

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

Action ID: 200703607County: ChathamUSGS Quad: Farrington

**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Property Owner / Authorized Agent: Rusty Ammons

Address: Parker Springs, LLC  
318 West Millbrook Road  
Raleigh, NC 27609

Telephone No.: 919-848-2212

Size and location of property (water body, road name/number, town, etc.): The project site is located on Mt. Gilead Church Road, approximately 1.3 miles from the interchange of US 64 near Pittsboro, Chatham County, North Carolina and is identified as "Parker Springs Subdivision". Aquatic features on site drain to the Cape Fear River Basin.

Description of projects area and activity: This permit verifies permanent impacts associated with this project in the amount of 243 linear feet of stream channel exhibiting important aquatic functions, 13 linear feet of stream not exhibiting important aquatic functions, and 0.009 acres of wetlands. Mitigation is required for impacts to streams exhibiting important aquatic functions (see Permit Conditions below).

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

Authorization: Regional General Permit Number: \_\_\_\_\_  
Nationalwide Permit Number: 29

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

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water 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 Monte Matthews.

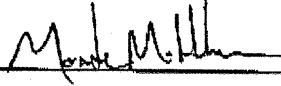
**Permit Condition:** In order to compensate for impacts to 243 linear feet warm water streams, the permittee shall make payment to the North Carolina Ecosystem Enhancement Program (NC BEP) in the amount determined by the NC BEP, sufficient to perform the restoration of 371 linear feet of warm water streams in the Cape Fear River Basin, Cataloging Unit 03030003.

Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment to the NC BEP and provided a copy of the payment documentation to the Corps, and the NC BEP has provided written confirmation to the Corps that it agrees to accept responsibility for the mitigation work required, in compliance with the MOU between the North Carolina Department of Environment and Natural Resources and the United States Army Corps of Engineers, Wilmington District, dated November 4, 1998.

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**\*\*Note: Habitat type may be described as found in Schafale and Weakley, Classification of the Natural Communities of North Carolina, Third Approximation, 1990; or in accordance with Cowardin, et al (1979), Classification of Wetlands and Deepwater Habitats of the of the United States\*\***

Corps Regulatory Official: Monte Matthews



Date: November 30, 2007

Expiration Date of Verification: November 30, 2009

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the attached customer Satisfaction Survey or visit <http://www.saw.usace.army.mil/WETLANDS/index.html> to complete the survey online.

**Determination of Jurisdiction:**

- Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued \_\_\_\_\_. Action ID \_\_\_\_\_

Basis of Jurisdictional Determination: \_\_\_\_\_

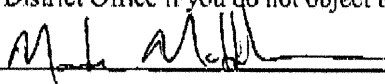
**Appeals Information (This information applies only to approved jurisdictional determinations.)**

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 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 determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Division  
 Attn: Jean Manuele, Project Manager,  
 Raleigh Regulatory Field Office  
 6508 Falls of Neuse Road, Suite 120  
 Raleigh, North Carolina 27615

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 District 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 **January 30, 2008**.

**\*\*It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.\*\***

Corps Regulatory Official: Monte Matthews

Date November 30, 2007Expiration Date November 30, 2012

**SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.**

Copy Furnished:

Action ID Number: 200703607

County: Chatham

Permittee: Rusty Ammons

Date Verification Issued: November 30, 2007

Project Manager: Monte Matthews

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  
WILMINGTON REGULATORY FIELD OFFICE  
POST OFFICE BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

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

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL**

<b>Applicant: Rusty Ammons</b>		<b>File Number: 200703607</b>	<b>Date: November 30, 2007</b>
<b>Attached is:</b>		<b>See Section below</b>	
<input type="checkbox"/>	<b>INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)</b>	<b>A</b>	
<input type="checkbox"/>	<b>PROFFERED PERMIT (Standard Permit or Letter of permission)</b>	<b>B</b>	
<input type="checkbox"/>	<b>PERMIT DENIAL</b>	<b>C</b>	
<input checked="" type="checkbox"/>	<b>APPROVED JURISDICTIONAL DETERMINATION</b>	<b>D</b>	
<input type="checkbox"/>	<b>PRELIMINARY JURISDICTIONAL DETERMINATION</b>	<b>E</b>	

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.**

**D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Monte Matthews  
6508 Falls of Neuse Road, Suite 120  
Raleigh, NC 27615

If you only have questions regarding the appeal process you may also contact:

Mr. Mike 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

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
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**For appeals on Initial Proffered Permits and approved Jurisdictional Determinations send this form to:**

District Engineer, Wilmington Regulatory Division, Attn: Jean Manuele, Project Manager, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615

**For Permit denials and Proffered Permits send this form to:**

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Mike Bell, Administrative Appeal Officer, CESAD-ET-CO-R, 60 Forsyth Street, Room 9M15, Atlanta, Georgia 30303-8801

**U.S. Army Corps of Engineers**  
**Raleigh Regulatory Field Office**  
 6508 Falls of the Neuse Road  
 Suite 120  
 Raleigh, North Carolina 27615  
 Phone: (919) 876-8441  
 Fax: (919) 876-5823

**FAX COVER SHEET**

Date: November 30, 2007

Message to: Scott Mitchell

From: Monte Matthews

Corps/Engineers

Total number of pages including cover page: 2  
 If all pages are not received, please call 876-8441.

**Remarks:**

404 Permit for Peter Springs