

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

Action Id. SAW-2017-01482 County: Chatham County U.S.G.S. Quad: Bynum

**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Permittee: Warren Mitchell  
Jones Ferry Properties, LLC  
Address: 227 Opus Way  
Chapel Hill, North Carolina 27516  
Telephone Number: (919)593-1916

Size (acres) 52 (approximately)  
Nearest Waterway Meadow Branch  
USGS HUC 03030002

Nearest Town Pittsboro  
River Basin Cape Fear  
Coordinates Latitude: 35.865138  
Longitude: -79.156209

Location description: The site is located approximately 750 feet northeast of the Jones Ferry Road, Storybook Farm Lane Road, in Chatham County, North Carolina on Parcel Number 9757-30-5510.

Description of projects area and activity: This authorization is for temporary and permanent impacts to tributary streams and wetlands associated with the construction of a residential subdivision, identified as Morgan Ridge Subdivision, as follows: Crossing #1: Stream C (Impact #S1) 19-linear feet (lf) of temporary impact for the installation of a utility line; (Impact #S2) 56 lf of permanent impact for the installation of one (1) 54 lf, 12' x 6' precast RCBC; (Impact #S3) 25 linear feet of permanent impact for the installation of a rip rap velocity dissipation pad; Wetland W8 (Impact #1) 0.015 acre of temporary impact for the installation of a utility line; (Impact #2) 0.045 acre of permanent impact for roadway fill; (Impact #3) 0.010 acre of temporary impact for a construction corridor. Crossing #2: Stream D (Impact #S4) 56 lf of permanent impact for the installation of one (1) 56 lf 48" RCP culvert; (Impact #S5) 32 lf of permanent impact of the installation of a rip rap velocity dissipation pad; (Impact #S6) 8 lf of temporary impacts for construction access/dewatering. Crossing #3: Stream B (Impact #S7) 32 lf of permanent impact for the installation of one (1) 32 lf 48" RCP culvert; (Impact #S8) 28 lf of permanent impacts for the installation of a rip rap velocity dissipation pad; (Impact #S9) 6 lf of temporary impact for construction access/dewatering. (See attached plans).

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

Authorization: Regional General Permit Number and/or Nationwide Permit Number: NWP 29 Residential Developments  
SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated September 26, 2018. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general 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 and/or regional general 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 and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general 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 Resources (telephone 919-807-6300) 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 in Morehead City, NC, at (252) 808-2808.

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 Andrew Williams at (919) 554-4884 or Andrew.E.Williams2@usace.army.mil.

*Andrew Williams*

Digitally signed by  
WILLIAMS.ANDREW.E.1244561655  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USA,  
cn=WILLIAMS.ANDREW.E.1244561655  
Date: 2018.11.07 17:09:29 -05'00

Corps Regulatory Official: \_\_\_\_\_

Date: November 7, 2018

Expiration Date of Verification: March 18, 2022

#### A. Determination of Jurisdiction:

1.  There are waters, including wetlands, on the above described project area that may be subject to Section 404 of the Clean Water Act (CWA) (33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction. Please note, if work is authorized by either a general or nationwide permit, and you wish to request an appeal of an approved JD, the appeal must be received by the Corps and the appeal process concluded prior to the commencement of any work in waters of the United States and prior to any work that could alter the hydrology of waters of the United States.
2.  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 (RHA) (33 USC § 403) and 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.
3.  There are waters, including wetlands, within the above described project area that are 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.
4.  A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.
5.  The aquatic resources within the above described project area have been identified under a previous action. Please reference the preliminary and approved jurisdictional determination issued 7/21/2017. Action ID: **SAW-2017-01482**.

**B. Basis For Jurisdictional Determination:** See the preliminary and Approved JD described in Section A5 above.

**C. Remarks:** None

#### D. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

#### E. Appeals Information for Approved Jurisdiction Determinations (as indicated in A2 and A3 above).

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:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15

Atlanta, Georgia 30303-8801  
Phone: (404) 562-5137

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 Division 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 **Not Applicable**.

**It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.**

Corps Regulatory Official:

*Andrew Williams*

Digitally signed by WILLIAMS.ANDREW.E.1244561655  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=USA, cn=WILLIAMS.ANDREW.E.1244561655  
Date: 2018.11.07 17:09:57 -05'00'

**Andrew Williams**

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 our Customer Satisfaction Survey, located online at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Copy furnished (via email):

**Deborah Shirley**  
**Soil & Environmental Consultants, PA**  
**8412 Falls of Neuse Rd., Suite 104**  
**Raleigh, North Carolina 27615**

**Stephanie Goss**  
**North Carolina Department of Environmental Quality**  
**Water Resources Water Quality Regional Operations Section**  
**1628 Mail Service Center**  
**Raleigh, NC 27699-1628**

Action ID Number: SAW-2017-01482

County: Chatham County

Permittee: Warren Mitchell  
Jones Ferry Properties, LLC

Project Name: Mitchell, Warren/Jones Ferry Properties LLC/Morgan Ridge Subdivision

Date Verification Issued: November 7, 2018

Project Manager: Andrew Williams

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  
Attn: Andrew Williams  
3331 Heritage Trade Drive, Suite 105  
Wake Forest, North Carolina 27587

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

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

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

Applicant: **Warren Mitchell Jones Ferry Properties, LLC**

File Number: **SAW-2017-01482**

Date: **November 7, 2018**

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 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/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> 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 division 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:  
**District Engineer, Wilmington Regulatory Division,**  
**Attn: Andrew Williams**  
**69 Darlington Avenue**  
**Wilmington, North Carolina 28403**

If you only have questions regarding the appeal process you may also contact:  
Mr. Jason Steele, Administrative Appeal Review Officer  
CESAD-PDO  
U.S. Army Corps of Engineers, South Atlantic Division  
60 Forsyth Street, Room 10M15  
Atlanta, Georgia 30303-8801  
Phone: (404) 562-5137

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.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:**

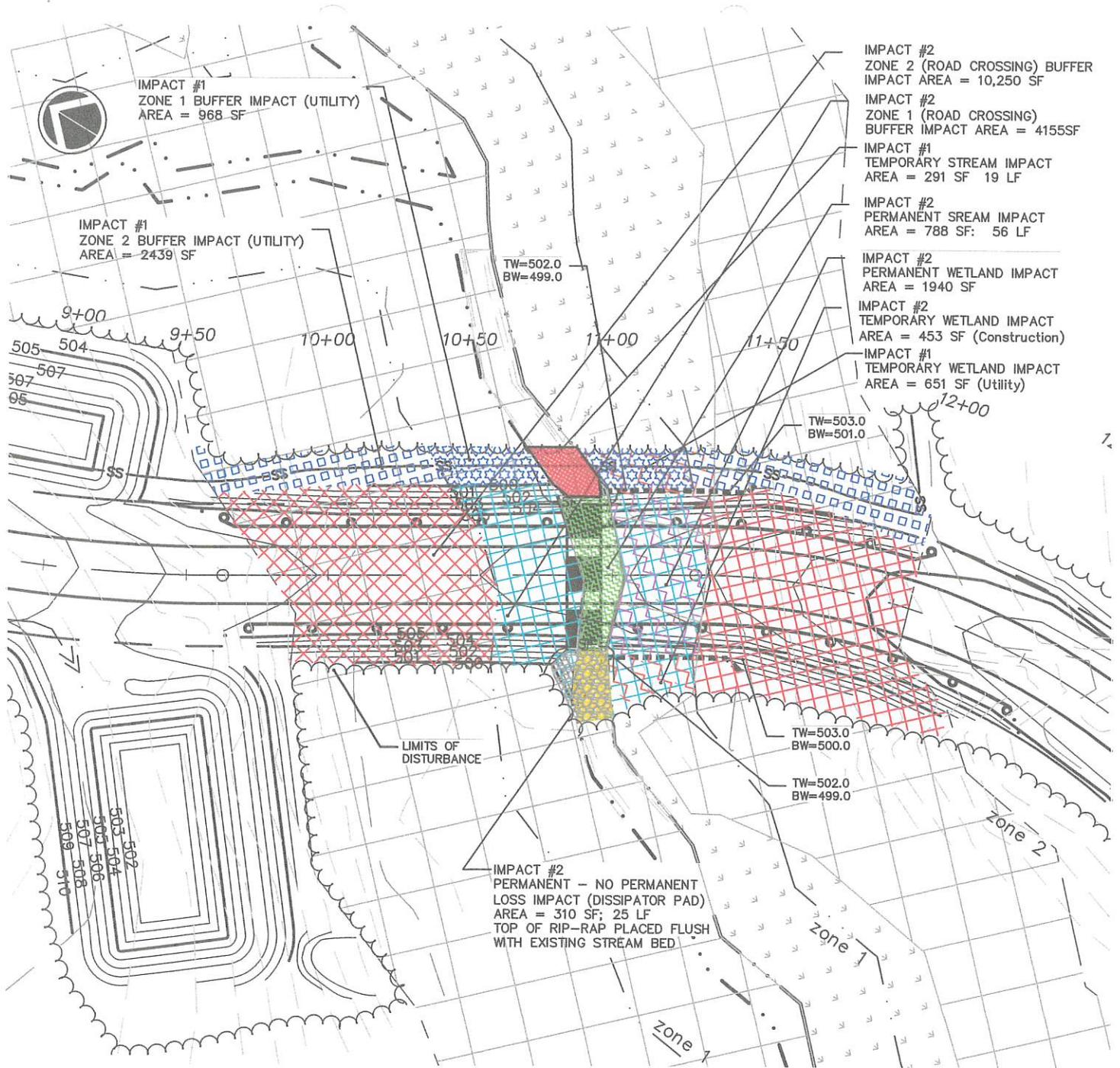
**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801**  
**Phone: (404) 562-5137**



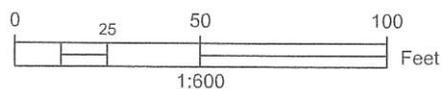
-  ZONE 1 ROAD CROSSING BUFFER IMPACT (30 ft from stream)
-  ZONE 2 ROAD CROSSING BUFFER IMPACT (100 ft from stream)
-  ZONE 1 UTILITY CROSSING BUFFER IMPACT
-  ZONE 2 UTILITY CROSSING BUFFER IMPACT
-  TEMPORARY STREAM IMPACT
-  PERMANENT -NO PERMANENT LOSS IMPACT (DISSIPATOR PAD)
-  PERMANENT WETLAND IMPACT
-  TEMPORARY WETLAND IMPACT
-  PERMANENT STREAM IMPACT



MAP SHEET	IMPACT NUMBER	IMPACT DETAIL	TEMPORARY		PERMANENT				PERMANENT (NO PERM. LOSS)								
			stream			wetlands		stream		wetlands		stream			wetlands		
			LF	SF	AC	SF	AC	LF	SF	AC	SF	AC	LF	SF	AC	SF	AC
X.1	1	Utility	19	291	.0067	651	.0149										
X.1	2	Construction				453	.0104										
X.1	2	Road fill						56	788	.0181	1940	.0445					
X.1	2	Dissipator											25	310	.0071		
X.2	4	Construction	8	36	.00083												
X.2	4	Road fill						56	215	.00494							
X.2	4	Dissipator											32	120	.00275		
X.3	5	Construction	6	34	.00078												
X.3	5	Road fill						32	248	.00569							
X.3	5	Dissipator											28	187	.00429		
TOTAL			43	406	.00931	1104	.00253	144	1002	.01187	1940	.0445	85	617	.0141		

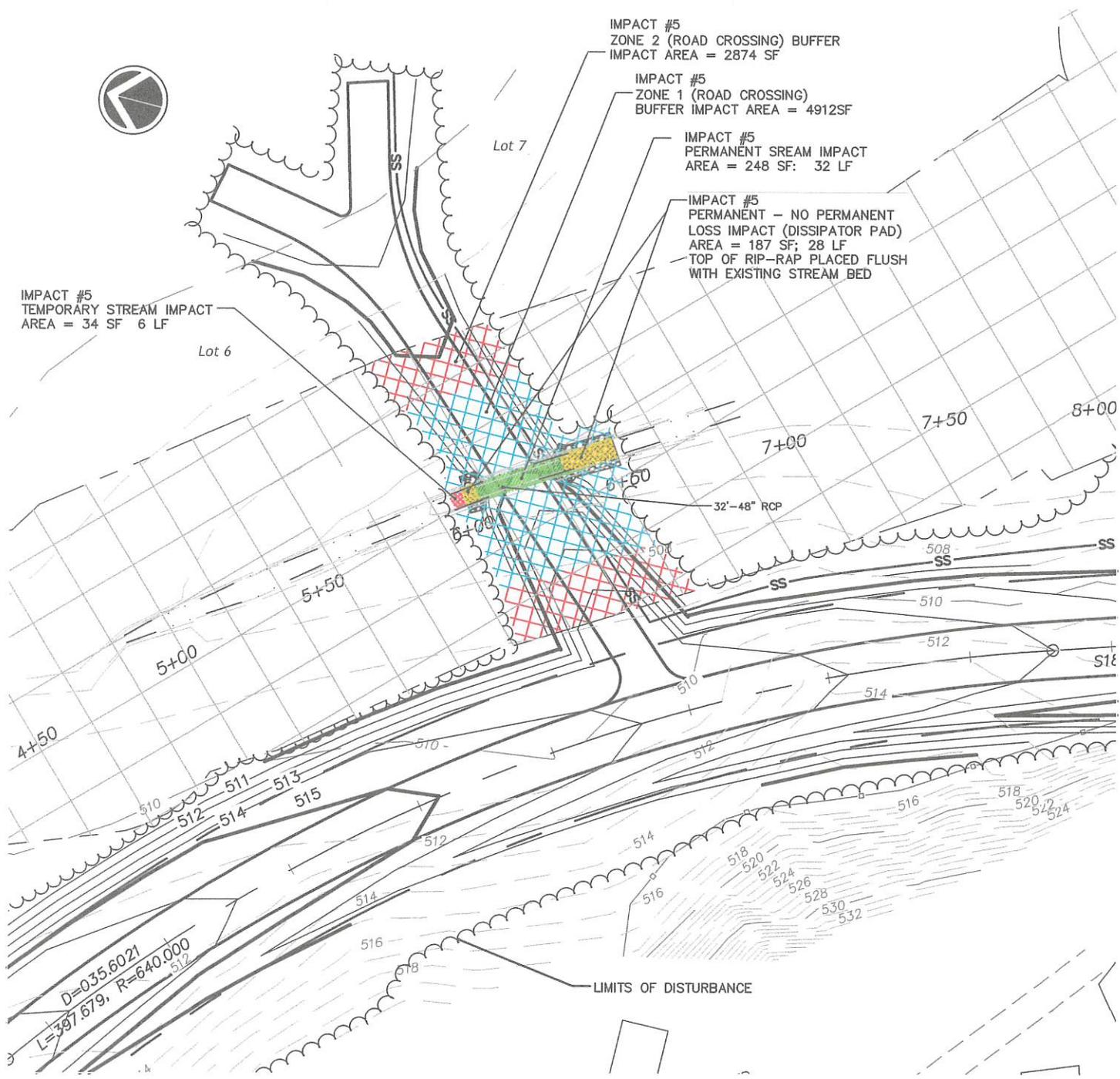


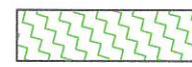
- |   |   |  |  |
|---|---|--|--|
|  | ZONE 1 ROAD CROSSING BUFFER IMPACT (30 ft from stream)  |  | PERMANENT -NO PERMANENT LOSS IMPACT (DISSIPATOR PAD) |
|  | ZONE 2 ROAD CROSSING BUFFER IMPACT (100 ft from stream) |  | PERMANENT WETLAND IMPACT                             |
|  | ZONE 1 UTILITY CROSSING BUFFER IMPACT                   |  | TEMPORARY WETLAND IMPACT                             |
|  | ZONE 2 UTILITY CROSSING BUFFER IMPACT                   |  | PERMANENT STREAM IMPACT                              |
|  | TEMPORARY STREAM IMPACT                                 |  |  |

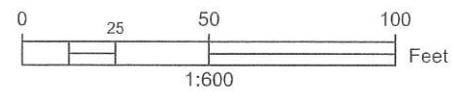


<b>X.1</b>	Road Crossing Station 10+90	<h2 style="margin: 0;">MORGAN RIDGE SUBDIVISION</h2> <h3 style="margin: 0;">Construction Drawings</h3> <p style="font-size: 0.8em; margin: 0;">Cnatham County, North Carolina</p>		<p><b>Warren D. Mitchell, PE</b> Civil Engineering 104 Amber Wood Run CHAPEL HILL, NORTH CAROLINA 27516 warandmitchellpe@gmail.com P (919) 593-1916</p>
	Stream, Buffer and Wetland Impact Exhibit Drawing			
	Scale: 1"=50'      Sept. 6, 2018			



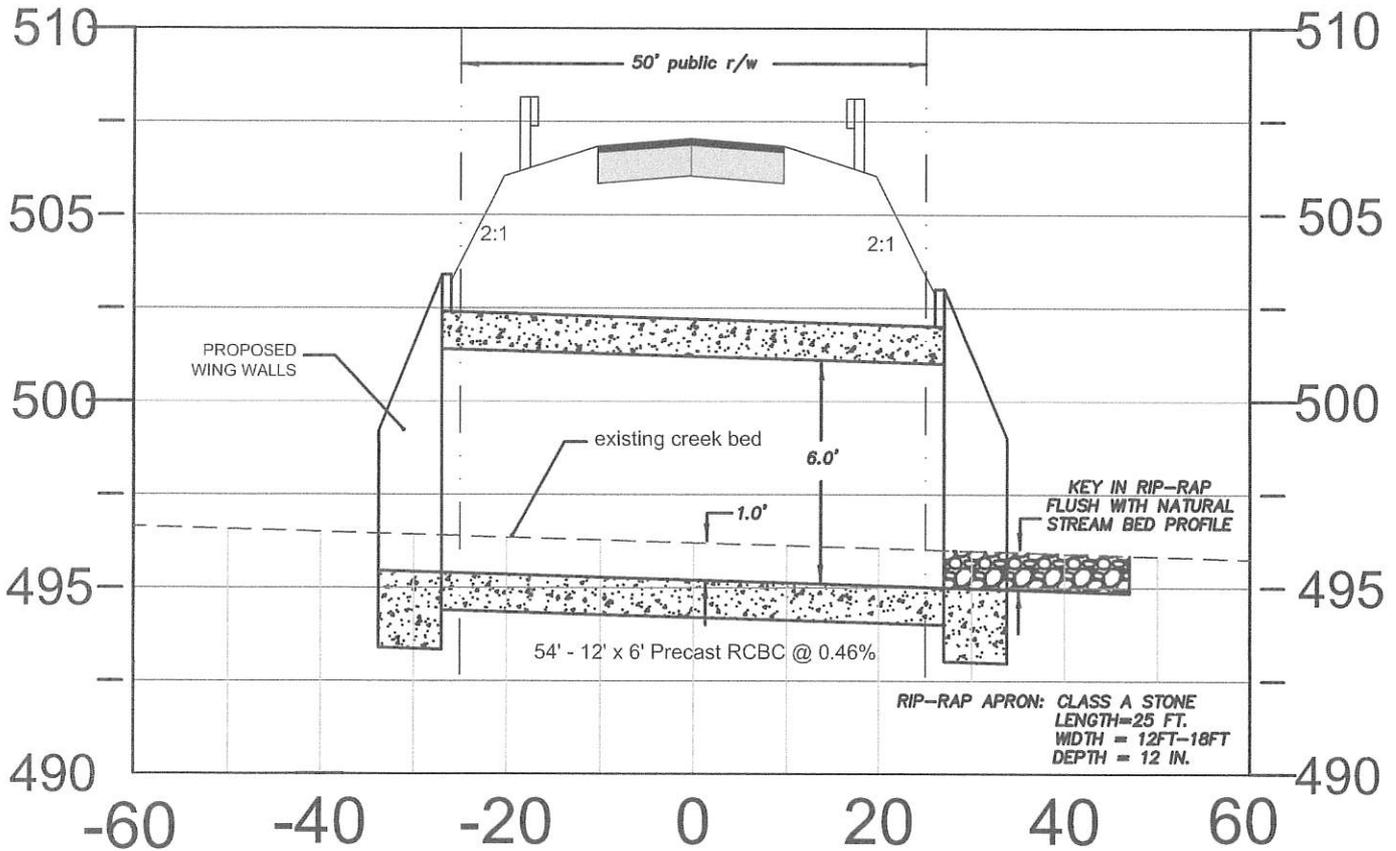


-  ZONE 1 BUFFER IMPACT
-  PERMANENT -NO PERMANENT LOSS IMPACT (DISSIPATOR PAD)
-  ZONE 2 BUFFER IMPACT
-  TEMPORARY STREAM IMPACT
-  PERMANENT STREAM IMPACT



<b>X.3</b>	Road Crossing Sta. 6+18 - L 92+00	<b>MORGAN RIDGE SUBDIVISION</b> Construction Drawings		Warren D. Mitchell, PE Civil Engineering 104 Amber Wood Run CHAPEL HILL, NORTH CAROLINA 27516 warrendmitchellpe@gmail.com P (919) 593-1916	
	Stream, Buffer and Wetland Impact Exhibit Drawing				Cnatham County, North Carolina
	Scale: 1"=50'				Sept. 6, 2018

10+90



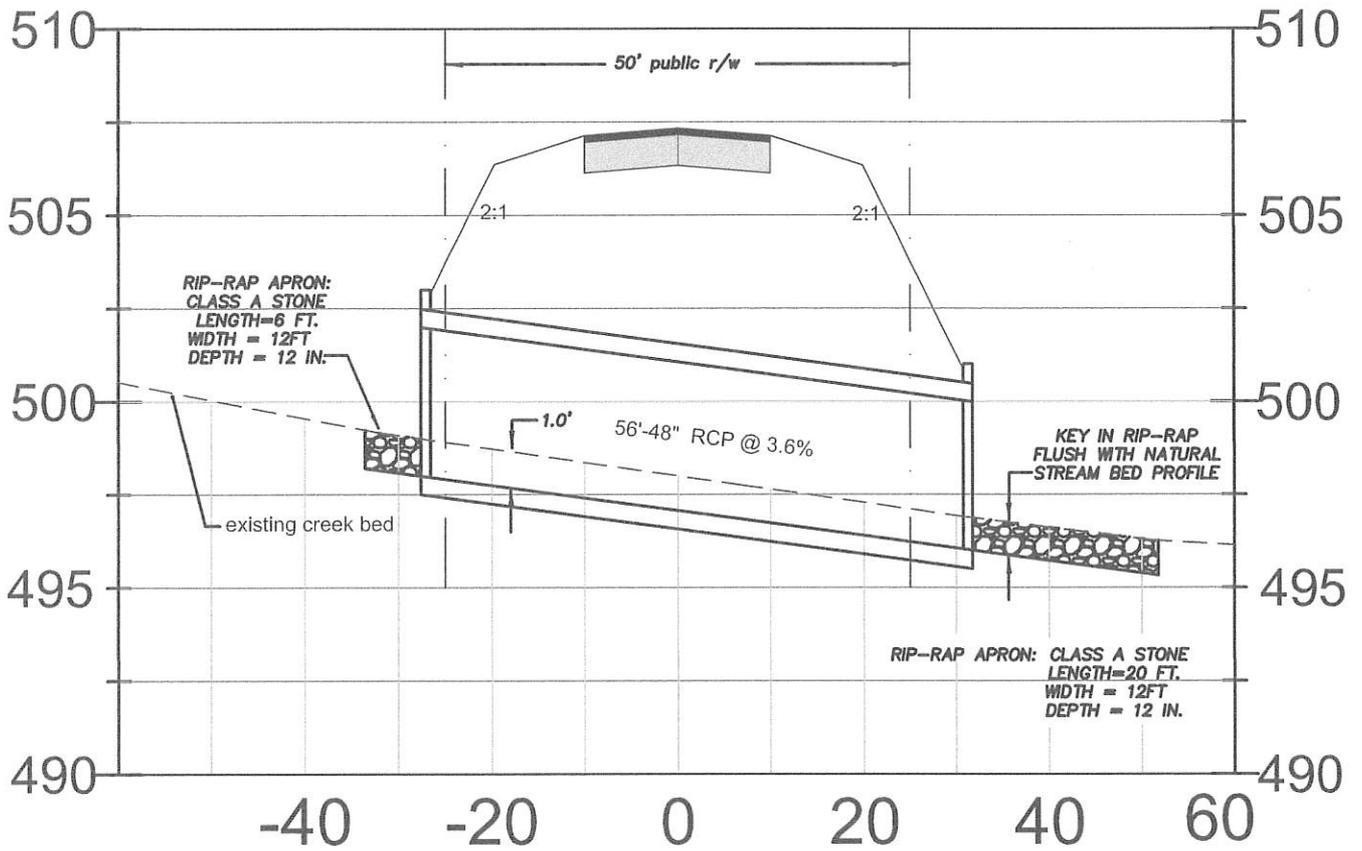
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1" = 5' vertical



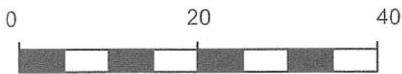
## IMPACTS 1 and 2

<b>X.4</b>	Road Crossing Sta. 10+90	<b>MORGAN RIDGE SUBDIVISION</b> Construction Drawings <small>Chatham County, North Carolina</small>		<b>Warren D. Mitchell, PE</b> Civil Engineering 104 Amber Wood Run CHAPEL HILL, NORTH CAROLINA, 27516 <small>warendmitchellpe@gmail.com P (919) 593-1916</small>
	Stream Profile at Culvert			

14+83



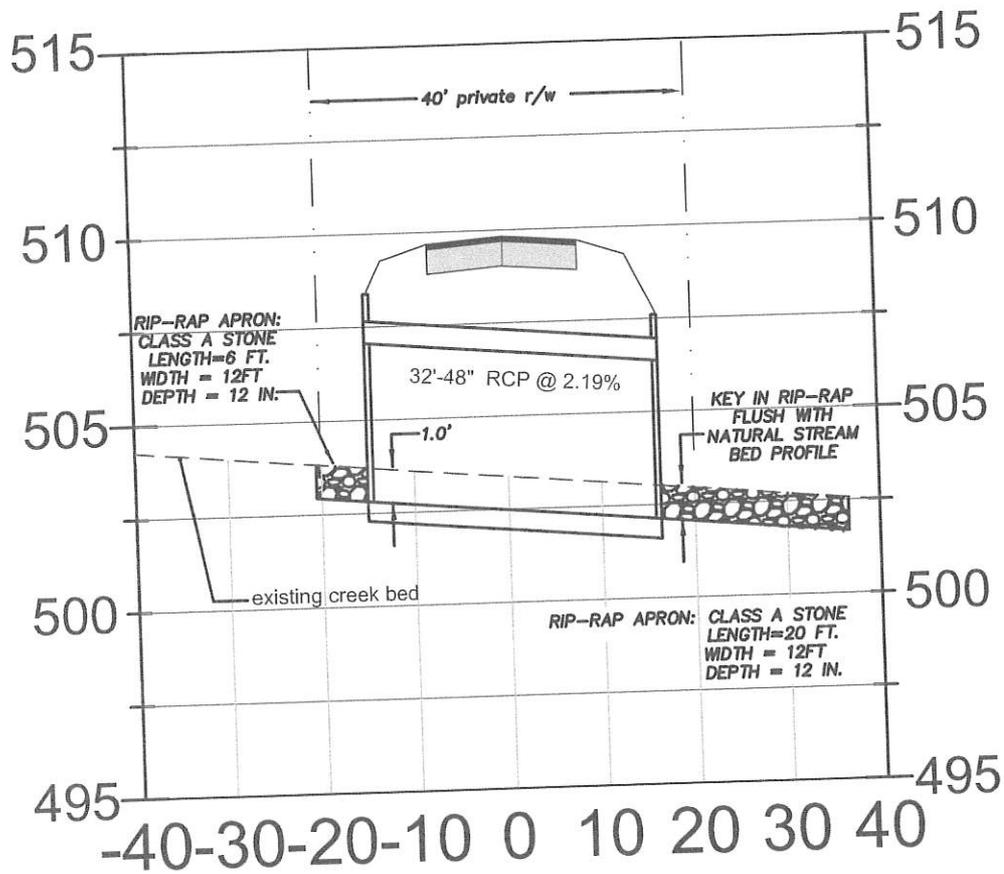
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1" = 5' vertical



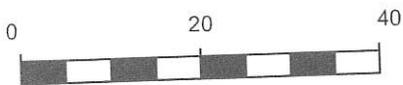
## IMPACTS 3 and 4

<b>X.5</b>	Road Crossing Sta. 14 + 83	<b>MORGAN RIDGE SUBDIVISION</b> Construction Drawings <small>Chatham County, North Carolina</small>		<b>Warren D. Mitchell, PE</b> Civil Engineering <small>104 Amber Wood Run          CHAPEL HILL, NORTH CAROLINA 27516          warrendmitchellpe@gmail.com          P (919) 593-1916</small>
	Stream Profile at Culvert			
	Sept. 6, 2018			

6+18 - L 92



Scale: 1"=20' horizontal  
1" = 5' vertical



# IMPACT 5

<b>X.6</b>	Road Crossing Sta. 6+18 - L 92+00	<b>MORGAN RIDGE SUBDIVISION</b> Construction Drawings <small>Chatham County, North Carolina</small>		<b>Warren D. Mitchell, PE</b> Civil Engineering <small>104 Amber Wood Run                  CHAPEL HILL, NORTH CAROLINA 27516                  warrendmitchellpe@gmail.com                  P (919) 593-1916</small>
	Stream Profile at Culvert			
	Sept. 6, 2018			