

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

Action Id. SAW-2012-01920

County: New Hanover

U.S.G.S. Quad: Wrightsville Beach/ Scotts Hill

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: Hawthorne of Wilmington, LLC

Address: Attn to: Frank Forde
2920-C Martinsville Road
Greensboro, North Carolina 27408

Telephone No.:

Authorized Agent: Withers & Ravenel, Inc., c/o Mr. Troy Beasley

Address: 1410 Commonwealth Drive, Suite 101
Wilmington, NC 28403

Telephone No.: (910) 256-9277

Property description:

Size (acres)	<u>~15</u>	Nearest Town	<u>Wilmington</u>
Nearest Waterway	<u>Howe Creek</u>	River Basin	<u>Cape Fear River</u>
USGS HUC	<u>03030001</u>	Coordinates	<u>N 34.249017 W -77.824133</u>

Location description The property is located at 527 Old McCumber Station Road, Wilmington, New Hanover County, North Carolina. PID: R05100-002-007-000

Indicate Which of the Following Apply:

A. Preliminary Determination

Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. Approved Determination

There are Navigable Waters of the United States within the above described property 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 U.S. including wetlands on the above described 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 strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The waters of the U.S. including wetland on your project area have been delineated and the delineation has been verified by the Corps. 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 of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on 11/30/12. 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 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.

X 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 Wilmington, NC at (910) 796-7215 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Emily Hughes** at **910-251-4635**.

C. Basis For Determination

The site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual and Coastal Plain Supplement and is adjacent to Howe Creek. The site also exhibits a water body with mean high water marks that flows to the Atlantic Intracoastal Waterway, Section 10 Navigable Water of the U.S. This determination is based on information provided by Withers & Ravenel and a site visit conducted by Emily Hughes on 11/15/2012.

D. 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)

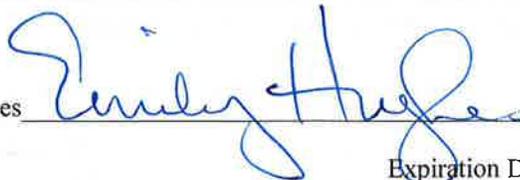
This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Division
Attn: Emily Hughes, Project Manager,
Wilmington Regulatory Field Office
69 Darlington Ave
Wilmington, North Carolina 28403

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 District 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 **January 30, 2013**.

****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: Emily Hughes



Date **November 30, 2012**

Expiration Date **November 30, 2017**

