.

18. When an agency follows the applicable law and procedure and makes a decision within its discretion, as is the case here, this decision can only be overturned if the agency acted arbitrarily and capriciously. See N.C. Gen. Stat. § 150B-23(a); See also *ACT-UP Triangle v. Commission for Health Services of the State of N.C.*, 345 N.C. 699, 707, 483 S.E.2d 388, 393 (1997) (reviewing an agency's discretionary decision under the arbitrary and capricious standard and holding that "[t]he reviewing court does not have authority to override decisions within agency discretion when that discretion is exercised in good faith and in accordance with law.")).

19. "Administrative decisions may be reversed as arbitrary or capricious if they are 'patently in bad faith,' or 'whimsical' in the sense that 'they indicate a lack of fair and careful consideration' or 'fail to indicate 'any course of reasoning and the exercise of judgment.'" *ACT-UP Triangle*, 345 N.C. at 707, 483 S.E.2d at 393 (quoting *State ex re. Com'r of Ins. v. North Carolina Rate Bureau*, 300 N.C. 381, 420, 269 S.E.2d 547, 573 (1980)).

20. When determining whether an agency acted arbitrarily and capriciously, a reviewing court should not "replace the [agency]'s judgment as between two reasonably conflicting views, even though the court could justifiably have reached a different result." *Thompson v. Wake County Bd. of Educ.*, 292 N.C. 406, 410, 233 S.E.2d 538, 541 (1977).

21. N.C. Gen. Stat. § 150B-34(a) requires that an Administrative Law Judge “shall decide the case based upon the preponderance of the evidence, giving due regard to the demonstrated knowledge and expertise of the agency with respect to facts and inferences within the specialized knowledge of the agency.”

22. In this contested case, Petitioners specifically challenge DMF’s determination that the lease site is not within a heavily recreated area, and is compatible with recreational uses in the area. To the extent Petitioners contend that DMF acted arbitrarily and capriciously in its evaluation of the lease application, Petitioners have failed to establish by the preponderance of the evidence that DMF acted “whimsically” or in “bad faith.”

23. The preponderance of the evidence demonstrates that: (1) DMF reasonably interpreted the minimum standards set forth in N.C. Gen. Stat. §§ 113-202 and 202.1, and (2) Director Davis reasonably and rationally determined that the lease met the aforementioned minimum standards based on a thorough evaluation of the relevant information before him.

24. Even if the undersigned were not to give deference to DMF or to the testimony of its employees, Petitioners nevertheless failed to establish by the preponderance of the evidence that the bottom and water column leases at issue in this case are: (1) not “compatible with lawful utilization by the public of other marine and estuarine resources;” (2) in “an area heavily used for recreational purposes;” (3) significantly impairs navigation; or (4) otherwise does not meet the standards set forth in N.C. Gen. Stat. §§ 113-202 and 202.1. For those reasons, Petitioners failed to meet their burden to show that DMF acted erroneously, or acted arbitrarily or capriciously in granting Respondent-Intervenor’s application for a shellfish bottom lease and the associated water column lease.

25. Furthermore, in order to succeed on their claims, Petitioners are required to prove by a preponderance of the evidence that an allegedly unlawful agency action “substantially prejudiced the petitioner’s rights.” See N.C. Gen. Stat. §§ 150B-23(a), 150B-29(a).

26. The “harm required to establish substantial prejudice cannot be conjectural or hypothetical,” rather it “must be concrete, particularized, and ‘actual’ or imminent.” *Surgical Care Affiliates, LLC v. N.C. Dept. of Health and Human Services, Div. of Health Service Regulation, Certificate of Need Section*, 235 N.C. App. 620, 631, 762 S.E.2d 468, 476 (2014), *disc. review denied*, 368 N.C. 242, 768 S.E.2d 564 (2015).

27. Petitioners failed to establish by the preponderance of the evidence that Respondent’s issuance of the applied-for lease would substantially prejudice (1) Petitioners’ and its members’ recreational use of the area around the lease site; (2) navigation in the general area around the lease site; (3) exercise of the riparian rights of adjacent shoreline property owners; or (4) would be a hazard to public safety in the general area of Bogue Sound at issue. Further, Petitioners failed to present persuasive evidence that their use of the lease area would be prevented or adversely impacted by the shellfish in the applied-for lease.

FINAL DECISION

BASED UPON the above Findings of Fact and Conclusions of Law, the undersigned hereby **AFFIRMS** Respondent's decision to grant the Respondent-Intervenor's application for a shellfish bottom and associated water column lease.

NOTICE OF APPEAL

This is a Final Decision issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of N.C. Gen. Stat. § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.**

In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. Gen. Stat. § 1A-1, Article 2, **this Final Decision was served on the parties as indicated by the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 11th day of May, 2018.



Melissa Owens Lassiter
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

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This the 11th day of May, 2018.



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