

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

Action Id: SAW-2007-00064

County: New Hanover

U.S.G.S. Quad: Wilmington

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Applicant:

**The Oleander Company**

Agent:

**Land Management Group, Inc.**

Address:

**Attn: Jim Smith  
P.O. Box 3145  
Wilmington, NC 28405**

**3805 Wrightsville Ave, Suite 15  
Wilmington, NC 28403**

Telephone No.:

Property description:

Size (acres) 23.7  
Nearest Waterway Lower Cape Fear River  
USGS HUC 03030005

Nearest Town Wilmington  
River Basin Cape Fear River  
Coordinates N 34.2025 W -77.9077

Location description Property is known Tiburon Parc, located at 1741 Tiburon Drive, along the eastside of Independence Blvd., just south of the Alderman School, in wetlands adjacent to Hewletts Creek, Wilmington, New Hanover County, North Carolina. Parcel ID R06109-004-024-000.

**Indicate Which of the Following Apply:**

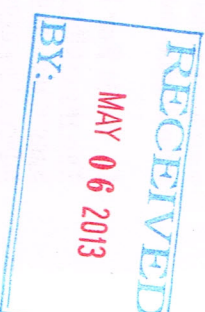
**A. Preliminary Determination**

- 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.
- X** There are 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 wetland on your property 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.
- X** The wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on 5/1/2013. 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.



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: **The Oleander Company** File Number: **2007-00064**

Date: **5/1/2013**

Attached is:

See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	<b>APPROVED JURISDICTIONAL DETERMINATION</b>	<b>D</b>
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at**

**[http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

WETLAND SURVEY FOR  
**THE OLEANDER COMPANY**  
**INDEPENDENCE BOULEVARD**

CITY OF WILMINGTON  
 NEW HANOVER COUNTY  
 NORTH CAROLINA

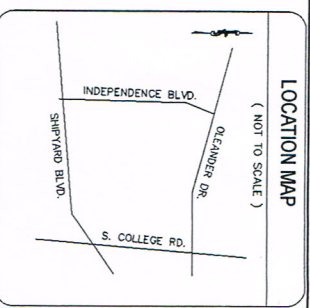
OWNER: OLEANDER COMPANY  
 P.O. BOX 3155  
 WILMINGTON, N.C.

DATE: DEC. 20, 2006  
 UPDATED: MARCH 8, 2013

INDEPENDENCE BOULEVARD  
 100' PUBLIC R/W

STERLING PLACE

ASCOTT PLACE



INDEPENDENCE EAST  
 PHASE ONE & TWO  
 C.B. 6 PG. 326  
 C.B. 7 PG. 108

EXISTING  
 IRON

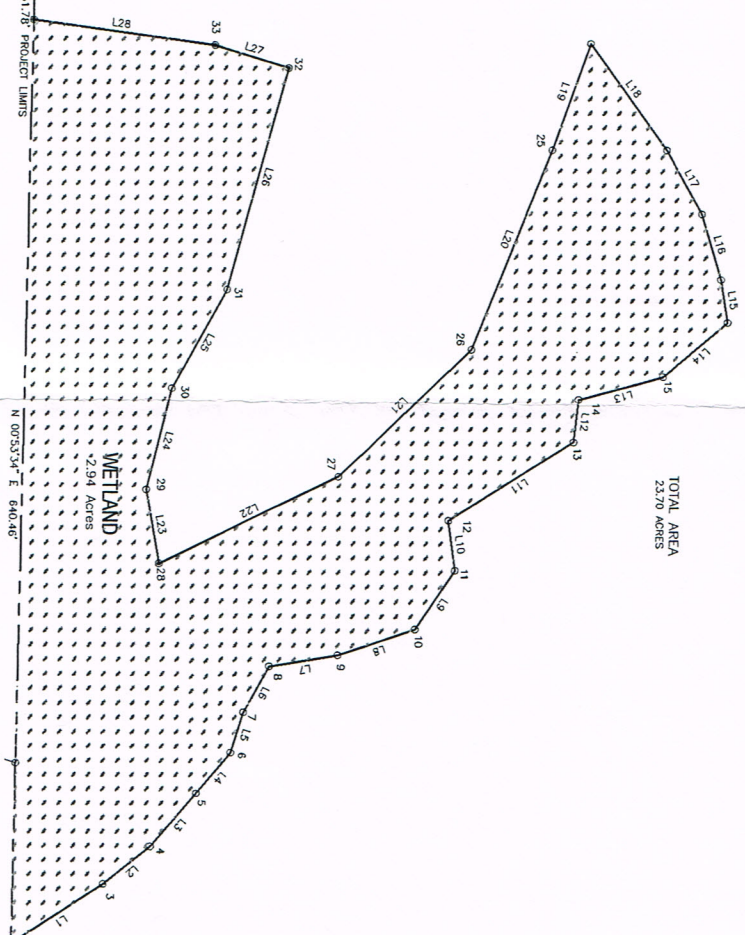
N 78°31'07" W 434.10'

EXISTING  
 IRON

N 62°08'33" W 406.18'  
 362.73'

THE OLEANDER COMPANY  
 BK 531 PG 67

TOTAL AREA  
 23.70 ACRES



N 168°02'39"  
 E 233°07'4.69

S 09°53'34" W 476.57' CONSERVATION EASEMENT LINE

S 89°06'26" E 750.00' TOTAL

N 163°22'45"  
 E 233°00'0.25

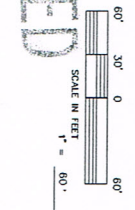
WETLAND LINE TABLE

LINE	BEARING	DISTANCE
1	S 58°46'18" W	74.46'
2	S 58°46'18" W	41.27'
3	S 58°50'09" W	48.42'
4	S 58°33'57" W	37.13'
5	S 16°58'05" W	29.34'
6	S 28°30'14" W	36.25'
7	S 67°13'54" W	47.49'
8	S 67°13'54" W	47.49'
9	S 33°45'14" W	48.50'
10	S 07°41'05" E	34.70'
11	S 57°00'17" W	101.82'
12	S 08°08'47" W	28.76'
13	S 58°46'18" W	74.46'
14	S 48°13'43" W	58.08'
15	S 09°04'57" E	30.20'
16	S 16°23'18" E	47.19'
17	S 29°03'00" E	50.83'
18	S 29°03'00" E	50.83'
19	N 15°04'43" E	78.28'
20	N 21°26'14" E	148.99'
21	N 45°23'48" E	127.01'
22	N 63°35'47" E	138.56'
23	S 17°11'27" E	51.00'
24	S 17°11'27" E	51.00'
25	S 28°33'05" W	78.07'
26	S 14°48'14" W	159.10'
27	S 72°56'07" E	52.89'
28	S 82°12'56" E	125.25'

THIS CERTIFIES THAT THIS PLAT ACCURATELY DEPICTS THE BOUNDARY OF THE JURISDICTION OF SECTION 404 OF THE CLEAN WATER ACT AND THE 1987 CORPS OF ENGINEERS DELINEATION MANUAL, AS DETERMINED BY THE UNDERGROUND ON THIS DATE UNLESS THERE IS A CHANGE IN THE LAW OR FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THIS SURVEY OR WATERS THAT ARE OUT OF CORPS JURISDICTION HAVE BEEN LABELED ON THE SURVEY.

*Andrew Tucker, P.E., Special Agent*  
 SPECIAL AGENT IN CHARGE OF ENGINEERS OFFICE  
 EXPIRATION DATE OF DELINEATION: *May 1, 2018*  
 USACE ACTION ID: *SPR 0007-0004*

CONSERVATION EASEMENT  
 NORTH CAROLINA COASTAL LAND TRUST  
 BK 3348 PG 985-997  
 THE OLEANDER COMPANY  
 BK 531 PG 67



HANOVER DESIGN SERVICES, P.A.  
 LAND SURVEYORS ENGINEERS LAND PLANNERS  
 319 WALNUT STREET  
 WILMINGTON, N.C. 28401  
 PHONE: 910 343-8002  
 FAX: 910 343-9941

