



Michael F. Easley, Governor

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

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

May 29, 2007

DWQ Project # 2007-0935
Chatham County
Page 1 of 2

Mr. Mark O'Neal
Pickett-Sprouse Real Estate
3805-A University Drive
P.O. Box 52118
Durham, NC 27717

Subject Property: **Valley View subdivision**
Andrews Store Road, Chatham County

On-Site Determination for stream presence

Dear Mr. O'Neal:

On May 29, 2007, at your request I conducted an on-site determination to review a channel located on the subject property for applicability as state waters. The channel is labeled as "A" on the attached map initialed by me on May 29, 2007.

At your request, I conducted an on-site determination as stated above. During my review I evaluated the stream using the DWQ Stream Classification Form. I evaluated the stream reach "A" and calculated the score to be 18.75 points. The form states that if the score is "greater than or equal to 19 points the stream is at least intermittent". Therefore the stream location at the proposed sewer line crossing is ephemeral and therefore not waters of the state. However, there is a perennial stream located at the large headcut below the on-site farm pond based on the presence of caddis flies and other aquatic life. Since you do not plan to impact this area, I agree that there is no real need to determine where the channel changes from perennial to ephemeral in this case.

The Division of Water Quality (DWQ) has determined that the surface water labeled as "A" on the attached map is not waters of the state. The owner (or future owners) should notify the DWQ (and other relevant agencies) of this decision in any future correspondences concerning this property. This on-site determination shall expire five (5) years from the date of this letter.

Landowners or affected parties that dispute a determination made by the DWQ or Delegated Local Authority that a surface water exists and that it is subject to the buffer rule may request a determination by the Director. A request for a determination by the Director shall be referred to the Director in writing c/o Cyndi Karoly, DWQ 401 Oversight/Express Permitting Unit, 2321

Crabtree Blvd., Suite 250, Raleigh, NC 27604-2260. Individuals that dispute a determination by the DWQ or Delegated Local Authority that "exempts" a surface water from the buffer rule may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. Applicants are hereby notified that the 60-day statutory appeal time does not start until the affected party (including downstream and adjacent landowners) is notified of this decision. DWQ recommends that the applicant conduct this notification in order to be certain that third party appeals are made in a timely manner. 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 determination is final and binding unless you ask for a hearing within 60 days.

This letter only addresses the applicability to the buffer rules and does not approve any activity within the buffers. Nor does this letter approve any activity within Waters of the United States or Waters of the State. If you have any additional questions or require additional information please call me at (919) 733-9502.

Sincerely,

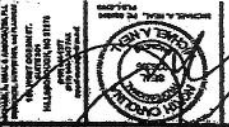
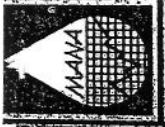

John Dorney
Wetlands Program Development Unit

JRD/jrd

Enclosures: Map

cc: Lauren Cobb, DWQ Raleigh Regional Office
Monte Matthews, Raleigh Field Office US Army Corps of Engineers
David Gainey, Soil and Environmental Consultants
File Copy
Central Files

Filename: 20070935(Chatham)ValleyView stream call

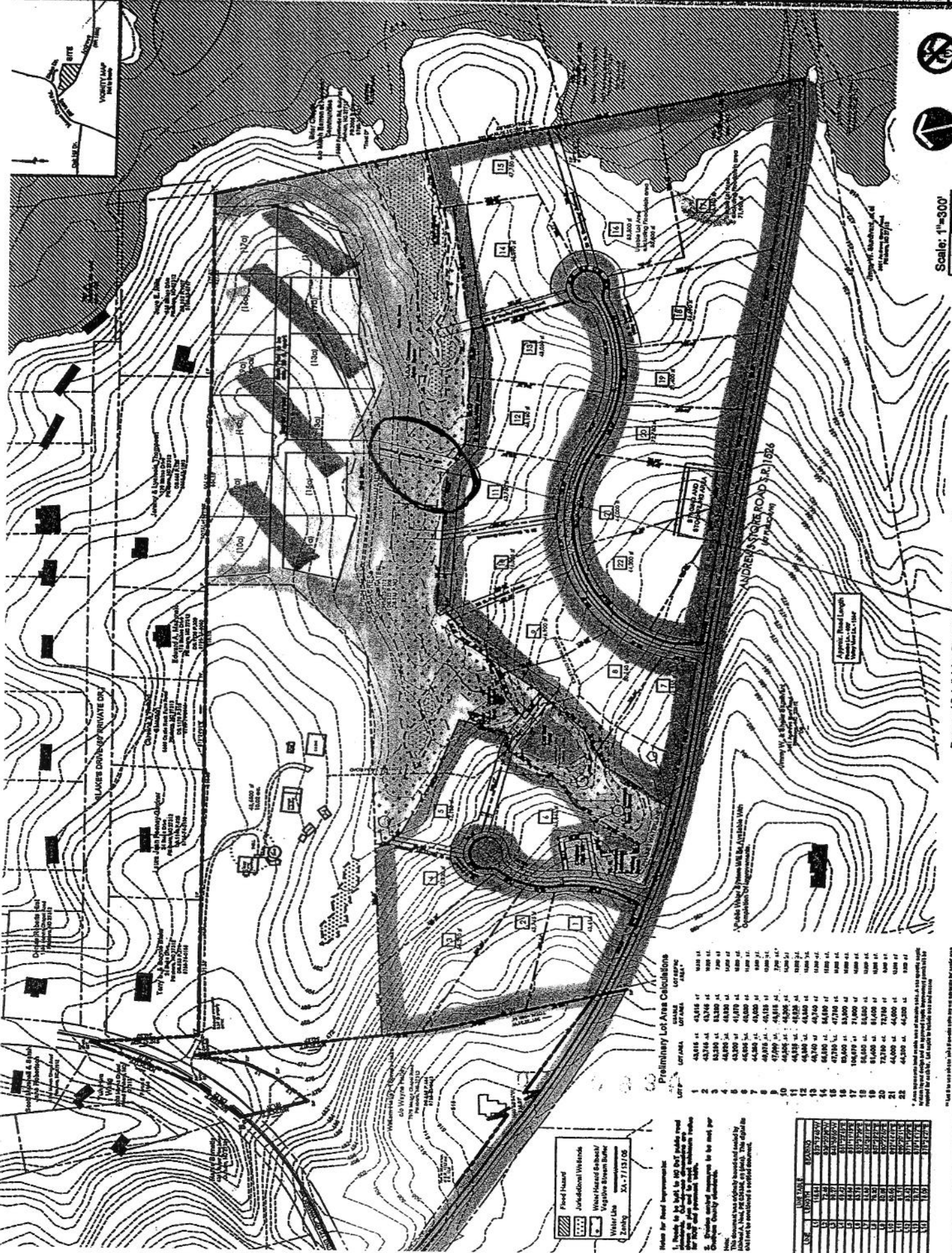


Valley View Subdivision
 Chatham County
 Pitsboro, NC
 Owner: Tison Properties (919) 484-1000
 5836 Fayetteville Road, Suite 201
 Matthews, NC 27713

Proposed Subdivision Plan
 Scale: 1"=300'

Plan Type
 Date: 12/19/00
 Revisions: 4/04/07
 Worksheet: 11/20/00
 Worksheet: 12/19/00
 S & E: 1/27/07
 Drawn By: TOL
 Checked By: MAN
 Project No.: 151

Sheet C2



Preliminary Lot Area Calculations

LOT	AREA	PERCENT	TOTAL
1	48,815.44	0.21	22,815.44
2	43,716.44	0.19	22,815.44
3	52,335.44	0.23	22,815.44
4	48,895.44	0.21	22,815.44
5	43,200.44	0.19	22,815.44
6	46,805.44	0.20	22,815.44
7	44,285.44	0.19	22,815.44
8	47,285.44	0.20	22,815.44
9	47,285.44	0.20	22,815.44
10	46,285.44	0.20	22,815.44
11	46,285.44	0.20	22,815.44
12	46,285.44	0.20	22,815.44
13	46,285.44	0.20	22,815.44
14	46,285.44	0.20	22,815.44
15	46,285.44	0.20	22,815.44
16	46,285.44	0.20	22,815.44
17	46,285.44	0.20	22,815.44
18	46,285.44	0.20	22,815.44
19	46,285.44	0.20	22,815.44
20	46,285.44	0.20	22,815.44
21	46,285.44	0.20	22,815.44
22	46,285.44	0.20	22,815.44

* Area between road width and adjacent lots is not included in lot area calculations. * Area between road width and adjacent lots is not included in lot area calculations. * Area between road width and adjacent lots is not included in lot area calculations.

Notes for Road Improvement:
 1. Road to be built to 40' DIT inside road
 2. Road to be built to 40' DIT inside road
 3. Road to be built to 40' DIT inside road
 4. Road to be built to 40' DIT inside road
 5. Road to be built to 40' DIT inside road
 6. Road to be built to 40' DIT inside road
 7. Road to be built to 40' DIT inside road
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 15. Road to be built to 40' DIT inside road
 16. Road to be built to 40' DIT inside road
 17. Road to be built to 40' DIT inside road
 18. Road to be built to 40' DIT inside road
 19. Road to be built to 40' DIT inside road
 20. Road to be built to 40' DIT inside road
 21. Road to be built to 40' DIT inside road
 22. Road to be built to 40' DIT inside road

Proposed Subdivision Plan courtesy of Swanson and Associates, P.A.

Channel "A" - *ADP* 5/29/07



Scale: 1"=300'
 300' 0 300'