



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

July 16, 2024

Regulatory Division  
SAW-2020-02249

Sent Via email: [andrew.ross@floddevelopment.com](mailto:andrew.ross@floddevelopment.com)

Andrew Ross  
The Conservancy Real Estate Group, LLC  
601 Hawks Ridge Court  
Apex, NC 27539

Dear Mr. Ross:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Wilmington District, Raleigh Regulatory Field Office on May 2, 2024, for a Department of the Army Nationwide permit (NWP) verification. This project has been assigned the file number SAW-2020-02249 and is known as The Conservancy. 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 fill material into 0.336 acre of wetlands, 148 linear feet of stream, 28 linear feet of permanent no net loss stream impacts and an additional 72 linear feet of temporary stream impacts, associated with the construction of a residential subdivision and associated infrastructure. The project area for this determination includes a 1,398 acre(s) area which is illustrated on the enclosed site plans/maps. The project/review area is located at northwest of the intersection of Old US-1 and Rush Road, at Latitude 35.663430 and Longitude -79.014220; in New Hill, Wake 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 May 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. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.**
- 2. Please note that future impacts and/or phases of The Conservancy development in New Hill, and related activities associated with Corps Action ID: SAW-2020-02249, may be considered part of a single and complete project; these impacts may be considered cumulative with impacts authorized during earlier phases with respect to compensatory mitigation and Nationwide Permit thresholds. Current cumulative impacts to waters of the US for this single and complete project include a total loss of 0.336 acre of wetland, 148 linear feet of stream, and 28 linear feet of permanent no net loss stream impacts.**

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](mailto: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: 2024.07.16  
13:07:47 -04'00'

Rachel Capito  
Regulatory Project Manager

Enclosures

Cc (w/enclosures)

Rhiannon Graham, Terracon (via [rhiannon.graham@terracon.com](mailto:rhiannon.graham@terracon.com))

## US Army Corps of Engineers – Wilmington District Compensatory Mitigation Responsibility Transfer Form

**Permittee: Andrew Ross**  
**Project Name: The Conservancy**

**Action ID: SAW-2020-02249**  
**County: Wake**

**Instructions to Permittee:** The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee’s responsibility to ensure that Wilmington District Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one Mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate Mitigation Sponsors.

**Instructions to Sponsor:** The Sponsor verifies that the mitigation requirements (credits) shown below have been released and are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated ledger to the Permittee, the Project Manager who issued the permit, the Bank Project Manager, and the District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

**Permitted Impacts and Compensatory Mitigation Requirements**

Permitted Impacts Requiring Mitigation\*: 8-digit HUC and Basin: 03030002, Cape Fear River Basin

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
				0.34		

\*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements: 8-digit HUC and Basin: 03030002, Cape Fear River Basin

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
				0.68		

**Mitigation Site Debited: Wildland Holding Flat Rock Mitigation Site**

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

***Section to be completed by the Mitigation Sponsor***

**Statement of Mitigation Liability Acceptance:** I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the Wilmington District, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

**Mitigation Sponsor Name:** \_\_\_\_\_

**Name of Sponsor’s Authorized Representative:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor’s Authorized Representative**

\_\_\_\_\_  
**Date of Signature**

## USACE Wilmington District – MRTF Page 2

### Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the District is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the District is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. When NCDMS provides mitigation for authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by NCDMS must be provided to the District within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the District has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the District Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the District, the Sponsor must obtain case-by-case approval from the District Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the District administrative records for both the permit and the Bank/ILF Instrument.

### Comments/Additional Conditions:

This form is not valid unless signed below by the District Project Manager and by the Mitigation Sponsor on Page 1. ***Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the District Project Manager at the address below, 3) the Bank Manager listed in RIBITS, and 4) the Wilmington District Mitigation Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (or by email to [SAWMIT@usace.army.mil](mailto:SAWMIT@usace.army.mil)).***

Questions regarding this form or any of the permit conditions may be directed to the District Mitigation Office.

**USACE Project Manager:** Rachel Capito  
**USACE Field Office:** Raleigh Regulatory Field Office  
US Army Corps of Engineers  
3331 Heritage Trade Drive  
Wake Forest  
**Email:** [Rachel.A.Capito@usace.army.mil](mailto:Rachel.A.Capito@usace.army.mil)

Rachel A Capito Digitally signed by Rachel A Capito  
Date: 2024.07.16 13:08:02 -04'00'

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Wilmington District Project Manager Signature

July 16, 2024

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Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.

**Compliance Certification Form**

**File Number: SAW-2020-02249**

**County: Wake**

**Permittee: The Conservancy Real Estate Group, LLC, Andrew Ross**

**Project Name: The Conservancy**

**Date Verification Issued: 7/16/2024**

**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:** \_\_\_\_\_

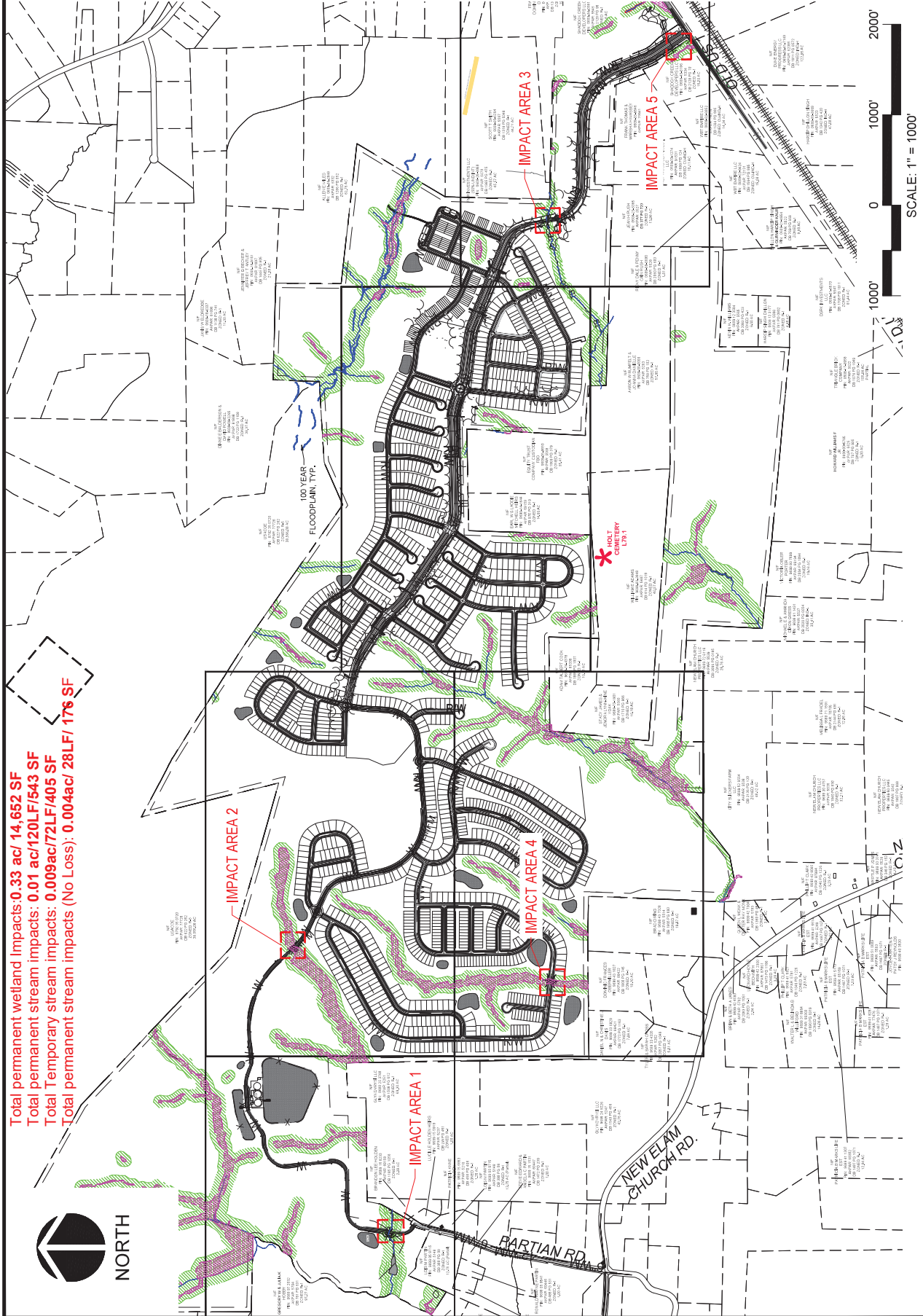
Describe any deviations from permit (attach drawing(s) depicting the deviations):

\_\_\_\_\_

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

\_\_\_\_\_  
**Signature of Permittee**

\_\_\_\_\_  
**Date**



**Total permanent wetland impacts: 0.33 ac/ 14,652 SF**  
**Total permanent stream impacts: 0.01 ac/120LF/543 SF**  
**Total Temporary stream impacts: 0.009ac/72LF/405 SF**  
**Total permanent stream impacts (No Loss): 0.004ac/ 28LF/ 178 SF**



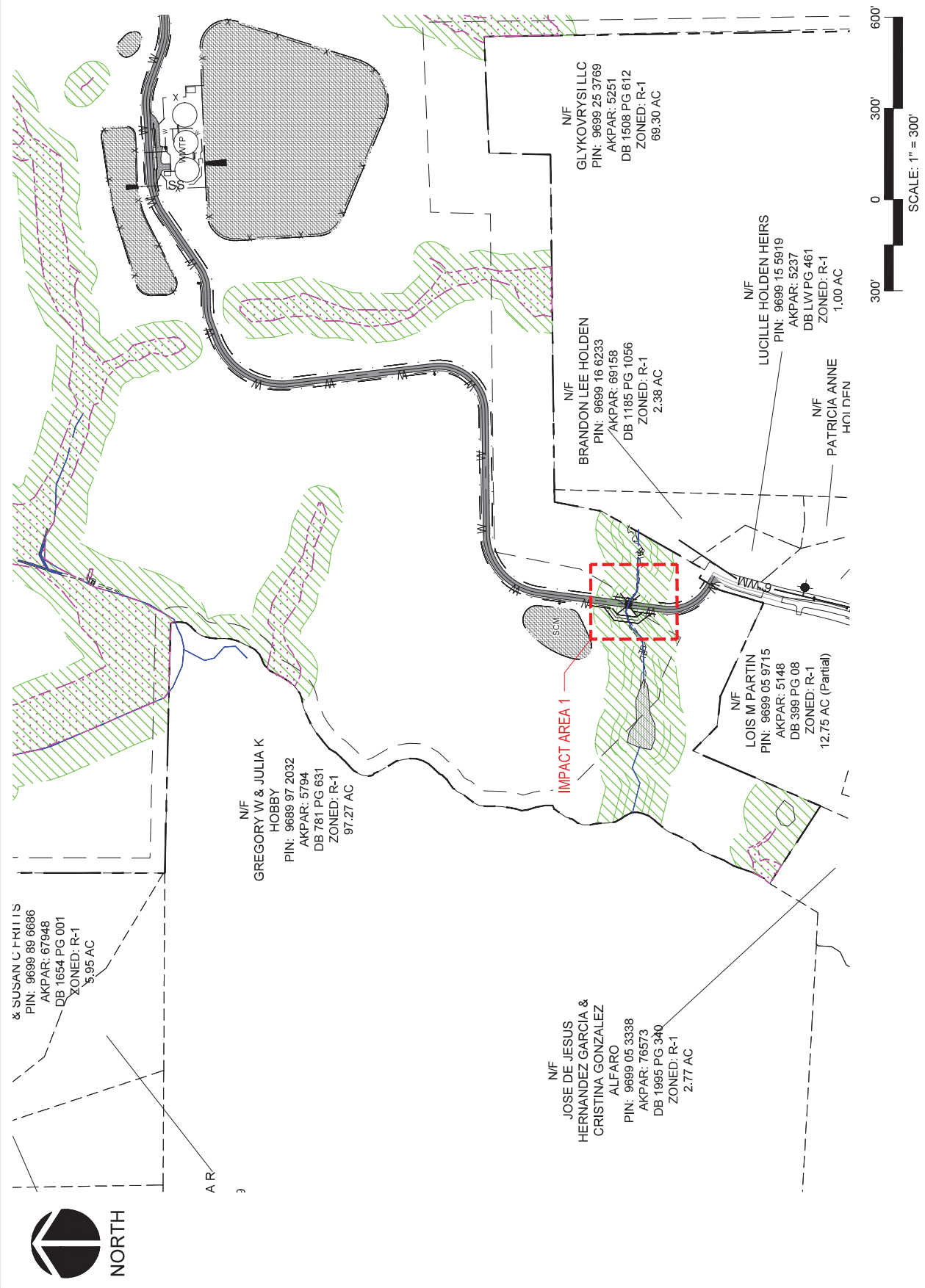
# THE CONSERVANCY

OLD US HIGHWAY 1  
APEX, NC

ENHANCED KEY MAP 1

05/01/2024

SHEET  
**2**





**CE GROUP**

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RALEIGH, NC 27603  
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FAX: 919-322-0032

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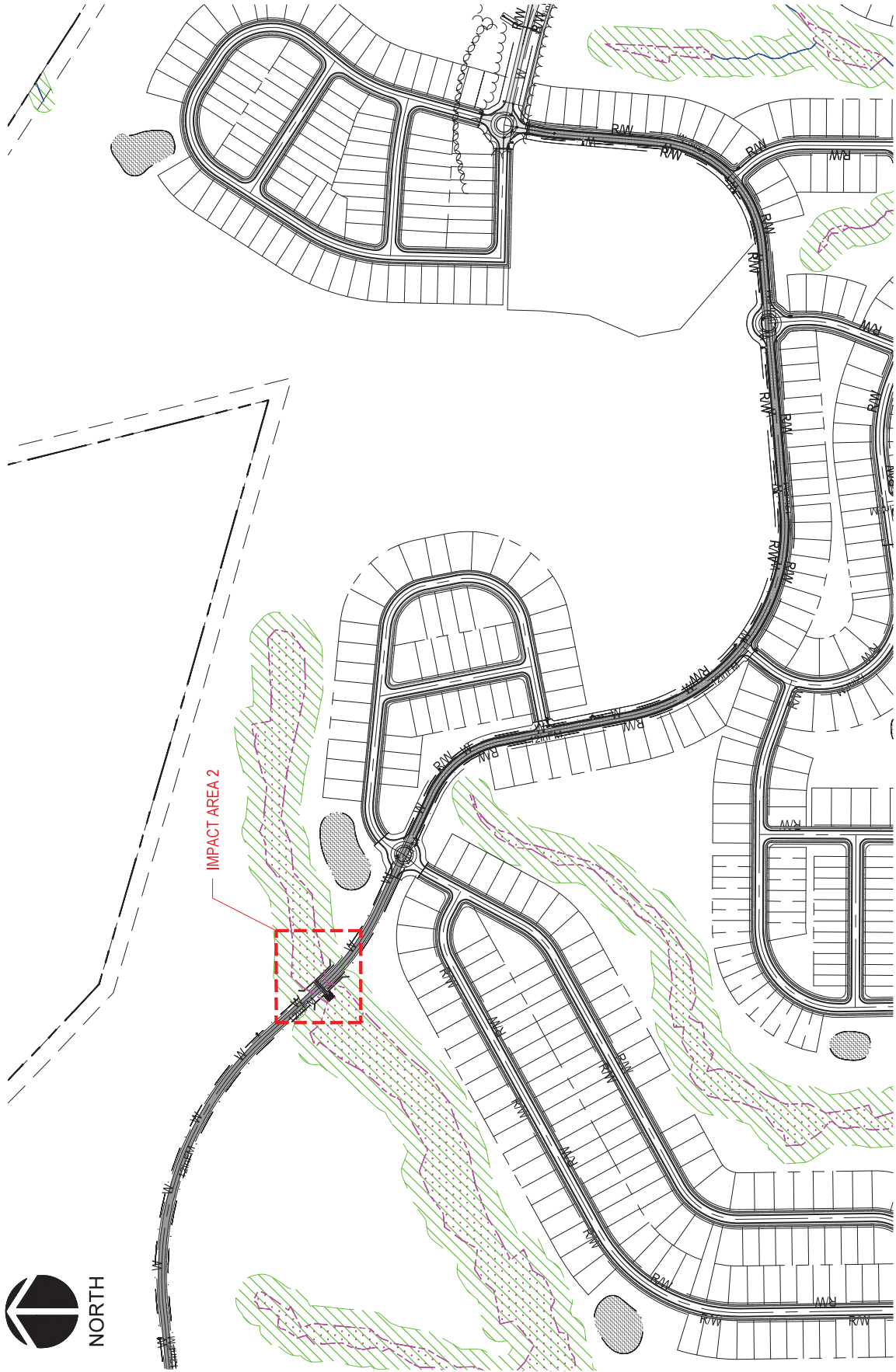
OLD US HIGHWAY 1  
APEX, NC

ENHANCED KEY MAP 2

05/01/2024

SHEET

**3**







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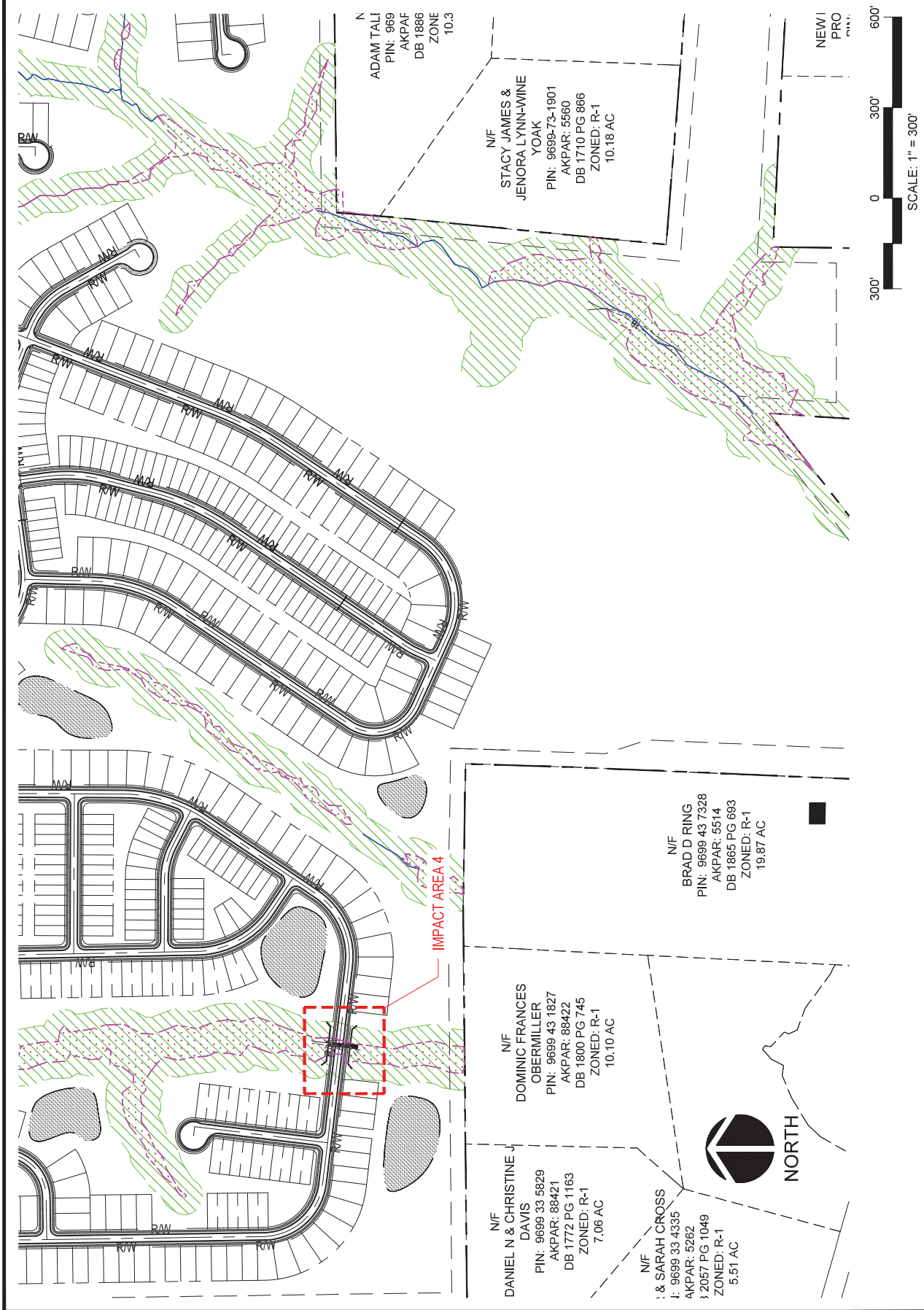
# THE CONSERVANCY

OLD US HIGHWAY 1  
APEX, NC

ENHANCED KEY MAP 3

05/01/2024

SHEET  
**4**





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ENHANCED KEY MAP 4

OLD US HIGHWAY 1  
APEX, NC

05/01/2024

SHEET

**5**



N/F  
**EARL W & LADDIE  
 MITCHELL HEIRS**  
 PIN: 9699-14-1644  
 AKP#R: 69159  
 DB 97E PG 319  
 ZONED: R-1  
 14.00 AC

N/F  
**EQUITY TRUST  
 COMPANY CUSTODIAN**  
 FBO  
 PIN: 0609-05-9650  
 AKP#R: 5569  
 DB 1869 PG 379  
 ZONED: R-1  
 55.41 AC

N/F  
**BERT COOK**  
 I9-74-4378  
 R: 85338  
 I: PG 1007  
 ED: R-1  
 13 AC



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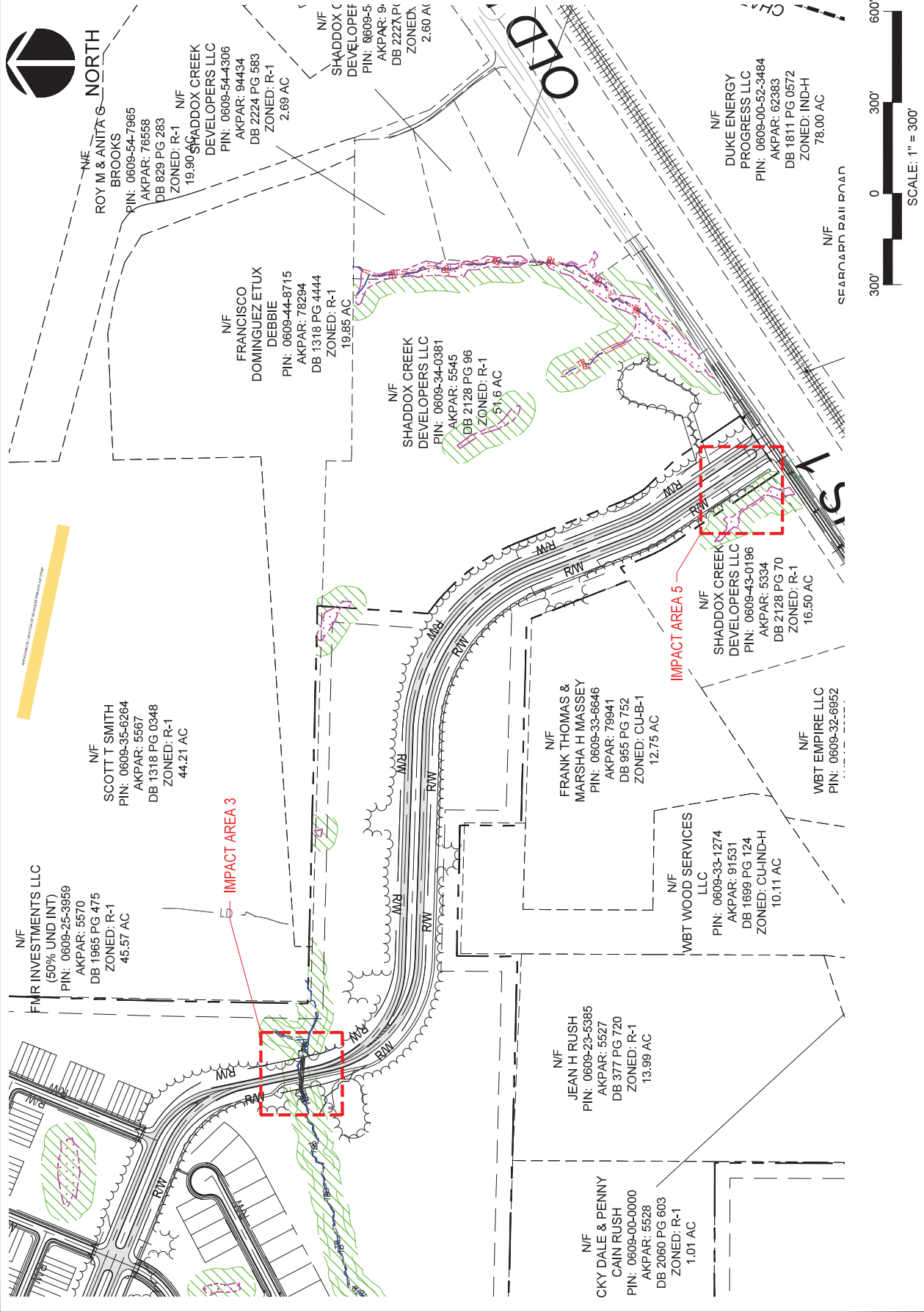
# THE CONSERVANCY

OLD US HIGHWAY 1  
APEX, NC

ENHANCED KEY MAP 5

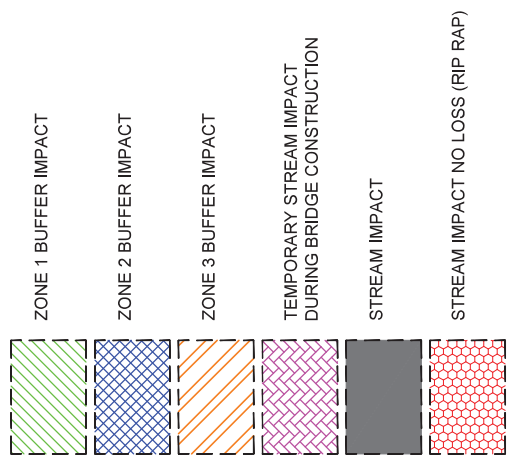
05/01/2024

SHEET  
**6**



IMPACT TOTALS	
ZONE 1 IMPACT	3,889 SF <b>0.0893 ac</b>
ZONE 2 IMPACT	3,872 SF <b>0.0889 ac</b>
ZONE 3 IMPACT	6,579 SF <b>0.151 ac</b>
PERMANENT STREAM IMPACT	
PERMANENT STREAM IMPACT NO LOSS	
TEMPORARY STREAM IMPACT	330 SF <b>.0076 AC</b>

\* RIPRAP TO MATCH EXISTING CHANNEL GEOMETRY  
 \*\* TEMPORARY BYPASS BERM WITH TEMPORARY BYPASS PUMPING FOR PIPE INSTALLATION



Stream SS





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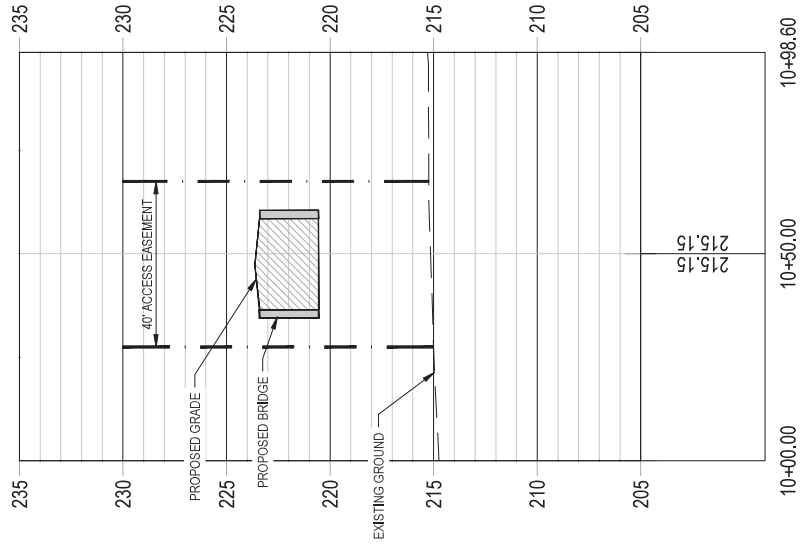
OLD US HIGHWAY 1  
APEX, NC

BUFFER IMPACT AREA 1 LONGITUDINAL PIPE PROFILE

05/01/2024

SHEET

9



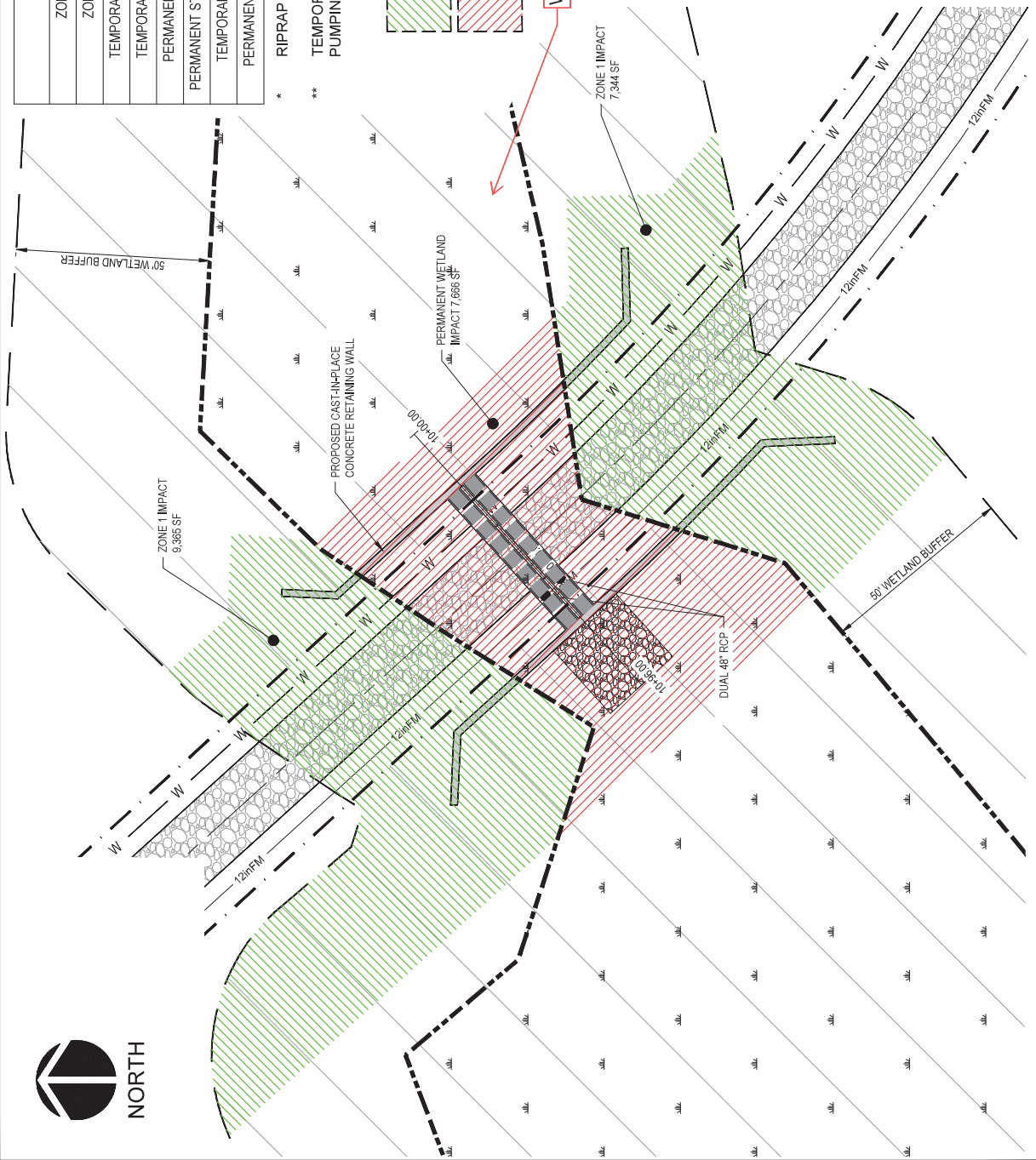
IMPACT AREA 1  
VERTICAL SCALE: 1" = 6'  
HORIZONTAL SCALE: 1" = 30'



**IMPACT TOTALS**

ZONE 1 IMPACT	16,709 SF	<b>0.3836 ac</b>
ZONE 2 IMPACT		
TEMPORARY ZONE 1 IMPACT		
TEMPORARY ZONE 2 IMPACT		
PERMANENT STREAM IMPACT		
PERMANENT STREAM IMPACT NO LOSS		
TEMPORARY STREAM IMPACT		
PERMANENT WETLAND IMPACT	7,666 SF	<b>0.176 ac</b>

\* RIPRAP TO MATCH EXISTING CHANNEL GEOMETRY  
 \*\* TEMPORARY BYPASS BERM WITH TEMPORARY BYPASS PUMPING FOR PIPE INSTALLATION





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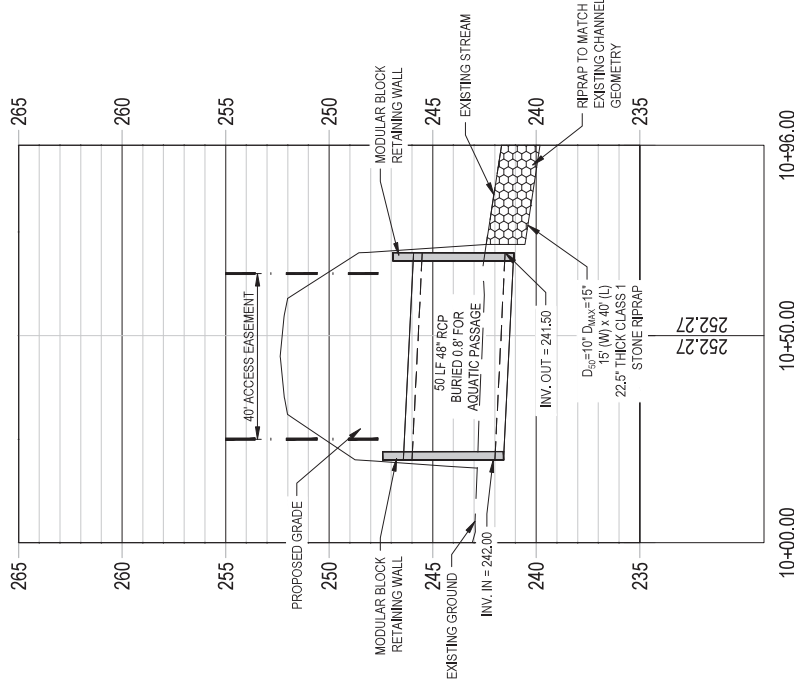
OLD US HIGHWAY 1  
APEX, NC

BUFFER IMPACT AREA 2 LONGITUDINAL PIPE PROFILE

05/01/2024

SHEET

# 11



**IMPACT AREA 2**  
VERTICAL SCALE: 1" = 6'  
HORIZONTAL SCALE: 1" = 30'





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OLD US HIGHWAY 1  
APEX, NC

BUFFER IMPACT AREA 3

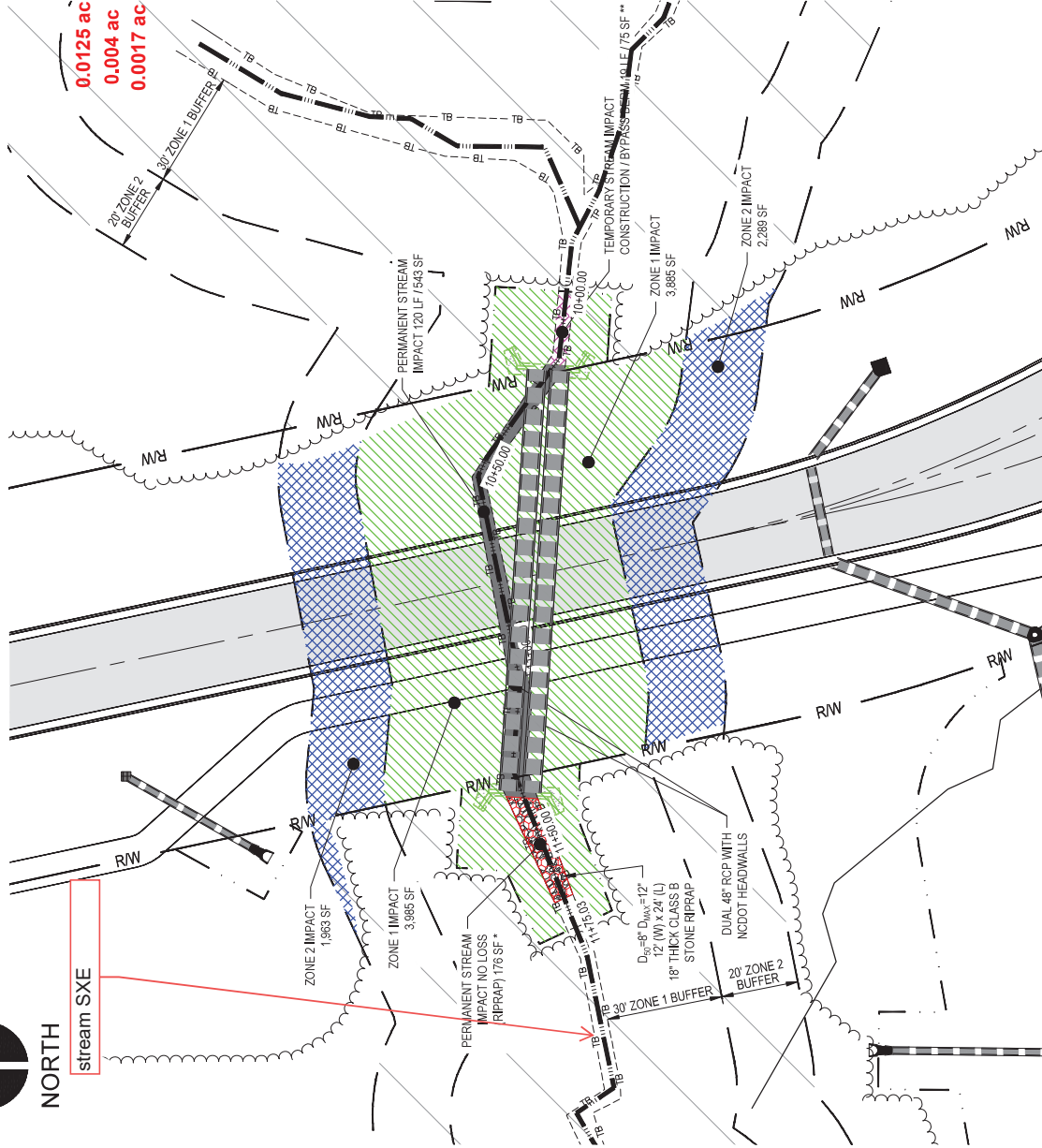
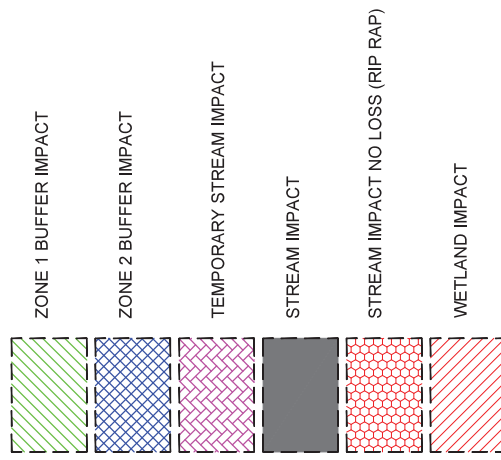
05/01/2024

SHEET

12

IMPACT TOTALS	
ZONE 1 IMPACT	7,870 SF <b>0.1807 ac</b>
ZONE 2 IMPACT	4,252 SF <b>0.0976 ac</b>
PERMANENT STREAM IMPACT	543 SF 120 LF
PERMANENT STREAM IMPACT NO LOSS	176 SF 28 LF
TEMPORARY STREAM IMPACT	75 SF 19 LF
PERMANENT WETLAND IMPACT	

- \* RIPRAP TO MATCH EXISTING CHANNEL GEOMETRY
- \*\* TEMPORARY BYPASS BERM WITH TEMPORARY BYPASS PUMPING FOR PIPE INSTALLATION







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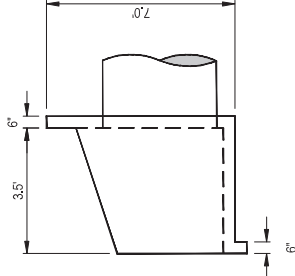
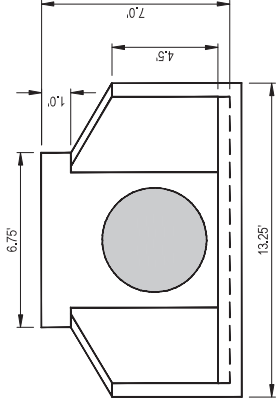
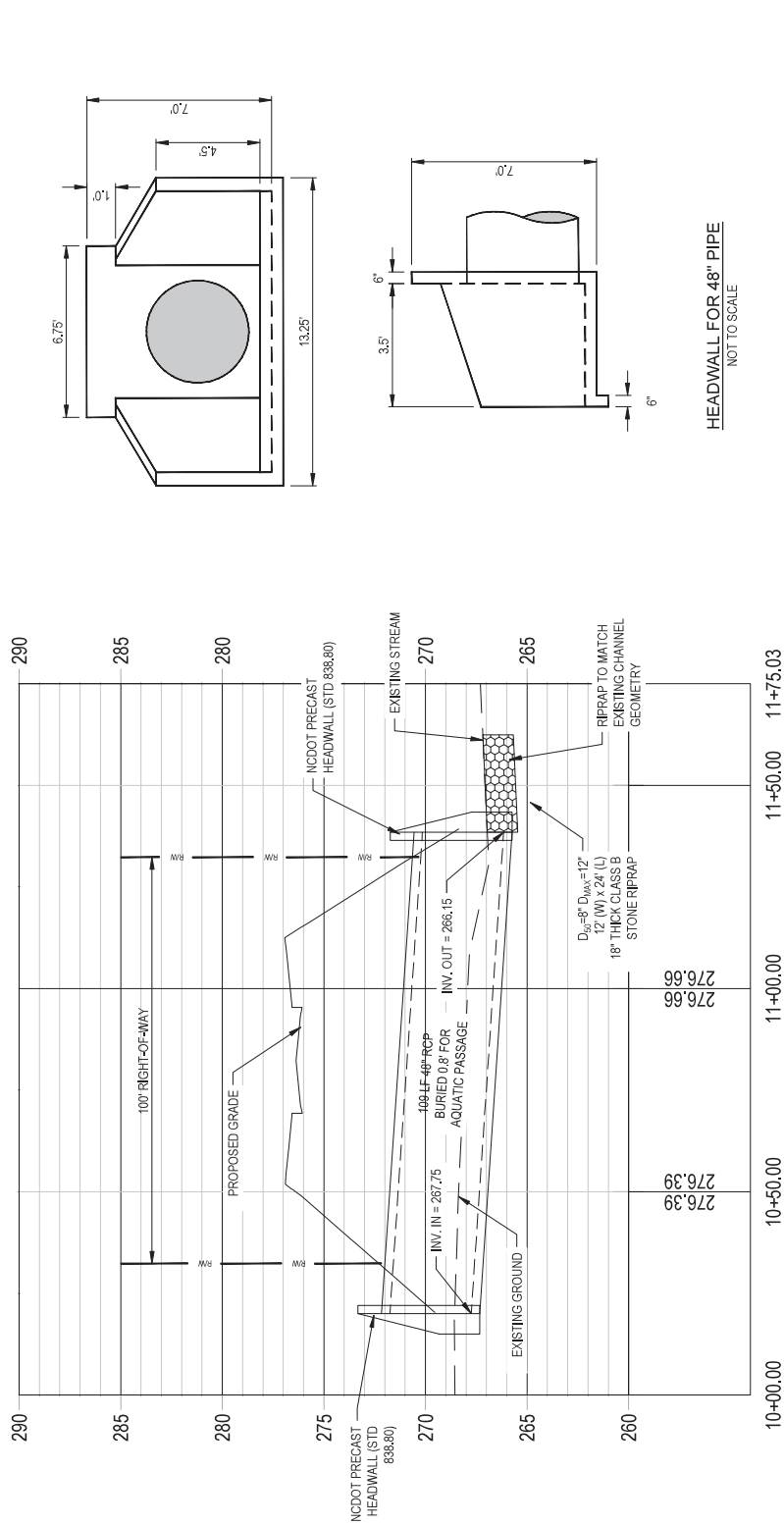
OLD US HIGHWAY 1  
APEX, NC

BUFFER IMPACT AREA 3 LONGITUDINAL PIPE PROFILE

05/01/2024

SHEET

# 13



HEADWALL FOR 48" PIPE  
NOT TO SCALE

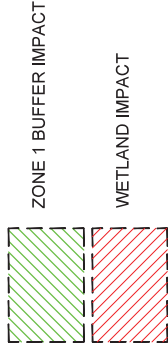
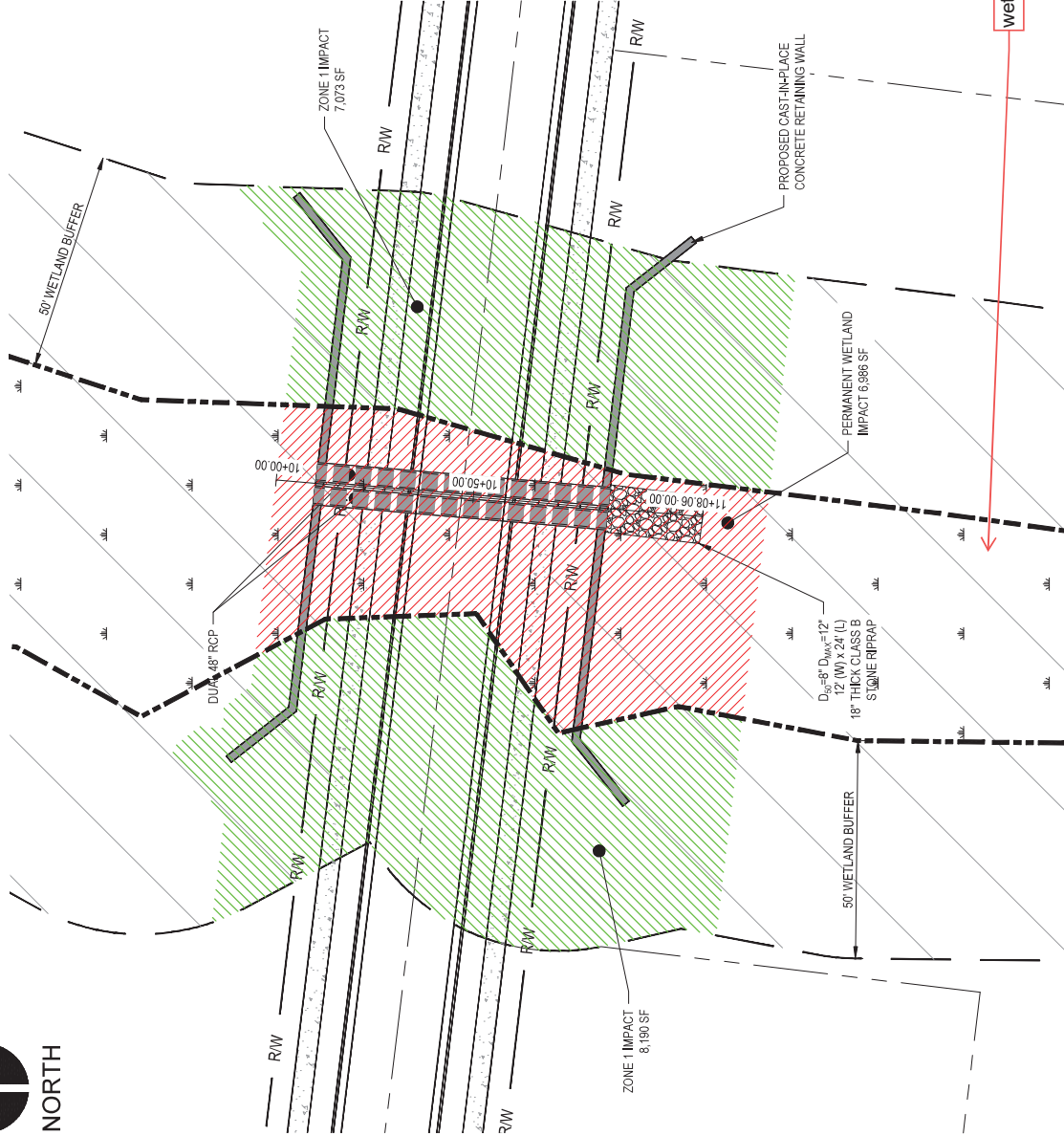


IMPACT AREA 3  
VERTICAL SCALE: 1" = 6'  
HORIZONTAL SCALE: 1" = 30'



IMPACT TOTALS	
ZONE 1 IMPACT	15,263 SF <b>0.3504 ac</b>
ZONE 2 IMPACT	
PERMANENT STREAM IMPACT	
PERMANENT STREAM IMPACT NO LOSS	
TEMPORARY STREAM IMPACT	
PERMANENT WETLAND IMPACT	6,986 SF <b>0.1604</b>

\* RIPRAP TO MATCH EXISTING CHANNEL GEOMETRY  
 \*\* TEMPORARY BYPASS BERM WITH TEMPORARY BYPASS PUMPING FOR PIPE INSTALLATION



wetland WR

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**THE CONSERVANCY**  
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**BUFFER IMPACT AREA 4**

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**14**



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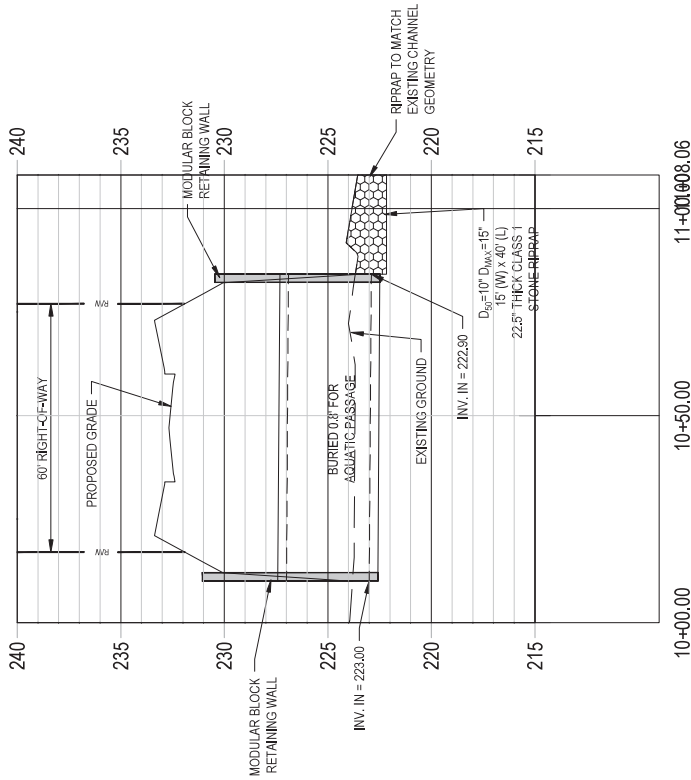
OLD US HIGHWAY 1  
APEX, NC

BUFFER IMPACT AREA 4 LONGITUDINAL PIPE PROFILE

05/01/2024

SHEET

# 15



**IMPACT AREA 4**  
VERTICAL SCALE: 1" = 6'  
HORIZONTAL SCALE: 1" = 30'

