NC DEQ Division of Water Resources
Water Withdrawal and Transfer Registration

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	Edit	Delete

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)

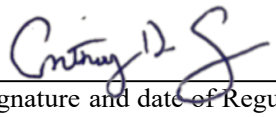
☐Photographs: ☐ Aerial (Name & Date):

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

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

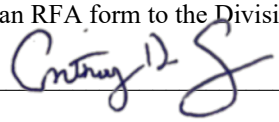
This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant 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**

NOTE: THIS DOCUMENT IS PRELIMINARY – NOT FOR CONSTRUCTION, RECORDATION, SALES OR CONVEYANCES – THIS DOCUMENT IS FOR DISCUSSION PURPOSES ONLY! EXISTING INFORMATION SHOWN ON THIS DOCUMENT IS BASED ON BEST AVAILABLE DATA AND IS NOT A CERTIFIED SURVEY. ALL INFORMATION SHOWN ON THIS DOCUMENT IS SUBJECT TO ANY REQUIREMENTS BY ANY REGULATORY AGENCY, ENTITY OR AUTHORITY.

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AREA OF REVIEW

APPROXIMATE WETLAND AREA 3 151,572.5 SF (3.47 AC)

APPROXIMATE WETLANDS LINE FIELD APPROVED BY USACE ON 03/23/2021

APPROXIMATE WETLAND AREA 2 12,922 SF (0.29 AC)

APPROXIMATE WETLAND AREA 1 31,641 SF (0.73 AC)

DATA SHEET LOCATIONS (TYP.)

PROPERTY BOUNDARY

FOSTER FORBES RD

PINEWOOD ACRES DR

US HWY 158 (CARATOKE HWY)

TAX/NCGRID

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

NC License#: C-0208

Quible & Associates, P.C.
SINCE 1959
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.

SITE EXHIBIT

FORBES PROPERTY
8180 CARATOKE HIGHWAY

POPLAR BRANCH TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

0 200 400
GRAPHIC SCALE IN FEET 1"=200'

PROJECT	DRAWN BY	CHECKED BY	DATE
P20053	JTM/OTH	WDE	03/24/21

Q:\2020\P20053\Drawings\P20053 – FORBES PROPERTY.dwg 3/25/2021 8:15 AM Tmurphy

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
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL	C
☐	APPROVED JURISDICTIONAL DETERMINATION	D
☒	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at 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:	If you only have questions regarding the appeal process you may also 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**	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,

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

Dates	Species	Rate, Lbs. / Acre
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.

Dominion Energy Virginia
10900 Nuckols Road, Suite 400
Glen Allen, Virginia 23060
DominionEnergy.com

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,

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.

SECURED BY EZSHIELD®

1236

HOM DEVELOPMENT LLC
1002 DRIFTWOOD DR
MANTEO, NC 27954-9349

DATE 3.19.2021 66-258/531

PAY TO THE ORDER OF Dominion Energy Virginia $ 1000 00

One Thousand & no/100 DOLLARS

Security Features Included Details on Back

SouthernBank
Manteo

FOR Ref # TED21068001

Jamie Hatfield

MP

⑈00001236⑈ ⑆053102586⑆ 677100674 6⑈

Dominion Energy Virginia
10900 Nuckols Road, Suite 400
Glen Allen, Virginia 23060
DominionEnergy.com

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
If to Company:	Dominion Energy Virginia Highwoods One, Suite 400 10900 Nuckols Road Glen Allen Virginia 23060 Attention: Electric Transmission Rights-of-Way

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]

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

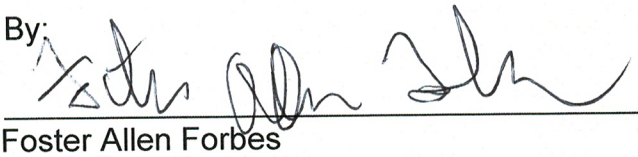
By:

_____

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

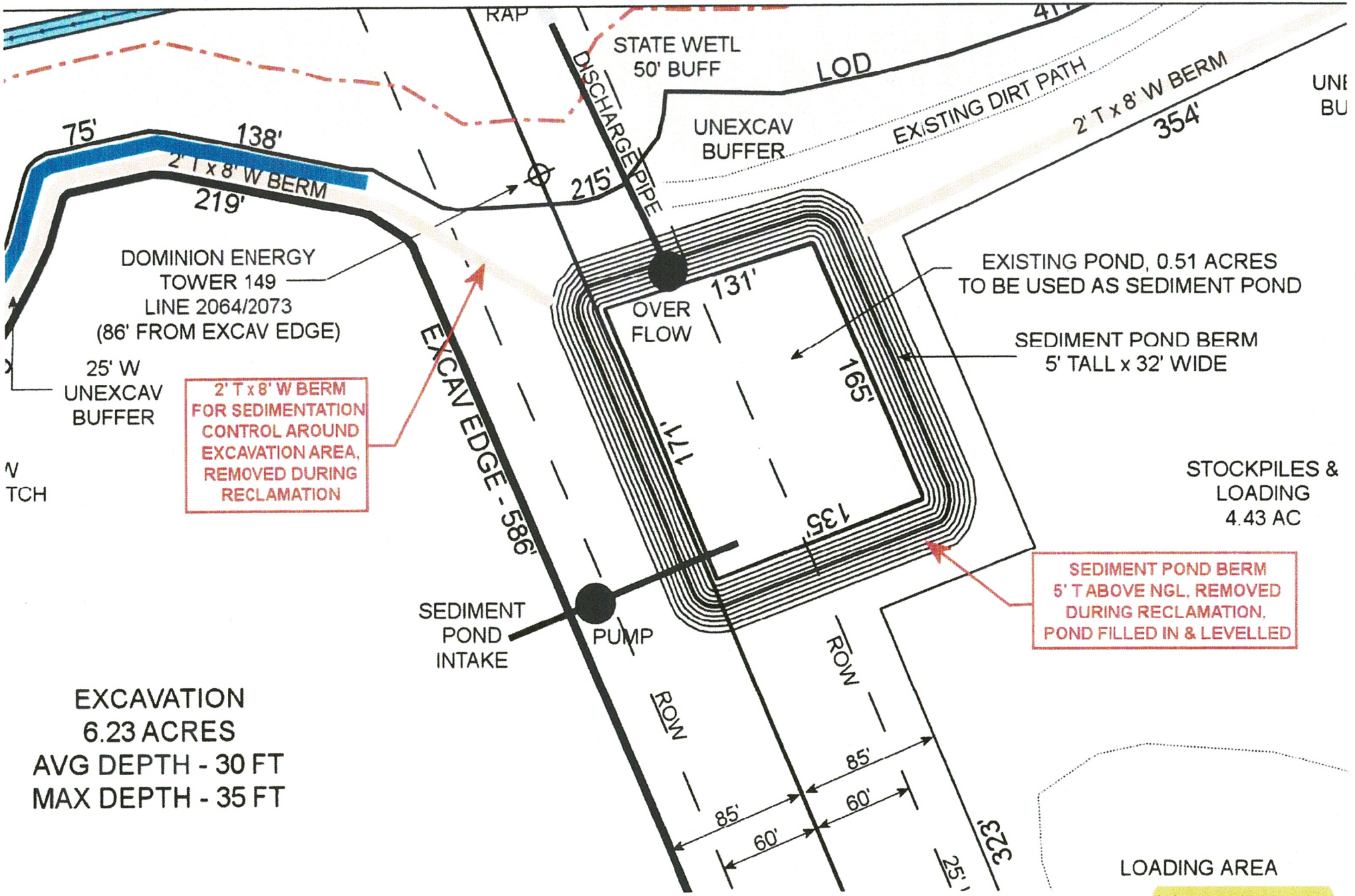
PROPERTY OWNER

By:



_____

Foster Allen Forbes — Date
Owner



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

TE021068001
EXHIBIT "B"

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.

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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.
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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.

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.

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g. Operator will maintain all undisturbed areas with full groundcover or natural foliage regrowth.

Addendum-3

D. RECLAMATION PLAN

1. Describe your intended plan for the final reclamation and subsequent use of all affected lands and indicate the sequence and general methods to be used in reclaiming this land.

a. 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.
b. 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.
c. 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.
d. Operator will deconstruct the north, south, & west 2-ft tall by 10-ft wide erosion control perimeter berms. Disturbed land will be graded down to natural ground level.
e. Operator will deconstruct the eastern 5-ft tall by 22-ft wide erosion control perimeter berm. Disturbed land will be graded down to natural ground level.
f. 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.
g. 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.
h. 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.
i. 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.
j. Remaining affected areas inside main permit area will be fertilized and returned to natural field state.
k. Temporary office and portable fuel tank will be removed from premises.
l. Remaining pond will be utilized by landowner for scenic & recreational purposes, and as wildlife habitat.

FIELD NOTES - HOM / FOSTER FORBES

MW1 TAPE & CASING FACTOR = MINUS 32" TOTAL (TAPE = PLUS 2", CASING = MINUS 34") **MW1 = MINUS 32"**

MW2 TAPE & CASING FACTOR = MINUS 30" TOTAL (TAPE = PLUS 2", CASING = MINUS 32") **MW2 = MINUS 30"**

MW3 TAPE & CASING FACTOR = MINUS 30" TOTAL (TAPE = PLUS 2", CASING = MINUS 32") **MW3 = MINUS 30"**

MW4 TAPE & CASING FACTOR = MINUS 34" TOTAL (TAPE = PLUS 2", CASING = MINUS 36") **MW4 = MINUS 34"**

FOSTER FORBES FIELD NOTES

DATE	TASK	LOCATION	TIME	pH	SALINITY	TEMP	WATER LEVEL BELOW NGL	DIFF FROM LAST READ	NOTES:
2022 1Q									
March 22, 2022	SED SAMPLE INITIAL	SED POND OUTFALL	1450			72F			TURBIDITY 36.8 NTU, SS <0.1 ml/L, TSS 37.4 mg/L, ENTERO. 4 col/100mL
MONITOR WELLS INSTALLED 4-7-22									
2022 2Q									
4/12/2022 INITIAL	WELL MEASURE	MW1	1615			78F	115" BELOW NGL		DEWATERING 10/6
4/12/2022 INITIAL	WELL MEASURE	MW2	1625			78F	45" BELOW NGL		DEWATERING 10/6
4/12/2022 INITIAL	WELL MEASURE	MW3	1635			78F	107" BELOW TOB		DEWATERING 10/6
4/12/2022 INITIAL	WELL MEASURE	MW4	1640			78F	110" BELOW TOB		DEWATERING 10/6
4/12/2022 INITIAL	SED SAMPLE	OUTFALL 1 (DITCH)		7.49	0				
April 20, 2022	WELL MEASURE	MW1	1325			57F	115" BELOW NGL	SAME	DEWATERING 10/6
April 20, 2022	WELL MEASURE	MW2	1329			57F	47" BELOW NGL	2" DROP	DEWATERING 10/6
April 20, 2022	WELL MEASURE	MW3	1332			57F	107" BELOW TOB	SAME	DEWATERING 10/6
April 20, 2022	WELL MEASURE	MW4	1335			57F	110" BELOW TOB	SAME	DEWATERING 10/6
April 20, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	1315	7.58	0	57F			TURBIDITY 57.7 NTU, SS 0.1 ml/L, TSS 94 mg/L, ENTERO 18 col/100mL
AVG TEMP APR 2022	59.9F								
PRECIP APR 2022	4.51"								
May 27, 2022	WELL MEASURE	MW1	1640			82F	125" BELOW NGL	10' DROP	DEWATERING 10/6
May 27, 2022	WELL MEASURE	MW2	1647			82F	47" BELOW NGL	SAME	DEWATERING 10/6
May 27, 2022	WELL MEASURE	MW3	1651			82F	117" BELOW TOB	10" DROP	DEWATERING 10/6
May 27, 2022	WELL MEASURE	MW4	1656			82F	119" BELOW TOB	9" DROP	DEWATERING 10/6
May 27, 2022	SED SAMPLE	OUTFALL 1 (DITCH)		7.42	0				TURBIDITY 14.3 NTU, SS <0.1 ml/L, TSS 15.6 mg/L, ENTERO 3 col/100mL
AVG TEMP MAY 2022	68.6F								
PRECIP MAY 2022	7.91"								
June 30, 2022	WELL MEASURE	MW1	750			82F	149" BELOW NGL	24" DROP	DEWATERING 10/6
June 30, 2022	WELL MEASURE	MW2	755			82F	61" BELOW NGL	14" DROP	DEWATERING 10/6
June 30, 2022	WELL MEASURE	MW3	758			82F	140" BELOW TOB	23" DROP	DEWATERING 10/6
June 30, 2022	WELL MEASURE	MW4	801			82F	144" BELOW TOB	25" DROP	DEWATERING 10/6
June 30, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	740	6.68	0	76F			TURBIDITY 63.9 NTU, SS <0.1 ml/L, TSS 78.3 mg/L, ENTERO 11 col/100mL
AVG TEMP JUN 2022	76.2F								
PRECIP JUN 2022	5.27"								
2022 3Q									
July 28, 2022	WELL MEASURE	MW1	945			85F	147" BELOW NGL	2" RISE	DEWATERING 10/6
July 28, 2022	WELL MEASURE	MW2	1000			82F	45" BELOW NGL	16' RISE	DEWATERING 10/6
July 28, 2022	WELL MEASURE	MW3	1020			91F	138" BELOW NGL	2" RISE	DEWATERING 10/6
July 28, 2022	WELL MEASURE	MW4	1025			91F	147" BELOW NGL	3" DROP	DEWATERING 10/6
July 28, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	905	7.18	0	85F			TURBIDITY 17.7 NTU, SS <0.1 ml/L, TSS 22.6 mg/L, ENTERO 19 col/100mL
July 28, 2022	SED SAMPLE	OUTFALL - UPSTREAM	920			85F			TURBIDITY 4.3 NTU
July 28, 2022	SED SAMPLE	OUTFALL - DOWNSTREAM	935			85F			TURBIDITY 7.3 NTU
AVG TEMP JUL 2022	81.0F								
PRECIP JUL 2022	18.08"								
August 25, 2022	WELL MEASURE	MW1	1020			86F	151" BELOW NGL	4" DROP	DEWATERING 10/6
August 25, 2022	WELL MEASURE	MW2	1027			86F	48" BELOW NGL	3" DROP	DEWATERING 10/6
August 25, 2022	WELL MEASURE	MW3	1033			86F	142" BELOW NGL	4" DROP	DEWATERING 10/6
August 25, 2022	WELL MEASURE	MW4	1038			86F	151" BELOW NGL	4" DROP	DEWATERING 10/6
August 25, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	855	7.26	0	81F			TURBIDITY 42.1 NTU, SS <0.1 ml/L, TSS 43.8 mg/L, ENTERO 40 col/100mL
August 25, 2022	SED SAMPLE	OUTFALL - UPSTREAM	910			81F			TURBIDITY 91.6 NTU
August 25, 2022	SED SAMPLE	OUTFALL - DOWNSTREAM	920			81F			TURBIDITY 22.0 NTU
August 25, 2022	SED SAMPLE	DIRECT DISCHARGE	925			81F			TURBIDITY 43.2 NTU
AVG TEMP AUG 2022	79.6F								
PRECIP AUG 2022	8.27"								
September 6, 2022	WELL MEASURE	MW1	855			82F	157" BELOW NGL	6" DROP	DEWATERING 10/6
September 6, 2022	WELL MEASURE	MW2	900			82F	57" BELOW NGL	9" DROP	DEWATERING 10/6
September 6, 2022	WELL MEASURE	MW3	905			82F	150" BELOW NGL	8" DROP	DEWATERING 10/6
September 6, 2022	WELL MEASURE	MW4	910			82F	158" BELOW NGL	7" DROP	DEWATERING 10/6
September 6, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	840	7.24	0	82F			TURBIDITY 13.7 NTU, SS <0.1 ml/L, TSS 18.5 mg/L, ENTERO 12 col/100mL
September 6, 2022	SED SAMPLE	DIRECT DISCHARGE	915			82F			TURBIDITY 26.2 NTU
AVG TEMP SEP 2022	74.4F								
PRECIP SEP 2022	4.70"								
2022 4Q									
October 27, 2022	WELL MEASURE	MW1	1110			67F	177" BELOW NGL	20" DROP	DEWATERING 10/6
October 27, 2022	WELL MEASURE	MW2	1115			67F	62" BELOW NGL	5" DROP	DEWATERING 10/6
October 27, 2022	WELL MEASURE	MW3	1118			67F	169" BELOW NGL	19" DROP	DEWATERING 10/6
October 27, 2022	WELL MEASURE	MW4	1122			67F	181" BELOW NGL	23" DROP	DEWATERING 10/6
October 27, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	855	7.2	0	63F			TURBIDITY 37.0 NTU, SS <0.1 ml/L, TSS 26.0 mg/L, ENTERO 4 col/100mL
October 27, 2022	SED SAMPLE	OUTFALL - UPSTREAM	910			63F			TURBIDITY 35.0 NTU
October 27, 2022	SED SAMPLE	OUTFALL - DOWNSTREAM	925			63F			TURBIDITY 27.9 NTU
AVG TEMP OCT 2022	61.6F								
PRECIP OCT 2022	3.95"								
November 26, 2022	WELL MEASURE	MW1	1516			57F	179" BELOW NGL	2" DROP	DEWATERING 10/6
November 26, 2022	WELL MEASURE	MW2	1520			57F	62" BELOW NGL	SAME	DEWATERING 10/6
November 26, 2022	WELL MEASURE	MW3	1523			57F	169" BELOW NGL	SAME	DEWATERING 10/6
November 26, 2022	WELL MEASURE	MW4	1527			57F	183" BELOW NGL	2" DROP	DEWATERING 10/6
November 26, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	1240	7.19	0	60F			TURBIDITY 24.1 NTU, SS <0.1 ml/L, TSS 13.1 mg/L, ENTERO 8 col/100mL
November 26, 2022	SED SAMPLE	OUTFALL - UPSTREAM	1250			60F			TURBIDITY 33.4 NTU
November 26, 2022	SED SAMPLE	OUTFALL - DOWNSTREAM	1303			60F			TURBIDITY 22.2 NTU
AVG TEMP NOV 2022	58.1F								
PRECIP NOV 2022	5.62"								
December 27, 2022	WELL MEASURE	MW1	1235			47F	181" BELOW NGL	2' DROP	DEWATERING 10/6
December 27, 2022	WELL MEASURE	MW2	1237			47F	54" BELOW NGL	8" RISE	DEWATERING 10/6
December 27, 2022	WELL MEASURE	MW3	1240			47F	173" BELOW NGL	4' DROP	DEWATERING 10/6
December 27, 2022	WELL MEASURE	MW4	1243			47F	186" BELOW NGL	3" RISE	DEWATERING 10/6
December 27, 2022	SED SAMPLE	OUTFALL 1 (DITCH)	1220	6.59	0	47F			TURBIDITY 34.6 NTU, SS <0.1 ml/L, TSS 25.3 mg/L, ENTERO 8 col/100mL
December 27, 2022	SED SAMPLE	OUTFALL - UPSTREAM	1228			47F			TURBIDITY 61.2 NTU
December 27, 2022	SED SAMPLE	OUTFALL - DOWNSTREAM	1250			47F			TURBIDITY 32.9 NTU
AVG TEMP DEC 2022	46.4F								
PRECIP DEC 2022	5.66"								

2023 1Q

January 19, 2023	WELL MEASURE	MW1	1528			67F	181" BELOW NGL	SAME	DEWATERING 10/6
January 19, 2023	WELL MEASURE	MW2	1531			67F	58" BELOW NGL	4" DROP	DEWATERING 10/6
January 19, 2023	WELL MEASURE	MW3	1535			67F	171" BELOW NGL	2" RISE	DEWATERING 10/6
January 19, 2023	WELL MEASURE	MW4	1542			67F	185" BELOW NGL	1" RISE	DEWATERING 10/6
January 25, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	935	7.14	0	49F			TURBIDITY 19.0 NTU, SS <0.1 ml/L, TSS 13.4 mg/L, ENTERO 14 col/100mL
January 25, 2023	SED SAMPLE	OUTFALL - UPSTREAM	930			49F			TURBIDITY 0.7 NTU
January 25, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	950			49F			TURBIDITY 14.2 NTU
AVG TEMP JAN 2023	49.9F								
PRECIP JAN 2023	8.09"								
February 22, 2023	WELL MEASURE	MW1	1650			72F	189" BELOW NGL	8" DROP	DEWATERING 10/6
February 22, 2023	WELL MEASURE	MW2	1654			72F	48" BELOW NGL	10" RISE	DEWATERING 10/6
February 22, 2023	WELL MEASURE	MW3	1657			72F	177" BELOW NGL	6" DROP	DEWATERING 10/6
February 22, 2023	WELL MEASURE	MW4	1700			72F	195" BELOW NGL	10" DROP	DEWATERING 10/6
February 22, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	1430	6.87	0	75F			TURBIDITY 16.2 NTU, SS <0.1 ml/L, TSS 19.0 mg/L, ENTERO 1 col/100mL
February 22, 2023	SED SAMPLE	OUTFALL - UPSTREAM	1445			75F			TURBIDITY 1.7 NTU
February 22, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	1510			75F			TURBIDITY 11.6 NTU
AVG TEMP FEB 2023	51.7F								
PRECIP FEB 2023	4.97"								
March 8, 2023	WELL MEASURE	MW1	1135			47F	193" BELOW NGL	4" DROP	DEWATERING 10/6
March 8, 2023	WELL MEASURE	MW2	1140			47F	54" BELOW NGL	6" DROP	DEWATERING 10/6
March 8, 2023	WELL MEASURE	MW3	1200			47F	181" BELOW NGL	4' DROP	DEWATERING 10/6
March 8, 2023	WELL MEASURE	MW4	1205			47F	198" BELOW NGL	3" DROP	DEWATERING 10/6
March 8, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	1120	7.46	0	47F			TURBIDITY 10.3 NTU, SS <0.1 ml/L, TSS 11.5 mg/L, ENTERO 2 col/100mL
March 8, 2023	SED SAMPLE	OUTFALL - UPSTREAM	1130			47F			TURBIDITY 1.3 NTU
March 8, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	1150			47F			TURBIDITY 10.6 NTU
AVG TEMP MAR 2023	52.8F								
PRECIP MAR 2023	4.96"								

2023 2Q

April 18, 2023	WELL MEASURE	MW1	1614			75F	193" BELOW NGL	SAME	DEWATERING 10/6
April 18, 2023	WELL MEASURE	MW2	1617			75F	60" BELOW NGL	6" DROP	DEWATERING 10/6
April 18, 2023	WELL MEASURE	MW3	1620			75F	182" BELOW NGL	1" DROP	DEWATERING 10/6
April 18, 2023	WELL MEASURE	MW4	1623			75F	199" BELOW NGL	1" DROP	DEWATERING 10/6
April 18, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	1335	7.19	0	72F			TURBIDITY 8.7 NTU, SS <0.1 ml/L, TSS 6.6 mg/L, ENTERO <1 col/100mL
April 18, 2023	SED SAMPLE	OUTFALL - UPSTREAM	1325			72F			TURBIDITY 25.0 NTU
April 18, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	1310			72F			TURBIDITY 9.2 NTU
AVG TEMP APR 2023	63.0F								
PRECIP APR 2023	6.19"								
May 30, 2023	WELL MEASURE	MW1	1125			76F	203" BELOW NGL	10" DROP	DEWATERING 10/6
May 30, 2023	WELL MEASURE	MW2	1130			76F	66" BELOW NGL	6" DROP	DEWATERING 10/6
May 30, 2023	WELL MEASURE	MW3	1135			76F	195" BELOW NGL	13" DROP	DEWATERING 10/6
May 30, 2023	WELL MEASURE	MW4	1140			73F	214" BELOW NGL	15" DROP	DEWATERING 10/6
May 30, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	1040	7.23	0	76F			TURBIDITY 8.4 NTU, SS <0.1 ml/L, TSS 8.3 mg/L, ENTERO 6 MPN/100mL
May 30, 2023	SED SAMPLE	OUTFALL - UPSTREAM	1055			76F			TURBIDITY 2.4 NTU
May 30, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	1110			76F			TURBIDITY 8.1 NTU
AVG TEMP MAY 2023	65.1F								
PRECIP MAY 2023	2.79"								
June 15, 2023	WELL MEASURE	MW1	945			75F	216" BELOW NGL	13" DROP	DEWATERING 10/6
June 15, 2023	WELL MEASURE	MW2	950			75F	72" BELOW NGL	6" DROP	DEWATERING 10/6
June 15, 2023	WELL MEASURE	MW3	1012			75F	205" BELOW NGL	10" DROP	DEWATERING 10/6
June 15, 2023	WELL MEASURE	MW4	1017			75F	223" BELOW NGL	9" DROP	DEWATERING 10/6
June 15, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	915	7.33	0	79F			TURBIDITY 11.0 NTU, SS <0.1 ml/L, TSS 11.2 mg/L, ENTERO 6 MPN/100mL
June 15, 2023	SED SAMPLE	OUTFALL - UPSTREAM	925			79F			TURBIDITY 6.7 NTU
June 15, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	940			75F			TURBIDITY 5.8 NTU
AVG TEMP JUN 2023	72.5F								
PRECIP JUN 2023	5.22"								

2023 3Q

July 24, 2023	WELL MEASURE	MW1	805			73F	208" BELOW NGL	8' RISE	DEWATERING 10/6
July 24, 2023	WELL MEASURE	MW2	830			73F	65 " BELOW NGL	7" RISE	DEWATERING 10/6
July 24, 2023	WELL MEASURE	MW3	850			73F	202" BELOW NGL	3' RISE	DEWATERING 10/6
July 24, 2023	WELL MEASURE	MW4	855			73F	217" BELOW NGL	6" RISE	DEWATERING 10/6
July 24, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	815	7.21	0	73F			TURBIDITY 3.0 NTU, SS <0.1 ml/L, TSS 6.3 mg/L, ENTERO 273 MPN/100ml col/10(
July 24, 2023	SED SAMPLE	OUTFALL - UPSTREAM	825			73F			TURBIDITY 1.8 NTU
July 24, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	838			73F			TURBIDITY 3.8 NTU
AVG TEMP JUL 2023	81.5F								
PRECIP JUL 2023	11.30"								
August 28, 2023	WELL MEASURE	MW1	920			84F	212" BELOW NGL	4" DROP	DEWATERING 10/6
August 28, 2023	WELL MEASURE	MW2	925			84F	75" BELOW NGL	10" DROP	DEWATERING 10/6
August 28, 2023	WELL MEASURE	MW3	928			84F	206" BELOW NGL	4" DROP	DEWATERING 10/6
August 28, 2023	WELL MEASURE	MW4	930			84F	216" BELOW NGL	1" RISE	DEWATERING 10/6
August 28, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	905	7.44	0	84F			TURBIDITY 3.8 NTU, SS <0.1 ml/L, TSS 3.3 mg/L, ENTERO 15 MPN/100mL
August 28, 2023	SED SAMPLE	OUTFALL - UPSTREAM	915			84F			TURBIDITY 3.6 NTU
August 28, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	940			84F			TURBIDITY 2.9 NTU
AVG TEMP AUG 2023	79.8F								
PRECIP AUG 2023	9.04"								
September 11, 2023	WELL MEASURE	MW1	1327			89F	201" BELOW NGL	11" RISE	DEWATERING 10/6
September 11, 2023	WELL MEASURE	MW2	1330			89F	74" BELOW NGL	1" RISE	DEWATERING 10/6
September 11, 2023	WELL MEASURE	MW3	1333			89F	196" BELOW NGL	10" RISE	DEWATERING 10/6
September 11, 2023	WELL MEASURE	MW4	1337			89F	207" BELOW NGL	9" RISE	DEWATERING 10/6
September 11, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	1315	7.2	0	89F			TURBIDITY 5.2 NTU, SS <0.1 ml/L, TSS 4.0 mg/L, ENTERO 4 MPN/100mL
September 11, 2023	SED SAMPLE	OUTFALL - UPSTREAM	1310			89F			TURBIDITY 1.5 NTU
September 11, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	1300			89F			TURBIDITY 3.0 NTU
AVG TEMP SEP 2023	74.5F								
PRECIP SEP 2023	8.16"								

2023 4Q

October 24, 2023	WELL MEASURE	MW1	922			60F	219" BELOW NGL		DEWATERING 10/6
October 25, 2023	WELL MEASURE	MW2	925			60F	75 " BELOW NGL		DEWATERING 10/6
October 26, 2023	WELL MEASURE	MW3	928			60F	210" BELOW NGL		DEWATERING 10/6
October 27, 2023	WELL MEASURE	MW4	931			60F	213" BELOW NGL		DEWATERING 10/6
October 28, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	910	7.46	0	60F			TURBIDITY 7.0 NTU, SS <0.1 ml/L, TSS 5.3 mg/L, ENTERO 2 MPN/100ml
October 29, 2023	SED SAMPLE	OUTFALL - UPSTREAM	920			60F			NA
October 30, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	940			60F			TURBIDITY 15.6 NTU
AVG TEMP OCT 2023	64.5F								
PRECIP OCT 2023	2.00"								
November 13, 2023	WELL MEASURE	MW1	1120			57F	224" BELOW NGL		DEWATERING 10/6
November 14, 2023	WELL MEASURE	MW2	1124			57F	79" BELOW NGL		DEWATERING 10/6
November 15, 2023	WELL MEASURE	MW3	1127			57F	216" BELOW NGL		DEWATERING 10/6
November 16, 2023	WELL MEASURE	MW4	1130			57F	231" BELOW NGL		DEWATERING 10/6
November 17, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	1230	7.51	0	57F			TURBIDITY 7.5 NTU, SS <0.1 ml/L, TSS 5.6 mg/L, ENTERO 1 MPN/100mL
November 18, 2023	SED SAMPLE	OUTFALL - UPSTREAM	1237			57F			NA
November 19, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	1248			57F			TURBIDITY 6.0 NTU
AVG TEMP NOV 2023	54.0F								
PRECIP NOV 2023	5.87"								
December 23, 2023	WELL MEASURE	MW1	1427			55F	227" BELOW NGL		DEWATERING 10/6
December 23, 2023	WELL MEASURE	MW2	1430			55F	70" BELOW NGL		DEWATERING 10/6
December 23, 2023	WELL MEASURE	MW3	1433			55F	224" BELOW NGL		DEWATERING 10/6
December 23, 2023	WELL MEASURE	MW4	1435			55F	236" BELOW NGL		DEWATERING 10/6
December 23, 2023	SED SAMPLE	OUTFALL 1 (DITCH)	1410	7.12	0	55F			TURBIDITY 5.4 NTU, SS <0.1 ml/L, TSS 10.0 mg/L, ENTERO 4 MPN/100mL
December 23, 2023	SED SAMPLE	OUTFALL - UPSTREAM	1420			55F			NA
December 23, 2023	SED SAMPLE	OUTFALL - DOWNSTREAM	1445			55F			TURBIDITY 4.9 NTU
AVG TEMP DEC 2023	49.6F								
PRECIP DEC 2023	9.06"								

2024 1Q

January 29, 2024	WELL MEASURE	MW1	952			46F	219" BELOW NGL	8" RISE	DEWATERING 10/6
January 29, 2024	WELL MEASURE	MW2	956			46F	60" BELOW NGL	10" RISE	DEWATERING 10/6
January 29, 2024	WELL MEASURE	MW3	959			46F	216" BELOW NGL	8" RISE	DEWATERING 10/6
January 29, 2024	WELL MEASURE	MW4	1003			46F	228" BELOW NGL	8" RISE	DEWATERING 10/6
January 29, 2024	SED SAMPLE	OUTFALL 1 (DITCH)	935	7.65	0	46F			TURBIDITY 13.5 NTU, SS <0.1 ml/L, TSS 35.4 mg/L, ENTERO 1 MPN/100ml
January 29, 2024	SED SAMPLE	OUTFALL - UPSTREAM	941			46F			TURBIDITY 1.0 NTU
January 29, 2024	SED SAMPLE	OUTFALL - DOWNSTREAM	1015			46F			TURBIDITY 11.4 NTU
AVG TEMP JAN 2024	46.0F								
PRECIP JAN 2024	3.16"								
February 13, 2024	WELL MEASURE	MW1	1205			51F	225" BELOW NGL	6" DROP	DEWATERING 10/6
February 13, 2024	WELL MEASURE	MW2	1210			51F	63" BELOW NGL	3" DROP	DEWATERING 10/6
February 13, 2024	WELL MEASURE	MW3	1214			51F	221" BELOW NGL	5' DROP	DEWATERING 10/6
February 13, 2024	WELL MEASURE	MW4	1218			51F	233" BELOW NGL	5" DROP	DEWATERING 10/6
February 13, 2024	SED SAMPLE	OUTFALL 1 (DITCH)	1150	7.22	0	51F			TURBIDITY 11.9 NTU, SS <0.1 ml/L, TSS 18.1 mg/L, ENTERO 9 MPN/100mL
February 13, 2024	SED SAMPLE	OUTFALL - UPSTREAM	1155			51F			TURBIDITY 1.6 NTU
February 13, 2024	SED SAMPLE	OUTFALL - DOWNSTREAM	1225			51F			TURBIDITY 8.1 NTU
AVG TEMP FEB 2024	46.9F								
PRECIP FEB 2024	2.18"								
March 20, 2024	WELL MEASURE	MW1	1205			60F	218" BELOW NGL	7" RISE	DEWATERING 10/6
March 20, 2024	WELL MEASURE	MW2	1208			60F	47" BELOW NGL	16" RISE	DEWATERING 10/6
March 20, 2024	WELL MEASURE	MW3	1213			60F	214" BELOW NGL	7" RISE	DEWATERING 10/6
March 20, 2024	WELL MEASURE	MW4	1216			60F	220" BELOW NGL	13" RISE	DEWATERING 10/6
March 20, 2024	SED SAMPLE	OUTFALL 1 (DITCH)	1145	6.85	0	60F			TURBIDITY 6.3 NTU, SS <0.1 ml/L, TSS 6.4 mg/L, ENTERO 1 MPN/100mL
March 20, 2024	SED SAMPLE	OUTFALL - UPSTREAM	1152			60F			TURBIDITY 1.6 NTU
March 20, 2024	SED SAMPLE	OUTFALL - DOWNSTREAM	1225			60F			TURBIDITY 5.1 NTU
AVG TEMP MAR 2024	54.0F								
PRECIP MAR 2024	19.37"								

2024 2Q

April 25, 2024	WELL MEASURE	MW1	1107			64F	217" BELOW NGL	1" RISE	DEWATERING 10/6
April 25, 2024	WELL MEASURE	MW2	1111			64F	54" BELOW NGL	7" DROP	DEWATERING 10/6
April 25, 2024	WELL MEASURE	MW3	1114			64F	209" BELOW NGL	5" RISE	DEWATERING 10/6
April 25, 2024	WELL MEASURE	MW4	1117			64F	216" BELOW NGL	4" RISE	DEWATERING 10/6
April 25, 2024	SED SAMPLE	OUTFALL 1 (DITCH)	1050	7.05	0	64F			TURBIDITY 8.0 NTU, SS <0.1 ml/L, TSS 7.6 mg/L, ENTERO <1 MPN/100ml
April 25, 2024	SED SAMPLE	OUTFALL - UPSTREAM	1106			64F			TURBIDITY 1.6 NTU
April 25, 2024	SED SAMPLE	OUTFALL - DOWNSTREAM	1125			64F			TURBIDITY 7.3 NTU
AVG TEMP APR 2024	60.9F								
PRECIP APR 2024	1.08"								
June 3, 2024	WELL MEASURE	MW1	1334			82F	224" BELOW NGL	7" DROP	DEWATERING 10/6
June 3, 2024	WELL MEASURE	MW2	1337			82F	66" BELOW NGL	8" DROP	DEWATERING 10/6
June 3, 2024	WELL MEASURE	MW3	1349			82F	193" BELOW NGL	16" RISE	DEWATERING 10/6
June 3, 2024	WELL MEASURE	MW4	1352			82F	222" BELOW NGL	6" DROP	DEWATERING 10/6
June 3, 2024	SED SAMPLE	OUTFALL 1 (DITCH)	1320	6.34	0	82F			TURBIDITY 10.0 NTU, SS <0.1 ml/L, TSS 6.6 mg/L, ENTERO 4 MPN/100mL
June 3, 2024	SED SAMPLE	OUTFALL - UPSTREAM	\			\			\
June 3, 2024	SED SAMPLE	OUTFALL - DOWNSTREAM	1300			82F			TURBIDITY 7.6 NTU
AVG TEMP MAY 2024	68.8F								
PRECIP MAY 2024	5.88"								
June 23, 2024	WELL MEASURE	MW1	1713			92F	235" BELOW NGL	11" DROP	DEWATERING 10/6
June 23, 2024	WELL MEASURE	MW2	1709			92F	72" BELOW NGL	6" DROP	DEWATERING 10/6
June 23, 2024	WELL MEASURE	MW3	1717			92F	188" BELOW NGL	5" RISE	DEWATERING 10/6
June 23, 2024	WELL MEASURE	MW4	1720			92F	228" BELOW NGL	6" DROP	DEWATERING 10/6
June 24, 2024	SED SAMPLE	OUTFALL 1 (DITCH)	830	7.23	0	82F			TURBIDITY 3.8 NTU, SS <0.1 ml/L, TSS 5.5 mg/L, ENTERO 2 MPN/100mL
June 24, 2024	SED SAMPLE	OUTFALL - UPSTREAM	\			\			\
June 24, 2024	SED SAMPLE	OUTFALL - DOWNSTREAM	850			82F			TURBIDITY 3.6 NTU
AVG TEMP JUN 2024	77.9F								
PRECIP JUN 2024	5.04"								

Excavation temporarily stopped. Operator ceased dewatering operations July 1, 2024 until mining permit can be modified to add more excavation area.
No pumping or discharge from sediment pond. Sampling ceased, monitor well measurements maintained monthly.

2024 3Q

July 29, 2024	WELL MEASURE	MW1	1006			82F	211" BELOW NGL	24" RISE	DEWATERING ACTIVITY CEASED.
July 29, 2024	WELL MEASURE	MW2	1009			82F	40" BELOW NGL	32" RISE	
July 29, 2024	WELL MEASURE	MW3	1012			82F	173" BELOW NGL	15" RISE	
July 29, 2024	WELL MEASURE	MW4	1015			82F	210" BELOW NGL	18" RISE	
AVG TEMP JUL 2024	80.5F								
PRECIP JUL 2024	23.04"								
August 26, 2024	WELL MEASURE	MW1	1325			89F	143" BELOW NGL	68" RISE	DEWATERING ACTIVITY CEASED.
August 26, 2024	WELL MEASURE	MW2	1328			89F	45" BELOW NGL	5" DROP	
August 26, 2024	WELL MEASURE	MW3	1331			89F	120" BELOW NGL	53" RISE	
August 26, 2024	WELL MEASURE	MW4	1334			89F	142" BELOW NGL	68" RISE	
AVG TEMP AUG 2024	78.2F								
PRECIP AUG 2024	6.41"								

September measurements unavailable - vacation / out of country

AVG TEMP SEP 2024	73.0F
PRECIP SEP 2024	16.13"

2024 4Q

October 21, 2024	WELL MEASURE	MW1	1052			70F	106" BELOW NGL	37" RISE	DEWATERING ACTIVITY CEASED.
October 22, 2024	WELL MEASURE	MW2	1056			70F	52" BELOW NGL	7" DROP	
October 23, 2024	WELL MEASURE	MW3	1059			70F	96" BELOW NGL	24" RISE	
October 24, 2024	WELL MEASURE	MW4	1102			70F	100" BELOW NGL	42' RISE	
AVG TEMP OCT 2024	64.3F								
PRECIP OCT 2024	2.06"								
November 30, 2024	WELL MEASURE	MW1	959			42F	106" BELOW NGL	SAME	DEWATERING ACTIVITY CEASED.
November 30, 2024	WELL MEASURE	MW2	1003			42F	65" BELOW NGL	13" DROP	
November 30, 2024	WELL MEASURE	MW3	1006			42F	99" BELOW NGL	3" DROP	
November 30, 2024	WELL MEASURE	MW4	1008			42F	101" BELOW NGL	1" DROP	
AVG TEMP NOV 2024	58.4F								
PRECIP NOV 2024	3.19"								
December 28, 2024	WELL MEASURE	MW1	1053			63F	106" BELOW NGL	SAME	DEWATERING ACTIVITY CEASED.
December 28, 2024	WELL MEASURE	MW2	1056			63F	67" BELOW NGL	2" DROP	
December 28, 2024	WELL MEASURE	MW3	1058			63F	94" BELOW NGL	5" RISE	
December 28, 2024	WELL MEASURE	MW4	1101			63F	99" BELOW NGL	2' RISE	
AVG TEMP DEC 2024	47.9F								
PRECIP DEC 2024	2.49"								

2025 1Q

January 27, 2025	WELL MEASURE	MW1	1624	46F	102" BELOW NGL	4" RISE	DEWATERING ACTIVITY CEASED.
January 27, 2025	WELL MEASURE	MW2	1626	46F	65" BELOW NGL	2" RISE	
January 27, 2025	WELL MEASURE	MW3	1630	46F	93" BELOW NGL	1" RISE	
January 27, 2025	WELL MEASURE	MW4	1632	46F	96" BELOW NGL	3' RISE	
AVG TEMP JAN 2025	38.0F						
PRECIP JAN 2025	4.62"						
February 25, 2025	WELL MEASURE	MW1	1518	68F	96" BELOW NGL	6" RISE	DEWATERING ACTIVITY CEASED.
February 25, 2025	WELL MEASURE	MW2	1522	68F	57" BELOW NGL	8" RISE	
February 25, 2025	WELL MEASURE	MW3	1525	68F	87" BELOW NGL	6" RISE	
February 25, 2025	WELL MEASURE	MW4	1529	68F	89" BELOW NGL	7" RISE	
AVG TEMP FEB 2025	45.4F						
PRECIP FEB 2025	5.88"						
March 19, 2025	WELL MEASURE	MW1	1353	75F	85" BELOW NGL	11" RISE	DEWATERING ACTIVITY CEASED.
March 19, 2025	WELL MEASURE	MW2	1356	75F	42" BELOW NGL	15" RISE	
March 19, 2025	WELL MEASURE	MW3	1400	75F	76" BELOW NGL	11" RISE	
March 19, 2025	WELL MEASURE	MW4	1403	75F	77" BELOW NGL	12" RISE	
AVG TEMP MAR 2025	54.4F						
PRECIP MAR 2025	4.28"						

Elliott Consulting

202 Elliott Road
PO Box 112
Aydlett, North Carolina 27916
Phone: 252-339-9021

Adam Parr

NC Department of Environment and Natural Resources
Division of Energy, Mineral and Land Resources
Land Quality Section
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

Subject: Foster Forbes Mine – Permit #27-56 Modification Application

Dear Mr. Parr:

On behalf of Ms. Jamie Basnight Hatchell, Elliott Consulting is requesting review of a Modification Application for a Mining Permit for an existing mine operation under development in Powell's Point, Currituck County, North Carolina. The operation is referred to as the Foster Forbes Mine based on historic ownership of the property and includes a total permit area of 41.0 acres.

The following documents are enclosed to support the Application (6 copies of each):

- Mining Permit Modification Application
- $1,000 permit Processing Fee
- Mine and Reclamation maps with construction details
- USGS Quad Site Map

We respectfully ask for your review of the above-listed enclosures as they support the requested mining permit modification application for the Foster Forbes Mine excavation. Should you have any questions or need any additional information, please do not hesitate to contact me. We thank you for your time and review of this request.

Regards,

Ken Elliott
Elliott Consulting
3/2/2025

NORTH CAROLINA MINING PERMIT APPLICATION

State of North Carolina
Department of Environmental Quality
Division of Energy, Mineral, and Land Resources

1612 Mail Service Center
Raleigh, NC 27699-1612
(919) 707-9220

NOTE: It is recommended that you contact the appropriate Regional Office or the Raleigh Central Office for a PRE-APPLICATION MEETING to discuss your intentions and address any questions.

1.	Name of Mine	Foster Forbes Mine		
	County	Currituck	River Basin	Pasquotank
	Latitude (decimal degrees to four places)	36.131727 N		
	Longitude (decimal degrees to four places)	-75.841357 W		
2.	Name of Applicant	HOM Development, LLC		
	Applicant Contact	Jamie Basnight Hatchell	Consultant Contact	Kenneth Elliott
	Applicant Email	jamie@hatchellconcrete.com	Consultant Email	ken@kenobx.com
	Telephone	252-473-6074	Telephone	252-339-9021
	Cell Phone	252-202-4040	Cell Phone	252-339-9021
3.	Permanent Address for Receipt of Official Mail**	PO Box 2405, Manteo, NC 27954		
4.	Mine Office Address	8180 Caratoke Hwy., Powell's Point, NC 267966		
5.	Mine Manager	Jamie Basnight Hatchell		
	Mine Manager Email	jamie@hatchellconcrete.com		
	Telephone	252-473-6074	Cell Phone	252-202-4040

I certify that all details contained in this permit application are true and correct to the best of our knowledge. We fully understand that any willful misrepresentation of facts will be cause for permit revocation.

Signature*** Jamie Basnight Hatchell Date 02/25/2025

Print Name Jamie Basnight Hatchell

Title Manager, HOM Development, LLC

*This will be the name that the mining permit will be issued to and the name that must be indicated on the reclamation bond (security) that corresponds to this site.

**The Division of Energy, Mineral, and Land Resources must be notified of any changes in the permanent address or telephone number.

***Signature of company officer required.

G.S. 74-51 provides that the Department shall grant or deny an application for a permit within 60 days of receipt of a complete application or, if a public hearing is held, within 30 days following the hearing and the filing of any supplemental information required by the Department. **All questions must be addressed, and all required maps provided before this application can be considered complete. Attach additional sheets as needed.**

NOTE: All the following questions must be thoroughly answered regarding your mining operation for the intended life of the mine. All responses must be clearly conveyed on a corresponding, detailed mine map.

A. GENERAL CHARACTERISTICS OF THE MINE

1. Answer all the following that apply:

☐ This is an application for a **NEW** permit.

Indicate the total acreage at the site to be covered by the permit _____

(This is the acreage the new permit fee will be based upon.)

Of this acreage, how much is owned and how much is leased?

Acres owned: _____ Acres leased: _____

Property owner if leased: _____

☒ This is an application for a **MODIFICATION** to a mining permit.

Mining Permit Number: 27-56 Total permitted acreage: 41.00

Does the modification involve acreage within the previously approved permitted boundary?

☒ YES ☐ NO

If yes, indicate the acreage to be covered by this modification 8.69

Does the modification involve acreage outside the previously approved permitted boundary?

☐ YES ☒ NO

If yes, indicate the additional acreage to be covered by this modification _____

NOTE: You must complete all of Section F of this application form entitled Notification of Adjoining Landowners

Of the acreage to be added to the permit, will any portion be affected (i.e.: disturbed, ground cover removed) by the mining operation?

☐ YES ☐ NO

If yes, indicate the acreage to be affected within the acreage to be added to the permit _____

The modification fee is based upon the proposed new affected acreage within the previously approved permitted boundary **plus** the proposed total acreage to be added outside the previously approved permitted boundary.

☐ This is an application for **TRANSFER** of a mining permit.

Mining Permit Number: _____ Total permitted acreage: _____

MINING FEE SCHEDULE

A nonrefundable permit application processing fee when filing for a new mining permit, permit modification, or transferred permit is required as follows:

APPLICATION TYPE	0 – 25 ACRES	26+ ACRES
New Permit Applications	$3,750.00	$5,000.00
Permit Modifications	$750.00	$1,000.00
Permit Transfers	$100.00	$100.00
Annual Operating Fee	$400.00	$400.00

Acres for new permits means the total acreage at the site to be covered by the permit. Acres for modification of permits means the new affected acres within the previously approved permitted boundary plus the proposed total acreage to be added outside the previously approved permitted boundary.

2. Name of all materials mined: Sand & topsoil

3. Mining Method:
   - ☐ Hydraulic Dredge
   - ☐ Dragline & Truck
   - ☐ Other (please explain):
   - ☒ Front-end Loader & Truck
   - ☒ Self-loading Scraper
   - ☒ Shovel & Truck
   - ☒ Excavator & Truck

4. Expected maximum depth of mine (feet) 35

   Depth is relative to what benchmark? (e.g., natural ground level, mean seal level, road elevation, etc.) :
   Natural ground level

   Expected average depth of mine (feet) 30

5. Has any area at this site been mined in the past?
   YES ☒ NO ☐
   If yes, when and by whom was this activity conducted? Since 2021, HOM Development

6. Estimated life of the operation (years): 8
   NOTE: The Department may request clarification on how life of mine was calculated.

B. MAPS

1. Clearly mark and label the location of your mining operation on **six (6) copies** of a 7.5-minute quadrangle and a county highway map. These maps, in addition to **six (6) copies** of all mine maps and reclamation maps, must be submitted with each permit application.

   7.5-minute quadrangles may be obtained from the N.C. Geological Survey:

   Mailing Address
   1612 Mail Service Center
   Raleigh, NC 27699-1612
   Http://portal.ncdenr.org/web/lr/geological_home

   Physical Address
   512 N. Salisbury St., 5th Floor
   Raleigh, NC 27604
   (919) 733-2423

   County highway maps may be obtained from the N.C. Department of Transportation:

   Mailing Address
   NCDOT GIS Unit
   1587 Mail Service Center
   Raleigh, NC 27699-1587
   http://www.ncdot.rg/it/gis

   Physical Address
   NCDOT GIS Unit
   3401 Carl Sandburg Court
   Raleigh, NC 27610
   (919) 212-6000

2. A table/chart must be provided on the mine map that clearly lists the approximate acreage of tailings/sediment ponds, stockpiles, waste piles, processing areas/haul roads, mine excavations and any other major aspect of the mining operation that is proposed to be affected/disturbed during the life of the mining permit. A table/chart similar to the following will be acceptable:

   AFFECTED ACREAGE TABLE:

   For **new** permits, complete only the total affected acreage column.

   For **modifications**, complete all columns.

CATEGORY	CURRENT AFFECTED ACREAGE	PROPOSED CHANGE TO AFFECTED ACREAGE	TOTAL AFFECTED ACREAGE
Tailings/Sediment Ponds	0.51	-0.19	0.32
Stockpiles	4.43	-3.04	1.39
Waste piles			
Processing Areas/Haul Roads	3.24	-1.49	1.43
Mine Excavations	6.23	7.15	13.38
Other (Please explain) Unexcavated Buffers	2.05	0.13	2.18
Total Affected Acreage	16.46	2.24	18.70
Total Permitted Acreage	41.00		41.00

3. Mine maps must be accurate and appropriately scaled drawings, aerial photographs, or enlarged topographic maps of the entire mine site. **All aspects of the mine site must be clearly labeled on the maps along with their corresponding (approximate) acreage. Thus, all mine and reclamation maps must denote those activities that are intended to be conducted during the life of the mining permit.** All maps must be of a scale sufficient to clearly illustrate the following, **at a minimum:**

a) Property lines of the tract or tracts of land on which the proposed mining activity is to be located including easements and rights-of-way.
b) Existing or proposed permit boundaries with geographic controls (e.g. metes and bounds, coordinates) labeled
c) Initial and ultimate limits of clearing and grading
d) Outline and width of all buffer zones (both undisturbed and unexcavated)
e) Outline and acreage of all pits/excavations
f) Outline and acreage of all stockpile areas
g) Outline and acreage of all temporary and/or permanent overburden disposal areas
h) Location and acreage of all processing plants (may be described as to location and distance from mine if sufficiently far removed)
i) Locations and names of all streams, rivers, and lakes
j) Outline and acreage of all settling and/or processing wastewater ponds
k) Outline and acreage of all planned and existing access roads and on-site haul roads
l) Location of planned and existing on-site buildings
m) Location and dimensions of all proposed sediment and erosion control measures
n) Location of 100-year floodplain limits and wetland boundaries
o) Names of owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary; if an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, names of owners of record of tracts adjoining these tracts that are within 1,000 feet of the mining permit boundary must be provided on the mine map.
p) Names of owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary which lie directly across and are contiguous to any highway, creek, stream, river, or other watercourse, railroad track, or utility or other public right-of-way. If an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, names of owners of record of tracts adjoining these tracts, that are within 1,000 feet of the mining permit boundary, must be provided on the mine map(s). NOTE: "Highway" means a road that has four lanes of travel or less and is not designated as an Interstate Highway.
q) Map legend
    1) Applicant name
    2) Mine name
    3) North arrow
    4) County
    5) Scale
    6) Symbols used and corresponding names
    7) Date prepared and revised
    8) Name and title of person preparing map

Map scales should meet the following guidelines:

PERMITTED ACREAGE	MAP SCALE
0 – 49 acres	1" = 50'
50 – 199 acres	1" = 100'
200+ acres	1" = 200'

NOTE: Smaller scaled maps may be acceptable if they clearly illustrate the above items.

NOTE: In addition to the above, the maps must also include any site-specific information that is provided in the answers to the following questions (*italicized questions/statements*) in this application form. This application will not be considered complete without all relevant items being adequately addressed on the mine maps.

C. PROTECTION OF NATURAL RESOURCES

1. Describe in detail the sequence of events for the development and operation of the mine and *reference the sequence to the mine map(s)*. Attach additional sheets as needed.

   See Addendum-1 long narrative attached.

2. 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. *Locate and label all sediment and erosion control measures on the mine map(s) and provide typical cross-sections/construction details of each measure.* Engineering designs and calculations are required to justify the adequacy of any proposed measures.

   See Addendum-2 long narrative attached.

3. A) Will the operation involve washing the material mined, recycling process water, or other wastewater handling?

   ☐ YES ☒ NO

   If yes, briefly describe all such processes including any chemicals to be used.

   Not applicable.

   B) Will the operation involve discharging fresh or wastewater from the mine or plant as a point discharge to the waters of the State?

   ☒ YES ☐ NO

   If yes, briefly describe the nature of the discharge and locate all proposed discharge points (along with their method of stabilization) on the mine map(s).

   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.

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 8-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 32-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 32-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 8-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 8-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 32-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.

C) Will any part of the proposed mine excavation(s) extend below the water table?

☒ YES ☐ NO

If yes, do you intend to dewater the excavation(s)?

☒ YES ☐ NO

Estimated withdrawal rate in gallons per day: 240,000.00

If yes, what impact, if any, will mine dewatering have on neighboring wells? *Locate all existing wells on the mine map(s) that lie within 500 feet of the proposed excavation area.* Provide data to support any conclusions or statement made, including any monitoring well data, well construction data, and current water withdrawal rates. Indicate whether the proposed mine locale is served by a public water system or private wells.

Two groundwater wells located with 500 ft of proposed excavation. O'Sullivan residential well located 397 ft north, Salazar residential well located 340 ft south. Foster Forbes Creek runs between O'Sullivan and excavation which is kept full of water from sediment pond discharge, two monitoring wells nearby. Salazar has two monitoring wells nearby. All monitoring wells are checked for groundwater levels monthly. No impacts in past 3 years of dewatering existing excavation. Both locations have public water service availabile.

D) If you answered yes to any of the above questions, provide evidence that you have applied for or obtained the appropriate water quality permit(s) (i.e., non-discharge, NPDES, Stormwater, etc.) from the Stormwater Program. In addition, the applicant is required to register water use with the Division of Water Resources, Ground Water Management Branch, if the operation withdraws more than 10,000 gallons per day and needs a capacity use permit from the Division of Water Resources, Ground Water Management Branch, if the operation lies in a capacity use area and withdraws more than 100,000 gallons per day.

NPDES General Permit #NCG020976 for dewatering active.
NCDEQ DWR Water Usage Registration active, Facility #0852-0002.

4. A) Will the operation involve crushing or any other air contaminant emissions?

☐ YES ☒ NO

If yes, indicate evidence that you have applied for or obtained an air quality permit issued by the Division of Air Quality or local governing body.

Not applicable.

B) How will dust from stockpiles, haul roads, etc., be controlled?

Operator will maintain continuous pavement of first 200 feet of access road starting at Caratoke Highway. Spraying or spreading water from water supply trucks or excavator on other dirt haul roads and process areas will control dust. Stockpiles will also be sprayed with water weekly if necessary, to control dust.

5. A) A buffer will be required between any mining activity and any mining permit boundary or right-of-way. It may be an unexcavated buffer (no excavation, but roadways, berms, and erosion & sedimentation control measures may be installed within it), an undisturbed buffer (no disturbance within the buffer whatsoever), or a combination of the two, depending upon the site conditions. Note that all buffers must be located within the mining permit boundaries.

   How wide a buffer will be maintained between any mining activity and any mining permit boundary or right-of-way at this site? A minimum buffer of 25 feet is recommended, although a wider buffer may be needed depending on site conditions. *Show all buffer locations and widths on the mine map(s).*

   25-ft wide unexcavated buffer around all sides of excavation areas, 300-ft undisturbed residential buffer between excavation areas and adjacent residences, 100-ft wide undisturbed property line buffer around entire mining activity area. 25-ft wide unexcavated buffer between excavation areas and 120-ft wide Dominion Power transmission line easement, 300-ft wide undisturbed buffer between Caratoke Hwy and mine activity area.

   B) A minimum 50 foot wide undisturbed buffer will be required between any land disturbing activities within the mining permit boundaries and any natural watercourses and wetlands unless smaller undisturbed buffers can be justified. Depending on site conditions, a buffer wider than 50 feet may be needed.

   How wide an undisturbed buffer will be maintained between any land disturbing activities within the mining permit boundaries and any natural watercourses and wetlands at this site? *Show all buffer locations and widths on the mine map(s).*

   Existing minimum 50-ft wide undisturbed buffers will be maintained between unexcavated buffers and wetlands to north, southwest, and west.

6. A) Describe methods to prevent landslide or slope instability adjacent to adjoining permit boundaries during mining. Minimum 2 horizontal to 1 vertical slopes or flatter for clayey material and minimum 3 horizontal to 1 vertical slopes or flatter for sandy material are generally required unless technical justification can be provided to allow steeper slopes.

   Exposed excavation slopes will be constructed at a 3:1 gradient during mining.

   B) *Provide a cross-section on the mine map(s) for all fill slopes (berms, waste piles, overburden disposal areas, etc.), clearly indicating the intended side slope gradient, installation of any benches and/or slope drains (with supporting design information) if needed, and the method of final stabilization.*

C) In excavation(s) of unconsolidated (non-rock) materials, specify the angle of all cut slopes including specifications for benching and sloping. *Cross-sections for all cut slopes must be provided on the mine map(s).*

Cut slope from natural ground level to water level will have 3:1 grade, and cut slope from water level to bottom of excavated area will have 2:1 grade.

D) In hardrock excavations, specify proposed bench widths and heights in feet. *Provide cross-sections of the mine excavation clearly noting the angles of the cut slopes, widths of all safety benches and mine benches, and the expected maximum depth of the excavation.*

Not applicable, no hard-rock excavation.

7. Describe other methods to be taken during mining to prevent physical hazard to any neighboring dwelling, house, public road, or public, commercial or industrial building from any mine excavation. *Locate all such structures on the mine map if they are within 300 feet of any proposed excavation.*

Mine excavation area is located on private property, 324 feet from closest dwelling and 325 feet from Caratoke Hwy right-of-way. Mine access road entrance is gated.

Dewatering pump will be located 805 feet from nearest dwelling and will be situated behind sand berm or below normal ground level to minimize noise from pump.

8. Describe what kind of barricade will be used to prevent inadvertent public access along any high wall area and when it will be implemented. Vegetated earthen berms, appropriate fencing and adequate boulder barriers may be acceptable high wall barricades. *A construction detail/cross-section and location of each type of barricade to be used must be indicated on the mine map(s).*

No high wall areas in permit area. Operator will construct foliated berm just inside permit area boundary or just outside of excavation area to discourage inadvertent public access or 4-wheeler access to excavation area.

Access to excavation area will be by private gated access road through operator's private property. "No Trespassing" signs will be installed around affected area boundaries every 250 feet.

9. Are acid producing minerals or soils present?

☐ YES ☒ NO

If yes, how will acid water pollution from the excavation, stockpiles, and waste areas be controlled?

Not applicable.

10. A) Describe specific plans (including a schedule of implementation) for screening the operation from public view such as maintaining or planting trees, bushes or other vegetation, building berms or other measures. *Show the location of all visual screening on the mine map(s) and provide cross-sections through all proposed berms or proposed spacing, sizes and species for tree plantings.*

Excavation area is located behind existing visual screen of full-growth foliage around north, south, and west sides of mine activity area. Foliage will remain in place. Operator will construct 5-ft tall by 22-ft wide berm along eastern perimeter of mine activity area for visual screening. Operator has planted and installed canopy trees, understory trees, and shrubs between Caratoke Hwy and mine activity area, in 2021, for visual screening. Operator will maintain existing 6-ft tall by 24-ft wide foliated berm between mine activity area and Salazar residence at southeast corner of permit area.

B) Could the operation have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area? If so, how will such effects (i.e., noise, visibility, etc.) be mitigated?

Currituck County Rural Center (CCRC horse park) located 1.25 miles southeast of proposed mine activity area behind heavy foliage and woodland. Mine activity will have no impact on CCRC operation.

11. Will explosives be used?

☐ YES ☒ NO

If yes, specify the types of explosive(s) and describe what precaution(s) will be used to prevent physical hazard to persons or neighboring property from flying rocks or excessive air blasts or ground vibrations. Depending on the mine's location to nearby structures, more detailed technical information may be required on the blasting program (such as a third-party blasting study). *Locate the nearest offsite occupied structure(s) to the proposed excavation(s) on the mine map and indicate its approximate distance to the proposed excavation.*

Not applicable.

12. Will fuel tanks, solvents, or other chemical reagents be stored on-site?

☒ YES ☐ NO

If yes, describe these materials, how they will be stored and method of containment in case of spill. Indicate the location(s) of all storage facilities on the mine map(s).

Fuel for excavation equipment and dewatering pump will be stored in standard 550-gal or 1050-gal steel double-wall ASTM approved portable fuel tank located at south end of sediment pond.

D. RECLAMATION PLAN

1. Describe your intended plan for the final reclamation and subsequent use of all affected lands and indicate the sequence and general methods to be used in reclaiming this land. This must include the method of reclamation of settling ponds and/or sediment control basins and the method of restoration or establishment of any permanent drainage channels to a condition minimizing erosion, siltation and other pollution. *This information must be illustrated on a reclamation map and must correspond directly with the information provided on the mine map(s). In addition, design information, including typical cross-sections, of any permanent channels to be constructed as part of the reclamation plan and the location(s) of all permanent channels must be indicated on the reclamation map.*

   See Addendum-3 long narrative attached.

2. Is an excavated or impounded body of water to be left as part of the reclamation?

   ☒ YES ☐ NO

   If yes, illustrate the location of the body(s) of water on the reclamation map and provide a scaled cross-section(s) through the proposed body(s) of water. The minimum water depth must be at least 4 feet, measured from the normal low water table elevation, unless information is provided to indicate that a shallower water body will be productive and beneficial at this site.

   Will the body(s) of water be stocked with fish?

   ☐ YES ☒ NO

   If yes, specify species.

   Not applicable.

3. Describe provisions for safety to persons and to adjoining property in all completed excavations in rock including what kind of permanent barricade will be left. Acceptable permanent barricades are appropriate fencing, large boulders placed end-to-end, etc. *Construction details and locations of all permanent barricades must be shown on the reclamation map.*

   Not applicable, excavation is in sand only, no rock present.

Addendum-3

D. RECLAMATION PLAN

1. Describe your intended plan for the final reclamation and subsequent use of all affected lands and indicate the sequence and general methods to be used in reclaiming this land.

a. 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.

b. Operator will deconstruct the 5-ft tall by 32-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.

c. 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.

d. Operator will deconstruct the north, south, & west 2-ft tall by 8-ft wide erosion control perimeter berms. Disturbed land will be graded down to natural ground level.

e. Operator will deconstruct the eastern 5-ft tall by 22-ft wide erosion control perimeter berm. Disturbed land will be graded down to natural ground level.

f. 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.

g. 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.

h. 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.

i. 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.

j. Remaining affected areas inside main permit area will be fertilized and returned to natural field state.

k. Temporary office and portable fuel tank will be removed from premises.

l. Remaining pond will be utilized by landowner for scenic & recreational purposes, and as wildlife habitat.

4. Indicate the method(s) of reclamation of overburden, refuse, spoil banks or other such on-site mine waste areas, including specifications for benching and sloping. *Final cross-sections and locations for such areas must be provided on the reclamation map.*

Overburden in berms around excavation area will be used for low 1-ft tall by 8-ft wide erosion control berm constructed around excavation perimeter during reclamation. Any leftover overburden will be spread over former berm & processing areas and incorporated into soil. These areas will be graded, levelled, fertilized and seeded with groundcover during final reclamation and allowed to return to natural field state.

5. A) Describe reclamation of processing facilities, stockpile areas, and on-site roadways.

Processing areas, stockpiles and haul roads located outside of excavation area boundaries will be graded, levelled, fertilized and seeded with groundcover and allowed to return to natural field state. Berms and non-berm areas in unexcavated buffer will be graded, levelled, fertilized and seeded with groundcover and allowed to return to natural field state.

B) Will any on-site roadways be left as part of the reclamation?

☐ YES ☐ NO

If yes, identify such roadways on the reclamation map and provide details on permanent road and ditch line stabilization.

Operator will grade and level access road back to original non-erosive state. Field path will be left around excavation area during reclamation for pond access.

6. Describe the method of control of contaminants and disposal of scrap metal, junk machinery, cables, or other such waste products of mining. (Note definition of refuse in The Mining Act of 1971.)

No off-site generated waste shall be disposed of on the mine site without prior written approval from the NC Department of Environmental Quality, Division of Energy, Mineral, and Land Resources and either the Division of Waste Management (DWM) or local governing body. If a disposal permit has been issued by DWM for the site, a copy of said permit must be attached to this application. *All temporary and permanent refuse disposal areas must be clearly delineated on the mine map(s) and reclamation map, along with a list of items to be disposed in said areas.*

No plans to bring off-site generated waste for disposal in mine. All scrap metal, junk machinery or equipment will be removed from mine site and will be transported to the Currituck County Landfill for proper disposal.

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

Mailing Address: Habitat Conservation • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

Permanent Seeding Specifications

Dates	Species	Rate, Lbs/Acre
February 15- April 1	Bahaigrass	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.

E. DETERMINATION OF AFFECTED ACREAGE AND BOND

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 (FI)	0.32	Ac. X	$ 1,500	/Ac. =	$ 480.00
Stockpiles and berms	1.39	Ac. X	$ 1,800	/Ac. =	$ 2,502.00
Waste Piles	0.00	Ac. X	$ 2,000	/Ac. =	$ 0.00
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 Unexcavated Buffers	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	Ac.	X	$1,500.00	=	$ 0.00

SUBTOTAL COST: $ 16,170.00

Inflation Factor:

	SUBTOTAL COST		LIFE OF MINING OPERATION OR LIFE OF LEASE (YEARS)		INFLATION COST
0.02	X $ 16,170.00		X 8		= $ 2,587.20

Total Reclamation Bond Cost:

TOTAL RECLAMATION BOND COST = SUBTOTAL + INFLATION = $ 18,700.00
Round down to the nearest $100.00

NOTE: The reclamation bond cannot exceed $1 million per GS 74-54

SCHEDULE OF RECLAMATION COSTS

Based upon range of $500 - $5,000 per affected acre

COMMODITY CODES:

SG	Sand and/or Gravel	**DS**	Dimension Stone	**PF**	Pyrophyllite	**CL**	Clay/Shale
GS	Gemstone	**FS**	Feldspar	**OL**	Olivine	**PE**	Peat
Borrow	Borrow/fill dirt	**MI**	Mica	**KY**	Kyanite/Sillimanite/Andalusite	**AU**	Gold
CS	Crushed Stone	**LI**	Lithium	**PH**	Phosphate	**TI**	Titanium
OT	Other						

TYPE	T/S PONDS	STOCKPILES	WASTE PILES	P. AREA/H.R.	MINE EXCAVATION
SG, GS, Borrow	$500/ac. (L) 1500 (FI)	$1800/ac.	$2000/ac.	$1800/ac.	$500/ac. (L) 2000 (PD)
CS, DS, FS, MI, LI, PF, OL, KY	500 (L) 1500 (FI)	1800	2000	2000	500 (L) 2500 (PD)
PH	1000 (L) 2500(FI)	2500	5000	5000	2000 (L) 5000 (PD)
CL	1000 (L) 2500 (FI)	2500	5000	5000	2000 (L) 3700 (PD)
PE, AU, TI, OT	1000(L) 2500 (FI)	2500	3000	3500	2000 (L) 5000 (PD)

(L) = Reclamation to a lake and revegetating side slopes

(FI) = Reclamation by filling in and revegetating

(PD) = Reclamation by grading for positive drainage & revegetating

AS PER NCAC 15A 5B.0003, IF YOU DISAGREE WITH THE BOND AMOUNT DETERMINED BY THE BOND CALCULATION WORKSHEET, YOU MAY SUBMIT AN ESTIMATE OF RECLAMATION COSTS FROM A THIRD-PARTY CONTRACTOR. SAID ESTIMATE MUST BE PROVIDED WITHIN 30 DAYS TO THE FOLLOWING ADDRESS: Mining Program, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612

ALL ESTIMATES MUST INCLUDE THE FOLLOWING, AS A MINIMUM:

- **FINAL GRADING COSTS PER ACRE**
- **LIME AND FERTILIZER COSTS PER ACRE**
- **YEAR-ROUND SEEDING MIXTURE COSTS PER ACRE (FROM APPROVED REVEGETATION PLAN IN APPLICATION/PERMIT DOCUMENT)**
- **MULCH AND ANCHORING COSTS PER ACRE**
- **ANY OTHER RECLAMATION COSTS NECESSARY TO COMPLY WITH THE APPROVED RECLAMATION PLAN FOR THE SITE IN QUESTION**

YOU WILL BE NOTIFIED AS SOON AS POSSIBLE OF THE DIRECTOR'S FINAL BOND DETERMINATION.

F. NOTIFICATION OF ADJOINING LANDOWNERS

The "Notice" form, or a facsimile thereof, attached to this application must be sent certified or registered mail, return receipt requested, to:

(1) the chief administrative officer of each county and municipality in which any part of the permitted area is located as indicated on the mine map(s);

(2) all owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary; if an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts must be notified (that are within 1,000 feet of the mining permit boundary) as indicated on the mine map(s); and

(3) all owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary which lie directly across and are contiguous to any highway, creek, stream, river, or other watercourse, railroad track, or utility or other public right-of-way. If an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts must be notified (that are within 1,000 feet of the mining permit boundary) as indicated on the mine map(s). "Highway" means a road that has four lanes of travel or less and is not designated as an Interstate Highway.

The only exception to the above method of giving notice is if another means of notice is approved in advance by the Director, Division of Energy, Mineral, and Land Resources.

A copy of a tax map (or other alternative acceptable to the Department) must be mailed with the completed "Notice" form **(the proposed overall permit boundaries and the names and locations of all owners of record of lands adjoining said boundaries must be clearly denoted on the tax map)**.

The "Affidavit of Notification" attached to this application must be completed, notarized and submitted to the Department, with the remainder of the completed application form before the application will be considered complete.

NOTES:

THIS SECTION MUST BE COMPLETED FOR ALL APPLICATIONS FOR NEW MINING PERMITS AND ALL MODIFICATIONS OF A MINING PERMIT TO ADD LAND TO THE PERMITTED AREA, AS REQUIRED BY NCGS 74-50(b1).

SEE THE NEXT TWO PAGES FOR THE "NOTICE" FORM AND THE "AFFIDAVIT OF NOTIFICATION"

NORTH CAROLINA MINING PERMIT APPLICATION

State of North Carolina
Department of Environmental Quality
Division of Energy, Mineral, and Land Resources

1612 Mail Service Center
Raleigh, NC 27699-1612
(919) 707-9220

NOTICE

Pursuant to provisions G.S. 74-50(b1) of The Mining Act of 1971, Notice is hereby given that
*** No land added or disturbed outside of existing permit area, no adjacent owners notified of modification. has applied on _____ to the Division of Energy,
(Applicant Name) (Date)

Mineral, and Land Resources, North Carolina Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612, for (check one):

- ☐ a new surface mining permit,
- ☐ a modification of an existing surface mining permit to add land to the permitted area; or
- ☐ a modification of an existing surface mining permit to add land to the permitted area with no disturbance in the area proposed. **Please note that future modification(s) may be submitted by the applicant to allow disturbance within this area without re-notification of adjoining landowners.**

The applicant proposes to mine _____ on _____ acres located _____
(Mineral, Ore) (Number) (Number)

miles _____ of _____ off/near road _____
(Direction) (Nearest town) (Number, Name)

in _____ County.

SEE ATTACHED MAP FOR PROPOSED PERMIT BOUNDARIES AND CORRESPONDING ADJOINING LANDOWNER NAMES AND LOCATIONS

In accordance with G.S. 74-50(b1), the mine operator is required to make a reasonable effort, satisfactory to the Department, to notify all owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary; if an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts must be notified (that are within 1,000 feet of the mining permit boundary). In addition, the mine operator must also notify the chief administrative officer of the county or municipality in which any part of the permitted area is located. Any person may file written comment(s) to the Department at the above address within thirty (30) days of the issuance of this Notice or the filing of the application for a permit, whichever is later. Should the Department determine that a significant public interest exists relative to G.S. 74-51, a public hearing will be held within 60 days of the end of the 30-day comment period specified above.

A copy of the permit application materials is on file and available for public review during normal business hours at the above listed address as well as at the appropriate regional office. **For information regarding the specifics of the proposed mining activity, please contact the applicant at the following telephone number:** _____

For information on the mining permit application review process, please contact the Mining Program staff at (919) 707-9220. Please note that the Department will consider any relevant written comments/documentation within the provisions of the Mining Act of 1971 throughout the application review process until a final decision is made on the application.

_____
Addressee/Owner of Record's Name and Address

_____
Name of Applicant. Include Contact Person & Company Name, if Applicable

_____
Date of Issuance of this Notice/Mailed to Addressee/Owner of Record

_____
Address of Applicant

State of North Carolina
Department of Environmental Quality
Division of Energy, Mineral, and Land Resources

1612 Mail Service Center
Raleigh, NC 27699-1612
(919) 707-9220

AFFIDAVIT OF NOTIFICATION

***** No land added or disturbed outside of existing permit area, no adjacent owners notified of modification.**

I, _____, an applicant, or an agent, or employee of an applicant, for a new Mining Permit, or a modification of an existing Mining Permit to add land to the permitted area, from the N.C. Department of Environmental Quality, being first duly sworn, do hereby attest that the following are all known owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary (including, where an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts, that are within 1,000 feet of the mining permit boundary) and that notice of the pending application has been caused to be mailed, by certified or registered mail, return receipt requested, to said owners of record at their addresses shown below, such notice being given on a form provided by the Department:

Adjoining Landowner Name	Address

Attach additional list if necessary.

I do also attest that the following individual is the chief administrative officer of the county or municipality in which any part of the permitted area is located and that notice of the pending application has been caused to be mailed, by certified or registered mail, return receipt requested, to said office at the following address:

_____ _____
Chief Administrative Officer Name Address

(i.e.: City Manager, County Manager, Mayor, etc.)

The above attestation was made by me while under oath to provide proof satisfactory to the Department that a reasonable effort has been made to notify all known owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary (including, where an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts, that are within 1,000 feet of the mining permit boundary) and the chief administrative officer of the county or municipality in which any part of the permitted area is located in compliance with N.C.G.S. 74-50(b1) and 15A NCAC 5B .0004(d). I understand that it is the responsibility of the applicant to retain the receipts of mailing showing that the above notices were caused to be mailed and to provide them to the Department upon request.

_____ _____
Signature of Applicant or Agent Date

If person executing Affidavit is an agent or employee of an applicant, provide the following information:

Name of Applicant _____
Title of person executing Affidavit _____

I, _____, a Notary Public of the County of _____, State of North Carolina, do hereby certify that _____ appeared before me this day and under oath acknowledged that the above Affidavit was made by him/her.

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

Notary: _____ My commission expires: _____

G. LAND ENTRY AGREEMENT

We hereby grant to the Department or its appointed representatives the right of entry and travel upon our lands or operation during regular business hours for the purpose of making necessary field inspections or investigations as may be reasonably required in the administration of the Mining Act of 1971 pursuant to G.S. 74-56.

We further grant to the Department or its appointed representatives the right to make whatever entries on the land as may be reasonably necessary and to take whatever actions as may be reasonably necessary in order to carry out reclamation which the operator has failed to complete in the event a bond forfeiture is ordered pursuant to G.S. 74-59.

LANDOWNER:

Signature	Foster Allen Forbes
Print Name	Foster Allen Forbes
Title (if applicable)	
Company (if applicable)	
Address	5104 Lunar Drive
	Kitty Hawk, NC 27949
Telephone	419-283-2804
Date Signed	February 25, 2025

APPLICANT:

Signature*	Jamie Basnight Hatchell
Print Name	Jamie Basnight Hatchell
Title	Manager
Company	HOM Development, LLC
Mine Name	Foster Forbes Mine
Telephone	252-473-6074
Date Signed	February 25, 2025

*Signature must be the same as the individual who signed Page 1 of this application.

One original and five (5) copies of the completed application, six (6) copies of all location maps, mine maps and reclamation maps, and the appropriate processing fee in the form a check or money order payable to the North Carolina Department of Environmental Quality must be sent to the Raleigh Central Office at the address listed on the front cover of this application form.

Inquiries regarding the status of the review of this application should be directed to the Mining Program staff at (919) 707-9220.

CD80M Dri-Prime® Pump

WITH YANMAR FINAL TIER 4 (FT4) DIESEL ENGINE

The Godwin Dri-Prime CD80M pump offers flow rates to 460 USGPM and has the capability of handling solids up to 1.6" in diameter.

The CD80M is able to automatically prime to 28' of suction lift from dry. Automatic or manual starting/stopping available through integral mounted control panel or optional wireless-remote access.

Indefinite dry-running is no problem due to the unique Godwin liquid bath mechanical seal design. Solids handling, dry-running, and portability make the CD80M the perfect choice for dewatering and bypass applications.

Features and Benefits

- Simple maintenance normally limited to checking fluid levels and filters.
- Dri-Prime (continuously operated Venturi air ejector priming device) requiring no periodic adjustment. Optional compressor clutch available.
- Extensive application flexibility handling sewage, slurries, and liquids with solids up to 1.6" in diameter.
- Dry-running high pressure liquid bath mechanical seal with high abrasion resistant solid silicon carbide faces.
- Close-coupled centrifugal pump with Dri-Prime system coupled to a diesel engine or electric motor.
- All cast iron construction with cast steel impeller for increased impact resistance when pumping solids.
- Also available in a critically silenced unit which reduces noise levels to less than 70 dBA at 30'.
- Standard engine Yanmar 3TNV80F (FT4) EPA emissions compliant diesel engine.

Specifications

Suction connection	3" 125# ANSI B16.1
Delivery connection	3" 125# ANSI B16.1
Max capacity	460 USGPM †
Max solids handling	1.6"
Max impeller diameter	7.5"
Max operating temp	176°F*
Max pressure	41 psi
Max suction pressure	29 psi
Max casing pressure	62 psi
Max operating speed	2200 rpm

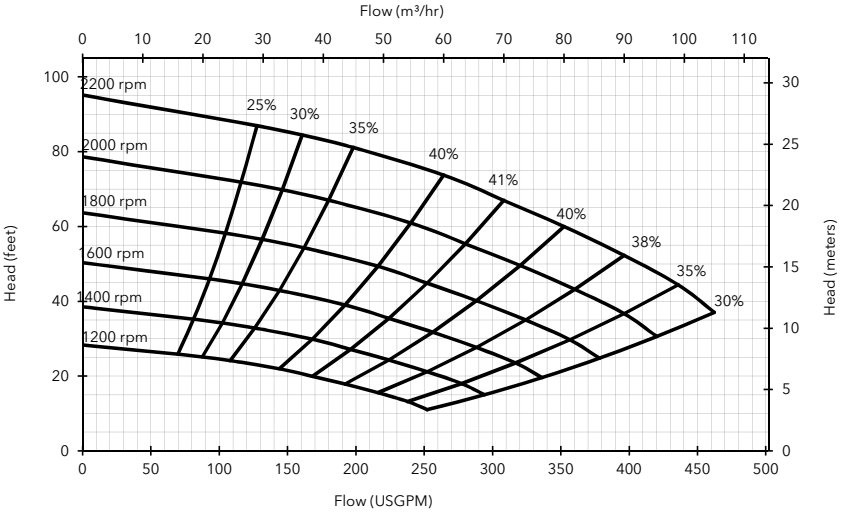
* Please contact our office for applications in excess of 176°F.

† Larger diameter pipes may be required for maximum flows.

Please contact the factory or office for further details. A typical picture of the pump is shown.
All information is approximate and for general guidance only.

godwin
a xylem brand

Performance Curve



Materials

Pump casing & suction cover	Cast iron BS EN 1561 - 1997
Wearplates	Cast iron BS EN 1561 - 1997
Pump Shaft	Carbon steel BS 970 - 1991 817M40T
Impeller	Cast Steel BS3100 A5 Hardness to 200 HB Brinell
Non-return valve body	Cast iron BS EN 1561 - 1997
Mechanical seal	Silicon carbide face; Viton elastomers; Stainless steel body

Engine option 1

Yanmar 3TNV80F (FT4), 18 HP @ 2200 rpm

Impeller diameter 7.5"

Pump speed 2200 rpm

Suction Lift Table

Total Suction Head (feet)	Total Delivery Head (feet)				
	10	15	20	25	30
	Output (USGPM)				
10	450	435	430	415	400
15	440	430	425	410	385
20	411	385	350	315	290
25	370	330	300	280	255

Fuel capacity: 30 US Gal

Max Fuel consumption @ 2200 rpm: 1.2 US Gal/hr

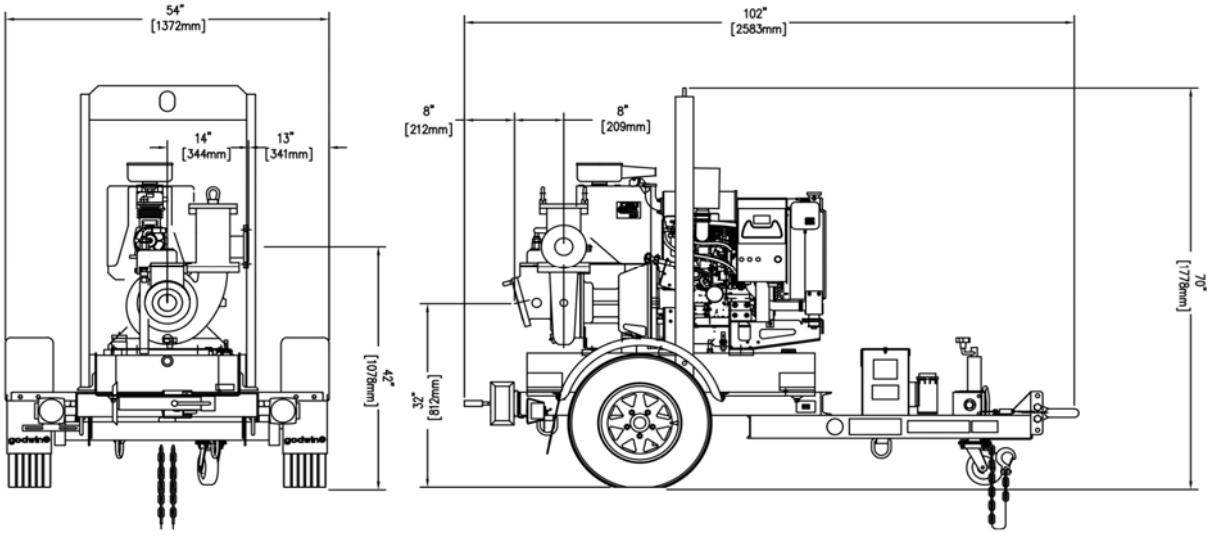
Max Fuel consumption @ 1800 rpm: 0.8 US Gal/hr

Weight (Dry): 1,580 lbs

Weight (Wet): 1,800 lbs

Dim.: (L) 102" x (W) 54" x (H) 70"

Performance data provided in tables is based on water tests at sea level and 20°C ambient. All information is approximate and for general guidance only. Please contact the factory or office for further details.



xylem
Let's Solve Water

84 Floodgate Road
Bridgeport, NJ 08014 USA
(856) 467-3636 . Fax (856) 467-4841

Reference number : 95-1031-3000
Date of issue : May 5, 2015
Issue : 1

www.godwinpumps.com

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,

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

Mailing Address: Habitat Conservation • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

Permanent Seeding Specifications

Dates	Species	Rate, Lbs/Acre
February 15- April 1	Bahaigrass	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.