



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
WILMINGTON FIELD OFFICE
69 DARLINGTON AVE
WILMINGTON NC 28403

November 3, 2025

Regulatory Program

Sent Via Email:butler@w3built.com

Westcott Butler
W3 Built
707 Saint Joseph Street
Carolina Beach, NC 28428

Dear Mr. Butler:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit to discharge fill into 0.66-acres of jurisdictional wetland waters for constructing an access road and infrastructure to support the development of thirteen (13) residential lots which should be made available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be emailed to the Wilmington District Regulatory Division at brad.e.shaver@usace.army.mil The Corps is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions. Other notable conditions:

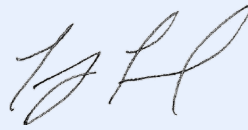
- a. You must complete construction before **12/31/2030**.
- b. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

Should you require any changes to the work authorized or obligated by this permit, it is the responsibility of the Permittee to submit a modification request to the Regulatory, Wilmington Field Office . The Corps will evaluate the request and determine whether it is appropriate to modify the terms and conditions of the permit. The Permittee must

obtain written approval of the requested modifications from the Corps prior to initiation of those changes.

If you have any questions concerning this correspondence, please contact Brad Shaver, Project Manager of the Wilmington Field Office at 910-251-4611, by mail at the above address, or by email at brad.e.shaver@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Fennel', is displayed on a light blue rectangular background.

Tommy Fennel
Chief Regulatory Division
Wilmington District

Enclosures

cc: Megan Dean, SEGI (via megan@segi.us)

Type text here

U.S. Army Corps of Engineers (USACE) NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.		<i>Form Approved –</i> OMB No. 0710-0003 <i>Expires 2027-10-31</i>
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
Authority	The authorities for requesting this information are Sections 9, 10, 13, and 14, Rivers and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103 Marine Protection Research and Sanctuaries Act of 1972.	
Principal Purpose	This information serves as notification to affected parties regarding the USACE administrative appeal options and process, as well as to facilitate requests for appeal of USACE decisions with which they disagree.	
Routine Uses	Routine uses will include: (a) To serve as notification to affected parties of the Corps administrative appeal options and process and to facilitate requests for appeal of Corps decisions with which they disagree. (b) Records may be referred to the Department of Justice for possible criminal prosecution. (c) Records may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes.	
Disclosure	Disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a Department of the Army permit matter.	
The Agency Disclosure Notice (ADN)		
The Public reporting burden for this collection of information, 0710-0003, is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
PURPOSE: This form is used to facilitate the initiation of the administrative appeals process. The appeals process allows an affected party to pursue an administrative appeal of certain Corps of Engineers decisions with which they disagree.		
Upon release, this form will also be available on the Corps website https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/		
Applicant: Westcott Butler	File Number: SAW-2025-00193	Date: 11/3/2025
Documents Attached (<i>select all that apply</i>):		Form Reference Section:
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
☒	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL WITHOUT PREJUDICE	C
☐	PERMIT DENIAL WITH PREJUDICE	D
☐	APPROVED JURISDICTIONAL DETERMINATION	E
☐	PRELIMINARY JURISDICTIONAL DETERMINATION	F
SECTION I		
The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ 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. 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 WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the 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.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:	If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
Name: Brad Shaver	Name: Krista Sabin, Regulatory Appeals Review Officer
Street Address, City, State: 69 Darlington Ave Wilmington, NC 28403	Street Address, City, State: 60 Forsyth Street Atlanta, GA 30303-8801
Phone: 910-251-4611	Phone: 904-314-9631
Email: brad.e.shaver@usace.army.mil	Email: krista.d.sabin@usace.army.mil

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. Use additional pages as necessary. 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.

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.

Email address of appellant and/or agent

Telephone number

Signature of appellant or agent

Date

DEPARTMENT OF THE ARMY PERMIT

Permittee: Westcott Butler
W3 Built
707 Saint Joseph Street
Carolina Beach, NC 28428

Permit No: SAW-2025-00193

Issuing Office: U.S. Army Engineer District, Wilmington

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To discharge fill into 0.66-acres of jurisdictional wetland waters for constructing an access road and infrastructure to support the development of thirteen (13) residential lots.

The work described above is to be completed in accordance with the 3 attachments affixed at the end of this permit instrument.

Project Location: The project would affect wetland waters of the United States associated with Carolina Beach Yacht Basin. The project/review area is located on the west side of Saint Joseph, 0.08 miles north of the intersection of Saint Joseph and Summer Salt Lane or 0.05 miles south of the intersection of Saint Joseph and Lanier Landing in Carolina Beach, New Hanover County, NC.

Approximate Central Coordinates: Latitude: 34.047520 North
Longitude: -77.894720 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **12/31/2030**. If you find that you need more time to complete the authorized activity, submit your request for

a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Work Limits: All work authorized by this permit shall be performed in strict compliance with the attached permit plans C1.0, C8.0, and C8.1 dated 7/25/2025, 8/7/2025, and 8/7/2025, which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the U.S. Army Corps of Engineers (Corps) prior to any active construction in waters or wetlands.
2. Unauthorized Dredge and/or Fill: Except as authorized by this permit or any Corps-approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material

within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

3. Permit Distribution: The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and drawings shall be available at the project site during construction and maintenance of this project.
4. Notification of Construction Commencement and Completion: The Permittee shall notify the U.S. Army Corps of Engineers in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.
5. Reporting Address: All reports, documentation, and correspondence required by the conditions of this permit shall be submitted to the following: U.S. Army Corps of Engineers, Wilmington District Wilmington Regulatory Field Office, Attn: Brad Shaver, 69 Darlington Ave., Wilmington, NC 28403, or brad.e.shaver@usace.army.mil. The Permittee shall reference the following permit number, <SAW-2025-00193>, on all submittals.
6. Permit Revocation: The Permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.
7. Reporting Violations: Violation of these permit conditions or violation of Section 404 of the Clean Water Act shall be reported to the Corps, see reporting condition 5, within 24 hours of the Permittee's discovery of the violation.
8. Endangered Species Act: The Permittee shall implement all necessary measures to ensure the authorized activity does not kill, injure, capture, harass, or otherwise harm any federally listed threatened or endangered species. While accomplishing the authorized work, if the Permittee discovers or observes an injured or dead threatened or endangered species, the U.S. Army Corps of Engineers, Wilmington District will be immediately notified (see reporting condition 5) to initiate the required Federal coordination.
9. If any previously unknown historic, cultural, or archeological remains and artifacts are discovered while accomplishing the activity authorized by the permit, the Permittee must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

10. Suitable habitat for tricolored bat (*Perimyotis subflavus*, TCB) may be present at the site. On September 14, 2022, the U.S. Fish and Wildlife Service (USFWS) published a proposal in the Federal Register to list the TCB as endangered under the Endangered Species Act (ESA). If TCB is listed, the proposed action would affect its suitable habitat, and if work associated with the aforementioned activities is not completed before the listing effective date, work must cease, and the permittee must contact the Corps' (see reporting condition 5) to determine if additional coordination with the USFWS is required under Section 7 of the ESA prior to continuing work.
11. No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit. This includes, but is not limited to, sediment control fences and other barriers intended to catch sediment losses.
12. The Permittee shall remove all sediment and erosion control measures placed in waters and/or wetlands, and shall restore natural grades on those areas, prior to project completion.
13. Clean Fill: The Permittee shall use only clean fill material for this project. The fill material shall be free of items such as trash, construction debris, metal and plastic products, and concrete block with exposed metal reinforcement bars. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source.
14. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

() Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE) 10/30/2025

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
Brad Morgan, COLONEL Date: 3 November 2025

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

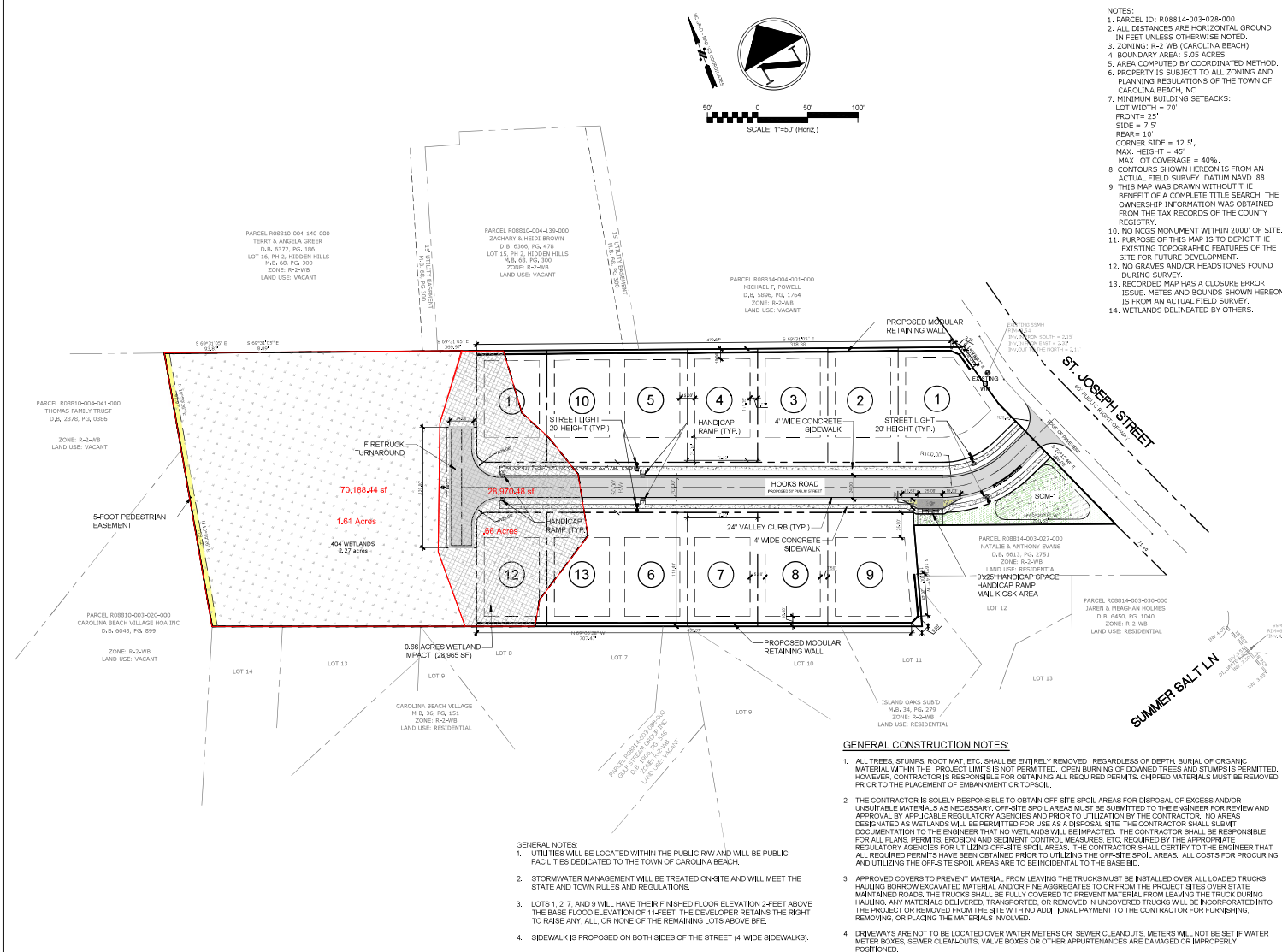
(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

***Attachments to Department of the Army
Permit Number SAW-2025-00193***

1. PERMIT DRAWINGS: 3 pages (C1.0, C8.0, and C 8.1) dated 7/25/2025 and 8/7/2025
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 9 pages.
3. MITIGATION TRANSFER FORM. 2 pages



SCALE: 1"=50'

SEAL



FISHER'S RESERVE
1215 ST JOSEPH STREET, CAROLINA BEACH NC

OVERALL SITE PLAN

DATE: 2015-07-26	SCALE	C1.0
DRAWN: RMC	HORIZONTAL: 1"=50'	
DESIGNED:	VERTICAL:	CRS-010-00000-00000
CHECKED:		SEP-15-2015
PROJ. MGR.		

STATUS: RELEASED FOR PERMITTING

BUILDING INFORMATION		
DATA CLASS	REQUIRED	PROPOSED
LOT SIZE (R-2 ZONING)	1,000 SF	1,000 SF MIN
DENSITY	6.2 DUA MAX	5.75 DUA
BUILDING SETBACKS		
LOT	7'0"	7'0" AND 8'0"
FRONT	25'	25'
REAR	10'	10'
SIDE CORNER	7.5'	7.5'
SIDE INTERIOR	7.5'	7.5'
BUILDING HEIGHT	45' MAX	45' MAX

SITE INFORMATION		
DATA CLASS	EXISTING	PROPOSED
TOTAL IMPERVIOUS SURFACE AREA	0 SF	55,931 SF
BUA TOTAL (PER LOT = 5,000 OR 4,500 SF)	0 SF	32,500 SF
ROADWAY PAVEMENT	0 SF	20,046 SF
SIDEWALKS / PLAZA	0 SF	3,385 SF
IMPERVIOUS AREA COVERAGE	0%	45.0 %

 ROADWAY ASPHALT
 2'-0" CONCRETE VALLEY CURB
 SIDEWALK / DRIVEWAY APRON
 24" CONCRETE FLUME
 OPEN SPACE
 HEAVY DUTY CONCRETE

1. UTILITIES WILL BE LOCATED WITHIN THE PUBLIC ROW AND WILL BE PUBLIC FACILITIES DEDICATED TO THE TOWN OF CAROLINA BEACH.
2. STORMWATER MANAGEMENT WILL BE TREATED ON-SITE AND WILL MEET THE STATE AND TOWN RULES AND REGULATIONS.
3. LOTS 1, 2, 7, AND 9 WILL HAVE THEIR FINISHED FLOOR ELEVATION 2-FEET ABOVE THE BASE FLOOD ELEVATION OF 11-FEET. THE DEVELOPER RETAINS THE RIGHT TO RAISE ANY, ALL, OR NONE OF THE REMAINING LOTS ABOVE BFE.
4. SIDEWALK IS PROPOSED ON BOTH SIDES OF THE STREET (4' WIDE SIDEWALKS).

OWNERS OF RECORD:
DONALD L. GRADY
17418 SPRING FOREST DRIVE
SPRING, TX 77379

LINDA GRADY SMITH
336 JOHN LEWIS GRADY ROAD
MOUNT OLIVE, NC 28365

BEVERLY GRADY BROWN
P.O. BOX 161
MARS HILL, NC 28754

HEIRS OF DONALD L. GRADY

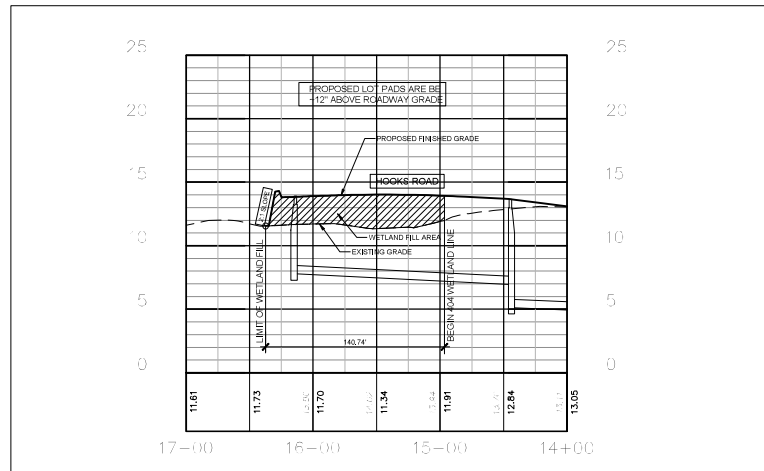
1215 ST. JOSEPH STREET
TOWN OF CAROLINA BEACH, FEDERAL POINT TOWNSHIP
NEW HANOVER COUNTY, NORTH CAROLINA 28409
SCALE: 1" = 40' DATE: FEBRUARY 14, 2004



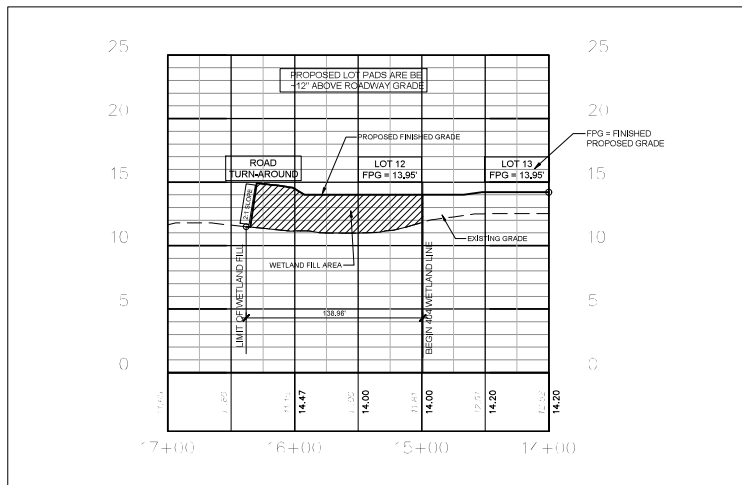
PORT CITY
LAND SURVEYING, PLLC

FORM LICENSE No. P-1493
1344 SHIPYARD BOULEVARD
WILMINGTON, NORTH CAROLINA 28412
(910) 739-0080

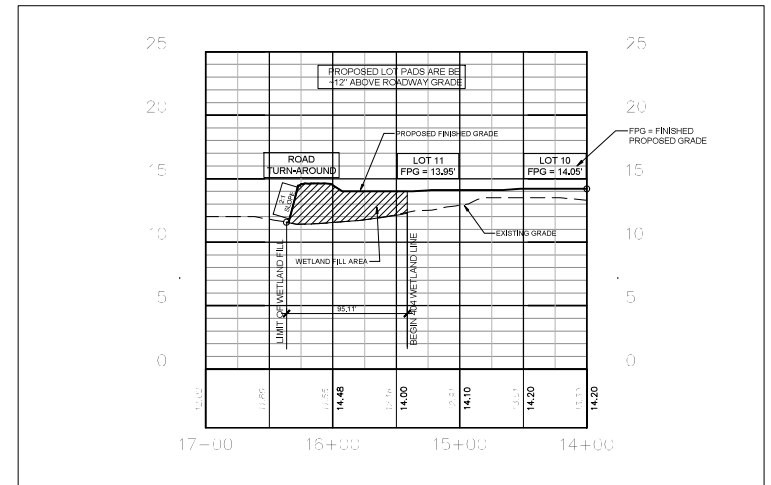
SCALE: NTS



CENTERLINE SECTION HOOKS ROAD - PHASE 2 LOTS



SOUTH SECTION - PHASE 2 LOTS



NORTH SECTION - PHASE 2 LOTS

1 ENLARGED GRADING PLAN - PHASE 2 LOTS

SCALE: 1"=20'

REVISION	DATE	BY



Civil Engineer
Robert M. Collier, PE
3708 Needle Sound Way
Wilmington, NC
NC-22374

OWNER / DEVELOPER
BIG BIRD LAND DEVELOPMENT, LLC
707A ST JOSEPH ST
CAROLINA BEACH NC

FISHER'S RESERVE
1215 ST JOSEPH STREET, CAROLINA BEACH NC
SECTION VIEWS THROUGH
PHASE 2 WETLANDS

DATE: 2025/08/07	SCALE: C8,1
DRAWN: RMC	HORIZONTAL: 1"=20'
DESIGNED: RMC	VERTICAL: 1"=2'
CHECKED: RMC	DATE: 2025/08/07
PROJ. MGR: RMC	STATUS: RELEASED FOR PERMITTING

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



September 25, 2025

DWR #20250313
New Hanover County

W3 Built
Attn: Westcott Butler
707 Saint Joseph Street
Carolina Beach, NC 28428

Delivered via email to: butler@w3built.com

Subject: Approval of Individual 401 Water Quality Certification
1215 Saint Joseph St.
USACE Action ID. No. SAW-2025-00193

Location: 34.047516, -77.894720

Dear Westcott Butler:

Attached hereto is a copy of Certification No. WQC008275 issued to Westcott Butler and W3 Built, dated September 25, 2025. This approval is for the purpose and design described in your application.

This Water Quality Certification does not relieve the Permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

Upon the presentation of proper credentials, the Division of Water Resources (Division) may inspect the property.

This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Water Quality Certification for the project and may also result in criminal and/or civil penalties.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

This approval and its conditions are final and binding unless contested [G.S. 143-215.5].

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <https://www.oah.nc.gov> or by calling the OAH Clerk's Office at (919) 431-3000.

A party filing a Petition must serve a copy of the Petition on:

Dan Hirschman, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

If the party filing the Petition is not the Permittee, then the party must also serve the recipient of the Certification in accordance with N.C.G.S. 150B-23(a).

This letter completes the Division's review under Section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Samantha Wooten at (919) 707-3631 or samantha.wooten@deq.nc.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:

Stephanie Goss

755ABF0CD80B428...

Stephanie Goss, Supervisor
401 & Buffer Permitting Branch

Electronic cc: Megan Dean, Southern Environmental Group, Inc. (megan@segi.us)
Big Bird Land Development, LLC
Brad Shaver, USACE Wilmington Regulatory Field Office
(Brad.E.Shaver@usace.army.mil)
Maria Dunn, NCWRC (maria.dunn@ncwildlife.org)
DWR 401 & Buffer Permitting Branch Electronic file

Filename: 20250313 1215 Saint Joseph St. – New Hanover – 401 – IP w MRTF.docx



NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

CERTIFICATION #WQC008275 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina's Regulations in 15 NCAC 02H .0500 and 15A NCAC 02B .0200, to Westcott Butler and W3 Built, who have authorization for the impacts listed below, as described within your application received by the N.C. Division of Water Resources (Division) on January 24, 2025, with fee received on March 10, 2025, and subsequent information on January 31, 2025, April 15, 2025, June 6, 2025, and September 8, 2025, and by Public Notice issued by the U. S. Army Corps of Engineers on May 13, 2025, and within the *Reasonable Period of Time* pursuant to 40 CFR Part 121.6.

The State of North Carolina certifies that this activity will comply with water quality requirements and the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

The following impacts are hereby approved. No other impacts are approved, including incidental impacts. [15A NCAC 02H .0506(b)]

Type of Impact	Amount Approved Permanent	Amount Approved Temporary	Mitigation Amount Required
Non-Riparian Wetlands			
Site #1 – Road Infrastructure for lots and associated utilities	0.66 acres	0 acres	0.66 credits
<i>Totals:</i>	<i>0.66 acres</i>	<i>0 acres</i>	<i>0.66 credits</i>

This approval requires you to follow the conditions listed in the Certification below.

CONDITIONS OF CERTIFICATION [15A NCAC 02H .0507(c)]:

- Mitigation must be provided for the proposed impacts as specified in the table below. The attached Compensatory Mitigation Responsibility Transfer Form (Form) shall be completed and provided to the Division prior to *any* impacts occurring. If the Mitigation Provider specified on the attached Form(s) for the proposed impacts changes after issuance of this Certificate, then the Permittee shall request a revised Compensatory Mitigation Responsibility Transfer Form from the Division prior to conducting any impacts.

	Compensatory Mitigation Required	River and Sub-basin Number
Wetland	0.66 acres (credits)	White Oak \ 03020302

Citation: 15A NCAC 02H .0506(c); 15A NCAC 02H .0507(c)



2. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division, and you may be required to submit a new application package with the appropriate fee.

If the property is sold, the Permittee shall provide the new owner must with a copy of this Water Quality Certification and all plans and specifications incorporated by reference. The Permittee may transfer this Water Quality Certification to the new owner by submitting a letter to the Division with the following statement: *"At the time the property is transferred, the terms and conditions of this 401 Individual Water Quality Certification, including the responsibility to ensure compliance, are binding on the new owner(s) of the property."* The letter shall be signed and dated by both the transferee and the new owner.

Citation: 15A NCAC 02H .0507(d)(2)

3. Any final construction plans for this project must include or reference the application and plans approved by the Division under this authorization letter and certification. The applicant will also be required to evaluate all acquired permits to assure that they are consistent, and all relative impacts are accounted for and shown on the construction plans. Any additional impacts to streams and/or wetlands within the project may be considered cumulative to impacts approved in this Certification and may require a modification of this 401 Water Quality Certification approval.

Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)

4. All wetlands, streams, and surface waters located within 50 feet of the construction area on the project site shall be clearly marked (example- orange fabric fencing) prior to any land disturbing activities and must be maintained on the property until the project phase is completed.

Citation: 15A NCAC 02H .0506(b)(2); 15A NCAC 02H .0507(c)

5. Appropriate measures should be installed prior to any land clearing activities to protect wetlands, streams, and/or buffers from turbidity and/ or sedimentation. These measures should be routinely inspected and properly maintained, and excavated materials should be contained outside wetland, stream, and/or buffer boundaries. Excessive silt and sediment loads can have numerous detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills of aquatic species.

Citation: 15A NCAC 02H .0506(b)(2); 15A NCAC 02H .0507(c)

6. The permittee shall comply with any moratoriums per the National Marine Fisheries Service and/or the US Fish and Wildlife Service.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 04B .0125

7. The Permittee shall secure an *approved* stormwater management plan (SMP) from New Hanover County **before any** impacts authorized in this Certification occur. The applicable portion of the approved SMP shall be constructed and operational before any permanent building or other permanent structure is occupied at the site. If any of the SCMs are used as an Erosion and



Sediment Control device, it must be restored to the approved stormwater design condition within 30 days of close-out of the Erosion and Sediment Control Plan.

Citation: 15A NCAC 02H .0506(b)(2) and (3); 15A NCAC 02H .0507(c)

8. If the Permittee becomes aware of any inability to comply with any of the conditions of this Water Quality Certification, they must notify the Wilmington Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the Permittee becomes aware of the circumstances. The Permittee may be required to submit a new application package with appropriate fee to initiate modification of this authorization, and/or to conduct corrective actions as determined by the Division.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

9. The Permittee shall report to the DWR Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the Permittee became aware of the non-compliance circumstances.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

10. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the approved impacts (including temporary impacts).

Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)

11. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur.

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *North Carolina Department of Transportation Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC02B .0200; 15A NCAC 02B .0231



12. Sediment and erosion control measures shall not be installed in wetland or waters except within the footprint of temporary or permanent impacts otherwise authorized by this Certification. If placed within authorized impact areas, then placement of such measures shall not be conducted in a manner that results in dis-equilibrium of any wetlands, streambeds, or streambanks. Any silt fence installed within wetlands shall be removed from wetlands and the natural grade restored within two (2) months of the date that DEMLR or the locally delegated program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

13. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

14. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping, and reporting requirements is required.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

15. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State, and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters.

Citation: 15A 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

16. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

17. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils.



Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

18. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance and compaction.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231

19. In accordance with 143-215.85(b), the Permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.

Citation: 15A NCAC 02H .0507(c); N.C.G.S 143-215.85(b)

20. The Permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

21. The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this Certification in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Water Quality Certification. A copy of this Water Quality Certification shall be available at the project site during the construction and maintenance of this project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

22. This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user.



This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

This, the 25th day of September 2025

DocuSigned by:

Stephanie Goss

755ABF0CD80B428...

Stephanie Goss, Supervisor
401 & Buffer Permitting Branch



JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



COMPENSATORY MITIGATION RESPONSIBILITY TRANSFER FORM

September 25, 2025

Permittee: Westcott Butler and W3 Built

DWR Project #20250313

Project Name: 1215 Saint Joseph St.

County: New Hanover

The Division has received a Statement of Availability (SOA) from Davey Resource Group, Inc. for the Lower Cape Fear Umbrella Mitigation Bank (Mitigation Provider) to satisfy the mitigation requirements set forth in 401 Individual Certification No. WQC008275 issued to Westcott Butler and W3 Built, dated September 25, 2025, as provided in the table below.

	Compensatory Mitigation	River and 8-digit HUC Number
Non-Riparian Wetland	0.66 acres (credits)	White Oak \ 03020302

The Permittee must provide a copy of this form to the Mitigation Provider specified above, who will then sign the form to verify receipt of payment and the transfer of the mitigation responsibility. Once the Mitigation Provider has signed this form, it is the Permittee's responsibility to ensure that a signed copy of this form is submitted to DEQ.WR.401MRT@deq.nc.gov **before** conducting any of the authorized impacts.

The Mitigation Provider verifies that the mitigation requirements (credits) shown above, have been released and are available at the identified bank site(s). By signing below, the Mitigation Provider is accepting full responsibility for the identified mitigation. **As a reminder to the Mitigation Provider, no more than 25 percent of the total mitigation required by Division can be met through preservation, unless requested and approved by the Division Director (15A NCAC 02H. 0506(c)(7)).**

Signature Authority Name (print): _____

Signature: _____ Date: _____



U.S. ARMY CORPS OF ENGINEERS
Wilmington District
Compensatory Mitigation Responsibility Transfer Form

Permittee: Big Bird Land Development LLC, Westcott Butler
Project Name: Fishers Reserve

Action ID: SAW-2025-00193
County: New Hanover

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that Wilmington District Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one Mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate Mitigation Sponsors.

Instructions to Sponsor: The Sponsor verifies that the mitigation requirements (credits) shown below have been released and are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated ledger to the Permittee, the Project Manager who issued the permit, the Bank Project Manager, and the District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements

Permitted Impacts Requiring Mitigation*: **8-digit HUC and Basin:** 03020302

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
					0.66	

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements: **8-digit HUC and Basin:** 03020302

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
					2.64	

Mitigation Site Debited: Lower Cape Fear Umbrella Mitigation Bank

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the Wilmington District, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: _____

Name of Sponsor's Authorized Representative: _____

Signature of Sponsor's Authorized Representative

Date of Signature

**USACE Wilmington District
Compensatory Mitigation Responsibility Transfer Form, Page 2**

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the District is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the District is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. When NCDMS provides mitigation for authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by NCDMS must be provided to the District within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the District has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the District Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the District, the Sponsor must obtain case-by-case approval from the District Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the District administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

The impact to mitigation ratio is 4:1 for this project.

This form is not valid unless signed below by the District Project Manager and by the Mitigation Sponsor on Page 1. ***Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the District Project Manager at the address below, 3) the Bank Manager listed in RIBITS, and 4) the Wilmington District Mitigation Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (or by email to SAWMIT@usace.army.mil).***

Questions regarding this form or any of the permit conditions may be directed to the District Mitigation Office.

USACE Project Manager: Brad Shaver
USACE Field Office: Wilmington Regulatory Field Office
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403

Email:

Brad Shaver
Digitally signed by Brad Shaver
Date: 2025.10.28
16:07:49 -04'00'

Wilmington District Project Manager Signature

October 30, 2025

Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.