

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**Action ID. **200703088**County: **Chatham**USGS Quad: **Merry Oaks****GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**Property Owner / Authorized Agent: **Contentnea Creek Development Company**Address: **Mr. Daniel Sullivan****8502-202 Six Forks Road****Raleigh, NC 27615**Telephone No.: **919-961-3690**

Size and location of property (water body, road name/number, town, etc.): **The project site is located on the north side of Hatley Road (SR 1714), approximately 3200 feet east of Mt. Gilcad Church Road, near Pittsboro, in Chatham County, North Carolina and is identified as Cooper Subdivision.**

Description of projects area and activity: **This permit verifies 241 linear feet of permanent perennial stream channel impacts, 31 linear feet of permanent stream channel impacts to a stream lacking aquatic functions worthy of mitigation, and 80 linear feet of temporary stream channel impact during the construction of a residential subdivision. Mitigation for the permanent perennial stream channel impact is required (see Permit Conditions below).**

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

Authorization: Regional General Permit Number: _____
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) In order to compensate for impacts to 241 linear feet of warm water stream the permittee shall make payment to the North Carolina Ecosystem Enhancement Program (NC EEP) in the amount determined by the NC EEP, sufficient to perform the restoration of 241 linear feet of warm water stream in the Cape Fear River Basin, Cataloging Unit 03030002.

Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment to the NC EEP and provided a copy of the payment documentation to the Corps, and the NC EEP has provided written

-2-

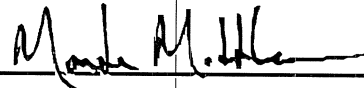
confirmation to the Corps that it agrees to accept responsibility for the mitigation work required, in compliance with the MOU between the North Carolina Department of Environment and Natural Resources and the United States Army Corps of Engineers, Wilmington District, dated November 4, 1998.

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

2) Please reference your emails (from Jennifer Burdette, authorized agent) dated February 13, 2009, and March 19, 2009, concerning the necessary language 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 within the March 19, 2009, email 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 emails (via Jennifer Burdette, authorized agent) dated February 13, 2009 and March 19, 2009, for the purpose of maintaining the restrictive covenants, as shown on the recorded plat (properly recorded and showing preservation areas), 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 January 31, 2012, or within 30 days of the first impact to jurisdictional waters.

Corps Regulatory Official: Monte Matthews



Date: March 19, 2009

Expiration Date of Verification: March 19, 2011

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.

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: use of the 1987 Wetlands Delineation Manual and evidence of an ordinary high water mark

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

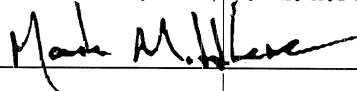
Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (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: Joan Manuele, Project Manager,
Raleigh Regulatory Field Office
3331 Heritage Trade Drive, 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 May 19, 2009.

****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 March 19, 2009

Expiration Date March 19, 2014

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:

Jennifer Burdette, 10212 Creedmoor Road, Raleigh, NC 27615