



**TOWN OF ORIENTAL**  
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October 4, 2017

Diane Miller, Manager, Town of Oriental  
PO Box 472  
Oriental, NC 28571

Division of Coastal Management  
**Morehead City Headquarters**  
400 Commerce Ave.  
Morehead City, NC 28557

RE: Fulcher Point LLC Application response from Adjacent Riparian Landowner

Good Afternoon,

While the Town of Oriental does NOT object to Mr. Fulcher's project (as revised and delivered to us 10-3-17, 3:40PM), we do have the following concerns. Attached find the requested response form and the revised DCM-MP-4 forwarded to us by Mr. Fornes. If you have additional questions, and to answer questions raised by the Town Board, please respond to me directly at [manager@townoforiental.com](mailto:manager@townoforiental.com) or the mailing address above. Thank you in advance for your assistance.

**Issues with the application:**

On DCM MP-1, page 2 of 4, the applicant indicates that the use is compatible with zoning, and requires an attached zoning compliance certificate. There is none attached, it requires a Land Use Permit, which has not yet been requested.

On DCM MP-1, page 3 of 4, 4n. the sewer system is not the Town's, but rather Bay River Metropolitan Sewer District.

ON DCM MP-1, page 3 of 4, 5c. the applicant will track the dump trucks leaving the site with spoils and remove any that have been deposited on Town roads and be liable for any damage done by heavy equipment moving through Town on those same roads .

On DCM MP-4, STRUCTURES f. and h. Boat (Travel) lifts have been amended by Mr. Fornes on 10-3-17 and are attached.

On DCM MP-4, e I, we would prefer signage be erected noting NO SEWER DISCHARGE.

On DCM MP-4, I, there are fuel handling facilities on-site and on the diagram. If noting no NEW facilities, we would like that corrected to no NEW.

On diagram sheet 2 of 3, there were concerns voiced during the Town Board meeting October 3, 2017 about the dredging in the navigation channel and potential effects on the Oriental Yacht Club directly across Raccoon Creek from the operation.

**The following questions pertain to the applicant's General Permit 190000, and includes questions the adjacent owner has with respect to the permit granted to the applicant effective June 2, 2015:**

In noting Permit NCG 190000, granted to Point Pride Seafood, there is no evidence that the entity has applied for a No Exposure Exclusion according to 40 CFR §122.26(g). Having not obtained this exclusion, they must maintain a no exposure without a stormwater discharge permit.

It is also noted that the permit granted restricts so that the Stormwater discharge allowed by the General Permit shall not cause or contribute to violations of Water Quality Standards. (bold print, Part I, page 2 of 2)

According to Part II, 2. Stormwater Management Strategy, (b) secondary containment: “bulk storage of liquid materials, including petroleum products in any amount of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals: and storage in any amount of hazardous substances, in order to prevent leaks and spills from contaminating stormwater runoff. A table or summary of all such tanks and stored materials and their associated secondary containment devices are connected to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices, which shall be secured closed with a locking mechanism. Any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens, and dry weather flow, prior to the release of accumulated stormwater.” We have seen no stormwater containment, visible adequate secondary barriers of the existing fuel to contamination, evidence of monitoring of stormwater on the property, which is nearly 100% impervious, and as such, a significant concern concerning discharge.

According to Part II, Page 8, “Failure to monitor and report per the permit terms [requirement of grab samples, accidental discharge, reported on several occasions] may result in the Division requiring monthly monitoring and reporting for all parameters for a specified

time period.” We would like to know if these grab samples have been forwarded as required, and if not, if the Division has implemented additional required sampling because of that.

According to Part II, Section C, Qualitative Monitoring Requirements, that monitoring of discharge must be performed during a measurable storm event: As early as October 2015 following the granting of this permit, the Town of Oriental experienced a significant rain/flooding event that put a large portion of the waterfront under water. Was there a sampling of stormwater during this event as required? If not, why not?

We understand that existing facilities operating under these permits are still required to submit samples on an “at least annually” basis. Has this been done?

Under Part III, Page 2 of 10, (3), the permit holder has a duty to mitigate: 40 CFR 122.41(d) requires the permit holder to take steps to mitigate or prevent any discharge in violation of the general permit “which has a reasonable likelihood of adversely affecting human health or the environment”. Have any such measures been implemented?

We understand that this permit should be renewed annually. Has it been renewed/ is it not required to be renewed?

**CERTIFIED MAIL · RETURN RECEIPT REQUESTED**

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

Name of Property Owner: Fulcher Point, LLC

Address of Property: 101 South Avenue, Oriental, NC  
(Lot or Street #, Street or Road, City & County)

Agent's Name #: Dennis Fornes Mailing Address: 1266 Roberts Rd, Grantsboro, NC

Agent's phone #: (252)249-0488 28529

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

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

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

**WAIVER SECTION**

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

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

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

**(Property Owner Information)**

Garland Chris Fulcher  
Signature

Garland Chris Fulcher  
Print or Type Name  
101 South Street  
PO Box 250  
Mailing Address

Oriental, NC 28571  
City/State/Zip

(252) 249-0123 seafood@fulchersnc.net  
Telephone Number / Email Address

09-18-2017  
Date

**(Riparian Property Owner Information)**

Diane H Miller  
Signature

Town of Oriental, NC  
Print or Type Name

PO Box 472  
Mailing Address

Oriental, NC 28571  
City/State/Zip

(252) 249-0555 manager@townoforiental.com  
Telephone Number / Email Address

10-4-17  
Date

(Revised Aug. 2014)

Revised

## Form DCM MP-4

# STRUCTURES

### (Construction within Public Trust Areas)

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

## 1. DOCKING FACILITY/MARINA CHARACTERISTICS

☐ 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 3  
 (iii) Length 1@ 90', 1@112', 1@48'  
 (iv) Width 1@8', 1@9', 1@10'  
 (v) Floating ☐ Yes ☒ No

- d. (i) Are Finger Piers included? ☐ Yes ☒ No  
 If yes:  
 (ii) Number \_\_\_\_\_  
 (iii) Length \_\_\_\_\_  
 (iv) Width \_\_\_\_\_  
 (v) Floating ☐ Yes ☐ No

- e. (i) Are Platforms included? ☒ Yes ☐ No

If yes:

- (ii) Number 1  
 (iii) Length 24'  
 (iv) Width 24'  
 (v) Floating ☐ Yes ☒ No

Note: Roofed areas are calculated from dripline dimensions.

- f. (i) Are Boatlifts included? ☐ Yes ☒ No

If yes:

- (ii) Number \_\_\_\_\_  
 (iii) Length \_\_\_\_\_  
 (iv) Width \_\_\_\_\_

- g. (i) Number of slips proposed

7

- (ii) Number of slips existing

8

- h. Check all the types of services to be provided.

- ☐ Full service, including travel lift and/or rail, repair or maintenance service  
☐ Dockage, fuel, and marine supplies  
☐ Dockage ("wet slips") only, number of slips: \_\_\_\_\_  
☐ Dry storage; number of boats: \_\_\_\_\_  
☐ Boat ramp(s); number of boat ramps: \_\_\_\_\_  
☐ Other, please describe: \_\_\_\_\_

- i. Check the proposed type of siting:

- ☐ Land cut and access channel  
☒ Open water; dredging for basin and/or channel  
☐ Open water; no dredging required  
☐ Other; please describe: \_\_\_\_\_

- j. Describe the typical boats to be served (e.g., open runabout, charter boats, sail boats, mixed types).  
Commercial Fishing

- k. Typical boat length: 100

- 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?

4 dolphin clusters; 3 existing+1proposed

**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: \_\_\_\_\_; Location: \_\_\_\_\_

☐ Showers

☐ Boatholding tank pumpout; Give type and location: \_\_\_\_\_

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

None

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

None generated by this operation

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

N/A

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

N/A

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

N/A

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

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

N/A

- h. Give the number of channel markers and "No Wake" signs proposed. 0

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

There will be no fuel handling facilities on-site

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

N/A

- k. Describe design measures that promote boat basin flushing?

N/A

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

N/A

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

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

\_\_\_\_\_  
\_\_\_\_\_

**3. BOATHOUSE (including covered lifts)**

☒ This section not applicable

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

Note: Roofed areas are calculated from 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 \_\_\_\_\_



## 7. GENERAL

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

35'

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

55'

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

- c. Width of water body

335'

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

13' below nwl

- 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:

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Date

09-18-2017

Revised 10-03-2017

Project Name

Fulcher Point Bulkhead and Dock Improvements

Applicant Name

Garland Christopher Fulcher

Applicant Signature

*Dennis Fornes*

Dennis A. Fornes for Christopher Fulcher