CITY OF WILMINGTON
NORTH CAROLINA

Development Services
Planning
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

February 19, 2016

Charlene Harper
Stewart Inc
421 Fayetteville Street
Raleigh, NC 27615

RE: **Cambridge Village Ph II,** located at 75 Cavalier Drive

Please make note of the conditions for the release as they appear on the attached release letter. These conditions must be followed and met in order for the construction to be approved. ***Prior to beginning any construction or grading on the site, you must have a pre-construction meeting between City staff and the project's representatives. Any violation of this condition will result in an immediate stop work order and other civil penalties. Please contact our zoning office at 254-0900 to schedule the preconstruction meeting.***

All construction on the site must be in accordance with the City of Wilmington standards and the approved construction plans stamped by the City. All trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that to obtain a final zoning inspection for this construction project, the appropriate departments within the City of Wilmington must perform and approve final inspections.

To arrange for inspections please contact the assigned Zoning Enforcement Officer, at 254-0900. Staff will coordinate the inspections and provide a punch-list to the Developer within 5 working days. Upon correction of the punch-list items, a final inspection will be performed. ***NOTE: Zoning will not issue final approval until all requirements of the City of Wilmington are fulfilled.***

Please also be advised that any party aggrieved by the issuance of this approval may file a notice of appeal to the City Clerk within 30 days of receipt of active or constructive notice of this decision. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

The City thanks you for your investment in our community and we look forward to working with you towards the construction of a quality development project.

Sincerely,

Brian Chambers
Associate Planner

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TRANSMITTAL LETTER

TO: Traci Lunceford, Zoning Inspector
DATE: February 19, 2016
SUBJECT: **Cambridge Village Ph II** Project # 2015067
LOCATION: 75 Cavalier Drive

The following items are being sent to you via this package.

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 2/16/16	Cambridge Village Ph II Approved Plans
1	Dated 1/20/16	City Tree Removal Permit TPP-16-115
1	Dated 1/29/16	NHC Erosion Control #GP 19-11 Revision 5
1	Dated 1/5/12	USACOE Nationwide Permit SAW-2012-00041
1	Dated 2/18/16	City of Wilmington Stormwater Management Permit #2012004R2 (under separate cover)

REMARKS: **Cambridge Village Phase II,** located at **75 Cavalier Drive**, is hereby conditionally released construction. The following conditions must be satisfied as part of this release:

A. **A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY SITE WORK, TREE REMOVAL, CLEARING, OR GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES. CONTACT 910-254-0900.**

B. **ANY TREES, INCLUDING THE CRITICAL ROOT ZONE AREA, AND/OR AREA DESIGNATED TO BE SAVED MUST BE PROPERLY BARRICADED OR MARKED WITH FENCING AND PROTECTED THROUGHOUT CONSTRUCTION TO INSURE THAT NO CLEARING AND GRADING WILL OCCUR IN THOSE AREAS.**

C. **NO EQUIPMENT IS ALLOWED ON THE SITE AND NO CONSTRUCTION OF ANY BUILDING, STRUCTURE, WALL, UTILITIES, INFRASTRUCTURE, ETC., OF ANY KIND, INCLUDING FOOTINGS AND BUILDING SLABS, WILL BE PERMITTED UNTIL:**

1. **ALL TREE PROTECTION FENCING AND SILT FENCING HAS BEEN INSTALLED**
2. **BETH WETHERILL HAS FORMALLY ISSUED THE GRADING PERMIT AND AUTHORIZED THE ACTIVITY**
3. **THE CFPUA HAS AUTHORIZED THE WATER AND SEWER ACTIVITIES. THE CONTRACTOR MUST HAVE A PRECON WITH CFPUA 332-6560.**
4. **THE CITY ZONING INSPECTOR AUTHORIZES THE ACTIVITY.**

D. ALL IMPROVEMENTS, AS RECOMMENDED BY THE SUBMITTED AND APPROVED TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE INSTALLED AND INSPECTED PRIOR TO THE ISSUANCE OF THE FINAL ZONING APPROVAL.

E. A COPY OF THE RECORDED MAP SHOWING ANY REQUIRED EASEMENTS AND RIGHT-OF-WAY FOR THE PROJECT MUST BE SUBMITTED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.

F. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS.

G. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.

H. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER WILL BE ISSUED.

I. PER THE REQUIREMENTS OF THE STORMWATER PERMIT, THE FOLLOWING SHALL OCCUR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR OPERATION OF THE PERMITTED FACILITY:
   - AS-BUILT DRAWINGS FOR ALL STORMWATER MANAGEMENT FACILITIES SHALL BE SUBMITTED TO THE CITY OF WILMINGTON ENGINEERING DIVISION.
   - AN ENGINEER'S CERTIFICATION SHALL ALSO BE SUBMITTED, ALONG WITH ALL SUPPORTING DOCUMENTATION THAT SPECIFIES, UNDER SEAL THAT THE AS-BUILT STORMWATER MEASURES, CONTROLS AND DEVICES ARE IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLANS.
   - A FINAL INSPECTION BY CITY OF WILMINGTON ENGINEERING PERSONNEL.

J. THE APPLICANT SHALL SATISFY ALL MITIGATION REQUIREMENTS FOR ANY OUTSTANDING TREE REMOVAL VIOLATIONS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FACILITY.

K. NO CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RIGHT-OF-WAY UNTIL ALL NCDOT PERMITS HAVE BEEN ISSUED AND RECEIVED BY THE CITY. ALL IMPROVEMENTS REQUIRED SHALL BE INSTALLED AND APPROVED BY NCDOT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

L. PROPERTIES WITHIN THE SPECIAL FLOOD HAZARD AREA SHALL BE SUBJECT TO COMPLIANCE WITH ARTICLE 13 OF THE LAND DEVELOPMENT CODE. PLEASE CONTACT KATHRYN THURSTON, ZONING ADMINISTRATOR/FLOODPLAIN MANAGER (910.341.3249) FOR CLARIFICATION ON REQUIREMENTS FOR DEVELOPMENT IN THE FLOOD PLAIN.

M. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. THE DEVELOPER ACKNOWLEDGES THE CONDITIONS OF THIS RELEASE AND ASSUMES ALL RESPONSIBILITIES AND RISKS ASSOCIATED WITH IT. THE CITY OF WILMINGTON WILL NOT BE HELD LIABLE FOR ANY COSTS ASSOCIATED WITH THE CONSTRUCTION RELEASE.

N. APPROVAL OF A MAJOR OR MINOR SITE PLAN SHALL EXPIRE AFTER EIGHTEEN (18) MONTHS FROM THE DATE OF SUCH APPROVAL IF THE

APPLICANT HAS FAILED TO MAKE SUBSTANTIAL PROGRESS ON THE SITE. THE TECHNICAL REVIEW COMMITTEE MAY GRANT A SINGLE, SIX-MONTH EXTENSION OF THIS TIME LIMIT FOR MAJOR AND MINOR SITE PLANS, FOR GOOD CAUSE SHOWN, UPON RECEIVING A REQUEST FROM THE APPLICANT BEFORE THE EXPIRATION OF THE APPROVED PLAN. IN THE EVENT APPROVAL OF A SITE PLAN HAS EXPIRED, FOR WHATEVER REASONS, THE OWNER AND/OR APPLICANT WILL BE REQUIRED TO RESUBMIT FOR APPROVAL OF A SITE PLAN THAT MEETS CURRENT DEVELOPMENT STANDARDS UNLESS OTHERWISE NOTED IN THIS CHAPTER.

Please notify New Hanover County Building Inspections of this release.

Signature: _____

Brian Chambers, Associate Planner

Copy:	Charlene Harper	Stewart, Inc (e-mail only)
	Bret Russell	Construction Manager
	Rob Gordon	Engineering
	Jim Quinn	Stormwater Specialist
	Aaron Reese	Urban Forestry
	Chris Elrod	Wilmington Fire Department (e-mail only)
	Sammy Flowers	Wilmington Fire Department (e-mail only)
	Brian Blackmon	Surveyor (e-mail only)
	Jim Sahlie	GIS Addressing (e-mail only)
	Bill McDow	Traffic Engineering (e-mail only)
	Don Bennett	Traffic Engineering (e-mail only)
	Bernice Johnson	CFPUA (e-mail letter only)
	Beth Easley Wetherill	NHC Erosion Control (e-mail only)
	Michelle Hutchinson	GIS Engineer (e-mail only)
	Alina Jakubcanin	GIS Analyst (e-mail only)
	Genna Porter	Engineering (e-mail only)
	Amy Beaty	Community Services (e-mail only)
	Ryan O'Reilly	Community Services (e-mail only)
	Steve Harrell	Community Services (e-mail only)

File: **Cambridge Village Ph II** **Project File # 2015067**

Department of Planning,
Development and Transportation
Planning Division
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CITY OF WILMINGTON NORTH CAROLINA

APPROVED: X DENIED: ____ PERMIT #: TPP-16-115

Application for Tree Removal Permit

Name of Applicant: Cambridge Village Phase II **Phone:** 919-866-4805 **Date:** 1-15-2016

Name of Property Owner: Wilmington Independent Living LLC **Phone:** 919-792-3750

Property Owner Address: 6737 Falls of Neuse Road, Suite 220, Raleigh, NC 27615

Address of Proposed Tree Removal: 75 Cavalier Drive

Description of tree(s) to be removed/reason for removal: (provide attachment if necessary)

1. Phase Two-
2. (3) 12" Pine , (5) 14" Pine , (3) 16" Pine, (1) 20" Pine
3. (1) 24" Magnolia , (1) 10" Hardwood
4. Mitigation Equiv= 48.33 trees
5. (29 Pine and 19.33 of Hardwood)
6. Phase One-
7. (1) 8" Sweet Gum, (2) 10" Sweet Gum, (1) 12"Sweet Gum
8. (1) 24" Pine, (1) 16" Pine
9. (9) 3" Laurel Oaks
10. See attached inventory for reference numbers

Description of Replacement Tree(s): 14 additional Phase Two trees will require mitigation, 12 Pines and 2 Hardwoods. These trees will be mitigated on site, see planting plans. 6 trees were mitigated in Phase One, 2 Pines and 4 Hardwoods. 9 Additional trees were Phase One code plantings. 29 total trees will be removed.

I, Brian O'Haver, **certify that the property owner has given me permission to apply for this permit on his/her behalf.**

Applicant Signature: [signature] **Date:** 01.19.16

**********FOR OFFICIAL USE ONLY**********

Reviewed By: [signature] **Date:** 1/20/16

Remarks: SEE LANDSCAPE PLAN

ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND DEVELOPMENT CODE, ARTICLE 8, LANDSCAPING AND TREE PRESERVATION.

NEW CONSTRUCTION: ____ **EXPANSION:** X **OTHER:** ____ **PAID:** $150.00 1/4/16 RC

Tree Preservation Permit Fees

Less than 1 acre	$25.00
1-5 acres	$50.00
5-10 acres	$100.00
Greater than 10 acres	$150.00

NEW HANOVER COUNTY

Engineering Department
230 Government Center Drive · Suite 160
Wilmington, North Carolina 28403
TELEPHONE (910)-798-7139
Fax (910) 798-7051

Beth E. Wetherill, C.P.E.S.C.
Soil Erosion Specialist

January 29, 2016

Wilmington Independent Living, LLC
6736 Falls of The Neuse Road, Suite 220,
Raleigh, North Carolina 27615

RE: Grading Permit # 19-11 Revision #5, Cambridge Village Phase II

Dear Mr. Kendall Oliver:

This office has reviewed the revised subject sedimentation and erosion control plan. We find the plan to be acceptable.

Please read the permit conditions carefully and return the signed blue original to our office and keep the copy for your records.

The review fee of $ 200 is due to be paid to New Hanover County, to my attention, upon receipt of this permit.

A preconstruction meeting is required prior to any land disturbing activity on site. Please contact us at (910) 798-7139 to set this up with us.

Please be advised that a copy of the approved soil erosion plan, a copy of the grading permit, a rain gauge and the Combined Inspection Reports must be available at all times at the site.

New Hanover County's Erosion and Sedimentation Control Program is performance oriented requiring protection of the natural resources and adjoining properties. If following the commencement of the project, it is determined that the plan is inadequate to meet the requirements of the New Hanover County's Erosion and Sedimentation Control Ordinance, this office may require revisions in the plan and its implementation to insure compliance with the ordinance.

This permit will not preclude any other permits or approvals necessary for beginning or completing this development. It is the owner's responsibility to have all the approvals or permits that are required prior to beginning construction. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

Respectfully yours,

Beth Easley Wetherill

Beth Easley Wetherill
NHC Soil Erosion Specialist

cc: Brian Chambers, City of Wilmington Planning
Adam Pike PE, Stewart Engineering, Inc.

Permit# GP 19-11
Revision #5

Permit for a Land Disturbing Activity

New Hanover County
Department of Engineering
230 Government Center Drive - Suite 160
Wilmington, North Carolina 28403
(910) 798-7139

As authorized by the New Hanover County Erosion and Sedimentation Control Ordinance

This permit issued to **Wilmington Independent Living, LLC** authorizes the development of **3.7 acres** of land at **75 Cavalier Drive for Cambridge Village Phase II** in New Hanover County. This permit issued on **January 29, 2016** is subject to compliance with the application and site drawings, all applicable regulations and special conditions and notes set forth below. **Any plan modifications must be approved by this office prior to field changes.**

It is understood by the applicant that a representative of New Hanover County's Engineering Department may inspect the site at any time following the issuance of this Permit. A copy of the approved Soil Erosion Control Plan, this permit, a rain gauge and copies of the Combined Self-Monitoring and Self Inspection Reports must be available at all times at the site.

Failure to execute the provisions of this permit and the approved Soil Erosion Plan, or any other provisions of the New Hanover County Soil Erosion and Sedimentation Control Ordinance, shall result in immediate legal action by the County to the limits prescribed by the Ordinance. If the measures outlined on the approved Soil Erosion Control Plan and this Permit prove insufficient, additional Erosion Control measures can and will be required which in turn will be considered provisions of this Permit. This Permit does not preclude any other permits or approvals necessary for beginning or completing this development. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State laws, regulations and rules. It is the Permittee's responsibility to obtain all necessary permits and approvals.

SPECIAL CONDITIONS

(THESE CONDITIONS MUST BE FOLLOWED IN ADDITION TO THE PLANS AND SPECIFICATIONS)

*All the soil erosion control measures will be installed as the site is cleared and maintained throughout construction. This project has 3 phases of construction. Phase 1 includes a construction entrance, silt fence, a silt fence outlet, a sediment trap with 3 coir baffles, a 1 foot high stabilized berm, 1 blocked inlet and inlet protection. Activity in Phase I is limited to areas necessary to install perimeter erosion control measures. Phase 2 includes regrading of wet pond #2 with baffles and a 1.5 inch ESC skimmer, relocating utilities and installation of the new stormwater system with inlet protection. Phase 3 includes completion of all the site work, stabilization and installation of the pervious pavement.

*Tree Removal Permits must be acquired from the City of Wilmington and/or New Hanover County prior to issuance of this permit and clearing the site.

*Silt fence stakes must be metal and will be placed **six feet apart without wire reinforcement** or **eight feet apart with wire reinforcement.** Silt fence is **not** allowed as inlet protection.

*This permit does not preclude any permits or approvals which may be necessary such as City of Wilmington or New Hanover County Stormwater, NCDENR Water Quality, C.A.M.A., and the US Army Corps. of Engineers, DEM Solid Waste or any other agencies.

*No sediment shall leave the site.

*If plan revisions are necessary you must submit a copy to this office for approval **prior** to any field changes.
*If soil is removed from the site, it must be taken to an approved or permitted site to be identified to this office **prior** to removal from the site.
*All City and/or County and State drainage and stormwater requirements will be adhered to.
*If these measures fail to adequately control erosion, more restrictive measures will be required.
*If any phase of grading ceases for more than 15 working days, the site will be temporarily stabilized.
*All slopes must be stabilized within 21 calendar days of any phase of activity.
The approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.
***Note the required rates for seed, lime, fertilizer and mulch in your seeding specifications.**
***Note the NPDES information from the State for sites disturbing 1 acre or more and the reporting requirements.** All NEW projects permitted after August 3, 2011 must include the following surface water withdrawal locations and stabilization requirement designations on the plan in order to qualify for coverage under the most recent NPDES Construction General Permit. All settling basins must have outlet structures that withdraw water from the surface, with the exception of basins or traps that have a drainage area of less than 1 acre. The NPDES permit requires ground cover within 14 calendar days on disturbed flat areas and ground cover within 7 calendar days on all areas within HQW Zones, perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3:1. Exceptions include slopes that are 10 feet or less in length and not steeper than 2:1 which must be stabilized within 14 calendar days and slopes greater than 50 feet which must be stabilized within 7 calendar days. This permit also includes other new requirements which are listed in the text of the NPDES Stormwater Discharge Permit for Construction Activities. Inspections of all erosion control measures and reports are required every 7 days and within 24 hours of every 1/2 inch rain event in a 24 hour period.

***Note the Land Resources Self Inspection Program Requirements. This program is separate from the NPDES reporting and requires inspection and documentation after each phase of construction. These phases include: Installation of perimeter erosion control measures, Clearing and Grubbing of existing ground cover, Completion of any phase of grading of slopes or fills, Installation of storm drainage facilities, Completion of construction or development, Establishment of permanent ground cover sufficient to restrain erosion and any Deviation from the approved plan.**

Enclosed is a Combined Self-Monitoring and Self-Inspection Form that meets the requirements of both the NPDES Stormwater Permit for Construction Activities, NCG 010000 reporting and the Land Resources Self Inspection Program that satisfies the requirements of the Sedimentation Pollution Control Act.
This report is the responsibility of the property owner. It requires a rain gauge onsite and inspections and reporting every 7 calendar days and within 24 hours of every ½ inch rain per 24 hour period and at specific phases of construction. Additional copies of this Combined Construction Inspection Report can be found at http://portal.ncdenr.org/web/lr/erosion . Reports must be available onsite at all times. If you have questions please contact New Hanover County Engineering (910) 798-7139 or the Land Quality Section at the NCDENR Regional office at (910) 796-7215.

***A pre-construction meeting is required prior to any activity on site. Please contact Beth E. Wetherill at (910) 798-7139 to set up this meeting.**

Permit # GP 19-11
Revision #5

This Permit will expire one year from date of issue if no construction activity begins on site. This permit may not be amended or transferred to another party without approval of this office.

Beth Easley Wetherill

Beth E. Wetherill, C.P.E.S.C..
Soil Erosion Specialist/New Hanover County

Acknowledgment of receipt of Permit

Owner

By (please print)

Signature

55840006 (40)

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action ID. **SAW-2012-00041** County: **New Hanover** USGS Quad: **Wilmington**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner/Applicant: **Margaret Gray, McKim & Creed**
Address: **243 N. Front Street**
Wilmington, NC 28401

Telephone No.: **(910) 343-1048**

Size and location of property (water body, road name/number, town, etc.): **Project area is located on the north side of Eastwood Road (NC Hwy 74), across from Pt. Summerset Drive, adjacent to an unnamed tributary to Bradley Creek, Wilmington, New Hanover County, North Carolina. (34.2319 N, -77.8358W).**

Description of projects area and activity: **Authorization to pipe 28 linear feet of Waters of the U.S with 42" RCP for the purpose of constructing a right-hand turning lane and 10 foot wide multi-use path along Eastwood Road. Project also includes 0.013 acres of temporary impacts associated with the removal of 12lf of culvert.**

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

Authorization: Regional General Permit Number: ____
Nationwide Permit Number: **18 & 33**

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans on 12/13/2011. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (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 nationwide permit.

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 Quality (telephone (919) 733-1786) 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 .

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 Emily Hughes at (910) 251-4635.

Corps Regulatory Official Emily Hughes Date: **1/5/2012**

Expiration Date of Verification: **March 18, 2012**

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 the Customer Satisfaction Survey located at our website at http://regulatory.usacesurvey.com/ to complete the survey online.

Determination of Jurisdiction:

☒ Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

☐ 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 and Section 404 of the Clean Water Act. 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 waters of the US and/or wetlands within the above described project area 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.

☐ The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued _____. Action ID _____

Basis of Jurisdictional Determination: **This site contains a waterbody that exhibits an ordinary high water mark and is an unnamed tributary to Bradley Creek, a tributary to a Traditional Navigable Water of the U.S. This determination is based on information and a site visit by Emily Hughes on December 8, 2011.**

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

Corps Regulatory Official: EBH

Date **6/8/2011**

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

Copy Furnished:
NCDENR-DWQ Attn: Chad Coburn, 127 Cardinal Drive Ext., Wilmington, NC 28403

Action ID Number: SAW-2012-00041 **County:** New Hanover

Permittee: McKim & Creed

Date Verification Issued: 1/5/2012

Project Manager: Emily Hughes

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
WILMINGTON REGULATORY FIELD OFFICE
69 DARLINGTON AVE.
WILMINGTON, NORTH CAROLINA 28403-1343

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

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**

NATIONWIDE PERMIT 33
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 19, 2007

Temporary Construction, Access, and Dewatering. Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction, temporary fill must be entirely removed to upland areas, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Sections 10 and 404)

NATIONWIDE PERMIT CONDITIONS

The following General Conditions must be followed in order for any authorization by a NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.