



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

ROY COOPER
ATTORNEY GENERAL

P.O. BOX 629
RALEIGH, NC 27602

REPLY TO: CHRISTINE A. GOEBEL
ENVIRONMENTAL DIVISION
cgoebel@ncdoj.gov

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, Assistant Attorney General
Shawn Maier, Assistant Attorney General 

DATE: October 30, 2015 (for the November 17-18, 2015 CRC Meeting)

RE: **Variance Request by TJ's Land Development, LLC (15-06)**

Petitioner TJ's Land Development, LLC ("Petitioner") owns property on Pungo Creek near Belhaven in Beaufort County, North Carolina ("Site"). On August 4, 2015, DCM issued CAMA Major Permit No. 79-15 (the "Permit") to Petitioner which allows the development of, among other things, a 66-slip T-head marina dock with an approximately 730 foot long accessway. Condition #6 on the Permit required that the portion of the permitted pier accessway which crosses the Coastal Wetlands AEC at the Site, be limited to a 6' width per the Commission's rule at 15A NCAC 7H .0205(b)(6)(C). The Petitioner now seeks a variance to allow the portion of the accessway over Coastal Wetlands to be 8' in width as was authorized for those portions of the accessway over high-ground, 404 Wetlands and open water, as proposed in Petitioner's permit application.

The following additional information is attached to this memorandum:

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

cc(w/enc.): Franz Holsher, Petitioner's Attorney, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically

RELEVANT STATUTES OR RULES**ATTACHMENT A**

15A NCAC 07H .0205 COASTAL WETLANDS

(a) Description. Coastal wetlands are defined as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides (whether or not the tide waters reach the marshland areas through natural or artificial watercourses), provided this does not include hurricane or tropical storm tides. Coastal wetlands may contain the following marsh plant species:

- (1) Cord Grass (*Spartina alterniflora*),
- (2) Black Needlerush (*Juncus roemerianus*),
- (3) Glasswort (*Salicornia* spp.),
- (4) Salt Grass (*Distichlis spicata*),
- (5) Sea Lavender (*Limonium* spp.),
- (6) Bulrush (*Scirpus* spp.),
- (7) Saw Grass (*Cladium jamaicense*),
- (8) Cat-tail (*Typha* spp.),
- (9) Salt Meadow Grass (*Spartina patens*),
- (10) Salt Reed Grass (*Spartina cynosuroides*).

The coastal wetlands AEC includes any contiguous lands designated by the Secretary of DENR pursuant to G.S. 113-230 (a).

(b) Significance. The unique productivity of the estuarine and ocean system is supported by detritus (decayed plant material) and nutrients that are exported from the coastal marshlands. The amount of exportation and degree of importance appears to be variable from marsh to marsh, depending primarily upon its frequency of inundation and inherent characteristics of the various plant species. Without the marsh, the high productivity levels and complex food chains typically found in the estuaries could not be maintained. Man harvests various aspects of this productivity when he fishes, hunts, and gathers shellfish from the estuary. Estuarine dependent species of fish and shellfish such as menhaden, shrimp, flounder, oysters, and crabs make up over 90 percent of the total value of North Carolina's commercial catch. The marshlands, therefore, support an enormous amount of commercial and recreational businesses along the seacoast. The roots, rhizomes, stems, and seeds of coastal wetlands act as good quality waterfowl and wildlife feeding and nesting materials. In addition, coastal wetlands serve as the first line of defense in retarding estuarine shoreline erosion. The plant stems and leaves tend to dissipate wave action, while the vast network of roots and rhizomes resists soil erosion. In this way, the coastal wetlands serve as barriers against flood damage and control erosion between the estuary and the uplands. Marshlands also act as nutrient and sediment traps by slowing the water which flows over them and causing suspended organic and inorganic particles to settle out. In this manner, the nutrient storehouse is maintained, and sediment harmful to marine organisms is removed. Also, pollutants and excessive nutrients are absorbed by the marsh plants, thus providing an inexpensive water treatment service.

(c) Management Objective. It is the objective of the Coastal Resources Commission to conserve and manage coastal wetlands so as to safeguard and perpetuate their biological, social, economic and aesthetic values, and to coordinate and establish a management system capable of conserving and utilizing coastal wetlands as a natural resource essential to the functioning of the entire estuarine system.

(d) Use Standards. Suitable land uses are those consistent with the management objective in this Rule. **Highest priority of use is allocated to the conservation of existing coastal wetlands. Second priority of coastal wetland use is given to those types of development activities that require water access and cannot function elsewhere.** Examples of unacceptable land uses include restaurants, businesses, residences, apartments, motels, hotels, trailer parks, parking lots, private roads, highways and factories. **Examples of acceptable land uses include** utility easements, fishing piers, **docks**, wildlife habitat management activities, and agricultural uses such as farming and forestry drainage as permitted under North Carolina's Dredge and Fill Law or other applicable laws. In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

15A NCAC 07H .0208 USE STANDARDS

(a) General Use Standards

(1) **Uses which are not water dependent shall not be permitted in coastal wetlands,** estuarine waters, and public trust areas. Restaurants, residences, apartments, motels, hotels, trailer parks, private roads, factories, and parking lots are examples of uses that are not water dependent. **Uses that are water dependent include:** utility crossings, wind energy facilities, **docks**, wharves, boat ramps, dredging, bridges and bridge approaches, revetments, bulkheads, culverts, groins, navigational aids, mooring pilings, navigational channels, access channels and drainage ditches;

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

(A) The location, design, and need for development, as well as the construction activities involved shall be consistent with the management objective of the Estuarine and Ocean System AEC (Rule .0203 of this subchapter) and shall be sited and designed to avoid significant adverse impacts upon the productivity and biologic integrity of coastal wetlands, shellfish beds, submerged aquatic vegetation as defined by the Marine Fisheries Commission, and spawning and nursery areas;

(B) Development shall comply with state and federal water and air quality

(C) Development shall not cause irreversible damage to documented archaeological or historic resources as identified by the N.C. Department of Cultural resources;

(D) Development shall not increase siltation;

(E) Development shall not create stagnant water bodies;

(F) Development shall be timed to avoid significant adverse impacts on life cycles of estuarine and ocean resources; and

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

(3) When the proposed development is in conflict with the general or specific use standards set forth in this Rule, the CRC may approve the development if the applicant can demonstrate that the activity associated with the proposed project will have public benefits as identified in the findings and goals of the Coastal Area Management Act, that the public benefits outweigh the long range adverse effects of the project, that there is no reasonable alternate site available for the project, and that all reasonable means and measures to mitigate adverse impacts of the project have been incorporated into the project design and shall be implemented at the applicant's expense. Measures taken to mitigate or minimize adverse impacts shall include actions that:

(A) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;

(B) restore the affected environment; or

(C) compensate for the adverse impacts by replacing or providing substitute resources.

(b) Specific Use Standards

(5) Marinas. Marinas are defined as any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than 10 boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haulout facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Expansion of existing facilities shall comply with the standards of this Subparagraph for all development other than maintenance and repair necessary to maintain previous service levels. Marinas shall comply with the following standards:

(A) Marinas shall be sited in non-wetland areas or in deep waters (areas not requiring dredging) and shall not disturb shellfish resources, submerged aquatic vegetation as defined by the MFC, or wetland habitats, except for dredging necessary for access to high-ground sites. The following four alternatives for siting marinas are listed in order of preference for the least damaging alternative; marina projects shall be designed to have the highest of these four priorities that is deemed feasible by the permit letting agency:

- (i) an upland basin site requiring no alteration of wetland or estuarine habitat and providing flushing by tidal or wind generated water circulation or basin design characteristics;
- (ii) an upland basin site requiring dredging for access when the necessary dredging and operation of the marina will not result in significant adverse impacts to existing fishery, shellfish, or wetland resources and the basin design shall provide flushing by tidal or wind generated water circulation;
- (iii) an open water site located outside a primary nursery area which utilizes piers or docks rather than channels or canals to reach deeper water; and**
- (iv) an open water marina requiring excavation of no intertidal habitat, and no dredging greater than the depth of the connecting channel.

(O) All marinas shall comply with all applicable standards for docks and piers, shoreline stabilization, dredging and dredged material disposal of this Rule;

(6) Piers and Docking Facilities.

(A) Piers shall not exceed six feet in width. Piers greater than six feet in width shall be permitted only if the greater width is necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur;

(C) Piers and docking facilities over coastal wetlands shall be no wider than six feet and shall be elevated at least three feet above any coastal wetland substrate as measured from the bottom of the decking;

STIPULATED FACTS

ATTACHMENT B

1. The Petitioner in this case is TJ's Land Development, LLC ("Petitioner") and is represented in this variance case by Franz Holscher, Esq., of Rodman, Holscher, Peck & Edwards, P.A.
2. Petitioner is a North Carolina limited liability company. Tobin J. Tetterton, Sr. is TJ's Land Development, LLC's Registered Agent and sole Member and sole Manager. A copy of the Secretary of State's corporation look-up service for Petitioner is attached as a stipulated exhibit.
3. The property subject to this variance is owned by Petitioner, is located off of SR 1718 near Belhaven in Beaufort County, North Carolina, and has a physical address of 1711 Yeatesville Road, Bath, North Carolina 27808 ("Site"). Petitioner acquired this property in 2013 from John Tankard Jones and wife, Mary Etta Jones, through a deed recorded at Book 1809, Page 753 of the Beaufort County Registry, a copy of which is attached as a stipulated exhibit.
4. The Site is adjacent to Pungo Creek. At this Site, the waters of Pungo Creek are classified by the Environmental Management Commission as SC NSW waters. These waters are Inland Waters regulated by the NC Wildlife Resource Commission and are closed to shellfishing.
5. The Site has Coastal Wetlands, Public Trust Area, and Public Trust Shoreline Areas of Environmental Concern ("AECs"). Pursuant to NCGS 113A-118, any "development" proposed for these AECs requires CAMA and Dredge & Fill permit authorization.
6. Currently, the Site is undeveloped. As seen in Site photographs attached, the Site consists of a mix of cleared agricultural land, wooded 404 scrub shrub wetlands and Coastal Wetlands marsh. The total acreage of the property is 46.5 acres, which includes approximately 854' linear feet of Coastal Wetlands shoreline along Pungo Creek. The Coastal Wetlands are approximately 240' wide between the normal high water level of Pungo Creek and the waterward extent of the wetlands, and are vegetated with black needlerush (*Juncus roemerianus*), sawgrass (*Cladium jamaicense*), and giant cordgrass (*Spartina cynosuroides*).
7. On May 20, 2015, DCM received a complete CAMA major permit application from Petitioner, through its authorized agent Hood Richardson for the construction of a 66-slip marina and accessway, the infrastructure for a 106-lot RV camping ground with associated septic systems, a community building (housing showers, laundry, a provisions store, and reception facilities), an upland pond (with bulkhead and pier), parking, fuel and pump-out facilities. The marina will provide dockage for any member of the general public who desires to rent a slip, including patrons of the RV camping ground. A copy of the CAMA major permit application is attached as a stipulated exhibit.

8. Petitioner proposed that the 66-slip T-head marina would be accessed by an 8' wide accessway of which ±50' is over high ground, ±300' is over wooded 404 wetlands, ±240' is over Coastal Wetlands marsh and ±140' is over open water. Petitioner proposed the entire 8' wide accessway be elevated 5', including the middle section over the Coastal Wetlands substrate, 2' more than the 3' height required by the Commission's rules.

9. The accessway will access an 8' wide x 586' long T-shaped dock with 66-slips. The dock will have a square shaped, roofed platform 30' x 30' at the intersection of the accessway and dock. This platform will support the fueling area and the marine pump-out. Two 15' x 30' slips will be designated for use by boats fueling or pumping out onboard holding tanks. The dock also will have two 25' x 25' roofed platforms at each end of the dock, along with twenty-four 18' x 40' slips with a "stern to" orientation on the offshore side of the dock accessed by fourteen 3' x 20' finger piers. The inshore side of the dock will have forty 10' x 10' boat lifts accessed by twenty-two 3' x 20' finger piers.

10. As part of the CAMA major permit process, notice was sent to the two riparian owners adjacent to the Site: JHG Farms, LLC and WMT Holding, LLC. These owners executed an Adjacent Riparian Property Owners Statement indicating that they had no objection to the proposed development and JHG Farms, LLC agreed to waive the 15' pier setback. Copies of this notice and response are attached as stipulated exhibits. DCM received no additional feedback from these adjacent owners.

11. Also as part of the CAMA major permit process, notice was posted on Site and was published in the Washington Daily News. DCM received no comments related to this proposed project.

12. Also as part of the CAMA major permit process, information about the proposed development, including the DCM Field Investigation Report, a copy of which is attached as a stipulated exhibit, was sent to state and federal resource agencies for comment. No adverse comments were received by DCM. The Division of Water Resources noted it issued a 401 Certification for this project on June 8, 2015.

13. On August 4, 2015, DCM issued CAMA major permit 79-15 (the "Permit"), a copy of which is attached as a stipulated exhibit. It authorized the construction of the 66-slip marina as proposed, except that, through Condition #6, it limited the proposed 8' wide accessway to a maximum width of 6' in the middle section of the accessway located over ±240' of Coastal Wetlands pursuant to the Commission's rule found at 15A NCAC 7H .0205(b)(6)(C).

14. The Commission's rules generally prohibit development in the Coastal Wetlands AEC, but allow development for water dependent uses per 7H .0208(a)(1). As to pier width limitations, the Commission's rule 7H .0208(b)(6)(A) allows piers located in AECs other than Coastal Wetlands to be 6' wide, but allow greater width " ... if the greater width is necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur". However, for the Coastal Wetlands AEC, the Commission's rule at 7H .0208(b)(6)(C) limits the width to 6' wide without exception. DCM permitted an 8' wide pier over the 404 wetlands (+- 300' front section of accessway) and open water (+- 140' back section of accessway), but conditioned that the portion of the pier over Coastal Wetlands be 6' wide per 7H .0208(b)(6)(C).

15. On October 2, 2015, DCM received Petitioner's variance petition seeking a variance from Condition #6 on the Permit in order to construct an 8' wide pier over the +- 240' middle section of the accessway that is located over the Coastal Wetlands.

16. The accessway currently is permitted by DCM to shade approximately 1,440 square feet of Coastal Wetlands. If the variance is granted, the addition of 2' of width would shade approximately 480 square feet for a total of approximately 1,920 square feet shaded Coastal Wetlands AEC.

17. As part of its petition, Petitioner stipulated that the 8' wide +- 240' middle section of the accessway is inconsistent with 15A NCAC 7H .1205(d).

18. Aerial and ground-level photographs of the Site will be included in DCM's powerpoint presentation and are attached as a stipulated exhibit.

STIPULATED EXHIBITS:

1. TJ's Land Clearing, LLC Secretary of State filing
2. Deed recorded at Book 1809, Page 753 of the Beaufort County Registry
3. CAMA Major Permit application including the site plan
4. Notice to Adjacent Riparian Owners
5. DCM Field Investigation Report
6. CAMA Major Permit No. 79-15
7. Powerpoint Presentation with aerial and ground-level photos of the Site, including google earth images from Petitioner

Petitioner's and Staff's Positions

ATTACHMENT C

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

Petitioner's Position: Yes.

Due to restricted conditions of a 6' Dock and the area of the 404 Wetlands considering the length of the Pier. The area in the 404 Wetlands would only be 250' feet (this would only entitle an additional 500 sq. ft.)

This will cause burden for the public to pass one another. In the event that a pedestrian would be pushing a cart to or from Dock area it would be difficult when passing another pedestrian. In addition to a handicap individual in a wheel chair it would be difficult for them to navigate when approaching other individuals. Also in the likelihood of an emergency it would be necessary for emergency personnel to respond with a golf cart for faster medical attention and evacuation. Another factor to keep in mind would be in the event of a fuel spillage or fire were to occur this would allow for quicker response.

The distance from the Club House to the end of the Dock would be 1,800' feet (+/-). This being the narrow portion of the Dock and we would need this to navigate safely 8' instead of 6' wide. At 6' wide a Golf Cart could not pass safely. This could also cause potential danger of someone falling off the Dock. 8' is needed in order that pedestrians and a Golf Cart could pass one another safely at the same time and be more handicaps accessible.

Staffs' Position: Yes.

Staff agrees that Petitioner has unnecessary hardships due to the strict application of the rules limiting pier accessway width within the Coastal Wetlands AEC. While the 6' pier accessway width limitation is generally sufficient for accessways over Coastal Wetlands, in this case, the combination of the overall length of the accessway, the significant length of the accessway over Coastal Wetlands, and the extent of the marina traffic associated with the 66-slip facility cause Petitioner an unnecessary hardship. There is also a reduction in shading of Coastal Wetlands through Petitioner's voluntary, additional elevation of the pier to 5' over the Coastal Wetlands substrate (only 3' elevation above Coastal Wetlands is required by rule). Staff agrees that the strict application of the Commission's limitations on pier accessway width in Coastal Wetlands causes Petitioner unnecessary hardships.

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

Petitioner's Position: Yes.

Due to the amount of Marsh and Wetlands adjacent to our property we want to minimize the impact by building just one (1) Dock through the Marsh. We would not want to subdivide the property. Consider it would be an additional 500 square feet of Dock, we feel this would be a minimal impact on the Marsh area.

Staffs' Position: No.

Staff disagree that conditions peculiar to the Site cause Petitioner's unnecessary hardship. While this Site has an expansive Coastal Wetland AEC and 404 Wetland area between high-ground and the marina pier, such wetlands are not unique physical conditions to this part of Pungo Creek and the Inner-Banks areas of North Carolina.

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

Petitioner's Position: No.

Because this would provide a safe egress for the public.

Staff's Position: No.

Staff notes that most of Petitioner's 854 linear feet (approximately) of shoreline at this Site are covered with the Coastal Wetlands, and so there was no other location on the Site which would significantly reduce the Coastal Wetlands impacts in order to reach navigable depths on Pungo Creek. Staff also notes that Petitioner has proposed elevating the pier an additional 2' above the 3' minimum elevation, which will reduce the impacts of shading the Coastal Wetlands by the accessway. Accordingly, Petitioner has taken steps to reduce hardships by reducing impacts to the Coastal Wetlands on this Site, while still exercising riparian rights for this water-dependent marina.

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

Petitioner's Position: Yes.

Safety and the well being of pedestrians, emergency personnel and handicap individuals for considering the length of the Pier. In the event of an emergency we could respond quicker with the use of a Golf Cart. Considering the total length of the Pier.

We are only requesting one Dock through the Marsh on property that is 1,200' feet wide. This would be a less impact on the 404 Wetlands with an additional 500 square feet of platform.

Consider that CAMA has allowed this in other projects for the benefit of the public. These same individuals (public) that will be using this Dock are the same individuals (public) that used those Docks. We are as well welcoming the transit visitors to our facility, with no restrictions. Also our facility will have a pump-out station as well as fuel.

As mentioned above the use of Golf Carts will be for official use only.

Staffs' Position: Yes.

The variance would be consistent with the spirit, purpose, and intent of the rules, standards or orders of the Commission, because on balance, the benefits to the public outweigh the minimal impacts to Coastal Wetlands. While the limitations on building in Coastal Wetlands, specifically the pier accessway width limit, is an important rule of the Commission, the limited nature of the proposed expansion of this accessway would have minimal impacts to Coastal Wetlands (2' extra width x approximate 240' over Coastal Wetlands = 480 square feet). Additionally, Petitioner has proposed to elevate the accessway by 2' additional feet above the 3' height minimum of the rules, which will reduce shading impacts. The increased width will secure public safety and welfare by allowing the safe passage of golf carts in urgent/emergency situations, with limited impacts on the important Coastal Wetlands resources.

Staff understands Petitioner's argument regarding "public" projects to be a reference to the Commission's rule at 15A NCAC 7H .0208(b)(3), which can allow for wider pier accessway widths in certain situations where there are public benefits that "outweigh the long range adverse effects of the project, that there is no reasonable alternate site available for the project, and that all reasonable means and measures to mitigate adverse impacts of the project have been incorporated into the project design and shall be implemented at the applicant's expense." As this is a private project, Staff did not apply this rule to this project.

Attachment D:
Petitioners' Variance Request Materials

T J 's Land Development, LLC

P O Box 125
Pantego, N.C. 27860
252-943-6677 Office
252-943-3949 Fax
email: tobin@gotricounty.com



<https://www.uscontractorregistration.com>

October 1, 2015

Division of Coastal Management
ATTENTION: Director
400 Commerce Avenue
Morehead City, NC 28557

Dear Director:

Enclosed you will find the necessary information for a "CAMA Variance Request"

The name and location of the request is:

Mailing Address is:
TJ's Land Development LLC
P.O. Box 125
Pantego, NC 27860

Physical Address is:
1711 Yeatsville Road
Bath, NC 27808

If any additional information is necessary, please contact me at the post office address.

Thanking you in advance for your consideration regarding this matter.

Sincerely,

TJ 's LAND DEVELOPMENT, LLC

A handwritten signature in blue ink, appearing to read "Tobin (Toby) Jay Tetterton, Sr.", written over the company name.

Tobin (Toby) Jay Tetterton, Sr.

Cc: Attorney General – Environmental Division

TJT/pbw
enclosures

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CAMA VARIANCE REQUEST FORM

DCM FORM 11
DCM FILE No.: 15-06

PETITIONER'S NAME TJ's Land Development LLC

COUNTY WHERE THE DEVELOPMENT IS PROPOSED Beaufort

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above named Petitioner hereby applies to the Coastal Resources Commission (CRC) for a variance.

VARIANCE HEARING PROCEDURES

A variance petition will be considered by the CRC at a regularly scheduled meeting, heard in chronological order based upon the date of receipt of a complete petition. 15A N.C.A.C. 07J .0701(e). A complete variance petition, as described below, must be *received* by the Division of Coastal Management (DCM) a minimum of six (6) weeks in advance of the first day of a regularly scheduled CRC meeting to be eligible for consideration by the CRC at that meeting. 15A N.C.A.C. 07J .0701(e). The final set of stipulated facts must be agreed to at least four (4) weeks prior to the first day of a regularly scheduled meeting. 15A N.C.A.C. 07J .0701(e). The dates of CRC meetings can be found at DCM's website: **www.nccoastalmanagement.net**

If there are controverted facts that are significant in determining the propriety of a variance, or if the Commission determines that more facts are necessary, the facts will be determined in an administrative hearing. 15A N.C.A.C. 07J .0701(b).

VARIANCE CRITERIA

The petitioner has the burden of convincing the CRC that it meets the following criteria:

- (a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.
- (b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.
- (c) Do the hardships result from actions taken by the petitioner? Explain.
- (d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

Please make your written arguments that Petitioner meets these criteria on a separate piece of paper.

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The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

For this variance request to be complete, the petitioner must provide the information listed below. The undersigned petitioner verifies that this variance request is complete and includes:

- _____ The name and location of the development as identified on the permit application;
- _____ A copy of the permit decision for the development in question;
- _____ A copy of the deed to the property on which the proposed development would be located;
- _____ A complete description of the proposed development including a site plan;
- _____ A stipulation that the proposed development is inconsistent with the rule at issue;
- _____ Proof that notice was sent to adjacent owners and objectors*, as required by 15A N.C.A.C. 07J .0701(c)(7);
- _____ Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable;
- _____ Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- _____ A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.
- _____ This form completed, dated, and signed by the Petitioner or Petitioner's Attorney.

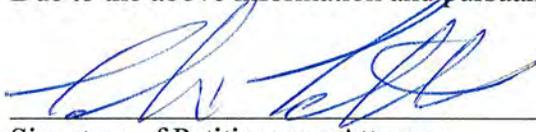
**Please contact DCM or the local permit officer for a full list of comments received on your permit application. Please note, for CAMA Major Permits, the complete permit file is kept in the DCM Morehead City Office.*

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



Signature of Petitioner or Attorney

10-1-2015

Date

Tobin J. Tetterton

Printed Name of Petitioner or Attorney

Tobin@gotriCounty.com

Email address of Petitioner or Attorney

P.O. Box 125

Mailing Address

(252) 943-6677

Telephone Number of Petitioner or Attorney

Pantego

City

NC

State

27860

Zip

(252) 943-3949

Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

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

Contact Information for DCM:

Contact Information for Attorney General's Office:

By mail, express mail or hand delivery:

Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

By mail:

Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By Fax:

(252) 247-3330

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Email:

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

By Fax:

(919) 716-6767

Revised: July 2014

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DCM- MHD CITY

T J's Land Development, LLC

P O Box 125
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email: tobin@gotricounty.com



<https://www.uscontractorregistration.com>

VARIANCE CRITERIA

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

YES: Due to restricted conditions of a 6' Dock and the area of the 404 Wetlands considering the length of the Pier. The area in the 404 Wetlands would only be 250' feet (this would only entitle an additional 500 sq. ft.)

This will cause burden for the public to pass one another. In the event that a pedestrian would be pushing a cart to or from Dock area it would be difficult when passing another pedestrian. In addition to a handicap individual in a wheel chair it would be difficult for them to navigate when approaching other individuals. Also in the likelihood of an emergency it would be necessary for emergency personnel to respond with a golf cart for faster medical attention and evacuation. Another factor to keep in mind would be if in the event of a fuel spillage or fire were to occur this would allow for quicker response.

The distance from the Club House to the end of the Dock would be 1,800' feet (+/-). This being the narrow portion of the Dock and we would need this to navigate safely 8' instead of 6' wide. At 6' wide a Golf Cart could not pass safely. This could also cause potential danger of someone falling off the Dock. 8' is needed in order that pedestrians and a Golf Cart could pass one another safely at the same time and be more handicaps accessible.

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

YES: Due to the amount of Marsh and Wetlands adjacent to our property we want to minimize the impact by building just one (1) Dock through the Marsh. We would not want to subdivide the property. Consider it would be an additional 500 square feet of Dock, we feel this would be a minimal impact on the Marsh area.

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

NO: Because this would provide a safe egress for the public.

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(d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice?

YES: Safety and the well being of pedestrians, emergency personnel and handicap individuals for considering the length of the Pier. In the event of an emergency we could respond quicker with the use of a Golf Cart. Considering the total length of the Pier.

We are only requesting one Dock through the Marsh on property that is 1,200' feet wide. This would be a less impact on the 404 Wetlands with an additional 500 square feet of platform.

Consider that CAMA has allowed this in other projects for the benefit of the public. These same individuals (public) that will be using this Dock are the same individuals (public) that used those Docks. We are as well welcoming the transit visitors to our facility, with no restrictions. Also our facility will have a pump-out station as well as fuel.

As mentioned above the use of Golf Carts will be for official use only.

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PROJECT NARRATIVE

The purpose of this Major CAMA Permit Application is to seek authorization to construct a 62 slip marina on property owned by T.J.'s Land Development LLC located at 1711 Yeatsville Road (SR 1718) adjacent Pungo Creek near Bath in Beaufort County, North Carolina. Plans for this proposed marina were discussed at a scoping meeting held at the DENR regional office in Washington, North Carolina on 21 June 2013. The proposed marina will provide dockage for both the general public wishing to rent a slip as well as dockage to patrons of a planned RV park. Plans for the proposed RV Park have not been finalized. Once all plans for proposed upland development have been completed, an erosion control and stormwater plan will be submitted to the Division of Land Resources. Total acreage of the property is 46.5 acres, of which 37 acres is cleared agriculture land. There is a large area of both wooded 404 scrub shrub wetlands and Coastal Wetlands marsh between the fields/upland area and Pungo Creek.

The proposed docking system will consist of an 8' x 530' section over the wetlands to another 8' x 150' pier section into Pungo Creek to a dock system 8' wide x 504' long parallel to the shoreline with 62 slips. For safety purposes we are asking that the 8' wide width be constructed making the walkway handicap accessible. Due to the distance to be traveled over the marsh this greater width would be needed in the event that rescue is called to the end of the dock. Also, to ensure safety if an emergency were to occur while existing the docking facility. Three individual gazebos with a total 2,150 ft² will be constructed, one on either end of the dock system 25' x 25' and one at the end of the access pier 30' x 30'. The landward side of the dock system will be for smaller vessels moored on 38 – boatlifts each with a footprint of 12' x 12' accessed by 28- 3' x 20' finger piers. The offshore side of the dock will have 24 - ±20' x 40' wet slips for larger vessels. Use of the site by larger vessels will be limited to those that can pass beneath the newly completed HWY 99 bridge over Pungo Creek which has a horizontal navigable clearance of 15'. A marine pumpout is planned to be located at the end of the access pier on the 30' x 30' platform. Marine sewage will be pumped to a tank in the field area and either be disposed of in a septic system or hauled offsite.

The landowner has done a cursory review for bald eagle nest on the tract and did not find any. Bald eagle nesting in the vicinity of the project was an issue discussed during the 21 June 2014 scoping meeting.

The location of the landward Coastal wetland line was not flagged and located by survey. However, the seaward edge of the shrub line was located on the plan view plat using satellite imagery. The only development in or near the Coastal Wetlands is the access pier which will have a consistent elevation and dimension spanning all wetlands. The landward edge of the entire wetland system was flagged and surveyed. Water depths shown on the plan view were located using survey data taken onsite.

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TJ's Land Development LLC

P. O. Box 125
Pantego, N.C. 27860
252-943-6677 Office
252-943-3949 Fax
252-944-5555 Cellular
email: tobin@gotricounty.com

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 5, 2015

RE: Adjacent Riparian Property Owner Notification/Waiver Form
For: TJ's Land Development, LLC

Mr. William M. Tankard
WMT Holdings LLC
18764 US Hwy 264 East
Bath, NC 27808

Dear Mr. Tankard:

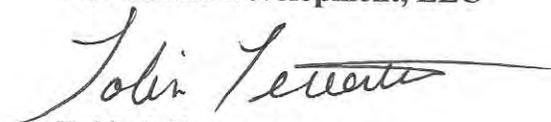
Enclosed you will find the "Adjacent Riparian Property Owner Notification/Waiver Form" to be completed by you for TJ's Land Development LLC. We have filed a "CAMA Variance Request Form" with the Division of Coastal Management and the Attorney General's office. Reason for this is that we requested 8' dock on the original application, but this was denied on one section over the 404 Wetlands. The area I am requesting the variance for is only 500 square feet (see enclosed drawing, highlighted area). This construction will be located at 1711 Yeatsville Road, Bath NC in Beaufort County.

As the adjacent riparian property owner to the aforementioned project, I am required to notify you of this project in order to give you the opportunity to comment on the project. Please review the attached information: Permit Number 79-15, Variance Criteria questions and answers and a copy of the drawing.

Should you have any objections to this proposal, please send your written comments to District Manager, Washington Regional Office, 943 Washington Square Mall, Washington, NC 27889 within 10 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 10 days of your receipt of this notice will be considered as no objection. If you have any questions on this project, please call me at 252-943-6677, or email me at tobin@gotricounty.com. A self addressed envelope is enclosed in order for you return the Owner Notification Waiver Form.

Sincerely,

T.J.'s Land Development, LLC



Tobin J. Tetterton

/pbw
Enclosures

TJ's Land Development LLC

P. O. Box 125
Pantego, N.C. 27860
252-943-6677 Office
252-943-3949 Fax
252-944-5555 Cellular
email: tobin@gotricounty.com

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 5, 2015

RE: Adjacent Riparian Property Owner Notification/Waiver Form
For: TJ's Land Development, LLC

Mr. Eugene B. Grant
JHG Farms LLC
42 Queens Way
Bath, NC 27808

Dear Mr. Grant:

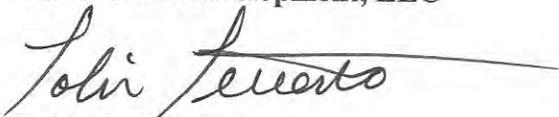
Enclosed you will find the "Adjacent Riparian Property Owner Notification/Waiver Form" to be completed by you for TJ's Land Development LLC. We have filed a "CAMA Variance Request Form" with the Division of Coastal Management and the Attorney General's office. Reason for this is that we requested 8' dock on the original application, but this was denied on one section over the 404 Wetlands. The area I am requesting the variance for is only 500 square feet (see enclosed drawing, highlighted area). This construction will be located at 1711 Yeatsville Road, Bath NC in Beaufort County.

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Sincerely,

T.J.'s Land Development, LLC



Tobin J. Tetterton
/pbw
Enclosures

TJ's Land Development LLC

P. O. Box 125
Pantego, N.C. 27860
252-943-6677 Office
252-943-3949 Fax
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email: tobin@gotricounty.com

NC Code. 15A NCAC 07H.0208 – USE STANDARDS

The proposed development is inconsistent with the current rule. Ruling states that dock over wetlands shall be no wider than six feet (6'). We are requesting to have a dock of eight feet (8') over the 404 wetlands. This area would only be an additional 500 square feet over the marsh.

Reason for the additional square footage is this will cause burden for the public to pass one another. In the event that a pedestrian would be pushing a cart to or from Dock area it would be difficult when passing another pedestrian. In addition to a handicap individual in a wheel chair it would be difficult for them to navigate when approaching other individuals. Also in the likelihood of an emergency it would be necessary for emergency personnel to respond with a golf cart for faster medical attention and evacuation. Another factor to keep in mind would be if in the event of a fuel spillage or fire were to occur this would allow for quicker response.

Attachment E: Stipulated Exhibits including Powerpoint

1. TJ's Land Clearing, LLC Secretary of State filing
2. Deed recorded at Book 1809, Page 753 of the Beaufort County Registry
3. CAMA Major Permit application including the site plan
4. Notice to Adjacent Riparian Owners
5. DCM Field Investigation Report
6. CAMA Major Permit No. 79-15
7. Powerpoint Presentation with aerial and ground-level photos of the Site, including google earth images from Petitioner



Elaine F. Marshall
Secretary

North Carolina

DEPARTMENT OF THE
SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

Account
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[Amend a Previous Annual Report](#)

Corporate Names

Legal: TJ's Land Development, LLC

Limited Liability Company Information

SosId: 1302642
Status: Current-Active
Annual Report Status: Under Review LLC Notice
Citizenship: Domestic
Date Formed: 2/18/2013
Fiscal Month:
State of Incorporation: NC
Registered Agent: Tetterton, Tobin J., Sr.

Corporate Addresses

Principal Office: 27159 Hwy 264 East
Belhaven, NC 27810
Reg Office: 27159 Hwy 264 East
Belhaven, NC 27810
Reg Mailing: P. O. Box 125
Pantego, NC 27860
Mailing: P. O. Box 125
Pantego, NC 27860

Company Officials

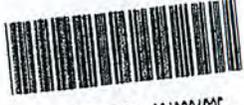
All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Member: Tobin J Tetterton , Sr
P. O. Box 125
Pantego NC 27860
Manager: Tobin J Tetterton , Sr
P. O. Box 125
Pantego NC 27860

FOR REGISTRATION REGISTER OF DEEDS
Jennifer Leppell Whitburns
Beaufort County, NC
February 28, 2013 04:30:06 PM
Book 1809 Page 753-755
FEE: \$26.00
NC REVENUE STAMP: \$400.00
INSTRUMENT # 2013001235

BEAUFORT COUNTY LAND RECORDS

ROUTING FORM 37029
CK 2-28-13
Land Records Official Date



INSTRUMENT # 2013001235

Prepared by and return to
MISA B. RAYNOR, Attorney at Law
PO Box 9
Beaufort, NC 27810

The property herein conveyed is not the primary residence of a Grantor.

TAX PARCEL: 07-029943
REVENUE STAMPS: \$ 400.00

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

WARRANTY DEED

THIS DEED, made and entered into this the 28th day of February, 2013 by and between JOHN TANKARD JONES, and wife, MARY ETTA JONES, 260 Yeatesville, Road, Bath, North Carolina 27808, hereinafter referred to as GRANTORS; to T J'S LAND DEVELOPMENT, LLC, PO Box 125, Pantego, North Carolina 27860 hereinafter referred to as GRANTEE.

WITNESSETH:

That the said Grantors in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to them in hand paid by said Grantee, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents, do bargain, sell and convey unto the said Grantee, its successors and assigns, the following parcel or tract of land in the State of North Carolina, County of Beaufort, Bath Township and more particularly described as follows:

Being that 46.47 acres, more or less, shown on that map of survey entitled "Property of John Tankard Jones" by Hood Richardson PA, dated July 13, 2007 and record in Plat Cabinet H at Slide 2-1 of the Beaufort County Registry.

This being the same property conveyed to the Grantors by deed dated December 23, 1998 and recorded in book 1124 at Page 31 of the Beaufort County Registry.

SUBJECT TO THE FOLLOWING RESTRICTIONS FOR AND DURING THE LIFETIMES OF THE GRANTORS:

1. This property cannot be used for a trailer park, but may be used for a recreational vehicle (RV) park; and
2. This property cannot be used for strip mining; however the Grantee may dig upon this property for its own use.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging unto the said Grantee, its successors and assigns forever.

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The Grantors covenant with the Grantee that they are seized in fee simple of the land above described and have good right and title to convey the same; that the same is free and clear of all liens and encumbrances, except ad valorem taxes for the current year, and those restrictions stated above, and they will forever warrant and defend the title to the same against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and affixed their seals this the day and year first above written.

John Tankard Jones (SEAL)
JOHN TANKARD JONES

Mary Etta Jones (SEAL)
MARY ETTA JONES
John Tankard Jones P.A.

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

I, Misa B. Rayner, a Notary Public, of the aforesaid County and State, do hereby certify that JOHN TANKARD JONES and MARY ETTA JONES personally appeared before me this day and acknowledged the due execution of the foregoing Deed.

WITNESS my hand and Notarial Seal, this the 28 day of February, 2013.

Misa B. Rayner
NOTARY PUBLIC

My Commission Expires: 3/3/13



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APPLICATION for Major Development Permit

(last revised 12/27/06)



North Carolina DIVISION OF COASTAL MANAGEMENT

1. Primary Applicant/ Landowner Information					
Business Name <i>TJ'S LAND Development, LLC</i>			Project Name (if applicable) <i>N/A</i>		
Applicant 1: First Name <i>Tobin</i>		MI <i>J.</i>	Last Name <i>TETTERTON, MANAGER</i>		
Applicant 2: First Name <i>N/A</i>		MI <i>N/A</i>	Last Name <i>N/A</i>		
If additional applicants, please attach an additional page(s) with names listed.					
Mailing Address <i>N/A</i>		PO Box <i>125</i>	City <i>PANTEGO</i>	State <i>NC</i>	
ZIP <i>27860</i>	Country <i>BEAUFORT</i>	Phone No. <i>252-943 6677xt.</i>		FAX No. <i>N/A</i>	
Street Address (if different from above) <i>27159 US Highway 264 EAST</i>		City <i>Belhaven</i>	State <i>NC</i>	ZIP <i>27810</i>	
Email					

2. Agent/Contractor Information <i>FORM ATTACHED</i>					
Business Name <i>Hood Richardson PA</i>					
Agent/ Contractor 1: First Name <i>Hood</i>		MI <i>L.</i>	Last Name <i>Richardson</i>		
Agent/ Contractor 2: First Name <i>N/A</i>		MI <i>N/A</i>	Last Name <i>N/A</i>		
Mailing Address <i>110 WEST MAIN STREET</i>		PO Box <i>N/A</i>	City <i>WASHINGTON</i>	State <i>NC</i>	
ZIP <i>27889</i>	Phone No. 1 <i>252-975-3472</i>		Phone No. 2 <i>N/A</i> ext.		
FAX No. <i>N/A</i>		Contractor # <i>N/A</i>			
Street Address (if different from above) <i>N/A</i>		City <i>N/A</i>	State <i>N/A</i>	ZIP <i>N/A</i>	
Email <i>hrichardsonpa@embargo.com</i>					RECEIVED <i>MAY 27 2015</i>

<Form continues on back>

3. Project Location				
County (can be multiple) BEAUFORT		Street Address YEATSVILLE AND BISHOP ROAD INTERSECTION		State Rd. # SR1718
Subdivision Name NONE		City BELHAVEN	State NC	Zip 27810
Phone No. 252-943-6677 ext.		Lot No.(s) (if many, attach additional page with list) LOTS 1 THRU 106 ON 46.47 ACRES (CAMP GROUND)		
a. In which NC river basin is the project located? TAR-PAMLICO		b. Name of body of water nearest to proposed project PUNGO CREEK		
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. PUNGO CREEK		
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. BEAUFORT COUNTY		

4. Site Description	
a. Total length of shoreline on the tract (ft.) 854 Feet	b. Size of entire tract (sq.ft.) 46.47 ACRES
c. Size of individual lot(s) CAMPER PARK, TYPICAL 40X70 FEET <i>(If many lot sizes, please attach additional page with a list)</i>	d. Approximate elevation of tract above NHW (normal high water) or NWL (normal water level) 7.0 FEET <input checked="" type="checkbox"/> NHW or <input type="checkbox"/> NWL
e. Vegetation on tract 33.52 ACRES OF FARM LAND 12.95 ACRES OF 404 AND CAMPA WETLAND 46.47 ACRES TOTAL	
f. Man-made features and uses now on tract FARMING AND FILL DIRT MINING	
g. Identify and describe the existing land uses adjacent to the proposed project site. FARMING AND WOODLAND.	
h. How does local government zone the tract? NONE	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 checked="" type="checkbox"/> No <input 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	

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<Form continues on next page>

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m. (i) Are there wetlands on the site? Yes No

(ii) Are there coastal wetlands on the site? Yes No

(iii) If yes to either (i) or (ii) above, has a delineation been conducted?
(Attach documentation, if available) Yes No

n. Describe existing wastewater treatment facilities. *PRESENTLY: NONE*
PROPOSED SYSTEMS ARE SEPTIC TANK TO GROUND ABSORPTION. BOAT PUMP OUT WILL BE SENT TO A STORAGE TANK FOR DISPOSAL IN A MUNICIPAL SEWAGE TREATMENT PLANT.

o. Describe existing drinking water supply source. *PRESENTLY NONE.*
DRINKING WATER WILL BE PROVIDED FROM THE BEAUFORT COUNTY WATER SYSTEM

p. Describe existing storm water management or treatment systems. *NONE.*
STORMWATER WILL BE PERMITTED BY NCDENR - DWQ.

5. Activities and Impacts

a. Will the project be for commercial, public, or private use? Commercial Public/Government
 Private/Community

CAMPER RENTAL PARK AND BOAT SLIPS.

b. Give a brief description of purpose, use, and daily operations of the project when complete.
CAMPER RENTAL PARK WITH BOAT SLIPS, STONE AND SWIMMING POND.

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.
CONSTRUCT PIER SYSTEM IN WATER FROM A BARGE. CONSTRUCT PIER ON LAND USING BACKHUE AND PILE DRIVER.

d. List all development activities you propose.
CONSTRUCT CAMPER PARK, SWIMMING POND AND RENTAL BOAT SLIPS.

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? Sq.Ft or Acres
33.52 ACRES IN PARK. CROSS 0.12 CAMA WETLANDS AND 0.18 404 WETLANDS

g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of? Yes No NA

h. Describe location and type of existing and proposed discharges to waters of the state.
SURFACE WATER RUN OFF, SHEET FLOW

i. Will wastewater or stormwater be discharged into a wellland? Yes No NA
All by sheet flow. Low density DWQ Permit.
If yes, will this discharged water be of the same salinity as the receiving water? Yes No NA

j. Is there any mitigation proposed? Yes No NA
If yes, attach a mitigation proposal.

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BEAUFORT COUNTY

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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. ATTACHED
- 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. ATTACHED.
- c. A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site. ON WORK PLAT
- d. A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties. ATTACHED
- e. The appropriate application fee. Check or money order made payable to DENR. ATTACHED.
- 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 <u>WMT Holdings, LLC</u>	Phone No. <u>252-943-2998</u>
Address <u>18764 US HIGHWAY 264 EAST, BATH, NC 27808</u>	
Name <u>JAG FARMS, LLC</u>	Phone No. <u>252-923-9495</u>
Address <u>42 QUEENS WAY, BATH, NC. 27808</u>	
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.

EROSION AND SEDIMENTATION CONTROL BEAUF 2015-007 12/19/14
WATER QUALITY DWR 14-0275 V.2 10/2/14, MINE PERMIT #07-60
- h. Signed consultant or agent authorization form, if applicable. ATTACHED.
- i. Wetland delineation, if necessary. TEAR SHEET ATTACHED.
- j. A signed AEC hazard notice for projects in oceanfront and inlet areas. (Must be signed by property owner) N/A
- 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. N/A.

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 5/5/15 Print Name Hus L. Richardson, Agent
Signature [Handwritten Signature]

Please indicate application attachments pertaining to your proposed project.

- DCM MP-2 Excavation and Fill Information
- DCM MP-3 Upland Development
- DCM MP-4 Structures Information
- DCM MP-5 Bridges and Culverts

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DENR/DCM

Form DCM MP-3

UPLAND DEVELOPMENT

(Construction and/or land disturbing activities)

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.

GENERAL UPLAND DEVELOPMENT

a. Type and number of buildings, facilities, units or structures proposed.
MORE THAN 100 CAMPER SITES
STONE WITH COMMUNITY FACILITIES.

b. Number of lots or parcels.
SINGLE TRACT WITH CAMPER SITES, ALL RENTAL.

c. Density (give the number of residential units and the units per acre).
100 CAMPERS = 2.28 CAMPERS
PER ACRE

d. Size of area to be graded, filled, or disturbed including roads, ditches, etc.
33.52 ACRES

e. If the proposed project will disturb more than one acre of land, the Division of Land Resources must receive an erosion and sedimentation control plan at least 30 days before land-disturbing activity begins.
 (i) If applicable, has a sedimentation and erosion control plan been submitted to the Division of Land Resources?
 Yes No NA
 (ii) If yes, list the date submitted: SEE BC MP-1
PAGE 4 AND NARRATIVE

f. List the materials (such as marl, paver stone, asphalt, or concrete) to be used for impervious surfaces.
CRUSHED STONE, FILL DIRT,
CONCRETE, ASPHALT.

g. Give the percentage of the tract within the coastal shoreline AEC to be covered by impervious and/or built-upon surfaces, such as pavement, building, rooftops, or to be used for vehicular driveways or parking.
NONE

h. Projects that require a CAMA Major Development Permit may also require a Stormwater Certification.
 (i) Has a site development plan been submitted to the Division of Water Quality for review?
 Yes No NA WAITING FOR
POLE EXCAVATION AND MIRE TO BE
 (ii) If yes, list the date submitted: RECLAIMED.
N/A.

i. Give the percentage of the entire tract to be covered by impervious and/or built-upon surfaces, such as pavement, building, rooftops, or to be used for vehicular driveways or parking.
LESS THAN 25%

j. Describe proposed method of sewage disposal.
PUMP OUT TO HIGH GROUND
WITH DISPOSAL IN A MUNICIPAL
OR OTHER HEALTH DEPARTMENT
APPROVED FACILITY.

k. Have the facilities described in Item (i) received state or local approval?
 Yes No NA
 If yes, attach appropriate documentation.

l. Describe location and type of proposed discharges to waters of the state (e.g., surface runoff, sanitary wastewater, industrial/commercial effluent, "wash down" and residential discharges).
SURFACE WATER RUN OFF

m. Does the proposed project include an innovative stormwater design?
 Yes No NA
 If yes, attach appropriate documentation.

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m. Describe proposed drinking water supply source (e.g., well, community, public system, etc.)

Beaufort County Water System

n. (i) Will water be impounded? Yes No NA

(ii) If yes, how many acres? ON SITE POND IS EXCAVATED. THERE WILL BE NO DIVERSION OF SURFACE WATER TO THE POND.

o. When was the lot(s) platted and recorded?

NO LOTS, ALL IN ONE TRACT.

p. If proposed development is a subdivision, will additional utilities be installed for this upland development?

Yes No NA

Date

N/A

Project Name

TJ'S LAND DEVELOPMENT, LLC

Applicant Name

HOOD L. RICHARDSON, AGENT

Applicant Signature

[Signature] AGENT

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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

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 1 DOCK
(iii) Length 586 (INCLUDES DECKS)
(iv) Width 8'
(v) Floating Yes No
PIER HIGH GROUND TO DOCK 730'

d. (i) Are Finger Piers included? Yes No
If yes:
(ii) Number 36
(iii) Length 20 FEET
(iv) Width 3 FEET
(v) Floating Yes No

e. (i) Are Platforms included? Yes No
If yes:
(ii) Number 3
(iii) Length 1-30 FEET, 2-25'
(iv) Width 1-30 FEET, 2-25'
(v) Floating Yes No

f. (i) Are Boatlifts included? Yes No
If yes:
(ii) Number 40
(iii) Length 10 FEET
(iv) Width 10 FEET

Note: Roofed areas are calculated from dripline dimensions.

g. (i) Number of slips proposed
66
(ii) Number of slips existing
NONE

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: N/A
 Dry storage; number of boats: N/A
 Boat ramp(s); number of boat ramps: N/A
 Other, please describe:
N/A

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).
POWER AND SAIL BOATS

k. Typical boat length: 22 FEET AVERAGE

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?
401

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2. DOCKING FACILITY/MARINA OPERATIONS

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: 8; Location: ON high ground in THE CAMPER PARK STORE.

Showers

Boatholding tank pumpout; Give type and location: Pumping to high ground FROM THE CENTER DECK

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

All boats will be required to use the pumpout. Waste will be pumped to STORAGE TANK ON high ground. Sewage will be hauled to AN APPROVED TREATMENT FACILITY.

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

TRASH CANS will be ON THE DOCK. These will be serviced by PARK STAFF. All trash will be disposed of in AN APPROVED LAND FILL.

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

SIGNAGE

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

6 signs 2 AT each end of the pier AND 2 ON the fueling deck.

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

AT THE SAME LOCATIONS described in 2(e)(i)

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

NO boat repairs allowed. Only emergency engine work. All repair parts to be removed by person making repairs.

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

ONLY emergency repairs allowed. All refuse to be moved OFF SITE by the person making repairs.

h. Give the number of channel markers and "No Wake" signs proposed. 2

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

Fuel storage will be on high ground, out of the flood zone, WITH PIPE TO THE fueling DECK.

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

NO live aboard allowed. Overnight up to 8 consecutive days permitted.

k. Describe design measures that promote boat basin flushing?

There is NOT A boat basin.

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

NEW PROJECT.

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8

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 1760 SAV _____ SB _____
 WL 2600 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.

N/A

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 dripline 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 _____

Note: This should be measured from marsh edge, if present.

d. Description of buoy (color, inscription, size, anchor, etc.)

e. Arc of the swing _____

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7. GENERAL

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

150' FROM EACH ADJONER

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

c. Width of water body

800

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

MORE THAN 500 FEET FROM JHG FARMS, LLC PIER

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

5.8

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:

Date

TJ'S LAND DEVELOPMENT, LLC

Project Name

TOBIN J. TETTENTON, MANAGER.

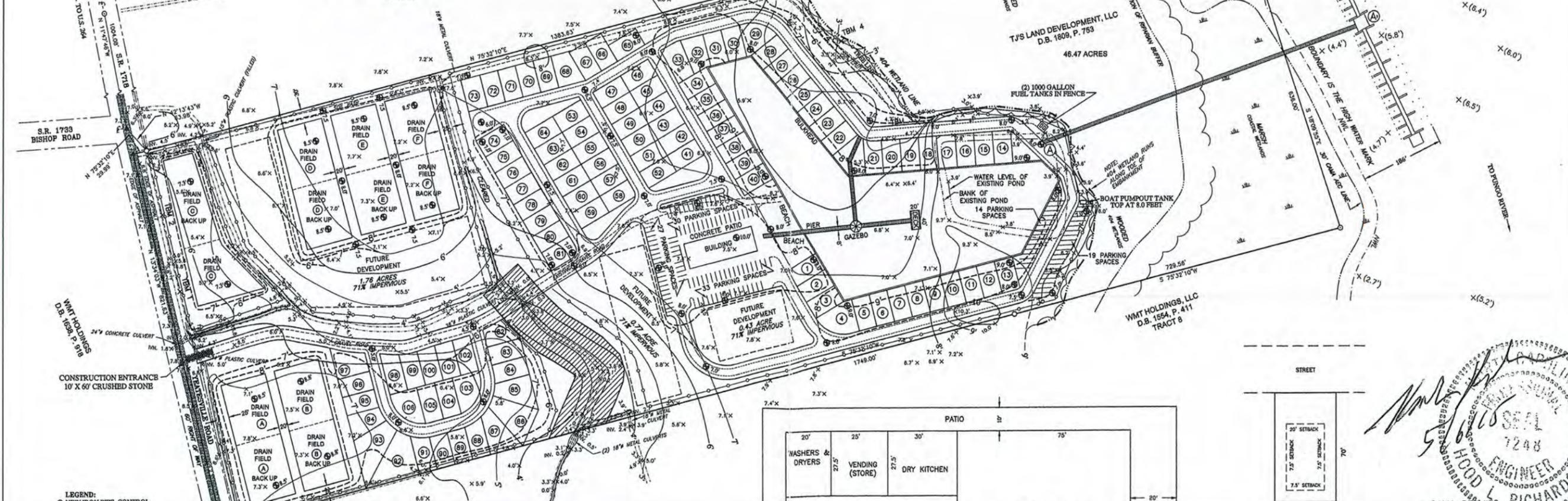
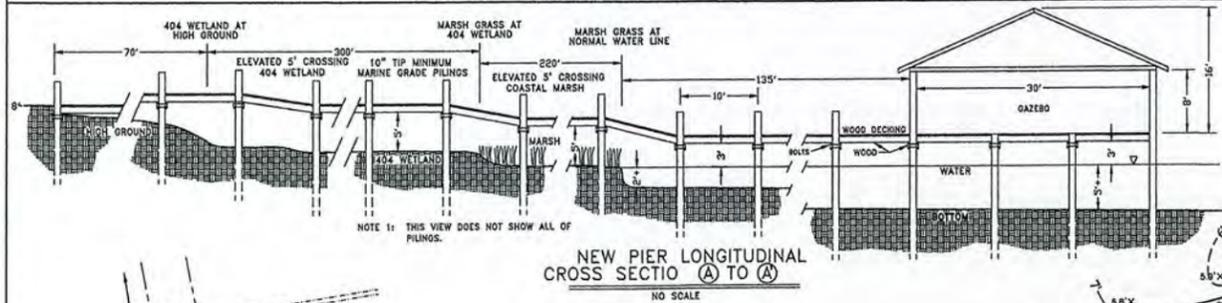
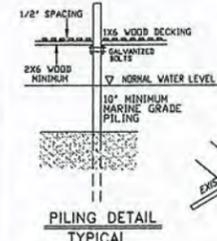
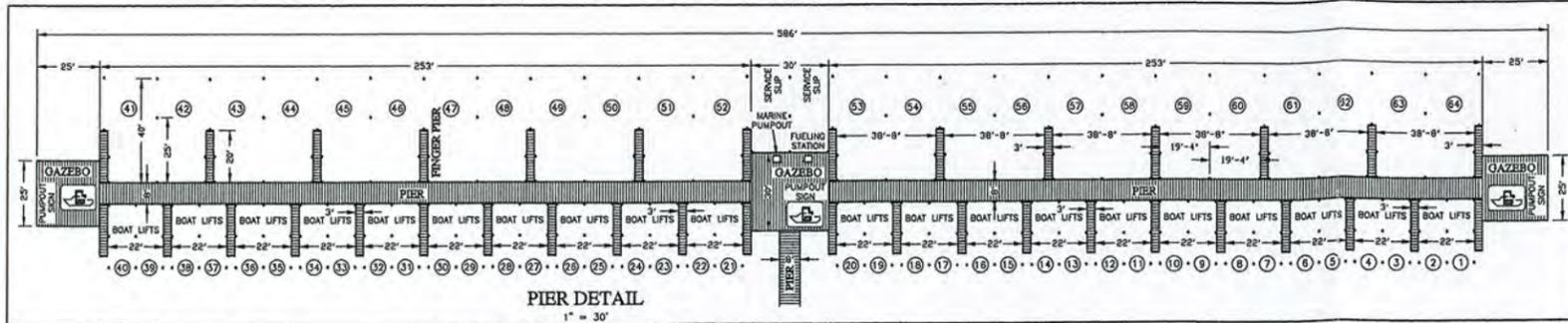
Applicant Name

HOOD L. RICHARDSON, AGENT

Applicant Signature

[Signature] AGENT

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- LEGEND:**
- NEW IRON PIPE, CONTROL
 - ▲ RAILROAD SPIKE, CONTROL
 - POINT, CONTROL
 - DITCH
 - 404 WETLAND LINE
 - NORMAL WATER LINE
 - NOT TO SCALE
 - inv. INVERT
 - (5.0') x WATER DEPTH
 - 7.1' x SPOT ELEVATION
 - ⊕ FINISHED ELEVATION
 - SILT FENCE
 - ASPHALT (YEATESVILLE ROAD)
 - CONTOUR LINE
 - FINISHED CONTOUR
 - TAR - PAMLICO RIPARIAN BUFFER DWQ #14-0275

ACRES	HIGH GROUND
33.52	DISTURBED
12.95	NOT DISTURBED
46.47	TOTAL

ELEVATION DATUM: 1988 (FROM BBA 6)

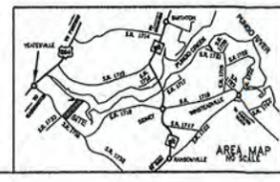
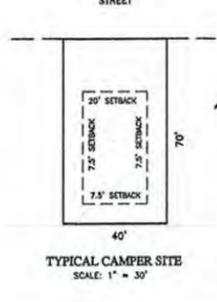
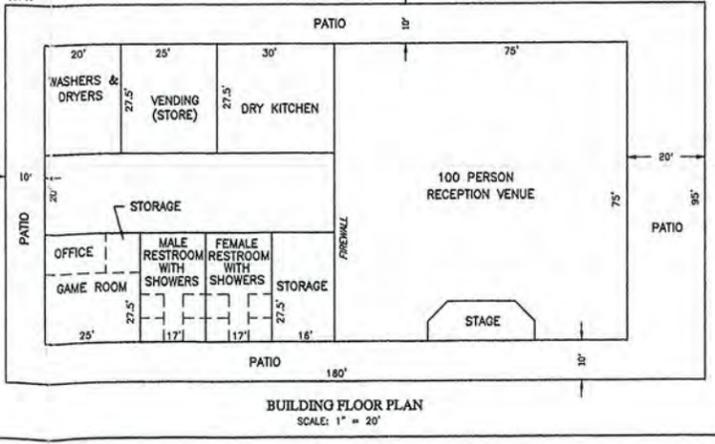
TBM 1: NAIL SET IN A POWER POLE 1.4 FEET ABOVE GROUND. THE POLE IS 100 FEET NORTH FROM A NEW GRAVEL ROAD AND 33 FEET EAST FROM THE CENTER OF THE ASPHALT OF S.R. 1718 (YEATESVILLE ROAD). THE POLE IS LABELED TBM1 1484. THE ELEVATION OF THE NAIL IS 7.0 FEET.

TBM 2: NAIL SET IN A POWER POLE 1.5 FEET ABOVE GROUND. THE POLE IS 320 FEET NORTH FROM A NEW GRAVEL ROAD AND 33 FEET EAST FROM THE CENTER OF THE ASPHALT OF S.R. 1718 (YEATESVILLE ROAD). THE POLE IS LABELED TBM2 1578. THE ELEVATION OF THE NAIL IS 7.0 FEET.

TBM 3: NAIL SET IN A 15-INCH MAPLE TREE 3.3 FEET ABOVE GROUND. THE TREE IS 35 FEET NORTH FROM THE CORNER OF A POND, ON THE SOUTHWEST BANK OF A DITCH HEADING INTO THE WOODS AND ON THE CORNER OF THE TREE LINE. THE ELEVATION OF THE NAIL IS 7.0 FEET.

TBM 4: NAIL SET IN A 15-INCH GUM TREE 1.5 FEET ABOVE GROUND. THE TREE IS 120 FEET NORTH FROM THE CORNER OF A POND AND ON THE TREE LINE. THE ELEVATION OF THE NAIL IS 7.0 FEET.

NOTE: THE 1988 DATUM BASE FLOOD ELEVATION FOR THIS LOT IS 7.0 FEET ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 37206640001 DATED 5/15/03.



PROPERTY OF:
TJ'S LAND DEVELOPMENT, LLC

BATH TOWNSHIP BEAUFORT COUNTY
NORTH CAROLINA

SCALE: 1" = 100' SURVEY DATE: NOVEMBER 22, 2013

SURVEYED BY: HOOD RICHARDSON, P.A.
ENGINEERS-GEODETISTS-PLANNERS
110 WEST 2ND STREET
WASHINGTON, N.C. 27888
PHONE: (336) 976-3472

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NARRATIVE

CAMA Permit

TJ's Land Development, LLC

This project is to build a camp ground with marina on the Yeatsville Road fronting on Pungo Creek in Beaufort County. The entire tract of land is 46.47 acres with 12.95 acres of undisturbed 404 and CAMA wetlands: The remainder, approximately 33.52 acres, is farm land. There will be dockage for approximately 76 boats and more than 100 camp sites with sewage facilities for both the dockage and the camp sites.

The wetland area is well defined and has been examined by the US Army Corps of Engineers and The Division of Coastal Management. No attempt has been made to make the distinction between CAMA and 404 wetlands because the only impact in these wetlands will be limited to pile driving. CAMA wetlands are along the Pungo Creek shore line.

A pump out for boaters will be provided with disposal of the sewerage at a permitted facility. Bathrooms and other amenities will be provided at a high ground commercial facility located as shown on the plans.

Elevations range from sea level to 10 feet. Generally the project area is flat with grades less than one percent. The entire project area to be disturbed is farm land and the existing excavated pond. Soils are Augusta and Altavista fine sandy loam.

The project includes the excavation of an approximately 3.6 acre pond that is fed by ground water. There will be no surface water flow into the pond or natural discharge. The pond will not be connected to local ditches or streams. The existing borrow pit will be enlarged to construct the pond. A mine permit is being applied for concurrently with these applications. The purpose of these permits is to construct the pond and provide a partial place to place fill dirt resulting from that construction. The pond will be used for recreation including swimming. Putrefaction will be avoided by periodically decanting by pumping to high ground with sheet flow of more than 50 feet into ditches.

An after the fact Tar-Pamlico buffer permit has been granted to resolve the road crossing issue at the head of the designated stream.

Borrow will be used to raise the ground elevation at those camper lots that are below the base flood elevation, and for raising the ground elevation at the septic tank disposal ground absorption drain fields as required by ground absorption permits. There will be an estimated surplus of about 114,000 cubic yards of borrow. The owner, TJ's Land Development, LLC intends do the excavation and construction of the property. Some of the borrow will be used on properties owned by Toby J. Tetterton who is also the owner of TJ's Land Development, LLC, and some of the borrow will be sold for use at other sites.

Storm water strategy in these sandy silts is to avoid collecting rainwater into hardened or ditched conveyances. Roads will be constructed as nearly as possible without ditches. Gentle swales will be used. The Tar-Pamlico riparian buffer will be protected by sheet flowing all water into the buffer. This is a low density storm water project.

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BOCAJULIS 215



Hood Richardson, PA C-576
Engineers – Surveyors – Geologists
110 West Second Street
Washington, North Carolina 27889
(252) 975-3472
April 5, 2015

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Att: Mr. William Tankard
WMT Holdings, LLC
18764 US Highway 264 East
Bath, N. C. 27808

Gentlemen:

TJ's Land Development, Tobin J. Tetterton Manager, is applying for a CAMA Major permit to build a camper park and marina located on the north side of your property on the Yeatsville Road and fronting on Pungo Creek in Beaufort County, North Carolina. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner to the aforementioned project, I am required as agent for Mr. Tetterton to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any objections to the proposal, please send your written comments to Mr. Kelly Spivey, District Manager of the CAMA Washington Regional Office at 943 Washington Square Mall, Washington, N. C. 27889. Within 30 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. If you have any questions about this project, please call me at 252-975-3472 or e-mail me at hrichardsonpa@embarqmail.com. You may also contact Mr. Tetterton at 252-944-5555.

Sincerely yours,



Hood Richardson, PE, PLS, PG

Disc S

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DCM-WH/4 543

Hood Richardson, PA C-576
Engineers – Surveyors – Geologists
110 West Second Street
Washington, North Carolina 27889
(252) 975-3472
March 17, 2015

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Att: Mr. Gene Grant
JHG Farms, LLC
42 Queens Way
Bath, N. C. 27808

Gentlemen:

TJ's Land Development, Tobin J. Tetterton Manager, is applying for a CAMA Major permit to build a camper park and marina located on the south side of your property on the Yeatsville Road and fronting on Pungo Creek in Beaufort County, North Carolina. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner to the aforementioned project, I am required as agent for Mr. Tetterton to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any objections to the proposal, please send your written comments to Mr. Kelly Spivey, District Manager of the CAMA Washington Regional Office at 943 Washington Square Mall, Washington, N. C. 27889. Within 30 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. If you have any questions about this project, please call me at 252-975-3472 or e-mail me at hrichardsonpa@embarqmail.com. You may also contact Mr. Tetterton at 252-944-5555.

Sincerely yours,



Hood Richardson, PE, PLS, PG
Agent

Disc S

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MAY 27 2015

WASHINGTON
COUNTY
COMMUNITY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: *80242*
AT: Gene Grant
JITCFARMS, LLC
42 Queenway
BATH, N.C. 27808

2. Article Number
 (Transfer from service label) 7009 2250 0002 7303 5645

PS Form 3811, February 2004 Domestic Return Receipt **102595-02-M-1540**

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 [Signature] Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 5-8

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

U.S. Postal Service™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE
 For delivery information visit our website at www.usps.com

BATH, N.C. 27808

Postage	\$ 1.40
Certified Fee	\$ 3.30
Return Receipt Fee (Endorsement Required)	\$ 2.70
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 7.40

Sent To: *William Grant Farms LLC*
 Street Apt. No.: *42 Queenway*
 or PO Box No.: *8264, 05264 EAST*
 City, State, ZIP+4: *BATH, N.C. 27808*

PS Form 3800, August 2006 See Reverse for Instructions

0389 04 Postmark Here 05/06/2015

7009 2250 0002 7303 5638

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 MAY 27 2015
 MAIL ROOM

N.C. DIVISION OF COASTAL MANAGEMENT

AGENT AUTHORIZATION FORM

Date 4/30/15

Name of Property Owner Applying for Permit:
TJ'S LAND DEVELOPMENT, LLC
Tobin J. Tetterton, MANAGER

Mailing Address:
P.O. Box 125
Pawtego, N.C. 27860

I certify that I have authorized (agent) Hood L Richardson to act on my behalf, for the purpose of applying for and obtaining all CAMA Permits necessary to install or construct (activity) A Pier,
at (my property located at) ON PUNGO CREEK, OFF
YEATSVILLE ROAD.

This certification is valid thru (date) 12/1/15.

[Handwritten Signature]

Property Owner Signature

4/30/15

Date

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KIMMEL CITY

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to TJ's Land Dev. LLC's
(Name of Property Owner)
property located at 1711 Yeatasville Road
(Address, Lot, Block, Road, etc)
on Pungo Creek, in Boyd Beaufort, N.C.
(Waterbody) (City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

AW ✓

I have no objection to this proposal.

_____ I have objections to this proposal.

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT

(Individual proposing development must fill in description below or attach a site drawing)

Construction of sixty-two (62) boat slips with twenty-eight (28) finger Pier's, three (3) Gazebo/Platforms. Thirty-eight boat lifts to be installed (Creek Side). The pier over the wetlands is approximately 545' long and 6' wide. 210' over Pungo Creek.

See Attached Drawing.

WAIVER SECTION

I understand that a pier, dock, mooring pilings, breakwater, boathouse, lift, or groin 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.)

AW ✓

I do wish to waive the 15' setback requirement.

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

(Property Owner Information)

Tobi Tetterton
Signature Tobin J. Tetterton
Print or Type Name
P.O. Box 125
Mailing Address
Pantego NC 27860
City/State/Zip
252-943-6677
Telephone Number
2-24-2014
Date

(Adjacent Property Owner Information)

Eugene B. Grant
Signature
Print or Type Name
42 Queens Way
Mailing Address
Boyd NC 27808
City/State/Zip
252 723 9495
Telephone Number
2/25/14
Date

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to TJ's Land Dev. LLC's
(Name of Property Owner)
property located at 1711 Yeatesville Road
(Address, Lot, Block, Road, etc.)
on Pungo Creek in Boyd Beaufort, N.C.
(Waterbody) (City/Town and/or County)

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I have no objection to this proposal.

I have objections to this proposal.

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT

(Individual proposing development must fill in description below or attach a site drawing)

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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)

Robin Tetterton
Signature
TJ Land Dev, LLC
Print or Type Name
P.O. Box 125
Mailing Address
Pantego NC 27860
City/State/Zip
944-5555
252-943-6677
Telephone Number
2-24-2014
Date

(Adjacent Property Owner Information)

William M. Tankard
Signature
William M. Tankard WMT Holdings LLC
Print or Type Name
18764 US Hwy 264 E
Mailing Address
Boyd NC 27808
City/State/Zip
252-943-7187
Telephone Number
3/4/14
Date

**DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT**

1. APPLICANT'S NAME: TJ's Land Development, LLC
2. LOCATION OF PROJECT SITE: Project site is located off SR 1718, Yeatesville Road, in existing farmland adjacent Pungo Creek near Belhaven in Beaufort County, North Carolina.
Photo Index - **2006**:117-8454; J-6 **2000**:117-1473; J-5 **1995**:117-1271; K-16
State Plane Coordinates - X: 2,669,200 Y: 646,200
Pantego Quad. (lower left corner)
3. INVESTIGATION TYPE: CAMA
4. INVESTIGATIVE PROCEDURE: Dates of Site Visit – 29 August 2013
Was Applicant Present - No
5. PROCESSING PROCEDURE: Application Received – 20 May 2015
Office - Washington
6. SITE DESCRIPTION:
 - (A) Local Land Use Plan - Beaufort County
Land Classification From LUP – Rural with Services
 - (B) AEC(s) Involved: PTA, PTS, CW
 - (D) Water Dependent: Yes
 - (D) Intended Use: Campground with associated marina.
 - (E) Wastewater Treatment: Existing - None.
Planned - Individual Septic
 - (F) Type of Structures: Existing - None
Planned - 106 camp sites, septic system for camp sites, 66 slip marina with fuel and pump and haul wastewater system.
 - (G) Estimated Annual Rate of Erosion: Unknown

7. HABITAT DESCRIPTION:

	<u>DREDGED</u>	<u>[AREA] FILLED</u>	<u>OTHER</u>
(A) Vegetated Wetlands			1,760 ft ² (Coastal Wetland shaded) 2,600 ft ² (Wooded 404 shaded)
(B) Non-Vegetated Wetlands Pungo Creek bottom			9,478 ft ² (Shaded Creek bottom)
(C) Other Uplands		33.5 acres	

- (D) Total Area Disturbed: 1,473,969 ft² (33.8 acres)
- (E) Primary Nursery Area: No
- (F) Water Classification: SC NSW
Open: NO

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DCM-RHB/TH

8. PROJECT SUMMARY: The applicant proposes to convert cropland into a campground with 106 camping sites, associated septic systems and campground building with showers, washer and dryers, and store. The applicant also proposes to construct a 66 slip marina in Pungo Creek.

TJ's Land Development, LLC
Pungo Creek
Beaufort County

Project Setting

The 46.5 acre project site is located off SR 1718, Yeatesville road, adjacent Pungo Creek near Belhaven in Beaufort County, North Carolina. The most common land use near and adjacent to the project site is agriculture, with some scattered single family residences. The site consists of 33.5 acres of uplands that is currently used as row crop farmland and 12.9 acres of wetlands. The farmland has an elevation of $\pm 7'$ above the normal water level (NWL) and consist of sandy loam soils. At the east end of the field is a borrow pond next to a broad expanse of scrub shrub wooded 404 wetlands that transition to a Coastal Wetland marsh adjacent Pungo Creek. This wetland area is approximately 540' wide between the uplands and the normal water level (NWL) of Pungo Creek. The wooded portion of the wetland is vegetated with bald cypress (*Taxodium distichum*), red bay (*Persa borbonia*), dead and stressed loblolly pines (*Pinus taeda*), wax myrtle (*Myrica ceriferra*) and red cedar (*Juniperus virginiana*). The wooded wetlands transition to an herbaceous Coastal Wetland marsh vegetated with black needlerush (*Juncus roemerianus*), sawgrass (*Cladium jamaicense*), and giant cordgrass (*Spartina cynosuroides*).

There is an unnamed tributary off of Banjo Creek, a tributary to Pungo Creek, whose channelized head waters traverse the existing project site/field. The channelization was undertaken most likely to improve agricultural drainage. An unimproved dirt road was constructed through the field to the existing borrow pond during the winter of 2013/14. This road crossed the channelized stream with a 36" culvert pipe. An "after-the-fact" 401 Water Quality Certification from the Division of Water Resources and a Nationwide Permit 14 from the US Army Corps of Engineers authorized this improvement.

The project site has 854' of Coastal Wetland marsh shoreline adjacent Pungo Creek. Water depths in Pungo Creek range from 3' at the marsh edge to +5' below the NWL approximately 150' offshore. The Environmental Management Commission classifies Pungo Creek at this location as SC NSW and the NC Wildlife Resource Commission as Inland Waters. This area of Pungo Creek is closed to shellfishing.

Project Description

A pre-application scoping meeting was held for this project on 21 June 2013 in the Washington Regional Office. The applicant proposes to develop the farmland into a campground with 106 camping sites, that will include supporting infrastructure such as a 50' wide x 150' long building housing full bathroom facilities, laundry mat, store, and a 100 person reception venue. A 66 slip marina is proposed in Pungo Creek as well as a large groundwater fed pond to be used for recreational purposes including swimming. A road system will be constructed to access the camping spaces and other campground and marina facilities. A 90 space parking lot is proposed for the campground building and a 33 space parking lot is proposed for the marina. Wastewater generated from the campground will be handled by onsite septic

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TJ's Land Development, LLC
Pungo Creek
Page Two

systems. The marina will have a pump and haul system that will pump to a holding tank near the base of the marina pier from which the wastewater will be trucked to local municipality for disposal. The application did not include any documentation authorizing the proposed methods of wastewater disposal.

The 66 slip marina will be accessed by an 8' wide pier of which $\pm 50'$ is over highground, $\pm 300'$ is over wooded 404 wetlands, $\pm 240'$ is over Coastal Wetlands marsh and $\pm 140'$ over open water. The applicant desires to build the pier 8' wide because of the distance to the slips and the extra width would allow traffic to pass on the pier. The applicant proposes to mitigate for this impact by constructing the pier with the decking elevated 5' above the ground level to reduce the shading impact. The pier will access an 8' wide x 586' long T-shaped dock with 66 slips. The dock will have a square shaped, roofed, platform 30' x 30' at the intersection of the access pier and dock. This platform will support the fueling area as well as the marine pumpout. Two 15' x 30' slips will be designated for use by boats fueling or pumping out onboard holding tanks. There is also proposed 2-25' x 25' roofed platforms at each end of the dock. There will be 24-18' x 40' slips with a "stern to" orientation on the offshore side of the dock accessed by 14-3' x 20' finger piers. The inshore side of the dock will have 40-10' x 10' boat lifts accessed by 22-3' x 20' finger piers providing access to the boatlifts.

The existing borrow pond will be modified and enlarged to 3.6 acres. An area of the existing pond will be filled $\pm 50'$ x 250' for more highground space to accommodate camping spaces and the perimeter road around the campground. Fill generated from the pond excavation will be used onsite to build up the existing ground elevations where they do not meet the base flood elevation. Fill dirt will also be sold and trucked offsite. The applicant states that a mining permit application has been submitted to the Division of Land Resources. The applicant plans to construct a bulkhead around the perimeter of the pond. An 8' wide pier system with a covered platform and a 20' x 40' T-head platform are proposed to be constructed in the 3.6 acre pond. The pond will be pumped out to prevent putrefaction pumping the pond water to highground with sheetflow of more than 50' into ditches.

Project Impacts

The development of the campground spaces and associated infrastructure including the pond excavation will disturb 33.5 acres of uplands. The access pier over wetlands will shade 2,600 ft² of wooded wetlands and 1,760 ft² of Coastal wetlands. The proposed dock, platforms and finger piers will shade 9,478 ft² of Pungo Creek bottom. Construction of the pier, dock and slips will result in some localized short-term turbidity. The marina will increase boat traffic in Pungo Creek and their associated impacts.

Steve Trowell – Washington Regional Office – 20 May 2015

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DCM-MHB-DTH



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

August 4, 2015

TJ's Land Development, LLC
P.O. Box 125
Pantego, N.C. 27860

Dear Sir or Madam:

The enclosed permit constitutes authorization under the Coastal Area Management Act, and where applicable, the State Dredge and Fill Law, for you to proceed with your project proposal. The original (buff-colored form) is retained by you and it must be available on site when the project is inspected for compliance. Please sign both the original and the copy and return the copy to this office in the enclosed envelope. Signing the permit and proceeding means you have waived your right of appeal described below.

If you object to the permit or any of the conditions, you may request a hearing pursuant to NCGS 113A-121.1 or 113-229. Your petition for a hearing must be filed in accordance with NCGS Chapter 150B with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27611-6714, (919) 733-2698 within twenty (20) days of this decision on your permit. You should also be aware that another qualified party may submit an objection to the issuance of this permit within twenty (20) days.

The project plan is subject to those conditions appearing on the permit form. Otherwise, all work must be carried out in accordance with your application. Modifications, time extensions, and future maintenance requires additional approval. Please read your permit carefully prior to starting work and review all project plans, as approved. If you are having the work done by a contractor, it would be to your benefit to be sure that he fully understands all permit requirements.

From time to time, Department personnel will visit the project site. To facilitate this review, we request that you complete and mail the enclosed Notice Card just prior to work initiation. However, if questions arise concerning permit conditions, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance. By working in accordance with the permit, you will be helping to protect our vitally important coastal resources.

Sincerely,

Douglas V. Huggett
Major Permits and Consistency Manager
N.C. Division of Coastal Management

Enclosure

Permit Class
NEW

Permit Number
79-15

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
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 TJ's Land Development, LLC., PO Box 125, Pantego, NC 27860

Authorizing development in Beaufort County at adj. Pungo Creek, off SR 1718,

Yeatesville Road, near Belhaven, as requested in the permittee's application dated 5/5/15, including the
attached drawing (1), dated revised 2/10/14

This permit, issued on August 4, 2015, 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.

Marina

- 1) Prior to the occupancy of any new slips authorized under this permit, a marine pumpout sewage disposal facility shall be installed in an easily accessible location, and a representative of the Division of Coastal Management shall meet on-site with the permittee to ensure that the required pumpout facility is in place and operable. The pumpout facility shall be operable and maintained for the life of the marina.
- 2) The marina shall display a sign showing the location of the on-site pumpout facility, including other appropriate waste disposal information, at the entrance and exit from each of the main piers.

(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.

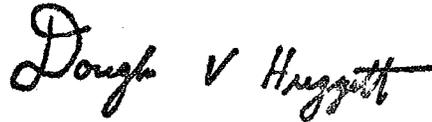
This permit shall be accessible on-site to Department personnel when the project is inspected for compliance.

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

All work shall cease when the permit expires on
December 31, 2018

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

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



for Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the marina. Any sewage discharge at the marina shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.
- 4) The permittee shall provide a Spill Prevention Control and Countermeasure plan to the Division of Water Resources before fueling facilities are constructed and shall supply a copy of the plan to the Division of Coastal Management.
- 5) Unless specifically altered herein, this permit authorizes only the docks, piers, and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this marina facility without permit modification. No non-water dependent uses of structures may be conducted on, in or over public trust waters without permit modification.
- 6) All portions of the access pier/walkway located over Coastal Wetlands shall not exceed a width of 6 ft. and shall be elevated a minimum of 3 feet above the marsh substrate as measured from the bottom of the decking.
- 7) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 8) The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.
- 9) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury that may be caused from existing or future operations undertaken by the United States in the public interest.
- 10) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 11) This permit authorizes a maximum of 66 docking spaces. At no time shall more than 66 vessels be moored or docked at the marina facility.

Easement

- 12) The permittee may be required to apply for a submerged land lease from the Department of Administration's State Property Office. Contact the Department of Administration's State Property Office directly at (919) 807-4650 for this determination. Should it be determined that an Easement is required, the permittee shall supply a copy of the easement to the Division within 30 days of issuance of the Easement.

ADDITIONAL CONDITIONS

Upland Development

- 13) Unless specifically altered herein, this permit authorizes the grading and other land disturbing activities associated with the development of the above referenced property, including the campsites, bathroom facilities, laundry mat, store, reception venue, pond modification with associated bullhead, and required access infrastructure, all as expressly and specifically set forth in the attached permit application and workplan drawings. Any additional land disturbing activities and/or construction may require a modification of this permit. Contact a Division of Coastal Management representative at (252) 946-6481 for this determination.

Sedimentation and Erosion Control

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

General

- 15) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee shall be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.
- 16) No Coastal Wetlands shall be excavated or filled, even temporarily.
- 17) The permittee and/or his contractor shall meet with a representative of the Division prior to project initiation in order to discuss the conditions set forth in this permit.
- 18) No open water areas shall be excavated or filled, even temporarily.
- 19) This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including any authorization required from the NC DEMLR Stormwater Section.

ADDITIONAL CONDITIONS

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division of Coastal Management at (252) 946-6481 prior to the commencement of any such activity for this determination. The permittee is further advised that, in accordance with the rules of the Environmental Management Commission, many non-water dependent activities are not authorized within 50 feet of the normal water level or landward edge of any coastal wetlands, whichever is more restrictive. Contact the Division of Water Resources at (252) 946-6481 for project specific clarification.

NOTE: The N.C. Division of Water Resources has authorized the proposed project under General Water Quality Certification No. 3900 (DWR Project No. 14-0275 V2), which was issued on 7/8/15.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under COE Action Id. No. SAW-201501116.

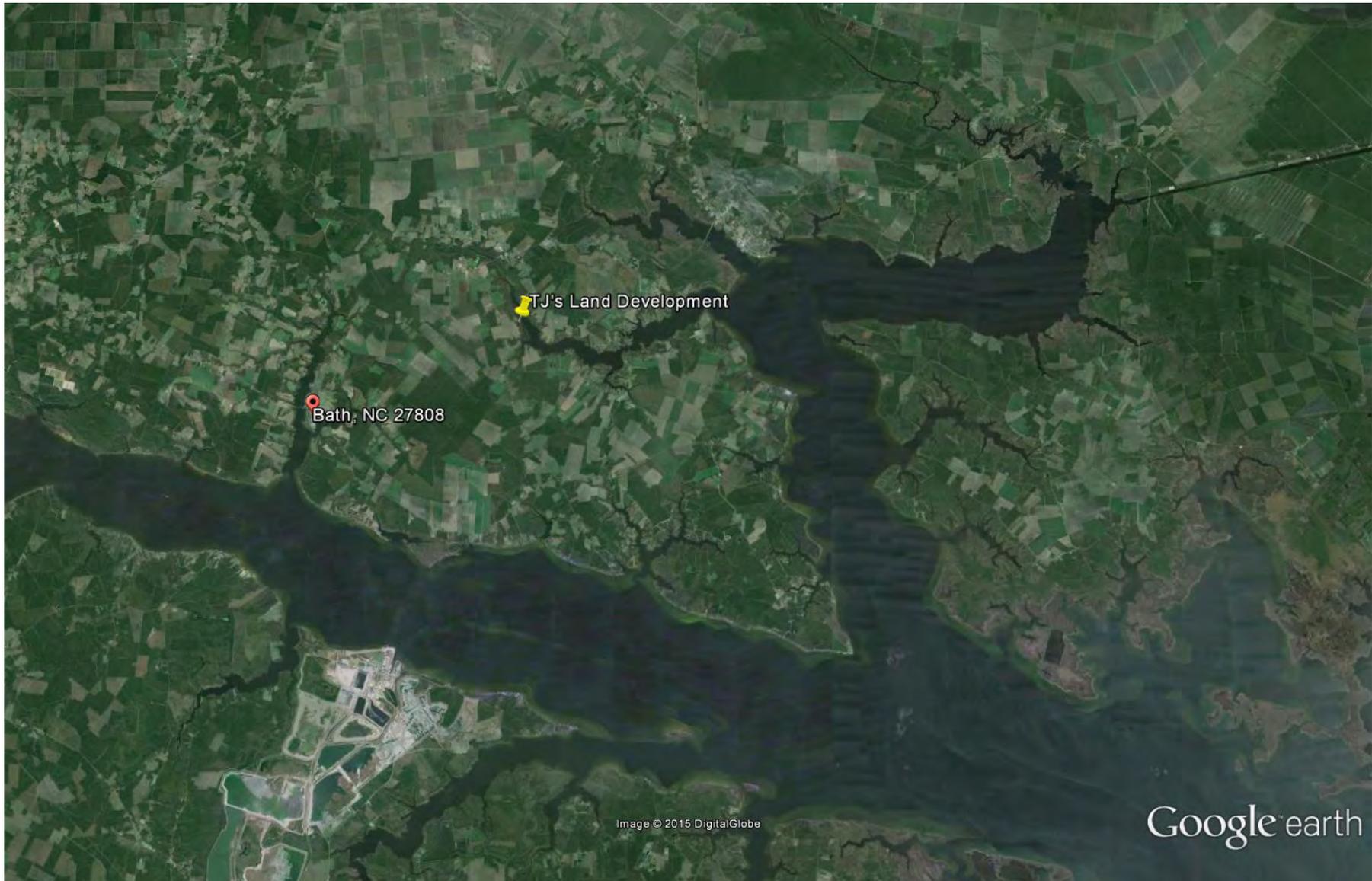


Nothing Compares
NORTH CAROLINA

TJs Land Development LLC Variance Request

Proposed 66-slip Docking Facility Pungo Creek
Beaufort County
November 2015





Google earth

Image © 2015 DigitalGlobe





TJs Land Development Project Site off SR 1718
Photo courtesy of Google earth 12/31/2011





Project Site

Google earth

TJs Land Development Project Site off SR 1718
Photo courtesy of Google earth 12/31/2011





**Shoreline adjacent TJ Land Development Property
looking southeast toward location of pier
Photograph taken on 20 October 2015**





**Shoreline adjacent TJ Land Development Property
looking southeast toward location of pier
Photograph taken on 20 October 2015**





**TJ Land Development Property ground level looking north over scrub/shrub wetland toward location of pier
Photograph taken on 20 October 2015**





**Authorized expansion of borrow pond TJ Land
Development Property looking northeast
Photograph taken on 20 October 2015**

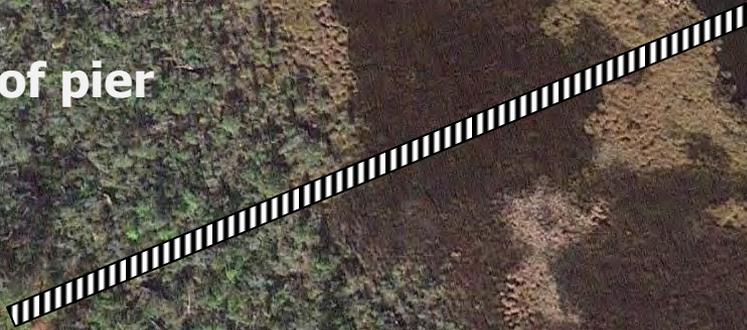




**Field to be developed into campground TJ Land
Development Property looking southwest
Photograph taken on 20 October 2015**



Approximate location of pier



TJs Land Development Project Site off SR 1718
Photo courtesy of Google earth 12/31/2011

