

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

Action Id: SAW-2009-01214

County: New Hanover

U.S.G.S.Quad: NC-Wrightsville Beach

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

Permittee: Howard Penton  
Summerwalk Development, LLC  
6105 Oleander Drive, Suite 201  
Wilmington, North Carolina 28403

Agent: Kim Williams  
Land Management Group, Inc.  
3805 Wrightsville Avenue, Suite 15  
Wilmington, North Carolina 28403

Size (acres)	<u>25.5 Acres</u>	Nearest Town	<u>Wilmington</u>
Nearest Waterway	<u>Bradley Creek</u>	River Basin	<u>White Oak</u>
USGS HUC	<u>03030001</u>	Coordinates	Latitude: <u>34.20575 N</u> Longitude: <u>-77.84056 W</u>

Location description: The 25.5 acre project area is located at 6120 Oleander Drive, west of Greenville Loop Road, in the City of Wilmington, New Hanover County, North Carolina (Parcel #s R06211-003-004-000, R06208-013-012-000, R06208-013-010-001, R06208-013-009-000, R06208-013-008-000, R6208-013-007-000, R06208-013-006-000).

Description of projects area and activity: The project involves the permanent placement of fill material within 0.147 acres of non-riparian jurisdictional wetlands and the temporary placement of fill material within 0.0054 acres of wetlands for the purpose of constructing a multi-use residential and commercial development to include 107 multiple family units, 20 single family lots, recreational facilities and two office buildings. Please see special conditions on the following page.

Authorization: Nationwide Permit Number: NWP 29- Residential Developments

***SEE ATTACHED NWP GENERAL and REGIONAL SPECIAL CONDITIONS***

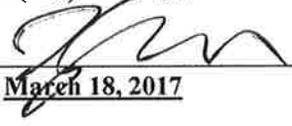
Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application, specifically, the enclosed plans and drawings titled "Summerwalk; Overall Wetland Impact Plan", dated June 2011. Any violation of the attached 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 will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Morehead City, NC, at (252) 808-2808. This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Kyle Dahl at (910) 251-4469.

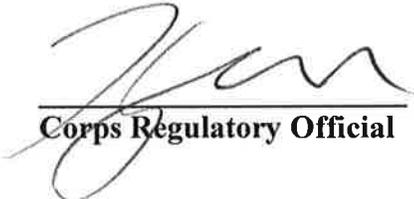
Corps Regulatory Official  \_\_\_\_\_  
Expiration Date of Verification: March 18, 2017

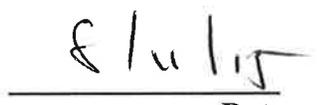
Date: August 11, 2015

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 online at <http://per2.nwp.usace.army.mil/survey.html> .

**SPECIAL CONDITIONS  
Summerwalk Development**

- 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. Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment for the compensatory mitigation and provided a copy of the payment documentation to the Corps of Engineers.
- 2) The permittee shall execute and cause to be recorded in the New Hanover County Register of Deeds the restrictive covenants acceptable to the Corps of Engineers for the purpose of maintaining the 0.528 acres of on-site remaining wetland areas, in their natural state in perpetuity, prior to the sale or conveyance of any lots or other property within the subdivision. The permittee shall enforce the terms of the restrictive covenants and, prior to conveyance of the property, shall take no action on the property described in the covenants inconsistent with the terms thereof. The permittee shall provide a copy of the recorded restrictive covenants to the Corps of Engineers within 15 days of recording.

  
Corps Regulatory Official

  
Date

**U.S. ARMY CORPS OF ENGINEERS**  
**Wilmington District**  
**Compensatory Mitigation Responsibility Transfer Form**

**Permittee: Howard Penton, Summerwalk Development LLC**  
**Project Name: Summerwalk Development**

**Action ID: SAW-2009-01214**  
**County: New Hanover**

**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 Ecosystem Enhancement Program (NCEEP), 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 to the U.S. Army Corps of Engineers (USACE) 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 must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not 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 bank ledger to the Permittee, the USACE Project Manager, and the Wilmington 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: 03030001, White Oak River Basin**

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
					0.147	

\*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: 03030001, White Oak River Basin**

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
					0.20	

**Mitigation Site Debited:** Lower Cape Fear Umbrella Mitigation Site

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCEEP, list NCEEP. If the NCEEP 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 NCEEP), as approved by the USACE, 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  
Compensatory Mitigation Responsibility Transfer Form, Page 2**

**Conditions for Transfer of Compensatory Mitigation Credit:**

- Once this document has been signed by the Mitigation Sponsor and the USACE 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 USACE 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. 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 the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE 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 USACE 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 USACE, the Sponsor must obtain case-by-case approval from the USACE 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 USACE administrative records for both the permit and the Bank/ILF Instrument.

**Comments/Additional Conditions:**

This form is not valid unless signed below by the USACE 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 USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 11405 Falls of Neuse Road, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil).*** Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

**USACE Project Manager:** Kyle Dahl  
**USACE Field Office:** Wilmington Regulatory Field Office  
US Army Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403  
**Email:** kyle.j.dahl@usace.army.mil

  
\_\_\_\_\_  
**USACE Project Manager Signature**

\_\_\_\_\_  
August 11, 2015  
**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>.