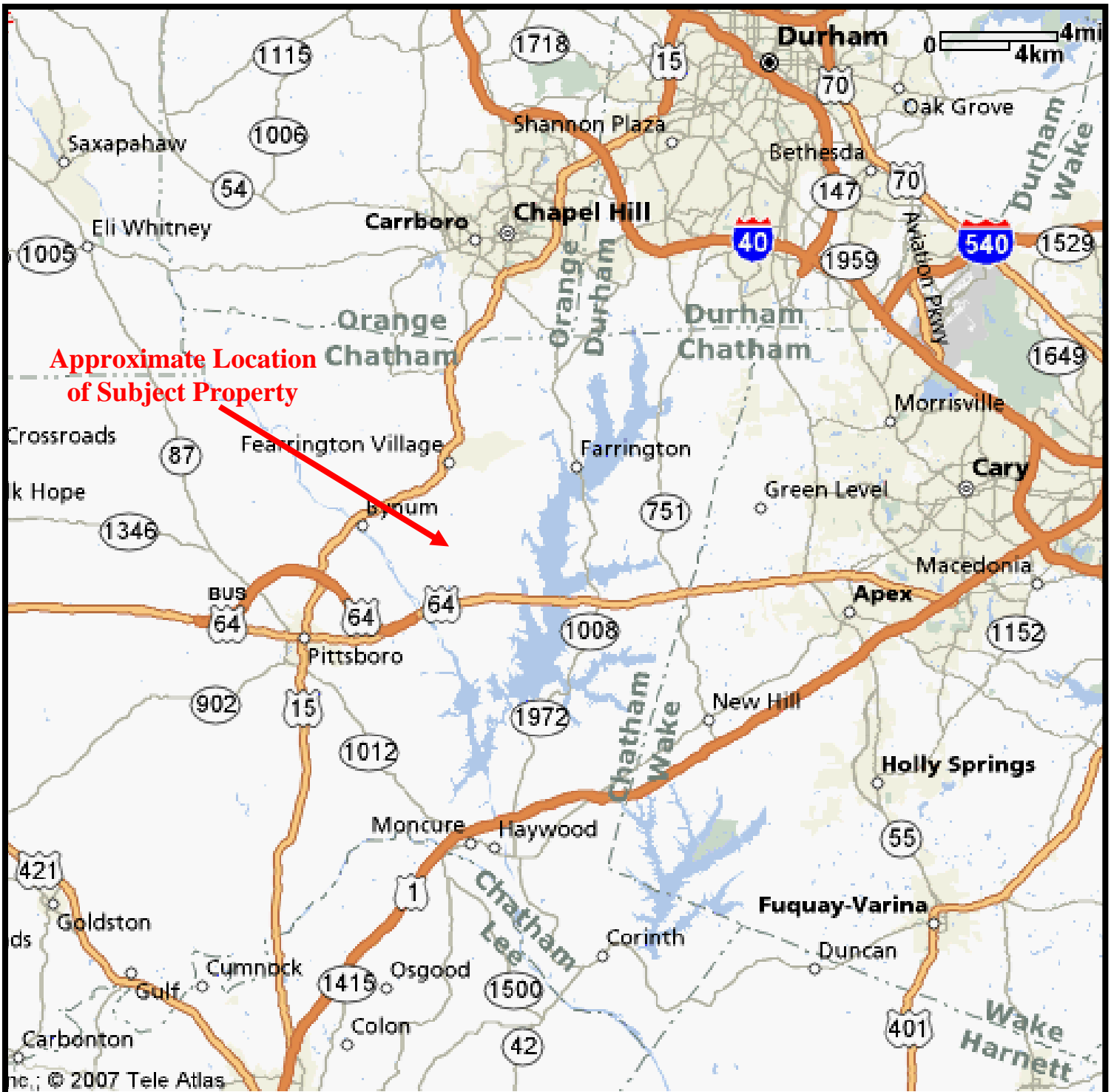


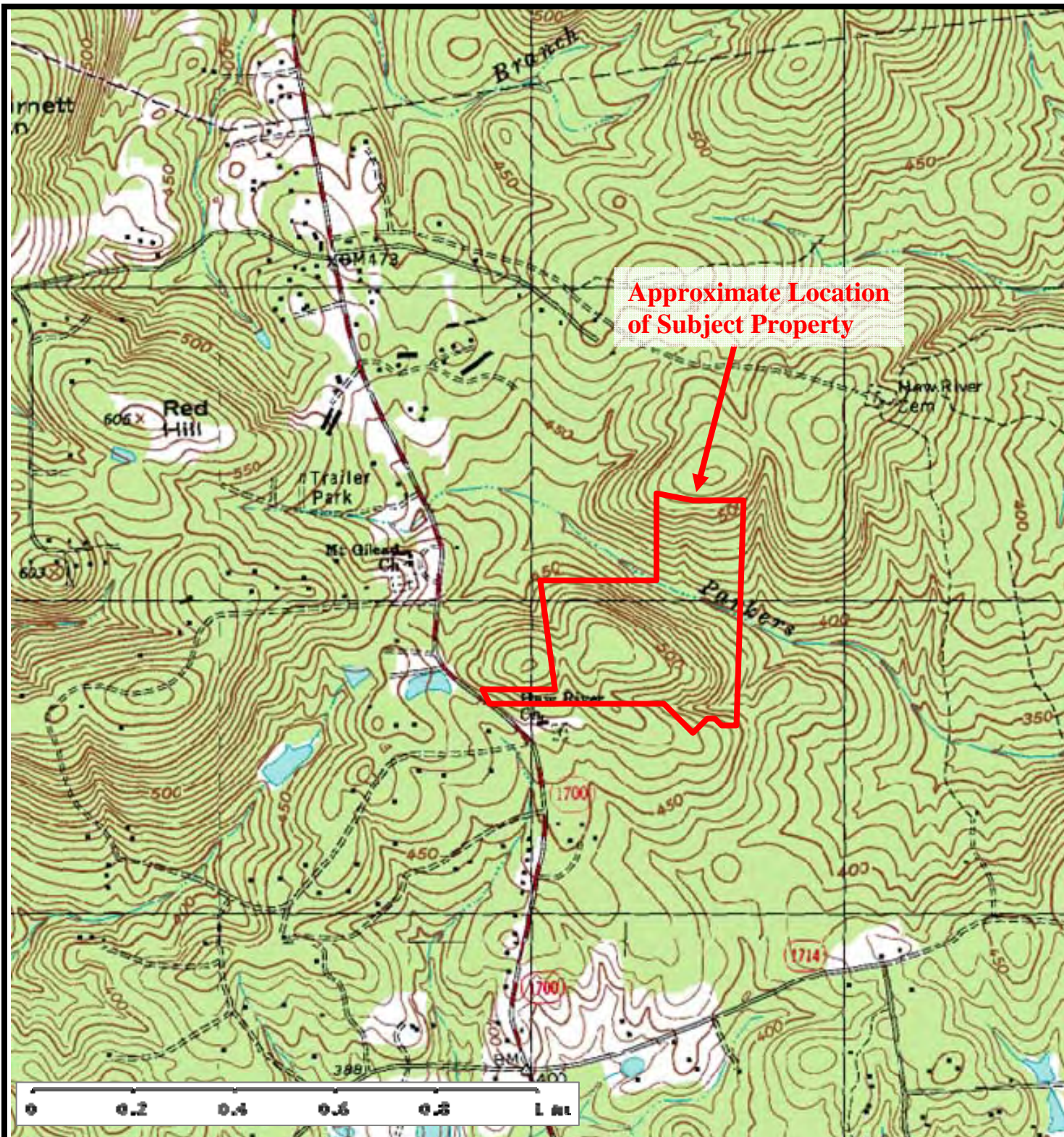




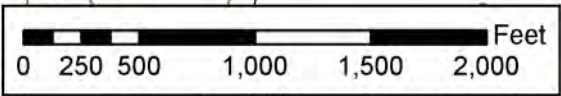
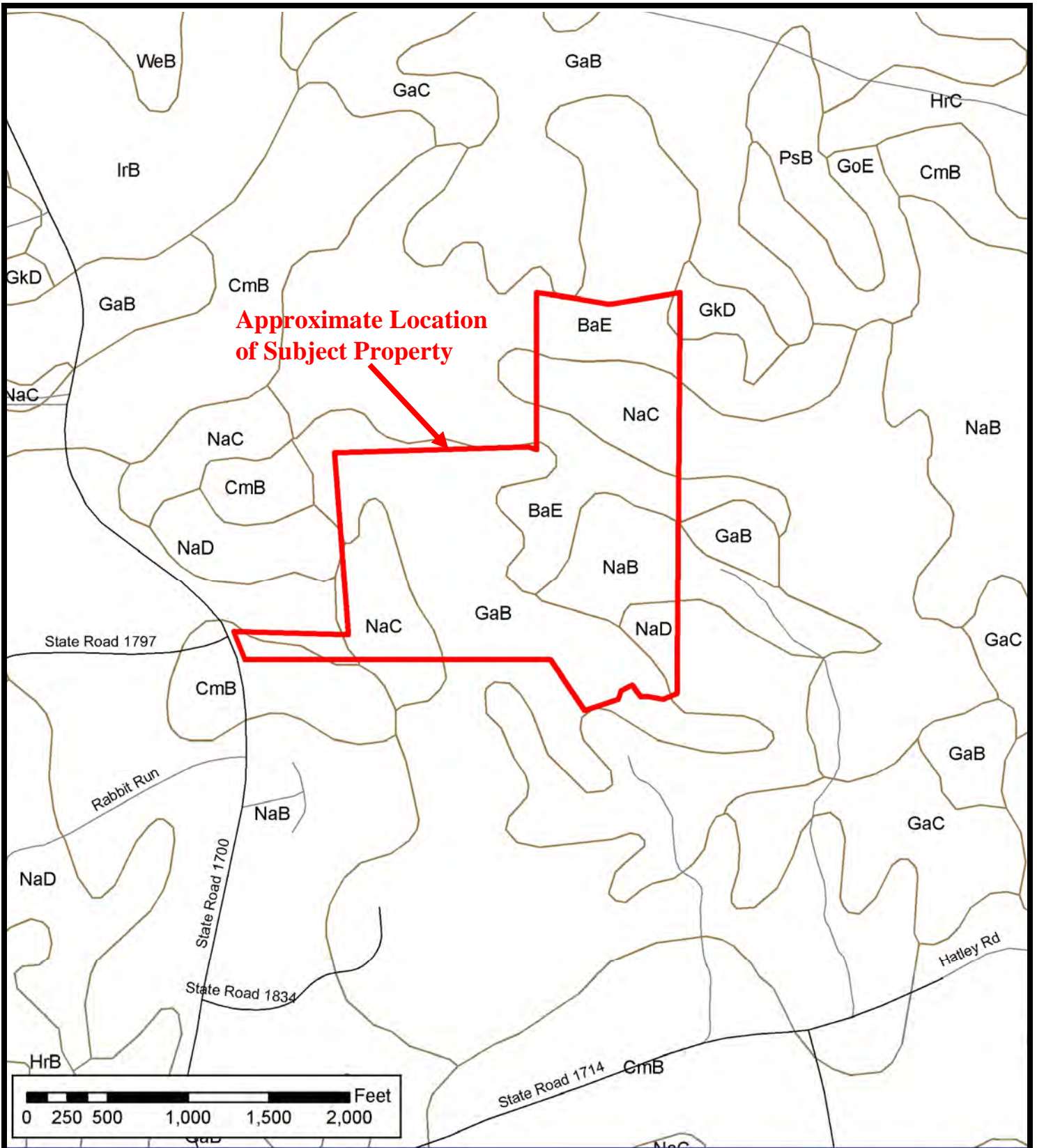
APPENDIX A – FIGURES



		<p align="center">Vicinity Map 2007 Mapquest</p>	<p align="center">Figure No. 1</p>
<p align="center">Amended Environmental Impact Assessment Parker Springs Subdivision Mt. Gilead Church Road and Silverberry Road New Hope and Williams Townships, Chatham County, North Carolina</p>		<p align="center">ECS Project # 14896-A</p>	



		<p align="center">Topographic Map USGS 7.5-Minute Series Farrington, North Carolina Quadrangle</p>	<p align="center">Figure No. 2</p>
<p align="center">Amended Environmental Impact Assessment Parker Springs Subdivision Mt. Gilead Church Road and Silverberry Road New Hope and Williams Townships, Chatham County, North Carolina</p>		<p align="center">ECS Project # 14896-A</p>	

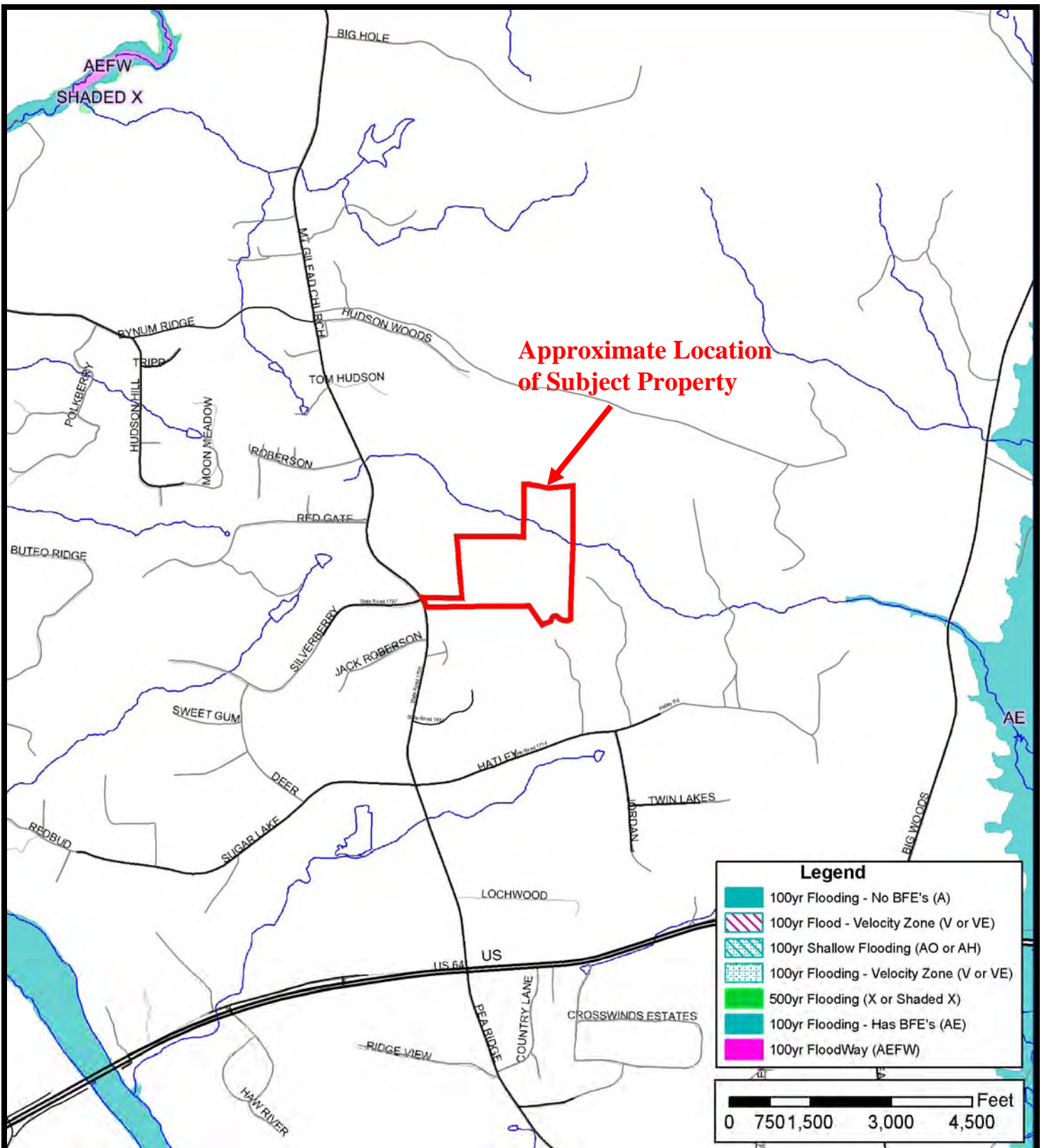


Soil Map
NRCS Soil Survey of Chatham County

Amended Environmental Impact Assessment
Parker Springs Subdivision
Mt. Gilead Church Road and Silverberry Road
New Hope and Williams Townships, Chatham County, North Carolina

Figure No.
3

ECS Project #
14896-A



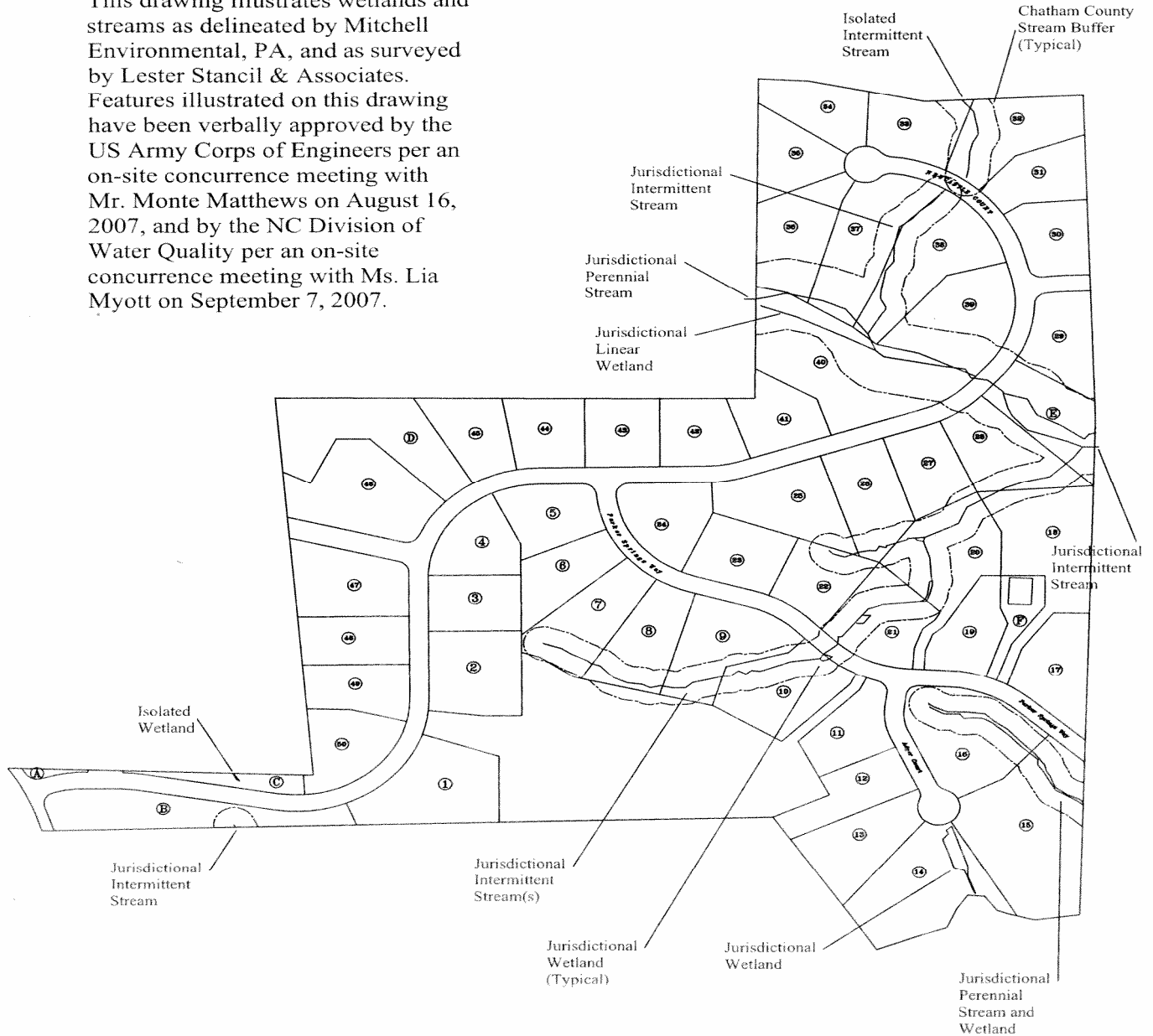
Flood Hazard Zones Map
North Carolina Floodplain Mapping Program

Amended Environmental Impact Assessment
Parker Springs Subdivision
Mt. Gil Ead Church Road and Silverberry Road
New Hope and Williams Townships, Chatham County, North Carolina

Figure No.
4

ECS Project #
14896-A

This drawing illustrates wetlands and streams as delineated by Mitchell Environmental, PA, and as surveyed by Lester Stancil & Associates. Features illustrated on this drawing have been verbally approved by the US Army Corps of Engineers per an on-site concurrence meeting with Mr. Monte Matthews on August 16, 2007, and by the NC Division of Water Quality per an on-site concurrence meeting with Ms. Lia Myott on September 7, 2007.



MITCHELL ENVIRONMENTAL, P.A.
P.O. BOX 341
FUQUAY VARINA, NC 27526
OFFICE: 919-557-4682
FAX: 919-557-4683
bsmenvironmental@earthlink.net

PREPARED FOR: RLA Development, LLC
318 West Millbrook Road
Raleigh, North Carolina 27609

DATE: October 11, 2007 SCALE: 1" = 400'
ENVIRONMENTAL SCIENTIST CONTACT:
SCOTT MITCHELL, PE, LSS

SUTTON SPRINGS S/D
CHATHAM COUNTY

**APPROVED WETLAND AND
STREAM DELINEATION**

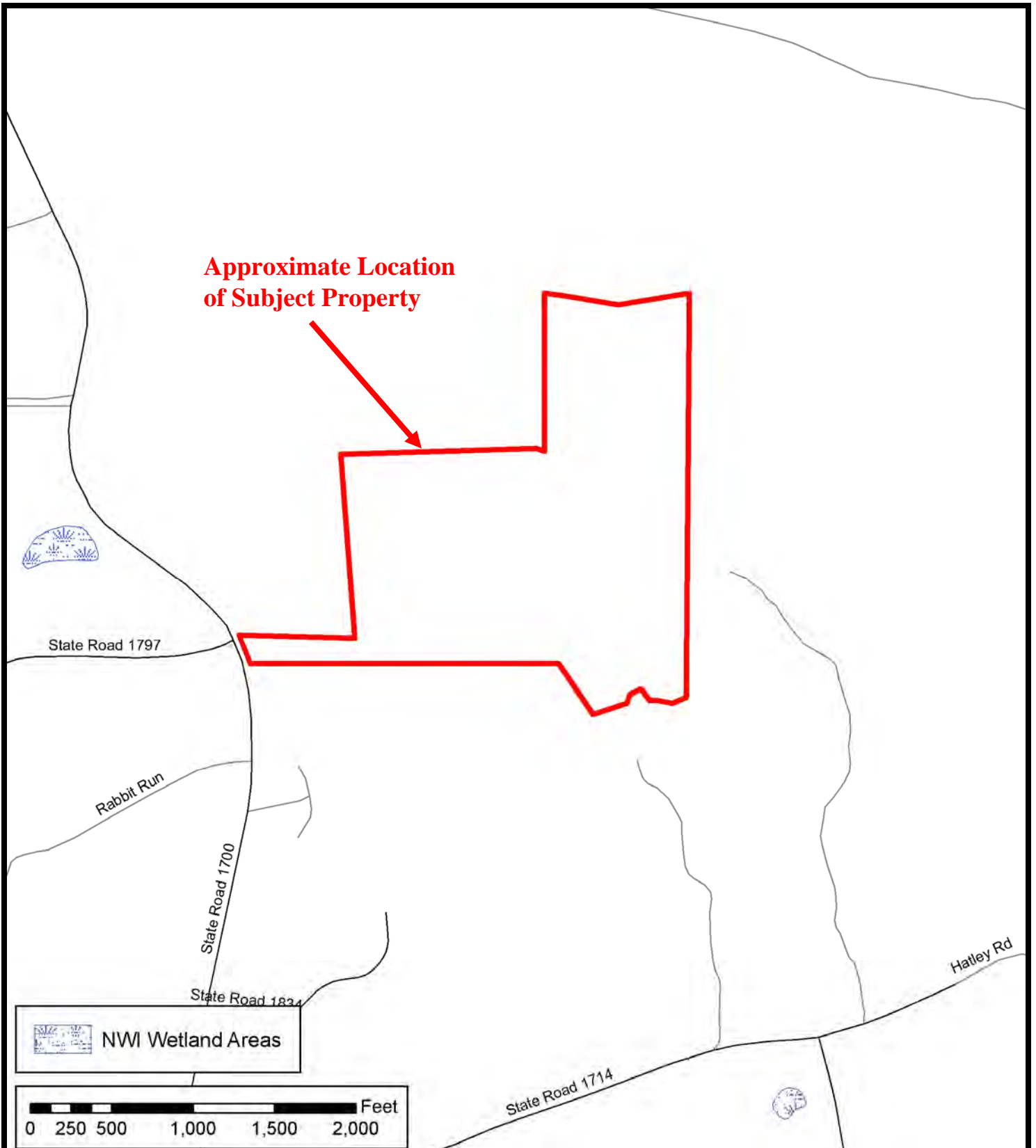


Approved Wetland and Stream Delineation Map
Mitchell Environmental, P.A.

Figure No.
5

Amended Environmental Impact Assessment
Parker Springs Subdivision
Mt. Gilead Church Road and Silverberry Road
New Hope and Williams Townships, Chatham County, North Carolina

ECS Project #
14896-A

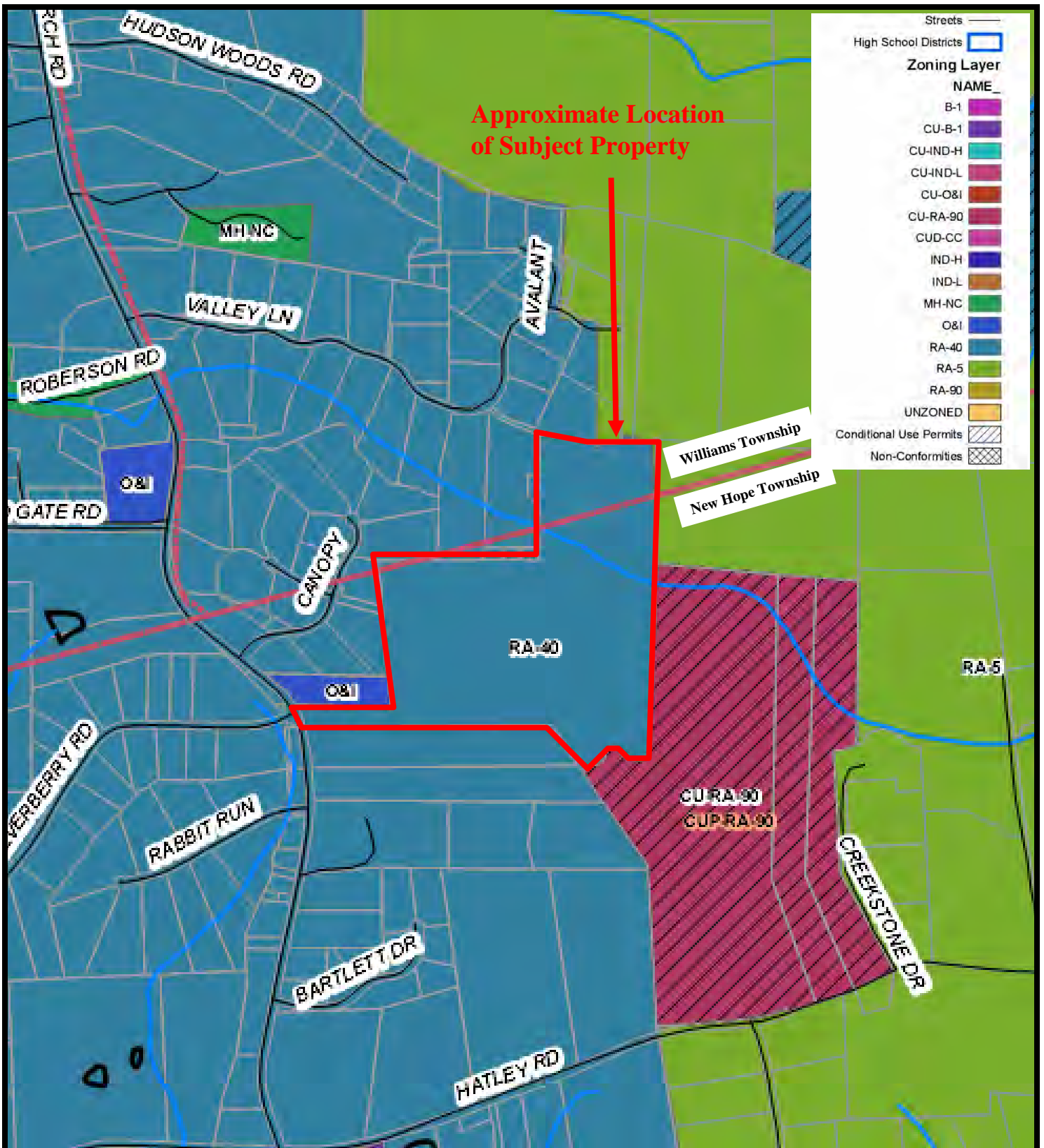




National Wetlands Inventory Map

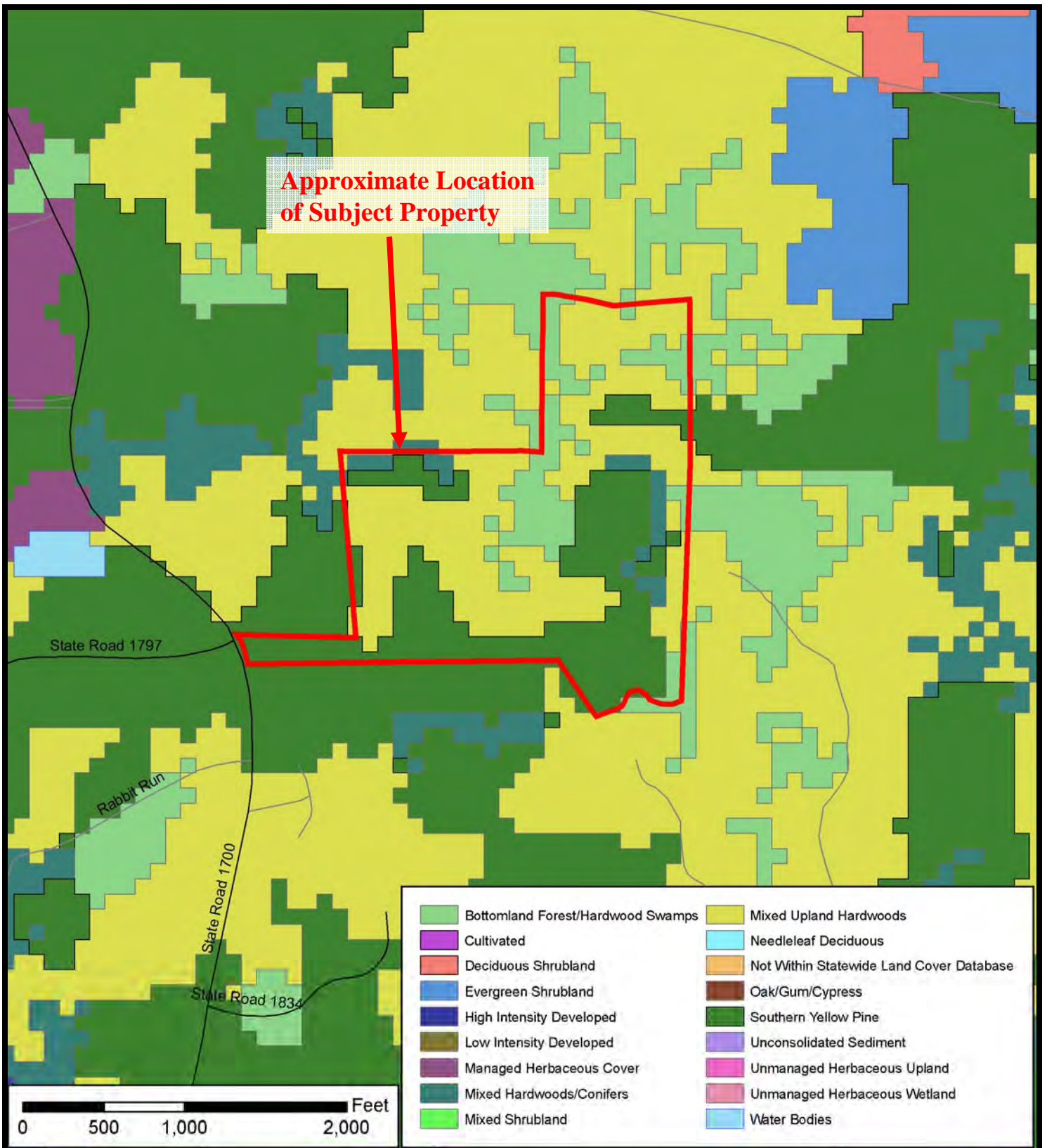
Figure No.
6

Amended Environmental Impact Assessment
 Parker Springs Subdivision
 Mt. Gilead Church Road and Silverberry Road
 New Hope and Williams Townships, Chatham County, North Carolina

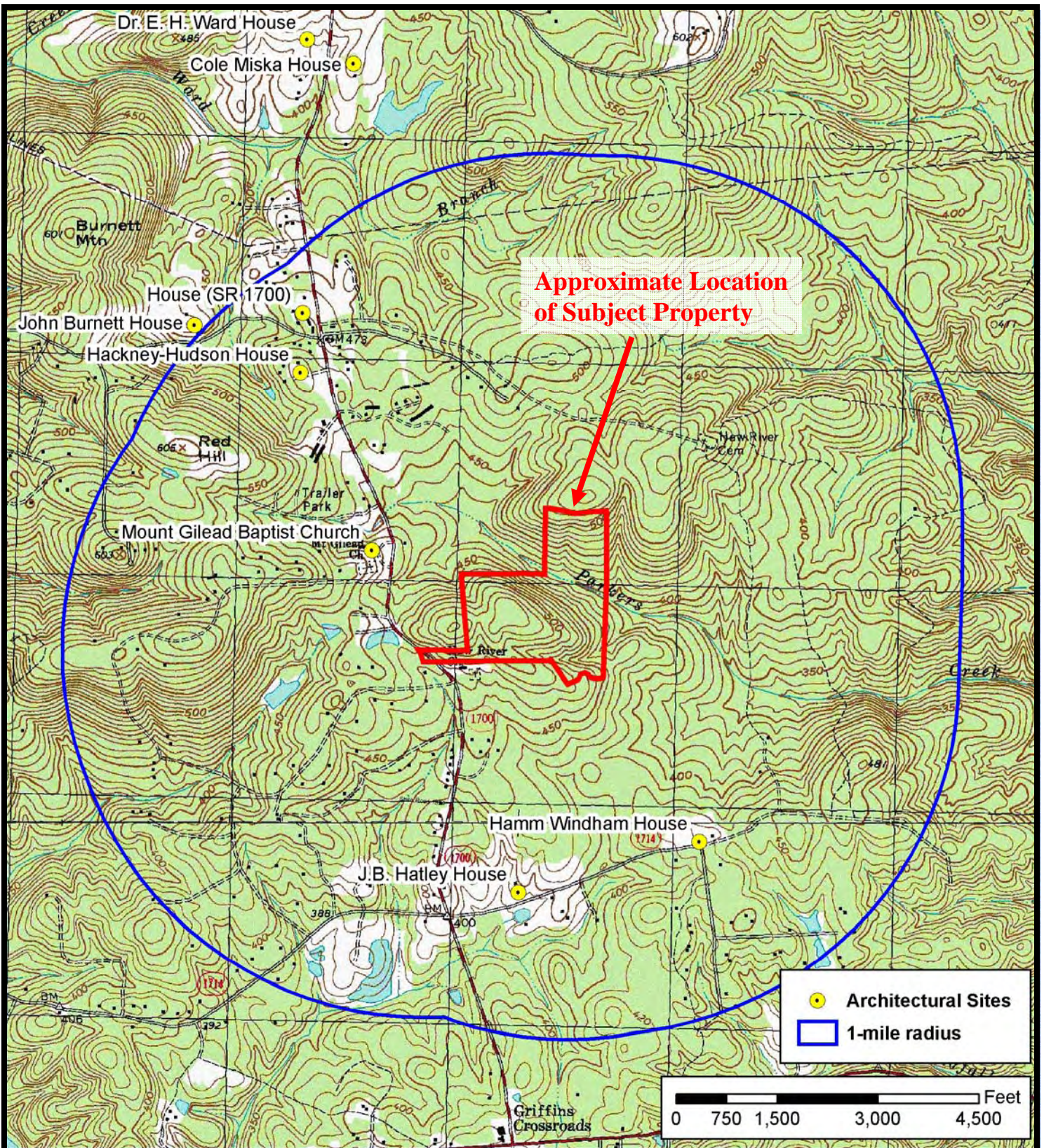
ECS Project #
14896-A





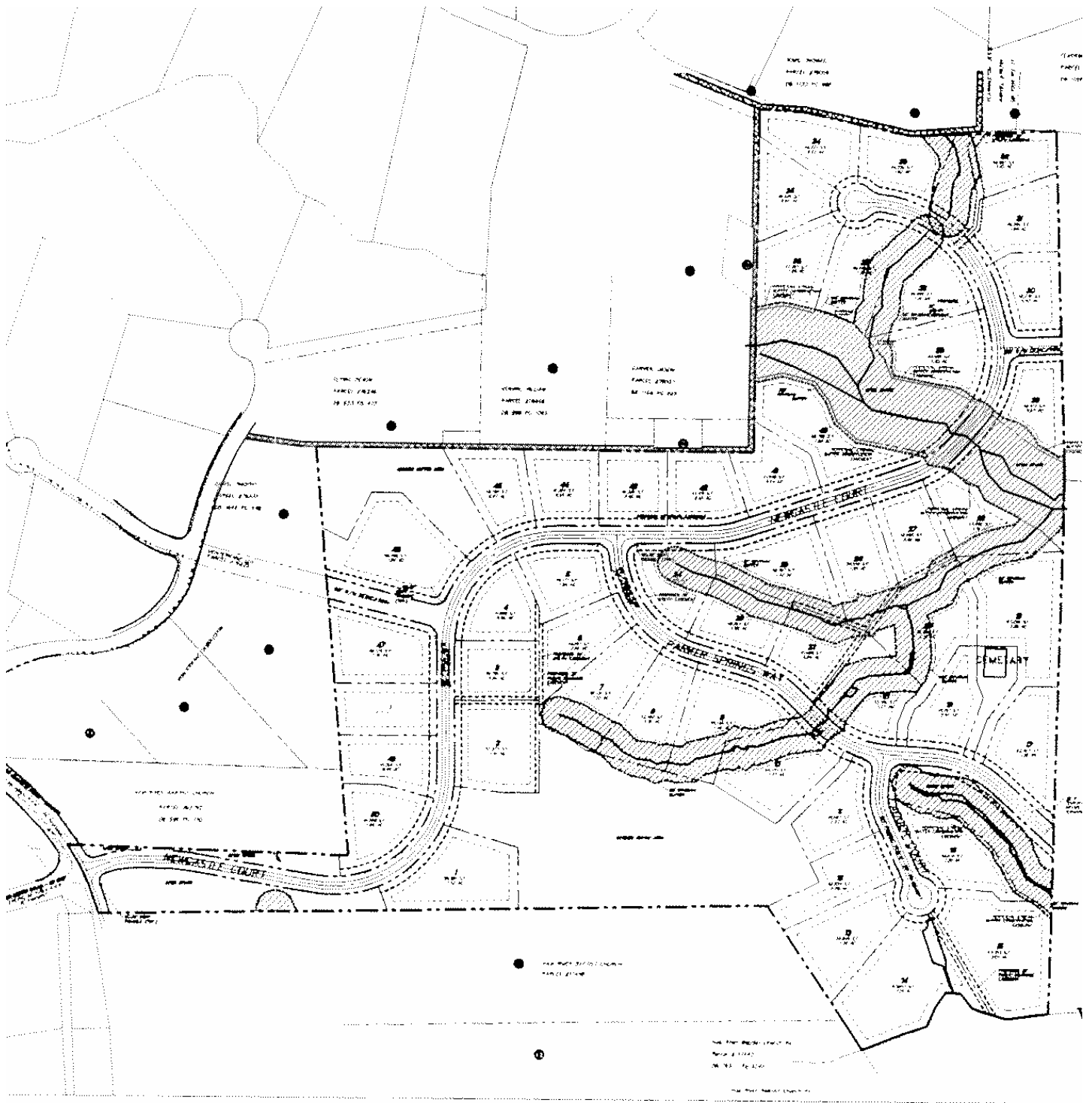
	 Not to Scale	Chatham County Zoning	Figure No. 7
Amended Environmental Impact Assessment Parker Springs Subdivision Mt. Gilead Church Road and Silverberry Road New Hope and Williams Townships, Chatham County, North Carolina		ECS Project # 14896-A	



		<p align="center">Land Use/Land Cover Map</p>	<p align="center">Figure No. 8</p>
		<p align="center">Amended Environmental Impact Assessment Parker Springs Subdivision Mt. Gilead Church Road and Silverberry Road New Hope and Williams Townships, Chatham County, North Carolina</p>	<p align="center">ECS Project # 14896-A</p>



 	<p align="center">Cultural Resource Map NC State Historic Preservation Office</p>	<p align="center">Figure No. 9</p>
	<p align="center">Amended Environmental Impact Assessment Parker Springs Subdivision Mt. Gilead Church Road and Silverberry Road New Hope and Williams Townships, Chatham County, North Carolina</p>	<p align="center">ECS Project # 14896-A</p>



Map Not to Scale

Preliminary Subdivision Plan
 Provided by RLA Development, LLC

Amended Environmental Impact Assessment
 Parker Springs Subdivision
 Mt. Gilead Church Road and Silverberry Road
 New Hope and Williams Townships, Chatham County, North Carolina

Figure No.
 10

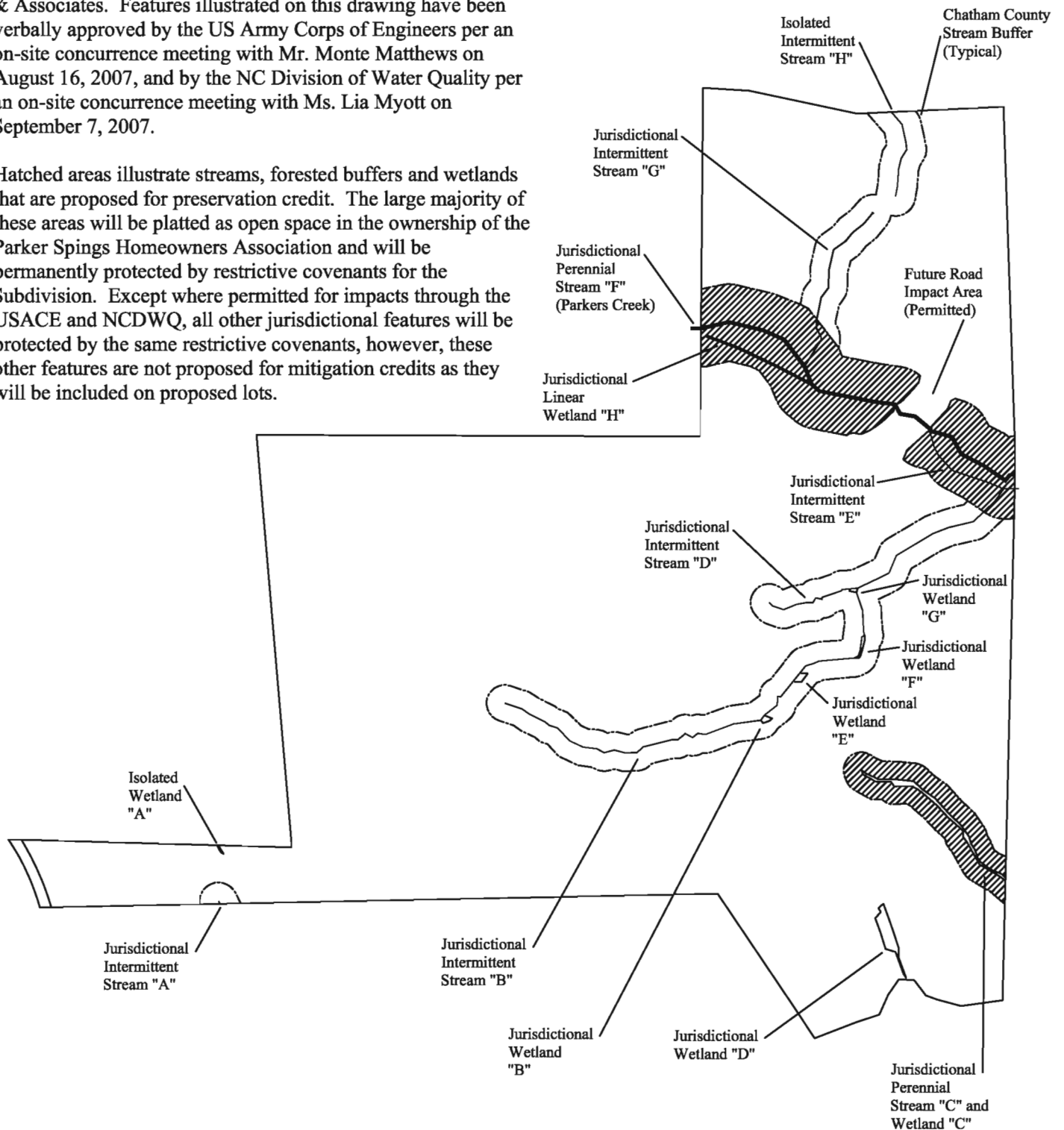
ECS Project #
 14896-A

**Environmental Impact Assessment Addendum– Parker Springs Subdivision
ECS Project No. 06.14896-A
March 14, 2008**

APPENDIX B – AGENCY CORRESPONDENCE

This drawing illustrates wetlands and streams as delineated by Mitchell Environmental, PA, and as surveyed by Lester Stancil & Associates. Features illustrated on this drawing have been verbally approved by the US Army Corps of Engineers per an on-site concurrence meeting with Mr. Monte Matthews on August 16, 2007, and by the NC Division of Water Quality per an on-site concurrence meeting with Ms. Lia Myott on September 7, 2007.

Hatched areas illustrate streams, forested buffers and wetlands that are proposed for preservation credit. The large majority of these areas will be platted as open space in the ownership of the Parker Spings Homeowners Association and will be permanently protected by restrictive covenants for the Subdivision. Except where permitted for impacts through the USACE and NCDWQ, all other jurisdictional features will be protected by the same restrictive covenants, however, these other features are not proposed for mitigation credits as they will be included on proposed lots.



MITCHELL ENVIRONMENTAL, P.A.
P.O. BOX 341
FUQUAY VARINA, NC 27526
OFFICE: 919-557-4682
FAX: 919-557-4683

PREPARED FOR: Parker Springs, LLC
318 West Millbrook Road
Raleigh, North Carolina 27609

DATE: December 4, 2007 SCALE: 1" = 400'

ENVIRONMENTAL SCIENTIST CONTACT:
SCOTT MITCHELL, PE, LSS

PARKER SPRINGS S/D
CHATHAM COUNTY
PROPOSED STREAM
PRESERVATION AREAS

Development Consulting Services, Inc.
1401 Aversboro Road, Suite 206
Garner, North Carolina 27529
Ph. (919) 625-0411

December 18, 2007

Chatham County Public Works Department
Environmental Resources Division
P.O. Box 1550
Pittsboro, N.C. 27312

Attention: Mr. Fred Royal, P.E.

RE: Parker Springs Subdivision
Environmental Impact Assessment-Stormwater


Parker Springs Subdivision is proposed to be located on 87 acres. It will have approximately 6300 lf of streets and 50 residential lots. The width of the streets will be 20 feet and each lot should not exceed 6300 s.f. of impervious area. Therefore, the total build out impervious will be approximately 12%. Due to the low build out impervious area that the project is expected to have, it does not fall under any County and/or State stormwater management requirements. The project, nevertheless is specifically designed to limit environmental impacts in a number of different ways (including stormwater management), as summarized below.

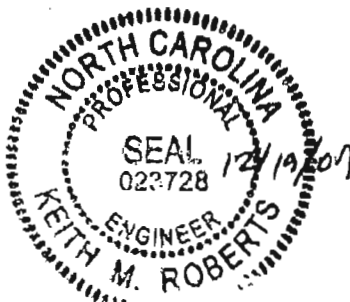
By having low density, the project should not have any detrimental impacts due to stormwater. The project would be classified in stormwater terms, based on construction methods, as a Low Impact Development (LID). In addition, the street locations were relocated three or four times at the direction of our environmental consultant in order to avoid areas of environmental interest. Additionally, the streets are designed with ditch sections and not curb-and-gutter in order to avoid concentrated flows. Furthermore, the developer volunteered to protect a 100' undisturbed buffer on Parkers Creek when only a 50' buffer was required by the Chatham County ordinances.

We asked for and received permission from the NC DOT to design the streets in a way that allows us to follow the natural contours of the property and therefore minimizes the amount of coverage that we have over the culverts at crossings which, in turn, limits the amount of earth fill that would have to be placed in these areas. We also designed our discharge points in a way to ensure pipe flows would be minimized and sheet flow utilized.

Thank you for letting us assist you in your evaluation of the project. If you need additional information or have any questions concerning this letter please do not hesitate to contact us.

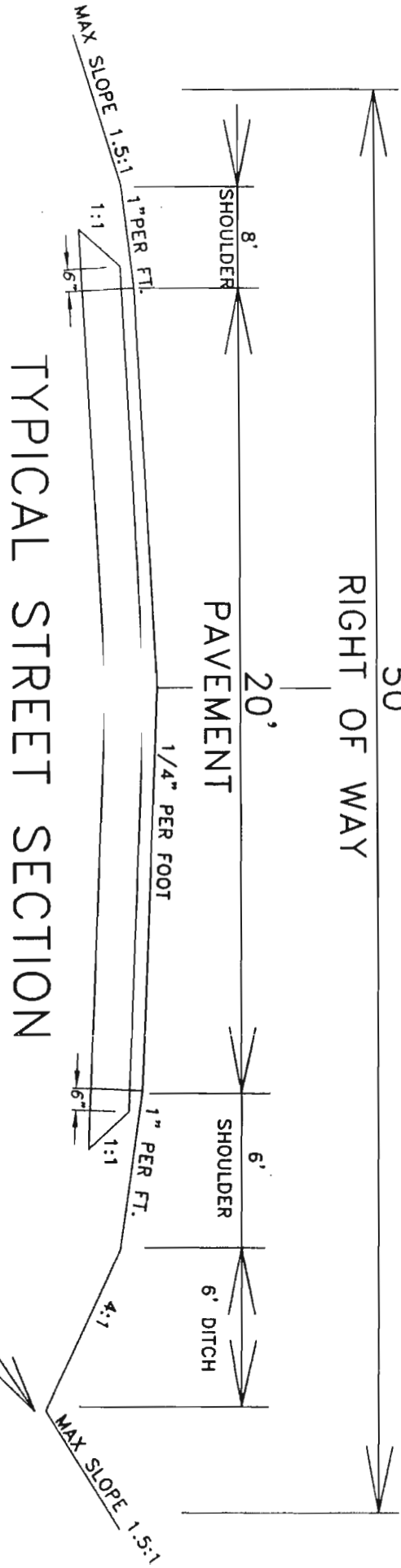
Development Consulting Services, Inc.


Keith M. Roberts, P.E.
NC Reg. No. 23728



C/L

50'
RIGHT OF WAY



TYPICAL STREET SECTION

2' MIN. DITCH DEPTH

V-DITCH

PARKER SPRINGS

SUBDIVISION PLAN

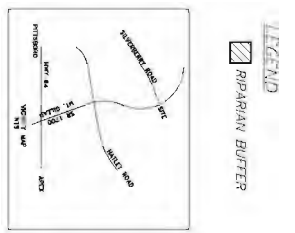
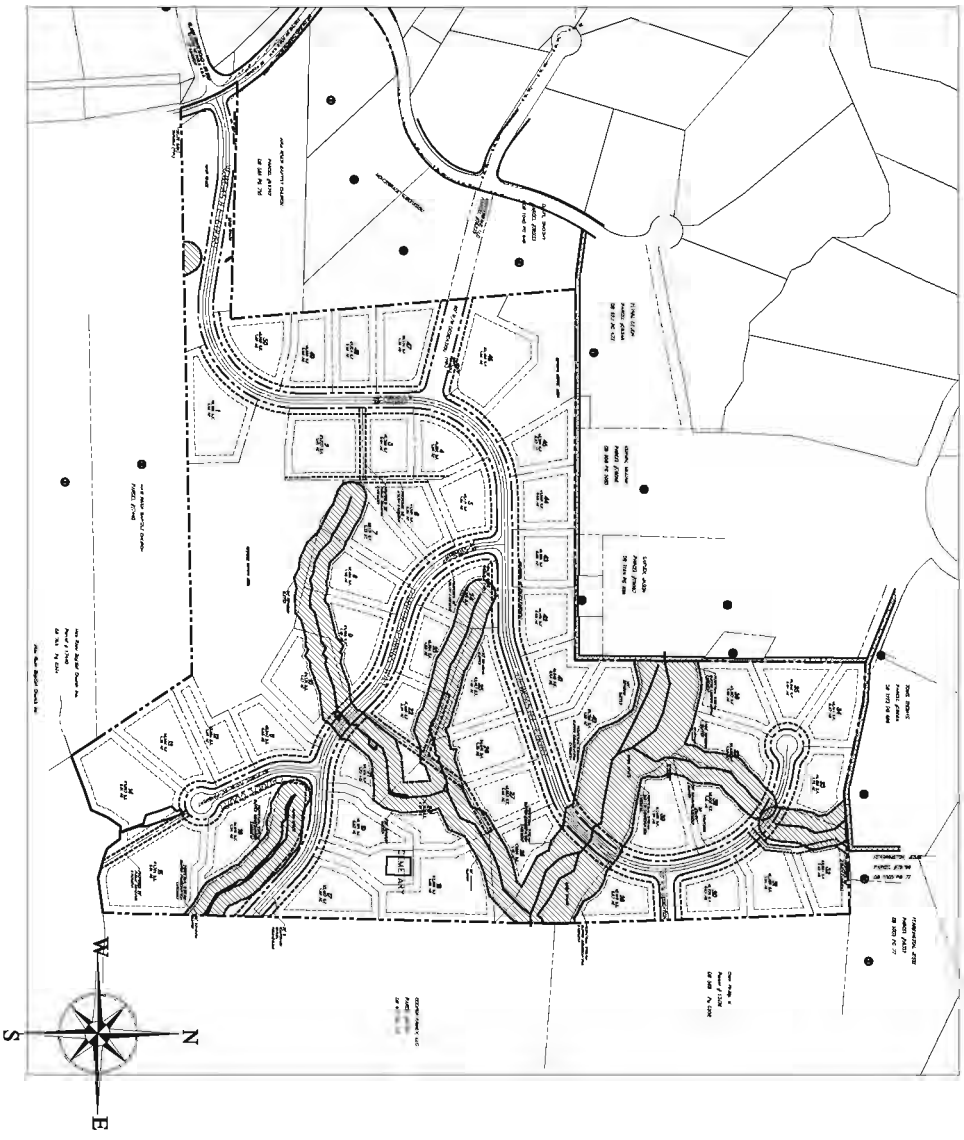
CHATHAM COUNTY, NORTH CAROLINA

OWNER/DEVELOPER:
 PARKER SPRINGS, LLC
 4441 SIX FORKS ROAD STE. 106-142
 RALEIGH, NC 27609
 (919) 848-2212

LAND PLANNING & ENGINEERING:
 DEVELOPMENT CONSULTING SERVICES, INC.
 1401 AVERSORO ROAD, STE. 206
 GARNER, NC 27529
 (919) 329-0051

ENVIRONMENTAL CONSULTANT:
 MITCHELL ENVIRONMENTAL, PA
 P.O. BOX 341
 FUQUAY-VARINA, NC 27526
 (919) 557-4682

LAND SURVEYOR:
 STANGIE & ASSOCIATES
 P.O. BOX 730
 ANGLIER, NC 27501
 (919) 639-2133



SHEET
1
 OF 3

REVISIONS:
 SCALE: 1"=200'
 DRAWN BY:
 M.R.C.
 DATE: 10/8/07
 PROJECT NO.

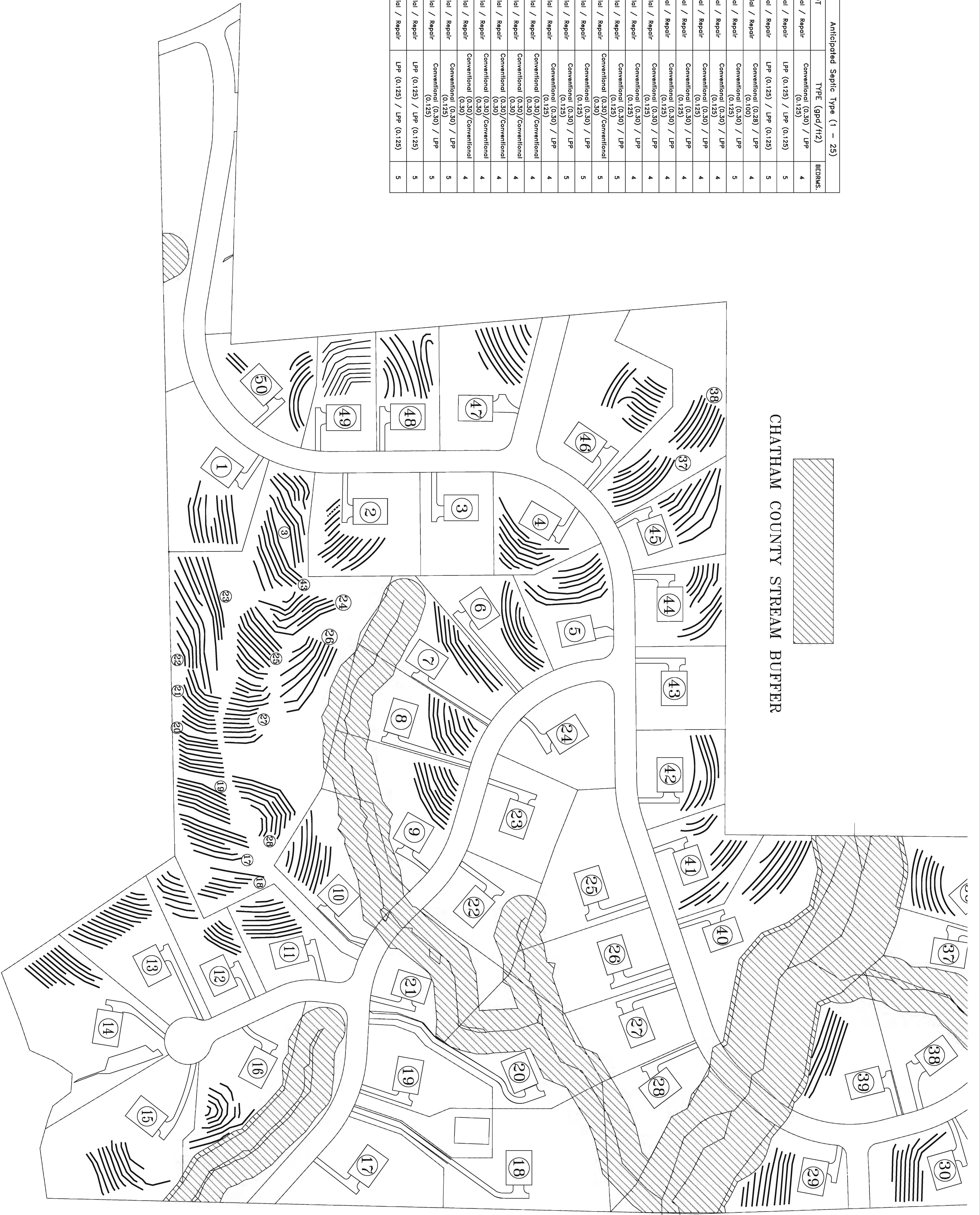
COVER
PARKER SPRINGS SUBDIVISION
 CHATHAM COUNTY, NORTH CAROLINA

OWNER/DEVELOPER
 PARKER SPRINGS, LLC
 4441 SIX FORKS ROAD, STE. 106-142
 RALEIGH, NC 27609
 (919) 848-2212

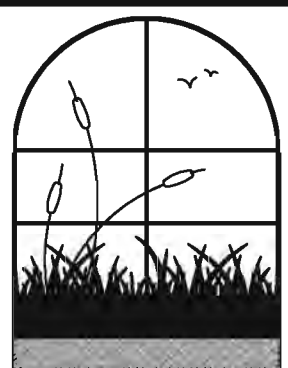
ENGINEERING & LAND PLANNING
 DEVELOPMENT CONSULTING SERVICES
 1401 AVERSORO ROAD, STE. 206
 GARNER NORTH CAROLINA 27529
 TEL. (919)329-0051 FAX (919)772-3437



LOT	Anticipated Septic Type (1 - 25)	TYPE (gpd/ft2)	BEDRMS.
Lot 1 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 2 - Initial / Repair	LPP (0.125) / LPP (0.125)		5
Lot 3 - Initial / Repair	LPP (0.125) / LPP (0.125)		5
Lot 4 - Initial / Repair	Conventional (0.28) / LPP (0.100)		4
Lot 5 - Initial / Repair	Conventional (0.30) / LPP (0.125)		5
Lot 6 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 7 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 8 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 9 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 10 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 11 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 12 - Initial / Repair	Conventional (0.30) / LPP (0.125)		5
Lot 13 - Initial / Repair	Conventional (0.30) / Conventional (0.30)		5
Lot 14 - Initial / Repair	Conventional (0.30) / LPP (0.125)		5
Lot 15 - Initial / Repair	Conventional (0.30) / LPP (0.125)		5
Lot 16 - Initial / Repair	Conventional (0.30) / LPP (0.125)		4
Lot 17 - Initial / Repair	Conventional (0.30) / Conventional (0.30)		4
Lot 18 - Initial / Repair	Conventional (0.30) / Conventional (0.30)		4
Lot 19 - Initial / Repair	Conventional (0.30) / Conventional (0.30)		4
Lot 20 - Initial / Repair	Conventional (0.30) / Conventional (0.30)		4
Lot 21 - Initial / Repair	Conventional (0.30) / Conventional (0.30)		4
Lot 22 - Initial / Repair	Conventional (0.30) / LPP (0.125)		5
Lot 23 - Initial / Repair	Conventional (0.30) / LPP (0.125)		5
Lot 24 - Initial / Repair	LPP (0.125) / LPP (0.125)		5
Lot 25 - Initial / Repair	LPP (0.125) / LPP (0.125)		5



ENGINEERS SEAL:



MITCHELL ENVIRONMENTAL, P.A.
 P.O. BOX 341
 FUQUAY VARINA, NC 27526
 OFFICE: 919-557-4682
 FAX: 919-557-4683
 mitchellenvironmental.com

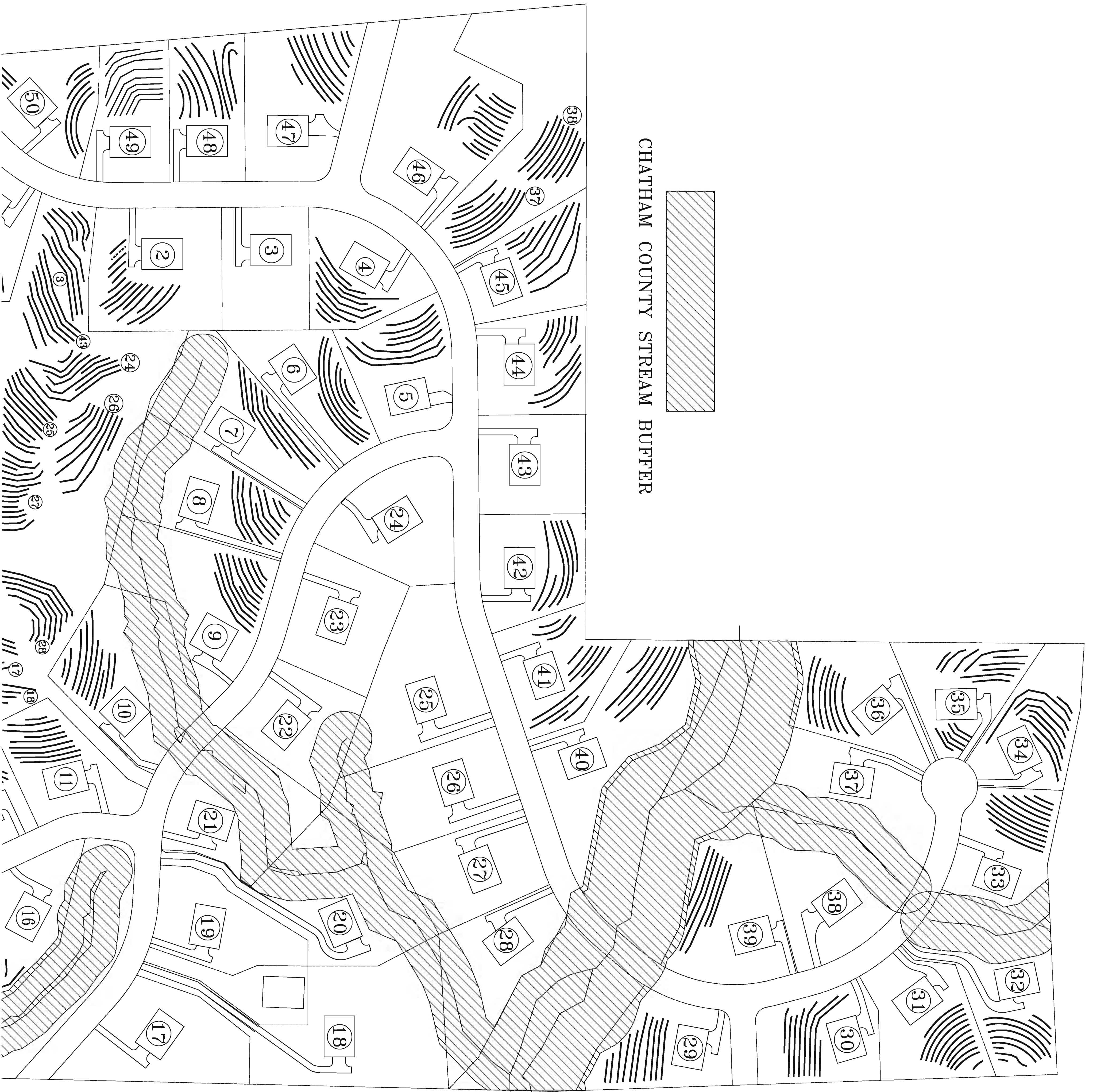
PREPARED FOR: Parker Springs, LLC
 o/o Rusty Armons
 DATE: 2-05-2008
 SOIL SCIENCE CONTACT:
 B. SCOTT MITCHELL, PE LSS
 SCALE:
 1"=100'

PARKER SPRINGS
 CHATHAM COUNTY, NC
**OVERALL SEPTIC &
 LOT LAYOUT**

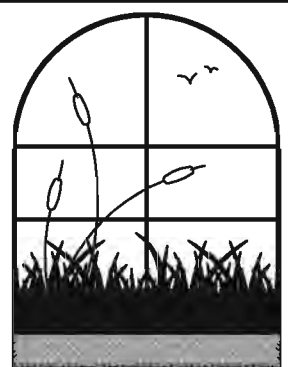
REVISION NO.	DATE

SHEET NUMBER
X-01
SHT. 1 OF 2

LOT	Anticipated Septic Type (25 - 50)	BEFMS:
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Lot 27 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 28 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 29 - Initial / Repair	Conventional (0.28) / LPP (0.120)	4
Lot 30 - Initial / Repair	Conventional (0.30) / LPP (0.120)	4
Lot 31 - Initial / Repair	Conventional (0.30) / DRIP	4
Lot 32 - Initial / Repair	Conventional (0.30) / DRIP	4
Lot 33 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 34 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 35 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 36 - Initial / Repair	LPP (0.125) / LPP (0.125)	4
Lot 37 - Initial / Repair	Conventional (0.30)/Conventional (0.30)	5
Lot 38 - Initial / Repair	Conventional (0.30)/Conventional (0.30)	5
Lot 39 - Initial / Repair	Conventional (0.30)/Conventional (0.30)	5
Lot 40 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 41 - Initial / Repair	Conventional (0.30) / LPP (0.125)	4
Lot 42 - Initial / Repair	Conventional (0.30)/Conventional (0.30)	4
Lot 43 - Initial / Repair	LPP (0.125) / LPP (0.125)	5
Lot 44 - Initial / Repair	LPP (0.125) / DRIP (0.100)	4
Lot 45 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 46 - Initial / Repair	Conventional (0.30) / LPP (0.125)	5
Lot 47 - Initial / Repair	LPP (0.125) / DRIP (0.100)	4
Lot 48 - Initial / Repair	LPP (0.125) / LPP (0.125)	5
Lot 49 - Initial / Repair	LPP (0.125) / LPP (0.125)	5
Lot 50 - Initial / Repair	LPP (0.125) / DRIP (0.100)	4



ENGINEERS SEAL:



MITCHELL ENVIRONMENTAL, P.A.
 P.O. BOX 341
 FUQUAY VARINA, NC 27526
 OFFICE: 919-557-4682
 FAX: 919-557-4683
 mitchellenvironmental.com

PREPARED FOR: Parker Springs, LLC
 c/o Rusty Armons

DATE: 2-05-2008
 SOIL SCIENCE CONTACT:
 B. SCOTT MITCHELL, PE LSS
 SCALE:
 1"=100'

PARKER SPRINGS
 CHATHAM COUNTY, NC
**OVERALL SEPTIC &
 LOT LAYOUT**

REVISION NO. DATE

SHEET NUMBER

X-02

SHT. 2 OF 2

BLANCHARD, MILLER, LEWIS & STYERS, P. A.

L A W Y E R S

PHILIP R. MILLER, III*
E. HARDY LEWIS*
M. GRAY STYERS, JR.*
KAREN M. KEMERAIT
STEPHON J. BOWENS

CHARLES F. BLANCHARD
OF COUNSEL

1117 HILLSBOROUGH STREET
RALEIGH, NORTH CAROLINA 27603

TELEPHONE (919) 755-3993
FACSIMILE (919) 755-3994
WEBSITE: www.bmlslaw.com

*CERTIFIED SUPERIOR COURT MEDIATORS

February 26, 2008

VIA U.S. MAIL AND EMAIL

Mr. Jim Willis
Lead Sedimentation and Erosion Control Officer
Chatham County Environmental Health Services
Post Office Box 130
Pittsboro North Carolina 27312

RE: Parker Springs Subdivision

Dear Mr. Willis:

As you know, our law firm represents Parkers Springs, LLC, which has filed a preliminary plat application for the Parkers Springs Subdivision. I am writing in response to the February 21, 2008 Notice of Violation of the Chatham County Sedimentation and Erosion Control Ordinance and Inspection Report Comments for Parkers Springs dated February 19, 2008.

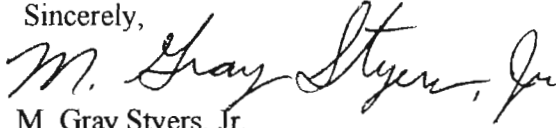
As explained in your exchange of telephone messages with my colleague Karen Kemerait, we believe that none of the activities on the Parker Springs site to date constitute a land-disturbing activity or have violated the Chatham County Sedimentation and Erosion Control Ordinance or the Sedimentation and Erosion Control Plan for the site. First, the work that was performed on the site occurred almost a year ago as the work began in March 2007 and was completed in May 2007 and was necessary to complete the investigation and obtain the state permits required for the preliminary plat filing. The work on the site primarily consisted of only limited clearing in areas where the soils were being evaluated for suitability for the septic system. As you noted in your inspection report, no stumps were removed nor was any grading performed. The clearing was not for grading purposes, and, most importantly, as your report confirmed, there was no sediment damage. Parker Springs, LLC had not requested or obtained a Land Disturbing Permit from the County in 2007 since it had not initiated any land disturbing activities for which a permit would be required. Parkers Springs, LLC understands that no grading or land disturbing activities may begin until the necessary permits have been obtained from the County.

Also, I wanted to provide information about the limited crossing of Parker's Creek that occurred during the evaluation of the soils. The hydrocutter and a track hoe (that were used to clear the

underbrush) were driven across Parker's Creek at a single point between lots 37 and 38 to access the northern portion of the property to test the soils in that area. The crossing of Parker's Creek by the hydrocutter and the track hoe caused little to no temporary disturbance of Parker's Creek and certainly caused no lasting adverse impact to the creek.

I trust that this letter resolves the concerns stated in your letter and the inspection report comments. If the County disagrees that these limited activities, for the sole purpose of site investigation, do not constitute land-disturbing activities under the applicable county ordinance provisions or state statutes, please have the County Attorney contact me at his earliest convenience. Please let me know if you would like additional information or have any additional concerns that you would like addressed.

Sincerely,

A handwritten signature in cursive script that reads "M. Gray Styers, Jr." The signature is written in black ink and is positioned above the printed name.

M. Gray Styers, Jr.

Cc: Mr. Russell Ammons
Mr. Scott Mitchell
Mr. Keith Roberts
Ms. Natalie Landry, NC DENR DWQ RRO
Mr. Andy Siegner, Chatham County Environmental Health Director
Mr. Keith Megginson, Chatham County Planning Director
Mr. Fred Royal, Chatham County Director of Environmental Resources
Richard J. (Jep) Rose, Esq.



Chatham County, North Carolina
Certificate of Sedimentation and Erosion Control Plan Approval and
Land-Disturbing Permit

For

PARKER SPRINGS

Project Name and Location

2007-043

Permit Number

The posting of this certificate certifies that an erosion and sedimentation control plan has been approved for this project by Chatham County, North Carolina in accordance with North Carolina General Statute 113A-57 (4) and 113A-54 (d)(4), the North Carolina Administrative Code, Title 15A, Chapter 4B.0007 (c) and as per applicable sections of the Chatham County Soil Erosion and Sedimentation Control Ordinance. This certificate must be posted at the primary entrance of the job site before construction begins and until establishment of permanent ground cover as required by North Carolina Administrative Code, Title 15A, Chapter 4B.0027 (b) and as per Chatham County's Erosion and Sediment Control Ordinance, Section 5 (d).

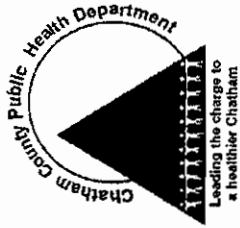
Responsible Person: RUSSELL AMMONS III Phone: 848-2212

This plan was approved with "modifications" Yes No and / or
"performance reservations" Yes No.

Reviewer:

Date: 12-18-07

THE ORDINANCE REQUIRES THAT A COPY OF
THE EROSION CONTROL PLAN
MUST BE KEPT AVAILABLE AT THE JOB SITE
AT ALL TIMES FOR INSPECTION



Chatham County, North Carolina
Certificate of Sedimentation and Erosion Control Plan Approval and
Land-Disturbing Permit

For

PARKER SPRINGS

Project Name and Location

2007-043

Permit Number

The posting of this certificate certifies that an erosion and sedimentation control plan has been approved for this project by Chatham County, North Carolina in accordance with North Carolina General Statute 113A-57 (4) and 113A-54 (d)(4), the North Carolina Administrative Code, Title 15A, Chapter 4B.0007 (c) and as per applicable sections of the Chatham County Soil Erosion and Sedimentation Control Ordinance. This certificate must be posted at the primary entrance of the job site before construction begins and until establishment of permanent ground cover as required by North Carolina Administrative Code, Title 15A, Chapter 4B.0027 (b) and as per Chatham County's Erosion and Sediment Control Ordinance, Section 5 (d).

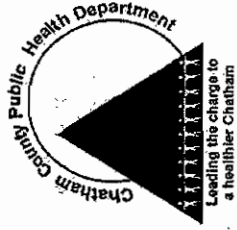
Responsible Person: RUSSELL AMMONS III Phone: 848-2212

This plan was approved with "modifications" Yes No and / or
"performance reservations" Yes No.

Reviewer:

Date: 12-18-07

THE ORDINANCE REQUIRES THAT A COPY OF
THE EROSION CONTROL PLAN
MUST BE KEPT AVAILABLE AT THE JOB SITE
AT ALL TIMES FOR INSPECTION



CHATHAM COUNTY PUBLIC HEALTH DEPARTMENT
Division of Environmental Health
Soil Erosion and Sedimentation Control

12-18-2007

LETTER OF APPROVAL

Parker Springs, LLC
4441 Six Forks Road, Ste. 106-142
Raleigh, NC 27609
Attn: Russell Ammons, III

RE: Project Name: Parker Springs
Project Number: 2007-043
Acres approved: 13.5 Acres
Total Acres: 86.74 Acres
Submitted By: Parker Springs, LLC
Date Received: 12-14-2007

Dear Sir or Madam:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire two (2) years following the date of approval, if no land-disturbing activity has been undertaken.

Section 6 (l) of the Chatham County Sedimentation and Erosion Control Ordinance requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Chatham County Sedimentation and Erosion Control Ordinance, this office may require revisions to the plan and implementation of the revisions to insure compliance with the Act.

Holly Coleman, M.S. R.S.
Public Health Director

80 East Street, PO Box 130, Pittsboro, NC 27312 Phone: 919-542-8208 Fax: 919-542-8288

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please be aware that your project will be covered by the enclosed NPDES General Stormwater Permit NCGO1000 (Construction Activities). You should first become familiar with all of the requirements for compliance with the enclosed general permit.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form. Please notify us when you would like to schedule a preconstruction conference. Notification shall be given at least 7 days prior to initiation of activity.

*****The Land Disturbance Permit Fee of \$250 per disturbed acre must be submitted in order to receive a Land Disturbance Permit prior to Land Disturbing Activity. *****

Your cooperation is appreciated.

Sincerely,


Jim Willis, CPESC
Chatham County Soil Erosion Control Officer

Enclosures: Certificate of Approval
NPDES Permit



CHATHAM COUNTY PUBLIC HEALTH DEPARTMENT
Division of Environmental Health

February 21, 2008

**NOTICE OF VIOLATION OF THE CHATHAM COUNTY SEDIMENTATION AND
EROSION CONTROL ORDINANCE**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Parker Springs, LLC
Attn: Russell Ammons, III
4441 Six Forks Road, Ste 106-142
Raleigh, NC 27609

Parker Springs, LLC
Attn: Russell Ammons, III
318 West Millbrook Road
Raleigh, NC 27609

Parker Springs, LLC
Attn: Lyle D Gardner
7706 Six Forks Road
Raleigh, NC 27613

Parker Springs, LLC
Attn: Howard S Kohn
4515 Falls of the Neuse Road, Suite 175
Raleigh, NC 27609

RE: Parker Springs Subdivision

Dear Sirs:

On February 19, 2008, personnel of this office inspected the above referenced project. This inspection was performed to determine compliance with the Chatham County Sedimentation and Erosion Control Ordinance.

It is our understanding that you and/or your firm are responsible for this land-disturbing activity. The purpose of this letter is to inform you that this activity was found to be in violation of the Chatham County Sedimentation and Erosion Control Ordinance. If you feel you are not responsible for the following violations, please notify this office immediately.

Holly Coleman, R.S.
Public Health Director

80 East Street, PO Box 130, Pittsboro, NC 27312 Phone 919-542-8208 Fax 919-542-8288

The violations that were found are:

- 1. Failure to Obtain a Land Disturbing Permit, Section 8(a):** A land disturbing permit has not been obtained for the land disturbing activity.
- 2. Failure to Follow Approved Plan, Section 6(o):** The provisions of the approved plan have not been followed.
- 3. Failure to Provide Notice of Activity Initiation, Section 6(j):** Sufficient notice was not provided to the county for the date to begin land disturbing activity.
- 4. Failure to Display Plan Approval, Section 6(l):** A copy of the plan approval has not been kept on file at the job site and displayed as required.

To correct these violations, you must:

1. It is unlawful to conduct any land disturbing activity on a site prior to obtaining a land disturbing permit from the county. A land disturbance permit must be obtained for the site prior to any additional activity is conducted.

2. The temporary stream crossings required by the plan were not installed and machine used to clear areas of the site were driven thru jurisdictional stream features. All activity on the site must stop and the stream crossing must be installed prior to any additional work being conducted.

The first item on the construction sequence of the E+SC Plan is to obtain a land disturbing permit from the county.

3. Complete and return a construction notification card with all applicable information prior to conducting any additional land disturbing activity on the site.

4. Provide a permit box, or similar, on the site to display the plan approval letter, approved plans and the land disturbing permit.

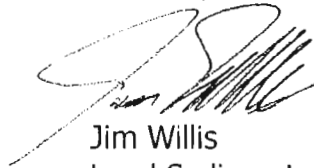
Please be advised that if these violations are not corrected within 10 days after receipt of this notice, Chatham County will take the appropriate legal action against you. That action could be the assessment of a civil penalty, and the amount may be up to \$5000 per day for each day of the violation. The penalty may be assessed from the date of the violation. If the violations are corrected within the time period specified for compliance, no further legal action will be pursued.

Please be advised that no activity associated with this project, other than that related to achieving compliance, should be conducted until the site is brought into compliance.

When corrective actions are complete, you should notify this office so that work can be inspected. You should not assume that the property is in compliance with the Ordinance until we have notified you. After installation, all erosion control measures must be maintained in proper working order until the site is completely stabilized.

We solicit your cooperation, and would like to avoid taking further enforcement action. At the same time, it is your responsibility to understand and comply with the requirements of the Ordinance. Should you have questions concerning this notice or the requirements of the Ordinance please contact me at your earliest convenience. My office phone number is (919) 545-8343.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Willis", with a stylized flourish at the end.

Jim Willis
Lead Sedimentation and Erosion Control Officer
Chatham County Environmental Health Services

Enclosures: Sedimentation Inspection Report

cc: Natalie Landry, NC DENR DWQ RRO
Andy Siegner, Chatham County Environmental Health Director
Keith Megginson, Chatham County Planning Director
Fred Royal, Chatham County Director of Environmental Resources

Erosion and Sediment Control Inspection Report

Chatham County Erosion and Sediment Control Program, PO Box 130, 80 East St. Pittsboro, NC
27312 Phone: 919-545-8343, Fax: 919-542-8288

Project Name: **Parker Springs**
Registered Agent: **Parker Springs, LLC**
441 Six Forks Rd., Ste.106-142
Raleigh, NC 27609
Attn: **Russell Ammons, III**

Project #: **2007-043**

Date: **2-19-08**

Report by: **Jim Willis**
Stacy Smith
+ Rachael Thorn

Weather and Soil Conditions: **60° Sunny Dry**

Is this site in compliance with the ordinance? **Yes** **No**
Is the site being placed under a Notice of Violation? **Yes** **No**
Is the site currently under a Notice of Violation? **Yes** **No**

VIOLATIONS:

- No approved plan, section 5(e) and 6(o) of the Ordinance and G.S. 113A-57(4) and 15A NCAC 4B.010
- Failure to follow approved plan, Section 6(o) of the Ordinance and G.S. 113A-61
- Failure to submit revised plan, Section 6(m) of the Ordinance G.S. 113A-54.1(b) 15A NCAC 4B.0
- Failure to provide adequate groundcover, Section 5(d) of the Ordinance, G.S. 113A-57(3) 15A NCAC 4B.0107(b) or 15A NCAC 4B.0124(e)
- Insufficient measures to retain sediment on site, Section 4(d) of the Ordinance and G.S. 113A-57(3))
- Failure to take all reasonable measures, Section 4(d) of the Ordinance and 15A NCAC 4B.01
- Inadequate buffer zone, Section 5(a) of the Ordinance and G.S. 113A-57(1)
- Graded slopes and fills too steep, Section 5(b) of the Ordinance \$ G.S. 113A-57(2) or 15A NCAC 4B
- Unprotected exposed slopes, Section 5(b) of the Ordinance and G.S. 113A-57(2)
- Failure to maintain erosion control measures, Section 14 of the Ordinance and 15A NCAC 4
- Other

Has Sediment Damage Occured? **Yes** **No**

If yes, where?

Degree of off-site sedimentation: **Slight** **Moderate** **Severe**

Pictures taken on site during inspection? **Yes** **No**

Contact made with:

Comments:

SEE ATTACHED COMMENTS
AND

NOTICE OF VIOLATION

Inspection Report Comments for Parker Springs
February 19, 2008

Comments:

This site was inspected in response to information that land disturbing activity has begun. The inspection revealed that areas of proposed roadway and septic areas have had trees removed by machine. These areas have not been stumped or graded. However, the removal of tree canopy cover increases the potential for erosion on the site and represents a land disturbing activity.

Additionally, the machine used for tree removal was driven thru several jurisdictional streams that are provided temporary stream crossing on the Erosion and Sedimentation Control Plan. This is a failure to follow the approved plan and represents a violation of the Chatham County Sedimentation and Erosion Control Ordinance.

Furthermore, a land disturbing permit has not yet been issued for this site. The county ordinance specifically prohibits any land disturbing activity prior to obtaining a land disturbing permit. This also represents a violation of the ordinance.

It is clearly stipulated in the E+SC Plan Approval Letter that approval of the plan does not in any way supersede any other required federal, state or county permit or approval.

For the reasons listed above, this site will be placed under a Notice of Violation. Refer to the enclosed NOV for required corrective actions.

This site will be re-inspected as needed.

A handwritten signature in black ink, appearing to be 'JW', enclosed within a circular scribble.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

LYNDO TIPPETT
SECRETARY

January 10, 2008

Mr. Russell L Ammons, III, Manager
Parker Springs, LLC
444 I Six Forks Rd.
Raleigh, NC 27609

And

Charlie Horne, County Manager
Chatham County
P O Box 1809
Pittsboro, N. C. 27312

SUBJECT: ENCROACHMENT AGREEMENT (16.6) (19-3472)
12" PVC Water Main
SR 1700
Chatham County

Dear Mr. Ammons & Mr. Horne:

Attached is a properly executed copy of a Right of Way Encroachment Agreement, which covers the following:

Installing 5,859 LF of 12" PVC SDR-21 Water Main on SR 1700 in Chatham County.

This agreement is approved subject to the Special Provisions, which are attached to and made a part of the Encroachment Agreement

Sincerely,


Timothy Johnson P.E.
Division Engineer

TJ/jek

Attachments

Cc: Robert Memory, State Utility Agent, Utility Coordination Unit (w/orig)
R. E. Blakley, P.E., District Engineer
File

(19-3472)

ROUTE SR 1700 PROJECT Parker Springs COUNTY OF Chatham STATE OF NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

THREE PARTY RIGHT OF WAY
ENCROACHMENT AGREEMENT ON
PRIMARY AND SECONDARY SYSTEM

-AND-

Parker Springs, LLC
4441 Six Forks Rd / Raleigh, NC 27609

-AND-

Chatham County

THIS AGREEMENT, made and entered into this the 10th day of Jan, 20 08, by and between the Department of Transportation, party of the first part; and PARKER SPRINGS, LLC party of the second part; and CHATHAM County party of the third part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) SR 1700, located at the intersection of SR 1700 and SR 1797 and go north to intersection of SR 1700 and Valley Lane

with the construction and/or erection of: 5,859 L.F. OF 12" PVC waterline, an extension from an existing WL at the intersection of SR 1700 and SR 1711.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures

Charlie Horne
Third Party
Chatham County
Pittsboro, NC 27312
PO Box 910

Roy Louder
Chatham County
Pittsboro, NC 27312
PO Box 910

**ENCROACHMENT SPECIAL PROVISIONS
PARKER SPRINGS, LLC & CHATHAM COUNTY
19-3472 (CHATHAM)**

Approval of the encroachment agreement is made subject to the following Special Provisions:

1. Changes noted in red on the plans shall be incorporated into and made a part of the encroachment agreement. An executed copy of the encroachment agreement shall be available at the construction site at all times. NCDOT reserves the rights to stop all work unless evidence of approval can be shown.
2. Notify the following prior to beginning work:
 - ***B.F. Sloan, County Maintenance Engineer***
1404 E. Raleigh St.
Siler City, N.C. 27344
(919) 742-3431
3. **The encroaching party shall comply with all applicable federal, state and local environmental regulations, and shall obtain all necessary federal, state and local environmental permits, including but not limited to, those related to sediment control, stormwater, wetland, streams, endangered species, and historical sites.**
4. All materials and construction shall be in accordance with NCDOT standards and specifications, including but not limited to the NCDOT Standard Specifications for Roads and Structures 2006, the NCDOT Roadway Standards Drawings, and NCDOT Policies and Procedures for Accommodating Utilities on Highway Rights of Way.
5. It shall be the responsibility of the Encroacher to determine the location of other utilities within the encroachment area in accordance with General Statute 87-102. The Encroacher shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities. Costs to repair, restore, or relocate existing utilities due to this encroachment shall be the responsibility of the encroaching party.
6. NCDOT does not guarantee the Right of Way on this road, nor will it be responsible for any claim for damages brought by any property owner by reason of this encroachment. All Right of Way and easements necessary for construction and maintenance shall be dedicated to NCDOT with the proof of dedication furnished to the District Engineer prior to beginning work. Encroachment within the Right of Way does not imply approval for encroachment onto adjacent property. The Encroacher shall be responsible for securing any easement, permit, permission, or approval for encroachment or other use of property outside the state maintained right of way. Right of Way monuments disturbed during construction shall be referenced by a Professional Land Surveyor and reset immediately after construction.
7. The encroaching Party shall take whatever measures are necessary to minimize soil erosion and siltation, water pollution, and air pollution. It shall be the responsibility of the Encroaching Party to keep fully informed to comply with the applicable regulations of all legally constituted authorities relating to pollution prevention and control. In the event of conflict between regulations, specifications, or requirements, the more restrictive requirement shall apply. All erosion and pollution control devices and measures shall be constructed, installed, maintained and removed by the encroaching party in accordance with all applicable Federal, State and Local laws, regulations, ordinances, and policies. No construction shall begin until all erosion control devices have been installed to the satisfaction of the District Engineer. Failure to comply with this provision shall be grounds for immediate suspension of all activities within the Right of Way.
8. The North Carolina Department of Transportation is in the process of developing a Work Zone Traffic Control Qualification and Training program that will begin its implementation in 2009. This program will require qualified and trained Work Zone Flaggers in every flagging operation (July 2009), qualified and trained Work Zone Traffic Control Installers on every traffic control installation (January 2010) and qualified and trained Work Zone Traffic Control Supervisors on Significant Projects (July 2010). The program will include anyone

working within NCDOT Right of Way including work associated with NCDOT construction and encroachment agreements.

9. A \$ 15,000.00 Performance and Indemnity Bond shall be executed and posted with the District Engineer prior to beginning any work on the Right of Way. The required bond may be executed in any of the following methods.
 - Cash bond in the form of a certified check payable to the North Carolina Department of Transportation.
 - Performance and indemnity bond underwritten by a surety company legally authorized to do business in North Carolina.
 - Continuing bond for the performance of work within the NCDOT Right of Ways.
 - Cashiers check or bank letter of credit (2 copies with original signature) in the amount of the bond.
 - The Bond shall be submitted to the District Engineer, North Carolina Department of Transportation, P. O. Box 1164 Asheboro, N C. Please identify the Encroachment Agreement by including File # 19-3472 on the Bond.
10. Bonds shall remain in effect for a period of one (1) year following completion of the job. The encroaching party shall notify the District Engineer in writing when all work within the Right of Way has been completed. Upon receipt of written notification, the District Engineer will inspect the project and provide certification that the project has been completed. When the project has been satisfactorily completed for one (1) year, the bonding company shall submit a written request along with a copy of the encroachment authorization to the District Engineer for release of the Bond. The Bond will be released upon satisfactory final inspection, review, and approval by the District Engineer.
11. In the event this encroachment is constructed under multiple contracts and the bond requirement is delegated to the contractor or contractors, separate bonds may be posted. The amount of the bond secured by each contractor shall be proportional to the length and size of the contract. The bond will be held for a period of one (1) year following completion of the contract.
12. No work shall commence until all Bond requirements have been satisfied.
13. Storage of materials or equipment within the Right of Way is prohibited. During non-working hours, equipment shall be parked as close to the right of way line as possible and shall be properly barricaded so that no equipment obstruction shall be within the Clear Recovery Area.
14. Construction equipment or vehicles shall not be parked on the pavement or roadway shoulder.
15. Construction is authorized to perform on Monday through Friday during the hours between sunrise and sunset.
16. The encroaching party may delegate the performance of certain provisions of this agreement to contractors or other parties. However, this shall not in any way release the encroaching party from its obligations to the terms and provisions of the encroachment.
17. No lane(s) of traffic shall be closed or alteration of the traffic flow will be allowed on or during holidays, holiday weekends, special events, and/or any other time when traffic is unusually heavy. Holidays and holiday weekends shall include Easter, Memorial Day, Independence Day, and Labor Day.
18. Written notification shall be provided to the District Engineer upon completion of the work proposed under this agreement. Materials test frequencies and methods shall be in conformance with the NCDOT Materials and Tests guidelines, or as directed by NCDOT. A letter of approval, or recommendations for compliance, will be provided upon receipt and review of test reports.
19. The traveling public shall be warned of construction with complete and proper signing and traffic control devices in accordance with the current **Manual on Uniform Traffic Control Devices (MUTCD)**. No work shall be performed in the Right of Way unless this requirement is satisfied. NCDOT reserves the right to require a written traffic control plan for encroachment operations. Traffic control devices and operations shall include, but are not limited to the following:

- Adequate and appropriate advance warning signs for any and all work zones, closed or obstructed areas.
 - “End Construction” signage beyond the end of all work zones.
 - Adequate and appropriate delineation and control devices for all work zone areas including but not limited to lane closures, disturbed areas, and active work sites.
 - Properly trained and equipped flagmen.
 - Proper maintenance of all traffic control devices, including but not limited to proper signage and controls during periods of inactivity and removal of inappropriate traffic control signage and/or devices.
20. Traffic shall not be detoured or rerouted. Two way traffic shall be maintained at all times.
 21. The Traffic Services Supervisor shall be notified at (910) 947-3930 in Carthage, NC, prior to beginning work on the Right of Way if there are existing NCDOT signs, traffic signals, or signal equipment in or near the proposed work zone. Costs to relocate, replace, or repair NCDOT signs, signals, or associated equipment shall be the responsibility of the Encroacher.
 22. Excavation within 500 feet of a signalized intersection will require notification by the party of the second part to the Division Traffic Engineer at telephone number (910) 947-3930. All traffic signal or detection cables must be located prior to excavation.
 23. Ingress and egress shall be maintained to businesses and dwellings. Driveways altered during construction shall be restored to a condition equal to that prior to beginning construction.
 24. Excavated material shall not be placed on the paved roadway surface at any time unless specifically approved by the District Engineer. Drainage structures shall not be blocked with excavated material at any time.
 25. Trenches/excavations/bore pits shall not remain open longer than a 24-hour period. No trench/excavation/bore pit shall be left open overnight except in the event of emergency, in which case the encroacher shall notify the District Engineer and inform him as to the nature and anticipated duration of the emergency. Any excavation left open overnight due to emergency shall be protected and delineated with complete, adequate and appropriate safety and traffic control devices.
 26. All backfill shall meet the Statewide Borrow Criteria and shall be placed in accordance with section 300-6 of **NCDOT Standard Specifications for Roads and Structures 2006**. Backfill material shall be free from rocks and debris placed in six-inch loose layers and compacted to at least 95% of standard density as determined by AASHTO Method T-99 as modified by NCDOT. Backfill material placed within eight (8) inches of the pavement subgrade shall be compacted to 100% of standard density. (Copies of these testing procedures are available on request from the NCDOT Materials and Tests Unit.) Each layer must be fully compacted by an approved mechanical tamp before the next layer is placed.
 27. Excavated areas adjacent to pavement having more than a 2 inch drop shall be backfilled and made safe with a 6:1 or flatter slope and shall be designated by appropriate delineation during periods of construction inactivity including, but not limited to, night and weekend hours.
 28. When burying around the end of a pipe, culvert, or bridge, the utility shall be located a minimum of five (5) feet from the nearest part of the pipe, culvert, or bridge, and buried to a minimum depth of five (5) feet below the streambed. At points where the utility is placed under existing storm drains by trenching, the trench shall be backfilled with Class M concrete up to the outside diameter of the existing pipe.
 29. Drainage structures and systems shall be preserved and protected. Any structure that is disturbed or damaged during construction shall be immediately restored to its original condition at no expense to the Department of Transportation. All utility installations shall be designed and constructed so as not to hinder, disrupt or interfere with existing storm drainage. All facilities shall pass over or under highway drainage facilities.
 30. The dry bore method of boring shall be utilized and made perpendicular to the roadway. Any bore exceeding 6 inches shall be encased.

31. Hydrants shall be placed behind the roadway ditch and as near the right of way line as possible.
32. The grade of top of pipe or casing shall provide the following minimum bury:
 - Crossing under roadways - 3 feet from pavement surface
 - Longitudinal installations - 3 feet from finished grade
 - Crossing under ditches - 2 feet from ditch line
33. All service connections shall be bored unless construction is of ductile iron or equal quality material with satisfactory leakproof joints.
34. All blow-off assemblies shall be directed away from any travel lane.
35. All blow-off valves, vaults, manholes and other appurtenances within the NCDOT right of way shall be located behind the ditch and at the right of way line. Manholes and/or vaults shall not be placed in the ditch line, side slopes of ditches or in the pavement.
36. All manholes and/or vaults shall be of an NCDOT pre-approved design. Manholes or vaults shall be designed for HS-20 live loads and conform to the **NCDOT Standard Specifications for Roads and Structures 2006**, the **NCDOT Roadway Standards Drawings**. Any proposed structure which is not of a design pre-approved by NCDOT shall be submitted to NCDOT with details and design calculations sealed by a Professional Engineer for approval prior to construction. A list of approved structures may be obtained from NCDOT Design Services at 919-250-4128.
37. Manhole rings and covers and valve covers shall be a traffic bearing type designed for HS-20 loading and approved for use within NCDOT right of ways. All such appurtenances shall be installed flush to or below the surface of the ground in such a manner that they do not pose obstacles or obstructions to pedestrians, vehicles, equipment, or roadway maintenance operations.
38. Manholes/Valves should not be located in the pavement or shoulders of any State road. Exceptions may be made on roads at those locations where manholes/valves are essential parts of existing lines that are permitted to remain in place under existing and proposed roadways. Every effort should be made to minimize such installations and to avoid their locations in wheel paths or street intersections, insofar as practicable. Manholes should be designed and located in such a manner that will cause the least interference with roadway users, other utilities, and future highway expansion.
39. Where an installation is by open cut, the pavement shall be neatly sawed or cut perpendicular to the surface. The replacement base and surface shall extend a minimum of one foot beyond the excavated opening on each side and shall be equivalent to the original base and pavement or the design as stated in the encroachment agreement, whichever is greater. The minimum pavement design for pavements on secondary roads shall be:
 - Flowable fill to within 8" of finished grade
 - 5 inches Asphalt Base Course – B25.0B
 - 3 inches Asphalt Surface Course – S9.5B
40. All disturbed soil areas shall be promptly seeded and mulched. The encroaching party shall obtain the District Engineer's approval of ditch and shoulder grading prior to seeding and mulching.
41. All earth areas shall be regraded, seeded and mulched in accordance with Section 1660 of the **NCDOT Standard Specifications for Roads and Structures 2006**. The Engineer shall make final determination of soil type. The following rates in pounds per acre apply:
 - *YEAR ROUND MIXTURE (Sandy Soils)*
 - KY 31 Tall Fescue or Alta Tall Fescue – 50 pounds
 - Pensacola Bahiagrass – 50 pounds
 - Centipede – 5 pounds
 - Fertilizer (10-20-20 analysis) – 500 pounds
 - Limestone – 4000 pounds

- *YEAR ROUND MIXTURE (Clay Soils)*
 - KY 31 Tall Fescue or Alta Tall Fescue – 100 pounds
 - Kenblue Bluegrass – 15 pounds
 - Fertilizer (10-20-20 analysis) – 500 pounds
 - Limestone – 4000 pounds
- Add 10 pounds of Kobe or Korean Lespedeza and 10 pounds of Millet to the above mixture from May 1 to August 31. On cut and fill slopes 2:1 or steeper, add 30# Sericea Lespedeza from January 1 to December 31.
- Fertilizer shall be 10-20-20 analysis. Upon written approval of the Engineer, a different analysis may be used provided the 1-2-2 ratio is maintained and the rate of application is adjusted to provide the same amount of plant food as a 10-20-20 analysis.

42. Utility shall not be placed under guardrail or fence.

43. Notify the County Maintenance Engineer's office at (919) 742-3431, 1404 E. Raleigh St. Siler City, N.C. 27344, prior to beginning work. The encroaching party shall provide the County Maintenance Engineer with the following information at least 3 working days prior to commencing operations:

- Proposed schedule of operations
- The name(s) and phone number(s) of project contact person(s). (See Special Provision 18)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

DIVISION OF HIGHWAYS

LYNDO TIPPETT
SECRETARY

January 4, 2008

Chatham County

Subject: Subdivision – Final Plan Review – Parker Springs Subdivision off of SR 1700

Development Consulting Services
c/o Keith Roberts, P.E.
1401 Aversboro, Road, Suite 206
Garner, N.C. 27529

Dear Mr. Roberts:

The N. C. Department of Transportation, Division of Highways has reviewed the construction plans as submitted to this office and approval is granted subject to the following stipulations and recommendations:

1. All Construction is to be in accordance with the details and changes in red as shown on the plans.
2. A Driveway Permit #19-743 has been previously issued with this package.
3. The entire 50' right of way is to be cleared and grubbed throughout the whole phase of the project. Please be aware that the areas within the sight distance quadrants are to be treated as right of way.
4. All soil areas within the proposed right of way and any other soil areas disturbed during construction shall be seeded and mulched immediately upon completion of roadway construction. The seeding shall be done as outlined in the seeding specification attachment.
5. The crossline drainage is approved as proposed on the construction plans. If, however field conditions dictate any changes, these shall be made upon approval by NCDOT. If any of the property owners desire to pipe their ditches within the proposed NCDOT right of way, please advise them that this work should conform to NCDOT specifications for this type of work (see attached). If any ditches are piped and not satisfactorily completed to NCDOT specifications, this could result in the road not being accepted for addition to the state maintained system of roads. Any ditches piped or other encroachment prior to addition to the state maintained system are subject to an encroachment agreement, as are utility companies, when the road is added.

P.O. BOX 1164, ASHEBORO, NORTH CAROLINA 27204
PHONE (336) 629-1423 FAX (336) 629-7228

6. The typicals as shown in the plans, are approved.
7. The Division of Highways will only allow mailboxes, with non-rigid type post, such as 4" x 4" wooden or small diameter metal type on new additions. Brick columns or mailboxes on rigid stands such as block, stone or any other type deemed to be a traffic hazard will not be allowed within the right of way. This policy applies to all roads being considered for addition to the State Maintained System.
8. An erosion control plan shall require approval from Chatham County. The developer should forward this plan to Mr. Jim Willis, Erosion and Sediment Control Officer, 80 East, P.O. Box 130, Pittsboro, N.C. 27312, phone (919) 545-8343 for his review and approval.
9. As this subdivision is proposed to be public and is likely to be requested to be added to the state maintained system of roads, the developer will be responsible for providing a PE Certification, (See Attached) and testing results for base and asphalt density stating that the streets have been built in accordance with the most current "Subdivision Roads: Minimum Construction Standards" manual and with the attached approved plans. Please be advised that this PE Certification does not approve the road for addition to the State Highway System for maintenance. When the proper home density is achieved and roads have been satisfactorily maintained, the developer or property owners must submit Form SR-1, Petition for Road Addition (copy attached to this correspondence), and four (4) copies of the recorded plat to request that the road or roads be added to the State Highway system. Any maintenance problems found when the road is requested to be added must be repaired by the developer prior to the road becoming state maintained. As stated in GS 136-102.6, final acceptance by the Division of Highways of the public streets and placing them on the State highway system for maintenance shall be conclusive proof that the streets have been constructed according to the minimum standards of the Board of Transportation.
10. The developer shall comply with all applicable local, state, and federal environmental regulations, and shall obtain all necessary local, state, and federal environmental permits, including, but not limited to, those related to sediment control, stormwater, wetlands, streams, endangered species, and historical sites.
11. A properly completed Verification of Compliance with the Department of Environment and Natural Resources (DENR)(page 35, attached) must be submitted prior to the road(s) being considered for addition to the NCDOT System.
12. In preparing the final plat for certification by this office and subsequent recording, the following information will be incorporated:
 - A. The sight distance quadrants at the intersections shall be shown either as a public easement or as the property line.
 - B. Public easements for drainage throughout the development.
 - C. All roads shall be shown as public and the right of way width shown.

13. If the plans of this subdivision change in a way that would cause a change in the classification of these roads from Local Residential to Residential Collector the developer will be responsible for upgrading roads to meet Residential Collector standards prior to addition the state maintenance system.
14. This approval does not approve the utilities within this subdivision. Any utilities shall be submitted for approval to this office via a properly executed Encroachment Agreement to be approved at the time the roads within the subdivision are petitioned to be added to the state system for maintenance. Please note that water valves should be located a minimum of 6' from edge of pavement, fire hydrants should be behind the right of way line and all service taps should be installed prior to paving.

If you have any further questions regarding this matter, please do not hesitate to call this office at (336) 629-1423.

Yours truly,



Reuben Blakley, PE
District Engineer

REB/jeb

Attachments

cc: Tim Johnson, P.E., Division Engineer
B.F. Sloan, County Maintenance Engineer
Lynn Richardson, Chatham County Planning
File

SITE NAME: Big Woods Wilderness

SIGNIFICANCE: County

INTEGRITY: Good to fair

THREATS: High -- timbering; residential development

PROTECTION STATUS: None

JURISDICTION: Williams and New Hope Township

OWNERSHIP: Private

SUMMARY OF SIGNIFICANT FEATURES:

1. The Big Woods is the largest tract of unbroken upland forest remaining in the county, if not the entire Triangle region. As such, it serves as an important wildlife reservoir, supplying the entire area through its connections via the Jordan Lake gamelands to the Haw River, New Hope Creek, and Morgan Creek watersheds.

GENERAL SITE DESCRIPTION:

The Big Woods is a vast tract of rugged uplands that forms part of the western escarpment rising up from the Triassic Basin. Like the more sharply defined monadnocks of Boothe Hill and Edwards Mountain just to the north, the hills of the Big Woods represent an uplift that probably occurred at the same time the basin was sinking; several ridges are over 500 ft in elevation and one summit is the same height as Boothe Hill at 602 ft. Further contributing to the strong relief of this tract is the powerful stream-cutting forces that result from the extreme change in elevation across this escarpment. This entire tract has been sharply dissected by numerous small streams that now flow into Jordan Lake.

The underlying rocks are mainly felsic crystalline formations. At the northern end, the junction between these typical meta-sedimentary and meta-volcanic rocks of the slate belt and the massive granite pluton underlying Edwards Ridge and Boothe Hill is marked by a zone composed primarily of schists (see Old Quarry Creek). One other noteworthy geological feature is an extensive dike of diabase that runs parallel to the fault-line that marks the western boundary of the Triassic Basin.

Largely due the ruggedness of the terrain, the Big Woods has escaped intensive exploitation. Although the entire area has been timbered at one time or another -- probably repeatedly -- much of this tract is covered with maturing hardwood forest, in strong contrast to the agricultural lands or pine plantations that extend over most of the county. The trees composing the canopy are typical of the dry-mesic oak/hickory forests that once prevailed over most of the piedmont: white oak (*Quercus alba*), southern red oak (*Q. falcata*), black oak (*Q. velutina*), scarlet oak (*Q. coccinea*), pignut (*Carya glabra*) and red hickory (*C.*

ovalis); scattered short-leaf pines (Pinus echinata) persist throughout the area. The understory is likewise typical in its composition of red maples (Acer rubrum), dogwoods (Cornus florida), and sourwoods (Oxydendrum arboreum). Both shrub and herb layers are fairly sparse. Representative species include blackhaw (Viburnum prunifolium), blueberries (Vaccinium spp.), and spotted wintergreen (Chimaphila maculata).

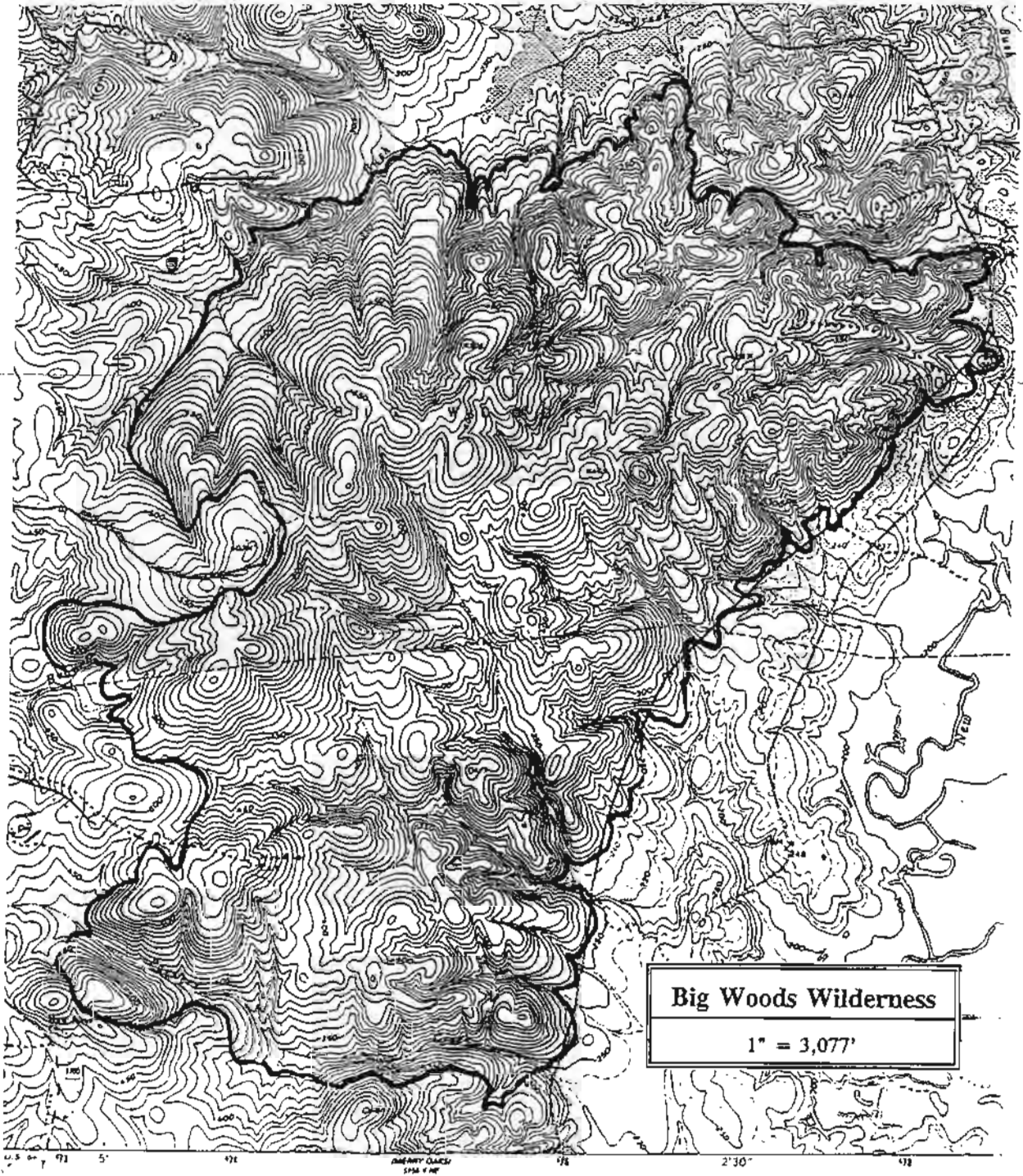
The only unusual feature of the vegetation is the presence of a stand of basic oak/hickory forest that grows along the diabase dike. The characteristic trees of this stand are southern shagbark hickories (Carya carolinae-septentrionalis), southern sugar maples (Acer floridanum), black walnut (Juglans nigra), and ash (Fraxinus spp.). Basophilic species of the understory and shrub layer include redbud (Cercis canadensis), hop-hornbeam (Ostrya virginiana), winged elm (Ulmus alata), buckeye (Aesculus sylvatica), fringetree (Chionanthus virginicus), and arrowwood (Viburnum rafinesquianum). The herb layer is again sparse, although in at least one ravine river oats (Uniola latifolia) form dense patches.

Although this area was not thoroughly explored during the survey, nor was it visited during the nesting season for birds, resulting in a fairly short species list, its importance to the wildlife of the entire region is unquestionable. It almost certainly shares with the Edwards Mountain and the Jordan Lake Gamelands most of the wilder species that remain in our area. The most noteworthy of these are bobcat (Lynx rufus), wild turkey (Meleagris gallopavo), pileated woodpeckers (Dryocopus pileatus), hairy woodpeckers (Picoides villosus), broad-winged hawks (Buteo platypterus), and several other species of raptors (both barred owls, Strix varia, and red-tailed hawks, Buteo jamaicensis, were observed during the course of the survey). Even black bear (Ursus americanus) were known to occur in this tract at one time, before the construction of Jordan Lake reduced the adjacent bottomland forests to a small remnant; they may still occasionally migrate through the area. White-tailed deer (Odocoileus virginianus), on the other hand, are much more common in this area now than they probably ever were and much of these woodlands are leased to local hunt clubs.

The only unusual species observed during the course of the survey was the Carolina anole (Anolis carolinensis), a characteristic lizard of the coastal plain that penetrates into the piedmont primarily along large river floodplains; in Chatham County, this species is virtually restricted to the vicinity of the Triassic Basin.

CONSERVATION RECOMMENDATIONS:

The value of this tract to wildlife requires that its unbroken, wooded character be preserved. Although its rugged terrain continues to offer some degree of protection, development is already making noticeable inroads, particularly along the Jordan Lake frontage. Ideally, this tract will continue to be used primarily for forestry, although the owners should be encouraged to shift away from clear-cutting to the use of selective harvesting, shelterwood stands, and other practices less disruptive to wildlife (particularly wild turkey and bobcat).



SITE SURVEY REPORT

Site name: Big Woods Wilderness

County: Chatham

Date(s): 11/VI/88, 25/VIII/88

Surveyors:

Stephen P. Hall, Ph.D
NC Natural Heritage Program
P.O. Box 27687
Raleigh, NC 27611-7687
(919) 733-7701

Marjorie Boyer
NC Plant Conservation Program
P.O. Box 27647
Raleigh, NC 27611
(919) 733-3610

Size: 4,430 acres

Quad: Farrington

Province: Piedmont

Watershed: Jordan Lake --> Haw River --> Cape Fear River

Location and directions: Bounded roughly by Bush Creek on the north, Big Woods Road on the east, US 64 on the south, and Mount Gilead Church Road on the west

Landowners and addresses:

Owners contacted and attitude:

General landscape description: See Site Description

Physical description

Aspect: Various

Slope: Mostly 5-10, but 10-35 on steepest slopes

Topographic position: Crest to lower slope

Hydrology: Terrestrial

Moisture: Moist to dry

Elevation: 250 - 605'

Geology:

Soils: Georgeville Gravelly Silt Loam, Goldston Gravelly Silt Loam

Comments on physical description: large, relatively unbroken block of rugged uplands

Biological description

Community # 1: Dry-mesic Oak-hickory forest

Vegetation structure: Forest

Position in landscape and relation to other communities: Crest

Quality and condition: Fair

Size:

Dominants (*) and important species:

Canopy:

Carya glabra
Carya ovalis
Liriodendron tulipifera
Pinus echinata
Quercus alba
Quercus coccinea
Quercus falcata
Quercus rubra
Quercus velutina

Shrubs and vines:

Ilex opaca
Nyssa sylvatica
Parthenocissus quinquefolia
Prunus serotina
Ulmus alata
Vaccinium sp.
Viburnum acerifolium
Viburnum prunifolium

Subcanopy:

Acer rubrum
Cornus florida
Ilex decidua
Juniperus virginiana
Oxydendrum arboreum

Herbs:

Chimaphila maculata

Community # 2: Basic Oak-hickory Forest

Vegetation structure: Forest

Position in landscape and relation to other communities: Diabase dike cutting across low slopes and creek bottom

Quality and condition: Fair

Size:

Dominants (*) and important species:

Canopy:

Acer floridanum
Carya carolinae-septentrionalis
Carya tomentosa
Fraxinus sp.
Juglans nigra
Liquidambar styraciflua
Liriodendron tulipifera
Nyssa sylvatica
Pinus taeda
Platanus occidentalis
Quercus alba
Quercus falcata
Quercus rubra

Shrubs and vines:

Aesculus sylvatica
Alnus serrulata
Amelanchier arborea
Chionanthus virginicus
Hamamelis virginiana
Parthenocissus quinquefolia
Prunus serotina
Rhus radicans
Rubus sp.
Smilax sp.
Vaccinium sp.
Viburnum acerifolium
Viburnum prunifolium
Viburnum rafinesquianum
Vitis sp.

Subcanopy:

Acer rubrum
Carpinus caroliniana
Cercis canadensis
Cornus florida
Ilex opaca
Juniperus virginiana
Ostrya virginiana
Oxydendrum arboreum
Ulmus alata

Herbs:

Chimaphila maculata
Dioscorea villosa
Euonymus americanus
Hepatica americana
Iris cristata
Polystichum acrostichoides
Tiarella cordifolia
Uniola latifolia

Special status species

State-listed species: None observed

Potential for other special status species: Low

Other noteworthy species or features: Largest unbroken tract of forested uplands left in the county; of regional importance in maintaining significant populations of wildlife

Animals:

π Anolis carolinesis

Site condition

Site integrity: Fair

Average DBH of canopy trees:

Maximum DBH of canopy trees:

Fire regime: Natural

Logged: Within last 20 years

Evenness of canopy: Mixed-age

Ditched/drained: No

Stream channelized: No

Dredged/filled: No

Understory cleared: No

Grazed: No

ORV damaged: No

Other disturbances: Clear-cuts and new housing developments

Adjacent Land Uses: Forest and residential

Significance of site: County

Discussion: See Site Description

Protection considerations and management needs: In order to maintain the integrity of a tract this large, county planning must be employed

Determination of survey boundaries: Encloses upland area of strongest relief between Old Quarry Creek on the north, Parker's Creek on the south, and Big Woods Road on the east; the western boundary was determined more arbitrarily through use of the 1981 photorevision of the USGS quad map

Priority for further study: Medium; surveys were only made along the margins of this very large tract, leaving the possibility that significant features remain to be discovered.

Specimens collected:

Photographs:

Others knowledgeable about the site:

References:

Topo map: Attached

Sketch map: None

PLANT SPECIES LIST

List is: Cursory

Polystichum acrostichoides (11)	Acer floridanum (115)
Pinus echinata (16)	Acer rubrum (115)
Pinus taeda (16)	Aesculus sylvatica (116)
Juniperus virginiana (18)	Parthenocissus
Uniola latifolia (29)	quinquefolia (120)
Smilax sp. (41)	Vitis sp. (120)
Dioscorea villosa (43)	Nyssa sylvatica (141)
Iris cristata (46)	Cornus florida (142)
Carya carolinae-septentrionalis (53)	Chimaphila maculata (145)
Carya glabra (53)	Oxydendrum arboreum (145)
Carya ovalis (53)	Vaccinium sp. (145)
Carya tomentosa (53)	Chionanthus virginicus (153)
Juglans nigra (53)	Fraxinus sp. (153)
Alnus serrulata (54)	Viburnum acerifolium (174)
Carpinus caroliniana (54)	Viburnum prunifolium (174)
Ostrya virginiana (54)	Viburnum rafinesquianum (174)
Quercus alba (55)	
Quercus coccinea (55)	
Quercus falcata (55)	
Quercus rubra (55)	
Quercus velutina (55)	
Ulmus alata (56)	
Hepatica americana (76)	
Liriodendron tulipifera (80)	
Tiarella cordifolia (94)	
Hamamelis virginiana (95)	
Liquidambar styraciflua (95)	
Platanus occidentalis (96)	
Amelanchier arborea (97)	
Prunus serotina (97)	
Rubus sp. (97)	
Cercis canadensis (98)	
Rhus radicans (110)	
Ilex decidua (112)	
Ilex opaca (112)	
Euonymus americanus (113)	

ANIMAL SPECIES LIST

List is: Cursory (not visited during nesting season)

Vertebrates:

Buteo jamaicensis
i Coccozyus erythroptalmus
i Strix varia
Melanerpes carolinus
Hirundo rustica
Cyanocitta cristata
Parus carolinensis
Thryothurus ludovicianus
Hylocichla mustelina
Carduelis tristis
Odocoileus virginianus
i Terrapene carolina
rr Anolis carolinesis
Eumeces fasciatus
Coluber constrictor
Thamnophis sirtalis
Rana clamitans
Rana sphenoccephala

Invertebrates:

Papilio glaucus
Limenitis arthemis astyanax
Hermeuptychia hermes sosybius
Haplotrema concavum
Mesodon thyroidus
Triodopsis fallax



Michael F. Easley, Governor

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

Coleen H. Sullins, Director
Division of Water Quality

December 3, 2007

DWQ EXP No. 07-1494v2
Chatham County

Parker Springs, LLC
Attn: Mr. Rusty Ammons
318 West Millbrook Road
Raleigh, NC 27609

Subject Property: Parker Springs Subdivision
Parkers Creek [030605, 16-41-8-(1), WS-IV, B, NSW]

**APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS
– EXPRESS REVIEW PROGRAM**

Dear Mr. Ammons:

You have our approval, in accordance with the attached conditions and those listed below, to place fill within or otherwise impact 284 linear feet of stream and 0.009 acres of wetland for the purpose of constructing the residential subdivision, as described within your Pre-construction Notification Application dated October 25, 2007. The impacts are covered by General Water Quality Certification Number(s) 3705 (GC3705). The Certification(s) allow you to use Nationwide Permit(s) NW29 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, and Non-discharge 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 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 Water Quality Certifications 3705 (GC3705) and any additional conditions listed below.**

The Additional Conditions of the Certification are:

1. Impacts Approved

The following impacts are hereby approved as long as all of the other specific and general conditions of this Certification are met. **No other impacts are approved including incidental impacts:**

<i>Impact Type</i>	<i>Amount Approved (Units)</i>	<i>Plan Location or Reference</i>
Stream (perennial)	128 (linear feet)	October 25, 2007 PCN page 4 of 8
Stream (intermittent)	143 (linear feet)	October 25, 2007 PCN page 4 of 8
Stream (isolated intermittent)	13 (linear feet)	October 25, 2007 PCN page 4 of 8
Wetland (permanent)	0.009 (acre)	October 25, 2007 PCN page 4 of 8

2. No Waste, Spoil, Solids, or Fill of Any Kind

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 Pre-Construction Notification. 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.

3. 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.

4. Sediment and Erosion Control Measures

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 two (2) 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 GC3705.

6. Deed Notifications

Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and riparian buffers in order to assure compliance for future wetland, water and riparian 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.**

These documents shall be filed with the Register of Deeds, Chatham County, North Carolina. Parker Springs, LLC shall submit copies of these documents to the Division of Water Quality before any impacts to protected riparian buffers (if applicable), wetlands, or waters shall occur.

7. 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.

8. Certificate of Completion

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 Oversight/Express Review Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

9. Notification of Construction

The applicant and/or authorized agent shall contact the DWQ Express Review Program in writing at the letterhead address within ten (10) days of the commencement of construction.

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.

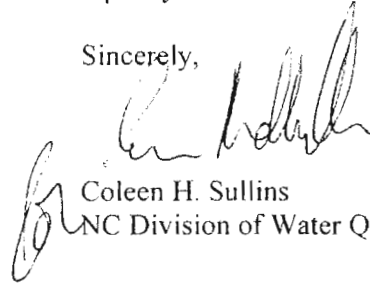
If you do not accept any of the conditions of this Certification (associated with the approved wetland or stream impacts), you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 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.

Any disputes over determinations regarding this Authorization Certificate (associated with the approved buffer impacts) shall be referred in writing to the Director for a decision. The Director's decision is subject to review as provided in Articles 3 and 4 of G.S. 150B.

December 3, 2007

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 Lia Myott or Joseph Gyamfi at 919-733-1786.

Sincerely,



Coleen H. Sullins
NC Division of Water Quality

CHS/lem

Enclosures: GC 3705
Certificate of Completion

cc: Monte Matthews, USACE Raleigh Regulatory Field Office
Lauren Witherspoon, DWQ Raleigh Regional Office
DLR Raleigh Regional Office
File Copy
Central Files
Mr. Scott Mitchell, Mitchell Environmental, P.A., P.O. Box 341, Fuquay-Varina, NC 27526
NC Ecosystem Enhancement Program

Filename: 071494v2ParkerSpringsSD(Chatham)EXP401cf



DWQ Project No.: _____ County: _____
Applicant: _____
Project Name: _____
Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

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 this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date _____



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

Action ID: 200703607

County: Chatham

USGS 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). This permit will supersede the previous permit issued on November 30, 2007.

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

Authorization: Regional General Permit Number: _____
Nationwide 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.

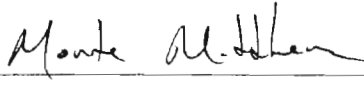
This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

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 Conditions:

1. Please reference the emails (from Scott Mitchell, Mitchell Environmental, authorized agent) dated January 16 and February 15, 2008, concerning the necessary language and map for the restrictive covenants governing the preservation area as required as mitigation for the proposed impacts. We (the Corps of Engineers) agree with the language and the map within the January 16 and February 15, 2008, emails and require the following permit condition (pertaining to the restrictive covenants):

- Permittee shall execute and cause to be recorded in the Chatham County Register of Deeds restrictive covenants as described in your email (via Scott Mitchell, S&EC, authorized agent) dated January 16 and February 15, 2008, for the purpose of maintaining the restrictive covenants, as shown on the plat (properly recorded and showing preservation areas identified within the January 16, 2008, email from Scott Mitchell), in their natural state in perpetuity, prior to the sale or conveyance of any lots or other property within the subdivision. The permittee shall enforce the terms of the restrictive covenants and, prior to conveyance of the property, shall take no action on the property described in the covenants inconsistent with the terms thereof. The permittee shall provide a copy of the recorded restrictive covenants to the Corps of Engineers by October 31, 2008.

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: _____

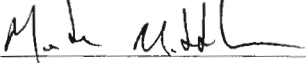
Appeals Information (This information applies only to approved jurisdictional determinations.)

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, 2007

Expiration 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

NATIONWIDE PERMIT 29
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 19, 2007

Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2 acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 27.) (Sections 10 and 404)

NATIONWIDE PERMIT CONDITIONS

The following General Conditions must be followed in order for any authorization by a NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will 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. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats; or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized

under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal “takes” of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State

Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:
“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate

the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained.

Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment

(after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

DEFINITIONS

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Discharge: The term "discharge" means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a

decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or

flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through

which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete project: The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a “single and complete project” is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent--meaning bordering, contiguous, or neighboring--to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

**REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE WILMINGTON
DISTRICT**

1.0 Excluded Waters

The Corps has identified waters that will be excluded from the use of all NWP's during certain timeframes. These waters are:

1.1. Anadromous Fish Spawning Areas

Waters of the United States identified by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning areas are excluded during the period between February 15 and June 30, without prior written approval from NCDMF or NCWRC and the Corps.

1.2. Trout Waters Moratorium

Waters of the United States in the twenty-five designated trout counties of North Carolina are excluded during the period between October 15 and April 15 without prior written approval from the NCWRC. (see Section I. b. 7. for a list of the twenty-five trout counties).

1.3. Sturgeon Spawning Areas

Waters of the United States designated as sturgeon spawning areas are excluded during the period between February 1 and June 30, without prior written approval from the National Marine Fisheries Service (NMFS).

2.0 Waters Requiring Additional Notification

The Corps has identified waters that will be subject to additional notification requirements for activities authorized by all NWP's. These waters are:

2.1. Western NC Counties that Drain to Designated Critical Habitat

Waters of the U.S. that requires a Pre-Construction Notification pursuant to General Condition 27 (PCN) and located in the sixteen counties listed below, applicants must provide a copy of the PCN to the US Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28805. This PCN must be sent concurrently to the US Fish and Wildlife Service and the Corps Asheville Regulatory Field Office. Please see General Condition 17 for specific notification requirements related to Federally Endangered Species and the following website for information on the location of designated critical habitat.

Counties with tributaries that drain to designated critical habitat that require notification to the Asheville US Fish and Wildlife Service: Avery, Cherokee, Forsyth, Graham, Haywood,

Henderson, Jackson, Macon Mecklenburg, Mitchell, Stokes, Surry, Swain, Transylvania, Union and Yancey.

Website and office addresses for Endangered Species Act Information:

The Wilmington District has developed the following website for applicants which provide guidelines on how to review linked websites and maps in order to fulfill NWP general condition 17 requirements.

<http://www.saw.usace.army.mil/wetlands/ESA>

Applicants who do not have internet access may contact the appropriate US Fish and Wildlife Service offices or the US Army Corps of Engineers office listed below.

US Fish and Wildlife Service
Asheville Field Office
160 Zillicoa Street
Asheville, NC 28801
Telephone: (828) 258-3939

Asheville US Fish and Wildlife Service Office counties: All counties west of and including Anson, Stanly, Davidson, Forsyth and Stokes Counties

US Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, NC 27636-3726
Telephone: (919) 856-4520

Raleigh US Fish and Wildlife Service Office counties: all counties east of and including Richmond, Montgomery, Randolph, Guilford, and Rockingham Counties.

2.2. Special Designation Waters

Prior to the use of any NWP in any of the following North Carolina identified waters and contiguous wetlands, applicants must comply with Nationwide Permit General Condition 27 (PCN). The North Carolina waters and contiguous wetlands that require additional notification requirements are:

“Outstanding Resource Waters” (ORW) and “High Quality Waters” (HQW) (as designated by the North Carolina Environmental Management Commission), or
“Inland Primary Nursery Areas” (IPNA) (as designated by the North Carolina Wildlife Resources Commission), or “Contiguous Wetlands” (as defined by the North Carolina Environmental Management Commission), or “Primary Nursery Areas” (PNA) (as designated by the North Carolina Marine Fisheries Commission).

2.3. Coastal Area Management Act (CAMA) Areas of Environmental Concern

Non-Federal applicants for any NWP in a designated “Area of Environmental Concern” (AEC) in the twenty (20) counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), must also obtain the required CAMA permit. Construction activities for non-Federal projects may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – P.O. Box 1890, Wilmington, NC 28402 or Washington Field Office – P.O. Box 1000, Washington, NC 27889).

2.4. Barrier Islands

Prior to the use of any NWP on a barrier island of North Carolina, applicants must comply with Nationwide Permit General Condition 27 (PCN).

2.5. Mountain or Piedmont Bogs

Prior to the use of any NWP in a “Mountain or Piedmont Bog” of North Carolina, applicants shall comply with Nationwide Permit General Condition 27 (PCN).

Note: The following wetland community types identified in the N.C. Natural Heritage Program document, “Classification of Natural communities of North Carolina (Michael P. Schafale and Alan S. Weakley, 1990), are subject to this regional condition.

Mountain Bogs	Piedmont Bogs
Swamp Forest-Bog Complex	Upland depression Swamp Forest
Swamp Forest-Bog Complex (Spruce Subtype)	
Southern Appalachian Bog (Northern Subtype)	
Southern Appalachian Bog (Southern Subtype)	
Southern Appalachian Fen	

2.6. Animal Waste Facilities

Prior to use of any NWP for construction of animal waste facilities in waters of the US, including wetlands, applicants shall comply with Nationwide Permit General Condition 27 (PCN).

2.7. Trout Waters

Prior to any discharge of dredge or fill material into streams or waterbodies within the twenty-five (25) designated trout counties of North Carolina, the applicant shall comply with

Nationwide Permit General Condition 27 (PCN). The applicant shall also provide a copy of the notification to the appropriate NCWRC office to facilitate the determination of any potential impacts to designated Trout Waters. Notification to the Corps of Engineers will include a statement with the name of the NCWRC biologist contacted, the date of the notification, the location of work, a delineation of wetlands, a discussion of alternatives to working in the mountain trout waters, why alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to mountain trout waters.

NCWRC and NC Trout Counties

Mr. Ron Linville			
Western Piedmont Region Coordinator	Alleghany	Caldwell	Watauga
3855 Idlewild Road	Ashe	Mitchell	Wilkes
Kernersville, NC 27284-9180	Avery	Stokes	
Telephone: (336) 769-9453	Burke	Surry	

Mr. Dave McHenry			
Mountain Region Coordinator	Buncombe	Henderson	Polk
20830 Great Smoky Mtn. Expressway	Cherokee	Jackson	Rutherford
Waynesville, NC 28786	Clay	Macon	Swain
Telephone: (828) 452-2546	Graham	Madison	Transylvania
Fax: (828) 452-7772	Haywood	McDowell	Yancey

3.0 List of Corps Regional Conditions for All Nationwide Permits

The following conditions apply to all Nationwide Permits in the Wilmington District:

3.1. Limitation of Loss of Perennial Stream Bed

NWPs may not be used for activities that may result in the loss or degradation of greater than 300 total linear feet of perennial streams. The NWPs may not be used for activities that may result in the loss or degradation of greater than 300 total linear feet of ephemeral and intermittent streams that exhibit important aquatic function(s)* Loss of stream includes the linear feet of stream bed that is filled, excavated, or flooded by the proposed activity. The District Commander can waive the 300 linear foot limit for ephemeral and intermittent streams on a case-by-case basis if he determines that the proposed activity will result in minimal individual and cumulative adverse impacts to the aquatic environment. Waivers for the loss of ephemeral and intermittent streams must be in writing. This waiver only applies to the 300 linear feet threshold for NWPs. Mitigation may still be required for impacts to ephemeral and intermittent streams, on a case-by-case basis, depending on the impacts to the aquatic environment of the proposed project. [*Note: The Corps uses the Stream Quality Assessment Worksheet, located with Permit Information on the Regulatory Program Web Site, to aid in the determination of aquatic function within the intermittent stream channel.]

3.2. Mitigation for Loss of Stream Bed Exceeding 150 Feet.

For any NWP that results in a loss of more than 150 linear feet of perennial and/or ephemeral/intermittent stream, the applicant shall provide a mitigation proposal to compensate for the loss of aquatic function associated with the proposed activity. For stream losses less than 150 linear feet, that require a PCN, the District Commander may determine, on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effect on the aquatic environment.

3.3. Pre-construction Notification for Loss of Streambed Exceeding 150 Feet.

Prior to use of any NWP for any activity which impacts more than 150 total linear feet of perennial stream or ephemeral/ intermittent stream, the applicant must comply with Nationwide Permit General Condition 27 (PCN). This applies to NWPs that do not have specific notification requirements. If a NWP has specific notification requirements, the requirements of the NWP should be followed.

3.4. Restriction on Use of Live Concrete

For all NWPs which allow the use of concrete as a building material, measures will be taken to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with waters of the state until the concrete has hardened.

3.5. Requirements for Using Riprap for Bank Stabilization

For all NWPs that allow for the use of riprap material for bank stabilization, the following measures shall be applied:

3.5.1. Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

3.5.2. The placement of riprap shall be limited to the areas depicted on submitted work plan drawings.

3.5.3. The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities that would not have an adverse environmental effect.

3.5.4. It shall be of a size sufficient to prevent its movement from the authorized alignment by natural forces under normal conditions.

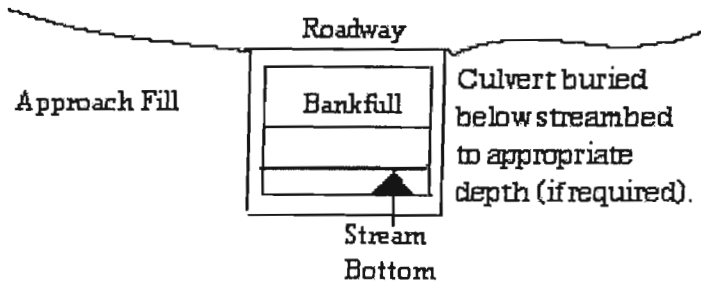
3.5.5. The riprap material shall consist of clean rock or masonry material such as, but not limited to, granite, marl, or broken concrete.

3.5.6. A waiver from the specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional condition would result in greater adverse impacts to the aquatic environment.

3.6. Safe Passage Requirements for Culvert Placement

For all NWP's that involve the construction/installation of culverts, measures will be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening should be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gage data, if available. In the absence of such data, bankfull flow can be used as a comparable level.

In the twenty (20) counties of North Carolina designated as coastal counties by the Coastal Area Management Act (CAMA): All pipe and culvert bottoms shall be buried at least one foot below normal bed elevation when they are placed within the Public Trust Area of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by CAMA, and/or all streams appearing as blue lines on United States Geological Survey (USGS) quad sheets.



In all other counties: Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter or less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain the existing channel slope. The bottom of the culvert must be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions.

Destabilizing the channel and head cutting upstream should be considered in the placement of the culvert.

A waiver from the depth specifications in this condition may be requested in writing. The waiver will be issued if it can be demonstrated that the proposal would result in the least impacts to the aquatic environment.

All counties: Culverts placed in wetlands do not have to be buried.

3.7. Notification to NCDENR Shellfish Sanitation Section

Applicants shall notify the NCDENR Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination from the disposal area and cause a temporary shellfish closure to be made. Such notification shall also be provided to the appropriate Corps of Engineers Regulatory Field Office. Any disposal of sand to the ocean beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas may be used. If beach disposal were to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swimming advisory shall be posted, and a press release shall be issued.

3.8. Preservation of Submerged Aquatic Vegetation

Adverse impacts to Submerged Aquatic Vegetation (SAV) are not authorized by any NWP within any of the twenty coastal counties defined by North Carolina's Coastal Area Management Act of 1974 (CAMA).

4.0 Additional Regional Conditions Applicable to Specific Nationwide Permits

The following regional conditions are required for NWP #29-Residential Developments.

4.1. Discharges in wetlands and in perennial streams for stormwater management facilities are prohibited under this NWP.

4.2. Single-family recreational facilities are not authorized by this NWP. Recreational facilities that are incorporated into serving an entire residential development can be authorized by this NWP.

4.3. Discharges of dredged or fill material into waters of the US, including wetlands, within the floodway, resulting in permanent above-grade fills are not authorized by this NWP.

4.4. Discharges of dredged or fill material into waters of the US, including wetlands, within the mapped FEMA 100-year floodplain, below headwaters (i.e. \geq five cfs) resulting in permanent above-grade fills are not authorized by this NWP.

4.5. This NWP may not be used to authorize the discharges of dredged or fill material into waters of the United States that have been identified or designated by the State of North Carolina as:

Outstanding Resource Waters

High Quality Waters

Coastal Wetlands as defined by North Carolina's Coastal Area Management Act

Wetlands adjacent to these waters

NC DIVISION OF WATER QUALITY - GENERAL CERTIFICATION CONDITIONS

For the most recent General Certification conditions, call the NC Division of Water Quality, Wetlands/401 Certification Unit at (919) 733-1786 or access the following website:
<http://h2o.enr.state.nc.us/ncwetlands/certs.html>

NC DIVISION OF COASTAL MANAGEMENT - STATE CONSISTENCY

In a letter dated May 7, 2007, the North Carolina Division of Coastal Management found this NWP consistent with the North Carolina Coastal Zone Management Program. Updates on CAMA Consistency for NC can be found on the NC DCM web site at:
<http://dcm2.enr.state.nc.us/Permits/consist.htm>

EASTERN BAND OF THE CHEROKEE INDIANS TRIBAL WATER QUALITY CERTIFICATIONS

In a letter dated May 8, 2007, US EPA, on behalf of the Eastern Band of Cherokee Indians, provided Tribal General Conditions for Nationwide Permits on Cherokee Indian Reservation. These Tribal General Conditions are located on the Corps website at:
<http://www.saw.usace.army.mil/WETLANDS/NWP2007/EBCI-certs.html>

Citations:

2007 Nationwide Permits Public Notice for Final Issue Date: March 15, 2007

Correction Notice for Nationwide Permits, Federal Register / Vol. 72, No. 88 / Tuesday, May 8, 2007 / Notices p.26082

2007 SAW Regional Conditions – Authorized June 1, 2007

This and other information can be found on the Corps web site at:
<http://www.saw.usace.army.mil/WETLANDS/NWP2007/nationwide-permits.html>

**U.S. ARMY CORPS OF ENGINEERS
Wilmington District**

Action ID: 200703607 **County:** Chatham

Incomplete Application Notification

Property	Authorized
Owner <u>Rusty Ammons</u>	Agent <u>Scott Mitchell</u>
<u>Parker Springs, LLC</u>	<u>Mitchell Environmental</u>
Address <u>318 West Millbrook Road</u>	Address <u>602 East Academy St., Suite 102</u>
<u>Raleigh, NC 27609</u>	<u>Fuquay Varina, NC 27526</u>
Telephone Number <u>919-848-2212</u>	Telephone Number <u>919-557-4682</u>

Location/Description of Proposed Activity: The 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 Parkers Creek in the Cape Fear River Basin.

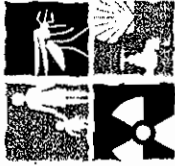
Type of Permit Applied For (check one): IP () NWP # 29 (X) GP # _____ ()
Applicable law: Section 404 of the Clean Water Act (X); Section 10, Rivers and Harbor Act ()

YOUR APPLICATION/PRECONSTRUCTION NOTIFICATION IS INCOMPLETE AND CANNOT BE EVALUATED UNTIL THE FOLLOWING INFORMATION IS RECEIVED (CHECK ALL THAT APPLY):

- Your application/pre-construction notification form has not been completed and/or signed (see remarks).
- Under the conditions of Nationwide Permit # 29, you are required to submit an aquatic resource mitigation plan. The required plan is either insufficient or has not been included with your notification (see remarks).
- Your application/pre-construction notification did not include information describing measures you have implemented to avoid and minimize impacts to Waters of the United States.
- Your submitted project plans or maps were insufficient, too large, or not legible (see remarks).
- Your application/pre-construction notification did not include a delineation of affected special aquatic sites, including wetlands, vegetated shallows, and riffle and pool complexes as required.
- Your project is in a designated trout water county. Nationwide permit regional conditions require that a copy of your application be submitted to the local NC Wildlife Resources Commission (WRC) for comment.
(Address: Western Piedmont Region Coordinator, 3855 Idlewild Road, Kernersville, NC 27284-9180)
- Other (see remarks)

REMARKS: Due to the NCEEP not accepting mitigation, the submitted compensatory mitigation plan is insufficient.

If you have any questions regarding the Corps of Engineers regulatory program, please contact
Monte Matthews at telephone number (919) 876 - 8441 extension 30.
Project Manager Signature Monte Matthews **Date** Nov 2, 2007



Division of Environmental Health

Terry L. Pierce, Director

State of North Carolina
Michael F. Easley, Governor

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

Public Water Supply Section

Jessica G. Miles, Section Chief

December 18, 2007

Mr. Charlie Horne, County Manager
Chatham County Water System
Post Office Box 910
Pittsboro, North Carolina 27312-0910

Re: Engineering Plans and Specifications Approval
Water Main Extension
Chatham County Water System to serve
Parker Springs Subdivision
Chatham County
I.D. # 03-19-126

This is not an Authorization to Construct

Dear Mr. Horne:

Enclosed please find one copy of the "Application for Approval..." together with one copy of the referenced engineering plans and specifications bearing the Division of Environmental Health stamp of approval for the referenced project. These engineering plans and specifications are approved under Division of Environmental Health serial number 07-02096, dated December 14, 2007.

Engineering plans and specifications prepared by Keith M. Roberts, P.E., call for the installation of approximately 5,859 feet of 12-inch, 6,784 feet of 8-inch, 207 feet of 6-inch and 800 feet of 2-inch water mains, valves, hydrants and other related appurtenances along Mt. Gilead Church Road, New Castle Court, Parker Springs Way, Adger Court and two (2) Right-of-Ways to serve Parker Springs Subdivision with 50 lots located off Mt. Gilead Church Road.

Please note that an "Authorization to Construct" requires both this approval of Engineering Plans and Specifications and submittal of a complete Water System Management Plan. No construction shall be undertaken, and no contract for construction, alteration, or installation shall be entered into until the Department issues an Authorization to Construct letter in accordance with 15A NCAC 18C .0305(a).

These plans and specifications cited in the foregoing application are approved insofar as the protection of public health is concerned as provided in the rules, standards and criteria adopted under the authority of Chapter 130A-317 of the General Statutes. This approval does not constitute a warranty of the design, construction or future operation of the water system.

One copy of each enclosed document is being forwarded to our Raleigh Regional Office. The third copy is being retained in our permanent files.

If we can be of further service, please call on us at (919) 733-2321.

Sincerely,

Tony C. Chen, P.E.
Lead Engineer, Plan Review
Technical Services Branch

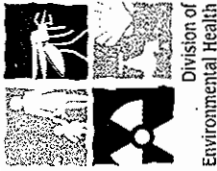
TCC/HSO/db

Enclosures: Approval Documents

cc: Michael L. Douglas, P.E., Regional Engineer
Chatham County Health Department
Development Consulting Services, Inc.

1634 Mail Service Center, Raleigh, North Carolina 27699-1634
Telephone 919-733-2321 ▲ Fax 919-715-4374 ▲ Lab Form Fax 919-715-6637
<http://ncdrinkingwater.state.nc.us/>

One
North Carolina
Naturally



Division of Environmental Health

Terry L. Pierce, Director

Public Water Supply Section

Jessica G. Miles, Section Chief

State of North Carolina
Michael F. Easley, Governor

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

CHARLIE HORNE
POST OFFICE BOX 910,
PITTSBORO, NC 27312-0910

December 17, 2007

Re: Authorization to construct
PARKER SPRINGS S/D
CHATHAM CO WATER SYSTEM
CHATHAM County, NC0319126

Authorization to Construct (This is not a Final Approval)

Dear Applicant:

This letter is to confirm that a complete Engineer's Report and a Water System Management Plan have been received, and that engineering plans and specifications have been approved by the Department for **PARKER SPRINGS S/D, DEH Serial No. 07-02096**.

The Authorization to Construct is valid for 24 months from the date of this letter. Authorization to Construct may be extended if the Rules Governing Public Water Supplies and site conditions have not changed (see Rule .0305). The Authorization to Construct and the engineering plans and specifications approval letter shall be posted at the primary entrance of the job site before and during construction.

Upon completion of the construction or modification, and **prior to placing the new construction or modification into service**, the applicant must submit an Engineer's Certification and Applicant Certification directly to **HENRI OU** of this office.

- **Engineer Certification:** in accordance with Rule .0303 (a), the applicant shall submit a certification statement signed and sealed by a registered professional engineer stating that construction was completed in accordance with approved engineering plans and specifications, including any provisions stipulated in the Department's engineering plan and specification approval letter.
- **Applicant Certification:** in accordance with Rule .0303 (c), the applicant shall submit a signed certification statement indicating that the requirements for an Operation and Maintenance Plan and Emergency Management Plan have been satisfied in accordance with Rule .0307 (d) and (e) and that the system has a certified operator in accordance with Rule .1300. The "Applicant Certification" form is available at <http://www.deh.enr.state.nc.us/pws/> (click on WSMPS, under Plan Review heading).

If this Authorization to Construct is for a new public water system, the owner must submit a completed **application for an Operating Permit** and the appropriate fee. For a copy of the application for an Operating Permit please call (919) 715-3214.

Once the certifications and permit application and fee, (if applicable), are received and determined adequate, the Department will issue a Final Approval letter to the applicant. In accordance with Rule .0309 (a), **no portion of this project shall be placed into service until the Department has issued Final Approval.**

If we can be of further assistance, please call (919) 733-2321.

Sincerely,

Tony C. Chen, P.E.
Technical Services Branch
Public Water Supply Section

TCC:HSO

cc: MICHAEL L. DOUGLAS, P.E., Regional Engineer
DEVELOPMENT CONSULTING SERVICE

1634 Mail Service Center, Raleigh, North Carolina 27699-1634
Telephone 919-733-2321 ▲ Fax 919-715-4374 ▲ Lab Form Fax 919-715-6637
<http://ncdrinkingwater.state.nc.us/>

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APPENDIX C – SITE PHOTOGRAPHS



Photo 1: A general view of the main area where trees were removed by hydro-axe.



Photo 2: Another general view of the main area where trees were removed by hydro-axe.