

**UDO 2016-08-10
Special Use Permit
Findings of Facts**

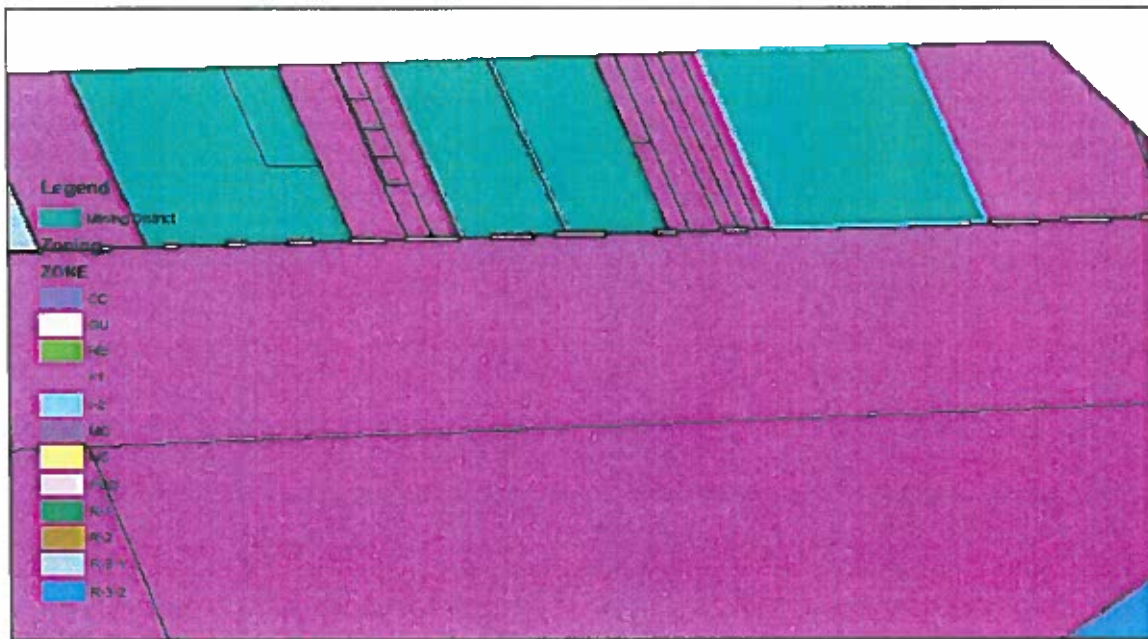
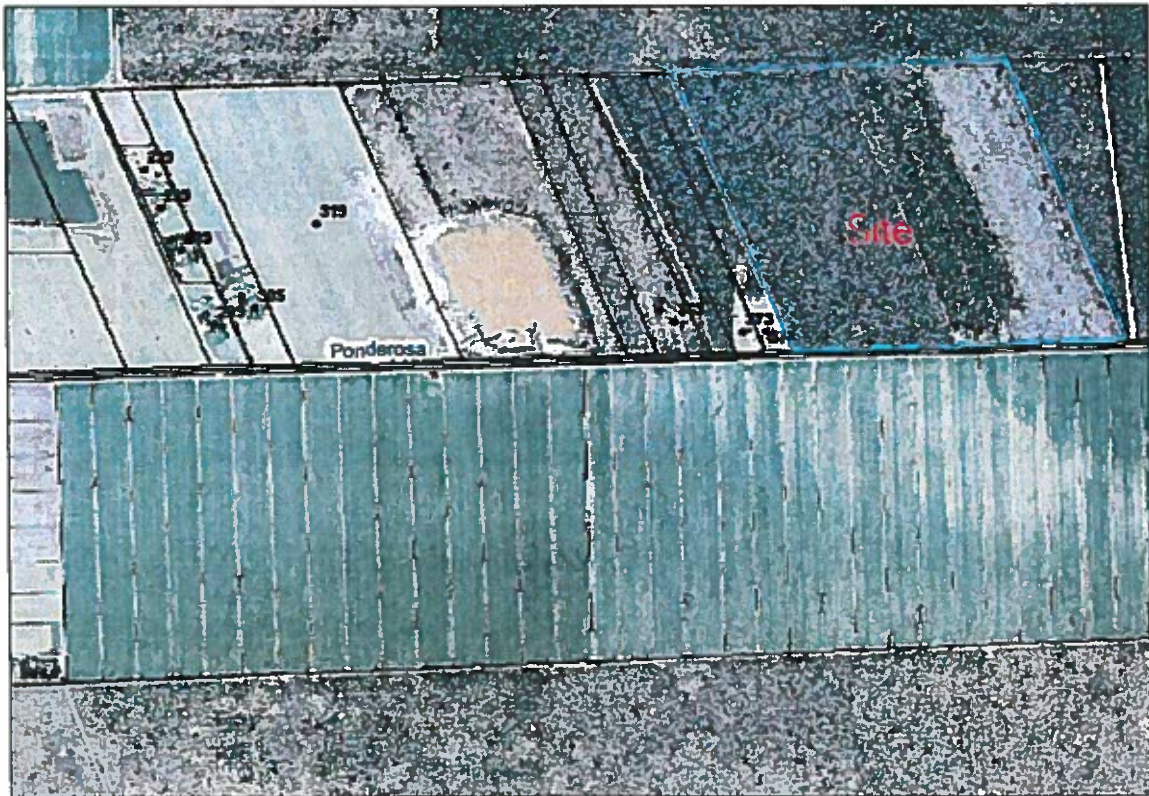
PROJECT INFORMATION

File Reference: UDO 2016-08-10 Project Name; Mining Operation PIN: 01-7082-00-68-8936 Applicant: B & M Investments Of NC, LLC Address: 1075 N. Hwy 343 South Mills, NC Phone: (252) 771-5634 Email: Agent for Applicant: Address: Phone: Email: Current Owner of Record: Same as applicant. Meeting Dates: 9/21/2016 Planning Board Board of Commissioners	Application Received: 8/18/2016 By: David Parks, Permit Officer Application Fee paid: \$400 Check # 6322 Completeness of Application: Application is generally complete Documents received upon filing of application or otherwise included: A. Land Use/Development Application B. Mine Development Plan C. Aerial/Zoning Map D. Copy of expired SUP issued July 16, 2007 E. NCDENR Mining Permit No. 15-12 F. U.S. Army Corps of Engineers Permit
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PROJECT LOCATION:

Street Address: End of Ponderosa Drive
Location Description: South Mills Township

Vicinity/Zoning Map:



REQUEST: Mining Operation (Use #14.300). Owners were granted a Special Use Permit (UDO 2007-05-15) for the mining operation which was approved by the Board of Commissioners on July 16, 2007. With the length of time to obtain NCDENR/Army Corps permits and down turn in the economy the Special Use Permit has expired.

SITE DATA

Lot size: Approximately 113 acres in size
Flood Zone: X
Zoning District(s): Light Industrial (I-1)
Existing Land Uses: Woodland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	State of Virginia	Light Industrial (I-1)	Light Industrial (I-1)	Light Industrial I-1
Use & size	Woodland	Woodland/Farms over 23 acres	Woodland – approximately 95 acres	Single Family Dwelling – 10 acres

Proposed Use(s): Mining Operation

Description of property:

Property is a wooded parcel located at the VA/NC Boarder

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall:

Nearest outfall is Dismal Swamp Canal

Soils:

Predominant: Hyde (HyA)
Other: Belhaven Muck (BaA)

INFRASTRUCTURE

There are currently no utilities servicing the property.

Traffic: There will be a significant increase of traffic flow on Ponderosa Road

1. Utilities:

- A. Does the application include a letter or certificate from the District Health Department regarding septic tanks?** Applicant requesting use of portable toilet.
- B. Does the applicant propose the use of public sewage systems?** No
- C. Does the applicant propose the use of public water systems?** No.
- D. Distance from existing public water supply system:** Approximately 4.5 miles (Camden ECO Park).
- E. Is the area within a five-year proposal for the provision of public water?** No
- F. Is the area within a five-year proposal for the provision of public sewage?** No

2. Landscaping

- A. Is any buffer required?** Yes. Indicated on site plan.
- B. Is any landscaping described in application:** N/A

3. Findings Regarding Additional Requirements:

- A. Endangering the public health and safety:** If ingress/egress is proposed off Ponderosa Road (Private) staff feels that with the width of Ponderosa Road (30' easement) and current road conditions, proposed use will have an impact on the residents that utilize the road if not kept up to drivable standards.
- B. Injure the value of adjoining or abutting property:** Staff's opinion is that the proposed use will not injure the values of adjoining properties.
- C. Harmony with the area in which it is located:** Yes. The property is zoned for the proposed use. There was a Special Use Permit issued (attached) by the County for the same use.
- D. Conformity with the Plans**
 - (1). Land Use Plan – Area is consistent with County's Future Land Use Map for proposed use.
 - (2). Thoroughfare Plan – Only access to site is off Ponderosa Road (Private 30' easement).
 - (3). Other Plans officially adopted by the Board of Commissioners – N/A
- E. Will not exceed the county's ability to provide public facilities**
 - (1). Schools – No impact.
 - (2). Fire and rescue – Little impact.
 - (3). Law Enforcement – Little impact.
- F. Other County Facilities** – N/A

Planning Staff is recommending approval to re-issue a new Special Use Permit with the following conditions (taken from previous Special Use Permit):

- 1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
- 2. The applicant shall complete the development strictly in accordance with the approved plans contained in the file titled UDO 2016-08-10.
- 3. Applicant shall aid in maintaining the upkeep of Ponderosa Road to current conditions.

4. Applicant shall retain the cut over trees that lay within the buffer area indicated on site plans.
5. Hours of operations shall be: April 1 – October 31, 7:00 AM-6:00 PM, Monday thru Friday and; November 1 – March 31, 7:00 AM – 5:00 PM, Monday thru Friday.
6. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.



Land Use/Development Application
County of Camden, North Carolina

Depending upon the type of proposal, the proposal may require a Zoning Permit, Conditional Use Permit, or Special Use Permit. This form is used as the start of application process. All applicants must submit a site plan (see "Minimum Site Plan Requirements") and a valid Health Department permit. Applicants for a Conditional Use Permit or Special Use Permit should review the "Requirements for Conditional Use Permit and Special Use Permit Applications".

Applicants for a subdivision must submit this form as their Special Use Permit application.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

Please Do Not Write in this Box	
PIN:	<u>01-7082-00-68-8936</u>
UDO#	<u>2016 - 08 - 10</u>
Date Received:	<u>8/18/2016</u>
Received by:	<u>DP</u>
Zoning District:	<u>Light Industrial - 11</u>
Fee Paid \$	<u>400.00</u>

PLEASE PRINT OR TYPE

Applicant's Name: B & M Investments of NC LLC

Per CK # 6322
JD

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: 1075 N. Highway 343
South Mills, NC 27976

Daytime Phone Number: (252) 771-5634

Street Address Location of Property: End of Ponderosa Road, South Mills Township

General Description of Proposal: Mining Operation - Use #14.300 - 54P

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: *Sandy W. Meigs*
Dated: *8/18/16*

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area? No

*Flood Zone (from FIRM Map): X *Taxes paid? no

FILED in Camden County, NC
on Aug 20 2007 at 01:18:40 PM
by: Peggy C. Kight
Register of Deeds
BOOK 253 PAGE 497

**AN ORDER GRANTING A
SPECIAL USE PERMIT
BY THE BOARD OF COMMISSIONERS
CAMDEN, NORTH CAROLINA**

The Board of Commissioners for the County of Camden, North Carolina, having held a public hearing on Monday, July 16, 2007 to consider an application for a Special Use Permit by B & M Investments of NC LLC and having heard all of the evidence presented at the hearing makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

It is the Board's CONCLUSION that the Special Use Permit be issued subject to certain conditions listed below.

This CONCLUSION is based upon the following FINDINGS OF FACT:

1. **Name of Applicant:** B & M Investments of NC LLC
2. **Agent for Applicant:** Gary Meiggs
3. **Address of Agent:** 1075 North Highway 343
South Mills, NC 27976
4. **PIN:** 01-7082-00-68-8936
5. **Name(s) of Current Owner(s) of Record:** B & M Investments of NC, LLC
6. **Street Address of Property:** Not addressed
7. **Location of Property:** Adjacent to 370 Ponderosa Road
8. **Flood Zone:** X
9. **Zoning District(s):** Light Industrial (I-1)
10. **Is a Zoning Change Required for the Proposed Use?** No

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Mining Operation
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- 11. **General Description of the Proposal:** Mining Operation – “Bonney Bright Sand”
- 12. **Table of Permissible Use #:** 14.300
- 13. **Date Application Received by County:** May 8, 2007
- 14. **Did the Applicant participate in a pre-application Conference?** Yes
- 15. **Received by:** Dave Parks, Permit Officer
- 16. **Application fee paid:** \$400.00 by check # 1601
- 17. **Completeness of Application:** Application is generally complete.
- 18. **Documents received upon filing application or otherwise included:**
 - A. Land Use/Development Application
 - B. Deed
 - C. GIS Map
 - D. 10 Copies Proposed Commercial Site Plan
- 19. **Soil Classifications:**
 - Predominant:** Hyde (HyA) Severe wetness, percs slowly
 - Other:** Belhaven (BaA) Severe wetness, percs slowly
- 20. **Adjacent Property Uses:**
 - A. **Predominant:** Agriculture
 - B. **Other:** Some residential exists adjacent to property
- 21. **Existing Land Uses:** Timber
- 22. **Utilities:**
 - A. **Does the application include a letter or certificate from the District Health Department regarding septic tanks?** No.
 - B. **Does the applicant propose the use of public sewage systems?** No.
 - C. **Does the applicant propose the use of public water systems?** No.
 - D. **Distance from existing public water supply system:** Area not serviced.
 - E. **Is the area within a five-year proposal for the provision of public water?** No
 - F. **Is the area within a five-year proposal for the provision of public sewage?** No
- 23. **Landscaping:**
 - A. **Is any buffer required?** Yes, indicated in site plan.
 - B. **Will trees be required along dedicated streets UDO Article 151.156?** N/A
- 24. **Findings Regarding Additional Requirements:**
 - A. **Endangering the public health and safety:** If ingress/egress is proposed off Ponderosa road, staff feels that with the width of Ponderosa Road and current road conditions, proposed use will have a severe impact on the public health and safety. Road is currently utilized by another mining operation (Camden Yard Materials) and have received several complaints from residential property owners stating the dump trucks are tearing up the road to a point that they claim is not drivable. Erosion is severe at each culvert pipe crossing the road.
 - B. **Injure the value of adjoining or abutting property:** The application does not appear to injure the value of adjoining or abutting property.
 - C. **Harmony with the area in which it is located:** Yes, property zoned for commercial development, however staff feels unless an alternative access other than Ponderosa road is provided the proposed use is affect the harmony of the residents to utilize their property as residential.
 - D. **Conformity with the Plans:**

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- 1. **Land Use Plan:** Area consistent with the county's future land use map. However, Article 151.034 of the Unified Development Ordinance, states that "mining operations should be located in very limited locations".
- 2. **Thoroughfare Plan:** Only access to site is off Ponderosa Road (Private ROW).
- 3. **Other plans officially adopted by the Board of Commissioners:**
None
- E. Will not exceed the county's ability to provide public facilities:**
 - 1. **Schools:** Proposed development will have no impact on schools.
 - 2. **Fire and Rescue:** During heavy rain events, road condition could prevent access by Fire and Rescue vehicles.
 - 3. **Law Enforcement:** During heavy rain events, road condition could prevent access by Law Enforcement vehicles.
- Other County Facilities:** None.
- F. Other:** None.

Approved by the Board of Commissioners on August 6, 2007 vote with the following conditions:

- 1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
- 2. The applicant shall complete the development strictly in accordance with the plans approved by the Board of Commissioners of Camden County, North Carolina, and contained in the file titled UDO 2007-05-15.
- 3. Applicant shall aid in maintaining the upkeep of Ponderosa Road to current conditions.
- 4. Prior to any land disturbing activity, applicant shall provide an Erosion and Sedimentation Control Plan approved by the North Carolina Department and Environmental and Natural Resources (DENR).
- 5. Prior to any land disturbing activity, applicant shall provide the Planning Office a copy of the Mining Permit approved by DENR.
- 6. Applicant shall retain the cut over trees that lay within the buffer area indicated on site plans.
- 7. Hours of Operations shall be April 1 – October 31, 7:00 AM – 6:00 PM, Monday thru Friday; November 1 – March 31, 7:00 AM – 5:00 PM, Monday thru Friday.
- 8. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.

IN WITNESS WHEREOF, the County has caused this Special Use Permit to be issued in its name, and the undersigned, being all of the property owners/applicants of the property above described, do hereby accept this special use permit together with all its conditions as binding on them, their successors and their assigns in interest.

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I, Gary Meiggs, owner of the above-identified property do hereby acknowledge receipt of this Order authorizing the issuance of a Special Use Permit. The undersigned owner/applicant does further acknowledge that no work may be done pursuant to the Permit except in accordance with all of its conditions and requirements and that all restrictions shall be binding upon them, their assigns, and their successors in interest.

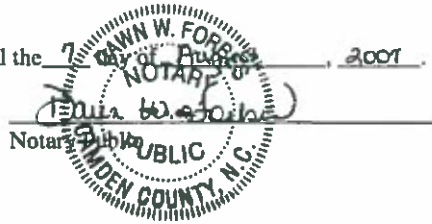
Gary Meiggs
Gary Meiggs Applicant/Property Owner

Date: 8-7-07

NORTH CAROLINA
CAMDEN COUNTY

I, Dawn W. Forbes, a Notary Public in and for said state and county, do hereby certify that Gary Meiggs Applicant/Property owner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal the 7 day of August, 2007.



My commission expires: 7/20/08

COUNTY OF CAMDEN

ATTEST:

I, David A. Parks, Permit Officer for Camden County, do hereby acknowledge receipt of this Order authorizing the issuance of a Special Use Permit. The undersigned individual does further acknowledge that no work may be done pursuant to the Permit except in accordance with all of its conditions and requirements and that all restrictions shall be binding upon them, their assigns and their successors in interest.

David A. Parks
David A. Parks, Permit Officer

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Mining Operation
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North Carolina Department of Environment and Natural Resources
Division of Land Resources
Land Quality Section

James D. Simons, PG, PE
Director and State Geologist

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

July 15, 2010

Mr. Bonney G. Bright
5513 Buzzard Neck Road
Virginia Beach, Virginia 23457

Re: Meiggs Tract Mine
Camden County
Pasquotank River Basin

Dear Mr. Bright:

The application for a mining permit for the above referenced mine site has been found to meet the requirements of G.S. 74-51 of The Mining Act of 1971. As we have received the required security to cover this application, I am enclosing the mining permit.

The conditions of Mining Permit No. 15-12 were based primarily upon information supplied in the application with conditions added as necessary to insure compliance with The Mining Act of 1971. This permit expires on July 15, 2020. G.S. 74-65 states that the issuance of a mining permit does not supersede or otherwise affect or prevent the enforcement of any zoning regulation or ordinance duly adopted by an incorporated city or county or by any agency or department of the State of North Carolina.

As a reminder, your permitted acreage at this site is 113.89 acres and the amount of land you are approved to disturb is 102.0 acres.

Please review the permit and contact Ms. Judy Wehner, Assistant State Mining Specialist, at (919) 733-4574 of any objection or questions concerning the terms of the permit.

Sincerely,

Francis M. Nevils, Jr., PE
Section Chief

FMN/jw

Enclosures: Permit No. 15-12
Notice of Issuance

cc: Mr. Pat McClain, PE
Ms. Shannon Deaton -WRC, w/permit
Mr. William Geringer-DOL, Mine and Quarry Bureau, w/o enclosures
US Fish and Wildlife Service, w/ permit

1612 Mail Service Center, Raleigh, North Carolina 27699-1612 • Telephone 919-733-4574 / FAX: 919-733-2676
512 North Salisbury Street, Raleigh, North Carolina, 27604 • Internet <http://www.dnr.state.nc.us/pages/landqualitysection.html>
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DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
DIVISION OF LAND RESOURCES
LAND QUALITY SECTION

P E R M I T

for the operation of a mining activity

In accordance with the provisions of G.S. 74-46 through 68, "The Mining Act of 1971," Mining Permit Rule 15A NCAC 5 B, and other applicable laws, rules and regulations

Permission is hereby granted to:

Bonney G. Bright

Meiggs Tract Mine

Camden County - Permit No. 15-12

for the operation of a

Sand Mine

which shall provide that the usefulness, productivity and scenic values of all lands and waters affected by this mining operation will receive the greatest practical degree of protection and restoration.

MINING PERMIT EXPIRATION DATE July 15, 2020

In accordance with the application for this mining permit, which is hereby approved by the Department of Environment and Natural Resources, hereinafter referred to as the Department, and in conformity with the approved Reclamation Plan attached to and incorporated as part of this permit, provisions must be made for the protection of the surrounding environment and for reclamation of the land and water affected by the permitted mining operation. This permit is expressly conditioned upon compliance with all the requirements of the approved Reclamation Plan. However, completed performance of the approved Reclamation Plan is a separable obligation, secured by the bond or other security on file with the Department, and may survive the expiration, revocation or suspension of this permit.

This permit is not transferable by the permittee with the following exception: If another operator succeeds to the interest of the permittee in the permitted mining operation, by virtue of a sale, lease, assignment or otherwise, the Department may release the permittee from the duties imposed upon him by the conditions of his permit and by the Mining Act with reference to the permitted operation, and transfer the permit to the successor operator, provided that both operators have complied with the requirements of the Mining Act and that the successor operator agrees to assume the duties of the permittee with reference to reclamation of the affected land and posts a suitable bond or other security.

In the event that the Department determines that the permittee or permittee's successor is not complying with the Reclamation Plan or other terms and conditions of this permit, or is failing to achieve the purposes and requirements of the Mining Act, the Department may give the operator written notice of its intent to modify, revoke or suspend the permit, or its intent to modify the Reclamation Plan as incorporated in the permit. The operator shall have right to a hearing at a designated time and place on any proposed modification, revocation or suspension by the Department. Alternatively and in addition to the above, the Department may institute other enforcement procedures authorized by law.

Definitions

Wherever used or referred to in this permit, unless the context clearly indicates otherwise, terms shall have the same meaning as supplied by the Mining Act, N.C.G.S. 74-49.

Expiration Date

This permit shall be effective from the date of its issuance until July 15, 2020.

Conditions

This permit shall be subject to the provisions of the Mining Act, N.C.G.S. 74-46, et. seq., and to the following conditions and limitations:

OPERATING CONDITIONS:

1. A. Any wastewater processing or mine dewatering shall be in accordance with the permitting requirements and rules promulgated by the N.C. Environmental Management Commission.

- B. Any stormwater runoff from the affected areas at the site shall be in accordance with any applicable permit requirements and regulations promulgated by the Environmental Protection Agency and enforced by the N.C. Environmental Management Commission. It shall be the permittee's responsibility to contact the Division of Water Quality to secure any necessary stormwater permits or other approval documents.
- 2.
 - A. Any mining process producing air contamination emissions shall be subject to the permitting requirements and rules promulgated by the N.C. Environmental Management Commission and enforced by the Division of Air Quality.
 - B. During mining operations, water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the permitted area.
- 3.
 - A. Sufficient buffer (minimum 50 foot undisturbed) shall be maintained between any affected land and any adjoining waterway or wetland to prevent sedimentation of that waterway or wetland from erosion of the affected land and to preserve the integrity of the natural watercourse or wetland.
 - B. Any mining activity affecting waters of the State, waters of the U. S., or wetlands shall be in accordance with the requirements and regulations promulgated and enforced by the N. C. Environmental Management Commission.
 - C. No dewatering activities at the site or discharges from the site shall occur until proof has been submitted to the Division of Land Resources that an NPDES permit has been issued from the Division of Water Quality.
- 4.
 - A. Adequate mechanical barriers including but not limited to diversions, earthen dikes, silt check dams, silt retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance and maintained to prevent sediment from discharging onto adjacent surface areas or into any lake, wetland or natural watercourse in proximity to the affected land.
 - B. All drainage from the affected area around the mine excavation shall be diverted internal to said excavation or into the approved sediment and erosion control measures.
 - C. Mining activities shall occur as indicated on the Mine Development/Reclamation Plan Map last revised May 8, 2009 and the supplemental information received by the Land Quality Section on March 2, 2009, August 28, 2009, December 17, 2009 and March 19, 2010.

5. Groundwater monitoring wells shall be installed and monitored as deemed appropriate by the Department as follows:
 - A. Monitoring wells shall be installed as specified in the "Adjacent Well Survey and Ground Water Monitoring Plan" last revised April 2010 and monitored at least bimonthly (twice per month) beginning 90 days prior to initiating any land disturbing activities at the site (other than the land disturbing activities needed to install the monitoring wells and the approved erosion and sedimentation control measures) to allow for the determination of pre-existing (static) groundwater levels and parameter levels. In addition, neighboring wells shall be monitored at least monthly 90 days prior to initiating any excavation. The operator shall notify the Department once all the monitoring wells are installed.
 - B. The well depths shall be as proposed in the "Adjacent Well Survey and Ground Water Monitoring Plan" last revised April 2010 and received on April 26, 2010.
 - C. The monitoring wells shall be drilled wells screened at the base depth of the excavation (the ultimate depth of the mine). The wells shall be secured against unauthorized entry with a lockable cap. The necessary permits or approvals to construct these wells shall be obtained from the N.C. Division of Water Quality, Groundwater Section.
 - D. The monitoring wells shall be monitored bimonthly (twice per month) at the same day and approximate time of day. The static water levels shall be measured with an accuracy of plus or minus 0.1 foot and shall be referenced to a datum point and a record of the water levels maintained. The bimonthly precipitation and the volume of pit water discharge shall also be recorded. Copies of these records shall be provided to the Department on or about the end of each month. Static water level monitoring frequency may be increased or decreased as deemed appropriate by the Department.
 - E. Any water supply wells affected by the mining operation shall be replaced by the operator.
6. All permit boundaries (113.89 acres) shall be permanently marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.
7. The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause off-site damage because of siltation, shall be planted or otherwise provided with ground cover, devices or structures sufficient to restrain such erosion.
8. The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage ditches or conduits shall be constructed or installed when required to prevent such conditions.

9. Existing vegetation or vegetated earthen berms shall be maintained between the mine and public thoroughfares whenever practical to screen the operation from the public.
10. A. Sufficient buffer shall be maintained between any excavation and any mining permit boundary to protect adjacent property.
- B. All buffers shall be maintained as indicated on the Mine Development/Reclamation Plan Map last revised May 8, 2009
11. A. No on-site disposal of refuse or other solid waste that is generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Waste Management and the Land Quality Section, Department of Environment and Natural Resources. The method of disposal shall be consistent with the approved reclamation plan.
- B. Mining refuse as defined by G.S. 74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that may be considered hazardous shall be disposed of within the permitted area.
- C. For the purposes of this permit, the Division of Land Resources considers the following materials to be "mining refuse" (in addition to those specifically listed under G.S. 74-49 (14) of the N.C. Mining Act of 1971):
1. on-site generated land clearing debris
 2. conveyor belts
 3. wire cables
 4. v-belts
 5. steel reinforced air hoses
 6. drill steel
- D. If mining refuse is to be permanently disposed within the mining permit boundary, the following information must be provided to and approved by the Division of Land Resources prior to commencement of such disposal:
1. the approximate boundaries and size of the refuse disposal area;
 2. a list of refuse items to be disposed;
 3. verification that a minimum of 4 feet of cover will be provided over the refuse;
 4. verification that the refuse will be disposed at least 4 feet above the seasonally high water table; and,
 5. verification that a permanent vegetative groundcover will be established.

12. An Annual Reclamation Report shall be submitted on a form supplied by the Department by February 1 of each year until reclamation is completed and approved.
13. The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit or any approved revision to it. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.
14. The security, which was posted pursuant to N.C.G.S. 74-54 in the form of a \$79,500.00 Irrevocable Standby Letter of Credit, is sufficient to cover the operation as indicated in the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.
15.
 - A. Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.
 - B. Pursuant to N. C. G. S. 70 Article 3, "The Unmarked Human Burial and Human Skeletal Remains Protection Act," should the operator or any person in his employ encounter human skeletal remains, immediate notification shall be provided to the county medical examiner and the chief archaeologist, North Carolina Division of Archives and History.

APPROVED RECLAMATION PLAN

The Mining Permit incorporates this Reclamation Plan, the performance of which is a condition on the continuing validity of that Mining Permit. Additionally, the Reclamation Plan is a separable obligation of the permittee, which continues beyond the terms of the Mining Permit.

The approved plan provides:

Minimum Standards As Provided By G.S. 74-53

1. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.
2. Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.
3. All overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land.
4. No small pools of water shall be allowed to collect or remain on the mined area that are, or are likely to become noxious, odious or foul.
5. The revegetation plan shall conform to accepted and recommended agronomic and reforestation practices as established by the North Carolina Agricultural Experiment Station and the North Carolina Forest Service.
6. Permittee shall conduct reclamation activities pursuant to the Reclamation Plan herein incorporated. These activities shall be conducted according to the time schedule included in the plan, which shall to the extent feasible provide reclamation simultaneous with mining operations and in any event, provide reclamation at the earliest practicable time after completion or termination of mining on any segment of the permit area and shall be completed within two years after completion or termination of mining.

RECLAMATION CONDITIONS:

1. Provided further, and subject to the Reclamation schedule, the planned reclamation shall be to restore the mine excavation to a lake area and to grade and revegetate the adjacent disturbed areas.
2. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:
 - A. The lake area shall be excavated to maintain a minimum water depth of four feet measured from the low water table elevation.

- B. The side slopes to the lake excavation shall be graded to a 3 horizontal to 1 vertical or flatter to the water line and 2 horizontal to 1 vertical or flatter below the water line.
- C. Any areas used for wastepiles, screening, stockpiling or other processing shall be leveled and smoothed.
- D. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Condition Nos. 10A through 10D.
- E. The affected land shall be graded to prevent the collection of noxious or foul water.

3. Revegetation Plan:

After site preparation, all disturbed land areas shall be revegetated as per the Revegetation Plan approved by Mr. Dwane Hinson, District Conservationist with the Albemarle Soil and Water Conservation District on June 4, 2007.


Whenever possible, disturbed areas should be vegetated with native warm season grasses such as switch grass, Indian grass, bluestem and gamma grass.

In addition, the permittee shall consult with a professional wildlife biologist with the N.C. Wildlife Resources Commission to enhance post-project wildlife habitat at the site.

4. Reclamation Plan:

Reclamation shall be conducted simultaneously with mining to the extent feasible. In any event, reclamation shall be initiated as soon as feasible after completion or termination of mining of any mine segment under permit. Final reclamation, including revegetation, shall be completed within two years of completion or termination of mining.

Permit issued this 15th day of July, 2010.

By: 

James D. Simons, Director
Division of Land Resources
By Authority of the Secretary
Of the Department of Environment and Natural Resources

**NOTICE OF ISSUANCE OF
MINING PERMIT**

You have previously expressed an interest and/or are listed as an adjoining landowner in the application for a mining permit filed by Bonney G. Bright to conduct mining activities off US Highway 17 in Camden County. The mining permit (no. 15-12) was issued on July 15, 2010.

North Carolina law allows persons aggrieved by the issuance of a mining permit to contest the decision by filing a petition for a contested case in the Office of Administrative Hearings pursuant to N.C.G.S. 150B-23 of the Administrative Procedure Act (APA).

If you believe that you are an aggrieved party within the meaning of the APA, a petition for a contested case must be filed in the Office of Administrative Hearings within sixty (60) days of the mailing of this notice to you.

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. General Statutes 150B-23. File the original petition and one copy with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

Any questions about filing a petition may be directed to the Clerk of the Office of Administrative Hearings by telephoning (919) 733-0926.

You must serve the **Department of Environment and Natural Resources** by mailing a copy of the petition to Ms. Mary Penny Thompson, Registered Agent and General Counsel, Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, NC 27699-1601.



James D. Simons
Director
Division of Land Resources
North Carolina Department of
Environment and Natural
Resources

This notice was mailed on 7/17/2010



Brenda Harris
Mining Program Secretary

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

Action Id. SAW-2011-01138 County: Camden U.S.G.S. Quad: VA-LAKE DRUMMOND SE

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: B&M Investments, LLC.
Bonnev Bright
Address: 5563 Buzzards Neck Road
Virginia Beach, VA, 23457

Telephone Number: (757)721-5823

Size (acres) 113.89
Nearest Waterway Dismal Swamp Canal-ICW
USGS HUC 03010205

Nearest Town South Mills
River Basin Pasquotank
Coordinates Latitude: 36.548001
Longitude: -76.321851

Location description: The project is located on an approximately 115 acres east of US17 on Ponderosa Drive near the town of South Mills, in Camden County, North Carolina.

Description of projects area and activity: Project will involve the mining of an undeveloped upland parcel and the installation of a dewatering outfall structure within the waters of the US.

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

Authorization: Regional General Permit Number or Nationwide Permit Number: NWP 7 , NWP 13
SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND 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 and attached information dated July 28, 2016. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, 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 Quality (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 Elizabeth City, NC, at (252) 264-3901.

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 Krvstynka Stvgar at 910-251-4619 or Krvstynka.B.Stvgar@usace.army.mil.

Corps Regulatory Official: _____ Date: July 28, 2016
Expiration Date of Verification: March 18, 2017

Determination of Jurisdiction:

- A. 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).
- B. 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.
- C. 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.
- D. The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued August 1, 2011. Action ID: SAW-2011-01138.

Basis for Determination: This site exhibits wetland criteria as defined in the 1987 Corps Wetland Delineation Manual and appropriate Regional Supplement.

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 and C 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
Phone: (404) 562-5137

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 September 20, 2016.

****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: _____
Krystynka Stygar

Date of JD: July 22, 2016

Expiration Date of JD: July 22, 2021

SAW-2011-01138

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://regulatory.usacesurvey.com/>.

Copy furnished:

Agent: Harold Jones
Sigma Environmental Services, Inc.
Address: 1513 Sandbridge Road
Virginia Beach, VA, 23456
Telephone Number: (757)615-9974

Action ID Number: SAW-2011-01138 County: Camden

Permittee: B&M Investments, LLC.
Bonney Bright

Project Name: Bright-Meiggs Tract/Camden/JD

Date Verification Issued: July 22, 2016

Project Manager: Krystynka Stygar

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
Washington Field Office
2407 West 5th Street
Washington, NC 27889
Attn: Krystynka Stygar

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

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

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

Applicant: **B&M Investments, LLC.
Bonney Bright**

File Number: **SAW-2011-01138**

Date: **July 28, 2016**

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 or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or the 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: Krystynka Stygar

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.

Signature of appellant or agent.	Date:	Telephone number:
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For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Krystynka Stygar, 2407 West 5th Street, Washington, NC 27889

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**

July 19, 2016

Ms. Krystynka B. Styger
Regulatory Branch
US Army Corps of Engineers
Washington Regional Office
2407 W. 5th Street
Washington, North Carolina 27889

Subject: Request for Wetland Determination/Delineation Re-Confirmation and Jurisdictional Determination

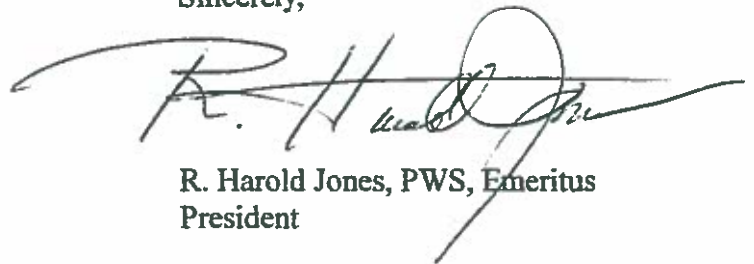
Dear Ms. Styger:

Pursuant to our field discussions and your follow-up email, enclosed please find a completed Jurisdictional Request Form and a 11 x 17 inch map of the subject site.

If you need any additional information to complete your re-confirmation of wetland delineation and Notification of Jurisdictional Determination, please do not hesitate to contact by email at: rharoldjones@aol.com, phone: 757 615-9974, or the letterhead address.

Thank you in advance for your efforts on this request.

Sincerely,



R. Harold Jones, PWS, Emeritus
President

Bonney G. Bright, Co-Owner
Enclosures

Jurisdictional Determination Request

A. PARCEL INFORMATION

Street Address: PONDEROSA DRIVE
City, State: SOUTH MILLS, NC
County: CAMDEN
Directions: FROM INTERSECTION OF US RT 17 HEADING NORTH - TURN RIGHT ON PONDEROSA DRIVE AND TRAVEL 2.7 MILES - SITE LOCATED ON LEFT (NORTH SIDE) OF HWY ROAD
Parcel Index Number(s) (PIN): 01-7082-00-68-8936-0000

B. REQUESTOR INFORMATION

Name: R. HAROLD JONES, PWS, EMERITUS
Mailing Address: 1513 SAND BRIDGE RD, VA BEACH, VA
Telephone Number: 757-615-9974 23456
Electronic Mail Address¹: R.HAROLDJONES@AOL.COM

Select one:

- I am the current property owner.
 I am an Authorized Agent or Environmental Consultant²
 Interested Buyer or Under Contract to Purchase
 Other, please explain.

C. PROPERTY OWNER INFORMATION

Name: BONNEY B. BRIGHT
Mailing Address: 5513 BUZZARD NECK RD. VIRGINIA BEACH, VA 23457
Telephone Number: 757-721-5823
Electronic Mail Address³: — —

- Proof of Ownership Attached (e.g. a copy of Deed, County GIS/Parcel/Tax Record data)
D.B. 247, P.6.35; PB-6, SL-28
SOUTH MILLS TOWNSHIP

¹ If available

² Must attach completed Agent Authorization Form

³ If available

Jurisdictional Determination Request

D. PROPERTY OWNER CERTIFICATION⁴

I, the undersigned, a duly authorized owner of record of the property/properties identified herein, do authorize representatives of the Wilmington District, U.S. Army Corps of Engineers (Corps) to enter upon the property herein described for the purpose of conducting on-site investigations and issuing a determination associated with Waters of the U.S. subject to Federal jurisdiction under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899.

BOHNEY G. BRIGHT
Property Owner (please print)

7-18-2016
Date

Bonney G. Bright
Property Owner Signature

E. JURISDICTIONAL DETERMINATION TYPE

Select One:

- I am requesting that the Corps provide a preliminary JD for the property identified herein. This request does include a delineation.
- I am requesting that the Corps provide a preliminary JD for the property identified herein. This request does NOT include a delineation.
- I am requesting that the Corps investigate the property/project area for the presence or absence of WoUS⁵ and provide an approved JD for the property identified herein. This request does NOT include a request for a verified delineation.
- I am requesting that the Corps delineate the boundaries of all WoUS on a property/project area and provide an approved JD (this may or may not include a survey plat).
- I am requesting that the Corps evaluate and approve a delineation of WoUS (conducted by others) on a property/project area and provide an approved JD (may or may not include a survey plat).

⁴ For NCDOT requests following the current NCDOT/USACE protocols, skip to Part E.

⁵ Waters of the United States

Jurisdictional Determination Request

F. ALL REQUESTS

- Map of Property or Project Area (attached). This Map must clearly depict the boundaries of the area of evaluation.
- Size of Property or Project Area 113.89 acres
- I verify that the property (or project) boundaries have recently been surveyed and marked by a licensed land surveyor OR are otherwise clearly marked or distinguishable.

G. JD REQUESTS FROM CONSULTANTS OR AGENCIES

(1) Preliminary JD Requests:

- Completed and signed Preliminary Jurisdictional Determination Form⁶.
- Project Coordinates: _____ Latitude _____ Longitude

Maps (no larger than 11x17) with Project Boundary Overlay:

- Large and small scale maps that depict, at minimum: streets, intersections, towns
- Aerial Photography of the project area
- USGS Topographic Map
- Soil Survey Map
- Other Maps, as appropriate (e.g. National Wetland Inventory Map, Proposed Site Plan, previous delineation maps, LIDAR maps, FEMA floodplain maps)

⁶ See Appendix A of this Form. From Regulatory Guidance Letter No. 08-02, dated June 26, 2008

Jurisdictional Determination Request

Delineation Information (when applicable)⁷:

Wetlands:

Wetland Data Sheets⁸

Upland Data Sheets

Landscape Photos, if taken

Field Sketch overlain on legible Map that includes:

- All aquatic resources (for sites with multiple resources, label and identify)
- Locations of wetland data points and/or tributary assessment reaches
- Locations of photo stations
- Approximate acreage/linear footage of aquatic resources

Tributaries:

USACE Assessment Forms

Other Assessment Forms
(when appropriate)

(2) Approved JDs including Verification of a Delineation:

Project Coordinates: 36.545053 Latitude 76.3234 Longitude

Maps (no larger than 11x17) with Project Boundary Overlay:

Large and small scale maps that depict, at minimum: streets, intersections, towns

Aerial Photography of the project area

USGS Topographic Map

Soil Survey Map

Other Maps, as appropriate (e.g. National Wetland Inventory Map, Proposed Site Plan, previous delineation maps)

⁷ 1987 Manual Regional Supplements and Data forms can be found at:

http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/reg_supp.aspx

Wetland and Stream Assessment Methodologies can be found at:

http://portal.nceenr.org/c/document_library/get_file?uuid=76f3c58b-dab8-4960-ba43-45b7faf06f4c&groupId=38364 and,

http://www.saw.usace.army.mil/Portals/59/docs/regulatory/publicnotices/2013/NCSAM_Draft_User_Manual_130318.pdf

⁸ Delineation information must include, at minimum, one wetland data sheet for each wetland/community type.

Jurisdictional Determination Request

Delineation Information (when applicable):

Wetlands:

Wetland Data Sheets⁹

Upland Data Sheets

Landscape Photos, if taken

Field Sketch overlain on legible Map that includes:

- All aquatic resources (for sites with multiple resources, label and identify)
- Locations of wetland data points and/or tributary assessment reaches
- Locations of photo stations
- Approximate acreage/linear footage of aquatic resources

Tributaries:

USACE Assessment Forms

Other Assessment Forms
(when appropriate)

Supporting Jurisdictional Information (for Approved JDs only)

Approved Jurisdictional Determination Form(s) (also known as "Rapanos Form(s)")

Map(s) depicting the potential (or lack of potential) hydrologic connection(s), adjacency, etc. to navigable waters.

⁹ Delineation information must include, at minimum, one wetland data sheet for each wetland/community type.

Jurisdictional Determination Request

I. REQUESTS FOR CORPS APPROVAL OF SURVEY PLAT

Prior to final production of a Plat, the Wilmington District recommends that the Land Surveyor electronically submit a draft of a Survey Plat to the Corps project manager for review.

Due to storage limitations of our administrative records, the Corps requires that all hard-copy submittals include at least one original Plat (to scale) that is no larger than 11"x17" (the use of match lines for larger tracts acceptable). Additional copies of a plat, including those larger than 11"x17", may also be submitted for Corps signature as needed. The Corps also accepts electronic submittals of plats, such as those transmitted as a Portable Document Format (PDF) file. Upon verification, the Corps can electronically sign these plats and return them via e-mail to the requestor.

(1) PLATS SUBMITTED FOR APPROVAL

- Must be sealed and signed by a licensed professional land surveyor
- Must be to scale (all maps must include both a graphic scale and a verbal scale)
- Must be legible
- Must include a North Arrow, Scale(s), Title, Property Information
- Must include a legible WoUS Delineation Table of distances and bearings/metres and bounds/GPS coordinates of all surveyed delineation points
- Must clearly depict surveyed property or project boundaries
- Must clearly identify the known surveyed point(s) used as reference (e.g. property corner, USGS monument)
- When wetlands are depicted:
 - Must include acreage (or square footage) of wetland polygons
 - Must identify each wetland polygon using an alphanumeric system

Jurisdictional Determination Request

- When tributaries are depicted:
 - Must include either a surveyed, approximate centerline of tributary with approximate width of tributary OR surveyed Ordinary High Water Marks (OHWM) of tributary
 - Must identify each tributary using an alphanumeric system
 - Must include linear footage of tributaries and calculated area (using approximate widths or surveyed OHWM)
 - Must include name of tributary (based on the most recent USGS topographic map) or, when no USGS name exists, identify as “unnamed tributary”

- all depicted WoUS (wetland polygons and tributary lines) must intersect or tie-to surveyed project/property boundaries

- Must include the location of wetland data points and/or tributary assessment reaches

- Must include, label accordingly, and depict acreage of all waters not currently subject to the requirements of the CWA (e.g. “isolated wetlands”, “non-jurisdictional waters”). NOTE: An approved JD must be conducted in order to make an official Corps determination that a particular waterbody or wetland is not jurisdictional.

- Must include and survey all existing conveyances (pipes, culverts, etc.) that transport WoUS

Jurisdictional Determination Request

(2) CERTIFICATION LANGUAGE

When the entire actual Jurisdictional Boundary is depicted:

include the following Corps Certification language:

"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: _____

Title: _____

Date: _____

USACE Action ID No.: _____

When uplands may be present within a depicted Jurisdictional Boundary:

include the following Corps Certification language:

"This certifies that this copy of this plat identifies all areas of waters of the United States regulated pursuant to Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is change in the law or our published regulations, this determination of Section 404 jurisdiction may be relied upon for a period not to exceed five 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: _____

Title: _____

Date: _____

USACE Action ID No.: _____

Jurisdictional Determination Request

(3) GPS SURVEYS

For Surveys prepared using a Global Positioning System (GPS), the Survey must include all of the above, as well as:

- be at sub-meter accuracy at each survey point.

- include an accuracy verification:
One or more known points (property corner, monument) shall be located with the GPS and cross-referenced with the existing traditional property survey (metes and bounds).

- include a brief description of the GPS equipment utilized.