



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

May 15, 2024

Regulatory Division
SAW-2022-00935

Sent Via email: robertm@contentneacreek.com

Robert Mitchell
Contentnea Creek Development Company
8366 Six Forks Road
Suite 201
Raleigh, North Carolina 27615

Dear Mr. Mitchell:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Wilmington District, Raleigh Regulatory Field Office on March 5, 2024, for a Department of the Army Nationwide permit (NWP) verification. This project has been assigned the file number SAW-2022-00935 and is known as Summit Terrace. This file number should be referenced in all correspondence concerning this project.

A review of the information provided indicates that the proposed work would include the permanent discharge of fill material into 121 linear feet of stream, and 71 linear feet of temporary stream impacts for the construction of a residential subdivision and associated infrastructure. The project area for this determination includes a 56.15 acre(s) area which is illustrated on the enclosed site plans/maps. The project/review area is located northeast of the intersection of Hudson Woods Road and Mt. Gilead Church Road, at Latitude 35.772340 and Longitude -79.090710; in Pittsboro, Chatham County, North Carolina.

We have determined that the proposed work is authorized by NWP 29 pursuant to authorities under Section 404 of the Clean Water Act (33 U.S.C § 1344). The proposed work must be accomplished in strict accordance with the general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed plans. If the extent of the project area and/or nature of the authorized impacts to waters are modified, a revised PCN must be submitted to this office for written approval before work is initiated. Any violation of permit conditions or deviation from your submitted plans may subject the permittee to enforcement action.

This verification is valid until March 14, 2026, unless prior to this date the subject NWP(s) is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of this NWP. If you commence or are under contract to

commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Project Specific Special Conditions:

1. Suitable habitat for tricolored bat (*Perimyotis subflavus*) may be present at the site. On September 14, 2022, the USFWS published a proposal in the Federal Register to list the tricolored bat as endangered under the Endangered Species Act (ESA). The permittee understands and agrees that all work associated with the clearing and removal of trees and removal or modification of culverts must be completed prior to the effective date of the final listing in the Federal Register. Work associated with the aforementioned activities not completed by that time must cease and the permittee must contact the Corps' Rachel Capito, Rachel.A.Capito@usace.army.mil to determine if additional coordination with the United States Fish and Wildlife Service is required under Section 7 of the Endangered Species Act prior to continuing work.

This NWP verification does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Rachel Capito, Regulatory Project Manager of the Raleigh Regulatory Field Office at (919)-440-1823, by mail at the above address, or by email at Rachel.A.Capito@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

**Rachel A
Capito**

Digitally signed by
Rachel A Capito
Date: 2024.05.15
13:19:11 -04'00'

Rachel Capito
Regulatory Project Manager

Enclosures

Cc (w/enclosures)

Sean Clark, Sage Ecological (via sclark@sageecolglcal.com)

Compliance Certification Form

File Number: SAW-2022-00935

County: Chatham

Permittee: Contentnea Creek Development Company, Robert Mitchell

Project Name: Summit Terrace

Date Verification Issued: 5/15/2024

Project Manager: Rachel Capito

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: Rachel Capito
Raleigh Regulatory Field Office
3331 Heritage Trade Drive Suite 105
Wake Forest, North Carolina 27587
or
Rachel.A.Capito@usace.army.mil**

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, and mitigation (if applicable), authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit including any general or specific conditions.

Date Authorized Work Started: _____ **Completed:** _____

Describe any deviations from permit (attach drawing(s) depicting the deviations):

***Note: The description of any deviations on this form does not constitute approval by the Corps.**

Signature of Permittee

Date