



IN REPLY REFER TO

**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

P. O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

September 25, 2006

Regulatory Division

Action ID No. 200121252

Mr. Mitch Barron
Newland Communities
31 Hillsboro Street
Pittsboro, NC 27312

Dear Mr. Barron:

In accordance with the written request of June 3, 2005, submitted on your behalf by Mr. Sean Clark of Soil & Environmental Consultants, PA, and the ensuing administrative record, enclosed are two copies of a permit to authorize the proposed placement of fill material into 1,653 LF of stream channel and 0.6655 acre of wetland, and temporary impacts of 211 LF of stream channel and 0.137 acre of wetland associated with the construction of Briar Chapel Subdivision. The project site is located east and west of US Highway 15-501, and north of Andrew's Store Road (SR 1528), and south of Mann's Chapel Road (SR 1532), approximately 5 miles south of Chapel Hill, in Chatham County, North Carolina.

You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). Your signature, as permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. All pages of both copies of the signed permit with drawings and exhibits should then be returned to this office for final authorization. A self-addressed envelope is enclosed for your convenience.

Title 33, Part 325.1(f), of the Code of Federal Regulations reads, in part, that, "A \$10 fee will be charged for permit applications when the work is noncommercial in nature and provides personal benefits that have no connection with a commercial enterprise...", and "A fee of \$100 will be charged for permit applications when the planned or ultimate purpose of the project is commercial or industrial in nature and is in support of operations that charge for the production, distribution, or sale of goods or services." As your application fits the later category, you are requested to remit your check for \$100, made payable to the Finance and Accounting Officer, USAED, Wilmington. The check should accompany the signed and dated copies of your permit.

This correspondence contains a proffered permit for the above described site. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the South Atlantic Division, Division Office at the Following address:

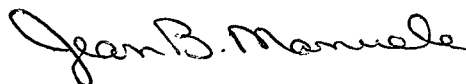
Mr. Michael F. Bell, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by November 23, 2006.

****It is not necessary to submit an RFA form to the Division Office if you do not object to the decision in contained in this correspondence.****

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office. Should you have questions, please contact Mr. Monte Matthews, Raleigh Regulatory Field Office, at telephone (919) 876-8441, extension 30.

Sincerely,



Jean B. Manuele
Chief, Raleigh Regulatory
Field Office

Enclosures

Copy Furnished (with Special Conditions):

Mr. Sean Clark
Soil & Environmental Consultants, PA
11010 Raven Ridge Road
Raleigh, NC 27614