

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

COPY

Action Id. 200801508

County: Chatham

U.S.G.S. Quad: Farrington

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Agent: Mr. Wade Barber
Address: 803 Greenwood Dr.
Chapel Hill, NC 27514

Telephone No.: 919-971-7194

MAY 12 2008

Property description:

Size (acres) 59
Nearest Waterway Bush Creek
USGS HUC

Nearest Town Pittsboro
River Basin Cape Fear
Coordinates 35.7899 N -79.0786 W

Location description The project site is located off HWY 15/501 south of and adjacent to Farrington Village community on Langdon/Burwell Dr. Aquatic features drain to Bush Creek in the Cape Fear River basin.

Indicate Which of the Following Apply:

A. Preliminary Determination

- Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. Approved Determination

- There are Navigable Waters of the United States within the above described property 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 U.S. including wetlands on the above described property 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.
- We strongly suggest you have the waters of the U.S. including wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The wetland on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The waters of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on. 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 no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (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.

Action ID: 2008-01508

- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Washington, NC, at (252) 946-6481 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Monte Matthews at 919-554-4884 ext 30

C. Basis For Determination

Areas on site meet wetland criteria as described in the 1987 Delineation Manual and an establish OHWM.

D. Remarks

E. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

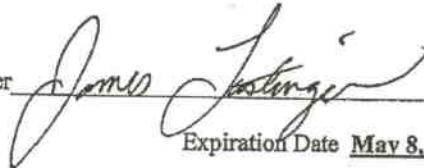
This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Division
Attn: Jean Manuele, Field Office Chief,
Raleigh Regulatory Field Office
3331 Heritage Trade Dr., suite 105
Wake Forest, North Carolina 27587

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 July 8, 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: James Lastinger



Date May 8, 2008

Expiration Date May 8, 2013

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 Customer Satisfaction Survey located at our website at <http://regulatory.usacesurvey.com/> to complete the survey online.

Copy furnished:
Soil and Environmental Consultants
ATTN: David Gainey
11010 Raven Ridge Rd.
Raleigh, NC 27614

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

Applicant: Wade Barber	File Number: SAW-2008-01508	Date: May 8, 2008
Attached is:		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/> PERMIT DENIAL		C
<input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION		D
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION		E

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

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

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

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

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

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

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

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

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:
Monte Matthews, Project Manager
Raleigh Regulatory Field Office
3331 Heritage Trade Dr., suite 105
Wake Forest, NC 27587

If you only have questions regarding the appeal process you may also contact:
Ms. Jean Manuele, Field Office Chief
Raleigh Regulatory Field Office
3331 Heritage Trade Dr., suite 105
Wake Forest, NC 27587

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

_____	Date:	Telephone number:
Signature of appellant or agent.		

For appeals on Initial Proffered Permits and approved Jurisdictional Determinations send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Jean Manuele, Field Office Chief, Raleigh Regulatory Field Office, 3331 Heritage Trade Dr., suite 105, Wake Forest, North Carolina 27587

For Permit denials and Proffered Permits send this form to:

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

N.C. GRID MAP 27
P.S. 90-214



RECEIVED

APR 11 2008

VALERIE KOTELNICKI-FIELD OFFICE

AMERICAN TELEPHONE
AND TELEGRAPH CO.
P.B. 8 PG. 57

FITCH CREATIONS, INC.
D.B. 646 PG. 233
P.S. 94-260

FITCH CREATIONS, INC.
D.B. 669 PG. 912
P.S. 95-239

59.54 Acres
WADE BARBER, JR.
D.B. 270 PG. 211
P.S. 93-300

T.H. LINGERFELDT
D.B. JE PG. 245

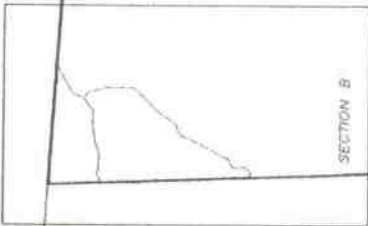
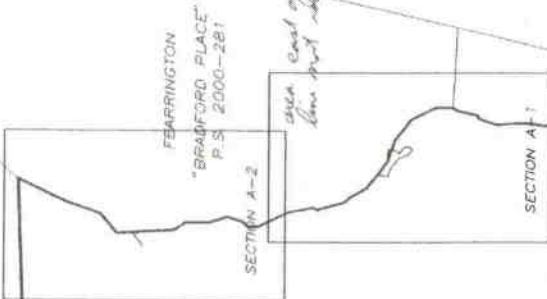
KEY MAP
WETLANDS SURVEY FOR

WADE BARBER, JR.
FITCH CREATIONS, INC.

WILLIAMS TOWNSHIP
CHATHAM COUNTY, N.C.
DATE: JANUARY 30, 2008
REVISED: FEBRUARY 25, 2008



VAN R. FINCH - LAND SURVEYS, P.A.
109 Hillboro St. Pittsboro, N.C. 27312



MCLEAN FAMILY LIMITED PARTNERSHIP
D.B. 812 PG. 1010
P.B. 2 PG. 4



This Survey is of an existing natural feature,
such as a watercourse or wetland.
Van R. Finch
Surveyor
Date 2-25-08

NOTES

1. This is not a Property Boundary Survey.
2. Wetlands shown on this plat were delineated in the field by Soil & Environmental Consultants, P.A.
3. All distances shown are horizontal ground distances unless otherwise noted.
4. Acreage shown was taken from a survey entitled "Boundary Survey of the property of Wade Barber, Jr." recorded on Plat Slide 93-300, Chatham County Registry.
5. Streams, Watercourses, and Wetlands were located from traverses with closures of 1:10,000±.
6. REFERENCE: Deed Book 270 Page 211 Plat Slide 93-300

This certifies that this copy of this plat accurately depicts the boundary of the jurisdiction of Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is a change in law or our published regulations, this determination of Section 404 jurisdiction may be relied upon for a period not to exceed five years from this date. This determination was made utilizing the 1987 Corps of Engineers Wetlands Delineation Manual.

Name *Van R. Finch*
Title *Surveyor*
Date *May 8, 2008*



WADE BARBER, JR.
D.B. 270 PG. 211
P.S. 93-300

Indicates Total Channel Width (Typical)

FEARRINGTON
"BRADFORD PLACE"
P.S. 2000-281

IMPORTANT, PERENNIAL
STREAM CHANNEL A-1
1153 Linear Feet (total)

FEARRINGTON
"BRADFORD PLACE"
P.S. 2000-281

WETLAND 1
2253 Sq. Ft.
0.052 Acres

WADE BARBER, JR.
D.B. 270 PG. 211
P.S. 93-300

OWNER UNKNOWN

COURSE	BEARING	DISTANCE
F30 - 32	S 56°03'53"E	45.04'
32 - 31	S 81°48'59"E	28.98'
31 - F20	S 02°45'05"W	11.02'
F20 - F21	S 33°23'03"W	11.69'
F21 - F22	S 31°42'28"W	7.48'
F22 - F23	S 56°09'02"E	19.18'
F23 - F24	S 09°12'36"E	16.24'
F24 - F25	S 65°51'42"W	11.80'
F25 - F26	N 53°57'58"W	13.92'
F26 - F27	N 21°21'29"W	27.95'
F27 - F28	N 48°41'41"W	25.67'
F28 - F29	N 68°51'26"W	25.75'
F29 - F30	N 03°46'03"E	27.56'

COURSE	BEARING	DISTANCE
26 - 27	N 24°42'08"W	129.41'(tie)
27 - 28	N 16°51'30"W	9.19'
28 - 29	N 44°26'32"W	10.75'
29 - 30	N 51°39'54"W	24.59'
30 - 31	N 58°37'40"W	24.02'
31 - 32	N 81°48'59"W	28.98'
32 - F30	N 55°11'08"W	39.96'
F30 - 33	N 49°26'17"W	25.54'
33 - 34	N 60°05'10"W	26.66'
34 - 35	N 25°18'17"W	52.19'
35 - 36	N 64°05'32"W	9.71'
36 - 37	N 16°37'04"W	55.22'
37 - 38	N 16°37'04"W	13.98'
38 - 39	N 08°54'42"E	15.16'
39 - 40	N 30°42'42"E	9.25'
40 - 41	N 39°29'14"W	18.17'
41 - 42	N 09°58'23"E	25.53'
42 - 43	N 19°40'09"W	13.23'
43 - 44	S 81°01'34"W	7.83'
44 - 45	N 42°44'43"W	14.87'
45 - 46	N 11°25'40"W	24.24'
46 - 47	N 34°56'04"W	13.24'

NOTES

1. This is not a Property Boundary Survey.
2. Wetlands shown on this plat were delineated in the field by Soil and Environmental Consultants, P.A.
3. All distances shown are horizontal ground distances unless otherwise noted.
4. Total Wetland Area (WL1+WL2) is 0.056 Acres.

This Survey is of an existing natural feature, such as a watercourse or wetland.

Van R. Finch 2-25-08
Surveyor Date



MAP LEGEND

- EXISTING IRON PIPE
- ▲ S & E C FLAG

SECTION A-1
WETLANDS SURVEY FOR

**WADE BARBER, JR.
FITZ CREATIONS, INC.**

WILLIAMS TOWNSHIP CHATHAM COUNTY, N.C.
SCALE: 1" = 60' DATE: JANUARY 30, 2008
REVISED: FEBRUARY 25, 2008



This certifies that this copy of this plat accurately depicts the boundary of the jurisdiction of Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is a change in law or our published regulations, this determination of Section 404 jurisdiction may be relied upon for a period not to exceed five years from this date. This determination was made utilizing the 1987 Corps of Engineers Wetlands Delineation Manual.

Name: *James C. Lutzinger*
Title: *Regulatory Specialist*
Date: *May 8, 2008*

VAN R. FINCH - LAND SURVEYS, P.A.
109 Hillsboro St. Pittsboro, N.C. 27312

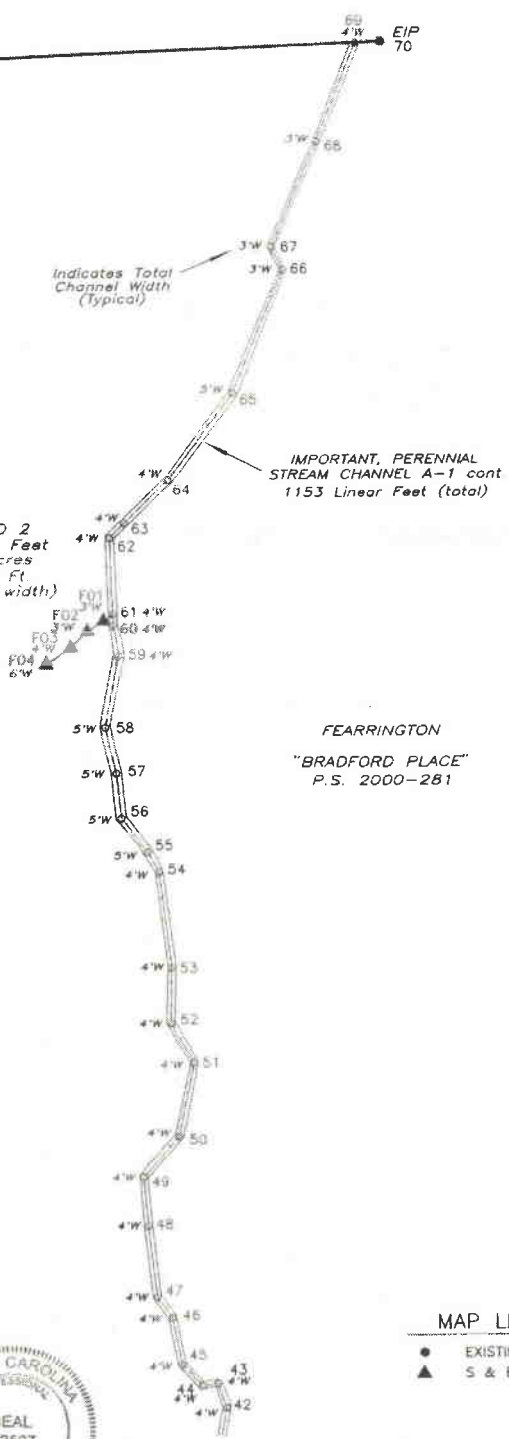


FITCH CREATIONS, INC.
 D.B. 646 PG. 233
 P.S. 94-260



COURSE	BEARING	DISTANCE
42 - 43	N 19°40'09" W	13.23'
43 - 44	S 81°01'34" W	7.83'
44 - 45	N 42°44'43" W	14.87'
45 - 46	N 11°25'40" W	24.24'
46 - 47	N 34°56'04" W	13.24'
47 - 48	N 06°55'50" W	36.52'
48 - 49	N 05°05'33" W	25.07'
49 - 50	N 39°57'57" E	27.36'
50 - 51	N 11°04'17" E	38.77'
51 - 52	N 29°35'39" W	23.21'
52 - 53	N 00°30'25" E	28.21'
53 - 54	N 07°27'39" W	48.92'
54 - 55	N 28°36'44" W	11.84'
55 - 56	N 37°32'05" W	21.71'
56 - 57	N 06°32'22" W	22.81'
57 - 58	N 13°16'48" W	23.57'
58 - 59	N 10°19'04" E	36.38'
59 - 60	N 09°47'36" W	15.36'
60 - 61	N 02°32'02" W	5.59'
61 - 62	N 02°32'02" W	38.40'
62 - 63	N 43°58'39" E	10.26'
63 - 64	N 46°46'56" E	30.64'
64 - 65	N 36°28'21" E	54.18'
65 - 66	N 22°18'39" E	66.26'
66 - 67	N 25°47'34" W	13.05'
67 - 68	N 23°10'36" E	57.96'
68 - 69	N 21°19'51" E	54.16'
69 - 70	N 87°46'29" E	12.86'(tie)
F04 - F03	N 55°33'05" E	14.34'
F03 - F02	N 46°05'48" E	11.57'
F02 - F01	N 56°36'59" E	9.81'
F01 - 61	N 56°36'59" E	5.59'

WETLAND 2
 41 Linear Feet
 0.004 Acres
 158 Sq Ft
 (based on width)



WADE BARBER, JR.
 D.B. 270 PG. 211
 P.S. 93-300

NOTES

- 1 This is not a Property Boundary Survey.
- 2 Wetlands shown on this plot were delineated in the field by Soil and Environmental Consultants, P.A.
- 3 All distances shown are horizontal ground distances unless otherwise noted.
4. Total Wetland Area (WL1+WL2) is 0.056 Acres.

This Survey is of an existing natural feature, such as a watercourse or wetland.
 Van R. Finch
 Surveyor
 2-25-08
 Date



MAP LEGEND

- EXISTING IRON PIPE
- ▲ S & E C FLAG

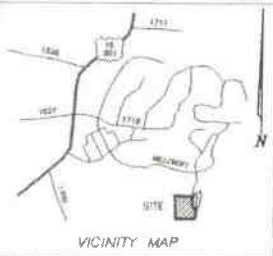
SECTION A-2
 WETLANDS SURVEY FOR
WADE BARBER, JR.
FITCH CREATIONS, INC.
 WILLIAMS TOWNSHIP
 SCALE: 1" = 60'
 CHATHAM COUNTY, N.C.
 DATE: JANUARY 30, 2008
 REVISED: FEBRUARY 25, 2008

This certifies that this copy of this plot accurately depicts the boundary of the jurisdiction of Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is a change in law or our published regulations, this determination of Section 404 jurisdiction may be relied upon for a period not to exceed five years from this date. This determination was made utilizing the 1987 Corps of Engineers Wetlands Delineation Manual.

Name: Thomas C. Lutzinger
 Title: Regulatory Specialist
 Date: May 8, 2008

VAN R. FINCH - LAND SURVEYS, P.A.
 109 Hillsboro St. Pittsboro, N.C. 27312

W:\02000\2.DWG
 W:\02000\2.DWG

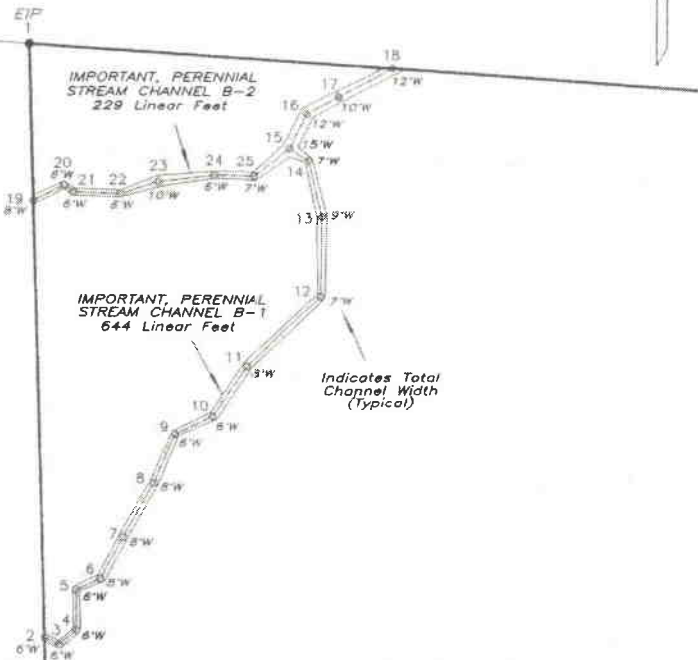


FITCH CREATIONS, INC.
 D.B. 669 PG. 912
 P.S. 95-239

N.C. GEO. MAP 27
 P.S. 90-214



COURSE	BEARING	DISTANCE
1 - 2	S 02°00'56"E	501.89'(tie)
2 - 3	S 66°40'11"E	13.59'
3 - 4	N 49°11'38"E	18.43'
4 - 5	N 00°50'16"W	33.33'
5 - 6	N 65°00'07"E	22.07'
6 - 7	N 27°50'11"E	39.14'
7 - 8	N 29°02'50"E	51.68'
8 - 9	N 22°55'09"E	44.92'
9 - 10	N 64°01'49"E	34.47'
10 - 11	N 33°30'49"E	51.19'
11 - 12	N 45°43'31"E	85.60'
12 - 13	N 00°16'17"E	67.96'
13 - 14	N 13°36'37"W	48.19'
14 - 15	N 56°18'47"W	19.18'
15 - 16	N 25°22'18"E	32.33'
16 - 17	N 61°11'23"E	30.50'
17 - 18	N 61°48'03"E	51.06'
18 - 1	N 86°12'44"W	304.27'(tie)
1 - 19	S 02°00'56"E	133.14'(tie)
19 - 20	N 62°41'31"E	29.15'
20 - 21	S 52°51'30"E	9.60'
21 - 22	S 88°04'15"E	39.03'
22 - 23	N 72°01'18"E	32.81'
23 - 24	N 82°49'13"E	47.01'
24 - 25	S 88°24'16"E	33.35'
25 - 15	N 51°27'40"E	37.85'



WADE BARBER, JR.
 D.B. 270 PG. 211
 P.S. 93-300

T.H. LINGERFELDT
 D.B. JE PG 245

NOTES

1. This is not a Property Boundary Survey.
2. Wetlands shown on this plot were delineated in the field by Soil and Environmental Consultants, P.A.
3. All distances shown are horizontal ground distances unless otherwise noted.

This Survey is of an existing natural feature, such as a watercourse or wetland.

Van R. Finch
 Surveyor
 2-25-08
 Date



MAP LEGEND

- EXISTING IRON PIPE
- ▲ S & E C FLAG

**SECTION B
 WETLANDS SURVEY FOR**

**WADE BARBER, JR.
 FITCH CREATIONS, INC.**

WILLIAMS TOWNSHIP CHATHAM COUNTY, N.C.
 SCALE: 1" = 100' DATE: JANUARY 30, 2008
 REVISED: FEBRUARY 25, 2008



Name: *James C. Suter*
 Title: *Regulatory Specialist*
 Date: *May 8, 2008*

VAN R. FINCH - LAND SURVEYS, P.A.
 109 Hillboro St. Pittsboro, N.C. 27812

VAN R. FINCH & SONS, INC.
 109 HILLBORO ST., PITTSBORO, N.C. 27812