

Elliott Consulting

202 Elliott Road

PO Box 112

Aydlett, North Carolina 27916

Phone: 252-339-9021

► **Jennie Turner**

Currituck County Planning & Inspections Dept.

Planning & Zoning Division

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

Ms. Turner:

I have completed the residential water-supply well survey required by the Currituck County Unified Development Ordinance as part of the Special Use Permit application submitted by HOM Development, LLC for the Foster Forbes property. During my investigation, 32 parcels with dwellings or other buildings were identified within a 1500-foot radius surrounding the proposed mine excavation boundary. Currituck County Water Department was contacted for information to determine the presence of paid water taps on all subject properties (Appendix D). Results indicated 27 parcels with potential water wells. The owners of those parcels were contacted with a survey to obtain any water-supply well construction information relevant to their property. Water well construction information was obtained from six surveys returned. Water well construction information could not be obtained for 21 of the 27 properties.

Our efforts are documented in this letter report. A Map ID numbering system is used on the survey map identifying the property owners. A copy of the parcel / survey maps used are attached in the SUP application package.

An example of the letter and survey sent to property owners on March 25th, 2025, is attached in Appendix A. Also included in Appendix A is a summary table showing Map ID, parcel address and owner, and any data received from the property owner during this survey. Each letter was mailed Certified. Each property owner was asked to complete the survey form to the best of their ability and return the form to Elliott Consulting in a provided stamped and addressed envelope by April 30, 2025. Copies of each certified mail receipt are attached to this letter (Appendix B). I received completed survey forms from 6 property owners with information for 6 properties, and the completed forms are attached in Appendix C.

Please do not hesitate to contact me with any questions.

ELLIOTT CONSULTING

March 22, 2025

Julio Nicolas Castillo
118 N. Keller Lane
Grandy, NC 27939

***** TYPICAL *****

RE: Water Supply Well Survey for Use Permit Application

Dear Mr. Castillo:

I am writing to you on behalf of HOM Development, LLC, Manteo, NC, who is proposing to excavate a 6.23-acre pond located on the Foster Forbes property at 8180 Caratoke Highway in Powells Point. The proposed excavation is on property owned by Mr. and Mrs. Foster Allen Forbes, parcel ID# 012300000790000.

As part of the Currituck County Use Permit process, HOM is surveying all landowners within 1500 feet of the proposed excavation to determine the presence of water-supply wells on their property. If you have an active water-supply well, either for personal water supply or for other usage, the operator would like to know. If you do have a well, please indicate as such on the attached form, and provide as many details about the well as possible. Any information about the well would be appreciated. If you do not have a well, please indicate as such on the form. We ask that you return the form to Elliott Consulting in the enclosed stamped, self-addressed envelope by April 30, 2025.

Please be assured that there is no anticipated impact on groundwater levels, water supply or wells and pumps in your area. This survey is only a part of the Use Permit application process required by the Currituck County Unified Development Ordinance. As part of the permit, the operator will be establishing a performance bond with the County that will provide funds for repairs should they ever be needed.

HOM Development, LLC appreciates your help and cooperation on this survey, and is always available to answer any questions you may have. They can be reached at 252-473-6074, and I am also available for any questions at 252-339-9021 if I can be of assistance.

Thank you,

Ken Elliott
for HOM Development, LLC

RESIDENTIAL WATER-SUPPLY WELL SURVEY: PROPOSED FOSTER FORBES MINE

*** TYPICAL ***

Owner Information:	Castillo, Julio Nicolas 118 N. Keller Ln Grandy, NC 27939
Parcel Site Address:	116 Foster Forbes Rd
Parcel ID:	012300000930000

Please answer the following questions and provide the requested information for the property listed above.

Do you have a residential water-supply well, active or inactive, on your property? If yes, please indicate so below, complete the table below for each well, and return this form. If you do not have any water-supply well(s) on your property, please indicate so below and return this form.

Yes _____ No _____

For each well (the table below will accommodate two wells), please complete the following information. This information was provided by the drilling company when the well was installed, and it should be printed on a thin metal plate that is attached to the top of the well. If you have no information, please indicate so here and return this form.

No Information Available _____

Well Number:	1		Well Number:	2
Circle the use of the well:	Drinking Water Irrigation		Circle the use of the well:	Drinking Water Irrigation
Total Depth of Well (in feet below land surface)			Total Depth of Well (in feet below land surface)	
Pump Type/Depth (submersible, jet, etc):			Pump Type/Depth (submersible, jet, etc):	
Date Drilled:			Date Drilled:	

Please return this page to Elliott Consulting using the enclosed stamped, self-addressed envelope by April 30, 2025. Thank you again for your assistance.

Well Survey Findings – 1,500’ Radius from the Excavation Boundary – April 15, 2021 – Foster Forbes Mine

Map ID	Property Information	Well Information
6	Parcel ID: 123C-000-0103-0000 Parcel Site Address: 103 Trenor Lane Owner Information: Tommy G. Forbes 103 Trenor Lane Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
7	Parcel ID: 123C-000-0105-0000 Parcel Site Address: 105 Trenor Lane Owner Information: Tracey L. Michaud 105 Trenor Lane Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
13	Parcel ID: 123C-000-0102-0000 Parcel Site Address: 102 Trenor Lane Owner Information: Millie L. Scarborough 102 Trenor Lane Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
14	Parcel ID: 123C-000-0104-0000 Parcel Site Address: 104 Trenor Lane Owner Information: Jeremy Andrew Wolcott, Amanda Shawn Wolcott 104 Trenor Lane Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
15	Parcel ID: 123C-000-0106-0000 Parcel Site Address: 106 Trenor Lane Owner Information: Joseph Adam Harmon 106 Trenor Lane Powells Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.

Well Survey Findings – 1,500’ Radius from the Excavation Boundary – April 15, 2021 – Foster Forbes Mine

Map ID	Property Information	Well Information
16	Parcel ID: 123C-000-0108-0000 Parcel Site Address: 108 Trenor Lane Owner Information: Kenneth W. Morris 108 Trenor Lane Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
25	Parcel ID: 0123-000-0093-0000 Parcel Site Address: 116 Foster Forbes Rd Owner Information: Julio Nicolas Castillo 118 N. Keller Dr. Grandy, NC 27939	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
26	Parcel ID: 123B-000-0018-0000 Parcel Site Address: 103 Pinewood Acres Drive Owner Information: Robert R. Wotring, Jr., Pamela A. Wotring PO Box 1692 Kitty Hawk, NC 27949	Use of Well: Drinking water
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: No other information
27	Parcel ID: 123B-000-0017-0000 Parcel Site Address: 105 Pinewood Acres Drive Owner Information: Lisa D. Lucas 105 Pinewood Acres Drive Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
28	Parcel ID: 123B-000-0016-0000 Parcel Site Address: 107 Pinewood Acres Drive Owner Information: Georgia M. Keen 107 Pinewood Acres Drive Powell’s Point, NC 27966	Use of Well: Drinking water
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: No other information available.

Well Survey Findings – 1,500’ Radius from the Excavation Boundary – April 15, 2021 – Foster Forbes Mine

Map ID	Property Information	Well Information
29	Parcel ID: 123B-000-0015-0000 Parcel Site Address: 109 Pinewood Acres Drive Owner Information: Kerie Elizabeth O’Toole, Michelle Kate Habick 109 Pinewood Acres Drive Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
30	Parcel ID: 123B-000-0014-0000 Parcel Site Address: 111 Pinewood Acres Drive Owner Information: Jay Brian Wickens, Jeff Mahlon Wickens 110 Pinewood Acres Drive Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
34	Parcel ID: 123B-000-0002-0000 Parcel Site Address: 102 Pinewood Acres Drive Owner Information: David Walter Maxwell, Dixie McIntosh 102 Pinewood Acres Drive Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
35	Parcel ID: 123B-000-0003-0000 Parcel Site Address: 104 Pinewood Acres Drive Owner Information: Jeffrey S. Rockwell 104 Pinewood Acres Drive Powells Point, NC 27966	Use of Well: Drinking water
		Total Depth of Well: 130 ft
		Pump Type: Jet
		Date Drilled: Appx 1990
		Response: Two wells, same information on both.
36	Parcel ID: 123B-000-0004-0000 Parcel Site Address: 106 Pinewood Acres Drive Owner Information: Richard Vernon Lumpkin 106 Pinewood Acres Drive Powells Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.

Well Survey Findings – 1,500’ Radius from the Excavation Boundary – April 15, 2021 – Foster Forbes Mine

Map ID	Property Information	Well Information
37	Parcel ID: 123B-000-0005-0000 Parcel Site Address: 108 Pinewood Acres Drive Owner Information: Heather Leigh Dozier 108 Pinewood Acres Drive Powell’s Point, NC 27966	Use of Well: Drinking water
		Total Depth of Well:
		Pump Type: Jet
		Date Drilled: Unknown, pre-2020
		Response: County water not available in my subdivision. Well depth unknown.
38	Parcel ID: 123B-000-0006-0000 Parcel Site Address: 110 Pinewood Acres Drive Owner Information: Jay B. Wickens, Karyn A. Wickens 110 Pinewood Acres Drive Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
51	Parcel ID: 123A-000-0004-0001 Parcel Site Address: 8251 Caratoke Hwy Owner Information: Pierre E. Richards 8251 Caratoke Hwy. Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
53	Parcel ID: 0123-000-0084-0000 Parcel Site Address: 104 N. Spot Road Owner Information: Robert D. Natele 115 S. Spot Road Powells Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
54	Parcel ID: 123A-000-0006-0001 Parcel Site Address: 108 N. Spot Road Owner Information: Luis Murillo, Esmerada Murillo 104 Will Court Harbinger, NC 27941	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.

Well Survey Findings – 1,500' Radius from the Excavation Boundary – April 15, 2021 – Foster Forbes Mine

Map ID	Property Information	Well Information
55	Parcel ID: 123A-000-0008-0002 Parcel Site Address: 114 N. Spot Road Owner Information: Patricia T. Babcock, Daniel Babcock 119 Grassmarket San Antonio, TX 78259	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
56	Parcel ID: 123A-000-0008-0002 Parcel Site Address: 102 Azalea Lane Owner Information: Sally C. Wagner 102 Azalea Lane Powell's Point, NC 27966	Use of Well: Drinking water
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: No other information.
60	Parcel ID: 0124-000-045A-0000 Parcel Site Address: 8252 Caratoke Hwy Owner Information: Roy Wayne Byrum, Mildred B. Byrum PO Box 311 Kitty Hawk, NC 27949	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
61	Parcel ID: 0124-000-043A-0000 Parcel Site Address: 8248 Caratoke Hwy Owner Information: Roy Wayne Byrum, Millie B. Byrum PO Box 311 Kitty Hawk, NC 27949	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
63	Parcel ID: 0123-000-0083-0000 Parcel Site Address: 8222 Caratoke Hwy Owner Information: Faye J. Harrell 8222 Caratoke Hwy. Powell's Point, NC 27966	Use of Well: Drinking water
		Total Depth of Well: Unknown
		Pump Type: Jet
		Date Drilled: 1960's
		Response: No other information available.

Well Survey Findings – 1,500’ Radius from the Excavation Boundary – April 15, 2021 – Foster Forbes Mine

Map ID	Property Information	Well Information
66	Parcel ID: 0123-000-0008-0000 Parcel Site Address: 8200 Caratoke Hwy Owner Information: Joaquin H. Salazar PO Box 1316 Kill Devil Hills, NC 27948	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.
69	Parcel ID: 0123-000-0077-0000 Parcel Site Address: 8156 Caratoke Hwy Owner Information: Shawn O’Sullivan, Shannon O’Sullivan 8156 Caratoke Hwy. Powell’s Point, NC 27966	Use of Well:
		Total Depth of Well:
		Pump Type:
		Date Drilled:
		Response: Did not respond.

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Amanda Shawn wolcott
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108 Trenor Lane
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Street and Apt. No., or PO Box No. Kerie Elizabeth O'Toole
Michelle Kate Habick
109 Pinewood Acres Drive
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Pamela A Wotring
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City, State, ZIP+4® Kitty Hawk, NC 27949

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Karyn A Wickens
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City, State, ZIP+4® Powell's Point, NC 27966

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106 Pinewood Acres Drive	
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104 Will Court	
Harbinger, NC 27941	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7020 0090 0000 0827 4096

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<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.01	Postmark Here
Total Postage and Fees \$5.86	03/25/2025
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Jeffrey S Rockwell	
104 Pinewood Acres Drive	
Powell's Point, NC 27966	
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Total Postage and Fees \$5.86	03/25/2025
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Robert D Natele	
115 S. Spot Rd	
Powell's Point, NC 27966	
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<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.01	Postmark Here
Total Postage and Fees \$5.86	03/25/2025
Sent To	
David Walter Maxwell	
Dixie McIntosh	
102 Pinewood Acres Drive	
Powell's Point, NC 27966	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$1.01	Postmark Here
Total Postage and Fees \$5.86	03/25/2025
Sent To	
Jay Brian Wickens	
Jeff Mahlon Wickens	
110 Pinewood Acres Drive	
Powell's Point, NC 27966	
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Postage \$1.01

Total Postage and Fees \$5.86

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03/25/2025

Heather Leigh Dozier
108 Pinewood Acres Drive
Powell's Point, NC 27966

7020 0090 0000 0827 4300

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Postage \$1.01

Total Postage and Fees \$5.86

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Pierre E Richards
8251 Caratoke Hwy
Powell's Point, NC 27966

7020 0090 0000 0827 4386

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Postage \$1.01

Total Postage and Fees \$5.86

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Sally C Wagner
102 Azalea Lane
Powell's Point, NC 27966

7020 0090 0000 0827 3976

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Extra Services & Fees (check box, add fee as appropriate)

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Postage \$1.01

Total Postage and Fees \$5.86

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Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

0449
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03/25/2025

Faye J Harrell
8222 Caratoke Hwy
Powell's Point, NC 27966

7020 0090 0000 0827 4379

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at www.usps.com®.

Kittv Hawk, NC 27949

Certified Mail Fee \$4.85

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00☐ Return Receipt (electronic) \$0.00☐ Certified Mail Restricted Delivery \$0.00☐ Adult Signature Required \$0.00☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.01

Total Postage and Fees \$5.86

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City, State, ZIP+4®

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66Postmark
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03/25/2025

Roy Wayne Byrum
Mildred B Byrum
PO Box 311
Kittv Hawk, NC 27949

7020 0090 0000 0827 4287

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at www.usps.com®.

San Antonio, TX 78259

Certified Mail Fee \$4.85

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00☐ Return Receipt (electronic) \$0.00☐ Certified Mail Restricted Delivery \$0.00☐ Adult Signature Required \$0.00☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.01

Total Postage and Fees \$5.86

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Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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03/25/2025

Patricia T Babcock
Daniel Babcock
119 Grassmarket
San Antonio, TX 78259

7020 0090 0000 0827 4126

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Kill Devil Hills, NC 27948

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.01

Total Postage and Fees

\$5.86

Sent To

Street and Apt. No., or PO Box No. **Joaquin H Salazar**
PO Box 1316
City, State, ZIP+4® **Kill Devil Hills, NC 27948**

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

0449
66

Postmark
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03/25/2025

9589 0710 5270 1162 5267 32

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CERTIFIED MAIL® RECEIPT

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Powell's Point, NC 27966

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.01

Total Postage and Fees

\$5.86

Sent To

Street and Apt. No., or PO Box No. **Shawn O'Sullivan**
Shannon O'Sullivan
City, State, ZIP+4® **8156 Caratoke Hwy**
Powell's Point, NC 27966

PS Form 3800, January 2023 PSN 7530-02-000-9047

See Reverse for Instructions

0449
66

Postmark
Here

03/25/2025

RESIDENTIAL WATER-SUPPLY WELL SURVEY: PROPOSED FOSTER FORBES MINE

Owner Information:	Heather Leigh Dozier 108 Pinewood Acres Drive Powell's Point, NC 27966
Parcel Site Address:	108 Pinewood Acres Drive
Parcel ID:	123B00000050000

Please answer the following questions and provide the requested information for the property listed above.

Do you have a residential water-supply well, active or inactive, on your property? If yes, please indicate so below, complete the table below for each well, and return this form. If you do not have any water-supply well(s) on your property, please indicate so below and return this form.

Yes ☒ No ☐

For each well (the table below will accommodate two wells), please complete the following information. This information was provided by the drilling company when the well was installed, and it should be printed on a thin metal plate that is attached to the top of the well. If you have no information, please indicate so here and return this form.

No Information Available _____

Well Number:	1	Well Number:	2
Circle the use of the well:	Drinking Water Irrigation	Circle the use of the well:	Drinking Water Irrigation
Total Depth of Well (in feet below land surface)		Total Depth of Well (in feet below land surface)	
Pump Type/Depth (submersible, jet, etc):	jet	Pump Type/Depth (submersible, jet, etc):	
Date Drilled:		Date Drilled:	

Please return this page to Elliott Consulting using the enclosed stamped, self-addressed envelope by April 30, 2025. Thank you again for your assistance.

There is no other option
here, except wells. County water isn't
available to my subdivision.
I don't know depth of well.
Purchased home in 2020. Well
has been here since built.

RESIDENTIAL WATER-SUPPLY WELL SURVEY: PROPOSED FOSTER FORBES MINE

Owner Information:	Harrell, Faye J. 8222 Caratoke Hwy Powells Point, NC 27966
Parcel Site Address:	8222 Caratoke Hwy
Parcel ID:	012300000830000

Please answer the following questions and provide the requested information for the property listed above.

Do you have a residential water-supply well, active or inactive, on your property? If yes, please indicate so below, complete the table below for each well, and return this form. If you do not have any water-supply well(s) on your property, please indicate so below and return this form.

Yes ☒ No ☐

For each well (the table below will accommodate two wells), please complete the following information. This information was provided by the drilling company when the well was installed, and it should be printed on a thin metal plate that is attached to the top of the well. If you have no information, please indicate so here and return this form.

No Information Available ☒

Well Number:	1	Well Number:	2
Circle the use of the well:	<u>Drinking Water</u> Irrigation	Circle the use of the well:	Drinking Water Irrigation
Total Depth of Well (in feet below land surface)	<i>no info. available</i>	Total Depth of Well (in feet below land surface)	
Pump Type/Depth (submersible, jet, etc):	<i>jet</i>	Pump Type/Depth (submersible, jet, etc):	
Date Drilled: <i>1960's</i>	<i>no info available</i>	Date Drilled:	

Please return this page to Elliott Consulting using the enclosed stamped, self-addressed envelope by April 30, 2025. Thank you again for your assistance.

RESIDENTIAL WATER-SUPPLY WELL SURVEY: PROPOSED FOSTER FORBES MINE

Owner Information:	Georgia M. Keen 107 Pinewood Acres Drive Powell's Point, NC 27966
Parcel Site Address:	107 Pinewood Acres Drive
Parcel ID:	123B00000160000

Please answer the following questions and provide the requested information for the property listed above.

Do you have a residential water-supply well, active or inactive, on your property? If yes, please indicate so below, complete the table below for each well, and return this form. If you do not have any water-supply well(s) on your property, please indicate so below and return this form.

Yes ☒ No ☐


For each well (the table below will accommodate two wells), please complete the following information. This information was provided by the drilling company when the well was installed, and it should be printed on a thin metal plate that is attached to the top of the well. If you have no information, please indicate so here and return this form.

No Information Available ☒

Well Number:	1	Well Number:	2
Circle the use of the well:	Drinking Water Irrigation	Circle the use of the well:	Drinking Water Irrigation
Total Depth of Well (in feet below land surface)		Total Depth of Well (in feet below land surface)	
Pump Type/Depth (submersible, jet, etc):		Pump Type/Depth (submersible, jet, etc):	
Date Drilled:		Date Drilled:	

Please return this page to Elliott Consulting using the enclosed stamped, self-addressed envelope by April 30, 2025. Thank you again for your assistance.

RESIDENTIAL WATER-SUPPLY WELL SURVEY: PROPOSED FOSTER FORBES MINE

Owner Information: 	Patricia T. Babcock Daniel Babcock 119 Grassmarket San Antonio, TX 78259
Parcel Site Address:	114 N. Spot Road
Parcel ID:	123A00000070001

Please answer the following questions and provide the requested information for the property listed above.

Do you have a residential water-supply well, active or inactive, on your property? If yes, please indicate so below, complete the table below for each well, and return this form. If you do not have any water-supply well(s) on your property, please indicate so below and return this form.

Yes ☒ No ☐

For each well (the table below will accommodate two wells), please complete the following information. This information was provided by the drilling company when the well was installed, and it should be printed on a thin metal plate that is attached to the top of the well. If you have no information, please indicate so here and return this form.

No Information Available ☒

Well Number:	1	Well Number:	2
Circle the use of the well:	Drinking Water Irrigation	Circle the use of the well:	Drinking Water Irrigation
Total Depth of Well (in feet below land surface)		Total Depth of Well (in feet below land surface)	
Pump Type/Depth (submersible, jet, etc):		Pump Type/Depth (submersible, jet, etc):	
Date Drilled:		Date Drilled:	

Please return this page to Elliott Consulting using the enclosed stamped, self-addressed envelope by April 30, 2025. Thank you again for your assistance.

RESIDENTIAL WATER-SUPPLY WELL SURVEY: PROPOSED FOSTER FORBES MINE

Owner Information: <u>35</u>	Jeffrey S. Rockwell 104 Pinewood Acres Drive Powell's Point, NC 27966
Parcel Site Address:	104 Pinewood Acres Drive
Parcel ID:	123B00000030000

Please answer the following questions and provide the requested information for the property listed above.

Do you have a residential water-supply well, active or inactive, on your property? If yes, please indicate so below, complete the table below for each well, and return this form. If you do not have any water-supply well(s) on your property, please indicate so below and return this form.

Yes ☒ No ☐

For each well (the table below will accommodate two wells), please complete the following information. This information was provided by the drilling company when the well was installed, and it should be printed on a thin metal plate that is attached to the top of the well. If you have no information, please indicate so here and return this form.

No Information Available * TOPS OF BOTH WELLS ARE BURIED. NO DRILL TAGS ARE PRESENT.

Well Number:	1	Well Number:	2
Circle the use of the well:	<u>Drinking Water</u> Irrigation	Circle the use of the well:	<u>Drinking Water</u> Irrigation
Total Depth of Well (in feet below land surface)	13 ϕ	Total Depth of Well (in feet below land surface)	13 ϕ
Pump Type/Depth (submersible, jet, etc):	JET	Pump Type/Depth (submersible, jet, etc):	JET
Date Drilled:	APPROX. 199 ϕ	Date Drilled:	APPROX. 199 ϕ

Please return this page to Elliott Consulting using the enclosed stamped, self-addressed envelope by April 30, 2025. Thank you again for your assistance.

RESIDENTIAL WATER-SUPPLY WELL SURVEY: PROPOSED FOSTER FORBES MINE

Owner Information: <u>26</u>	Robert R. Wotring, Jr. Pamela A. Wotring PO Box 1692 Kitty Hawk, NC 27949
Parcel Site Address:	103 Pinewood Acres Dr
Parcel ID:	123B00000180000

Please answer the following questions and provide the requested information for the property listed above.

Do you have a residential water-supply well, active or inactive, on your property? If yes, please indicate so below, complete the table below for each well, and return this form. If you do not have any water-supply well(s) on your property, please indicate so below and return this form.

Yes ☒ No ☐

For each well (the table below will accommodate two wells), please complete the following information. This information was provided by the drilling company when the well was installed, and it should be printed on a thin metal plate that is attached to the top of the well. If you have no information, please indicate so here and return this form.

No Information Available ☒

Well Number:	1	Well Number:	2
Circle the use of the well:	<u>Drinking Water</u> Irrigation	Circle the use of the well:	Drinking Water Irrigation
Total Depth of Well (in feet below land surface)		Total Depth of Well (in feet below land surface)	
Pump Type/Depth (submersible, jet, etc):		Pump Type/Depth (submersible, jet, etc):	
Date Drilled:		Date Drilled:	

Please return this page to Elliott Consulting using the enclosed stamped, self-addressed envelope by April 30, 2025. Thank you again for your assistance.

Name-1	Name-2	Location	Mailing Address	City, State, Zip	County Water
Tommy G Forbes		103 Trenor Lane	103 Trenor Lane	Powell's Point, NC 27966	NO
Tracey L Michaud		105 Trenor Lane	105 Trenor Lane	Powell's Point, NC 27966	NO
Millie L Scarborough		102 Trenor Lane	102 Trenor Lane	Powell's Point, NC 27966	NO
Jeremy Andrew Wolcott	Amanda Shawn Wolcott	104 Trenor Lane	104 Trenor Lane	Powell's Point, NC 27966	NO
Joseph Adam Harmon		106 Trenor Lane	106 Trenor Lane	Powell's Point, NC 27966	NO
Kenneth W Morris		108 Trenor Lane	108 Trenor Lane	Powell's Point, NC 27966	NO
Itac 423 LLC		8149 Caratoke Hwy	353 Soundview Drive	Kill Devil Hills, NC 27948	YES
Pleasant Branch Baptist Church		107 Foster Forbes Rd	107 Foster Forbes Rd	Powell's Point, NC 27966	YES
Frasca Holdings LLC		8181 Caratoke Hwy	2401 Colington Rd	Kill Devil Hills, NC 27948	YES
Julio Nicolas Castillo		116 Foster Forbes Rd	118 N. Keller Lane	Grandy, NC 27939	NO
Robert R Wotring, Jr.	Pamela A Wotring	103 Pinewood Acres Drive	PO Box 1692	Kitty Hawk, NC 27949	NO
Lisa D Lucas		105 Pinewood Acres Drive	105 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Georgia M Keen		107 Pinewood Acres Drive	107 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Kerie Elizabeth O'Toole	Michelle Kate Habick	109 Pinewood Acres Drive	109 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Jay Brian Wickens	Jeff Mahlon Wickens	111 Pinewood Acres Drive	110 Pinewood Acres Drive	Powell's Point, NC 27966	NO
David Walter Maxwell	Dixie McIntosh	102 Pinewood Acres Drive	102 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Jeffrey S Rockwell		104 Pinewood Acres Drive	104 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Richard Vernon Lumpkin		106 Pinewood Acres Drive	106 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Heather Leigh Dozier		108 Pinewood Acres Drive	108 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Jay B Wickens	Karyn A Wickens	110 Pinewood Acres Drive	110 Pinewood Acres Drive	Powell's Point, NC 27966	NO
Pierre E Richards		8251 Caratoke Hwy	8251 Caratoke Hwy	Powell's Point, NC 27966	NO
Alan Eduardo Sanchez Gutierrez		8247 Caratoke Hwy	PO Box 1578	Kill Devil Hills, NC 27948	YES
Robert D Natele		104 N. Spot Rd	115 S. Spot Rd	Powell's Point, NC 27966	NO
Luis Murillo	Esmerada Murillo	108 N. Spot Rd	104 Will Court	Harbinger, NC 27941	NO
Patricia T Babcock	Daniel Babcock	114 N. Spot Rd	119 Grassmarket	San Antonio, TX 78259	NO
Sally C Wagner		102 Azalea Lane	102 Azalea Lane	Powell's Point, NC 27966	NO
Roy Wayne Byrum	Mildred B Byrum	8252 Caratoke Hwy	PO Box 311	Kitty Hawk, NC 27949	NO
Roy Wayne Byrum	Mildred B Byrum	8248 Caratoke Hwy	PO Box 311	Kitty Hawk, NC 27949	NO
Faye J Harrell		8222 Caratoke Hwy	8222 Caratoke Hwy	Powell's Point, NC 27966	NO
Joaquin H Salazar		8200 Caratoke Hwy	PO Box 1316	Kill Devil Hills, NC 27948	NO
Shawn O'Sullivan	Shannon O'Sullivan	8156 Caratoke Hwy	8156 Caratoke Hwy	Powell's Point, NC 27966	NO
William Thomas Griggs, Jr. Trustee	Judith Dowdy Griggs Trustee	8090 Caratoke Hwy	3012 Pewter Rd	Virginia Beach, VA 23452	YES

Currituck County Water Customers. Information provided by Brian Cafferello, Currituck County Utilities Dept, March 21, 2025

NC DEQ Division of Water Resources

Water Withdrawal and Transfer Registration

- [Report](#)
- [Submit](#)
- [Help](#)
- [Logout](#)

Please visit the [help](#) section for specific instructions regarding the completion of the annual water use report. Upon completion, please print out a copy for your records then submit your report by clicking the submit button on the navigation bar.

2024 Annual Water Use Report

Section 1: Facility Information

Registrant:	HOM Development, LLC	Facility ID:	0852-0002
Facility Name:	Foster Forbes Mine	Facility Type:	Mining
County:	Currituck	Sub-Basin:	Albemarle Sound (12-1)
Mailing Address:	1002 Driftwood Drive, PO Box 2405 Manteo, NC 27954	Email:	ken@kenobx.com
Contact Person:	Kenneth Elliott	Title:	Consultant
Phone:	252-339-9021	Fax:	xxx

 [Edit Facility Information](#)

Section 2: Withdrawal Information

2-A. Average daily withdrawal and maximum day withdrawal by month in million gallons per day (MGD)

Month	# of Days Used	Average Daily Withdrawal (MGD)	Maximum Day Withdrawal (MGD)	Month	# of Days Used	Average Daily Withdrawal (MGD)	Maximum Day Withdrawal (MGD)
Jan	31	.15	.24	Jul	0		
Feb	29	.15	.24	Aug	0		
Mar	31	.15	.24	Sep	0		
Apr	30	.15	.24	Oct	0		
May	31	.15	.24	Nov	0		
Jun	30	.15	.24	Dec	0		

 [Edit Monthly Withdrawal Table](#)

2-B. Source Information - Please complete one row for each water withdrawal source. If any of your source information was imported from a previous year, please make sure you click edit and fill in the information left blank that is needed for the 2024 reporting year.

Source Name	Source Type	Average Daily	Days Used	Pumping Capacity (MGD)	
Forbes Mine Excav	Quarry	.15	182	.24	<div> Edit  Delete</div>

 [Add Ground Source](#) |  [Add Surface Source](#)

Section 3: Discharge Information

3-A. Average daily discharge and maximum day discharge by month in million gallons per day (MGD)

Month	# of Days Discharged	Average Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Month	# of Days Discharged	Average Daily Discharge (MGD)	Maximum Day Discharge (MGD)
Jan	31	.15	.24	Jul	0		
Feb	29	.15	.24	Aug	0		
Mar	31	.15	.24	Sep	0		
Apr	30	.15	.24	Oct	0		
May	31	.15	.24	Nov	0		
Jun	30	.15	.24	Dec	0		

 [Edit Monthly Discharge Table](#)

3-B. Please complete one row for each discharge method. If any of your discharge information was imported from a previous year, please make sure you click edit and fill in the information left blank that is needed for the 2024 reporting year.

Identifier or Permit Number	Discharge Type	Average Daily	Days Discharged	Discharge Capacity	
SDO-1	Surface Water	.15	182	.24	 Edit  Delete

 [Add New Discharge](#)

Section 4: Sub-Basin Transfer Information

Complete this section only if you withdraw or purchase water that is not returned to the sub-basin from which it was withdrawn.

4-A. Please complete one row for each transfer of surface water from one sub-basin to another. If any of your transfer information was imported from a previous year, please make sure you click edit and fill in the information left blank that is needed for the 2024 reporting year.

Description of Transfer	Source Sub-Basin	Receiving Sub-Basin	Transfer Capacity
No Transfers Listed.			

 [Add New Transfer](#)

4-B. Enter the average daily and maximum day surface water transfer amount for each month in million gallons per day (MGD)

Month	# of Days Transferred	Average Daily Transfer (MGD)	Maximum Day Transfer (MGD)	Month	# of Days Transferred	Average Daily Transfer (MGD)	Maximum Day Transfer (MGD)
Jan				Jul			
Feb				Aug			
Mar				Sep			
Apr				Oct			
May				Nov			
Jun				Dec			

 [Edit Monthly Transfer Table](#)

Do you have any comments?

 [Add Comments](#)

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR PJD:** 04/28/2021
- B. NAME AND ADDRESS OF PERSON REQUESTING PJD:** Mr. Foster Forbes, 5104 Lunar Drive, Kitty Hawk, North Carolina 27949
- C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Wilmington District, 8180 Caratoke Highway/Foster Allen Forbes, SAW-2021-00139
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:** : The property is identified as Currituck County Tax Parcel #012300000790000 and is located at 8180 Caratoke Highway in Powells Point, Currituck County, North Carolina. The property total area is 39.7 acres with a review area of 34.4 acres containing approximately 4.49 acres of potential wetlands. See attached Site Exhibit dated 03/24/2021.

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: NC County: Currituck City: Powells Point
Center coordinates of site (lat/long in degree decimal format): Latitude: 36.1318 Longitude: 75.8406

Universal Transverse Mercator:

Name of nearest waterbody: Albemarle Sound

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

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s):03/23/21

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resources in review area (acreage and linear feet, if applicable)	Type of aquatic resources (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
SAW-2021-00139 Wetland Area 1	36.13093	-75.84325	0.73 acres	Wetland	Section 404
SAW-2021-00139 Wetland Area 2	36.13179	-75.84399	0.29 acres	Wetland	Section 404
SAW-2021-00139 Wetland Area 3	36.13299	-75.84200	3.47 acres	Wetland	Section 404

1. The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
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 AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) 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) 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) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (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 PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives 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 AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, 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. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply) Checked items are included in the administrative record and are appropriately cited:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:

Map: Site Exhibit dated 03/24/2021

☒ Data sheets prepared/submitted by or on behalf of the PJD requestor. Datasheets: Data Sheets received on

03/08/21.

☒ Office concurs with data sheets/delineation report.

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

☐ 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: NC-Jarvisburg

☒ Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey

☒ National wetlands inventory map(s). Cite name: NWI surface waters and wetlands website

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

☐ FEMA/FIRM maps:

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

☐ Photographs: ☐ Aerial (Name & Date):

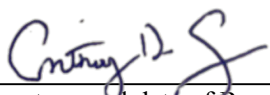
or ☐ Other (Name & Date):

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

☒ Other information (please specify): Lidar and Antecedent Precipitation vs Normal Range based on NOAA's Daily

Global Historical Climatology Network Tool for 01/06/2021 and 03/23/2021

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.



Signature and date of Regulatory
staff member completing PJD
04/28/2021

Signature and date of person requesting PJD
(REQUIRED, unless obtaining the signature is
impracticable)¹

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2021-00139 County: Currituck U.S.G.S. Quad: NC- Jarvisburg

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Requestor: Mr. Foster Forbes
Address: 5104 Lunar Drive
Kitty Hawk, North Carolina 27949
Telephone Number: (419) 283-4575
E-mail: fossiecat@aol.com

Size (acres) 34.4 (Review Area)
Nearest Waterway Albemarle Sound
USGS HUC 03010205

Nearest Town Powells Point
River Basin Albemarle-Chowan
Coordinates Latitude: 36.1318
Longitude: 75.8406

Location description: : The property is identified as Currituck County Tax Parcel #012300000790000 and is located at 8180 Caratoke Highway in Powells Point, Currituck County, North Carolina. The property total area is 39.7 acres with a review area of 34.4 acres containing approximately 4.49 acres of potential wetlands. See attached Site Exhibit dated 03/24/2021.

Indicate Which of the Following Apply:

A. Preliminary Determination

- ☒ There appear to be **wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The **wetlands** have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. The approximate boundaries of these waters are shown on the enclosed delineation map dated 3/24/2021. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- ☐ There appear to be **wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the **wetlands** have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the **wetlands** at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the **wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- ☐ There are Navigable Waters of the United States within the above described project area/property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in 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 **wetlands** on the above described project area/property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ☐ We recommend you have the **wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.
- ☐ The **wetlands** on your project area/property have been delineated and the delineation has been verified by the Corps. The approximate boundaries of these waters are shown on the enclosed delineation map dated DATE. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey

SAW-2021-00139

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 **wetlands** have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on **DATE**. 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/property 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 **in Elizabeth City, NC, at (252) 264-3901** to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Anthony Scarbraugh at (910) 251-4619 or anthony.d.scarbraugh@usace.army.mil.**

C. Basis For Determination: Basis For Determination: The wetlands within the review area were delineated using the Corps of Engineers 1987 Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement Version 2.

D. Remarks: The potential wetlands within the review area are depicted on the attached Site Exhibit dated March 24, 2021.

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.

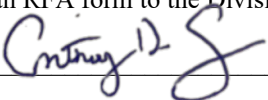
F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

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: Phillip Shannin, 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 **Not applicable**.

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

Corps Regulatory Official: 

Date of JD: **04/28/2021** Expiration Date of JD: **Not applicable**

SAW-2021-00139

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 the Customer Satisfaction Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Copy furnished:

Agent: **Quible and Associates, P.C.**
Mr. Troy Murphy
Address: **Post Office Box 870**
Kitty Hawk, North Carolina 27966
Telephone Number: **(252) 491-8147**
E-mail: **tmurphy@quible.com**

Property Owner: **Elliot Consulting**
Mr. Kenneth Elliott
Address: **Post Office Box 112**
Aydlett, North Carolina 27916
Telephone Number: **(252) 339-9021**
E-mail: **ken@kenobx.com**

Q:\2020\p20053\Drawings\p20053 - FORBES PROPERTY.dwg 3/25/2021 8:15 AM Tmurphy

*PARCEL & AERIAL DATA SHOWN
BASED ON COUNTY GIS DATA.



PROJECT P20053	COPYRIGHT © 2021 QUIBLE & ASSOCIATES, P.C. THIS DOCUMENT IS THE PROPERTY OF QUIBLE & ASSOCIATES, P.C. ANY ALTERATION OF THIS DOCUMENT IS PROHIBITED. IF THIS DOCUMENT IS NOT SIGNED AND SEALED BY A LICENSED PROFESSIONAL THEN THIS DOCUMENT SHALL BE CONSIDERED PRELIMINARY, NOT A CERTIFIED DOCUMENT AND SHALL NOT BE USED FOR CONSTRUCTION, RECORDATION, SALES OR LAND CONVEYANCES, UNLESS OTHERWISE NOTED.	
DRAWN BY JTM/OTH	SITE EXHIBIT FORBES PROPERTY 8180 CARATOKE HIGHWAY	
CHECKED BY WDE	POPLAR BRANCH TOWNSHIP NORTH CAROLINA CURRITUCK COUNTY	
DATE 03/24/21	0 200 400 GRAPHIC SCALE IN FEET 1"=200'	

NC License#: C-0208

Quible

SINCE 1959

& Associates, P.C.

ENGINEERING** * CONSULTING * PLANNING

ENVIRONMENTAL SCIENCES * SURVEYING**

ENG./SUR. NOT OFFERED AT BLACK MTN. OFFICE

8466 Caratoke Hwy, Powells Point, NC 27966

Phone: (252) 491-8147 Fax: (252) 491-8146

90 Church St., Ste. B, Black Mountain, NC 28711

Phone: (828) 793-0398 Fax: (252) 491-8146

administrator@quible.com

THIS MAP IS NOT A
CERTIFIED SURVEY
AND HAS NOT BEEN
REVIEWED BY A
LOCAL GOVERNMENT
AGENCY FOR
COMPLIANCE WITH
ANY APPLICABLE
LAND DEVELOPMENT
REGULATIONS.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Foster Forbes	File Number: SAW-2021-00139	Date: 04/28/2021
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or the Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

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

**District Engineer, Wilmington Regulatory Division
Attn: Anthony Scarbraugh
Washington Regulatory Office
U.S Army Corps of Engineers
2407 West Fifth Street
Washington, North Carolina 27889**

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

**Mr. Phillip Shannin, 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, Attn: Anthony Scarbraugh, 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. Phillip Shannin, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

JOSH STEIN

Governor

D. REID WILSON

Secretary

WILLIAM E. TOBY VINSON, JR.

Director



NORTH CAROLINA
Environmental Quality

April 10, 2025

Jamie Basnight Hatchell
HOM Development, LLC
PO Box 2405
Manteo, NC 27954

RE: Foster Forbes Mine
Mining Permit No. 27-56
Currituck County
Pasquotank River Basin

Dear Ms. Hatchell:

Your recent request to have the above referenced mining permit modified has been approved. The modification is to increase the affected acreage to 18.70 acres and with the permitted area remaining at 41.00 acres as indicated on the submitted application and the Mine Maps dated March 2, 2025. The modification includes the increasing the excavation area while reducing acreage used for stockpiles and sediment ponds. A copy of the modified permit is enclosed.

The conditions in the modified permit were based primarily upon the initial application. Modifications were made as indicated by the modification request and as required to ensure compliance with The Mining Act of 1971. The mine name and permit number shall remain the same as before the modification. I would like to draw your particular attention to the following conditions where minor additions or changes were made: III.4.C, III.5.A, III.5.B, III.10.

The issuance of a mining permit and/or any modification to it does not supersede local zoning regulations. The responsibility of compliance with any applicable zoning regulations lies with you.

In addition, the reclamation bond has been calculated for this site using the information submitted in the application and on the mine maps dated March 2, 2025 (see enclosed worksheet). The bond amount for this site is \$18,700.00. Your company currently has a \$24,700.00 surety bond on file for this site. As such, you may wish to reduce this surety bond to the new required amount of \$18,700.00.

As a reminder, your permitted acreage at this site is 41.00 acres and the amount of land you are approved to disturb is 18.70 acres.

Please contact Corey Clayton, Assistant State Mining Engineer, at (919) 707-9228 if you have any questions.

Sincerely,

A blue ink signature of Adam Parr, written in a cursive style.

Adam Parr, PE

Deputy Director – Program Operations, DEMLR

AP/cc

Enclosures: Modified Permit #27-56, Reclamation Calculation

cc: Samir Dumpor, PE



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
512 North Salisbury Street | 1612 Mail Service Center | Raleigh, North Carolina 27699-1612
919.707.9200

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF ENERGY, MINERAL, AND LAND

RESOURCES

LAND QUALITY SECTION

PERMIT

For the operation of a mining activity

In accordance with the provisions of N.C.G.S. §74-46 through 68, "The Mining Act of 1971," Mining Permit Rule 15A NCAC 05B, and other applicable laws, rules, and regulations

Permission is hereby granted to:

HOM Development, LLC.

Foster Forbes Mine

Currituck County - Permit No. 27-56

for the operation of a

Sand Mine

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

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

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

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

I. Definitions. N.C.G.S. §74-49.

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

II. Issuance and Modifications. N.C.G.S. §74-52.

November 5, 2021: This permit has been issued to HOM Development, LLC for the operation of a Sand and Gravel mine. Mining activities shall occur as indicated on the mine maps received March 30, 2021, and revised maps received May 18, 2021, and supplemental information received on March 30, 2021, May 18, 2021, October 13, 2021, October 22, 2021, and November 4, 2021. Permitted acreage at this site is 41.0 acres and the amount of land approved to disturb is 16.46 acres.

April 10, 2025: This permit has been modified to increase the affected area to 18.70 acres while the total permitted area remains at 41.00 acres. The excavation area has been increased while sediment ponds/stockpiles have been reduced. Mining activities shall occur as indicated on the mine maps dated March 2, 2025, and the application materials received on March 4, 2025.

This permit is valid for the life of the site or life of lease, if applicable, as defined by Session Law 2017-209 and has no expiration date. However, all provisions of N.C.G.S. §74-51 and N.C.G.S. §74-52 still apply for new, transferred, and modified mining permits.

III. Operating Conditions. N.C.G.S. §74-51.

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

1. Wastewater and Quarry Dewatering.

- A. Any wastewater processing or mine dewatering shall be in accordance with the permitting requirements and rules promulgated by the N.C. Environmental Management Commission.
- B. Any stormwater runoff from the affected areas at the site shall be in accordance with any applicable permit requirements and regulations promulgated by the Environmental Protection Agency and enforced by the N.C. Environmental Management Commission. It shall be the permittee's responsibility to contact the Stormwater Program to secure any necessary stormwater permits or other approval documents.
- C. Any sampling required under the NPDES Stormwater permit will be performed as required in the NPDES permit, or monthly, whichever is more frequent, and will be provided annually with the Annual Reclamation Report.

2. Air Quality and Dust Control.

- A. Any mining process producing air contamination emissions shall be subject to the permitting requirements and rules promulgated by the N.C. Environmental Management Commission and enforced by the Division of Air Quality.
- B. During mining operations, water trucks or other means that may be necessary shall be utilized to mitigate dust leaving the permitted area.

3. Buffer Zones.

- A. Sufficient buffer (minimum 50 foot undisturbed) shall be maintained between any affected land and any adjoining waterway or wetland to prevent sedimentation of that waterway or wetland from erosion of the affected land and to preserve the integrity of the natural watercourse or wetland.
- B. Any mining activity affecting waters of the State, waters of the U. S., or wetlands shall be in accordance with the requirements and regulations promulgated and enforced by the N. C. Environmental Management Commission. This mining permit does not authorize impacts to any wetlands within the mining permit boundary unless and until the applicant secures the necessary authorizations in accordance with state and federal wetland regulations.

4. Erosion and Sediment Control.

- A. Adequate mechanical barriers including but not limited to diversions, earthen dikes, sediment check dams, sediment retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance and maintained to prevent sediment from discharging onto adjacent surface areas or into any lake, wetland, or natural watercourse in proximity to the affected land.
- B. All drainage from the affected areas around the mine excavations shall be diverted internal to said excavations or into the approved erosion and sediment control measures.
- C. Mining activities, including dewatering activities and including the installation and maintenance of the approved sediment basins and associated diversion channels, shall occur as indicated in the application and on the Mine Maps dated March 2, 2025.

5. Permanently Marked Boundaries.

- A. All mining permit boundaries (18.70 acres) shall be permanently marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.

- B. Before and during site development, limits of disturbance, for any active disturbed areas, as indicated on the Mine Maps dated March 2, 2025, shall be marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.

6. Graded Slopes and Fills.

The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause off-site damage because of sedimentation, shall be planted, or otherwise provided with ground cover, devices, or structures sufficient to restrain such erosion.

7. Surface Drainage.

The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage ditches or conduits shall be constructed or installed when required to prevent such conditions.

8. Blasting

No blasting activities shall occur at this site.

9. Visual Screening.

Existing vegetation or vegetated earthen berms shall be maintained between the mine and public thoroughfares whenever practical to screen the operation from the public.

10. Buffer Between Mining Permit Boundaries and/or Right-of-ways.

Sufficient buffer, as indicated on the Mine Maps dated March 2, 2025, shall be maintained between any excavation and any mining permit boundary to protect adjacent property.

11. Refuse Disposal.

- A. No on-site disposal of refuse or other solid waste that is generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Waste Management and the Division of Energy, Mineral and Land Resources, Department of Environmental Quality. The method of disposal shall be consistent with the approved reclamation plan.
- B. Mining refuse as defined by N.C.G.S. §74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that may be considered hazardous shall be disposed of within the permitted area.
- C. For the purposes of this permit, the Division of Energy, Mineral and Land Resources considers the following materials to be "mining refuse" (in addition to those specifically listed under N.C.G.S. §74-49 (14) of the N.C. Mining Act of 1971):
 - i. on-site generated land clearing debris.
 - ii. conveyor belts.
 - iii. wire cables.

- iv. v-belts.
- v. steel reinforced air hoses.
- vi. drill steel.

D. If mining refuse is to be permanently disposed within the mining permit boundary, the following information must be provided to and approved by the Division of Energy, Mineral and Land Resources prior to commencement of such disposal:

- i. the approximate boundaries and size of the refuse disposal area.
- ii. a list of refuse items to be disposed.
- iii. verification that a minimum of 4 feet of cover will be provided over the refuse.
- iv. verification that the refuse will be disposed at least 4 feet above the seasonally high-water table; and,
- v. verification that a permanent vegetative groundcover will be established.

IV. Annual Reclamation Report and Annual Operating Fee. N.C.G.S. §74-55.

An Annual Reclamation Report and Annual Operating Fee of \$400.00 shall be submitted to the Department by September 1 of each year until reclamation is completed and approved for release by the Department.

V. Prior Approval Required for Plan Modification. N.C.G.S. §74-52.

The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit or any approved revision to it. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.

VI. Bonding. N.C.G.S. §74-54.

The security, which was posted pursuant to N.C.G.S. §74-54 in the form of a \$24,700.00 bond (of which \$18,700.00 is required), is sufficient to cover the operation as indicated in the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.

VII. Archaeological Resources. N.C.G.S. §70.

1. Minimum Requirements.

- A. Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.
- B. Pursuant to N.C.G.S. §70, Article 3, "The Unmarked Human Burial and Human Skeletal Remains Protection Act," should the operator or any person in his employ encounter human skeletal remains, immediate notification shall be provided to the county medical examiner and the chief archaeologist, North Carolina Division of Archives and History.

VIII. Approved Reclamation Plan. N.C.G.S. §74-53.

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

To comply with N.C.G.S. §74-53 the approved plan will provide:

1. Minimum Standards.

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

2. Reclamation Conditions.

- A. Provided further, and subject to the Reclamation schedule, the planned reclamation shall be to restore the mine excavation to a lake area and to grade and revegetate the adjacent disturbed areas.
- B. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:
 - i. The lake area shall be excavated to maintain a minimum water depth of four feet measured from the low water table elevation.
 - ii. The side slopes to the lake excavation shall be graded to a 3 horizontal to 1 vertical or flatter to the water line and 2 horizontal to 1 vertical or flatter below the water line.
 - iii. Any settling ponds or sediment basins shall be backfilled and stabilized.
 - iv. Any areas used for waste piles, screening, stockpiling, or other processing shall be leveled and smoothed.
 - v. Compacted surfaces shall be disced, subsoiled, or otherwise prepared before revegetation.

- vi. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Condition Nos. III.11.A through III.11.D.
- vii. The affected land shall be graded to prevent the collection of noxious or foul water.

3. Revegetation Plan.

After site preparation, all disturbed land areas shall be revegetated as per the following:

Permanent Seeding Specifications

<u>Dates</u>	<u>Species</u>	<u>Rate, Lbs. / Acre</u>
February 15- April 1	Kobe Lespedeza	10
	Bahiagrass	50
	Redtop	1
	Winter rye (grain)	15
April 1- July 31	Common Bermuda	50
August 1- October 25	Lespedeza (unscarified)	30
	German millet	40
October 25- February 15	Rye (grain- temporary)	120

Soil Amendments

Lime 2000 lbs./acre or follow recommendations from a soil test.

Fertilizer 1000 lbs./acre 8-8-8 or 10-10-10 or follow recommendations from a soil test.

Mulch All seeded areas shall be mulched using small grain straw at a rate of 2000 lbs./acre and anchored appropriately.

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

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

4. Reclamation Plan.

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

IX. Issuance and Modification Summary. N.C.G.S. §74-51 and §74-52.

This permit issued November 5, 2021, is hereby modified this 10th day of April 2025 pursuant to N.C.G.S. §74-52.

By: _____



Adam Parr, PE, Deputy Director – Program Operations
Division of Energy, Mineral, and Land Resources
By Authority of the Secretary
Of the Department of Environmental Quality

NOTICE REGARDING THE RIGHT TO CONTEST A MINING PERMIT DECISION

Right of Persons Aggrieved to File a Contested Case for the Issuance of, or Modification to, a Mining Permit: Pursuant to NCGS 74-61 and NCGS 150B, Article 3, a party or person aggrieved may file a contested case by filing a petition under NCGS 150B-23 in the Office of Administrative Hearings within 30 days after the Division makes the decision and posts the decision on a publicly available website.

General Filing Instructions: A petition for contested case hearing must be in the form of a written petition, conforming to NCGS 150B-23, and filed with the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh NC, 27609, along with a fee in an amount provided in NCGS 150B-23.2. A petition for contested case hearing form may be obtained upon request from the Office of Administrative Hearings or on its website at <https://www.oah.nc.gov/hearings-division/filing/hearing-forms>. Additional specific instructions for filing a petition are set forth at 26 NCAC Chapter 03.

Service Instructions: A party filing a contested case is required to serve a copy of the petition, by any means authorized under 26 NCAC 03 .0102, on the process agent for the Department of Environmental Quality:

Daniel S. Hirschman, General Counsel
North Carolina Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

If the party filing the petition is a person aggrieved other than the permittee or permit applicant, the party **must also** serve the permittee in accordance with NCGS 150B-23(a).

* * *

Be aware that other rules or laws may apply to the filing of a petition for a contested case. Additional information is available at <https://www.oah.nc.gov/hearings-division/hearing-process/filing-contested-case>. Please contact the Office of Administrative Hearings at (984) 236-1850 or oah.postmaster@oah.nc.gov with all questions regarding the filing fee and/or the details of the filing process.

E. DETERMINATION OF AFFECTED ACREAGE AND BOND

Foster Forbes Mine
#27-56

The following bond calculation worksheet is to be used to establish an appropriate bond (based upon a range of \$500 to \$5,000 per affected acre) for each permitted mine site based upon the acreage approved by the Department to be affected during the life of the mining permit. Please insert the approximate acreage, for each aspect of the mining operation, that you intend to affect during the life of this mining permit (in addition, please insert the appropriate reclamation cost/acre for each category from the Schedule of Reclamation Costs provided with this application form) OR you can defer to the Department to calculate your bond for you based upon your maps and standard reclamation costs:

CATEGORY	AFFECTED ACREAGE		RECLAMATION COST/ACRE		RECLAMATION COST
Tailings/Sediment Ponds	0.32 Ac.	X	\$ 1,500 /Ac.	=	\$ 480.00
Stockpiles	1.39 Ac.	X	\$ 1,800 /Ac.	=	\$ 2,502.00
Wastepiles	0.00 Ac.	X	\$ 2,000 /Ac.	=	\$ -
Processing Area/Haul Roads	1.43 Ac.	X	\$ 1,800 /Ac.	=	\$ 2,574.00
Mine Excavation	13.38 Ac.	X	\$ 500 /Ac.	=	\$ 6,690.00
Other (berm)	2.18 Ac.	X	\$ 1,800 /Ac.	=	\$ 3,924.00
TOTAL AFFECTED AC.:	18.70 Ac.				
TOTAL PERMITTED AC.:	41.00 Ac.				

Temporary & Permanent Sedimentation & Erosion Control Measures:

Divide the **TOTAL AFFECTED AC.** above into the following two categories: a) affected acres that drain into proposed/existing excavation and/or b) affected acres that will be graded for positive drainage where measures will be needed to prevent offsite sedimentation and sedimentation to onsite watercourses and wetlands.

a) Internal Drainage	18.70 Ac.				
b) Positive Drainage	0.00 Ac.	X	\$ 1,500.00	=	\$ -
			SUBTOTAL COST:		\$ 16,170.00

Inflation Factor

0.02 X SUBTOTAL COST:	\$ 323.40	X	Permit Life Provided by Applicant (Life of the Mining Operation or Life of Lease from Public Entity (in Years)):	8	
			INFLATION COST:		\$ 2,587.20
			SUBTOTAL COST + INFLATION COST:		\$ 18,757.20

Total Reclamation Bond Cost:	\$ 18,700.00
(round down to the nearest \$100.00)	
(NOTE: The reclamation bond cannot exceed \$1 million per GS 74-54)	

\$ 24,700.00	Surety
\$ (6,000.00)	Balance Required
\$ 18,700.00	Total Reclamation Bond Cost:

Community Meeting

April 14, 2025, 7:00 PM

Powell's Point Senior Center

8011 Caratoke Hwy, Powell's Point, NC

Meeting to discuss application
for a Special Use Permit to excavate
a 13.38-acre pond on this property.

Notice of this meeting is in reference to UDO Section 2.3.8.C Evidentiary Hearing Procedures.

In-Person Community Meeting Summary

Foster Forbes Mine – Use Permit

Monday, April 14, 2025

Scheduled Time & Place: 7:00 pm, Powell's Point Senior Center, Powells Point, NC

Meeting began at approximately 7:10 pm and ended at approximately 7:35 pm.

Attendees:

- Jeff Malarney, HOM Development, LLC
- Jason Litteral, Currituck County Planning
- Millicent Ott, Currituck County Planning
- Ken Elliott, Elliott Consulting
- Foster Forbes, Landowner, Kitty Hawk, NC
- Sharmel Rice, Manager, Wild Geese Court, Powell's Point, Resident
- Jim Welch, 3012 Pewter Rd, Powell's Point, Resident
- Kevin Fox, 3012 Pewter Rd, Powell's Point, Resident

Presentation:

An overview of the requested application and County review and approval process was presented. The overview included explanation of the applicant's proposal to excavate a sand mine on the Foster Forbes property, and attendees were provided with a full mine map and aerial map showing location of the proposed mine in relation to surrounding area. Details were given regarding depth of the mine, access to the mine, dewatering activities, noise generation, distances to nearby homes and businesses, traffic, dust generation, performance bonding of groundwater wells within 1500 feet of excavation, and reclamation of affected areas at end of excavation.

Copies of all presentation materials and groundwater well surveys were provided to all interested parties.

Comments & Questions:

- How are the pond slopes constructed & maintained?
Answer – 3:1 slopes or flatter above water level, 2:1 or flatter below water level, maintained & stabilized with groundcover, no erosion after groundcover installed.
- Will water bleed over between existing pond and new excavation?
Answer – No bleed-over expected, the two ponds will be separated by 175-ft wide natural ground level strip containing Dominion Power right-of-way.
- Bond for adjacent water wells?
Answer - HOM will bond \$3000 per in use well within 1500 feet of excavation
- Discharge water route?
Discharge water from sediment pond will drain westward through wetland swamp before draining to Albemarle Sound. Discharge water is tested monthly for sedimentation, turbidity,

salinity, and enterococcus. Division of Marine Fisheries requested monthly testing as opposed to quarterly testing; HOM has complied.

- Excavation time frame?

Answer – Previous excavation was 3.5 years, depending on market conditions, the new excavation should be in the same neighborhood for completion.

- Excavated sand usage?

Answer – Some may go to mid-County Bridge if DOT requests, most goes for residential and commercial construction in Currituck & Dare counties

- Additional Comments:

- No recorded problems with adjacent owner wells during first pond excavation.
- Groundwater levels in four monitoring wells are measured monthly. Have not seen any water levels below 20 feet below NGL, most levels are at 12 – 13 ft below NGL.
- HOM will stand behind any adjacent owner well problems caused by deatering operations at Foster Forbes Mine.

No further questions, meeting adjourned at 7:35 pm

Virtual Community Meeting No. 1 Summary

Foster Forbes Mine – Use Permit

Wednesday, April 16, 2025

Scheduled Time: 10:00 am

Meeting began at 10:00 am and ended at 10:45 am.

Attendees:

- Ken Elliott, Elliott Consulting
- No other attendees

Meeting opportunity was provided to all interested parties not able to attend the in-person community meeting on April 14, 2025 for the Foster Forbes Mine. Meeting was advertised in invitation letter sent by certified US Mail to all residents living within 1500 feet of the proposed mining excavation.

No residents attended; meeting was adjourned at 10:45 am.

Virtual Community Meeting No. 2 Summary

Foster Forbes Mine – Use Permit

Wednesday, April 16, 2025

Scheduled Time: 4:00 pm

Meeting began at 4:00 pm and ended at 4:45 pm.

Attendees:

- Ken Elliott, Elliott Consulting
- No other attendees

Meeting opportunity was provided to all interested parties not able to attend the in-person community meeting on April 14, 2025 for the Foster Forbes Mine. Meeting was advertised in invitation letter sent by certified US Mail to all residents living within 1500 feet of the proposed mining excavation.

No residents attended; meeting was adjourned at 4:45 pm.

Personal Informational Meeting Request Summary

Foster Forbes Mine – Use Permit

Wednesday, April 16, 202

Time & Place: 10:45 am, via telephone from residence in Texas

Meeting began at 10:45 am and ended at 11:30 am.

Attendees:

- Ken Elliott, Elliott Consulting
- Mrs. Patricia Babcock, N. Spot Rd, Powells Point

Community meeting presentation was given over the phone. Mrs. Babcock had general questions about the mine operation and if her water well would be affected. Same information was given to her as had been previously provided at other meetings and stated that HOM would stand behind any possible problems with her water well caused by mine operation.

In summary, community meeting attendees expressed valid concerns that the mine operator, HOM Development, must always be aware of during the operation of the Foster Forbes Mine. Measures will be put in place by the operator to help mitigate impacts to all neighboring lands and property owners, and it is important to be vigilant to maintain those measures during the life of the mine.

The above summary is true and correct to the best of my recollection and knowledge.





Ken Elliott
For HOM Development, LLC


May 28, 2025

HOM Foster Forbes Community Meeting - Powell's Point Senior Center, April 14, 2025, 7:00 PM

Commissioners	Signature
Comm. Paul O'Neal	
Comm. Selina Jarvis	
Comm. Michael Payment	
Comm. Tony Angell	
Comm. Owen Etheridge	
Comm. Kevin McCord	
Comm. Janet Rose	

County Planning Officials	Signature
Bill Newns	
Jennie Turner	
Jason Litteral	
Millicent Ott	
Jovita Hood	
Patrick Leary	

Landowner	
Cathy Johnston-Forbes	
Foster Forbes	<i>Foster Forbes</i>

HOM Land Development, LLC	
Derek Hatchell	
Nathaniel Hatchell	
David Hatchell	
Jamie Hatchell	
Bo Owens	
Jeff Malarney	

[illegible]



March 11, 2021

Foster Allen Forbes
5104 Lunar Drive
Kitty Hawk, NC 27949

Re: TE021068001

Consent Agreement for Right of Way Encroachment
Transmission Line Number(s): LINE-2064, LINE-2073

Dear Mr. Forbes:

Enclosed is the Consent Agreement for Right of Way Encroachment requested for the Berms located at 8180 Caratoke Highway, Powells Point, N.C. Please execute or have an Authorized Representative execute and return the original Agreement to Dominion Energy Virginia at the address provided on page six (6) of the Agreement.

A copy of the fully executed Agreement, signed by an Authorized Representative of Dominion Energy Virginia – Electric Transmission, will be provided for your records. For the avoidance of doubt, this Agreement will not become effective until fully executed by both parties and the required processing fee is paid in full.

This Agreement involves a one-time processing fee of \$1,000.00, due on or before April 19, 2021 (see enclosed invoice). **Payment and Invoice** should be mailed to:

Dominion Energy Virginia
10900 Nuckols Road, Suite 400
Glen Allen, VA 23060
Attention: Nancy Gustavsson

Please retain the Exhibits to Agreement, enclosed, for your records.

If you have any questions or need additional information, please contact me at (804) 771-3388 or Nancy.L.Gustavsson@dominionenergy.com.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nancy M. Gustavsson", written over a horizontal line.

Nancy Gustavsson
Rights-of-Way Management Representative, Electric Transmission

Enclosures

cc: Tim Hindman, Rights-of-Way Management Representative, Electric Transmission
Fallon Madrid, Supervisor, Rights-of-Way Management, Electric Transmission



Electric Transmission Encroachment Invoice

Reference # TE021068001

To the Requestor:

In order for this letter of consent for the encroachment that Kenneth Elliott has requested on behalf of Foster Allen Forbes to become effective, the requested processing fee must be returned to Dominion Energy Virginia no later than **April 19, 2021**.

The total amount due is **\$ 1,000.00**

Checks should be made payable to ***Dominion Energy Virginia***. Please include the reference number listed above on your payment.

Mail your payment **with this invoice** to:

*Dominion Energy Virginia
10900 Nuckols Road, Suite 400
Glen Allen, VA 23060
Attention: Nancy Gustavsson*

Please contact Nancy Gustavsson at (804) 771-3388 or nancy.l.gustavsson@dominionenergy.com if you have any questions.

HOM DEVELOPMENT LLC

1002 DRIFTWOOD DR
MANTEO, NC 27954-9349



1236

DATE 3.19.2021 66-258/531

PAY TO THE ORDER OF Dominion Energy Virginia \$ 1000⁰⁰

One thousand & no/100

DOLLARS Security Features
Change or Stuck



FOR REF # TE021068001

⑈00001236⑈ ⑈053102586⑈771006716⑈

Cervie H. Bell MP

Reference #: TE021068001

Consent Agreement for Right of Way Encroachment

VIRGINIA ELECTRIC AND POWER COMPANY ("**Company**") and FOSTER ALLEN FORBES ("**Requestor**") enter into this Consent Agreement for Right of Way Encroachment ("**Agreement**") prepared by Company this 11th day of March, 2021.

Company is willing to grant to Requestor, this Agreement to encroach on, over and/or under a part of Company's easement(s) ("**Easement**" or "**Right of Way**") identified as:

- **Barco-Point Harbor Corridor, Parcel Number 118 [COR0025/118]**
- **Shawboro-Point Harbor Corridor, Parcel Number 170 [COR0412/170]**
- **Line/Structure(s) #:2064/149-150, 2073/149-150**

The encroachment ("**Encroachment**") is described as:

- **Five (5) foot tall sand berm around existing pond**
- **Two (2) foot tall sedimentation control berm**
- **Existing pond filled in and levelled**

The Encroachment as described above is located as follows:

8180 Caratoke Highway, Powells Point, N.C.

Company, under its Easement(s) identified above, hereby grants Requestor permission to install the Encroachment, described above, subject to the following terms and conditions hereinafter set forth.

1. The minimum distance required by the Occupational Safety and Health Administration ("OSHA") shall be maintained between electrical conductors and any part of the Encroachment or equipment used in the installation or maintenance of the Encroachment. Sag of conductors varies with changes in operating and ambient temperatures; therefore, required clearances will be based upon maximum sag. The minimum clearance shall be governed by the clearance required for the 230kV line. For current voltage information see Exhibit "A". Voltage and conductor arrangement is subject to change. It is Requestor's responsibility to confirm voltage and location of conductors prior to installation, maintenance or repair of the Encroachment.
2. Company access to its facilities shall not be hampered at any time by the installation, use, maintenance or presence of the Encroachment. Company shall not be liable for damage to the Encroachment resulting from exercise of its Easement rights.

3. Permission for the Encroachment described in Exhibit "B" does not include permission for storage on Company Easement of material or equipment related to the Encroachment.
4. No portion of any building, house, garage, porch, deck, shed, trailer, barn, playhouse, above-ground or in-ground swimming pool, dumpster or any other type of structure, temporary or permanent, shall be permitted on the Easement. **This includes, but is not limited to, any building projection or attachment such as roof overhang, gutters, garage lighting or window appurtenances. Portions of buildings and other structures found within Company's Easement(s) are required to be removed when discovered.**
5. Requestor shall restore any erosion or settling, within the Easement, related to the installation or maintenance of the Encroachment. Requestor shall comply with all state and local erosion and sedimentation control laws and shall not adversely affect grade elevations and water drainage patterns.
6. It is the Requestors responsibility to notify Company of any damage to Company facilities by Requestor, its employees, contractors or agents. If any counterpoise (ground wire buried eighteen (18) to twenty-four (24) inches deep) is damaged, cut or severed, notify William Gatlin - Manager Field Transmission Lines, immediately so necessary repairs can be made.

Mobile: (434) 447-5506

E-Mail: william.gatlin@dominionenergy.com

7. Requestor shall be responsible for all associated costs for the repairs of Company facilities (including but not limited to structures, guys, anchors or counterpoise) damaged by Requestor, his/her/their/its employees, contractors or agents.
8. If the Encroachment is determined to be unsafe by the Company at a future date, the unsafe condition shall be corrected or removed at Requestor's expense within forty-five (45) days after written notification from the Company. If not so corrected or removed by Requestor, the unsafe condition may be corrected or removed by the Company at Requestor's expense without liability by the Company for any resulting damage.
9. This Agreement in no way reduces the Company's rights under the Easement(s) identified above. The Company may at any time exercise its Easement rights in a way that conflicts or interferes with the Encroachment described above. Upon notice from the Company, the Requestor will promptly modify, rearrange or remove the Encroachment to enable the Company to exercise its Easement rights without conflict or interference with the Encroachment. Requestor will be responsible for the cost of any such modification, rearrangement or removal. If Requestor fails to so modify, rearrange or remove the Encroachment within forty-five (45) days after notice from the Company to do so, the Company may modify, rearrange or remove the Encroachment without liability for damage

resulting therefrom, and Requestor shall promptly reimburse the Company for the cost of such modification, rearrangement or removal.

10. Requestor shall begin physical installation of the Encroachment within one (1) year of the date of execution of this Agreement. If installation does not begin within that period, this Agreement shall become invalid. A new Encroachment application must be submitted before further consideration and will be subject to a processing fee. For the avoidance of doubt, Company's permission for this Encroachment in no way implies or assures that Company will reissue an Agreement for this Encroachment in the future should this Agreement become invalid.
11. Requestor shall give at least five (5) days advance notice, except in emergencies, of any activities being performed within the Easement to Timothy Hindman, Sr. Right-of-Way Management Representative so that the Company, at its discretion, may have an inspector present while the work is in progress. **Requestor pays the costs of the inspector.**

Mobile: (757) 334-0119

E-Mail: Timothy.Hindman@dominionenergy.com

12. This Agreement provides Requestor only with approval to encroach on Company's electric transmission Easement. For the avoidance of doubt, Company's approval of this Encroachment in no way implies or assures that Company will grant Requestor's future request (if any) that Company quitclaim or subordinate in favor of Requestor any portion of Company's electric transmission Easement.
13. Requestor, its/their heirs, successors, assigns, contractors or subcontractors hereby agree to indemnify and save harmless Company, its officers, agents and employees from any and all claims, demands, damages, including death, and liability of every kind and nature whatsoever for, on account of or growing out of the Agreement hereby granted, except when such claims and demands are caused solely by the negligence or willful misconduct of Company, its agents, employees, successors or assigns.
14. Before Requestor or its contractors, subcontractors and assigns enter upon Company's Easement, each shall obtain or keep, in full force and effect, with respect to its/their work within the Company's Easement, with insurance companies authorized to do business in the Commonwealth of Virginia, the following insurance:
 - a) Workers compensation insurance as required by the statutory benefit laws of the Commonwealth of Virginia or approved self-insurance and employer's liability insurance with limits of at least \$1,000,000.00 bodily injury by accident and \$1,000,000.00 each employee for bodily injury by disease.
 - b) Commercial general liability insurance with coverage limits of at least \$2,000,000.00 each occurrence, \$2,000,000.00 aggregate. Such insurance shall include, but not be limited to, specific coverage for contractual liability encompassing the previously referenced indemnity and liability requirements.

c) Automobile liability insurance covering bodily injury and property damage with a total limit of at least \$2,000,000.00 per accident. Such insurance shall cover liability arising out of any automobile (including owned, hired and non-owned automobiles).

The insurance required in paragraph (b) above shall: (1) name Company, its officers, directors and employees as an additional insured; (2) be primary coverage with respect to any liability coverage carried by the Company; and (3) provide for claims by one insured against another such that, except for the limits of insurance, the insurance shall apply separately to each insured against whom a claim is made or suit is brought.

Requestor and Requestor's contractors, subcontractors and assigns waive, and will require their insurers to waive, all rights of recovery against Company for damages to the extent these damages are covered by the insurance required to be maintained pursuant to the insurance requirements.

Before Requestor, Requestor's contractors, subcontractors and assigns enter upon Company Easement, and thereafter upon the renewal of their insurance policies, Requestor, Requestor's contractors, subcontractors and assigns, shall provide certificates of insurance to Company evidencing the coverage and limits required by this Agreement and that Company, its officers, directors and employees are an additional insured.

Failure of Company to demand such certificates or other evidence of full compliance with these insurance requirements or failure of Company to identify a deficiency from evidence that is provided shall not be construed as a waiver of the obligation of Requestor, Requestor's contractors, subcontractors and assigns to maintain such insurance.

Requestor, Requestor's contractors, subcontractors and assigns, or their respective agents, representatives or insurers shall provide thirty (30) days prior written notice of cancellation to Company, except for non-payment of premium to which ten (10) days' notice shall apply.

15. Requestor shall notify MISS UTILITY (1-800-552-7001) in a timely manner in advance of construction to allow existing nearby underground utility conflicts to be identified.
16. Requestor may remove topsoil and gravel from portions of the Easement not occupied by Company facilities. In such cases Requestor must maintain a minimum island of undisturbed material with a fifty (50) foot radius on all sides of said facilities. The slope ratios, normally 3:1 or less, and transmission line access lanes must be maintained.
17. Should it be necessary to verify the final grade of the proposed cut and/or fill, then it will be the responsibility of Requestor to reimburse Company for all actual costs. If the verification reveals that the cut/fill/grading was not done as approved, then Requestor is responsible for all costs involved with correcting the problem(s).
18. There shall be no grading, excavation, filling or other construction activities within fifty (50) feet of any Company structure, foundation, guy, anchor or any other Company facilities.

19. Clean fill material may be placed on right-of-way to within fifty (50) feet of any existing or proposed transmission structure. In all cases, no fill will be allowed until the proposal is reviewed by the Electric Transmission Right of Way Management to insure proper grade and operating clearances.
20. Requestor is responsible for acquiring, from the owners of the underlying fee simple or otherwise, any additional property rights necessary for the Encroachment location. For the avoidance of doubt, Company does not convey, or otherwise transfer to Requestor any Easement right that Company may hold nor does Company make any representation or warranty as to the status or availability of any rights that may be required for Requestor to make use of the Encroachment or Easement.
21. It is the responsibility of the Requestor to ensure that all contractors or sub-contractors are aware, informed of and abide by these conditions.
22. The above conditions only apply as specific to and set forth in this Agreement and do not set a precedent for further Agreements.
23. All notices, requests, demands and other communications required to be given, (except as otherwise indicated) shall be deemed to have been duly given if in writing and mailed, as follows:

If to Requestor:	Foster Allen Forbes 5104 Lunar Drive Kitty Hawk, North Carolina 27949
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If to Company:	Dominion Energy Virginia Highwoods One, Suite 400 10900 Nuckols Road Glen Allen Virginia 23060 <u>Attention:</u> Electric Transmission Rights-of-Way
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03/11/21

This Agreement is granted only to Requestor. It is not an interest in real property; it does not run with the underlying land or benefit any successors in interest to the underlying land, and it may not be assigned or transferred to anyone else without the prior written approval of Company, which Company may withhold in its sole discretion. If Requestor is not the owner of the property on which the Encroachment is to be located; it is Requestor's responsibility to obtain any and all necessary permission(s) or easement(s) from the property owner(s) for the Encroachment prior to installation.]

For this Agreement to become effective, Company must be in possession of **both** the executed Agreement **and the required processing fee**.

Requestor must return the executed Agreement and payment to Company by April 19, 2021 to:

Dominion Energy Virginia
10900 Nuckols Road, Suite 400
Glen Allen, Virginia 23060
Attention: Nancy Gustavsson
(804) 771-3388 or nancy.l.gustavsson@dominionenergy.com

Additional contact: Dominion Energy Virginia at 1-800-215-8032 or e-mail at ETROW@dominionenergy.com.

[SIGNATURES TO FOLLOW]

03/11/21

Company, Authorized Representative, will execute and finalize Agreement upon return of Agreement executed by Requestor or its Authorized Representative. Requestor will be provided a fully executed copy of Agreement for their records.

In consideration of this Agreement granted by Company for the above-described Encroachment, Requestor hereby agree(s) to the terms and conditions stated in the foregoing Agreement.

Company and Requestor hereby cause this Agreement to be executed by their duly Authorized Representative.

VIRGINIA ELECTRIC AND POWER COMPANY

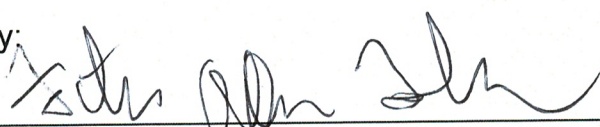
By:

Fallon Madrid
Supervisor, Rights of Way Management
Electric Transmission
Authorized Representative

Date

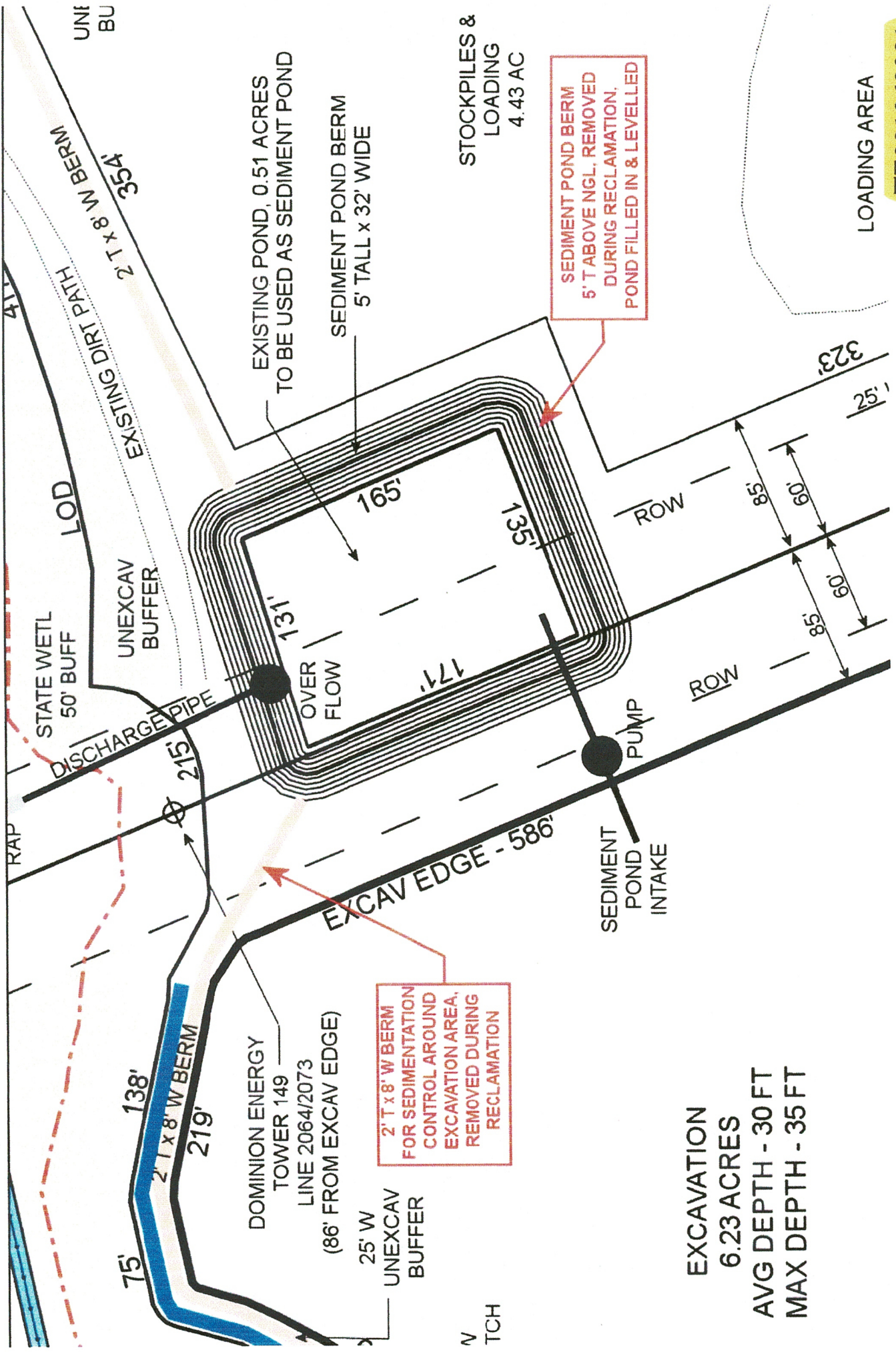
PROPERTY OWNER

By:



Foster Allen Forbes
Owner

Date



TE021068001
EXHIBIT "B"

EXCAVATION
6.23 ACRES
AVG DEPTH - 30 FT
MAX DEPTH - 35 FT

LOADING AREA

STOCKPILES &
LOADING
4.43 AC

EXISTING POND, 0.51 ACRES
TO BE USED AS SEDIMENT POND
SEDIMENT POND BERM
5' TALL x 32' WIDE

SEDIMENT POND BERM
5' T ABOVE NGL, REMOVED
DURING RECLAMATION.
POND FILLED IN & LEVELLED

2' T x 8' W BERM
FOR SEDIMENTATION
CONTROL AROUND
EXCAVATION AREA,
REMOVED DURING
RECLAMATION

DOMINION ENERGY
TOWER 149
LINE 2064/2073
(86' FROM EXCAV EDGE)

25' W
UNEXCAV
BUFFER

STATE WETL
50' BUFF

UNEXCAV
BUFFER

EXISTING DIRT PATH
2' T x 8' W BERM

LOAD

UN
BU

N
TCH

Addendum-1

C. PROTECTION OF NATURAL RESOURCES

Describe in detail the sequence of events for the development and operation of the mine and *reference the sequence to the mine map(s)*.

- a. Operator will obtain approved modification of Mining Permit # 27-56 from NC Dept. of Environmental Quality, and approved Use Permit from Currituck County Dept. of Planning and Inspections.
- b. Operator will maintain existing 24-ft wide continuous pavement on 30-ft wide mine access road from US 158 Caratoke Highway for 200 feet towards mine activity area. Pavement will serve as mine construction entrance.
- c. Operator will maintain existing locking gate across mine access road, 80 feet from Caratoke Highway right-of-way.
- d. Operator will maintain existing Streetscape plantings along Caratoke Highway serving as visual screen. Plantings include 15 shrubs per 100 feet, 4 understory trees (1.5 ACI each) per 100 feet, and 5 canopy trees (2 ACI each) per 100 feet. Plantings were installed in 2021.
- e. Operator will maintain four existing groundwater level monitoring wells installed in 2021 inside the eastern permit boundary. Wells are used to measure impacts on groundwater levels due to dewatering activity in the mine excavation. Locations are shown on mine maps.
- f. Operator has completed initial excavation of 6.23-acre pond (West Pond) west of Dominion Power right-of-way. No further excavation of the West Pond will occur, beyond sloping of the excavation edges. Dewatering activity in the West Pond ceased in July 2024, pump removed, and there will be no further dewatering activity. Water level in the West Pond has since returned to normal groundwater level.
- g. Existing 0.51-acre sediment pond used for dewatering the West Pond during excavation will now be used to dewater the proposed East Pond during its excavation.
- h. Operator proposes excavation of new East Pond (7.31 acres) between the Dominion Power right-of-way and Caratoke Highway, inside former stockpile and loading area, plus expanding excavation to within 325 feet of Caratoke Highway. Reclamation of both ponds including sloping and groundcover will occur after final excavation of the East Pond.
- i. Operator will remove topsoil in the East Pond excavation area down to 2.5 feet below natural ground level, and stockpile overburden for use in erosion control berms.
- j. Operator will maintain existing 2-ft tall x 10-ft wide sediment and erosion control perimeter berm constructed inside unexcavated buffer around the West Pond excavation area and former stockpile area using onsite soils and stabilized with groundcover seeded per seeding schedule in this application. Operator will

- construct new 5-ft tall x 22-ft wide sediment and erosion control perimeter berm around east end of new mine activity area, also to be used for visual screening.
- k. Operator will maintain all existing natural foliage visual screening along perimeter of the affected area or inside of permit boundary.
 - l. Operator will maintain existing 6-ft tall by 24-ft wide foliated berm at southeast corner of permit area, between mine activity area and Salazar property. Berm installed in 2021 as visual screen at request of Currituck Planning & Inspections.
 - m. Operator will maintain existing 5-ft tall by 27-ft wide foliated berm around 0.51-acre sediment pond located 85 feet east of the West Pond and 50 feet west of East Pond. Existing 36-in half-pipe flash-board riser overflow is located at northwest corner of sediment pond, discharging into minimum 12-in plastic pipe leading to riprap-protected existing ditch draining to Foster Forbes Ditch and Albemarle Sound.
 - n. Operator constructed in 2022 a 1200-ft long by 10-ft wide by 2-ft deep hydration swale for groundwater recharge along the western edge of the West Pond excavation activity area inside the unexcavated buffer. Swale is no longer used for groundwater recharge as there is no dewatering activity near the adjacent western wetlands. Swale will remain in place until it is filled back in with stockpiled overburden and levelled during final reclamation.
 - o. Operator will relocate dewatering pump to the southeast corner of sediment pond adjacent to East Pond excavation area. Dewatering pump will be an 8-in Godwin Dri-Prime model running at idle speed 12 hours per day with 333 gallon per minute flow into sediment pond, 0.24 mgd.
 - p. Existing half-pipe overflow device at northwest corner of sediment pond, riprap protected discharge ditch, and SDO-1 sampling point will remain in original locations.
 - q. Operator will begin excavation of East Pond (7.31 acres) approximately 50 feet east of sediment pond by digging with excavator and removing sand & topsoil to maximum depth feasible without dewatering the excavation.
 - r. Operator will dewater East Pond excavation into sediment pond at its southeast corner, discharging overflow water from sediment pond at northwest corner through an existing half-pipe riser water height control device connected to a discharge pipe. Pipe will discharge water into existing riprap protected ditch draining to Foster Forbes Ditch, which then drains 0.7-mile through swamp and wetlands to Albemarle Sound. Operator will dewater main excavation down approximately 25 feet below normal groundwater level.
 - s. Sediment pond discharge water will be sampled monthly per current Permit Operating Condition III.1.C. Samples will be tested for Residue Suspended (TSS), Residue Settleable (SS), turbidity, and Enterococci at a State-certified laboratory, and for pH and salinity onsite at time of sampling. Sample results will be provided annually to NCDEQ and quarterly to Currituck County Planning and Inspections Department.
 - t. Operator will continue to monitor groundwater levels monthly inside the permit area

by measuring groundwater levels in four groundwater monitoring wells located around the eastern perimeter of the East Pond excavation area. Measurement results will be provided annually to NCDEQ and quarterly to Currituck County Planning and Inspections Department.

- u. Operator will proceed with the East Pond excavation. 3:1 cut slopes will be constructed around excavation edge down to normal groundwater level. As water is removed from excavation, 2:1 cut slopes will be constructed below normal groundwater level around excavation edge.
- v. Pond will be excavated to average 30 feet and maximum 35 feet below natural ground level while dewatering is maintained. Excavated material (sand) will be stockpiled in portions of the excavation area not already excavated. Sand will be loaded into trucks and removed from area via the access road leading to Caratoke Highway.
- w. When final excavation of pond is complete, dewatering will be discontinued, and pump shut down and removed. Groundwater will refill the excavation to normal seasonal high groundwater level.
- x. Operator will deconstruct the 5-ft tall by 27-ft wide sediment pond berm down to normal ground level. Operator will fill in the western 0.32-acre portion of the 0.51-acre sediment pond up to normal ground level with overburden and topsoil removed from the East Pond excavation. Operator will then remove the land between the remaining 0.19-acre portion of the sediment pond and incorporate it into the East Pond excavation. The western excavation edge of the East Pond will then be a straight line running approximately north to south. Partial filling of the sediment pond is being done at the request of the landowner as a requirement for reclamation of the land.
- y. After final excavation, operator will establish groundcover on 3:1 pond slopes and will construct an 8-ft wide by 1-ft tall 4:1 berm around excavation edge to prevent erosion of pond slopes, with outside edge of berm graded down to natural ground level.
- z. Operator will deconstruct the 2-ft tall by 10-ft wide erosion control perimeter berm. Disturbed land will be graded down to natural ground level.
- aa. Operator will deconstruct the 5-ft tall by 22-ft wide erosion control perimeter berm. Disturbed land will be graded down to natural ground level.
- bb. Operator will fill and grade the 1200-ft long hydration swale on the west side of the West Pond. Disturbed land will be graded down to natural ground level.
- cc. All disturbed land areas outside of the east and West Pond excavations will be graded, leveled, and seeded with groundcover. Areas will be allowed to return to previous non-erosive field state.
- dd. Internal roadways and haul roads will be graded, leveled, seeded with groundcover, and allowed to return to natural field state. A field path will remain around the perimeter of the excavated pond.
- ee. Operator will grade and level dirt portion of access road to Caratoke Highway back to original non-erosive state. Paved portion of access road will remain as is. Field path will lead from access road around perimeter of pond.

- ff. Remaining affected areas inside main permit area will be fertilized and returned to natural field state.
- gg. Temporary office and portable fuel tank will be removed from premises.
- hh. Remaining pond will be utilized by landowner for scenic & recreational purposes, and as wildlife habitat.

Addendum-1

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- y. After final excavation, operator will establish groundcover on 3:1 pond slopes and will construct an 8-ft wide by 1-ft tall 4:1 berm around excavation edge to prevent erosion of pond slopes, with outside edge of berm graded down to natural ground level.
- z. Operator will deconstruct the 2-ft tall by 10-ft wide erosion control perimeter berm. Disturbed land will be graded down to natural ground level.
- aa. Operator will deconstruct the 5-ft tall by 22-ft wide erosion control perimeter berm. Disturbed land will be graded down to natural ground level.
- bb. Operator will fill and grade the 1200-ft long hydration swale on the west side of the West Pond. Disturbed land will be graded down to natural ground level.
- cc. All disturbed land areas outside of the east and West Pond excavations will be graded, leveled, and seeded with groundcover. Areas will be allowed to return to previous non-erosive field state.
- dd. Internal roadways and haul roads will be graded, leveled, seeded with groundcover, and allowed to return to natural field state. A field path will remain around the perimeter of the excavated pond.
- ee. Operator will grade and level dirt portion of access road to Caratoke Highway back to original non-erosive state. Paved portion of access road will remain as is. Field path will lead from access road around perimeter of pond.

- ff. Remaining affected areas inside main permit area will be fertilized and returned to natural field state.
- gg. Temporary office and portable fuel tank will be removed from premises.
- hh. Remaining pond will be utilized by landowner for scenic & recreational purposes, and as wildlife habitat.

Addendum-2

Erosion Control Measures

Describe specific erosion control measures to be installed prior to land disturbing activities and during mining to prevent offsite sedimentation (*include specific plans for sediment and erosion control for mine excavation(s), waste piles, access/mine roads, and process areas*), and give a detailed sequence of installation and schedule for maintenance of the measures.

- a. Operator will maintain 30-ft wide access/haul road from mine activity area across field to Caratoke Highway.
- b. Operator will maintain continuous pavement 24 feet wide of the first 200 feet of access road starting at its intersection with Caratoke Highway, serving as construction entrance.
- c. Operator will construct new, or maintain existing, 2-ft tall x 10-ft wide perimeter berm will be constructed inside unexcavated buffer around the north, south, & west sides of the excavation areas and stockpile areas using onsite soils and stabilized with groundcover seed per seeding schedule.
- d. Operator will construct 5-ft tall x 22-ft wide berm on east perimeter of active area to be used for erosion control and visual screening, using onsite soils and stabilized with groundcover seed per seeding schedule.
- e. Operator will maintain existing 5-ft tall by 27-ft wide berm around 0.51-acre sediment pond located between east and west pond excavations. Sediment pond berm will be minimum 32 feet wide, 5 feet tall, with 18-ft wide exterior slope at 3:1 grade, and 12-ft wide interior slope at 2:1 grade.
- f. Sediment pond will discharge overflow into minimum 12-in plastic pipe leading to riprap-protected existing ditch (SDO-1) draining to Foster Forbes Ditch and Albemarle Sound.
- g. Operator will maintain all undisturbed areas with full groundcover or natural foliage regrowth.

Warranty

HOM Development, LLC

Jamie Basnight Hatchell, Manager

1002 Driftwood Drive, PO Box 2405

Manteo, North Carolina 27954

Phone: 252-473-6074

Fax: 252-473-6606

Email: jamie@hatchellconcrete.com

January 18, 2022

County of Currituck, NC

Development Services Department

Planning and Zoning Division

153 Courthouse Road, Suite 110

Currituck, NC 27929

Warranted Project: Foster Forbes Mine, 8180 Caratoke Highway, Powells Point, NC 27966

In compliance with your project specifications, HOM Development, LLC respectfully submits our 100% guarantee of service and workmanship furnished by **HOM Development, LLC** for the period of time specified below, against any problems with neighboring water supply wells located within 1500 feet of excavation edge of the Foster Forbes Mine, whether residential, commercial, or private-owned, occurring during periods of dewatering activity at the Foster Forbes Mine.

This service and workmanship guarantee will be valid for any in-use water supply wells located at the following locations:

PIN	Address	Structure
123C00001030000	103 Trenor Lane, Powells Point	Dwelling
123C00001050000	105 Trenor Lane, Powells Point	Dwelling
123C00001020000	102 Trenor Lane, Powells Point	Dwelling
123C00001040000	104 Trenor Lane, Powells Point	Dwelling
123C00001060000	106 Trenor Lane, Powells Point	Dwelling
123C00001080000	108 Trenor Lane, Powells Point	Dwelling
012300000940000	107 Foster Forbes Rd, Powells Point	Church
012300000930000	116 Foster Forbes Rd, Powells Point	Bldg
123B00000180000	103 Pinewood Acres Dr, Powells Point	Dwelling
123B00000170000	105 Pinewood Acres Dr, Powells Point	Dwelling

123B00000160000	107 Pinewood Acres Dr, Powells Point	Dwelling
123B00000150000	109 Pinewood Acres Dr, Powells Point	Dwelling
123B00000140000	111 Pinewood Acres Dr, Powell's Point	Dwelling
123B00000020000	102 Pinewood Acres Dr, Powells Point	Dwelling
123B00000030000	104 Pinewood Acres Dr, Powells Point	Dwelling
123B00000040000	106 Pinewood Acres Dr, Powells Point	Dwelling
123B00000050000	108 Pinewood Acres Dr, Powells Point	Dwelling
123B00000060000	110 Pinewood Acres Dr, Powell's Point	Dwelling
012300000840000	104 N Spot Road, Powells Point	Dwelling
123A00000060001	108 N Spot Road, Powells Point	Dwelling
123A00000070001	114 N Spot Road, Powells Point	Dwelling
123A00000040001	8251 Caratoke Highway, Powells Point	Dwelling
123A00000080002	102 Azalea Ln, Powells Point	Dwelling
0124000045A0000	8252 Caratoke Highway, Powells Point	Dwelling
0124000043A0000	8248 Caratoke Highway, Powells Point	Bldg
012300000830000	8222 Caratoke Highway, Powells Point	Dwelling
012300000800000	8200 Caratoke Highway, Powells Point	Dwelling
012300000770000	8156 Caratoke Highway, Powells Point	Dwelling

**Locations confirmed by Currituck County Planning and Inspections Department, Planning and Zoning Division.

The warranty period will be as follows:

Date starting: August 1, 2025

Date ending: August 1, 2035

Should any problems with operation of water supply wells located within 1500 feet of the Foster Forbes Mine occur during the specified warranty period, due to faulty workmanship or service, HOM Development, LLC, will correct the problems, without charge, to the satisfaction of the owner. Correction of problems occurring will include repair or replacement of the pump and/or replacement and installation of a new well. This is a 100% guarantee of workmanship and service.

Should any problems or complaints arise from use of dewatering activities at Foster Forbes Mine, HOM Development, LLC will immediately cease and desist dewatering operations until all problems have been resolved.

In addition to the above, HOM Development, LLC will post a cash bond of \$87,000 to Currituck County Planning and Inspections Department as a base amount for ground water well repair or replacement if needed. If repair or replacement costs ever exceed this amount, HOM Development, LLC will continue to

fully cover costs of repair or replacement to any in-use water supply wells located within 2000 feet of the Foster Forbes Mine listed above.

HOM Development, LLC will make all efforts necessary to immediately address any concerns or questions brought to their attention regarding operations at the Foster Forbes Mine and resolve any issues to the satisfaction of the property owner.

Jamie Basnight Hatchell, manager
HOM Development, LLC

North Carolina

_____ County

I, _____, a Notary Public for said County and State, do hereby certify that
_____ personally appeared before me this day and acknowledged the due
execution of the foregoing Warranty agreement.

Witness my hand and official seal, this the _____ day of _____, 20 ____.

(Official Seal)

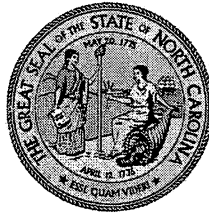
Notary Public _____

My commission expires _____, 20 ____.

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRIAN WRENN
Director



NORTH CAROLINA
Environmental Quality

September 14, 2021

HOM Development, LLC
Attn: Jamie Basnight Hatchell
1002 Driftwood Drive, PO Box 2405
Manteo, NC 27954

Subject: General Permit No. NCG020000
Foster Forbes Mine
COC No. NCG020976
Currituck County

Dear Jamie Basnight Hatchell:

In accordance with your application for a discharge permit received on March 31, 2021, we are forwarding herewith the subject certificate of coverage (COC) to discharge under the subject state – NPDES general permit. This permit is issued pursuant to the requirements of North Carolina General Statute 143-215.1 and the Memorandum of Agreement between North Carolina and the US Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

In order to comply with the conditions of NCG020000 to which you are now subject, you are required to do the following:

- Implement a SWPPP before beginning operations.
- Download and print a copy of the NCG020000 Permit from the General Permits page on the NPDES Industrial Stormwater Program web site, which can be reached by typing "deq.nc.gov/SW-industrial" into your browser and hitting enter.
- When you receive an invoice for your annual permit fee each year, pay it promptly. Electronic payment is convenient and quick, you can access the ePayment web site by typing "deq.nc.gov/SW-ePayments" into your browser and hitting enter.
- If you have not already enrolled in electronic Data Monitoring Reports (eDMR), view the six step process and complete the registration by typing "deq.nc.gov/SW-eDMR" into your browser and hitting enter.
- Keep information about your facility name, ownership, legally responsible person, address, and stormwater outfalls up to date. See the Industrial Stormwater Program web site for instructions.

This general permit allows the discharge of stormwater and certain types of wastewater from your facility. In your application, you specified that only wastewater would be discharged from this facility. If separate point-source discharges of stormwater occur (i.e., stormwater *not* combined with process wastewater), you will be required to adhere to the conditions in this permit for stormwater discharges.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
512 North Salisbury Street | 1612 Mail Service Center | Raleigh, North Carolina 27699-1612
919.707.9200

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

GENERAL PERMIT No. NCG020000
CERTIFICATE OF COVERAGE No. NCG020976

STORMWATER DISCHARGES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

HOM Development, LLC

is hereby authorized to discharge stormwater from a facility located at

8081 Caratoke Highway
Powells Point
Currituck County

to receiving waters designated as Albemarle Sound, class SB, waters in the Pasquotank River Basin in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts A, B, C, D, E, F, G, and H of General Permit No. NCG020000 which can be downloaded by entering "deq.nc.gov/SW-industrial" in a browser window and navigating to the "NPDES Stormwater General Permits" web page.

This Certificate of Coverage shall become effective September 14, 2021.

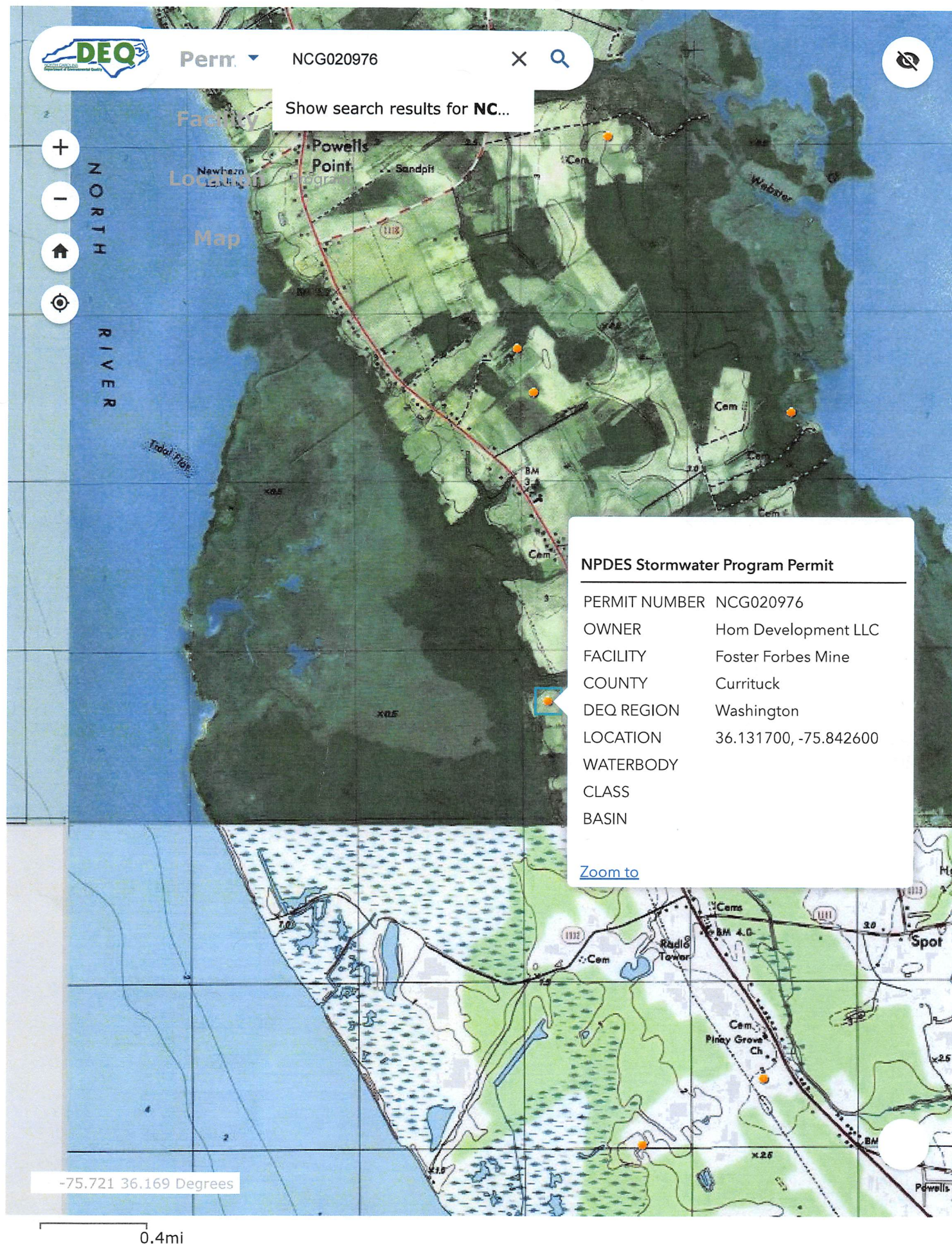
This Certificate of Coverage shall remain in effect for the duration of the General Permit.

Signed this 14th day of September 2021.



for Brian Wrenn

Director, Division of Energy, Mineral and Land Resources
By the Authority of the Environmental Management Commission



I, Kenneth Elliott, owner of Elliott Consulting, do certify that the information contained in this report is correct and accurate to the best of my knowledge.

Sincerely,



Ken Elliott

Elliott Consulting

5/27/2025

Attachments: Appendix A – Example Survey Letter and Summary Table
Appendix B – Certified Mail Receipts for items Sent by Elliott Consulting
Appendix C – Completed Survey Forms Received from Property Owners
Appendix D – Currituck County Water Department Response to Information Enquiry

Foster Forbes Mine, 8180 Caratoke Highway, Powells Point, NC 27966

Monitoring Well Plan

The operator of the proposed Foster Forbes Mine, HOM Development, LLC, has constructed and installed a series of four groundwater level monitoring wells around the east and south side of the proposed 13.38-acre excavation. The wells are located on Foster Forbes property between the excavation area and known locations of in-use water wells located within 1500 feet of the excavation. Locations of monitoring wells and existing water wells are illustrated on the attached mine map.

The monitoring wells have been constructed to comply with the requirements NCDEQ rule 15A NCAC 02C – Well Construction Standards. Wells are installed to a depth equal to that of the mine dewatering operation, 35 feet. Wells will be maintained during the life of the permit.

Water levels in the wells will be recorded monthly and submitted quarterly to the Currituck County Planning and Inspections Department.

Monitor well water data will be used to determine water table level changes over the period of time the mine has been dewatering. Decreased water table levels below in-use well depths will constitute the requirement to replace a residential in-use groundwater well so as not to be affected by the mine dewatering operation, or to modify dewatering rates to not lower water levels in adjacent ponds below their moderate drought levels.

Monitor wells will also be used for acquiring groundwater samples for testing, upon request of Currituck County Planning and Inspections Department.

Signed,

A handwritten signature in blue ink, appearing to read "Ken Elliott", is positioned above the typed name.

Ken Elliott, Elliott Consulting
For HOM Development, LLC
May 27, 2025



North Carolina Wildlife Resources Commission

Cameron Ingram, Executive Director

February 2, 2024

Ken Elliott
Elliott Consulting
P.O. Box 112
Aydlett, NC 27916
ken@kenobx.com

Dear. Mr. Elliott,

Attached are the seeding recommendations the NC Wildlife Resources Commission requests be used for mine reclamation sites within the eastern half of the state. These recommendations were formulated several years ago in cooperation with staff from the NC Division of Energy, Mineral, and Land Resources, NC Forest Service, and NC Wildlife Resources Commission. These recommendations provide a more beneficial mix for wildlife, do not include any invasive species, meet the requirements for the NC Mining Act of 1971, and are the seeding recommendations provided by NC Wildlife Resource Commission staff during the review of mining permit applications.

Thank you for your time and consideration. Please do not hesitate to contact me at maria.dunn@ncwildlife.org or (252) 495-5554 if I can provide additional assistance.

Sincerely,

Maria T. Dunn
Habitat Conservation Division

Permanent Seeding Specifications

<u>Dates</u>	<u>Species</u>	<u>Rate, Lbs/Acre</u>
February 15- April 1	Bahagrass	50
	Redtop	1
	Partridge Pea	12
	Winter rye (grain)	15
April 1- July 31	Common Bermuda	50
	Centipede	10
August 1- October 25	Centipede	10
	German millet	40
	Partridge Pea	12
October 25- February 15	Annual Rye (grain- temporary)	120
	Partridge Pea	20

Soil Amendments

Lime-	2000 lbs/acre or follow recommendations from a soil test.
Fertilizer-	Summer - 1000 lbs/acre 8-8-8 or 10-10-10, or follow recommendations from a soil test.
	Fall, Winter and Spring – 400 lbs/acre 8-8-8 or 10-10-10 or follow recommendations from a soil test.
Mulch-	All seeded areas shall be mulched using small grain straw at a rate of 2000 lbs/acre and anchored appropriately.

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

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