

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

COPY

Action ID: 200620800 - 200620801

County: **Chatham**

USGS Quad: **Farrington**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner: **Windjam 23, LLC**
Attn: Craig Glass
 Address: **130 Situs Court, Suite 250**
Raleigh, NC 27606

Telephone No.: **(919) 256-3320**

Authorized Agent: **Withers & Ravenel, Inc.**
Attn: Todd Preuninger
 Address: **117 MacKenan Drive**
Cary, NC 27511

Telephone No.: **(919) 469-3340**

Size and location of property (waterbody, road name/number, town, etc.): **The property is located on the west side of Mt. Gilead Church Road, approximately 1.5 miles north of US 64, in Chatham County, North Carolina.**

Site Coordinates: **35.7792 °N 79.0958 °W**

Waterway: **Ward Branch**

River Basin: **Cape Fear**

Description of project area and activity: **The project includes mechanized landclearing, excavation, and placement of culverts and fill material, including riprap, associated with the construction of three road crossings and a utility line crossing at the Hamptons residential subdivision.**

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

Authorization: **Nationwide or Regional General Permit Number(s): 12 39**

Summary of Authorized Impacts and Required Mitigation

NWP / GP #	Open Water (ac)		Wetland (ac)		Unimportant Stream (lf)		Important Stream (lf)	
	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
12	0	0	0	0	0	0	20	0
39	0	0	0	0.076	0	98	0	149
Impact Totals	0	0	0	0.076	0	98	20	149
Total Loss of Waters of the U.S. (ac)			0.076		Total Loss of Waters of the U.S. (lf)			247
Required Wetland Mitigation (ac)		0	Required Stream Mitigation (lf)			0		

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.


This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all new and/or modified terms and conditions. The District Engineer may, at any time, exercise his discretionary authority to modify, suspend, or revoke a case specific activity's authorization under any NWP.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management.

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

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **Todd Tugwell** at telephone (919) 876-8441, ext. 26.

Corps Regulatory Official: 

Date: September 18, 2006

Expiration Date of Nationwide Permit Verification: **March 18, 2007**

Additional Remarks and/or Special Permit Conditions:

SPECIAL PERMIT CONDITION

1. The permittee shall comply with the Memorandum of Agreement between the United States Army Corps of Engineers and the North Carolina State Historic Preservation Officer, as signed by the Corps of Engineers, Wilmington District Commander on September 12, 2006. The stipulations stated in the MOA are hereby incorporated as conditions to this permit authorization. The MOA is attached as Exhibit A.

Copy Furnished:

North Carolina Department of Cultural Resources
State Historic Preservation Office
Attn: Renee Gledhill-Earley
4617 Mail Service Center
Raleigh, NC 27699-4617

**WILMINGTON DISTRICT
POST-CONSTRUCTION COMPLIANCE FORM**

Action ID Number: 200620800 - 200620801

County: **Chatham**

Permittee: **Windjam 23, LLC Attn: Craig Glass**

Date Permit Issued: **September 18, 2006**

Project Manager: **Todd Tugwell**

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

US Army Corps Of Engineers
Wilmington District
Raleigh Regulatory Field Office
6508 Falls Of The Neuse Road
Suite 120
Raleigh, North Carolina 27615

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

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

Signature of Permittee

Date

2050592.00



RECEIVED

MAY 19 2006

WITHERS & RAVENEL

May 16, 2006

Todd Preuinger
Withers & Ravenel
111 MacKenan Drive
Cary, NC 27511

Project: The Hamptons

County: Chatham

The purpose of this letter is to notify you that the North Carolina Ecosystem Enhancement Program (NC EEP) is willing to accept payment for impacts associated with the above referenced project. Please note that this decision does not assure that the payment will be approved by the permit issuing agencies as mitigation for project impacts. It is the responsibility of the applicant to contact these agencies to determine if payment to the NC EEP will be approved.

This acceptance is valid for six months from the date of this letter. **If we have not received a copy of the issued 404 Permit/401 Certification within this time frame, this acceptance will expire.** It is the applicant's responsibility to send copies of the 404/401/CAMA permits to NC EEP. Once NC EEP receives a copy of the 404 Permit and/or the 401 Certification an invoice will be issued and payment must be made.

Based on the information supplied by you the impacts that may require compensatory mitigation are summarized in the following table.

River Basin Cataloging Unit	Wetlands (Acres)			Stream (Linear Feet)			Buffer Zone 1 (Sq. Ft.)	Buffer Zone 2 (Sq. Ft.)
	Riparian	Non-Riparian	Coastal Marsh	Cold	Cool	Warm		
Cape Fear 03030002	0	0	0	0	0	247	0	0

Upon receipt of payment, EEP will take responsibility for providing the compensatory mitigation for the permitted impacts up to a 2:1 ratio, (buffers, Zone 1 at a 3:1 ratio and Zone 2 at a 1.5:1 ratio). The type and amount of the compensatory mitigation will be as specified in the Section 404 Permit and/or 401 Water Quality Certification, and/or CAMA Permit. The mitigation will be performed in accordance with the Memorandum of Understanding between the N. C. Department of Environment and Natural Resources and the U. S. Army Corps of Engineers dated November 4, 1998.

If you have any questions or need additional information, please contact Chris Mankoff at (919) 716-1921.

Sincerely,

James B. Standfill FOR
William D. Gilmore, PE
Director

cc: Cyndi Karoly, Wetlands/401 Unit
Monte Matthews, USACE - Raleigh
Eric Kulz, DWQ Regional Office - Raleigh
File

Restoring... Enhancing... Protecting Our State





Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

June 7, 2006

DWQ Project # 06-0662
RECEIVED
Hampton County

JUN 12 2006

Withers & Ravenel

Windjam 23, LLC
1130 Situs Court, Suite 250
Raleigh, NC 27606

Subject Property: **The Hamptons**
Ut to Ward Branch [030604, 16-.37-1, WSIV, NSW]

Approval of 401 Water Quality Certification with Additional Conditions

Dear Sir or Madam:

You have our approval, in accordance with the attached conditions and those listed below, to place fill within or otherwise impact 0.076 acres wetland, 267 linear feet of perennial stream (247 linear feet permanent impact, 20 linear feet temporary impact) to construct the proposed residential subdivision at the subject property, as described within your application dated May 12, 2006, and received by the N.C. Division of Water Quality (DWQ) on May 12, 2006. After reviewing your application, we have decided that the impacts are covered by General Water Quality Certification Number(s) 3374, and 3402 (GC3374 and GC3402). The Certification(s) allows you to use Nationwide Permit(s) NW12 and NW39, respectively, when issued by the US Army Corps of Engineers (USACE). In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you go ahead with your project including (but not limited to) Erosion and Sediment Control, Non-discharge, and other regulations. **Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.**

This approval is for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all conditions. If total fills for this project (now or in the future) exceed one acre of wetland or 150 linear feet of stream, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h). **This approval requires you to follow the conditions listed in the attached certification and any additional conditions listed below.**

The Additional Conditions of the Certification are:

Conditions of Certification:

1. Impacts Approved

The following impacts are hereby approved as long as all of the other specific and general conditions of this Certification (or Isolated Wetland Permit) are met. No other impacts are approved including incidental impacts:

	Amount Approved (Units)	Plan Location or Reference
404/Wetland	0.076 (acres)	PCN page 4 of 9
Stream	267 (linear feet -- 247 permanent impact, 20 linear feet temporary impact)	PCN page 4 of 9

Sediment and Erosion Control:

2. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
3. No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the 404/401 Permit Application. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur;
4. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within six months of the date that the Division of Land Resources has released the project;
5. Protective Fencing - The outside buffer, wetland or water boundary and along the construction corridor within these boundaries approved under this authorization shall be clearly marked with orange warning fencing (or similar high visibility material) for the areas that have been approved to infringe within the buffer, wetland or water prior to any land disturbing activities to ensure compliance with 15 NCAC 2H, Section .0500;
6. Deed Notifications - Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place prior to impacting any wetlands, waters and/or buffers approved for impact under this Certification Approval and Authorization Certificate. A sample deed notification can be downloaded from the 401/Wetlands Unit web site at <http://h2o.enr.state.nc.us/ncwetlands>. The text of the sample deed notification may be modified as appropriate to suit to this project;
7. Sewer Systems

The project shall comply with 15A NCAC 2H .0219(i)(2)(G) and all other State, Federal and local sewer system regulations.

8. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by DWQ is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://h2o.enr.state.nc.us/su/Forms_Documents.htm;

9. Culvert Installation

Culverts required for this project shall be installed in such a manner that the original stream profiles are not altered. Existing stream dimensions (including the cross section dimensions, pattern, and longitudinal profile) must be maintained above and below locations of each culvert. Culverts shall be designed and installed to allow for aquatic life movement as well as to prevent head cutting of the streams. If any of the existing pipes are or become perched, the appropriate stream grade shall be re-established or, if the pipes installed in a perched manner, the pipes shall be removed and re-installed correctly.

Culvert(s) shall not be installed in such a manner that will cause aggradation or erosion of the stream up or down stream of the culvert(s). Existing stream dimensions (including the cross section dimensions, pattern and longitudinal profile) shall be maintained above and below locations of each culvert.

Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may cause disequilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ.

The establishment of native, woody vegetation and other soft stream bank stabilization techniques must be used where practicable instead of rip rap or other bank hardening methods. If rip-rap is necessary, it shall not be placed in the stream bed, unless specifically approved by the Division of Water Quality.

Installation of culverts in wetlands must ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions.

Upon completion of the project, the Applicant shall complete and return the enclosed "Certificate of Completion" form to notify NCDWQ when all work included in the §401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the NC Division of Water Quality upon completion of the project. *Please send photographs upstream and downstream of each culvert site to document correct installation along with the Certificate of Completion form.*

Mitigation:

10. Compensatory Mitigation Using the Ecosystem Enhancement Program (EEP)

Mitigation must be provided for the proposed impacts as specified in the table below. We understand that you wish to make a payment to the Wetlands Restoration Fund administered by the NC Ecosystem Enhancement Program (EEP) to meet this mitigation requirement. This has been determined by the DWQ to be a suitable method to meet the mitigation requirement. Until the EEP receives and clears your check (made payable to: DENR – Ecosystem Enhancement Program Office), no impacts specified in this Authorization Certificate shall occur. The EEP should be contacted at (919) 733-5205 if you have any questions concerning payment into a restoration fund. You have one month from the date of this approval to make this payment. **For accounting purposes, this Authorization Certificate authorizes payment into the Wetlands Restoration Fund to meet the following compensatory mitigation requirement:**

	Compensatory Mitigation Required	River and Sub-basin Number
Stream	247 (linear feet)	Cape Fear/03030002

Certificate of Completion:

11. Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached certificate of completion to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. The authorization to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application and as authorized by this Certification shall expire upon expiration of the 404 or CAMA Permit.

If you do not accept any of the conditions of this Certification (associated with the approved wetland or stream impacts), you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This certification and its conditions are final and binding unless you ask for a hearing.

June 7, 2006

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please telephone Cyndi Karoly or Ian McMillan in the Central Office in Raleigh at 919-733-1786 or Eric Kulz in the DWQ Raleigh Regional Office at 919-791-4200.

Sincerely,



 Alan W. Klimek, P.E.

AWK/ijm

Enclosures: GC 3374 and GC 3402
Certificate of Completion

cc: Eric Kulz, DWQ Raleigh Regional Office
USACE Raleigh Regulatory Field Office
File Copy
Central Files
Todd Preuninger, Withers & Ravenel, 111 MacKenan Drive, Cary, NC 27511

Filename: 060662TheHamptons(Chatham)401



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Michael F. Easley, Governor

William G. Ross, Jr., Secretary
Alan W. Klimek, P.E., Director

North Carolina Division of Water Quality
401 Water Quality Certification and Neuse Buffer Authorization
Summary of Permitted Impacts and Mitigation Requirements

In accordance with 15A NCAC 2H.0500, *Windjam 23, LLC* has permission as outlined below to impact 0.076 acres of wetland and 267 linear feet of perennial stream (247 linear feet permanent impact, 20 linear feet temporary impact) to construct the proposed residential subdivision located near US 64 and Mt. Gilead Church Road in Chatham County. All activities associated with these authorized impacts must be conducted with the conditions listed in the attached Permit transmittal letter. THIS CERTIFICATION AND BUFFER AUTHORIZATION IS NOT VALID WITHOUT THE ATTACHMENTS.

COMPENSATORY MITIGATION REQUIREMENTS—NC ECOSYSTEM ENHANCEMENT PROGRAM (NC EEP)

DWQ Project No: 20060662
LOCATION: Pittsboro, NC
COUNTY: Chatham
BASIN/ SUB BASIN/ INDEX: Cape Fear/03030002

As required by 15A NCAC 2H.0500, and the conditions of this Certification and Neuse Buffer Authorization, you are required to compensate for the above mitigable impacts through the restoration, creation, enhancement or preservation of surface waters and riparian buffers as outlined below prior to conducting any activities that impact or degrade the waters of the state.

Note: Acreage requirements proposed to be mitigated through the Ecosystem Enhancement Program must be rounded to one-quarter acre increments; linear foot requirements must be rounded up to the nearest foot according to 15A NCAC 2R.0503(b).

Impacts:

247 linear feet of stream

Mitigation:

247 linear feet of stream

One of the options you have available to satisfy the compensatory mitigation requirement is through the payment of a fee to the NC EEP per 15A NCAC 2R.0503. If you choose this option, please sign this form and mail it to the Ecosystem Enhancement Program at the address below. An invoice for the appropriate amount of payment will be sent to you upon receipt of this form. PLEASE NOTE, THE ABOVE IMPACTS ARE NOT AUTHORIZED UNTIL YOU RECEIVE NOTIFICATION THAT YOUR PAYMENT HAS BEEN PROCESSED BY THE ECOSYSTEM ENHANCEMENT PROGRAM.

Signature: _____

Date: _____

ECOSYSTEM ENHANCEMENT PROGRAM
1619 Mail Service Center
RALEIGH, N.C. 27669-1619
(919) 733-5208

Filename: 060662TheHamptons(Chatham)401_EEP