



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

August 5, 2014

Kent Cummings
Merion Investment Properties, LLC
5801 Lease Lane
Raleigh, NC 27617

Subject: Surface Water Determination Letter
NBRRO#14-242
Wake County

Determination Type	
Buffer Call	Isolated or EIP Call
<input checked="" type="checkbox"/> Neuse (15A NCAC 2B .0233) <input type="checkbox"/> Tar-Pamlico (15A NCAC 2B .0259) <input type="checkbox"/> Jordan (15A NCAC 2B .0267)	<input type="checkbox"/> Ephemeral/Intermittent/Perennial Determination <input type="checkbox"/> Isolated Wetland Determination

Project Name: Merion Tract

Location/Directions: Located at 8550 Stephenson Road, Apex, Wake County.

Subject Stream: UT to Middle Creek

Determination Date: July 29, 2014

Staff: Cheng Zhang

Feature	E/I/P*	Not Subject to Buffer Rules	Subject to Buffer Rules	Start@	Stop@	Soil Survey	USGS Topo
A	I		X		DWQ flag	X	
A	P		X	DWQ flag		X	
P**	Pond	X				X	X
B	E	X				X	
C	P		X			X	
D	I		X			X	
E***	P		X			X	X

*E/I/P = Ephemeral/Intermittent/Perennial

** Depicted on both maps, the pond was drained and no longer exists, therefore is not subject to the Neuse River Riparian Buffer Rules. However, Feature E fully re-establishes within the pond's footprint

***Stream offsite, buffer may overlap with project area

1628 Mail Service Center, Raleigh, North Carolina 27699-1628
Location 3800 Barrett Drive Raleigh, North Carolina 27609
Phone 919-791-4200 FAX 919-788-7159
Internet www.ncwaterquality.org

Explanation: The feature(s) listed above has or have been located on the Soil Survey of Vance County, North Carolina or the most recent copy of the USGS Topographic map at a 1:24,000 scale. Each feature that is checked "Not Subject" has been determined not to be a stream or is not present on the property. Features that are checked "Subject" have been located on the property and possess characteristics that qualify it to be a stream. There may be other streams located on your property that do not show up on the maps referenced above but, still may be considered jurisdictional according to the US Army Corps of Engineers and/or to the Division of Water Resources (DWR).

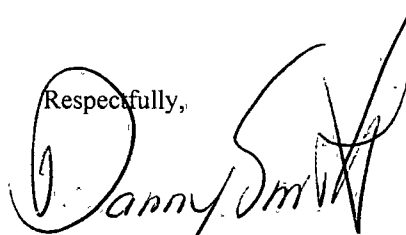
This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute a determination made by the DWR or Delegated Local Authority may request a determination by the Director. An appeal request must be made within sixty (60) days of date of this letter or from the date the affected party (including downstream and/or adjacent owners) is notified of this letter. A request for a determination by the Director shall be referred to the Director in writing c/o Karen Higgins, DWR WeBSCaPe Unit, 1650 Mail Service Center, Raleigh, NC 27699.

This determination is final and binding unless, as detailed above, you ask for a hearing or appeal within sixty (60) days.

The owner/future owners should notify the Division of Water Resources (including any other Local, State, and Federal Agencies) of this decision concerning any future correspondences regarding the subject property (stated above). This project may require a Section 404/401 Permit for the proposed activity. Any inquiries should be directed to the Division of Water Resources (Central Office) at (919)-807-6300, and the US Army Corp of Engineers (Raleigh Regulatory Field Office) at (919)-554-4884.

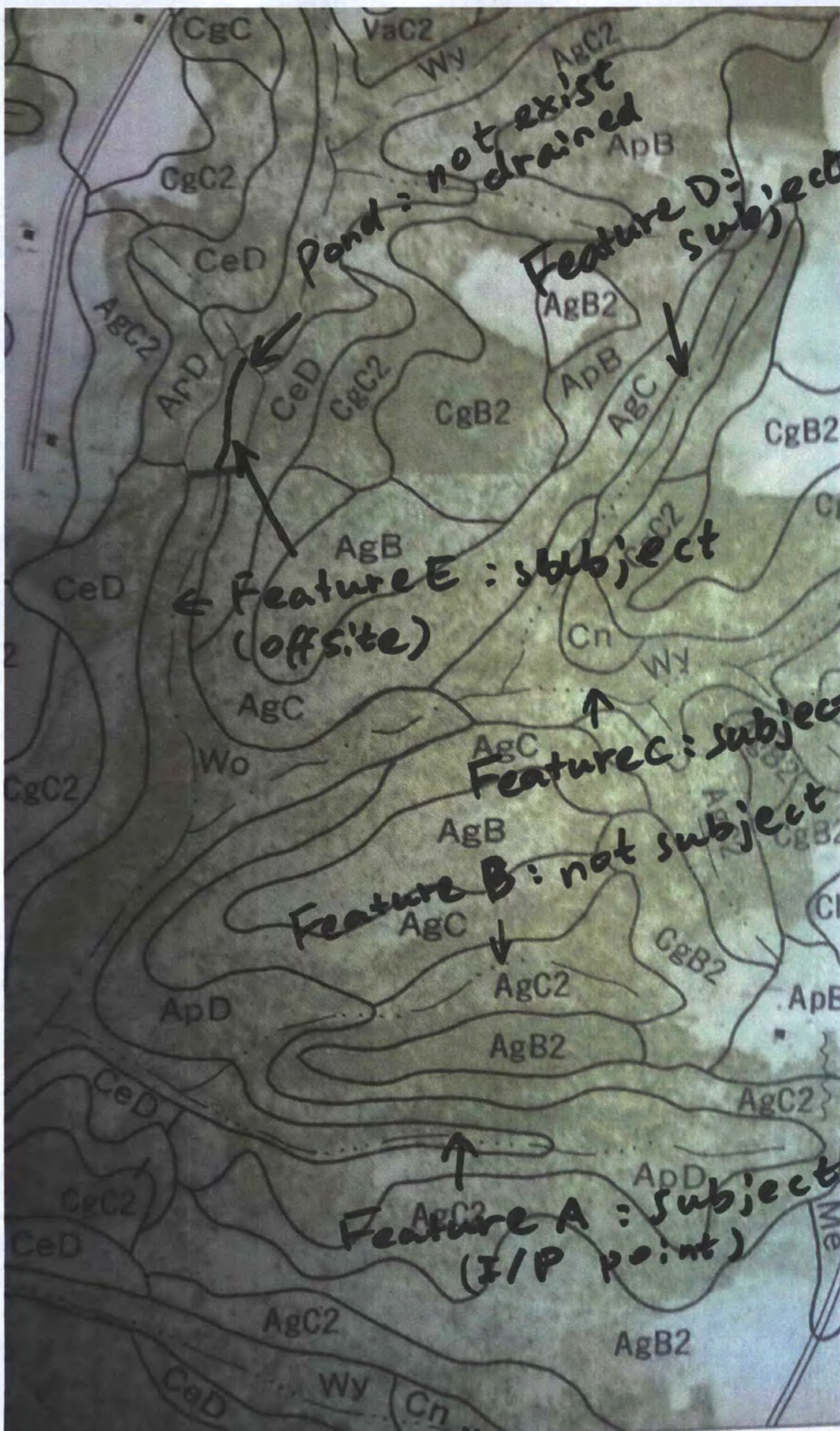
If you have questions regarding this determination, please feel free to contact Cheng Zhang at (919) 791-4200.

Respectfully,

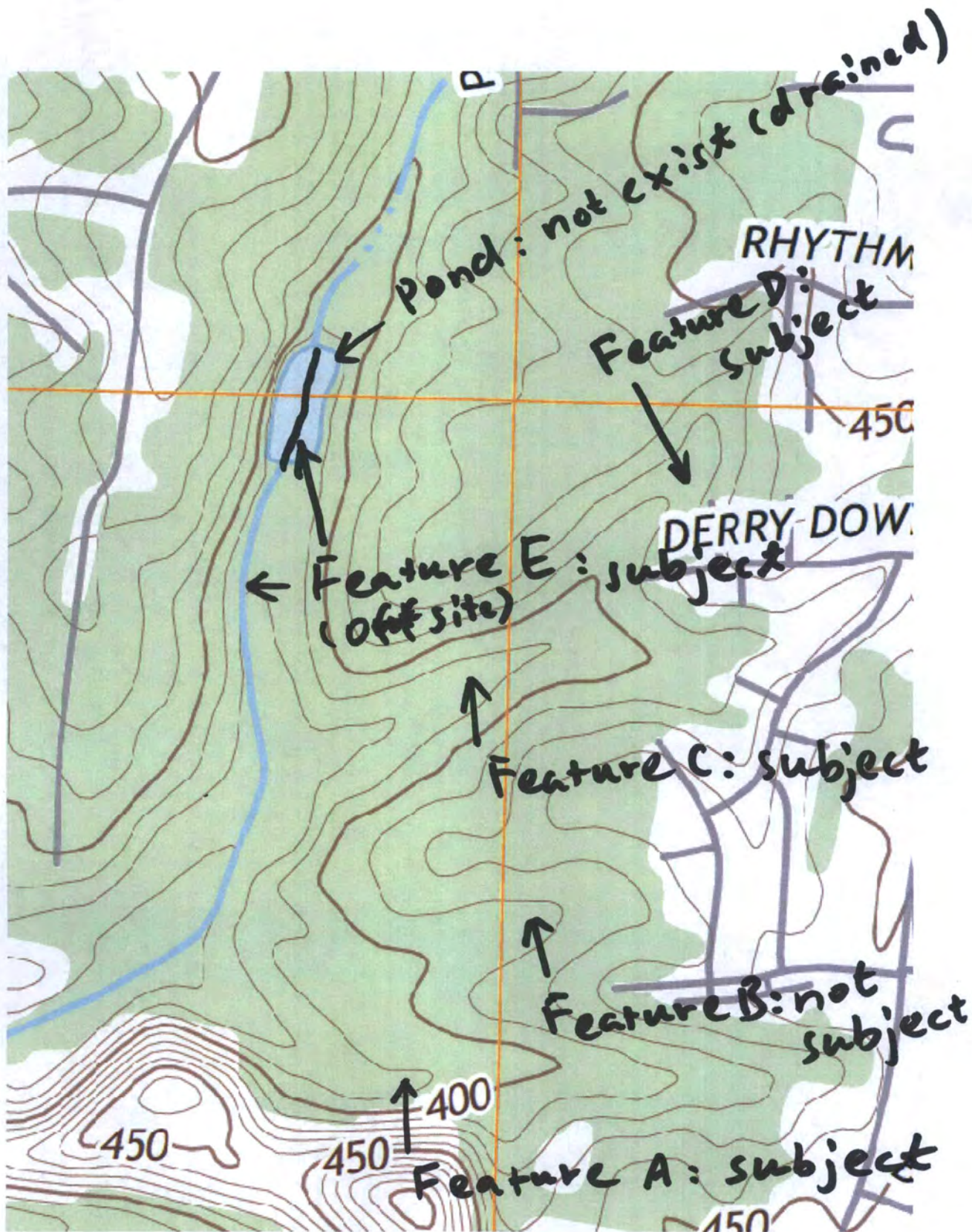


Danny Smith
Regional Supervisor

cc: RRO/SWP File Copy
Martin Richmond, Withers & Ravenel, 115 MacKenan Dr., Cary NC 27511



RRO # 14-242, c2 7/29/14



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