



July 7, 2023

Mr. Bradley Luckey
Pilot Environmental, Inc.
PO Box 128
Kernersville, NC 27285

Project Name: Parcel # 19522

Location: 2649 Farrington Point Road

Project Number: WP-23-298

Subject Features: No Features

Dear Mr. Luckey,

Explanation:

The site visit was completed on May 19, 2023, by Pilot Environmental (Pilot), on a property identified as Chatham County Parcel # 19522 that is located within the Jordan Lake watershed. Pilot personnel identified no features subject to riparian buffers within the review area. Pilot submitted a request for Chatham County to complete a formal review to determine if the features would be subject to riparian buffers according to Section 304 of the Chatham County Watershed Protection Ordinance.

Summary of Findings

Chatham County concurs with the findings of provided in the Wetland Delineation Report completed by Pilot.

Required Buffers Required

No features subject to riparian buffers were observed within the review area.

The following documents attached herein are provided for your records. If surface water features were observed during the site review and were described above, exhibit 2 must be provided to the surveyor on record and all features and required buffers described above must be indicated on the property survey which should be provided to Ms. Paula Phillips (Land Use Administrator I) for review.

This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute a determination made by Chatham County, on parcels **outside** of the Jordan Lake watershed, may submit a request for appeal in writing to the Watershed Review Board. A request for a determination by the Watershed Review Board shall be made in accordance with Section 304 of the Chatham County Watershed Protection Ordinance. Landowners or affected parties that dispute a determination made by Chatham County, on parcels **inside** the Jordan Lake watershed, shall submit a request for appeal in writing to NC DWR, 401 & Buffer Permitting Unit, 1650 Mail Service Center, Raleigh, NC 27669-1650 attention of the Director of the NC Division of Water Quality.



WATERSHED PROTECTION DEPARTMENT

P.O. Box 548
Pittsboro, NC 27312
PHONE: (919) 545-8394

Fax: (984) 214-1456 • E-mail: drew.blake@chathamcountync.gov

Any identifications of potential wetlands within the reviewed area are intended to be advisory in nature and are not intended to be used for the completion of the Section 401/404 permitting process. Only the appropriate Regional Office of the US Army Corps of Engineers can make wetland determinations related to any wetland impacts or permitting. Additionally, Chatham County makes no guarantees that all wetlands were identified. Wetland identifications completed by Chatham County are only associated with the implementation of riparian buffers as defined in Section 304 of the Chatham County Watershed Protection Ordinance.

Should this project result in any direct impacts to surface water features (i.e., crossing and/or filling streams or wetlands) additional reviews may be necessary. Additionally, a Section 401/404 Permit may be required. Any inquiries regarding Section 401/404 permitting should be directed to the Division of Water Resources (Central Office) at (919)-807-6364 and the US Army Corp of Engineers (Raleigh Regulatory Field Office) at (919)-554-4884.

Respectfully,

A handwritten signature in cursive script that reads "Drew Blake".

Drew Blake, CESSWI

Assistant Director

Chatham County Watershed Protection Department



Fax: (984) 214-1456 • E-mail: drew.blake@chathamcountync.gov

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For additional questions regarding the Watershed Protection Ordinance or Riparian Buffers please contact:

Drew Blake – Watershed Protection Assistant Director
Chatham County Watershed Protection Department
P.O. Box 548
Pittsboro, NC 27312
Phone: (919) 545-8343
Email: drew.blake@chathamcountync.gov

For additional questions regarding the Minor Subdivision process please contact:

Ms. Paula Phillips – Land Use Administrator I
Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312
Phone: (919) 542-8276
Email: paula.phillips@chathamcountync.gov

For additional questions regarding soils and sanitary/septic systems please contact:

Mr. James Tiger
Chatham County Environmental Health Department
P.O. Box 130
Pittsboro, NC 27312
Phone: (919) 545-8316
Email: james.tiger@chathamcountync.gov



May 23, 2023

Ms. Gina Laad
Realty Passion
4120 Piney Gap Drive
Cary, North Carolina 27519

Reference: Wetland Delineation
Approximate 16.4-Acre Tract
Farrington Point Road
Chapel Hill, Chatham County, North Carolina
Pilot Project 9482

Dear Ms. Laad:

Pilot Environmental, Inc. (Pilot) is pleased to submit this report of the wetland delineation for the approximate 16.4-acre tract located east of Farrington Point Road in Chapel Hill, Orange County, North Carolina.

Background

Wetlands are defined by the United States Army Corps of Engineers (USACE) and the United States Environmental Protection Agency (EPA) as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions." In order for an area to be classified as wetland, hydrophytic vegetation, hydric soils, and wetland hydrology indicators must be present.

Section 404 of the Clean Water Act (CWA) regulates the discharge of dredge and fill materials into waters of the United States (lakes, rivers, ponds, streams, etc.), including wetlands. Waters of the United States include the territorial seas, navigable coastal and inland lakes, rivers and streams, intermittent streams, and wetlands. The EPA and the USACE jointly administer the Section 404 program. Section 401 of the Clean Water Act grants each state the authority to approve, condition, or deny any Federal permits that could result in a discharge to State waters.

Jurisdictional features include wetlands, open waters, ponds, lakes, and perennial/intermittent streams. Jurisdictional features are regulated by the USACE and North Carolina Department of Environmental Quality -Division of Water Resources (NCDEQ-DWR). Permits are required prior to impacting any jurisdictional feature. The type of permit required is specific to the type, location and amount of impacts. Stormwater management plans and/or mitigation for proposed impacts could be a requirement of the permit approval process.

The findings and conclusions in this report are our opinions based on field conditions encountered at the time of the site visit. Changes including, but not limited to, regulations, weather, timber/vegetation removal and usage/development of the site or nearby properties can alter the findings and opinions presented in this report. We recommend that this report only be used for preliminary planning purposes. Agency verifications, followed by a survey of jurisdictional features, are required to determine the exact extent and locations of jurisdictional features and are valid for a period of up to five years following issuance of a USACE Jurisdictional Determination (JD) and/or NCDEQ-DWR Site Determination Letter.

Global Positioning System (GPS) location of jurisdictional features has been conducted by Pilot personnel in the field utilizing a Trimble handheld GPS unit capable of sub-meter accuracy. Field GPS data has been post-processed by Pilot personnel and digitally provided to the client for assistance with preliminary planning. Pilot expresses no warranties or liabilities to accuracy of GPS locations and/or provided GPS data.

Scope of Services

Pilot was contracted to perform a wetland delineation for the approximate 16.4-acre tract located east of Farrington Point Road in Chapel Hill, Chatham County, North Carolina. The site is identified on the Chatham County Geographic Information System (GIS) as a portion of parcel identification number (PIN) 9795 00 27 6699. The scope of services included a delineation of jurisdictional features (streams, wetlands, and other surface waters) on the site. The site boundary was not marked at the time of our field delineation.

Literature Review

We reviewed the U.S. Geological Survey (USGS) Topographic Map, the U.S. Department of Agriculture (USDA) Soil Survey of Chatham County, the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Map and the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).

- The USGS Topographic Map (Drawing 1) depicts a pond encroaching onto the southern portion of the site. The map does not identify other surface waters or wetlands on the site. Drainage swales that could contain surface waters or wetlands are depicted on the southern-central portion of the site. Generally, the site drains towards Cub Creek, located approximately 250 feet and more northeast of the site.
- The USDA Web Soil Survey of Guilford County (Drawing 2) identifies the following mapping units on the site:

Map unit symbol	Map unit name	Hydric Soils List
CrB & CrC	Creedmoor-Green Level Complex	No

Pilot also reviewed the last published USDA Soil Survey of Chatham County (Drawing 2A). The published soil survey depicts an intermittent stream crossing the southern-central portion of the site. Other surface waters or wetlands are not shown on the site.

- The USFWS NWI Map (Drawing 3) depicts a freshwater pond on the northern portion of the site. Other surface waters or wetlands are not shown on the site.
- The FEMA FIRM (Drawing 4) identifies the site within Zone X, areas located outside of the regulatory floodplain and the 100-year flood plain.

Field Delineation

Pilot conducted the site visit on May 19, 2023. A dilapidated single-family residence and associated outbuildings are located on the western portion of the site, along Farrington Point Road. Several mobile campers and associated outbuildings are located throughout the site. Other structures are not located on the site. The remainder of the site contains wooded land and grass fields.

Two ponds are located on the northern portion of the site. The ponds are not hydrologically connected to up-gradient or down-gradient waters or wetlands. Based on our observations, it appears the ponds were constructed in uplands. Therefore, it is our opinion the ponds are not likely considered jurisdictional by the USACE. The ponds were geo-located using a Trimble handheld GPS unit and digital elevation modeling data.

Neither streams nor wetlands are located on the site. A drainage swale on the central portion of the site contains a discontinuous ephemeral channel that does not exhibit indicators of an ordinary high-water mark. The soils are bright and well drained to depths of at least 12-inches below ground surface. A USACE Wetland Determination Data Form, which supports our opinion, is included as an attachment.

Drawing 5 shows the approximate locations of the site, ponds (including our classifications), data point and feature nomenclature. The locations and designations of features shown on Drawing 5 are subject to change during agency verification(s) of the delineation.

Watershed Classification

The site is located in the Cape Fear River Basin. The NCDEQ-DWR has classified Cub Creek as WS-IV; nutrient sensitive waters (NSW); critical area (CA).

The site is also located within the Jordan Lake Watershed. Streams and surface waters shown on the most recent USGS Topographic Map (Drawing 1) and/or the last published USDA Soil Survey (Drawing 2A) are subject to mandatory 50-foot riparian buffers. Due to discrepancies between the aforementioned data sources and our findings, consultation with the state or local planning

authority is recommended to determine state and/or local stormwater setback or riparian buffer requirements for the proposed development of the site.

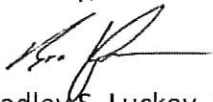
Agency Verification

The delineation has not been verified by the USACE. We understand that our flags will be surveyed to determine the exact extent and locations of jurisdictional features and applicable surface water buffers. The delineation, including locations and designations of features, is subject to change during agency verifications.

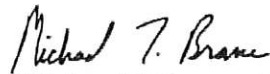
Closing

We appreciate the opportunity to provide our services to you. Please contact us at (336) 310-4527 if you have questions or require additional information.

Sincerely,



Bradley S. Luckey, PWS
Senior Project Manager



Michael T. Brame, PWS
Principal

Attachments: Drawing 1 – USGS Topographic Map
Drawing 2 – Web Soil Map
Drawing 2A – Published Soil Map
Drawing 3 – NWI Map
Drawing 4 – FEMA FIRM
Drawing 5 – Wetland Map
Wetland Determination Data Form



Drawing 1

USGS Topographic Map
Farrington and Green Level,
NC Quadrangles
Scale: 1" = 2,000'



USGS Topographic Map

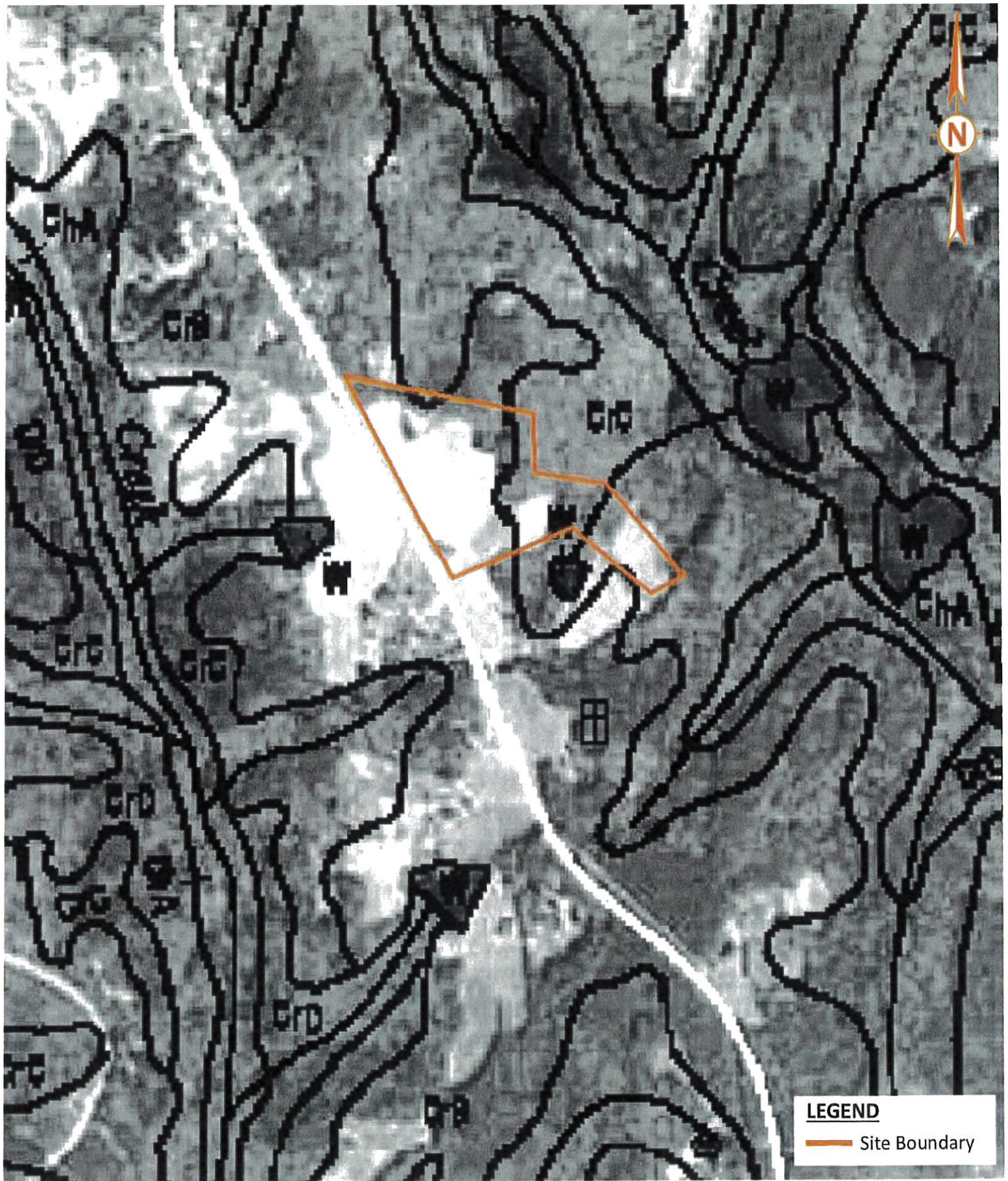
Farrington Point Road
Approximate 16.4-Acre Tract
Chapel Hill, Chatham County, NC
Pilot Project 9482



Drawing 2
 USDA Web Soil Survey
 of Chatham County, NC
 Scale: 1" = 400'



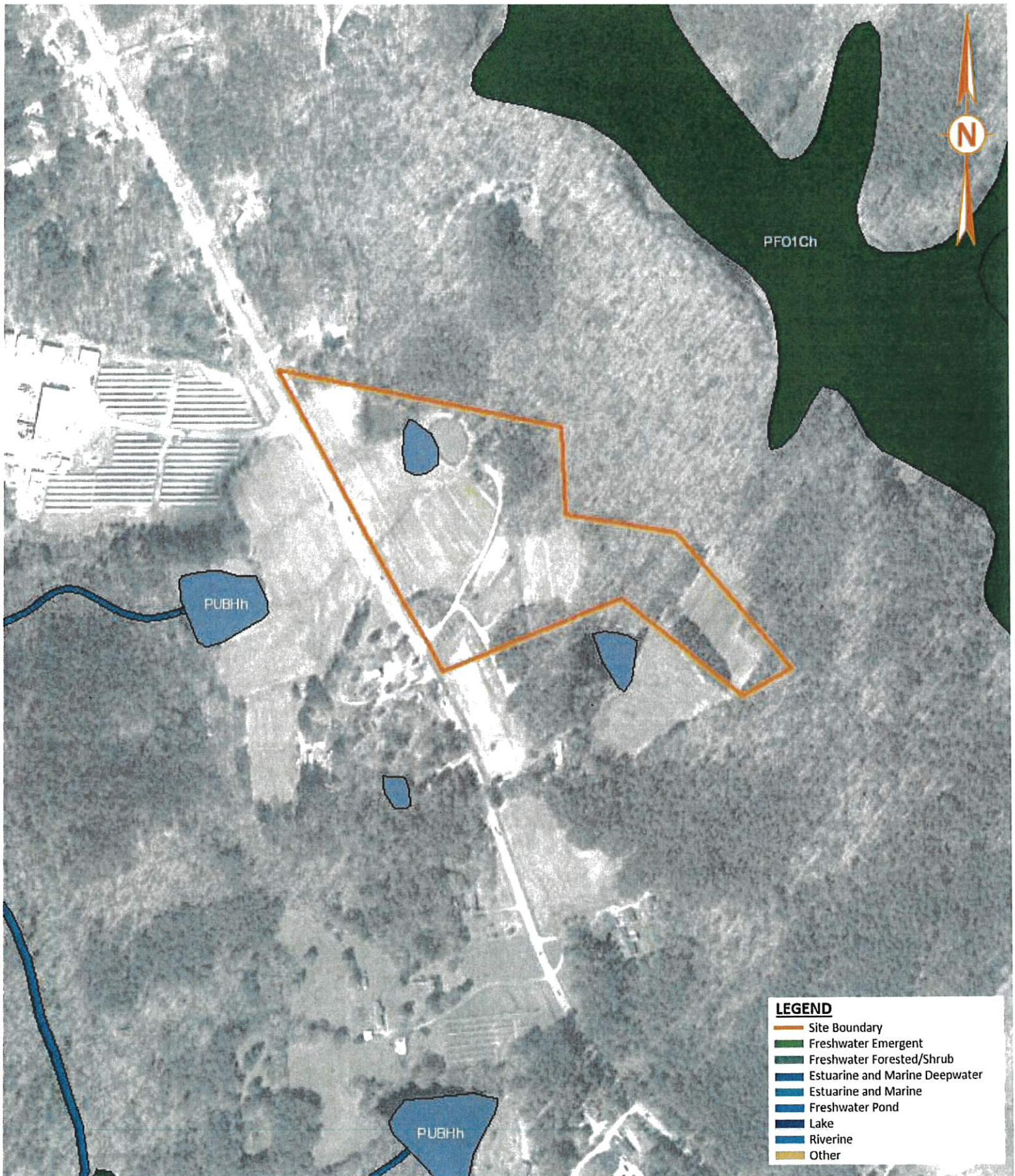
Web Soil Map
 Farrington Point Road
 Approximate 16.4-Acre Tract
 Chapel Hill, Chatham County, NC
 Pilot Project 9482



Drawing 2A
USDA Soil Survey
of Chatham County, NC
Published 1937
Scale: 1" = 600'



Published Soil Map
Farrington Point Road
Approximate 16.4-Acre Tract
Chapel Hill, Chatham County, NC
Pilot Project 9482



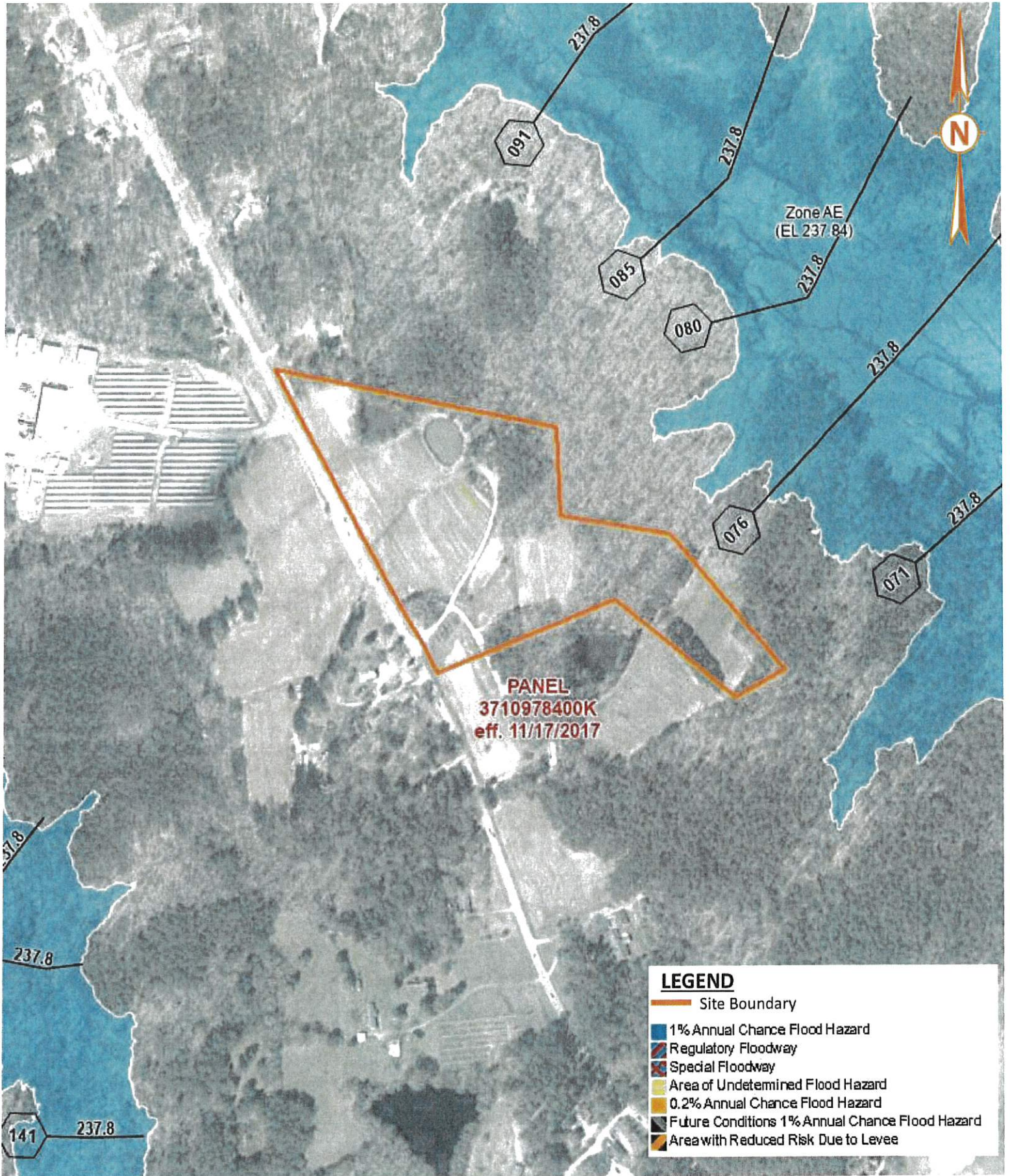
LEGEND

- Site Boundary
- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Drawing 3
 USFWS NWI
 Wetlands Mapper
 Scale: 1" = 400'



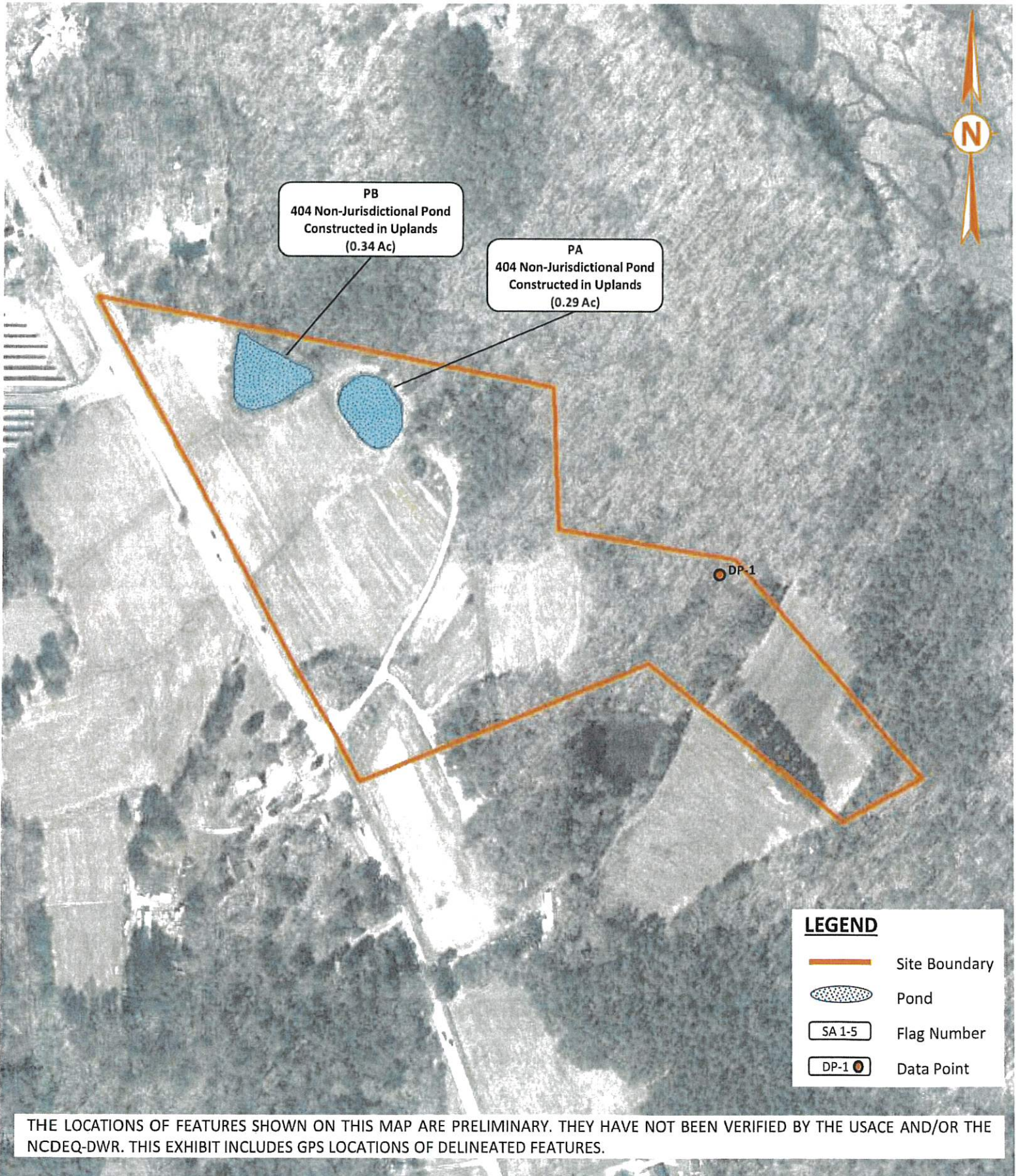
NWI Map
 Farrington Point Road
 Approximate 16.4-Acre Tract
 Chapel Hill, Chatham County, NC
 Pilot Project 9482



Drawing 4
National Flood Hazard Layer
From FEMA Web Map Service
Scale: 1" = 400'



FEMA FIRM
Farrington Point Road
Approximate 16.4-Acre Tract
Chapel Hill, Chatham County, NC
Pilot Project 9482



Drawing 5

Satellite Imagery from ESRI
and Pilot GPS Data
Scale: 1" = 250'
Date: 05.22.23



Wetland Map

Farrington Point Road
Approximate 16.4-Acre Tract
Chapel Hill, Chatham County, NC
Pilot Project 9482

Project/Site: 16.4 Acre Tract/Farrington Point Road City/County: Chapel Hill/Chatham Sampling Date: 5.19.23
 Applicant/Owner: _____ State: NC Sampling Point: DP-1
 Investigator(s): Luckey, Pilot Section, Township, Range: _____
 Landform (hillside, terrace, etc.): Swale Local relief (concave, convex, none): None Slope (%): 2
 Subregion (LRR or MLRA): LRR P, MLRA 136 Lat: 35.83260 Long: -79.02099 Datum: wgs 84
 Soil Map Unit Name: CrC, Creedmoor-Green Level Complex NWI classification: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply)	Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input checked="" type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No <u>X</u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks:	

VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: DP-1

Tree Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Quercus alba</u>	<u>20</u>	<u>Yes</u>	<u>FACU</u>
2. <u>Liriodendron tulipifera</u>	<u>20</u>	<u>Yes</u>	<u>FACU</u>
3. <u>Liquidambar styraciflua</u>	<u>10</u>	<u>No</u>	<u>FAC</u>
4. <u>Pinus taeda</u>	<u>10</u>	<u>No</u>	<u>FAC</u>
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
<u>60</u> =Total Cover			
50% of total cover: <u>30</u>		20% of total cover: <u>12</u>	

Sapling/Shrub Stratum (Plot size: <u>15</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Elaeagnus angustifolia</u>	<u>10</u>	<u>Yes</u>	<u>FACU</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
<u>10</u> =Total Cover			
50% of total cover: <u>5</u>		20% of total cover: <u>2</u>	

Herb Stratum (Plot size: <u>5</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Rubus argutus</u>	<u>10</u>	<u>Yes</u>	<u>FACU</u>
2. <u>Lonicera japonica</u>	<u>5</u>	<u>Yes</u>	<u>FACU</u>
3. <u>Smilax rotundifolia</u>	<u>5</u>	<u>Yes</u>	<u>FAC</u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
<u>20</u> =Total Cover			
50% of total cover: <u>10</u>		20% of total cover: <u>4</u>	

Woody Vine Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Smilax rotundifolia</u>	<u>20</u>	<u>Yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
<u>20</u> =Total Cover			
50% of total cover: <u>10</u>		20% of total cover: <u>4</u>	

Remarks: (Include photo numbers here or on a separate sheet.)

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 7 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 28.6% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species <u>0</u>	x 1 =	<u>0</u>
FACW species <u>0</u>	x 2 =	<u>0</u>
FAC species <u>45</u>	x 3 =	<u>135</u>
FACU species <u>65</u>	x 4 =	<u>260</u>
UPL species <u>0</u>	x 5 =	<u>0</u>
Column Totals: <u>110</u> (A)		<u>395</u> (B)
Prevalence Index = B/A =		<u>3.59</u>

Hydrophytic Vegetation Indicators:

 1 - Rapid Test for Hydrophytic Vegetation

 2 - Dominance Test is >50%

 3 - Prevalence Index is ≤3.0¹

 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

 Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody Vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes No X

SOIL

Sampling Point: DP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/2	100					Loamy/Clayey	
4-18	10YR 4/6	100					Loamy/Clayey	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:		Indicators for Problematic Hydric Soils³:
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Polyvalue Below Surface (S8) (MLRA 147, 148)	<input type="checkbox"/> 2 cm Muck (A10) (MLRA 147)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Thin Dark Surface (S9) (MLRA 147, 148)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (MLRA 136)	<input type="checkbox"/> (MLRA 147, 148)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Piedmont Floodplain Soils (F19)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> (MLRA 136, 147)
<input type="checkbox"/> 2 cm Muck (A10) (LRR N)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> (outside MLRA 127, 147, 148)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR N,	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> MLRA 136)	
<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Umbric Surface (F13) (MLRA 122, 136)	³ Indicators of hydrophytic vegetation and
<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 148)	wetland hydrology must be present,
<input type="checkbox"/> Dark Surface (S7)	<input type="checkbox"/> Red Parent Material (F21) (MLRA 127, 147, 148)	unless disturbed or problematic.

Restrictive Layer (if observed):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:



WP-23-298

On-site Riparian Buffer
Review

Status: Active

Submitted On: 6/12/2023

Primary Location

2649 Farrington Point Rd
Chapel Hill, North Carolina
27517

Owner

PARKER HERBERT HEIRS
C/O IVADALE P LAW PO BOX
802 SNOW CAMP , NC
27349-0802

Applicant

Bradley Luckey
 336-708-4997
 bluckey@pilotenviro.com
 PO BOX 128
KERNERSVILLE, NC
27285

Project Information

Review Type*

Minor Subdivision

Before continuing please complete a phone or email conversation with Paula Phillips of the Planning Department. (919) 542-8276 paula.phillips@chathamcountync.gov

Has this review been completed by an environmental consultant prior to submittal to the county?*

Yes

Number of Features Found*

4

Date Field Work Was Completed*

05/19/2023

A Minor Subdivision is the creation of 5 or less new lots. If the original tract is over 10 acres and the subdivision results in the total of that tract becoming less than 10 acres then two lots have been created by default.

Number of Lots Being Created*

2

Parcel Information

Parcel Number (s)*

19522

Watershed District

WS-IV PA

Is the property within the Jordan Lake Watershed*

Yes

Property Owner Name*

Danny Law

Location of Tract (address if applicable)*

Farrington Point Road

Driving Directions from Pittsboro*

N Highway 501, TR Jack Bennet Rd, TL Farrington Point Rd, Site on Left

Subdivision Name (if applicable)

Please describe access issues (provide gate codes, or information for scheduling site visit)*

Contact Consultant, Brad Luckey, 336-708-4997 prior to field visit

Applicants Information

Are you the Landowner or an Agent*	Full Name*
Agent	Bradley Luckey
Primary Phone Number*	Primary Email*
336-708-4997	bluckey@pilotenviro.com
Mailing Address*	City/State*
PO Box 128	Kernersville/NC
Zip Code*	
27285	

How would you like to receive the completed review letter?

I would like to pick up the completed Riparian Buffer Review at the County Office

I would like the completed Riparian Buffer Review mailed to me

I would like the completed Riparian Buffer Review e-mailed to me.

Statement of Understanding

I have read and understand the regulations of the Watershed Protection Ordinance, Section 304, and I agree to adhere to these associated policies and guidelines.

Name*

Bradley Luckey

New Field*

06/12/2023

History

Date**Activity**6/12/2023, 10:27:29
AM

Bradley Luckey started a draft of Record WP-23-298

6/12/2023, 12:39:58
PM

Bradley Luckey altered Record WP-23-298, changed ownerPhoneNo from "" to "336-207-5706"

6/12/2023, 12:50:08
PM

Bradley Luckey submitted Record WP-23-298

6/12/2023, 12:50:10
PM

approval step Intake Approval was assigned to Hollie Squires on Record WP-23-298

6/12/2023, 12:54:16
PM

Hollie Squires altered multi-entry field Watershed District, changed value from "" to "WS-IV PA" on Record WP-23-298

6/12/2023, 12:54:28
PM

Hollie Squires altered multi-entry field Parcel Number (s), changed value from "979500276699" to "19522" on Record WP-23-298

6/13/2023, 8:59:55
AM

Taylor Burton assigned approval step Field Review to Drew Blake on Record WP-23-298

7/5/2023, 1:58:23 PM

Drew Blake changed Review Type from "USGS/NRCS Map Confirmation" to "Minor Subdivision" on Record WP-23-298

7/5/2023, 1:58:23 PM

Drew Blake changed Number of Features Found from "0" to "4" on Record WP-23-298

7/5/2023, 1:58:23 PM

Drew Blake changed Number of Lots Being Created from "" to "2" on Record WP-23-298

7/5/2023, 1:59:45 PM

Drew Blake added payment step Minor Subdivision Buffer Review to Record WP-23-298

7/5/2023, 2:01:59 PM

Drew Blake added a guest: scott@radwaydesign.com to Record WP-23-298

7/5/2023, 2:03:14 PM

Drew Blake added a guest: vikas.laad@gmail.com to Record WP-23-298

7/5/2023, 2:09:01 PM

Scott Radway added attachment 2022-218-TOTAL BOUNDARY -20230627.pdf to Record WP-23-298

7/5/2023, 2:32:22 PM

Drew Blake waived payment step Minor Subdivision Buffer Review on Record WP-23-298

7/5/2023, 2:32:28 PM

Drew Blake unassigned approval step Intake Approval from Hollie Squires on Record WP-23-298

Date	Activity
7/5/2023, 2:32:30 PM	Drew Blake assigned approval step Intake Approval to Drew Blake on Record WP-23-298
7/5/2023, 2:32:33 PM	Drew Blake approved approval step Intake Approval on Record WP-23-298
7/5/2023, 4:14:39 PM	completed payment step Minor Subdivision Buffer Review Fee on Record WP-23-298
7/5/2023, 4:14:40 PM	changed the deadline to Jul 19, 2023 on approval step Field Review on Record WP-23-298

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Intake Approval	6/12/2023, 12:50:09 PM	7/5/2023, 2:32:33 PM	Drew Blake	-
💰 Minor Subdivision Buffer Review Fee	7/5/2023, 2:32:34 PM	7/5/2023, 4:14:39 PM	Bradley Luckey	-
💰 Minor Subdivision Buffer Review	7/5/2023, 1:59:44 PM	7/5/2023, 2:32:22 PM	Bradley Luckey	-
✓ Field Review	7/5/2023, 4:14:39 PM	-	Drew Blake	7/18/2023
📄 Minor Subdivision Riparian Buffer Report	-	-	-	-

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2023-01116 County: Chatham U.S.G.S. Quad: NC-Farrington

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Requestor: Parker Heirs
Ivandale Danny
6265 Preacher Roberson Road
Snow Camp, NC 27349

Agent: Pilot Environmental
Brad Luckey
PO Box 128
Kernersville, NC 27285

Size (acres) 16.4
Nearest Waterway Cub Creek
USGS HUC 03030002

Nearest Town Chapel Hill
River Basin Cape Fear
Coordinates Latitude: 35.832591
Longitude: -79.022956

Location description: Project area is located east of Farrington Point Road approximately 0.3 miles southeast of its intersection with Twilight Lane in Chapel Hill, Chatham County, North Carolina.

Indicate Which of the Following Apply:

A. Preliminary Determination

- There appear to be **waters, including wetlands** on the above described project area/property, 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). The **waters, including wetlands** have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. The approximate boundaries of these waters are shown on the enclosed delineation map dated **DATE**. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. 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.
- There appear to be **waters, including wetlands** on the above described project area/property, 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). However, since the **waters, including wetlands** have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the **waters, including wetlands** at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the **waters, including wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- There are Navigable Waters of the United States within the above described project area/property 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 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, including wetlands** on the above described project area/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 recommend you have the **waters, including wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

SAW-2023-01116

- The **waters, including wetlands** on your project area/property have been delineated and the delineation has been verified by the Corps. The approximate boundaries of these waters are shown on the enclosed delineation map dated **DATE**. 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, including wetlands** have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on **DATE**. 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 project area/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.
- 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 **Morehead City, NC, at (252) 808-2808** to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Rachel Capito at 919-440-1823 or Rachel.A.Capito@usace.army.mil**.

C. Basis For Determination: Basis For Determination: See the preliminary jurisdictional determination form dated 2/14/2024.

D. Remarks: REMARKS

E. 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.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. 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) factsheet 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: Mr. Philip A. Shannin
Administrative Appeal Review Officer
60 Forsyth Street SW, Floor M9
Atlanta, Georgia 30303-8803
AND
PHILIP.A.SHANNIN@USACE.ARMY.MIL

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: CAPITO.RACHEL.ANN.1 536276790 Digitally signed by CAPITO.RACHEL.ANN.1536276790 Date: 2024.02.14 13:13:18 -05'00'

SAW-2023-01116

Date of JD: **2/14/2024** Expiration Date of JD: **Not applicable**

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 <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Parker Heirs, Ivandale Danny	File Number: SAW-2023-01116	Date: 2/14/2024
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 WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> 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. 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 WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the 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.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **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.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

District Engineer, Wilmington Regulatory Division
Attn: Rachel Capito
Raleigh Regulatory Office
U.S Army Corps of Engineers
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Mr. Philip A. Shannin
Administrative Appeal Review Officer
CESAD-PDS-O
60 Forsyth Street Southwest, Floor M9
Atlanta, Georgia 30303-8803
Phone: (404) 562-5136; Fax (404) 562-5138
Email: Philip.A.Shannin@usace.army.mil

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. Use additional pages as necessary. 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.

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.

<p>_____ Signature of appellant or agent.</p>	<p>Date:</p>
<p>Email address of appellant and/or agent:</p>	<p>Telephone number:</p>



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
69 DARLING AVENUE
WILMINGTON, NORTH CAROLINA 28403

[SAW-RG-R]

[14 February 2024]

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,¹ [SAW-2023-01116] [(MFR 1 of 1)]²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended,

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

[SAW-RG-R]

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SAW-2023-01116]

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED.
 - A. Jordan Lake
 - B. Determination based on a review of the SAW Section 10 list, and documented occurrences of boating traffic on the identified water.
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER.

Flow Path of Aquatic Resources	
PA	PA-> overland sheet flow-> offsite wetland abutting UT-> UT to Jordan Lake
PB	PA-> overland sheet flow-> offsite wetland abutting UT-> UT to Jordan Lake

6. SECTION 10 JURISDICTIONAL WATERS⁶: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ [N/A]
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court’s decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of “waters of the United States” in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as “navigable in law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

[SAW-RG-R]

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SAW-2023-01116]

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): [N/A]
- b. The Territorial Seas (a)(1)(ii): [N/A]
- c. Interstate Waters (a)(1)(iii): [N/A]
- d. Impoundments (a)(2): [N/A]
- e. Tributaries (a)(3): [N/A]
- f. Adjacent Wetlands (a)(4): [N/A]
- g. Additional Waters (a)(5): [N/A]

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁸ [N/A]

Name of excluded feature	Size (in acres)	Specific exclusion (b)(1) - (b)(8)
PA	0.29	(b)(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
PB	0.34	(b)(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

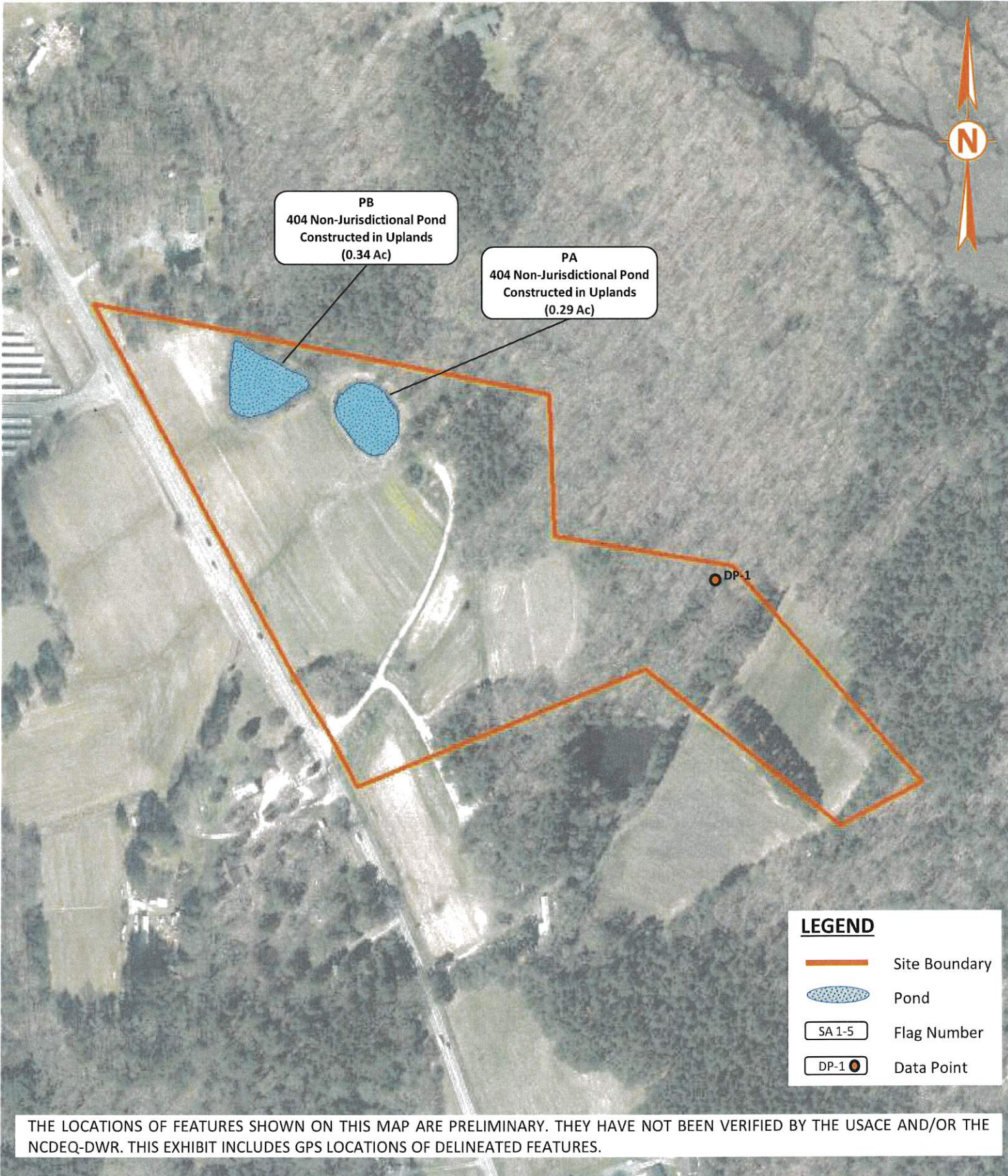
- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).
[N/A]

⁸ 88 FR 3004 (January 18, 2023)

[SAW-RG-R]

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SAW-2023-01116]

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
- a. 1. Date of Office (desktop review): February 14, 2024
 2. Date(s) of Field Review (if applicable):
 - b. Data sources used to support this determination (included in the administrative record).
 - Aquatic Resources delineation submitted by, or on behalf of, the requestor: Title and Date
 - Aquatic Resources delineation prepared by the USACE: Title and Date
 - Wetland field data sheets prepared by the Corps: Title and Date
 - OHWM data sheets prepared by the USACE: Title and Date
 - Previous JDs (AJD or PJD) addressing the same (or portions of the same) review area: ORM Numbers and Dates
 - Photographs: Satellite Imagery Drawing 5
 - Aerial Imagery: Sources, Title, and Dates
 - LIDAR: QL2 LiDAR
 - USDA NRCS Soil Survey: Drawing 2 & 2A
 - USFWS NWI maps: Drawing 3
 - USGS topographic maps: Drawing 1
 - USGS NHD data/maps: Title and Dates
 - Section 10 resources used: Title and Dates
 - NCDWR stream identification forms
 - North Carolina Stream Assessment Method (NCSAM) forms
 - North Carolina Wetland Assessment Method (NCWAM) forms
 - Antecedent Precipitation Tool Analysis: List Date(s)
 - Other sources of Information: List
10. OTHER SUPPORTING INFORMATION. [N/A]
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



Drawing 5

Satellite Imagery from ESRI
and Pilot GPS Data
Scale: 1" = 250'
Date: 05.22.23



Wetland Map

Farrington Point Road
Approximate 16.4-Acre Tract
Chapel Hill, Chatham County, NC
Pilot Project 9482