

Southern Environmental Group, Inc.

5315 South College Road, Suite E · Wilmington, North Carolina 28412
910.452.2711 · Fax: 910.452.2899 · office@segi.us · www.segi.us

May 10, 2016

Via Electronic Mail

[SEGi Project #: 011-015.02]

Ms. Angela W. Faison, Associate Planner
City of Wilmington
305 Chestnut Street
Post Office Box 1810
Wilmington, NC 28402-1810
angela.faison@wilmingtonnc.gov

**RE: Jacobs Ridge, Conservation Resource Determination
706 Jacobs Creek Lane, Wilmington, New Hanover County, North Carolina**

Dear Ms. Faison,

This correspondence is in reference to the Jacobs Ridge project at 706 Jacobs Creek Lane, located off of Cabbage Inlet Lane, Wilmington, New Hanover County, North Carolina.

Our firm was retained by Mr. and Mrs. John Black to get a Jurisdictional Determination from the U.S. Army Corps of Engineers (USACE), to gain concurrence with our delineation of the limits of Section 404 wetlands within the parcel boundaries. We also delineated the landward extent of coastal/salt marsh vegetation, and the limits of normal high water. These lines were surveyed and platted on a site plan.

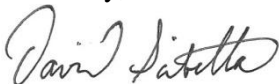
The USACE determination and signed wetland survey was issued on October 31, 2014 by Ms. Emily Hughes, concurring with our determination. This determination from the USACE states that there are wetlands present within the boundaries of the site. The USACE determination does not address adjacent properties, or the presence of wetlands on adjacent sites. The wetlands found within the parcel do connect with adjacent properties on 3 sides.

There is a small wetland feature that drains into the salt marsh along the eastern edge of the site. This feature is fed by upland cut ditches that originate in the neighborhoods upstream of the subject site. This area has been landscaped and maintained for a long period of time, and appears to have a man-made ditch running through it. It does not appear to resemble any of the listed Conservation Resource types identified in your ordinance.

Mr. Robb Mairs with the NC Division of Coastal Management has inspected the coastal/salt marsh vegetation delineation on April 9, and made a minor change to one area of our determination. This change is reflected the attached site map. This area meets the salt/brackish marsh Conservation Resource designation, and is shown on the attached plan, with the required 75' buffer zone shown.

If you have any questions or require additional information, please do not hesitate to contact us at (910) 452-2711.

Sincerely,



David Scibetta
Senior Project Manager

Attachment: USACE Notice of Jurisdictional Determination
Conservation Resource Exhibit

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

Action Id. SAW-2014-00383

County: New Hanover

U.S.G.S. Quad: NC-WRIGHTSVILLE BEACH

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: John and Kathryn Black
Address: 706 Jacobs Creek Lane
Wilmington, NC, 28405
Telephone Number: (910) 297-7915

Size (acres) 6.07

Nearest Waterway Whiskey Creek

USGS HUC 3030001

Nearest Town Wilmington

River Basin New. North Carolina.

Coordinates Latitude: 34.1612938131184

Longitude: -77.8594231578664

Location description: Property is located at 706 Jacobs Creek Lane, Wilmington, North Carolina. Parcel ID R07200-005-001-000.

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). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

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 wetlands 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 10/31/2014. 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 project area 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** or **Emily.B.Hughes@usace.army.mil**.

C. Basis For Determination: This site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual and Coastal Plain Supplement and is adjacent to Whiskey Creek, a Section 10 tributary to the Atlantic Intracoastal Waterway, a Navigable Water of the U.S. This determination is based on information provided by Southern Environmental Group and a site visit by Emily Hughes on 3/14/2014.

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:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

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 Division 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 **12/31/2014**.

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

Corps Regulatory Official: _____

Date: **October 31, 2014**

Expiration Date: **October 31, 2019**

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, located online at <http://regulatory.usacesurvey.com/>.

Copy furnished:

David Scibetta, Southern Environmental Group, Inc. 5315 South College Road, Suite E, Wilmington, NC 28412

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

Applicant: John and Kathryn Black		File Number: SAW-2014-00383	Date: October 31, 2014
Attached is:		See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	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/Missions/CivilWorks/RegulatoryProgramandPermits.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 district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,
Attn: Emily Hughes
69 Darlington Avenue
Wilmington, North Carolina 28403
(910) 251-4635**

If you only have questions regarding the appeal process you may also contact:

Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____	Date:	Telephone number:
Signature of appellant or agent.		

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Emily Hughes, 69 Darlington Avenue, Wilmington, North Carolina 28403

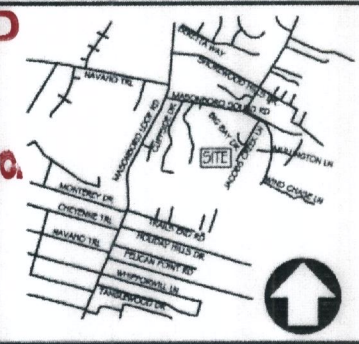
For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 6TH DAY OF MARCH A.D. 2014.

Patrick C. Bristow
 PATRICK C. BRISTOW
 N.C. PLS No. L-4148

RECEIVED
 MAR 11 2014
 WILM. FLD. OFC.



***404* WETLANDS LINE TABLE**

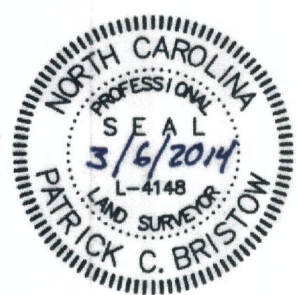
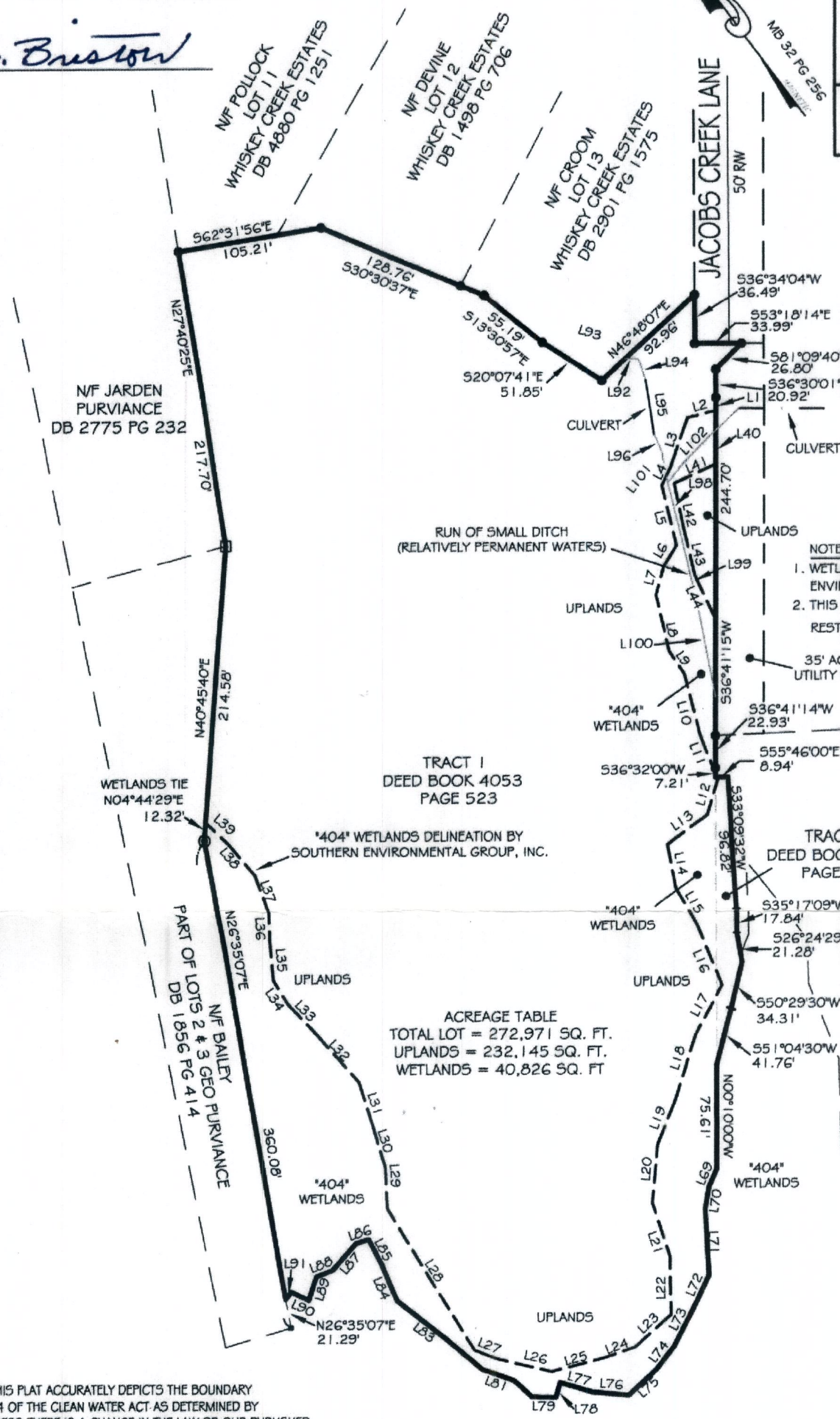
LINE	LENGTH	BEARING
L1	9.39	S36°41'15"W
L2	21.21	N67°27'26"W
L3	37.15	S56°15'36"W
L4	14.54	S62°15'22"W
L5	44.65	S22°49'09"W
L6	18.58	S67°31'57"W
L7	21.00	S51°36'17"W
L8	42.11	S23°18'29"W
L9	20.35	S03°33'25"W
L10	44.49	S22°04'35"W
L11	35.46	S15°07'22"W
L12	27.42	S52°36'30"W
L13	35.48	N68°04'56"W
L14	33.62	S26°13'31"W
L15	31.24	S07°08'25"W
L16	46.70	S13°59'29"W
L17	40.76	S64°58'42"W
L18	49.14	S54°09'37"W
L19	34.90	S58°03'25"W
L20	42.32	S41°41'32"W
L21	40.56	S18°09'37"W
L22	42.76	S35°29'52"W
L23	35.48	S84°43'14"W
L24	24.47	N72°32'08"W
L25	39.09	N67°44'54"W
L26	41.31	N40°03'49"W
L27	17.13	N31°39'04"W
L28	121.54	N05°08'21"E
L29	29.47	N33°45'22"E
L30	30.97	N19°55'38"E
L31	34.32	N19°06'25"E
L32	41.77	N05°32'13"W
L33	34.96	N06°40'29"W
L34	20.00	N04°18'37"E
L35	27.64	N31°31'52"E
L36	21.15	N35°25'06"E
L37	30.06	N16°50'43"E
L38	28.49	N02°17'15"W
L39	23.68	N11°27'06"W
L40	38.15	S36°41'15"W
L41	33.16	N77°28'42"W
L42	32.13	S24°41'11"W
L43	36.42	S23°26'00"W
L44	35.87	S11°34'37"W

HIGH WATER LINE TABLE

LINE	LENGTH	BEARING
L69	14.08	S60°02'58"W
L70	16.22	S46°28'22"W
L71	47.81	S33°05'20"W
L72	20.63	S61°30'38"W
L73	37.56	S63°20'24"W
L74	21.05	S74°07'56"W
L75	28.00	S84°06'28"W
L76	26.83	N48°04'28"W
L77	24.15	N36°46'49"W
L78	11.15	S53°54'25"W
L79	17.37	N52°00'16"W
L80	17.46	N10°40'14"W
L81	24.63	N34°03'25"W
L82	35.43	N12°46'50"W
L83	44.72	N15°00'42"W
L84	28.06	N14°02'21"E
L85	21.17	N08°58'32"E
L86	9.50	N71°08'53"W
L87	25.87	S78°00'37"W
L88	12.65	N74°43'27"W
L89	18.30	S54°49'33"W
L90	14.12	N27°02'41"W
L91	6.79	S74°17'39"W

STREAM LINE TABLE

LINE	LENGTH	BEARING
L92	7.22	S48°21'14"W
L93	2.67	S67°40'33"W
L94	15.34	N60°11'14"W
L95	41.30	N50°12'35"W
L96	12.03	N66°57'52"W
L97	23.48	N52°26'48"W
L98	46.62	N55°19'36"W
L99	53.28	N54°19'09"W
L100	60.19	N52°08'46"W
L101	13.66	S03°04'17"E
L102	37.04	S03°53'46"W



NOTES
 1. WETLAND DELINEATION BY SOUTHERN ENVIRONMENTAL GROUP, INC.
 2. THIS LOT IS SUBJECT TO ALL UTILITY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.
 35' ACCESS & UTILITY EASEMENT

ACREAGE TABLE
 TOTAL LOT = 272,971 SQ. FT.
 UPLANDS = 232,145 SQ. FT.
 WETLANDS = 40,826 SQ. FT.

"THIS CERTIFIES THAT THIS COPY OF THIS PLAT ACCURATELY DEPICTS THE BOUNDARY OF THE JURISDICTION OF SECTION 404 OF THE CLEAN WATER ACT AS DETERMINED BY THE UNDERSIGNED ON THIS DATE. UNLESS THERE IS A CHANGE IN THE LAW OR OUR PUBLISHED REGULATIONS, THE DETERMINATION OF SECTION 404 JURISDICTION MAY BE RELIED UPON FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS FROM THIS DATE. THE UNDERSIGNED COMPLETED THIS DETERMINATION UTILIZING THE APPROPRIATE REGIONAL SUPPLEMENT TO THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL."

REGULATORY OFFICIAL: *Erin Hughes*
 TITLE: *Reg. Specialist*
 DATE: *10/31/14 Exp. 10/31/19*
 USAGE ACTION ID NO: *SAW-2014-00383*

"404" JURISDICTIONAL BOUNDARY SURVEY FOR JOHN A. BLACK & KATHRYN F. BLACK
 PARCEL ID #R07200-005-001-000 706 JACOB'S CREEK LANE
 CITY OF WILMINGTON NEW HANOVER COUNTY, N.C.

S:\LAND PROJECTS\706 JACOBS CREEK LANE 404 MAP.dwg | 11 BY 17 JD MAP.dwg

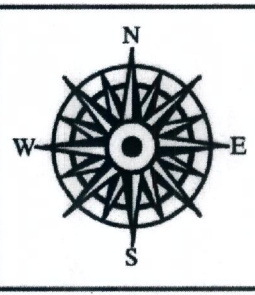
MARCH 6, 2014

1 INCH = 100 FEET

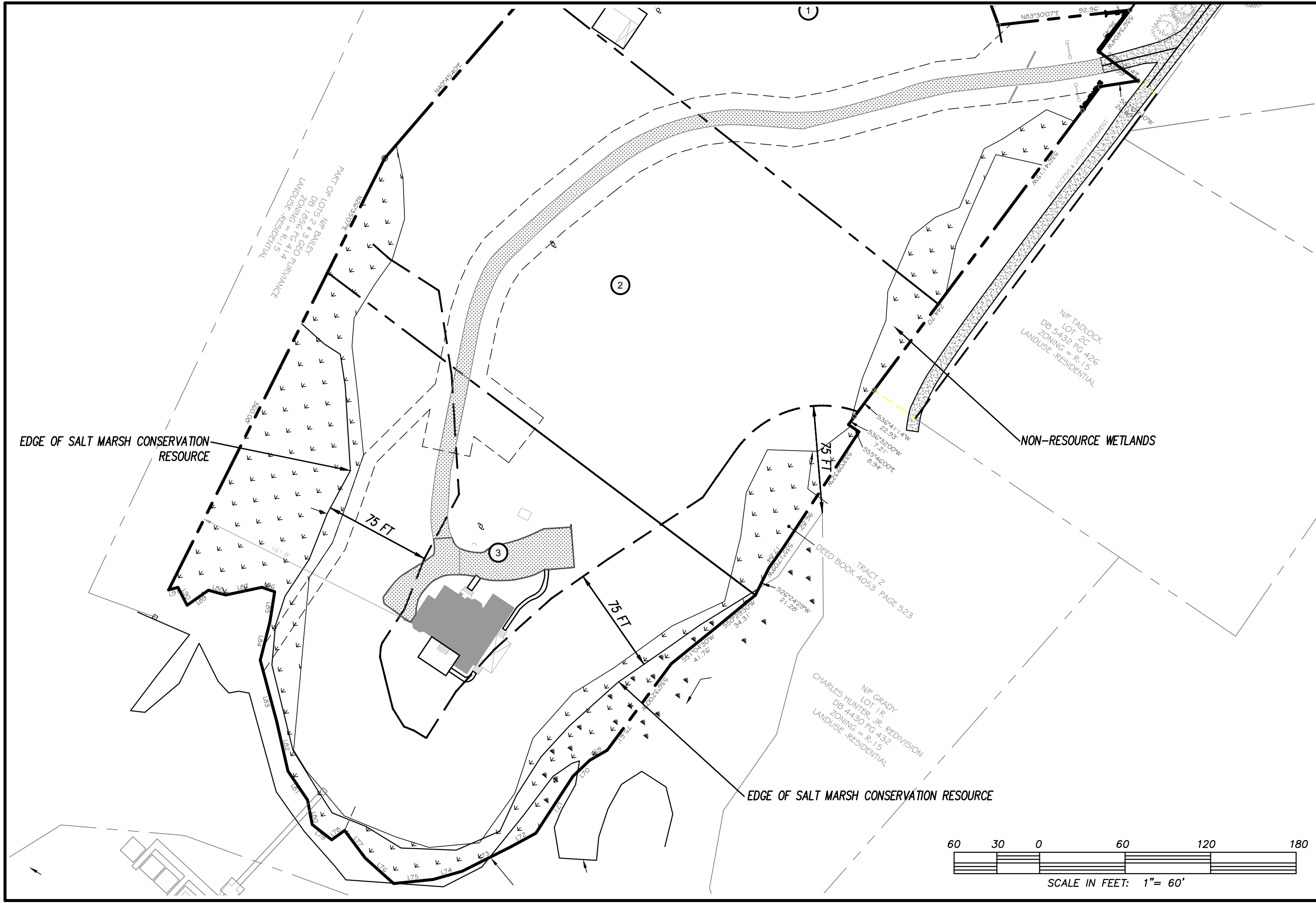
© PATRICK C. BRISTOW LAND SURVEYING, PC MARCH 2014

LEGEND

- = EXISTING IRON PIPE
- = CENTERLINE
- = CONTROL MONUMENT
- ⊙ = SET IRON PIPE
- △ = SURVEY NAIL
- ⊕ = BENCHMARK
- ⊗ = WATER METER



PATRICK C. BRISTOW
 LAND SURVEYING, PC
 4113-A OLEANDER DRIVE
 WILMINGTON, N.C. 28403
 (910) 791-1500 (PH) (910) 791-1504 (FAX)
 E-MAIL: pat@bristowsurveying.com
 FIRM LICENSURE NO. C-3071



CSD ENGINEERING
 LICENSE # C-2710
 ENGINEERING
 LAND PLANNING
 COMMERCIAL / RESIDENTIAL
 P.O. Box 4041
 Wilmington, NC 28406
 (910) 791-4441

CONSERVATION RESOURCE EXHIBIT
 JACOBS RIDGE

CONSERVATION RESOURCE EXHIBIT
 JACOBS RIDGE
 LOCATED IN CITY OF WILMINGTON
 NEW HANOVER COUNTY, NORTH CAROLINA
 OWNER: BLACKPACK INVESTMENTS, LLC
 706 JACOBS CREEK LANE
 WILMINGTON, NC 28409

PRELIMINARY

REV. NO.	BY	DATE	REMARKS

DATE: 5-10-16
 HORZ. SCALE: 1" = 60'
 VERT. SCALE: N/A
 DRAWN BY: RLW
 CHECKED BY: HSR
 PROJECT NO.: 13-0309

Sheet No. 1 Of 1

