NC DEQ Division of Water Resources Water Withdrawal and Transfer Registration

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2024 Annual Water Use Report

Section 1: Facility Information

Registrant:	Jeffrey A. Newbern, Sr.	Facility ID:	0826-0001
Facility Name:	Green Acres Land Development Sand Mine	Facility Type:	Mining
County:	Currituck	Sub-Basin:	Albemarle Sound (12-1)
Mailing Address:	PO Box 67 Harbinger, NC 27941	Email:	ken@kenobx.com
Contact Person:	Ken Elliott	Title:	Consultant
Phone:	252-339-9021	Fax:	xxx



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	25	.002	.15	Jul	25	.002	.15
Feb	25	.002	.15	Aug	25	.002	.15
Mar	25	.002	.15	Sep	25	.002	.15
Apr	25	.002	.15	Oct	25	.002	.15
May	25	.002	.15	Nov	25	.002	.15
Jun	25	.002	.15	Dec	25	.002	.15

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)		
Green Acres Excav	Quarry	.002	300	0.750	Edit	Delete



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	25	.002	.15	Jul	25	.002	.15
Feb	25	.002	.15	Aug	25	.002	.15
Mar	25	.002	.15	Sep	25	.002	.15
Apr	25	.002	.15	Oct	25	.002	.15
May	25	.002	.15	Nov	25	.002	.15
Jun	25	.002	.15	Dec	25	.002	.15



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	0	0	0.750	Edit	Delete
SDO-2 Meadowlake	Surface Water	.002	300	0.750	Edit	Delete



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

DEQ Division of Water Resources • 1611 Mail Service Center • Raleigh, NC 27699-1611 • Phone: 919-707-9000 • Fax: 919-733-3558

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Adjacent Owners within 1500 feet of Green Acres Land Development Mine

Parcel Pin 0109-000-0061-0000 0109-000-061A-0000

ALVAREZ RUMUALDO CHAVEZ	ALVAREZ HEATHER LYNN CHAVEZ	103 MEADOW LARK CIR	JARVISBURG, NC 27947
BALLANCE CURTIS SHAY		345 JARVISBURG RD	JARVISBURG, NC 27947
BETTINGER KENNETH J.		117 MEADOW LAKE CIR	JARVISBURG, NC 27947
BIRCHER TONY W		PO BOX 8	COROLLA, NC 27927
BLUEJACK ENTERPRISES LLC		4108 CARATOKE HWY	BARCO, NC 27917
BOWEN WILLIAM THOMAS	PAQUIN-BOWEN ROBINT	106 HICKORY HILL RD	GRANDY, NC 27939
BRIGHTSPEED OF EASTERN NC	CAROLINA TEL & TEL CO (FKA)	1120 S TRYON ST STE 700	CHARLOTTE, NC 28203
CARR RYAN		286 JARVISBURG RD	JARVISBURG, NC 27947
CARRANZA JAVIER N		132 MEADOW LAKE CIRCLE	JARVISBURG, NC 27947
CHAPPELL JOHN MURRAY		PO BOX 248	JARVISBURG, NC 27947
CREDLE ASHLEY	CREDLE JONATHON	354 JARVISBURG RD	JARVISBURG, NC 27947
CREDLE JONATHON DAVID	CREDLE JONATHON CREDLE ASHLEY NEWBERN		JARVISBURG, NC 27947
	CREDLE ASHLET NEWBERN	354 JARVISBURG RD	100 N 10 CON 15 NO 10 NO
CURRITUCK COUNTY	DI ANNINO E INCRECTIONS DEPART	POBOX9	CURRITUCK, NC 27929
CURRITUCK COUNTY	PLANNING & INSPECTIONS DEPART.	153 COURTHOUSE RD	CURRITUCK, NC 27929
CURRITUCK SUNSHINE FARM LLC	JAMES W OWENS GEN. MANAGER	6897 GRENADIER BLVD	NAPLES, FL 34108
DENNISON ERNEST A		PO BOX 627	GRANDY, NC 27939
DOWDY JANET B		PO BOX 126	POWELLS POINT, NC 27966
DOZIER CHARLES E JR	LEWIS ERIC TODD	PO BOX 262	JARVISBURG, NC 27947
DOZIER CHARLES E. JR.	DOZIER PATRICIA F.	PO BOX 262	JARVISBURG, NC 27947
DOZIER JEFFREY CHARLES		108 GADWELL DR	CURRITUCK, NC 27929
DOZIER-SMICHNICK KIMBERLY A	SMICHNICK DONALD LEE	993 TULLS CREEK RD	MOYOCK, NC 27958
FISHER HARRIET WATERFIELD		133 SCUPPERNONG RD	MANTEO, NC 27954
FLORES-POSADAS ERICK J		100 HARBINGER RIDGE RD	HARBINGER, NC 27941
FLYNN EUGENE	BARNES SHARON	PO BOX 194	JARVISBURG, NC 27947
FRIENDLY SARAH L		126 MEADOW LAKE CIR	JARVISBURG, NC 27947
GAY ELIZABETH SAWYER		350 JARVISBURG RD	JARVISBURG, NC 27947
GIBSON WILLIAM KEITH		122 MEADOW LAKE CIRCLE	JARVISBURG, NC 27947
GRANT TODD H		104 MEADOW LAKE CIR	JARVISBURG, NC 27947
GREEN ACRES LAND DEVELOPMENT		PO BOX 332	POWELLS POINT, NC 27966
GUTIERREZ MARIA GUADALUPE FLORES	MENDOZA DIEGO NEMESIO SALAZAR	100 SUTTON AVE	KILL DEVIL HILLS, NC 27948
HELMS HILLARY		PO BOX 245	JARVISBURG, NC 27947
HEWETT CAROLINE B	HEWETT JOSHUA D	7245 CARATOKE HWY	JARVISBURG, NC 27947
HUX LEE MORRIS		PO BOX 7160	KILL DEVIL HILLS, NC 27948
JOHNSON CARLA	JOHNSON JASON H	6101 RUTLEDGE HILL RD	COLUMBIA, SC 29209
JUMP THOMAS L	JUMP SARAH J	333 JARVISBURG RD	JARVISBURG, NC 27947
JUSTICE JOEL K	JUSTICE STACY A	PO BOX 208	GRANDY, NC 27939
KENNY DONNA DOZIER		4535 HILLTOP LN	KITTY HAWK, NC 27949
KENNY JAMES R	MIKLES MIKLE M	738 SNUG ISLAND	CLEARWATER, FL 33767
KWASNIK SUSAN	KWASNIK ALLAN	100 INDIAN KETTLE RD	JARVISBURG, NC 27947
LANDRON BENJAMIN KERMIT	LANDRON DAWN RENE	136 FORBES RD	JARVISBURG, NC 27947
LEGGETT LYDIA M		PO BOX 356	JARVISBURG, NC 27947
LIPMAN BARRY E		PO BOX 9	JARVISBURG, NC 27947
LOCKLEAR LAURIE J	LOCKLEAR DAVID W	103 INDIAN KETTLE RD	JARVISBURG, NC 27947
MARTIN SCHUYLER	MARTIN DONNA	106 MEADOW LAKE CIR	JARVISBURG, NC 27947
MCCAULEY JASON L	MCCAULEY AMANDA J	344 JARVISBURG RD	JARVISBURG, NC 27947
MCLAWHORN RONNIE EUGENE		209 SOUTH SPOT RD	POWELLS POINT, NC 27966
MIDGETTE JEREMY D	MIDGETTE FORREST E	368 JARVISBURG RD	JARVISBURG, NC 27947
MONROE DONALD WILLIAM	MONROE AMY J	136 MEADOW LAKE CIR	JARVISBURG, NC 27947
NAS ENTERPRISES LLC	C/O MYJESTIC ANDERSON	118 SIMMS RD	MOYOCK, NC 27958
NEWBERN NICHOLAS ANDREW		PO BOX 338	JARVISBURG, NC 27947
NEWMAN BRIANK	NEWMAN ELIZABETH D	PO BOX 1450	KITTY HAWK, NC 27949
NEWMAN HOLLY LYN	MINOR JOHN CLARK	PO BOX 1450	KITTY HAWK, NC 27949
NEWMAN NICHOLAS VAN		PO BOX 1450	KITTY HAWK, NC 27949
OLLOM MICHAEL TODD	OLLOM TERESA DAWN	102 INDIAN KETTLE RD	JARVISBURG, NC 27947
ORTERY BRYAN	WILLIAMS-ORTERY STEPHANIE	221 NINA LN	WILLIAMSBURG, VA 23188
OWENS DORLAN D		204 HARBINGER RIDGE RD	HARBINGER, NC 27941
PAYNE JANET L		307 JARVISBURG RD	JARVISBURG, NC 27947
PFA OBX LLC		197 LANGLEY LN	MANTEO, NC 27954

Information supplied by Currituck County Planning and Inspections Dept.

Adjacent Owners within 1500 feet of Green Acres Land Development Mine

Parcel Pin 0109-000-0061-0000 0109-000-061A-0000

PLEDGER PATRICIA M		PO BOX 299	JARVISBURG, NC 27947
POLLOCK STACEY STEPHENS		405 BARBARA LN	BRYN MAWR, PA 19010
PRICE JACQUELYN	PRICE MICHAEL	PO BIX 310	BOSTIC, NC 28018
PRICE SHARON H		329 JARVISBURG ROAD	JARVISBURG, NC 27947
SCARBOROUGH CHRISTOPHER R		282 JARVISBURG RD	JARVISBURG, NC 27947
SMITH CHRISTOPHER ANTHONY	SMITH TAMMY ESTELLE	112 MEADOW LAKE CIR	JARVISBURG, NC 27947
SNYDER DEREKJ		298 JARVISBURG RD	JARVISBURG, NC 27947
SOLO VENTURES LLC		1781 ACORN HILL RD	TARBORO, NC 27886
SOUSA LEIGH D	SOUSA JOHN T	PO BOX 195	JARVISBURG, NC 27947
SPICER KURTT	SPICER MARYT	45 SMITH AVE	HASKELL, NJ 07420
STEPHENS ANDREW P	STEPHENS MEREDITH R	108 MEADOW LAKE CIRCLE	JARVISBURG, NC 27947
TRINITY 252 INVESTMENTS LLC		7278 CARATOKE HWY	JARVISBURG, NC 27947
TYSON JENNIFER DOWDY	DOWDY JARED	PO BOX 126	POWELLS POINT, NC 27966
WALKER JUDY CAROL		7281 CARATOKE HWY	JARVISBURG, NC 27947
WINSLOW BENNY	WINSLOW RONNIE	3063 COLERAIN RD	KINGSLAND, GA 31548
WRIGHT JERRY W.	WRIGHT THOMAS C.	P O BOX 24	JARVISBURG, NC 27947
YOUNTS JONATHAN	YOUNTS KATHRYN	5003 THE WOODS RD	KITTY HAWK, NC 27949

JOSH STEIN
Governor

D. REID WILSON
Secretary

WILLIAM E. TOBY VINSON, JR
Director



May 5, 2025

Jeffrey A. Newbern, Sr. PO Box 67 Harbinger, NC 27941

RE:

Green Acres Land Development Mine

Mining Permit No. 27-47

Currituck County
Pasquotank River Basin

Dear Mr. Newbern:

Your recent request to have the above referenced mining permit modified has been approved. The modification is to increase the affected acreage at this site to 35.20 acres as indicated on the map received March 10, 2025 and May 5, 2025 and additional information received on March 10, 2025. The modification includes the expansion of the excavation area and haul roads to the south, while decreasing the stockpiles and unexcavated buffers to construct additional vegetated erosion control berms along the perimeter of the expanded excavation pit. 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: Operating Conditions III.4.C, III.4.D, and III.4.E.

In addition, the reclamation bond has been calculated for this site using the information submitted in the application and on the mine maps received May 5, 2025. The bond amount for this site is \$30,800.00. You currently have a \$40,500.00 Irrevocable Standby Letter of Credit (ISLOC) on file for this site. As such, you may wish to reduce this ISLOC to the new required amount of \$30,800.00.

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.

As a reminder, your permitted acreage at this site is 58.39 acres and the amount of land you are approved to disturb is 35.20 acres.

Please contact me at (919) 707-9207 if you have any questions.

Sincerely,

Adam Parr, PE

Deputy Director - DEMLR

AP/kbj

Enclosures: Mine Permit 27-47

cc: Samir Dumpor, PE, Washington Regional Office



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:

Jeffrey A. Newbern, Sr.

Green Acres Land Development Mine

Currituck County - Permit No. 27-47

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. <u>Definitions. N.C.G.S. §74-49.</u>

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.

October 22, 2004: This permit has been modified to allow dewatering activities at the site as indicated on the revised Mining Map dated September 8, 2004.

May 30, 2006: This permit has been modified to increase the permitted area to 59.52 acres and the affected acreage at this site to 22.08 acres as indicated on the Mining Map dated September 8, 2004 and received by the Land Quality Section on September 21, 2005. The modification includes the addition of 0.75-acre for a drainage ditch and sediment pond.

March 21, 2013: This permit has been modified to increase the affected acreage at this site to 27.34 acres as indicated on the Mine Map last revised October 22, 2012. This modification includes expansion of the excavation area around the perimeter of the previously permitted excavation area by 30 feet in width, expansion of the excavation by approximately 0.28 acres in the northwest corner, use of an existing 1,700 foot long ditch located along the south and west side of the excavation for ground water rehydration during mine dewatering activities, installation of two ground water monitoring wells, and establishes a ground water monitoring plan into the renewed and modified permit.

<u>December 1, 2017</u>: This permit has been issued for the life of site or the duration of the lease term.

<u>December 3, 2019</u>: This permit has been modified to reduce the permitted acreage to 58.39 acres and increase the affected acreage at this site to 28.97 acres as indicated on the Mine Map dated October 29, 2019. The modification includes expansion of the excavation area on the east end of the existing pond and includes straightening the excavation edges of the existing pond on the north and northwest sides. In addition, dewater activities shall cease prior to excavation of the expansion area and the hydration ditch shall be removed and filled in.

May 5, 2025: This permit has been modified to increase the affected acreage at this site to 35.20 acres as indicated in the application, on the Mine Maps received March 10, 2025 and May 5, 2025, and the additional information received March 10, 2025. The modification includes expansion of the excavation area and haul roads to the south, while decreasing the stockpiles and unexcavated buffers to construct additional vegetated erosion control berms along the perimeter of the expanded excavation pit. The permitted area at this site is 58.39 acres and the area approved to disturb is 35.20 acres.

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.

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. Dewatering activities shall be restricted to a depth of 20 feet below the natural surrounding ground surface elevation. Dewatering activities shall be limited to pumping to the pipe that discharges to the residential lake located south of the mine. No dewatering shall be permitted to the hydration ditch.
- D. Stormwater, groundwater, and wastewater discharge shall occur as indicated in the Operation and Maintenance Plan Sand Mine Dewatering and Water Level Control Structure Plan as approved as part of General Industrial Stormwater Permit No. NC020000 Certificate of Coverage No. NCG020641.
- E. Mining activities, including maintenance of the approved sediment and erosion control measures, shall occur as indicated in the application, on the Mine Maps received May 5, 2025, and the supplemental information received on March 10, 2025.

5. Groundwater Protection.

Groundwater monitoring wells shall be installed and monitored as deemed appropriate by the Department as follows:

- A. Observation wells shall be installed and monitored as indicated on the Mine Map last revised October 22, 2012 and as outlined in the letter dated July 5, 2012, the supplemental information received by the Land Quality Section on July 10, 2012, and as provided in the renewal application received August 27, 2012 and supplemental information received October 24, 2012.
- B. The observation wells shall be drilled wells screened at the base depth of the excavation (the ultimate depth of the mine). The wells shall be secured against unauthorized entry with a lockable cap. The necessary permits or approvals to construct these wells shall be obtained from the N.C. Division of Water Quality, Groundwater Section.
- C. The observation wells shall be monitored quarterly at the same day and approximate time of day. The static water levels shall be measured with an accuracy of plus or minus 0.1 foot and shall be referenced to a datum point and a record of the water levels maintained. The quarterly precipitation and the volume of pit water discharge shall also be recorded. Yearly water samples shall be taken for qualitative analysis. Copies of these records shall be provided to the Department on or about the end of each month. Static water level monitoring frequency may be increased or decreased as deemed appropriate by the Department.

6. Permanently Marked Boundaries.

- A. All mining permit boundaries (58.39 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 received May 5, 2025, shall be marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.

7. 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.

8. 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.

9. Blasting

No blasting activities shall occur at this site.

10. Visual Screening.

- A. Existing vegetation or vegetated earthen berms shall be maintained between the mine and public thoroughfares whenever practical to screen the operation from the public.
- B. Berms shall be constructed as indicated on the Mining Map received May 5, 2025.

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

- A. Sufficient buffer (minimum 50 foot undisturbed) shall be maintained between any excavation and any mining permit boundary to protect adjacent property.
- B. Buffers shall be maintained as indicated on the Mine Map received May 5, 2025.

12. 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. <u>Bonding. N.C.G.S. §74-54.</u>

The security, which was posted pursuant to N.C.G.S. §74-54 in the form of a \$40,500.00 Irrevocable Standby Letter of Credit (of which \$30,800.00 is required for this site), 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 areas used for waste piles, screening, stockpiling, or other processing shall be leveled and smoothed.

- iv. 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.12.A through III.12.D.
- v. 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 Seeding schedule recommended by North Carolina Wildlife Resources Commission and included in the application received December 12, 2024.

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. <u>Issuance and Modification Summary</u>. N.C.G.S. §74-51 and §74-52.

This permit, issued July 5, 2002, modified October 22, 2004 and May 30, 2006, renewed and modified March 21, 2013, and modified December 1, 2017 and December 3, 2019, is hereby modified this 5th day of May, 2025 pursuant to N.C.G.S. §74-52.

By: Telle a

Adam Parr, PE, Deputy Director
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:

William F. Lane, 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.

Parcels with Dwellings Within 1500' of GA Excavation

Name-1	Name-2	Location	County Water Service?	Mailing Address	City, State, Zip
Lydia M Leggett		7135 Caratoke	No	POB 356	Jarvisburg, NC 27947
Linda Romano	Judy White	7139 Caratoke	YES	305 Woodward Ct.	Hoover, AL 35242
Bluejack Enterprises, LLC		7161 Caratoke	No	4108 Caratoke Hwy	Barco, NC 27917
Benjamin Kermit Landron	Dawn Rene Landron	136 Forbes	No	136 Forbes Road	Jarvisburg, NC 27947
Eugene Flynn	Sharon Barnes	144 Forbes	No	PO Box 194	Jarvisburg, NC 27947
Susan Kwasnik	Allan Kwasnik	100 Indian Kettle Rd	No	100 Indian Kettle Rd	Jarvisburg, NC 27947
Michael Todd Ollom	Teresa Dawn Ollom	102 Indian Kettle	No	102 Indian Kettle Rd	Jarvisburg, NC 27947
Laurie J Locklear	David W Locklear	103 Indian Kettle	No	103 Indian Kettle Rd	Jarvisburg, NC 27947
Joel K. Justice	Stacy A. Justice	151 Black Forest, Indian Kettle	No	PO Box 209	Grandy, NC 27940
Jarvisburg Elementary School		110 Jarvisburg	YES	PO Box 9	Currituck, NC 27929
Solo Ventures LLC		270 Jarvisburg Rd	No	270 Jarvisburg Rd	Jarvisburg, NC 27947
Christopher R Scarborough		282 Jarvisburg Rd	No	282 Jarvisburg Rd	Jarvisburg, NC 27947
Ryan Carr		286 Jarvisburg Rd	No	286 Jarvisburg Rd	Jarvisburg, NC 27947
Derek J Snyder		292 Jarvisburg Rd	No	292 Jarvisburg Rd	Jarvisburg, NC 27947
Janet L Payne		307 Jarvisburg Rd	No	307 Jarvisburg Rd	Jarvisburg, NC 27947
Thomas L Jump	Sarah J Jump	333 Jarvisburg Rd	No	333 Jarvisburg Rd	Jarvisburg, NC 27947
lason L McCauley	Amanda J McCauley	344 Jarvisburg Rd	No	344 Jarvisburg Rd	Jarvisburg, NC 27947
Elizabeth Sawyer Gay		350 Jarvisburg Rd	No	350 Jarvisburg Rd	Jarvisburg, NC 27947
Kenneth J. Bettinger		117 Meadowlake	No	117 Meadowlake Circle	Jarvisburg, NC 27947
Ernest A. Dennison		101 Meadowlake	No	PO Box 627	Grandy, NC 27939
Rumualdo Chavez Alvarez	Heather Lynn Chavez Alvarez	103 Meadowlake	No	103 Meadowlake Circle	Jarvisburg, NC 27947
Todd H. Grant		104 Meadowlake	No	104 Meadowlake Circle	Jarvisburg, NC 27947
Schuyler Martin	Donna Martin	106 Meadowlake	No	106 Meadowlake Circle	Jarvisburg, NC 27947
Andrew P. Stephens	Meredith R. Stephens	108 Meadowlake	No	108 Meadowlake Circle	Jarvisburg, NC 27947
Christopher Anthony Smith	Tammy Estelle Smith	112 Meadowlake	No	112 Meadowlake Circle	Jarvisburg, NC 27947
Holly Lyn Newman	John Clark Minor	114 Meadowlake	No	PO Box 1450	Kitty Hawk, NC 27949
William Keith Gibson		122 Meadowlake	No	122 Meadowlake Circle	Jarvisburg, NC 27947
Sarah L. Friendly		126 Meadowlake	No	126 Meadowlake Circle	Jarvisburg, NC 27947
Patricia M. Pledger		128 Meadowlake	No	PO Box 299	Jarvisburg, NC 27947
Kenneth J. Bettinger		130 Meadowlake	No	117 Meadowlake Circle	Jarvisburg, NC 27947
avier N. Carranza		132 Meadowlake	No	132 Meadowlake Circle	Jarvisburg, NC 27947
Donald William Monroe	Amy J. Monroe	136 Meadowlake	No	136 Meadowlake Circle	Jarvisburg, NC 27947
Tony W. Bircher		140 Meadowlake	No	PO Box 8	Corolla, NC 27927
ohn Murray Chappell		7197 Caratoke	No	PO Box 248	Jarvisburg, NC 27947
Caroline B. Hewett	Joshua D. Hewett	7245 Caratoke	YES	7245 Caratoke Highway	Jarvisburg, NC 27947
Carlton Hewitt		7130 Caratoke	No	318 Scone Castle Loop	Chesapeake, VA 23322
Barry E Lipman		7112 Caratoke	YES	POB 9	Jarvisburg, NC 27947

 $^{37\,\}text{parcels}$ with dwellings within 1500 feet of the Green Acres Mine excavation edge.

Information provided by Will Rumsey, Public Utilities Manager on 03/07/2025

 $[\]stackrel{\cdot}{\text{33}}$ parcels with dwellings have groundwater wells & no County Water service available.

⁴ parcels with dwellings have Currituck County Water service

GREEN ACRES LAND DEVELOPMENT SAND MINE, JARVISBURG, NC Community Meeting February 24, 2025, 7:00pm

STATEMENT

The purpose of this community meeting is to inform owners & occupants of nearby properties about the application for a Special Use permit by Green Acres Land Development for their sand mine in Jarvisburg, which will be reviewed under the Currituck County Unified Development Ordinance. Tonight, the development proposal & application will be explained, you will be informed about the review process, and you will be given the opportunity to express comments & concerns about the application, which will be used by GALD as a means of resolving conflicts and outstanding concerns, where possible. A meeting summary will be included with the submitted application materials and be made available to the public for inspection.

Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete by the County. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available for public inspection.

CURRENT PERMIT

- TOTAL PERMIT 58.81 AC (28.99 ac & 29.82 ac, 1.42 ac Wetlands)
- EXCAVATION 21.87 AC
- TOTAL DISTURBED 28.97 AC

NEW PERMIT

- TOTAL PERMIT 58.81 AC
- EXCAVATION 28.54 AC (INCREASE OF 6.67 AC)
- TOTAL DISTURBED 35.20 AC

HISTORY

GALD Sand Mine was originally permitted in 2002 by NCDEQ & Currituck County Commissioners for a 16.8-acre excavation. In 2004, GA was permitted to dewater the excavation by NCDEQ & Currituck County Commissioners. Discharged water from the mine going offsite or into Meadowlake Pond has been tested for pH, salinity, turbidity and sedimentation every 3 months

GREEN ACRES LAND DEVELOPMENT SAND MINE, JARVISBURG, NC Community Meeting February 24, 2025, 7:00pm

since 2012. Since then, there have been NO occurrences of test results of water samples being out of specification. All water leaving the mine from dewatering has been clean and clear.

In 2013 the GA Mine permit was renewed by the County and State with a 17.39-acre excavation and dewatering, plus construction of a hydration swale with berms and foliage on the south side of the mine.

In 2020 the GA Mine permit was again modified and increased the excavation area on its eastern side for a total 21.62 acres. At that time dewatering of the mine for excavation purposes was discontinued.

However, since 2021, Mr. Newbern has continued to pump approximately 12,000 to 15,000 gallons of water per day by pipeline to the Meadowlake Subdivision Pond. This water was added to the pond to help maintain higher water levels in the pond. This was done voluntarily and at the expense of Mr. Newbern at the request and approval of Meadowlake residents.

2025 MODIFICATION

Mr. Newbern is now applying to Currituck County to expand the excavation from 21.62 acres to 28.54 acres, which will be the maximum acreage allowed on this property. Dewatering the excavation for mining purposes will not take place. Water supply for Meadowlake Pond will continue as it did before.

The new excavation will expand around the perimeter of the current excavation 100 ft southward towards Meadowlake, 175 ft westward towards Caratoke Hwy, and southeastward into a wooded area north of the Newman and Bettinger properties. 300-ft setbacks will be maintained from all residences and highway rights-of-way.

The water supply pump for Meadowlake Pond will be located near the current location below natural ground level or behind berms to minimize noise. The pump will run at idle speed, pumping enough water to raise the pond water level a minimal ¼ inch per day, up to a maximum of approximately 9 - 12 inches below top of the bank at the measuring point. Meadowlake Pond water level will be monitored weekly or sooner by GA personnel, and the pump will be shut off if the Pond reaches its maximum level.

GREEN ACRES LAND DEVELOPMENT SAND MINE, JARVISBURG, NC Community Meeting February 24, 2025, 7:00pm

Groundwater levels will be measured monthly from two monitoring wells on the north and south sides of the pond. Measurements will be recorded and submitted to Curr County Planning quarterly.

Upon approval by the Currituck County Commissioners and issuance of this new Special Use Permit Mr. Newbern will continue excavation of the Green Acres Mine until completion along with reclamation of the area. At the end of excavation of the pond Mr. Newbern is required by State law and Currituck County ordinance to reclaim the excavation slopes leading to the pond water's edge and all other disturbed areas. Berms and stockpiles will be removed, and disturbed land will be graded, levelled, and sown with ground cover. The hydration swale will be filled and the graded, levelled and sown with ground cover.

Reclamation plans have already been submitted to the State for approval, and all reclamation measures are guaranteed by Mr. Newbern with a monetary bond in place with the State. The undisturbed lands around the pond which are currently under cultivation will continue to remain under cultivation for the foreseeable future.

CONCLUSION

Mr. Newbern is available to answer questions about details of the project. There will be two more community meetings held by Zoom on Wednesday, Feb 26, at 10:00 AM and 4:00 PM at the website addresses shown on the notification letters you received.

- https://tinyurl.com/green-acres-1
- https://tinyurl.com/green-acres-2

At this time, we will take questions or comments from anyone here.

	Landowners Within 1500 ft of Gr	een Acres Land Development Mine		
	Notified by USPS Certified Mail fo			
Name-1	Name-2	Mailing Address	City, State, Zip	4
Rumualdo Chavez Alvarez	Heather Lynn Chavez Alvarez	103 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5432 44
Bluejack Enterprises, LLC		4108 Caratoke Hwy	Barco, NC 27917	9589 0710 5270 0148 5432 06
William Thomas Bowen	Robin T Paquin-Bowen	106 Hickory Hill Rd	Grandy, NC 27939	9589 0710 5270 0148 5431 90
Curtis Shay Balance		345 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5432 37
Kenneth J. Bettinger		117 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5432 20
Tony W. Bircher		PO Box 8	Corolla, NC 27927	9589 0710 5270 0148 5432 13
Brightspeed of Eastern NC	Carolina Tel & Tel Co (FKA)	1120 S. Tryon Street, Suite 700	Charlotte, NC 28203	9589 0710 5270 0148 5431 83
County of Currituck		PO Box 9	Currituck, NC 27929	9589 0710 5270 0148 5430 60
Ryan Carr		286 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5431 69
Jonathan David Credle	Ashley Newbern Credle	354 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5430 77
Javier N. Carranza		132 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5431 76
John Murray Chappell		PO Box 248	Jarvisburg, NC 27947	9589 0710 5270 0148 5431 52
Currituck Sunshine Farm, LLC	c/o James W. Owens	6898 Grenadier Blvd.	Naples, FL 34109	9589 0710 5270 0148 5430 53
Ernest A. Dennison		PO Box 627	Grandy, NC 27939	9589 0710 5270 0148 5430 46
Jeffrey Charles Dozier		108 Gadwall Street	Currituck, NC 27929	9589 0710 5270 0148 5430 22
Charles E Dozier Jr	Patricia F Dozier	POB 262	Jarvisburg, NC 27947	9589 0710 5270 0148 5430 15
Charles E Dozier Jr	Eric Todd Lewis	POB 262	Jarvisburg, NC 27947	9589 0710 5270 0148 5430 08
Kimberly A Dozier-Smichnick	Donald Lee Smichnick	993 Tulls Creek Rd	Moyock, NC 27958	9589 0710 5270 0148 5429 95
Janet B Dowdy		POB 126	Powell's Point, NC 27966	9589 0710 5270 0148 5430 39
Eugene Flynn	Sharon Barnes	PO Box 194	Jarvisburg, NC 27947	9589 0710 5270 0148 5429 71
Harriet Waterfield Fisher		195 Fisher Landing Road	Jarvisburg, NC 27947	9589 0710 5270 0148 5429 88
Erick Flores-Pasadas		100 Harbinger Ridge Rd	Harbinger, NC 27941	9589 0710 5270 1162 5267 70

	T	1	T	
Nicholas Andrew Newbern		POB 338	Jarvisburg, NC 27947	9589 0710 5270 0148 5427 11
Brian K. Newman	Elizabeth D. Newman	PO Box 1450	Kitty Hawk, NC 27949	9589 0710 5270 0148 5427 28
Holly Lyn Newman	John Clark Minor	PO Box 1450	Kitty Hawk, NC 27949	9589 0710 5270 0148 5428 89
Nicholas Van Newman		PO Box 1450	Kitty Hawk, NC 27949	9589 0710 5270 0148 5321 70
NAS Enterprises LLC	c/o Myjestic Anderson	118 Sims Road	Moyock, NC 27958	9589 0710 5270 0148 5427 35
Dorlan D Owens	Janice Owens	204 Harbinger Ridge Rd	Harbinger, NC 27941	9589 0710 5270 0148 5322 86
Michael Todd Ollom	Teresa Dawn Ollom	102 Indian Kettle Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5321 63
Bryan Ortery	Stephanie Williams Ortery	221 Nina Lane	Williamsburg, VA 23188	9589 0710 5270 0148 5321 56
PFA OBX, LLC		197 Langley Lane	Manteo, NC 27954	9589 0710 5270 0148 5426 98
Stacey Stephens Pollock		405 Barbara Lane	Bryn Mawr, PA 19010	9589 0710 5270 0148 5426 74
Janet L Payne		307 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5427 04
Sharon H Price		329 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5426 67
Jacquelyn Price	Michael Price	POB 310	Bostic, NC 28018	9589 0710 5270 0148 5426 50
Patricia M. Pledger		PO Box 299	Jarvisburg, NC 27947	9589 0710 5270 0148 5426 81
Linda Romano	Judy White	305 Woodward Ct.	Hoover, AL 35242	9589 0710 5270 0148 5426 43
Kurt T Spicer	Mary T Spicer	45 Smith Ave	Haskell, NJ 07420	9589 0710 5270 0148 5425 82
Solo Ventures LLC		270 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5426 05
Christopher R Scarborough		282 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5426 36
Derek J Snyder		292 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5426 12
Andrew P. Stephens	Meredith R. Stephens	108 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5425 75
Christopher Anthony Smith	Tammy Estelle Smith	112 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5426 29
Leigh D Sousa	john T Sousa	POB 195	Jarvisburg, NC 27947	9589 0710 5270 0148 5425 99
Trinity 252 Investments LLC		7278 Caratoke Hwy	Jarvisburg, NC 27947	9589 0710 5270 0148 5425 68
Jennifer Dowdy Tyson	Jared Dowdy	PO Box 126	Powell's Point, NC 27966	9589 0710 5270 0148 5425 44
Jerry T Wright	thomas C. Wright	POB 24	Jarvisburg, NC 27947	9589 0710 5270 0148 5322 79

T	T		
	126 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5429 64
Diego Nemesio Salazar Mendosa	100 Sutton Ave	KDH, NC 27948	9589 0710 5270 0148 5429 26
	350 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5429 57
	104 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5429 33
	122 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5429 40
	POB 245	Jarvisburg, NC 27947	9589 0710 5270 0148 5429 19
Joshua D. Hewett	7245 Caratoke Highway	Jarvisburg, NC 27947	9589 0710 5270 0148 5428 96
	318 Scone Castle Loop	Chesapeake, VA 23322	9589 0710 5270 0148 5429 02
	PO Box 7160	Kill Devil Hills, NC 27948	7017 0660 0000 7184 2405
Jason H. Johnson	6101 Rutledge Hill Rd	Columbia, SC 29209	7017 0660 0000 7184 2412
Stacy A. Justice	PO Box 210	Grandy, NC 27941	9589 0710 5270 0148 5428 58
Sarah J Jump	333 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5428 65
Allan Kwasnik	100 Indian Kettle Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5428 27
Mikle M Mikles	738 Snug Island	Clearwater, FL 33767	
	4535 Hilltop Lane	Kitty Hawk, NC 27949	9589 0710 5270 0148 5428 41
Mikle M Mikles	738 Snug Island	Clearwater, FL 33767	9589 0710 5270 0148 5428 34
	POB 356	Jarvisburg, NC 27947	9589 0710 5270 0148 5428 03
Dawn Rene Landron	136 Forbes Road	Jarvisburg, NC 27947	9589 0710 5270 0148 5428 10
David W Locklear	103 Indian Kettle Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5427 97
	POB 9	Jarvisburg, NC 27947	9589 0710 5270 0148 5321 94
Amanda J McCauley	344 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5427 73
Forrest E Midgette	368 Jarvisburg Rd	Jarvisburg, NC 27947	9589 0710 5270 0148 5427 59
Donna Martin	106 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5427 80
	209 S. Spot Road	Powell's Point, NC 27966	9589 0710 5270 0148 5427 66
Amy J. Monroe	136 Meadowlake Circle	Jarvisburg, NC 27947	9589 0710 5270 0148 5427 42
	Joshua D. Hewett Jason H. Johnson Stacy A. Justice Sarah J Jump Allan Kwasnik Mikle M Mikles Mikle M Mikles Dawn Rene Landron David W Locklear Amanda J McCauley Forrest E Midgette Donna Martin	Diego Nemesio Salazar Mendosa 350 Jarvisburg Rd 104 Meadowlake Circle 122 Meadowlake Circle POB 245 Joshua D. Hewett 7245 Caratoke Highway 318 Scone Castle Loop PO Box 7160 Jason H. Johnson 6101 Rutledge Hill Rd Stacy A. Justice PO Box 210 Sarah J Jump 333 Jarvisburg Rd Allan Kwasnik 100 Indian Kettle Rd Mikle M Mikles 738 Snug Island 4535 Hilltop Lane Mikle M Mikles 738 Snug Island POB 356 Dawn Rene Landron 136 Forbes Road David W Locklear 103 Indian Kettle Rd POB 9 Amanda J McCauley 344 Jarvisburg Rd Forrest E Midgette 368 Jarvisburg Rd Donna Martin 106 Meadowlake Circle 209 S. Spot Road	Diego Nemesio Salazar Mendosa 100 Sutton Ave KDH, NC 27948 350 Jarvisburg Rd Jarvisburg, NC 27947 104 Meadowlake Circle Jarvisburg, NC 27947 122 Meadowlake Circle Jarvisburg, NC 27947 POB 245 Jarvisburg, NC 27947 Joshua D. Hewett 7245 Caratoke Highway Jarvisburg, NC 27947 318 Scone Castle Loop Chesapeake, VA 23322 PO Box 7160 Kill Devil Hills, NC 27948 Jason H. Johnson 6101 Rutledge Hill Rd Columbia, SC 29209 Stacy A. Justice PO Box 210 Grandy, NC 27941 Sarah J Jump 333 Jarvisburg Rd Jarvisburg, NC 27947 Allan Kwasnik 100 Indian Kettle Rd Jarvisburg, NC 27947 Mikle M Mikles 738 Snug Island Clearwater, FL 33767 POB 356 Jarvisburg, NC 27947 Dawn Rene Landron 136 Forbes Road Jarvisburg, NC 27947 David W Locklear 103 Indian Kettle Rd Jarvisburg, NC 27947 POB 9 Jarvisburg, NC 27947 Donna Martin 106 Meadowlake Circle Jarvisburg, NC 27947 Jarvisburg, NC 27947 Donna Martin

Benny Winslow	Ronnie Winslow	3063 Colerain Rd	Kingsland, GA 31548	9589 0710 5270 0148 5425 13
Bobby O. Whitlow	Catherine C. Whitlow	12690 Hwy. 15 South	Clarksville, VA 23927	9589 0710 5270 0148 5425 20
Judy Carol Walker		7281 Caratoke Hwy	Jarvisburg, NC 27947	9589 0710 5270 0148 5425 37
Jonathan Younts	Kathryn Younts	5003 The Woods Rd	Kitty Hawk, NC 27949	7017 0660 0000 7184 2399
Additional Administ	rators, Owners, and Commissioners	Notified by USPS Certified Mail of Cor	nmunity Meeting	
Commissioner J. Owen Etheridge		109 Evergreen Drive	Moyock, NC 27958	9589 0710 5270 0148 5431 38
Commissioner Janet Rose		212 Poyner's Road	Moyock, NC 27958	9589 0710 5270 0148 5430 84
Commissioner Kevin E. McCord		119 Brumsey Landing	Moyock, NC 27958	9589 0710 5270 0148 5431 14
Commissioner Michael H. Payment		117 Barefoot Lane	Grandy, NC 27939	9589 0710 5270 0148 5430 91
Commissioner Paul O'Neal		893 Waterlily Road	Coinjock, NC 27923	9589 0710 5270 0148 5431 07
Commissioner Selina Jarvis		314 Reggie Owens Drive	Harbinger, NC 27941	9589 0710 5270 0148 5431 21
Commissioner Tony Angell		103 Scottie Lane	Knotts Island, NC 27950	9589 0710 5270 0148 5431 45
Currituck Planning & Insp. Dept.	Bill Newns	153 Courthouse Road, Suite 110	Currituck, NC 27929	9589 0710 5270 0148 5321 87
Green Acres Land Dev., Inc.		128 West Side Lane	Powell's Point, NC 27966	9589 0710 5270 0148 5428 72
Jennie Turner	Asst. Planning Director	153 Courthouse Road, Suite 110	Currituck, NC 27929	9589 0710 5270 0148 5425 51
No	ote: Community Meeting held at Powel	ll's Point Senior Center on 02/24/2025.		
No	tification Letters mailed to Recipients	by USPS Certified Mial on 02/08/2025.		
			· ·	



Green Acres Community Meeting - Powell's Point Senior Center, February 24, 2025, 7:00 PM

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

County Planning Officials	Signature
Bill Newns	
Jennie Turner	fe.
Jason Litteral	Dur Millet
Millicent Ott	
Jovita Hood	
Patrick Leary	2/24

Landowi	ner & Mine Øperator
Jeffrey A. Newbern, Sr.	MI

Attendees: Name	Address	Signature	Email Address
Bhina Coleman	7135 CARATOKE HULL	There Legalt Coleman	
Dames Coleman	1135 CARATORE	James Coleman	
Scott Janys	26/FERPER LID.	M. Scall Jacob	
DONALO GALLO	1053 SBANVIEWRY	and and	
Dail Bu	203 w mobilekd	Dul 13	
alenjallhur	100 TADJANKEHIZ	allas Ilhi	
Onled helles	103 Indian Kittle Rd.	Churchartacel	
Sen Bettinger	117 MEADOW LAKE CIRCLE	Les Biffs	
Melissa Bironer	140 Meadow Vake Girde	Junton	melissa_d_2001@yahoo.com
Josh Bushee	107 Summer Woods Rol.	land 1	Joseph
Konvie Biggs	1/3 Summer woods RD	A-Ba	
Culler smith/Chris	112 Meadow Lake Chide	(wer little.	
Ardrew + Meredith Stopler	s 108 madon Care Circle	afrithe marth le	
Meredith Stephis	108 Meadow ale Circh	Algebrah St	
Puricial tedgar	128 Maylaw Lake Mat. (Sopicion Por	patricia @ pledgerpalace.com
JAS ,			
Brandi Gibson	122 Meglow kake	built of	
KHITY CHIBSY	127 MOGENTE		

Community Meeting Summary - Green Acres - Feb 24, 2025

Will woods outside of perimeter berm in southwest corner be cut down?

No, that woods is outside of mine activity perimeter.

Will expansion affect our wells?

Minimal water leaving the mine now, no dewatering for excavation, 12-15,000 gals per day.
 Water level in pond will drop 1/32" per day, will increase ML pond ¼" per day. Monitor wells checked monthly.

Resident had well replaced with 100-ft well few years ago, now starting to get rotten egg smell in water. Is the aquifer drying up from other deep wells? Sinkholes possible?

 No sinkholes in our area, wrong soil types. Jeff: I have replaced shallow wells with deep wells, haven't heard any complaint until tonight. May need deeper well than 100-ft. Don't think pond is causing it. I'm replacing any shallow wells that are needed. Beyond that, maybe need a softener or a deeper well.

Resident: Jeff replaced her shallow well with deep well but starting to get rotten egg odor. Main concern is discharge into ML is not being controlled enough. Pond level varies, sometimes over her pond-side platform, sometimes much lower. Needs tighter control. And I should not have to call Jeff to notify about the pond level. Could you provide County water?

- Jeff: will monitor pond level more often. GA personnel monitor weekly but will increase monitoring. Water level was high due to supply pipe repair & then increased flow but pond level rose more than anticipated. Now back down to normal level.
- Jeff: will upgrade supply pipe with cutoff valve, will check into installing solid line, possibly installing return line with control valve.

Resident: why wasn't pump putting water in pond when their house burned down? Water intake for hydrant at west end of ML pond was above water level in pond.

 Hydrant is at shallowest end of pond, could be moved to other common area with deeper, no one services that hydrant, originally installed by developer.

Resident: pump is noisy, can hear it at night. Can build wall around? Will pump be closer with the expansion?

• Jeff: first I've heard about it, Can put another muffler, build berm around it & keep below natural ground level. New location of pump will be further away from ML than it is now. I'll address it. Pump runs at idle speed.

How much longer will mine operate with the expansion?

- Estimate 5-7 years, depends on demand. No firm end date. SUP is good for 10 years. GA trucks only, no major contractors.
- This expansion will max out the pit.

What will happen when the mine finishes operation?

 Reclamation will include sloping, grading & levelling of disturbed areas, & sowing groundcover.

Will farm field next to ML be sold?

- No plans have been discussed, would like to keep it the same. Hydration swale will be filled in at end.
- Berm will be removed, groundcover added.

What will happen when excavation ends and pump removed?

- Jeff: ponds & water table should stabilize, if it doesn't, we'll address it at that time.
- If you have a problem with your shallow well, we'll replace it.

Conclusion:

Some residents have shallow wells with no problems and do not want deeper wells or county water. Some residents have had deep wells installed with no problems afterward. Some others have had deep wells installed but have issues.

Water level in the pond was an issue. Jeff said he would improve the discharge pipe, increase monitoring of the pond level, would look into a regulator for the discharge, and address the pump noise issue.

I visited the resident who brought up the ML pond water level issue at her home on 02-25-25. She showed me the deck which has flooded on occasion and where the water level is now. Pond level today by my measurement was 8" below top of the bank at the east end of ML.

The above transcription of the Green Acres Mine Community Meeting on 02-24-2025 is true and correct to the best of my knowledge.

Ken Elliott

Recent

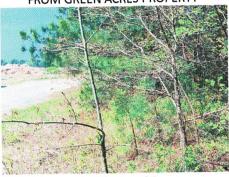
02-28-2025

FOLIAGE SCREEN ALONG NEWBERN/POLLOCK/LANDRON PROPERTY LINE WITH INTERIOR PHOTOGRAPHY OF PROPERTY LINE



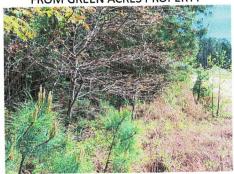
Aerial photo courtesy of Google Earth. Aerial dated 10/9/2022. Vehicles shown are no longer in place.

EXTERIOR, LOOKING WESTWARD FROM GREEN ACRES PROPERTY



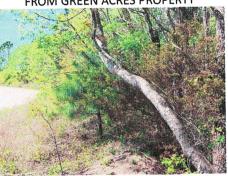
20-24' FOLIAGE BETWEEN P/L & ACCESS RD

EXTERIOR, LOOKING EASTWARD FROM GREEN ACRES PROPERTY



20-24' FOLIAGE BETWEEN P/L & ACCESS RD

EXTERIOR, LOOKING WESTWARD FROM GREEN ACRES PROPERTY



20-24' FOLIAGE BETWEEN P/L & ACCESS RD

EXTERIOR, LOOKING WESTWARD FROM GREEN ACRES PROPERTY



20-24' FOLIAGE BETWEEN P/L & ACCESS RD



EXTERIOR, LOOKING WESTWARD

20-24' FOLIAGE BETWEEN P/L & ACCESS RD



EXTERIOR, LOOKING WESTWARD

20-24' FOLIAGE BETWEEN P/L & ACCESS RD

INTERIOR, LOOKING EASTWARD, ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WESTWARD,
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES
GREEN ACRES PROPERTY ON THE LEFT

INTERIOR, LOOKING WESTWARD, ALONG DITCH PROPERTY LINE



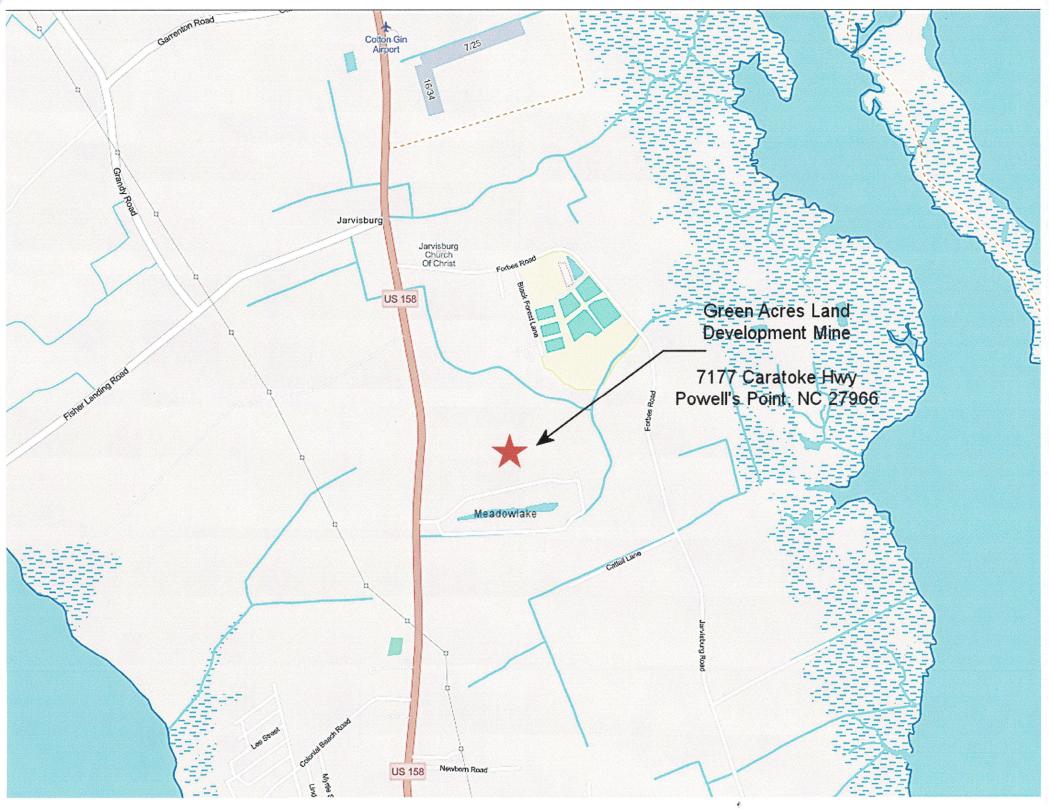
FOLIAGE ON BOTH SIDES
GREEN ACRES PROPERTY ON THE LEFT

The photography above shows the current status of vegetative screening along the Green Acres/Pollock property line, illustrating that proper screening is in place on Green Acres property along that entire portion of the permit area. Photos were taken on April 15, 2025, along the adjoining parcels.

Ken Elliott, Elliott Consulting For Jeffrey A. Newbern, Sr.

Keelent

April 21, 2025



Brian K. Newman PO Box 1450 Kitty Hawk, NC 27949

February 13, 2025

Ken Elliott
Elliott Consulting
PO Box 112
Aydlett, NC 27916

Dear Mr. Elliott,

I have received your letter on behalf of Green Acres Land Development, Inc. requesting to increase the size of the pond from 22.5 acres to 28.5 acres and hold a public meeting for the Special Use Permit. In my past dealings with Mr. Newbern and his company, Green Acres Land Development, Inc., I have found that they have the highest integrity and have been very responsive to the needs that we have had concerning our 6 properties on Meadow Lake Circle in Jarvisburg.

Of those 6 properties 3 are directly adjacent to Mr. Newbern's property at 7717 Caratoke Highway. I will support Mr. Newbern's request to expand the pond to 28.5 acres through excavation. I wish Mr. Newbern the best in having the Special Use Permit granted. If you would like me to send a copy of my letter to the Board please let me know and I will gladly be obliged.

Thank you,

Brian K. Newman

ELLIOTT CONSULTING

February 6, 2025

Bill Newns, Director Currituck County Planning & Inspections Dept. 153 Courthouse Road, Suite 110 Currituck, NC 27929

TYPICAL

RE: Community Meeting for Special Use Permit Application

Dear Mr. Newns:

We would like to invite you and nearby property owners to a community meeting regarding a planned Currituck County Special Use Permit application. Mr. Jeffrey A. Newbern, Sr., president of Green Acres Land Development, Inc., is proposing to modify the size of his existing 22-5-acre pond located at 7717 Caratoke Highway in Jarvisburg. Mr. Newbern plans to excavate the pond further and increase the size of the pond from 22.5 acres to 28.5 acres. The pond is on property owned by Mr. Newbern, parcel ID #010900000610000 and #0109000061A0000. Access to the excavation area will be via an existing private gated road from Caratoke Highway.

The purpose of this community meeting is to inform you and nearby property owners about the Special Use Permit application that will be reviewed under Currituck County's Unified Development Ordinance, and to provide you with an opportunity to give comments and receive information about the application. Notice of this meeting is in reference to UDO Section 2.3.8.C Evidentiary Hearing Procedures.

The community meeting will be held on Monday, February 24, 2025, at 7:00pm, at the Powell's Point Senior Center, 8011 Caratoke Highway, Powell's Point, NC 27966. For your convenience, those unable to attend the in-person meeting on February 24th, a virtual second and third community meeting will be held via ZoomTM as follows:

- Wednesday morning, February 26, 2025, at 10:00am Zoom Meeting link: https://tinyurl.com/green-acres-1
- Wednesday afternoon, February 26, 2025, at 4:00pm Zoom Meeting link: https://tinyurl.com/green-acres-2

It is the intention of Green Acres Land Development, Inc. to allow all interested parties an opportunity to ask questions or provide comments on the above project. If you are unable to attend any of the above scheduled meetings, please contact me for information about the project. I am available by phone at (252) 339-9021 or by email at ken@kenobx.com.

Thank you, we look forward to seeing you.

Ken Elliott

for Green Acres Land Development, Inc. 128 West Side Lane

Powell's Point, NC 27966

Kefeent

1-252-491-2121

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

GENERAL PERMIT NO. NCG020000 CERTIFICATE OF COVERAGE No. NCG020832

STORMWATER AND WASTEWATER DISCHARGES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Jeffrey Newbern

is hereby authorized to discharge stormwater and/or wastewater, as provided in the original Certificate of Coverage (COC), or subsequent COC modification, from a facility located at:

Green Acres Land Development Mine 7177 Caratoke Hwy Jarvisburg Currituck County

to receiving waters designated as Currituck Sound, class SC water(s) in the Pasquotank River Basin(s) in accordance with the stormwater pollution management requirements, monitoring and reporting requirements, and other conditions set forth in Parts I, II, III, IV, V, and VI of General Permit No. NCG020000 as attached.

This Certificate of Coverage shall become effective October 1, 2015.

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

Signed this day October 1, 2015.

for Tracy E. Davis, P.E., CPM

Bradly Benut

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

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

County of Currituck, NC

Planning and Inspections Dept. 153 Courthouse Rd., Ste. 110 Currituck, North Carolina 27929

Green Acres Land Development Sand Mine - Special Use Permit

Appendix A - Project History, Purpose of Use Permit, and Narrative

- 1. Mr. Jeffrey A. Newbern, Sr., president of Green Acres Land Development, Inc., PO Box 67, Harbinger, NC 27941, desires to expand his currently permitted Green Acres Land Development Sand Mine on two parcels located at 7177 Caratoke Hwy (US 158), 0.5 mile south of the Jarvisburg, NC Post Office. The two parcels are owned by Green Acres Land Development, Inc, and are identified in the Currituck County Tax Office as Parcel ID No.0109-000-0061-0000 (north parcel) and No. 0109-000-061A-0000 (south parcel), Deed Book 602, Deed Page 392, and Deed Book 602, Deed Page 388, being approximately 58.81 acres total, zoned Agricultural, and have been historically used for sand mining and agricultural activities.
- 2. The mine shall be titled the Green Acres Land Development Sand Mine and will allow the applicant and operator, Jeffrey A. Newbern, Sr., to excavate sand and topsoil in a 28.54-acre excavation, operating within an approved affected area of 35.20 acres and an approved permit area of 58.81 acres. The sand mine will have an average depth of 25 feet below natural ground level, and a maximum depth of 30 feet below natural ground level.
- 3. The excavated pit, stockpiles and processing areas will be constructed and located on the 58.81-acre combined parcels. There are 1.42 acres of wetlands on the south parcel (delineated by USACE in 2019, no expiration). The 28.54-acre excavation will encompass 49.73% of the 57.39 acres of uplands on the parcels, with a maximum percentage of 50% required by Currituck County Ordinance. Permitted acreage will have sufficient room for a sand mining operation.
- 4. The Green Acres Land Development Mine has been operating since 2002 and has undergone six approved modifications to the State permit to expand excavation acreage or modify operating procedures. There have been no recorded violations of the State or County mining permit in the last twelve months.

- 5. Access to the excavation area will be via an existing 200-ft long by 35-ft wide paved driveway with an entrance onto Caratoke Highway, located west of the excavation area. The access road will be gated and locked at the entrance 200 feet from Caratoke Highway and 152 feet from the Caratoke Highway right-of-way. Vehicles owned or contracted by Green Acres Land Development will be allowed onsite by right, all others by permission only.
- 6. Green Acres Land Development will complete the development strictly in accordance with the plans submitted to Currituck County Planning and Inspections Department, and the North Carolina Department of Environmental Quality, Division of Energy, Mineral and Land Resources.
- 7. After completion of the project the remaining pit will become a 28.54-acre pond, utilized for environmental habitat and recreational use by the landowner, and will increase the scenic and recreational value of the property.
- 8. The property contains one zoning designation: AG, Agricultural. All mining activities occur within the AG, Agricultural zoning district. Sand mining is a Permitted Use in an AG, Agricultural zoning district with an approved Use Permit.
- 9. The property is surrounded by the following land uses:
 - A. North: undeveloped woodland, zoned General Business; undeveloped woodland, zoned Agricultural.
 - B. South: Meadowlake subdivision, which has twelve parcels adjacent to Green Acres Mine. Six are developed parcels with one business and five residences zoned GB General Business, five undeveloped parcels zoned GB General Business, and one developed parcel with residence zoned Ag Agricultural.
 - C. East: two undeveloped parcels with woodland, zoned SFM Single Family-Mainland.
 - D. West: three undeveloped parcels zoned Ag Agricultural and GB General Business
- 10. Currituck County Soil Maps indicate one type of soil on the property: Pt (Portsmouth fine sandy loam) CnA (Conetoe loamy sand), No (Nimmo coarse sandy loam), and Mu (Munden fine sandy loam.
- 11. Current Currituck County Flood Maps indicate the entire mining permit area to be located in the area of minimal flood hazard, outside of the 500-year flood plain (Flood Zone X, 0.2% annual chance flood hazard) according to FIRM panel map 3720992000K, dated December 21, 2018. Flood zone lines near the permit area are illustrated on the attached parcel map.

Appendix B - Currituck County Applicable Standards, Findings of Fact

- 1. The proposed use will not endanger the public health or safety.
 - a. Site of the Proposed Use is located 330 feet from Caratoke Highway (US 158). Proposed Use access road will intersect with Caratoke Highway via a paved construction entrance at an 91.0° sight angle (north) and 92.5° (south), which is within specification of county UDO Section 4.2.5.A(5)(a). Caratoke Highway is a four-lane public road and is considered heavily travelled. The last traffic count taken in 2023 by NCDOT along Caratoke Highway near the Green Acres parcel showed an annual daily traffic count of 20.000 vehicles per day, an average of 833 vehicles per hour. The mine operator estimates there will be an maximum of 20 vehicles per day leaving the mine site and intersecting with Caratoke Highway, an increase of 1-2 vehicles per hour (0.24%) over the current traffic volume. Maximum trips per hour are anticipated to average 2-3 during peak operation of the mine.
 - b. Closest occupied residence (Bettinger) to the Proposed Use area is located 360 feet from location of mining activity and 560 feet from the proposed location of the dewatering pump. Residence is screened by 280-ft wide area of dense woodland. All other residences in Meadowlake subdivision are located a minimum of 400 feet from mining activity with 100-ft wide screen of woodland and 8-ft tall berms. A comparison of noise levels was taken from a similar sand mine operation utilizing a dewatering pump located at Parks Pit sand mine in Elizabeth City. Noise levels measured there across open land were found to be 47.7 decibels at 520 feet from the dewatering pump operation and 48.5decibels at 1000 feet from other mine activity, below the maximum 60 dB allowed by Chapter 9, Article II, Section 9-33 of the Currituck County Code of Ordinances. Noise levels were also measured along Caratoke Highway at the same distances from the highway as the closest residences to the mine site. Noise levels were found to be 48.8 52.4 decibels. The noise that may be generated by the Proposed Use will not be at a level that would materially endanger the public health and safety.
 - c. The Proposed Use will have adequate sediment and erosion control measures in place around all active areas of the site, including erosion control berms, groundcover on active areas to control erosion, and construction entrances on access roads to prevent sedimentation from leaving the site. All stormwater will drain internally to the mine excavation. Except for a 200-foot long by 35-footwide paved driveway, there will be no impervious surfaces inside the permit area.
 - d. The Green Acres Land Development Mine will not be dewatered for mining purposes. The operator will perform excavation activities with a long-reach excavator and loaders.
 - e. Per the approved DEQ Mining Permit #27-47, Operating Condition III.4.C, dewatering activities will be limited to pumping to the pipe that discharges to the residential lake located south of the

mine. No dewatering shall be permitted to the hydration ditch.

- f. At the request of property owners in the Meadowlake subdivision located south of the mine, the operator pumps fresh water by pipe from Green Acres Mine to Meadowlake Pond in Meadowlake Subdivision, to augment water level in the pond. Water amount added to Meadowlake Pond is approximately 12,000 gallons per day. This is the only outside discharge from mine dewatering from the Green Acres Mine.
- g. Previously installed groundwater monitoring well #1 will continue to be maintained on north side of excavation area (see map), located 122 feet north of excavation edge. Monitoring well is checked monthly for groundwater levels and results reported quarterly to Currituck County Planning & Inspections Department.
- h. Previously installed groundwater monitoring well #2 will continue to be maintained on south side of excavation area (see map), located 290 feet from proposed excavation edge. Monitoring well is checked monthly for groundwater levels and results reported quarterly to Currituck County Planning & Inspections Department.
- i. Water removed from Green Acres Mine for water supply to Meadowlake subdivision pond will continue to be tested quarterly by a State-certified laboratory for turbidity, total suspended solids, enterococcus, and on premises for salinity and pH. The purpose of this analysis is to prevent excess sedimentation from leaving the mining activity area. Results from the analyses are reported quarterly to Currituck County Planning and Inspections Department.
- j. Data from Currituck County Water Department indicates approximately thirty-three (33) active groundwater pumps and wells in use within 1500 feet of the proposed Green Acres Mine expansion area, closest being 420 feet away.
- 2. The Proposed Use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
 - a. Mining activities in the subject parcel will occur behind a natural full growth foliage visual screen minimum 60 feet wide north and south of mining activity which will limit the impact of noise from the Proposed Use and will screen the activity from adjoining properties. 20-ft tall x 35-ft wide intermittent visual screening exists westward between mining activity and Caratoke Hwy. One residence located 300 feet west of mining activity is screened by 100-ft wide full growth woodland. The Green Acrees mine site is adjacent to undeveloped farm fields to the west and undeveloped

woodland to the east. Mining activities will occur behind other internal sand berms which, along with distance, will screen activities from the east and west.

- b. The Proposed Use will comply with the setbacks required by UDO Section 4.2.5.A(3)(a) and will include all landscape buffers that meet the requirements of UDO Section 4.2.5.A(3)(b), both of which will limit the Proposed Use's impact on adjoining property.
- c. The Applicant has requested the services of Mr. Kim B. Tate, SRA, RES, of Tate Appraisal & Consultation, Inc., who will present appraiser testimony on the issue of whether the Proposed Use would substantially injure the value of adjoining property to the Green Acres mine site.
- d. The Proposed Use is intended to serve the growing residential and commercial area of Lower Currituck County in which the Green Acres mine site is located. Sand is a required component in many types of residential and commercial construction, and the location of the Proposed Use will benefit the local community with reduced costs of this commodity due to lower transportation costs.
- e. Green Acres Land Development Mine site is located on a parcel zoned AG Agricultural. Mining is a permitted use on a parcel zoned AG Agricultural with an approved Use Permit.
- 3. The Proposed Use will be in conformity with the Land Use Plan or other officially adopted plan.
 - a. The Green Acres mine site parcel is in the Jarvisburg Land Use Plan Subarea and is designated as a Limited Service class in the Currituck County Land Use Plan with low-density growth. There will be no structures or residential development on the Subject Property.
 - b. The Subject Property is in the AG Agricultural zoning district. Sand mining is a permitted use in an AG Agricultural zoning district with an approved Use Permit and is therefore not an incompatible land use.
 - c. The Proposed Use is believed to be in conformity with the Currituck County Land Use Plan and the Unified Development Ordinance.
- 4. The Proposed Use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.
 - a. The Proposed Use will not add any additional burden on schools, fire and rescue, law enforcement or other public facilities due to the nature of the Proposed Use itself. The site will have no structures, no electrical, phone or public water requirements. The remaining pond will be available as a water source

for usage by EMS if needed. The proposed Use is expected to have minimal to no impact on the County's public facilities.

Additional Considerations for the Operation of the Green Acres Land Development Mine

- 1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Currituck County Board of Commissioners.
- 2. All trucks hauling mined or quarried materials (i.e., sand, clay, topsoil) shall be covered with a tarpaulin when materials extend above the raised board of the truck.
- 3. All trucks hauling mined or quarried materials will utilize the single paved mine access road entrance to Caratoke Highway. A locking gate provides security to the access road entrance.
- 4. The mine operator estimates there will be a maximum of 20 vehicles per day leaving the mine site and intersecting with Caratoke Highway, an increase of 1-2 vehicles per hour over the current traffic volume. Maximum trips per hour are anticipated to average 2-3 during peak operation of the mine.
- 5. No bulk waste, hazardous waste, commercial waste, garbage, construction, or demolition waste will be placed on the site.
- 6. A weekly log shall be maintained by the operator to ensure on-going maintenance of sediment and erosion control devices.
- 7. This Special Use Permit is requested to be valid for 10 years.
- 8. "No Trespassing" signs will be posted around the mining permit area at a maximum distance of 250 feet apart indicating that a mining operation is being conducted on the property.
- 9. Copies of the following documents shall be provided to Currituck Planning and Inspections Department prior to the start of this project:
 - a. Approved NCDEQ Division of Energy, Mineral & Land Resources mining permit.
 - b. Approved NCDEQ Stormwater Program and National Pollutant Discharge Elimination System general permit for removing water from the Green Acres Mine site and transfer to Meadowlake Pond..

- c. Approved water usage registration with the NC Division of Water Resources.
- 10. The hours of operation of the mine shall not be beyond sunrise to sunset. No mining activities will be conducted on Saturdays from Memorial Day through Labor Day, or any Sunday.
- 11. A sign shall be placed at the entrance to the property showing the applicant's name, telephone number and basic permit information.
- 12. All provisions of state and federal permits shall remain valid, and any conditions required within the permits shall be upheld throughout the lifetime of the mining operation.
- 13. If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 14. Sequence of events for the development and operation of the Green Acres Land Development Mine:
 - a. Operator will obtain all required mining permits from NCDEQ.
 - b. Operator will maintain existing 35' wide paved construction entrance joining intersection of mine access road and US 158 Caratoke Highway. Paved entrance will be 200 feet long.
 - c. Operator will maintain existing locking gate to be located across the mine access road entrance 80 feet from intersection with the Caratoke Highway right-of-way.
 - d. Operator will remove topsoil in unexcavated area down to 2.5 feet below natural ground level, and stockpile overburden for use in erosion control berms.
 - e. Operator will construct a 2-ft tall x 10-ft wide (2:1) vegetated berm for erosion control along the perimeter of processing areas.
 - f. Operator will maintain existing foliage and cultivated field visual screen along perimeter of the affected area.
 - g. Operator will maintain existing Godwin Dri-Prime or similar model water transfer pump at the south corner of the main excavation. The pump will remove approximately 12,000 gallons of water per day from the main excavation and discharge it into Meadowlake Pond adjacent to excavation for use by residents upon their need.
 - h. Operator will continue existing excavation of the main pond (28.54 acres) by digging with long-reach excavator and removing sand & topsoil to maximum depth feasible without dewatering the excavation.
 - i. 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.
 - j. Pond will be excavated to average 25 feet and maximum 30 feet below normal ground level.

- Excavated material (sand) will be stockpiled in unexcavated portion of proposed excavation area. Sand will be loaded onto trucks and removed from area via paved construction entrance to US 158 Caratoke Highway.
- k. After all excavation is complete, operator will establish groundcover on 3:1 above-water slopes of excavation and will construct a minimum 8-ft wide 4:1 berm around excavation edge to prevent erosion of pond slopes, with outside edge of berm graded down to natural ground level.
- Former stockpile / berm areas and processing areas outside of main excavations will be graded, leveled, and seeded with groundcover. Areas will be allowed to return to previous non-erosive field state.
- m. Former hydration swale area will be filled with soil removed during its construction. Ground will be levelled and sown with ground cover.
- n. 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.
- o. Remaining affected areas inside main permit area will be fertilized and returned to natural field state.
- p. Remaining 28.54-acre pond will be utilized by Green Acres Land Development, Inc. for scenic & recreational purposes, and for wildlife habitat.
- 15. Reclamation of the sides of the excavated pond and the general permit area will be conducted simultaneously with mining operations according to NCDEQ specifications. Annual Reclamation Reports will be submitted to Currituck County Planning and Inspections and to NCDEQ in August of each year.
- 16. Green Acres Land Development will maintain a State-required minimum 25-ft wide bonded unexcavated buffer (no excavation in buffer, but roadways, berms and erosion & sedimentation control measures may be installed within it) between mining activity and the undisturbed buffer, per NCDEQ mining permit requirements.
- 17. Green Acres Land Development will maintain a minimum 100-ft property line setback, required by Currituck County ordinance, on all sides of the permit area between affected area and adjacent property lines.
- 18. Green Acres Land Development will maintain a minimum 300-ft setback, required by Currituck County ordinance, on all sides of the permit area between affected area and adjacent residences, commercial buildings, or public highways.

- 19. Green Acres Land Development will maintain an existing reclamation bond of \$30,800 with NCDEQ to guarantee correct reclamation of the property once excavation has been completed.
- 20. All provisions of State and local permits shall be met.
- 21. If at any time the NCDEQ permits for this mining project are revoked or suspended, the revocation or suspension will cause the Currituck County Use Permit to become void.
- 22. Any modifications to the State permit will be filed within 10 days to Currituck County Planning and Inspections Department.
- 23. Surrounding areas use (agriculture) will not be affected by location of sand mine. Sand mine will enhance storm water drainage of adjacent fields and can supply water for irrigation efforts. Excavated pond can also serve as water source for the local volunteer fire department and EMS service if needed.
- 24. On a yearly basis, the operator anticipates an average of no more than 4-5 people will be present for excavation purposes on site at any given time. Vehicular traffic will be minimal, operator anticipates a daily maximum of 20 trucks transporting sand. Noise from loaders and excavators will be mitigated by presence of sand berms and foliage along perimeter of sand mine. Dewatering pump will be located at furthest point away from residences in corner of excavation surrounded by berms or below ground level, running at idle speed.
- 25. No fume generation or land clearing burning will be necessary to prepare area for excavation.
- 26. Dust from access and haul roads will be controlled by 10-mph maximum speed limit for haul trucks on the premises, and application of water to roads will help minimize dust. Topsoil stockpile areas and berms will be stabilized with groundcover to reduce wind and water erosion.
- 27. The mine access road entering from Caratoke Highway will be properly graded and drained to minimize potholes and standing water. Roadside drainage ditches will have rock dams installed to mitigate sedimentation leaving the site.
- 28. Limited ingress/egress to site will insure safe traffic movement. Trucks will exit Green Acres mine site on a paved access road directly onto four-lane US 158 Caratoke Highway. Proposed maximum removal is up to 20 truckloads per day.
- 29. No explosives will be used during excavation of the Bayview Sand Mine.

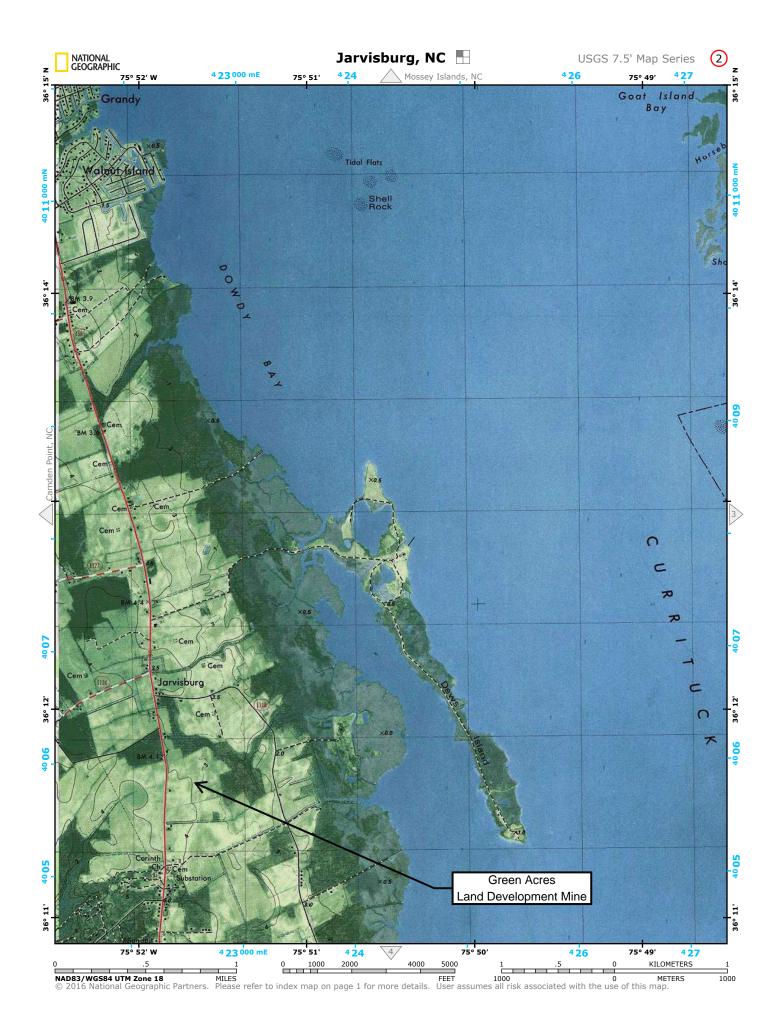
- 30. No solvents or other chemical reagents will be stored onsite during excavation of the Green Acres Mine.
- 31. Green Acres Land Development will maintain a locked gate at the mine access road entrance to help prevent inadvertent public entry.
- 32. Drainage patterns of the area will not be altered to cause flooding off-site while the permit is valid and after reclamation.
- 33. An approved NCDEQ Division of Energy, Mineral & Land Resources Mining Permit for modification of the Green Acres Land Development Mine, and an NCDEQ DEMLR NCG02 Notice of Intent General Permit application for dewatering is on file with the Currituck County Planning and Inspections Department.
- 34. An NCDEQ DEMLR Stormwater permit application will be submitted if required by NCDEQ. A stormwater permit has not been required thus far due to minimal impervious surface impact in the affected area.
- 35. No sewage will be generated during the mining operation or after reclamation.
- 36. No permanent constructions will be present on the mine site or permit area.
- 37. No single-family homes or dwellings will be constructed on this property during the permit period.
- 38. Sole drinking water supply in this area is well water. No drinking water wells are planned to be in this project area. Closest private well or septic system is located 360 feet from proposed excavation edge.
- 39. The proposed mining operation should not negatively affect or impact the ability of Currituck County to provide public services. The remaining sand pit will be available as a water source to the local Volunteer Fire Department and EMS.

The applicant shall complete the development strictly in accordance with the plan submitted to and approved by the Currituck County Board of Commissioners, in addition to those additional requirements contained herein. The applicant acknowledges that if any of the conditions affixed hereto or any part thereof shall be held invalid or void then this permit shall be void and of no effect.

Ken Elliott

Elliott Consulting For Jeffrey A. Newbern, Sr., president Green Acres Land Development, Inc. May 21, 2025

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U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

Action Id. SAW-2019-01841 County: Currituck County U.S.G.S. Quad: Jarvisburg

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: Green Acres Land Development Inc

Address: PO Box 332

Powells Point, NC, 27966

Telephone Number: (252) 491-2121

Size (acres) 8.04 Nearest Town Jarvisburg

Nearest Waterway Currituck Sound River Basin Albemarle-Chowan USGS HUC Coordinates Latitude: 36.193466

Longitude: <u>-75.85746</u>

Location description: The project area under review is located at the Green Acres Land Development Mine, located in Jarvisburg, Currituck County, North Carolina. The review area consists of 8.04 undeveloped forested acres directly adjacent to the current operating mine.

Indicate Which of the Following Apply:

A. Preliminary Determination

- X There are waters on the above described project area, 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 waters have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. 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 are wetlands on the above described 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 waters, including 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 waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your 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 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 waters of the U.S., including wetlands, on the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
 - _ We recommend you have the waters of the U.S. on your 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.

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- _ The waters of the U.S., including wetlands, on your project area have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.
- _ The waters of the U.S., including wetlands, have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on ______. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- X 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 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 Krystynka Stygar@usace.army.mi.

- C. Basis For Determination: This review area, and project area does not exhibit wetland criteria as described in the 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coast Regional Supplement. The waters of the United States maintained an Ordinary High Water Mark and is connected to the Currituck Sound a Traditional Navigable Waterbody.
- D. Remarks: Please see attached map titled, "Jurisdictional Determination Map: Green Acres Land Development Mine by Elliott Consulting Oct 31,2019"

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 for Approved Jurisdiction Determinations (as indicated in Section B. above)

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: Philip Shannin, Appeal 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 NA.

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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: Nate: Nate:

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm apex/f?p=136:4:0.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Green Acres Land Development Inc	File Number: SAW-2019-01	841	Date: <u>November 15,</u> 2019
Attached is:			tion below
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)			A
PROFFERED PERMIT (Standard Permit or Letter of permission)			В
PERMIT DENIAL			C
APPROVED JURISDICTIONAL DETERMINATION			D
□ PRELIMINARY JURISDICTIONAL DETERMINATION			Е

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

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

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

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

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

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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 INF	ORMATION:			
If you have questions regarding this decision and/or the	If you only have questions rega	arding the appeal process you may		
appeal process you may contact:	also contact:			
District Engineer, Wilmington Regulatory Division,	Mr. Philip Shannin, Administra	ative Appeal Review Officer		
Attn: Krystynka Stygar	CESAD-PDO			
2407 West 5 th Street	U.S. Army Corps of Engineers	, South Atlantic Division		
Washington, NC 27889	60 Forsyth Street, Room 10M1	5		
	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 duri	ng the course of the appeal proce	ess. You will be provided a 15 day		
notice of any site investigation, and will have the opportunit	y to participate in all site investig	gations.		
	Date:	Telephone number:		
Signature of appellant or agent.				

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Krystynka Stygar, 2407 West 5th Street, Washington, NC 27889

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. Philip Shannin, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801 Phone: (404) 562-5137



Cameron Ingram, Executive Director

February 2, 2024

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

Dear. Mr. Elliott,

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

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

Sincerely,

Maria T. Dunn

Habitat Conservation Division

Permanent Seeding Specifications

<u>Dates</u>	<u>Species</u>	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- temporar	ry) 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.

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR PJD: November 15, 2019
- **B. NAME AND ADDRESS OF PERSON REQUESTING PJD:** Ken Elliott, 202 Elliott Road, PO BOX 112 Aydlett, NC 27916
- C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington, Green Acres Land Development Inc/Currituck/PJD, SAW-2019-01841
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

(QUATIC RESOURCES AT	T DIFFERENT SITES)	
	State: NC	County/parish/borough: Currituck County	City: Jarvisburg
	Center coordinates of site ((lat/long in degree decimal format): Lat.: 36.1	93466° Long.:-75.85746°
	Universal Transverse Merc	eator:	

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

☐ Office (Desk) Determination. Date:	
--------------------------------------	--

Name of nearest waterbody: Currituck Sound

☑ Field Determination. Date(s): October 23, 2019

TABLE OF AQUATIC RESOURCES INREVIEWAREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site	Latitude (decimal	Longitude	Estimated amount of	Type of aquatic	Geographic authority to
Number	degrees)	(decimal degrees)	aquatic resources in	resources (i.e.,	which the aquatic resource
			review area (acreage	wetland vs. non-	"may be" subject (i.e.,
			and linear feet, if	wetland waters)	Section 404 or Section
			applicable		10/404)
Wetland A	36.194940	-75.856885	1131 LF	NON-WETLAND	SECTION 404
				WATERS	

- 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 should be included in subject file. Appropriately reference sources below where

indicated for all checked items:	
Maps, plans, plots or plat submitted by or Map: Ken Elliott for Green Acres Land Deve	
☐ Data sheets prepared/submitted by or on b	pehalf of the PJD requestor.
Office concurs with data sheets/deline	ation report.
Office does not concur with data sheet	s/delineation report. Rationale:
☐ Data sheets prepared by the Corps: K. Sty	gar 10/23/2019
Corps navigable waters' study:	
☑ U.S. Geological Survey Hydrologic Atlas:	Google Earth Pro: Earth Point Topp Map: USGS quadrangles 4/2014
☐ USGS NHD data.	
☑USGS 8 and 12 digit HUC maps.	
U.S. Geological Survey map(s). Cite scale	& quad name:
	Soil Survey. Citation: NRCS SoilWeb interface to USDA-NCSS
☐ National wetlands inventory map(s). Cite	name:
State/local wetland inventory map(s):	
FEMA/FIRM maps:	<u> </u>
☐ 100-year Floodplain Elevation is:	_ (National Geodetic Vertical Datum of 1929)
	Google Earth Pro 3/2017, 4/2016, 3/2013
or ⊠Other (Name & Date): On_site Taken	10/23/2019 by K. Stygar
Previous determination(s). File no. and da	ate of response letter:
Other information (please specify): Site V	isit Conducted 10/23/2019
IMPORTANT NOTE: The information records	
verified by the Corps and should not be relied udeterminations.	upon for latter jurisdictional
Krysto Sugar	
Signature and date of Regulatory staff member completing PJD	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.