B-5699
Columbus Co

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. **SAW-2016-00626** County: **Columbus** U.S.G.S. Quad: **NC-LAKE WACCAMAW EAST**

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: North Carolina Department of Transportation
PDEA, Attn: Mr. Phillip S. Harris, III, PE, CPM
Address: 1598 Mail Service Center
Raleigh, North Carolina 27699

Size (acres)	**~ 4 acres**	Nearest Town	**Lake Waccamaw**
Nearest Waterway	**Waccamaw River**	River Basin	**Waccamaw**
USGS HUC	**03040206**	Coordinates	Latitude: **34.321993**
			Longitude: **-78.469282**

Location description: **The project site is located at existing bridge number 68 over Green Swamp, on NC Highway 214, north of Lake Waccamaw, in Columbus County, North Carolina. NC DOT project number: B-5699.**

Indicate Which of the Following Apply:

A. Preliminary Determination

X **Based on preliminary information, there may be waters of the U.S. including wetlands on the above described project area. 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 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.

_ There are waters of the U.S. including wetlands on 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.

_ We strongly suggest you have the waters of the U.S. including wetlands on your project area 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 _____. 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.

- 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 Morehead City, NC, at (252) 808-2808 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 **Sarah Hair at 910-251-4049 or Sarah.E.Hair@usace.army.mil**.

C. Basis For Determination: ***The project site contains waters which exhibit indicators of an Ordinary High Water Mark (OHWM) and meet wetland criteria as described in the 1987 Corps of Engineers Wetland Delineation Manual and appropriate Regional Supplement.***

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 **N/A**.

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: HAIR.SARAH.E.1054693512 Digitally signed by HAIR.SARAH.EA.1054693512 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=HAIR.SARAH.EA.1054693512 Date: 2016.06.27 16:58:54 -04'00'

Date: **June 27, 2016** Expiration Date: **N/A**

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/.

Electronic Copy furnished:

Mr. Chris Rivenbark, ECAP Eastern Regional Manager, NC DOT-NES
Mr. Rodger Rochelle, P.E., Technical Services Administrator, NC DOT-NES
Mr. Jim Rerko, NC DOT Division 6 DEO
Ms. Joanne Steenhuis, NC DWR

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: **NC DOT, PDEA, Attn: Mr. Phillip S. Harris, III, PE, CPM**	File Number: **SAW-2016-00626**	Date: **June 27, 2016**
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
☐ APPROVED JURISDICTIONAL DETERMINATION		D
☒ **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:	If you only have questions regarding the appeal process you may also contact:
District Engineer, Wilmington Regulatory Division, **Attn: Sarah Hair** **69 Darlington Avenue** **Wilmington, North Carolina 28403**	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, Sarah Hair, 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

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): June 27, 2016

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: Chris Rivenbark, NCDOT, 1598 Mail Service Center, Raleigh, NC 27699-1598

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAW-RG- Wilmington / SAW-2016-00626

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
TIP: B-5699 Description: Bridge No. 68 over Green Swamp
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)
State: NC County/parish/borough: Columbus City: Lake Waccamaw
Center coordinates of site (lat/long in degree decimal format):
Lat. 34.3220°N, Long. -78.4703° W
Universal Transverse Mercator:
Name of nearest waterbody: Green Swamp

Identify (estimate) amount of waters in the review area:
Non-wetland waters: 147 linear feet: 75 width (ft) and/or acres.
Cowardin Class: Riverine
Stream Flow: Perennial
Wetlands: 2.4 acres.
Cowardin Class: Forested

Name of any water bodies on the site that have been identified as Section 10 waters:
Tidal: N/A
Non-Tidal: N/A

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination Date: June 27, 2016
☐ Field Determination Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this

preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

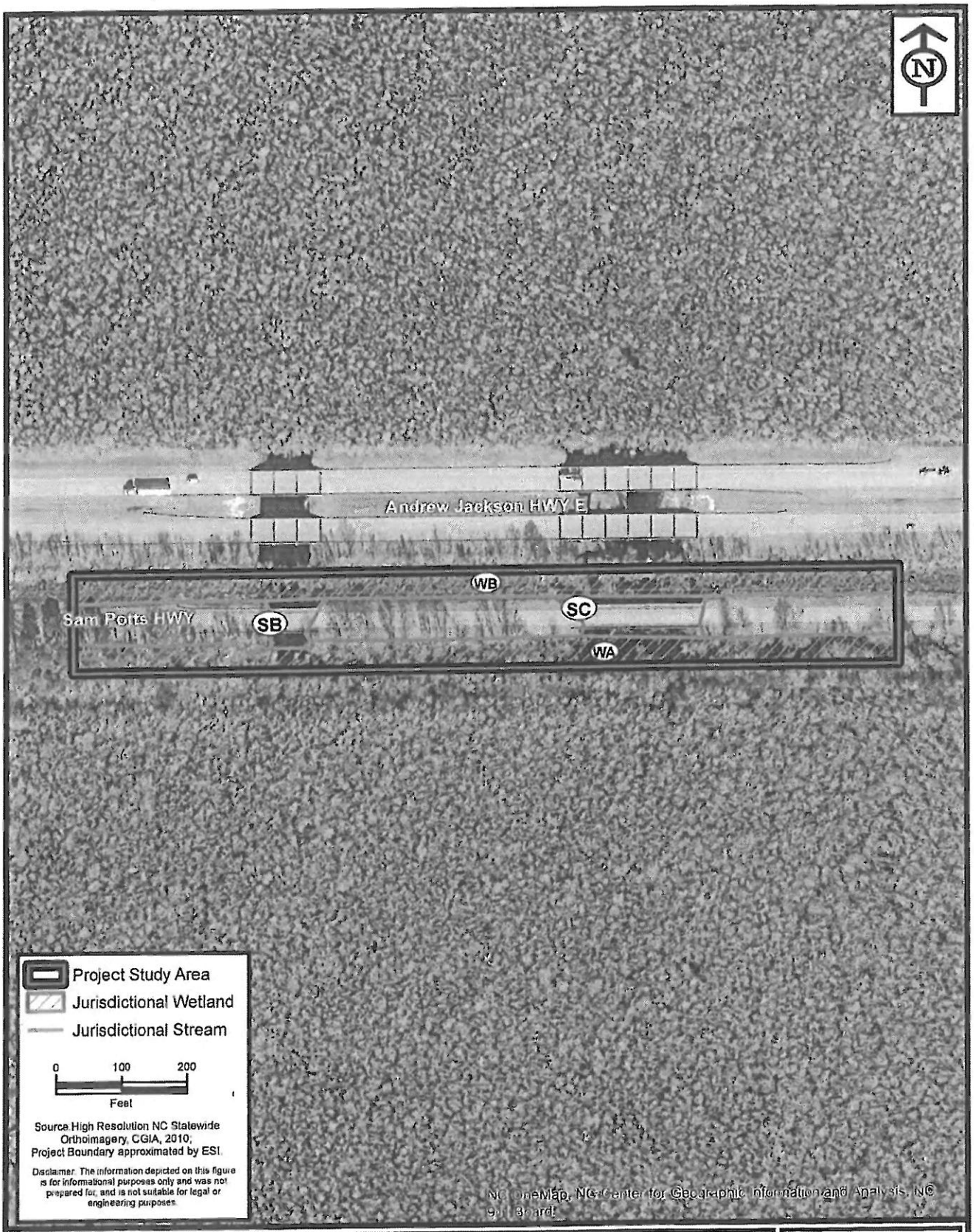
- [X] Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant
- [X] Data sheets prepared/submitted by or on behalf of the applicant/consultant
  - [ ] Office concurs with data sheets/delineation report.
  - [ ] Office does not concur with data sheets/delineation report.
- [ ] Data sheets prepared by the Corps:
- [ ] Corps navigable waters' study:
- [ ] U.S. Geological Survey Hydrologic Atlas:
  - [ ] USGS NHD data.
  - [ ] USGS 8 and 12 digit HUC maps
- [X] U.S. Geological Survey map(s). Cite scale & quad name: 1:24000 Lake Warramaw East
- [ ] USDA Natural Resources Conservation Service Soil Survey Citation:
- [ ] National wetlands inventory map(s). Cite name:
- [ ] State/Local wetland inventory map(s):
- [ ] FEMA/FIRM maps:
- [ ] 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- [X] Photographs: [ ] Aerial (Name & Date): 2010 or [ ] Other (Name & Date):
- [ ] Previous determination(s). File no. and date of response letter:
- [ ] Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

6/27/2016
Signature and date of Regulatory Project Manager (REQUIRED)

5/26/16
Signature and date of person requesting preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

Site Name	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
WA/WB	34.3220° N	-78.4703° W	PFO	2.4 acre(s)	non-section 10 – wetland
SB/SC	34.3220° N	-78.4694° W	RIVERINE	147 linear feet	non-section 10 – non-wetlan
	°N	- °W		acre(s)	non-section 10 – wetland
	°N	- °W		linear feet	non-section 10 – non-wetlan
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
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	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – tidal
	°N	- °W		acre(s)	section 10 – non-tidal
	°N	- °W		acre(s)	section 10 – tidal



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Jurisdictional Features

Bridge No. 68

Columbus County, North Carolina

TIP No. B-5699

Project:	ER15052.06
Date:	Apr 2016
Drwn/Chkd:	DB/KT
Figure:	3

B-5700
Bridge # 45
Cumberland Co

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. **SAW-2016-00743** County: **Cumberland** U.S.G.S. Quad: **NC-AUTRYVILLE**

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: North Carolina Department of Transportation
PDEA, Attn: Mr. Phillip S. Harris, III, PE, CPM
Address: 1598 Mail Service Center
Raleigh, North Carolina 27699

Size (acres)	**n/a**	Nearest Town	**Autryville**
Nearest Waterway	**South River**	River Basin	**Black**
USGS HUC	**03030006**	Coordinates	Latitude: **34.9887367477902**
			Longitude: **-78.6410469626514**

Location description: The project site is located at existing bridge number 45, over the South River, along Polly Island Road (SR 2030), south of Autryville, in Cumberland County, North Carolina. NC DOT project number: B-5700.

Indicate Which of the Following Apply:

A. Preliminary Determination

X **Based on preliminary information, there may be waters of the U.S. including wetlands on the above described project area. 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

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_ There are waters of the U.S. including wetlands on 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.

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_ 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 _____. 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.

- 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 Morehead City, NC, at (252) 808-2808 to determine their requirements.

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C. Basis For Determination: Waters onsite meet the criteria as defined in the 1987 Corps of Engineers Wetland Delineation Manual and appropriate Regional Supplement. Additionally, the site contains waters which exhibit an OHWM.

D.

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.

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Corps Regulatory Official: Liz Hair HAIR.SARAH.EA.1054693512 Digitally signed by HAIR.SARAH.EA.1054693512 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=HAIR.SARAH.EA.1054693512 Date: 2016.05.04 14:26:29 -04'00'

Date: **May 4, 2016** Expiration Date: **N/A**

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/.

Electronic copy furnished:

Mr. Chris Rivenbark, ECAP Eastern Regional Manager, NC DOT-NES
Mr. Rodger Rochelle, P.E., Technical Services Administrator, NC DOT-NES
Mr. Jason Dilday, NC DOT-NES
Mr. Jim Rerko, NC DOT Division 6 DEO
Mr. Mason Herndon, NC DWR

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: NC DOT, PDEA, Mr. Phillip S. Harris, III, P.E., CPM	File Number: **SAW-2016-00743**	Date: **May 4, 2016**
Attached is:		See Section below
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☐ PROFFERED PERMIT (Standard Permit or Letter of permission)		B
☐ PERMIT DENIAL		C
☐ APPROVED JURISDICTIONAL DETERMINATION		D
☒ **PRELIMINARY JURISDICTIONAL DETERMINATION**		**E**

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- 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:	If you only have questions regarding the appeal process you may also contact:
District Engineer, Wilmington Regulatory Division, **Attn: Sarah Hair** **69 Darlington Avenue** **Wilmington, North Carolina 28403**	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:

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Sarah Hair, 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

ATTACHMENT A
PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): May 4, 2016

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
KIM HAMLIN
1025 WADE AVENUE, RALEIGH NC 27605

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:
WILMINGTON DISTRICT OFFICE

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
B-5700, BRIDGE #45, CUMBERLAND COUNTY

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: NC County/parish/borough: CUMBERLAND City: AUTRYVILLE

Center coordinates of site (lat/long in degree decimal format):
Lat. 34.9874 °N; Long. 78.6413 °W.

Universal Transverse Mercator: 17S 715306 3874338 UTM

Name of nearest waterbody: SOUTH RIVER

Identify (estimate) amount of waters in the review area:
Non-wetland waters:
150 linear feet: 80 width (ft) and/or 0.05 (PA) acres.

Cowardin Class: R2UB2-RIVERINE, LOWER PEREN, UNCONSOL BOT, SAN

Stream Flow: PERENNIAL

Wetlands: 0.89 acres.

Cowardin Class: PFO1-PALUSTRINE, FORESTED, BLD

Name of any water bodies on the site that have been identified as Section 10 waters:
Tidal: NA
Non-Tidal: NA

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☑ Office (Desk) Determination. Date: May 4, 2016

☑ Field Determination. Date(s): _____

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: _____

☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: _____

☐ Corps navigable waters' study: _____

☐ U.S. Geological Survey Hydrologic Atlas: _____

☐ USGS NHD data

☐ USGS 8 and 12 digit HUC maps

☑ U.S. Geological Survey map(s). Cite scale & quad name: AUTRYVILLE, NC; 1:24K

☑ USDA Natural Resources Conservation Service Soil Survey. Citation: SOIL SURVEY OF CUMBERLAND AND HOKE COUNTIES, 1984

☐ National wetlands inventory map(s). Cite name: _____

☐ State/Local wetland inventory map(s): _____

☐ FEMA/FIRM maps: _____

☐ 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)

☑ Photographs: ☑ Aerial (Name & Date): ESRI AERIAL IMAGERY or ☐ Other (Name & Date): _____

☐ Previous determination(s). File no. and date of response letter: _____

☑ Other information (please specify): LiDAR

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

5/4/2016
Signature and date of
Regulatory Project Manager
(REQUIRED)

4/13/16
Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

B-5700, CUMBERLAND - SAMPSON COUNTY
NC DEPARTMENT OF TRANSPORTATION
MARCH 2016

SEPI ENGINEERING & CONSTRUCTION

STREAMS														
Map ID	Linear (ft)	NCDWQ Score	Cowardin Code	HGM Code	Classification	Local Waterway	On Topo Map	On Soils Map	404 Jurisdiction	401 Jurisdiction	Subject to Buffers	Comments	JD Review Date	Reviewer
SOUTH RIVER	~150	-	R2UB2-RIVERINE, LOWER PEREN, UNCONSOLIDOT, SAN	RIVERINE	PERENNIAL	SOUTH RIVER	YES	YES	YES	YES	NO	NON-SECTION 10 - NON-WETLAND		

SEPI ENGINEERING & CONSTRUCTION

WETLANDS										
Map ID	Acres	Cowardin Code	HGM Code	NCWAM Classification	Local Waterway	404 Jurisdiction	401 Jurisdiction	Comments	JD Review Date	Reviewers
WA	0.89	PFO1-PALUSTRINE, FORESTED, BLD	RIVERINE	BOTTOMLAND HARDWOOD FOREST	SOUTH RIVER	YES	YES	NON-SECTION 10 - WETLAND		

B-5700, CUMBERLAND - SAMPSON COUNTY
NC DEPARTMENT OF TRANSPORTATION
MARCH 2016

SEPI
ENGINEERING & CONSTRUCTION

PONDS

Map ID	Acres	Type	On Topo Map	On Soils Map	404 Jurisdiction	401 Jurisdiction	Subject to Buffers	Connection	Comments	JD Review Date	Reviewers
PA	0.05	Man-made	NO	NO			NO	ABUTTING			

15-5711
Bridge # 245
Harnett Co

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. **SAW-2016-00750** County: **Harnett** U.S.G.S. Quad: **NC-COATS**

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: North Carolina Department of Transportation
PDEA, Attn: Mr. Phillip S. Harris, III, PE, CPM
Address: 1598 Mail Service Center
Raleigh, North Carolina 27699

Size (acres)	n/a	Nearest Town	**Lillington**
Nearest Waterway	**East Buies Creek**	River Basin	**Upper Cape Fear**
USGS HUC	**03030004**	Coordinates	Latitude: **35.400478**
			Longitude: **-78.733922**

Location description: **The project site is located at existing bridge number 245, over East Buies Creek, east of Lillington, near Campbell University, on Marshbanks Street (SR 2054), in Harnett County, North Carolina. NC DOT project number B-5711**

Indicate Which of the Following Apply:

A. Preliminary Determination

X **Based on preliminary information, there may be waters of the U.S. including wetlands on the above described project area. 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 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.

_ There are waters of the U.S. including wetlands on 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.

_ We strongly suggest you have the waters of the U.S. including wetlands on your project area 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 _____. 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.

- 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 Morehead City, NC, at (252) 808-2808 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 **Sarah Hair at 910-251-4049 or Sarah.E.Hair@usace.army.mil**.

C. Basis For Determination: Waters onsite meet the criteria as defined in the 1987 Corps of Engineers Wetland Delineation Manual and appropriate Regional Supplement. Additionally, the site contains waters which exhibit an OHWM.

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 **N/A**.

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: Liz Hair HAIR.SARAH.E.1054693512 Digitally signed by HAIR.SARAH.EA.1054693512 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=HAIR.SARAH.EA.1054693512 Date: 2016.05.04 14:30:09 -04'00'

Date: **May 4, 2016** Expiration Date: **N/A**

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: NC DOT, PDEA, Mr. Phillip S. Harris, P.E., CPM	File Number: **SAW-2016-00750**	Date: **May 4, 2016**
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
☐ APPROVED JURISDICTIONAL DETERMINATION		D
☒ **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:	If you only have questions regarding the appeal process you may also contact:
District Engineer, Wilmington Regulatory Division, **Attn: Sarah Hair** **69 Darlington Avenue** **Wilmington, North Carolina 28403**	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, Sarah Hair, 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

RECEIVED
APR 19 2016

ATTACHMENT A
PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): May 4, 2016

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Kim Hamlin
1025 Wade Avenue, Raleigh NC 27605

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
Bridge #245, B-5711, Harnett County

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: NC County/parish/borough: Harnett City: Buies Creek

Center coordinates of site (lat/long in degree decimal format):
Lat. 35.400478 °N; Long. -78.733922 °W.

Universal Transverse Mercator: 17S 705791 3919822

Name of nearest waterbody: East Buies Creek

Identify (estimate) amount of waters in the review area:
Non-wetland waters:
70, 50 linear feet: 25-30, 2 width (ft) and/or _____ acres.

Cowardin Class: R3UB2, R4SB

Stream Flow: Perennial, Intermittent

Wetlands: 0.48 acres.

Cowardin Class: PFO1

Name of any water bodies on the site that have been identified as Section 10 waters:
Tidal: NA
Non-Tidal: NA

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☑ Office (Desk) Determination. Date: May 4, 2016

☐ Field Determination. Date(s): _____

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: _____

☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: _____

☐ Corps navigable waters' study: _____

☐ U.S. Geological Survey Hydrologic Atlas: _____

☐ USGS NHD data

☐ USGS 8 and 12 digit HUC maps

☑ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Coats, NC

☑ USDA Natural Resources Conservation Service Soil Survey. Citation: 1994. Soil Survey of Harnett County North Carolina

☐ National wetlands inventory map(s). Cite name: _____

☐ State/Local wetland inventory map(s): _____

☐ FEMA/FIRM maps: _____

☐ 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)

☑ Photographs: ☑ Aerial (Name & Date): ESRI AERIAL IMAGERY or ☐ Other (Name & Date): _____

☐ Previous determination(s). File no. and date of response letter: _____

☑ Other information (please specify): LiDAR

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

5/4/2016
Signature and date of
Regulatory Project Manager
(REQUIRED)

4/13/16
Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

B-5711, HARNETT COUNTY
NC DEPARTMENT OF TRANSPORTATION
MARCH 2016

SEPI ENGINEERING & CONSTRUCTION

WETLANDS										
Map ID	Acres	Cowardin Code	HGM Code	NCWAM Classification	Local Waterway	404 Jurisdiction	401 Jurisdiction	Comments	JD Review Date	Reviewers
WA	0.44	PFO1-PALUSTRINE, FORESTED, BLD	RIVERINE	BOTTOMLAND HARDWOOD FOREST	EAST BUIES CREEK	YES	YES			
WB	0.01	PFO1-PALUSTRINE, FORESTED, BLD	RIVERINE	BOTTOMLAND HARDWOOD FOREST	EAST BUIES CREEK	YES	YES			
WD	0.03	PFO1-PALUSTRINE, FORESTED, BLD	RIVERINE	BOTTOMLAND HARDWOOD FOREST	EAST BUIES CREEK	YES	YES			

B-5711, HARNETT COUNTY
NC DEPARTMENT OF TRANSPORTATION
MARCH 2016

SEPI ENGINEERING & CONSTRUCTION

STREAMS														
Map ID	Linear (ft)	NCDWQ Score	Cowardin Code	HGM Code	Classification	Local Waterway	On Topo Map	On Soils Map	404 Jurisdiction	401 Jurisdiction	Subject to Buffers	Comments	JD Review Date	Reviewer
EAST BUIES CREEK	~70	-	R2UBZ-RIVERINE, LOWER PEREN, UNCONSOL BOT, SAN	RIVERINE	PERENNIAL	EAST BUIES CREEK	YES	YES	YES	YES	NO			
SB	50	18.75	R4SB-RIVERINE, INTERMIT, STREAMBED	RIVERINE	INTERMITTENT	EAST BUIES CREEK	NO	NO	YES	YES	NO	ROADSIDE DRAINAGE; JURISDICTIONAL AT LOWER NICK POINT		