



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

October 10, 2017

**Chatham County**

**Subject: Subdivision Final Plan Review – Phase 13 Briar Chapel Subdivision off of  
Great Ridge Parkway near SR 1528**

Newland Communities, LLC  
c/o Bill Mumford  
13777 Ballantyne Corporate Pl, Ste. 550  
Charlotte, North Carolina 28277

Dear Mr. Mumford:

The N. C. Department of Transportation, Division of Highways has reviewed the construction plans signed and sealed by Gareth Avant P.E. on October 10, 2017 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 as shown on the plans, as well as conform to the most recent edition of the *Standard Specifications for Roads and Structures*.
2. A Driveway Permit is not needed for this package.
3. The entire proposed 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

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 8 DISTRICT 1  
P.O. BOX 1164  
ASHEBORO, NC 27298

*Telephone:* (336) 318-4000  
*Fax:* (336)318- 4010

*Website:* [www.ncdot.gov](http://www.ncdot.gov)

*Location:*  
300 DOPT DRIVE  
ASHEBORO, NC 27205

- 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.
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 Mrs. Rachael Thorn, Erosion and Sediment Control Officer, 80 East St., P.O. Box 548, 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

- D. 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.
- E. 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. 318.4000

Yours truly,

DocuSigned by:  
*Matthew Kitchen, PE*  
DE44C69F4BC74D9  
Matthew Kitchen P.E  
District Engineer

#### Attachments

cc: Brandon Jones, P.E., Division Engineer  
Justin Bullock, P.E., Chatham County Maintenance Engineer  
Lynn Richardson, Chatham County Planning  
Chris Seamster, RLA McKim & Creed  
File



## Soil Erosion and Sedimentation Control

### LETTER OF APPROVAL – PERFORMANCE RESERVATIONS

October 13, 2017

NNP-Briar Chapel, LLC  
16 Windy Knoll Circle  
Chapel Hill, NC 27516  
Attn: Lee Bowman

RE:           Project Name:           Briar Chapel Ph. 13 Sections 1 & 2  
              Project Number:       2017-1267  
              Acres approved:       11.03  
              Total Acres:           66.57  
              Submitted by:       McKim & Creed, Inc.  
              Date Received:       October 9, 2017

Dear Sir:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable with performance reservations and hereby issue this letter of Approval With Performance Reservations. The areas of concern are listed on the attached page. This plan approval shall expire two (2) years following the date of approval, if no land-disturbing activity has been undertaken.

Section 164.12(H) 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 ensure 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.

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 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.

Your cooperation is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Rachael Thorn". The signature is written in black ink and is positioned above the typed name.

Rachael Thorn  
Environmental Quality Department  
Chatham County

Enclosures:



## **PERFORMANCE RESERVATIONS**

1. Stabilization of slopes adjacent to riparian buffers may require heftier matting than proposed.
2. Cut and fill activities and retaining wall installation may present conflicts with erosion control device placement and sequencing.



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343  
February 24, 2017

Regulatory Division

Action ID: SAW-2001-21252

Mr. William S. Mumford  
NNP – Briar Chapel, LLC  
1312 Briar Chapel Parkway  
Chapel Hill, North Carolina 27516

Dear Mr. Mumford:

Reference the Department of the Army (DA) permit issued on October 2, 2006, to Mitch Barron of Newland Communities for impacts associated with the Briar Chapel Development. Also, please reference the modifications to this permit approved in December of 2007 and August of 2009 and February 2011. This development is approximately 1,720 acres in size (including the 131 acre US Steel Tract) and is located west of US Highway 15-501, north of Andrew's Store Road (SR 1528), and south of Mann's Chapel Road (SR 1532), approximately 5 miles south of Chapel Hill, in Chatham County, North Carolina. Coordinates (in decimal degrees) for the site are 35.8251 ° North, 79.1059 ° West. The site contains several unnamed tributaries and adjacent wetlands of Pokeberry Creek, Wilkinson Creek and Bush Creek, in the Cape Fear River Basin (8-Digit Cataloging Unit 03030002).

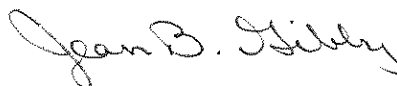
Permanent impacts authorized by this permit and the subsequent modifications total 2,347 linear feet of stream channel and 0.4390 acre of wetland, and temporary impacts totaled 134 linear feet of stream channel. Mitigation was implemented for the unavoidable impacts by payment into the North Carolina Ecosystem Enhancement Program, restoration of stream channel at the Harpers Crossroads Mitigation Site, and on-site preservation of wetlands and streams.

In addition, please reference your permit modification request received by the Corps on July 18, 2016, and subsequent updates received via electronic correspondence dated January 23, 2017. This modification request involves reducing impact amounts at the locations identified within the original permit and/or the subsequent modifications at Impact sites E, L and U, which had permitted impact amounts of 485 linear feet of permanent stream channel impacts. These impacts were due to culverted road crossings. The proposed modification would reduce these impacts by 267 linear feet. Temporary impacts were reduced at five utility crossing sites by 105 linear feet. Additionally, your permit modification request involves new impacts at sites identified as V, W, X, Y and Z. The new total of impacts at these sites are 377 linear feet and 464 square feet of permanent impacts.

The Corps has completed the evaluation of your request and concurs with your request for a change in impacts associated with your referenced DA permit, including the change to plans, as requested. The approved plans for this crossing are attached for your file. No additional mitigation is required for this modification.

Please note that all other permit conditions and exhibits remain in effect as written. Should you have questions, contact Mr. Andrew Williams, Raleigh Regulatory Field Office at telephone (919) 554-4884, Extension 26.

Sincerely,



for Kevin P. Landers Sr.  
Colonel, U.S. Army  
District Commander

Attachment

Copy Furnished:

Mrs. Jennifer Burdette  
NCDEQ  
1617 Mail Service Center,  
Raleigh, NC 27699-1617

Mr. Perry Isner  
Wetlands and Waters, Inc.  
2712 Minden Road  
Pleasant Garden, NC 27313





ROY COOPER

*Governor*

MICHAEL S. REGAN

*Secretary*

S. JAY ZIMMERMAN

*Director*

February 3, 2017

DWR Project # 05-0732 v37  
Chatham County

NNP Briar Chapel, LLC  
Attn: Mr. Bill Mumford  
1312 Briar Chapel Parkway  
Chapel Hill, NC 27515

Re: **APPROVAL of 401 Water Quality Certification with Additional Conditions -  
MODIFICATION**  
Briar Chapel  
USACE Action ID. No. SAW-2001-21252

Dear Mr. Mumford:

Attached hereto is a copy of Certification No. 3567 issued to Mr. Bill Mumford of NNP Briar Chapel, LLC, Inc., dated February 3, 2017. **This Certification replaces the Certifications issued to you on May 9, 2006, January 11, 2008, July 21, 2009, July 24, 2009 and August 31, 2009.** This modification was requested by the applicant to authorize additional impacts V through Z, reduced the amount of previously approved impacts based on as-built measurements, and remove a condition to monitoring surface water and groundwater. Please note that you should get any other federal, state or local permits before proceeding with the subject project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

This approval and its conditions are final and binding unless contested. This Certification can be contested as provided in General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH) **within sixty (60) calendar days.**

A petition form may be obtained from the OAH at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000 for information. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official state holidays).

The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

*If sending via US Postal Service:*

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

*If sending via delivery service (UPS, FedEx, etc):*

Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285

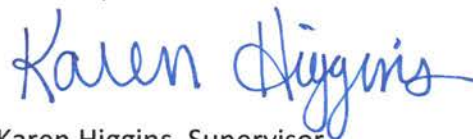
One (1) copy of the petition must also be served to Department of Environmental Quality:

Sam M. Hayes, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

**Unless such a petition is filed, this Certification shall be final and binding.**

This certification completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Contact me at 919-807-6360 or [karen.higgins@ncdenr.gov](mailto:karen.higgins@ncdenr.gov) or Jennifer Burdette at 919-807-6364 or [jennifer.burdette@ncdenr.gov](mailto:jennifer.burdette@ncdenr.gov) if you have any questions or concerns.

Sincerely,



Karen Higgins, Supervisor  
401 & Buffer Permitting Branch

cc: Chris Huysman, Wetlands & Waters, Inc., 170 Dew Drop Road, Sparta, NC 28675  
USACE Raleigh Regulatory Field Office  
Todd Bowers, EPA, Sam Nunn Federal Center, 61 Forsyth Street SW, Atlanta, GA 30303  
DWR RRO 401 file  
DWR 401 & Buffer Permitting Branch file

**NORTH CAROLINA 401 WATER QUALITY CERTIFICATION**

**CERTIFICATION #3567** is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina’s Regulations in 15A NCAC 02H .0500, to Mr. Bill Mumford and NNP Briar Chapel, LLC, who have authorization for the impacts listed below, as described within the original application received by the N.C. Division of Water Resources (Division) on June 17, 2005, by Public Notice issued by the U. S. Army Corps of Engineers (Corps) on June 14, 2005 and subsequent information on December 12, 2005 and February 24, 2006; the modification request received by the Division on June 7, 2007, by Public Notice issued by the Corps on June 7, 2007, and subsequent information on October 8, 2007, December 7, 2007 and January 11, 2008; the modification request received by the Division on May 8 , 2009, by Public Notice issued by the Corps on May 22, 2009, and subsequent information on received by the Division on May 20, 2009 and June 25, 2009; and the modification request received by the Division on December 8, 2016, by Public Notice issued by the Corps on December 5, 2016, and subsequent information received on January 23, 2016.

The State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

**This approval requires you to follow the conditions listed in the certification below.**

**Conditions of Certification:**

1. Impacts Approved

The following impacts are hereby approved provided that all of the conditions of the Certification are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0506(b) & (c)]

Type of Impact <sup>1</sup>	Amount Approved (units) Permanent	Amount Approved (units) Temporary
	<b>Stream</b>	
Site A	4 linear feet	0 linear feet
Site B	166 linear feet	0 linear feet
Site D	181 linear feet	0 linear feet
Site E	84 linear feet	0 linear feet
Site F	213 linear feet	0 linear feet
Site G	296 linear feet	0 linear feet
Site H	257 linear feet	0 linear feet
Site I - intermittent	83 linear feet	0 linear feet

Type of Impact <sup>1</sup>	Amount Approved (units) Permanent	Amount Approved (units) Temporary
Site M	310 linear feet	0 linear feet
Site O	148 linear feet	0 linear feet
Site S	58 linear feet	0 linear feet
Site T	36 linear feet	0 linear feet
Site U	134 linear feet	0 linear feet
Site V	112 linear feet	0 linear feet
Site Y	135 linear feet	0 linear feet
Site Z	130 linear feet	0 linear feet
Utility Crossing 4	0 linear feet	41 linear feet
Utility Crossing 5	0 linear feet	50 linear feet
Utility Crossing 6	0 linear feet	43 linear feet
<b>Intermittent Stream Total</b>	<b>83 linear feet</b>	<b>0 linear feet</b>
<b>Perennial Stream Total</b>	<b>2,264 linear feet</b>	<b>134 linear feet</b>
<b>Total Stream</b>	<b>2,347 linear feet</b>	<b>134 linear feet</b>
<b>404/401 Wetlands</b>		
Site A	0.0372 acres	0 acres
Site B	0.0018 acres	0 acres
Site D	0.0282 acres	0 acres
Site E	0.0065 acres	0 acres
Site G	0.0095 acres	0 acres
Site I	0.0003 acres	0 acres
Site N	0.3449 acres	0 acres
Site W	0.0051 acres	0 acres
Site X	0.0055 acres	0 acres
<b>Total 404/401 Wetlands</b>	<b>0.4390 acres</b>	<b>0 acres</b>

1 Stream impacts are perennial unless otherwise noted.

2. Compensatory Mitigation

Compensatory stream mitigation shall be accomplished by using 2,127 linear feet of stream mitigation credit at the Harpers Crossroads stream mitigation site and the remaining 137 linear feet of required stream credit (10:1 ratio = 13,700 linear feet) from the 63,412 linear feet of available onsite stream preservation. These mitigation efforts shall be protected through use of three separate Declarations of Covenants and Restrictions – Riparian Areas recorded with the Chatham County Register of Deeds (DB 1371, Page 1174; DB 1372, Page 226; and DB 1291, Page 731).

The Permittee shall provide stream restoration in accordance with the plan entitled 'Harpers Crossroads Stream Restoration Plan,' dated September 2005. The restoration site, which was authorized with a separate DA nationwide permit (USACE Action Id No. 200420489) has already been constructed. The as-built report dated June 12, 2006 states the total stream restoration generated by the project as 2,127 linear feet. Within 90 days of the USACE's determination that the Harpers Crossroads Stream Restoration Project has met the success criteria outlined in the 'Harpers Crossroads Stream Restoration Plan,' the permittee shall arrange for the transfer of the existing conservation easements to a third-party grantee, subject to approval by the USACE.

Type of Impact	Compensatory Mitigation Required	River and Sub-basin Number
Stream (perennial)	2,154 (linear feet)	Cape Fear/03030002

3. Stormwater Management Plan

A final, written stormwater management plan for each future phase shall be submitted to the DWR 401 & Buffer Permitting Branch (1617 Mail Service Center, Raleigh, NC 27699-1617). The stormwater management plan (SMP) shall be designed to treat the runoff from the entire built upon area in the phase in accordance with current 401 Stormwater Requirements and BMP Manual on the date of the submittal. The SMP shall be approved by the Division before any land disturbance associated with that phase may occur. Before any future permanent building or other structure is occupied at the site, the corresponding SMP as approved by the Division shall be constructed and operational. [15A NCAC 02H .0506(b)(5)]

4. Reclaimed Water Generation, Conjunctive Reclaimed Water Utilization, Non-Conjunctive Reclaimed Water Utilization, and Wastewater Irrigation System Permit

Full compliance with Permit WQ0028552, issued by the Non-Discharge Branch of the Division, is required.

5. Water Quality Monitoring

Water quality monitoring completed by Eagle Resources from 2007 to 2015 have not shown water quality impacts from the project. Water quality monitoring required by Condition #11 of the 401 Water Quality Certification issued on May 9, 2006 is no longer required.

6. 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 application for this project. 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. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of this certification. [15A NCAC 02H .0501 and .0502]

7. Sediment and Erosion Control

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. If applicable, the project must comply with the specific conditions and requirements of the NPDES Construction Stormwater Permit issued to the site and the following requirements [15A NCAC 02H .0506(b)(3) and (c)(3)]:

- a. 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.
  - b. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - c. Reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
  - d. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
8. Sediment and erosion control measures shall not be placed in wetlands or waters. Exceptions to this condition require application submittal to and written approval by the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands, stream beds, or banks, adjacent to or upstream and downstream of the above structures. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the date that the Division of Energy, Mineral and Land Resources (DEMLR) or locally delegated program has released the specific area within the project. [15A NCAC 02H .0501 and .0502]

9. Construction Stormwater Permit NCG010000

An NPDES Construction Stormwater Permit is required for construction projects that disturb one (1) or more acres of land. This Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If your project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. A copy of the general permit (NCG010000), inspection log sheets, and other information may be found at:

<http://portal.ncdenr.org/web/wq/ws/su/npdessw#tab-w>. [15A NCAC 02H .0506(b)(5) and (c)(5)]

10. Work in the Dry

All work in or adjacent to stream waters shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the NC Sediment and Erosion Control Manual, or the NC DOT Construction and Maintenance Activities Manual, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. [15A NCAC 02H .0506(b)(3) and (c)(3)]

11. If concrete is used during the construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state due to the potential for elevated pH and possible aquatic life/fish kills. [15A NCAC 02B .0200]

12. Placement of Culverts and Other Structures in Waters and Wetlands [15A NCAC 02H .0506(b)(2) and (c)(2)]

Culverts required for this project shall be installed in such a manner that the original stream profiles are not altered and to allow for aquatic life movement during low flows. Existing stream dimensions (including the cross section dimensions, pattern and longitudinal profile) must be maintained above and below locations of each culvert.

Placement of culverts and other structures in waters, streams must be below the elevation of the streambed by one (1) foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life.

Installation of culverts in wetlands must ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. Additionally, when roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native, woody vegetation and other soft stream bank stabilization techniques must be used where practicable instead of rip rap or other bank hardening methods.

13. All temporary fill and culverts shall be removed and the impacted area returned to natural conditions, within 60 days of the determination that the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, plan form pattern, and longitudinal bed and bed profile,

and the various sites shall be stabilized with natural woody vegetation (except approved maintenance areas) and restored to prevent erosion. [15A NCAC 02H .0506(b)(2) and (c)(2)]

14. All temporary pipes/culverts/riprap pads etc, shall be installed in all streams as outlined in the most recent edition of the North Carolina Sediment and Erosion Control Planning and Design Manual so as not to restrict stream flow or cause dis-equilibrium. [15A NCAC 02H .0506(b)(2) and (c)(2)]
15. Any riprap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All riprap shall be buried and/or "keyed in" such that the original stream elevation and streambank contours are restored and maintained. Placement of riprap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area. [15A NCAC 02H .0506(b)(2)]
16. Any riprap used for stream stabilization shall be of a size and density to prevent movement by wave action, current action, or stream flows and consist of clean rock or masonry material free of debris or toxic pollutants. Riprap shall not be installed in the streambed except in specific areas required for velocity control and to ensure integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
17. A one-time application of fertilizer to re-establish vegetation is allowed in disturbed areas including riparian buffers, but is restricted to no closer than 10 feet from top of bank of streams. Any fertilizer application must comply with all other Federal, State and Local regulations. [15A NCAC 02B .0231]
18. Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers within the project boundaries in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place at the time of recording of the property, or of individual lots, whichever is appropriate. A sample deed notification can be downloaded from the 401 & Buffer Permitting Branch website at <http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/apply/forms>. The text of the sample deed notification may be modified as appropriate to suit to this project. Documentation of deed notifications shall be provided to the Division upon request. [15A NCAC 02H .0501 and .0502]
19. This Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals.



20. Continuing Compliance

Mr. Bill Mumford and NNP Briar Chapel, LLC shall conduct construction activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with section 303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. [15A NCAC 02B .0200] If the Division determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the Division may reevaluate and modify this Certification. Before modifying the Certification, the Division shall notify Mr. Bill Mumford and NNP Briar Chapel, LLC and the U.S. Army Corps of Engineers, provide public notice in accordance with 15A NCAC 02H .0503 and provide opportunity for public hearing in accordance with 15A NCAC 02H .0504. Any new or revised conditions shall be provided to Mr. Bill Mumford and NNP Briar Chapel, LLC in writing, shall be provided to the U.S. Army Corps of Engineers for reference in any Permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project.

21. This approval is for the purpose and design described in your application and as described in the Public Notice. The plans and specifications for this project are incorporated by reference and are an enforceable part of the Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. Any new owner must notify the Division and request the Certification be issued in their name. [15A NCAC 02H .0501 and .0502]
22. The applicant and/or authorized agent shall provide a completed Certificate of Completion Form to the DWR 401 & Buffer Permitting Branch within ten days of project completion (available at: <http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/apply/forms>). [15A NCAC 02H .0502(f)]
23. This certification grants permission to the director, an authorized representative of the Director, or DEQ staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]

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 or CAMA Permit. The conditions in effect on the date of issuance shall remain in effect for the life of the project, regardless of the expiration date of this Certification. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506]

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Certification and may also result in criminal and/or civil penalties.

This the 3rd day of February 2017



Karen Higgins, Supervisor  
401 & Buffer Permitting Branch

KAH/jab

3567

## Briar Chapel – Phase 13 – Sections 1 & 2

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Statement regarding historical structure(s) and/or features

### 1. Archaeological Survey

- a. Based on the August 2006 report by ESI (entitled “An Intensive Cultural Resource Investigation: Briar Chapel, Chatham County, NC”), there are no cemeteries or structures eligible for the National Register within the project area of Phase 13 – Sections 1 & 2 nor any structures or cemeteries 50 years old or older. The Blake cemetery (identified as “31CH807” in 2006 ESI report) is located to the west of Phase 13 within the Roberts tract, which is not a part of the Briar Chapel CUP.

**From:** [Jim and Bev Wiggins](#)  
**To:** [Chris Seamster](#)  
**Cc:** [Lynn Richardson](#)  
**Subject:** Re: Briar Chapel Phase 13  
**Date:** Tuesday, October 10, 2017 5:10:09 PM

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Chris--  
Thanks. This is very helpful.  
Beverly Wiggins  
CCHA

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**From:** "Chris Seamster" <cseamster@mckimcreed.com>  
**To:** "Jim and Bev Wiggins" <jimerly@embarqmail.com>  
**Cc:** "Lynn Richardson" <lynn.richardson@chathamnc.org>  
**Sent:** Tuesday, October 10, 2017 4:46:24 PM  
**Subject:** RE: Briar Chapel Phase 13

Hi Mrs. Wiggins,

Thank you for the reply. We updated the PDF map for the phase 13 area. See attached. The red dashed line outlines the phase 13 area. The black outlined area is the property that is not part of the Briar Chapel CUP known as the Dollar tract. The Blake cemetery is within the Dollar tract. We showed the approximate location as the red solid dot on the map.

Thanks for your help and please let me know if you need anything else.

Chris

**Chris Seamster, PLA** | Regional Manager-PDNR  
T 919.233.8091 | C 919.539.5464  
1730 Varsity Drive, Suite 500 | Raleigh, NC 27606  
[cseamster@mckimcreed.com](mailto:cseamster@mckimcreed.com) | [www.mckimcreed.com](http://www.mckimcreed.com)

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**From:** Jim and Bev Wiggins [mailto:jimerly@embarqmail.com]  
**Sent:** Monday, October 09, 2017 4:30 PM  
**To:** Chris Seamster  
**Cc:** Lynn Richardson  
**Subject:** Re: Briar Chapel Phase 13

Hi Chris--  
Is Phase 13 the entire area within the dotted-dashed lines on the map? And is the smaller

set-off area an outparcel? I believe the Blake cemetery and a number of structures are in or near the set-off area. If the cemetery is within the area shown on the map, please label the cemetery to show its location relative to the area to be developed--even if it is not on Briar Chapel property.

Unless you discover gravesites or structures as you begin work, that should be all we need.

Thanks,  
Bev Wiggins

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**From:** "Chris Seamster" <[cseamster@mckimcreed.com](mailto:cseamster@mckimcreed.com)>  
**To:** [jimerly@embarqmail.com](mailto:jimerly@embarqmail.com)  
**Sent:** Monday, October 9, 2017 11:11:09 AM  
**Subject:** Briar Chapel Phase 13

Good morning Mrs. Wiggins,

We met with the TRC group at Chatham County to discuss the next phase of Briar Chapel. This phase is 13 and is located off of Great Ridge Parkway in the northern area of Briar Chapel. I asked the TRC committee how we should get this map to you and they told me to send you an email with our land plan . Based on our review of the August 2006 report by ESI (entitled "An Intensive Cultural Resource Investigation: Briar Chapel, Chatham County, NC"), there are no cemeteries or structures eligible for the National Register within the project area of phase 13 nor any structures or cemeteries 50 years old or older.

Let me know if you need anything else. Thank you!

**Chris Seamster, PLA** | Regional Manager -PDNR  
T 919.233.8091 | C 919.539.5464  
1730 Varsity Drive, Suite 500 | Raleigh, NC 27606  
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Jim and Beverly Wiggins  
[jimerly@embarqmail.com](mailto:jimerly@embarqmail.com)

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Jim and Beverly Wiggins  
[jimerly@embarqmail.com](mailto:jimerly@embarqmail.com)

# BRIAR CHAPEL™

by  
Newland COMMUNITIES

SCALE: 1" = 100'  
0 50 100 200 300



DATE: October 10, 2017

## Phase 13 TRC Map

--- Phase 13 Project Area

