



WAYNE COUNTY DEVELOPMENT
ALLIANCE BANK PARCEL
Wayne County, North Carolina

BANK PARCEL DEVELOPMENT PACKAGE

Issue Date: April 27, 2012



Prepared By:



**Environmental Banc &
Exchange, LLC**

In Association With:



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1 0 Project Location and Description

Located off of Arrington Bridge Road at its intersection with John Street in Goldsboro North Carolina (**Figure 1**), is the proposed Neuse buffer and nutrient offset restoration area currently known as the Wayne County Development Alliance Bank Parcel (Bank Parcel) The Bank Parcel easement will total approximately 64.41 acres of the +/- 132.89 acres in total tract area Proposed restoration activities within the Bank Parcel include a total of approximately 6.47 acres of Neuse buffer and another 57.94 acres of nutrient offset (**Figure 2**) The Bank Parcel will provide a total of approximately 131,698,778 pounds of nitrogen nutrient offset credit (2,273.02 pounds per acre) The Bank Parcel is comprised three (3) tracts of land (Wayne County Parcel Identification Numbers 2598449002, 2598632250 and 2598543857) The Bank Parcel will be developed in two (2) phases Phase I and Phase II (**Figure 2**) Phase I consist of Parcel Number 2598449002 (+ 52.75 acres) and is located at the northwest corner of the intersection of Arrington Bridge Road and John Street Phase II consists of Parcel Numbers 2598632250 (+ 73.11 acres) and 2598543857 (+ 7.03 acres) Parcel Number 2598632250 is located at the northeast corner of the intersection of Arrington Bridge Road and John Street Parcel Number 2598543857 is located north of Parcel Number 2598449002 along the west side of John Street and is separated from Parcel Number 2598449002 by a railroad easement and a utility line easement A conservation easement will be recorded around the restoration areas within the overall Bank Parcel The remaining +/- 68.48 acres located on the three (3) parcels of land will not be subject to the proposed conservation easement

The proposed Bank Parcel is located within the Neuse River Basin (8 digit USGS HUC 03020201) The Bank Parcel is located immediately adjacent to the west of 8 digit USGS HUC 03020202 In fact approximately 25 percent of the eastern section of Parcel Number 2598632250 drains into 8 digit USGS HUC 03020202 On December 1 2011 the North Carolina Department of Environment and Natural Resources Division of Water Quality (DWQ) rendered a determination as to the applicability of the Neuse River Riparian Buffer Rules (15ANCAC 02B 0233) for six (6) surface water features located on Parcel Numbers 2598449002, 2598632250 and 2598543857 (**Appendix C**) Based on the determination features 02, 03, 04 and 05 were determined to be jurisdictional streams and are subject to the Neuse River Riparian Buffer Rules The remaining features were determined to be drainage features and not subject to the Neuse River Riparian Buffer Rules It should be noted that jurisdictional stream feature 03 drains into 8 digit USGS HUC 03020202 and does not drain into 8 digit USGS HUC 03020201 Therefore the Bank Parcel does not include jurisdictional stream feature 03

Stormwater runoff from the Bank Parcel drains into an unnamed tributary of the Neuse River (Stream Index #27 (56)) According to the N C Division of Water Quality Basinwide Information Management System (BIMS) the Neuse River is classified as Class C and NSW (Nutrient Sensitive Waters) in this location The C classification is for waters protected for uses such as secondary recreation, fishing, wildlife, fish consumption, aquatic life including propagation, survival and maintenance of biological integrity and agriculture while the NSW designation is for Nutrient Sensitive Waters

The purpose of this Bank Parcel is to improve water quality within the Neuse River watershed by providing off site mitigation for development (both existing and proposed) requiring stream buffer mitigation and nutrient offset credits The proposed Bank Parcel Service Area is the area contained within 8 digit USGS HUC 03020201

This Bank Parcel shall be established under the terms and conditions of the EBX Neuse Riparian Buffer Umbrella Mitigation Bank (Bank) made and entered into by EBX Neuse I LLC (EBX) acting as the Bank Sponsor and the North Carolina Department of Environment and Natural



Resources Division of Water Quality (DWQ) and was entered into by the parties on November 10 2008

2 0 Project Area Existing Conditions

2 1 Geologic & Soil Characteristics

Based upon review of the United States Geological Survey (USGS) Southwest Goldsboro and Southeast Goldsboro, North Carolina Quadrangle the proposed Bank Parcel contains elevations ranging from ± 65 feet to ± 70 feet and is relatively flat Topographic relief and surface drainage is generally southeast (**Figure 3**)

The Bank Parcel is located within the Southeastern Plains Province of North Carolina specifically within the Southeastern Floodplains and Low Terraces ecoregion A review of the Ecoregions of North Carolina and South Carolina (Griffith *et al* 2002) shows the geology in the area of the property is comprised of alluvium and terrace deposits of sand clay and gravel and is associated with major river floodplains and low terraces

The Soil Survey of Wayne County, North Carolina (Soil Conservation Service 1974) lists the soils within the property as from the Wickham Jones Association As stated in the soil survey these soils can be generally classified as well drained to somewhat poorly drained nearly level to gently sloping soils that have a friable sandy loam to clay loam subsoil located on terraces As described by the online USDA NRCS Official Soil Series Descriptions (OSD) the specific soils within the project area (**Figure 4**) are shown below in **Table 1**



Table 1 Mapped Soils within the Bank Parcel

Soil Type	Hydrologic Soil Group	General Description
Kalmia loamy sand (KaA)	HSG B	This soil consists of well drained nearly level to moderate steep soils on broad smooth terraces and short slopes on upland divides Infiltration is moderate surface runoff is slow, and permeability is moderate
Kenansville loamy sand (KeB)	HSG A	This soil consists of well drained nearly level to gently sloping soils on smooth broad flats and slightly convex divides on uplands and terraces Infiltration is moderately rapid surface runoff is slow and permeability is moderately rapid
Lakeland sand (La)	HSG A	This soil consists of excessively drained nearly level to gently sloping soils in broad undulating areas and rounded divides on uplands and terraces Infiltration is rapid, surface runoff is slow, and permeability is rapid
Lumbee sandy loam (Lv)	HSG B/D	This soil is poorly drained nearly level soils in shallow drainage ways and broad smooth flat areas on terraces Infiltration is moderate surface runoff is very slow and permeability is moderate
Rimini sand (Rm)	HSG A	This soil consists of excessively drained nearly level soils Infiltration is rapid surface runoff is very slow and permeability is moderate
Wickham loamy sand (WhA)	HSG B	This soil is well drained soil on smooth low ridges on stream terraces Infiltration is moderate surface runoff is medium, and permeability is moderate
Wickham sandy loam (WkB2)	HSG B	This soil is a well drained soil on smooth low ridges on stream terraces Infiltration is moderately slow surface runoff is medium and permeability is moderate

2.2 Vegetative Communities

The Bank Parcel is currently within active agricultural activities and currently contains corn fields which have been recently harvested Land located adjacent to the Bank Parcel is comprised of active agricultural fields which have historically cultivated corn and soybean crops

There are areas along the unnamed tributaries and along Arrington Bridge Road which contain relic forest/shrub communities These fringe forest/shrub areas have been impacted by historical agricultural activities Species such as sweetgum (*Liquidambar styraciflua*) red maple (*Acer rubrum*) tulip poplar (*Liriodendron tulipifera*) giant cane (*Arundinaria gigantea*) willow oak (*Quercus phellos*) water oak (*Quercus nigra*) were observed Small significant population of non native invasive species including privet (*Ligustrum sinense*) and multiflora rose (*Rosa multiflora*) were also observed which are indicative of a disturbed forest community Since these fringe forest/shrub areas have been disturbed a reference forested community was examined to gain insight as to the type of forested community which would have been on the Bank Parcel if agricultural activities had not occurred One such reference forested community located approximately 0.7 miles west of the Bank Parcel was examined The reference forested community is generally characterized as a Basic Mesic Forest (Coastal Plain Subtype) according to the North Carolina Natural Heritage Program (NHP) classification system (Schafale and Weakley 1990) The canopy and understory is dominated by southern red oak (*Quercus pagodifolia*) willow oak water oak white oak (*Quercus alba*) sweetgum red maple tulip poplar (*Liriodendron tulipifera*) red



cedar (*Juniperus virginiana*) beech (*Fagus grandifolia*) American holly (*Ilex opaca*) dogwood (*Cornus florida*) American elm (*Ulmus Americana*) paw paw (*Asimina triloba*) swamp bay (*Persea palustris*) giant cane and highbush blueberry (*Vaccinium corymbosum*)

2.3 Threatened and Endangered Species

Some populations of plants and animals are declining because of natural forces or their inability to coexist with human activity. Plants and animals with Threatened or Endangered status are protected under the Endangered Species Act (ESA) of 1973 (16 US 1531 et seq). According to the U.S. Fish and Wildlife Service (USFWS) web page (<http://www.fws.gov/nc/es/es/countyfr.html>) accessed October 4, 2011, there is one (1) endangered species (red cockaded woodpecker (*Picoides borealis*)) and nine (9) federal species of concern (American eel (*Anguilla rostrata*), Carolina madtom (*Noturus furiosus*), Pinewoods shiner (*Lythrurus matutinus*), Rafinesque's big eared bat (*Corynorhinus rafinesquii*), Southern hognose snake (*Heterodon simus*), Atlantic pigtoe (*Fusconaia masoni*), Yellow lance (*Elliptio lanceolata*), Cuthbert turtlehead (*Chelone cuthbertii*), and Pondspice (*Litsea aestivalis*)) potentially occurring in Wayne County. The bald eagle (*Haliaeetus leucocephalus*) is also listed as occurring in Wayne County and is protected under the Bald and Golden Eagle Protection Act (BGPA) (16 US 668 668d). In addition, the NC Natural Heritage Program (NCNHP) website identifies another twenty (20) State listed species as endangered, threatened, significantly rare, or of special concern, also potentially occurring in the county. A review of the NCNHP database of documented occurrences (<http://www.ncnhp.org/Pages/heritagedata.html>) accessed October 4, 2011, revealed the presence of the Chicken Turtle (*Deirochelys reticularia*) within a two (2) mile radius of the site.

EcoEngineering conducted field surveys on October 5, 2011, by walking transects within the Bank Parcel area. The objective of the field surveys was to determine the presence of federally Threatened or Endangered species within the Bank Parcel area. There were no federally Threatened or Endangered species observed during the field surveys. The work inherent in restoring riparian buffers does not result in habitat destruction or modification for the above-listed species. Therefore, it is reasonable to conclude the proposed work will have No Effect on Threatened and Endangered species.

2.4 Cultural Resources

A review of the NC State Historic Preservation Office (SHPO) HPOWEB GIS Service database (<http://gis.ncdcr.gov/hpoweb/>) accessed October 4, 2011, was completed as part of the site due diligence. According to their website, HPOWEB has current locational data for all National Register listings, most Study List entries, and Determinations of Eligibility and surveyed rural properties for many counties. There are no listings within the Bank Parcel. Please note there are no properties listed on the HPOWEB GIS service that fall under the National Register, the Study List, or Determined Eligible classification within one mile of the restoration project, though there are properties shown on the National Register within a two-mile radius. Since there are no database entries on the subject property, it is reasonable to conclude the proposed restoration project will not have an adverse impact with regards to this issue.

2.5 Environmental Issues

Preliminary data was obtained from Environmental Data Resources, Inc. (EDR) regarding the potential for on-site or nearby sources of contamination. EDR maintains an updated database of current and historical sources of contamination. All storage tanks, whether above ground or underground, are identified, as well as superfund sites, landfills, hazardous



waste sites and other potential hazards According to EDR records there is one small quantity generator within 0.24 miles southwest of the Bank Parcel one conditionally exempt small quantity generator within 0.24 miles southwest of the Bank Parcel one registered underground storage tank within 0.24 miles southwest of the Bank Parcel and four leaking underground storage tanks within 0.5 mile west of the Bank Parcel Soil and water contamination was noted with the four leaking underground storage tank listings and all incidences have been closed out with removal and remedial actions conducted for each tank The Bank Parcel is separated from the four listed leaking underground storage tanks by adjacent topographic gradients which grade away from the Bank Parcel It is believed the four listed leaking underground storage tanks are not impairments to the Bank Parcel due to separate topographic gradients and the close out and remedial actions associated with each tank

2.6 FEMA Floodplain / Floodway Mapping

As shown in **Figure 5** the entire Bank Parcel is located within the Federal Emergency Management Association's (FEMA's) designated floodplain associated with the Neuse River but outside of the mapped floodway Prior to implementing the restoration plan within the proposed Bank Parcel the Bank Sponsor will coordinate with the local community official responsible for development within the floodplain to ensure all local floodplain development ordinances have been met A floodplain development permit (if required) will be obtained by the Bank Sponsor prior to implementation of the restoration plan

3.0 Proposed Neuse Buffer & Nutrient Offset Restoration Plan

Cultivated lands located within 50 feet of jurisdictional stream features (measured from top of bank) as determined by DWQ (DWQ Buffer Determination Letter **Appendix C**) and that are outside forested areas within the Bank Parcel will be considered for Neuse buffer restoration Therefore cultivated land located 50 feet from jurisdictional stream features 02.04 and 05 will be considered for Neuse buffer restoration Cultivated lands located 50 feet to 200 feet from jurisdictional stream features and drainage features (measured from top of bank) that are outside forested areas within the Bank Parcel will be considered for nutrient offset restoration All areas will be ripped and scarified prior to vegetation planting activities The established microtopography on leveled surfaces will promote diffuse flow and surface water storage In addition subsurface hardpans will be eliminated to promote vegetation growth/survival and to increase groundwater recharge rates Existing grasses may be treated with herbicide to reduce competition with planted species Where necessary invasive species will also be treated with herbicide to ensure they do not become dominant or hinder the establishment growth and survival of planted vegetation It is important to note the Bank Sponsor may elect to use the initial 50 feet on each side of the stream bank as either Neuse buffer or nutrient offset restoration but not both

The proposed riparian planting plan will be developed by integrating native plant species observed within the Bank Parcel area in addition to selected species known to inhabit Basic Mesic Forests (Coastal Plain Subtype) community type as described in Classification of the Natural Communities of North Carolina (Schafale and Weakley 1990) and procedures outlined in Guidelines for Riparian Buffer Restoration (NCEP 2004) to institute species diversity The restored riparian zone will be planted with bare root seedlings or containerized material Bare root seedlings or containerized material will be planted during the fall or early spring seasons Supplemental planting will be utilized until the required densities have been achieved and maintained for five years

The planting plan for Neuse buffer and nutrient offset restoration areas will consist of individual tree species as listed in the **Table 2** below The goal is to plant 436 to 681 trees per acre with



an approximate 8 foot to 10 foot spacing Plant composition will consist of at a minimum of at least six (6) of the tree species Planting is required such that a density sufficient to provide an average of 320 trees per acre following five years of successful monitoring at the Bank Parcel

Table 2 Plant List

Scientific Name	Common Name
Trees	
<i>Fraxinus pennsylvanica</i>	green ash
<i>Platanus occidentalis</i>	sycamore
<i>Quercus pagoda</i>	cherrybark oak
<i>Betula nigra</i>	river birch
<i>Quercus nigra</i>	water oak
<i>Quercus phellos</i>	willow oak
<i>Quercus michauxii</i>	swamp chestnut oak
<i>Quercus alba</i>	white oak
<i>Carya cordiformis</i>	bitternut hickory
<i>Ulmus americana</i>	American Elm
<i>Liriodendron tulipifera</i>	tulip poplar
Small Trees	
<i>Asimina triloba</i>	pawpaw
<i>Carpinus caroliniana</i>	ironwood, American hornbeam
<i>Cercis canadensis</i>	eastern redbud
<i>Ilex opaca</i>	American holly
<i>Magnolia virginiana</i>	sweetbay magnolia
<i>Morus rubra</i>	red mulberry
<i>Persea borbonia</i>	red bay
<i>Sassafras albidum</i>	sassafras
<i>Symplocos tinctoria</i>	horse sugar sweetleaf

* Species composition may be adjusted based on local availability

Temporary and permanent native herbaceous seed will be applied simultaneously to existing grass areas located outside forested areas within the Bank Parcel Temporary seed will provide cover until the permanent seed applied becomes established Temporary cover will consist of millet (*Echinochloa crusgalli*) annual rye grain (*Secale cereale*) and crimson clover (*Trifolium incarnatum*) Permanent ground cover will consist of switchgrass (*Panicum virgatum*) deertongue (*Panicum clandestinum*) black eyed susan (*Rudbeckia hirta*) and riverbank wildrye (*Elymus riparius*)

4.0 Monitoring and Maintenance Plan

The Bank Parcel will be monitored for five (5) consecutive years or until the required success criteria has been met as determined by DWQ Monitoring activities will begin immediately following the completion of planting in order to alleviate any potential problems as they occur If necessary supplemental planting and additional site modifications will be implemented For Phase I planting is anticipated to occur in the Spring of 2012 therefore the riparian restoration will be monitored the following growing season projected to be the Fall of 2012 DWQ will be notified when planting is to occur within Phase II of the Bank Parcel For either phase first monitoring data shall not be measured less than five (5) months after completion of initial planting For either phase a monitoring report will be submitted annually to DWQ no later than December 31 of each monitoring year describing the conditions of the Bank Parcel and relating those conditions to the success criteria Monitoring activities will follow the terms and conditions of the EBX Neuse Riparian Buffer Umbrella Mitigation Bank (Bank) made and entered into by



EBX Neuse I LLC (EBX) acting as the Bank Sponsor and the North Carolina Department of Environment and Natural Resources Division of Water Quality (DWQ)

The Bank Site will contain ten (10) vegetative monitoring plots which will be monitored in general accordance with the CVS EEP Protocol for Recording Vegetation (CVS EEP v4.2). Ten (10) by ten (10) meter square plots will be permanently established following completion of the planting phase and at least two opposing corners will be permanently installed and surveyed for future use. The plant species, density, survival rates, and the cause of mortality, if identifiable, will be recorded within each plot. Vegetation plots will be sampled and reported annually. The primary focus of the vegetative monitoring will be solely on the tree stratum, although shrub and herbaceous species encountered may also be recorded.

Within the Neuse buffer and nutrient offset restoration areas, success criteria will be based on the survival of a minimum density of 320 trees per acre after five (5) years of monitoring. First monitoring data shall not be measured less than 5 months after completion of initial planting. For subsequent years, vegetation monitoring will occur between late summer and early fall (August-October). A determination will be made regarding the success of the project following the collection and evaluation of ecological and physical monitoring data, photographs, and site observations.

5.0 Financial Assurance

EBX Neuse I LLC agrees to provide financial assurances for this Bank Parcel in accordance with the terms and conditions of the EBX Neuse Riparian Buffer Umbrella Mitigation Bank (Bank) made and entered into by EBX Neuse I LLC (EBX) acting as the Bank Sponsor and the North Carolina Department of Environment and Natural Resources Division of Water Quality (DWQ).

After completion of the restoration/construction, a separate Performance/Maintenance Bond will be secured for 100% of the estimated cost to implement the monitoring and maintenance plan but not less than \$100,000.00. The Performance/Maintenance Bond shall be in effect for a minimum of five years and until DWQ has released all mitigation credits to the Bank Sponsor. Upon DWQ approval, this may be lowered each year based on the adjusted cost to complete the monitoring.

6.0 Neuse Buffer & Nutrient Offset Mitigation Potential

The approximately 64.41-acre Wayne County Development Alliance Bank Parcel will provide Neuse buffer and nutrient mitigation credits for development impacts within the Neuse River Basin, USGS HUC 03020201. A Neuse buffer restoration area of approximately 6.47 acres will be used to generate 6.47 acres of Neuse buffer credits. The additional 57.94 acres of riparian restoration area (i.e., outside of the 6.47 acres of Neuse buffer) will provide nutrient offset credits for nitrogen. The Bank Parcel will provide approximately 131,698,778 pounds of nitrogen nutrient offset credit. The exact amount of nutrient offset mitigation potential (currently based on 2,273.02 lbs of nitrogen/ac of riparian buffer restoration) will be included in the As-Built report and on the corresponding Bank Ledger.

The Bank Parcel will be developed in two (2) phases known as Phase I and Phase II. Phase I consists of Parcel Number 2598449002 and will provide approximately 32.59 acres of riparian restoration. Phase I will contain approximately 1.02 acres (44,431 ft²) of Neuse buffer credits and approximately 31.57 acres of nutrient offset (71,759,241 pounds of nitrogen nutrient offset credit). Phase II consists of Parcel Numbers 2598632250 and 2598543857 and will provide approximately 31.82 acres of riparian restoration. Phase II will contain approximately 5.45 acres



(237 402 ft²) of Neuse buffer credits and approximately 26 37 acres of nutrient offset
(59 939 537 pounds of nitrogen nutrient offset credit)

Please note this Bank Parcel will function for both Neuse buffer mitigation impacts and nutrient offsets



Environmental Banc & Exchange LLC



7 0 References

- Endangered Species Threatened Species Federal Species of Concern and Candidate Species Wayne County North Carolina* United States Fish and Wildlife Service Updated 9 22 2010 Available at internet site <http://www.fws.gov/nc/es/es/countyfr.html> Accessed October 4 2011
- Environmental Data Resources Inc The EDR Radius Map™ Report with GeoCheck® Inquiry Number 3181481 1s October 7 2011
- Griffith G E Omernik J M Comstock J A Schafle M P McNab W H Lenat D R MacPherson T F Glover J B and Shelburne V B 2002 Ecoregions of North Carolina and South Carolina (color poster with map descriptive text summary tables and photographs) Reston Virginia U S Geological Survey (map scale 1 1 500 00)
- Heritage Data* North Carolina Natural Heritage Program Available at internet site <http://www.ncnhp.org/Pages/heritagedata.html> Accessed October 4 2011
- Lee Michael T Peet Robert K Roberts Steven D and Wentworth Thomas R 2008 CVS EEP Protocol for Recording Vegetation Level 1 2 Plot Sampling Only Version 4 2
- North Carolina Ecosystem Enhancement Program (NCEEP) 2004 *Guidelines for Riparian Buffer Restoration* Available at internet site <http://www.nceep.net/news/reports/buffers.pdf> Accessed October 4 2011
- North Carolina Historic Preservation Office HPOWEB GIS Service* North Carolina Historic Preservation Office Available at internet site <http://gis.ncdcr.gov/hpweb/> Accessed October 4 2011
- Schafale MP and AS Weakley 1990 Classification of the Natural Communities of North Carolina Third Approximation North Carolina Natural Heritage Program Division of Parks and Recreation Department of Environment and Natural Resources Raleigh North Carolina
- United States Department of Agriculture Natural Resources Conservation Service *Official Soil Series Description (OSD) with Series Extent Mapping Capabilities* Available at internet site <http://soils.usda.gov/technical/classification/osd/index.html> Accessed October 4 2011
- United States Department of Agriculture Soil Conservation Service Soil Survey of Wayne County, North Carolina, June 1974
- United States Geological Survey 7 5 Minute Topographic Map of the Southwest Goldsboro, North Carolina Quadrangle 1974 (Photo Revised 1988)
- United States Geological Survey 7 5 Minute Topographic Map of the Southeast Goldsboro, North Carolina Quadrangle 1982 (Photo Revised 1988)

APPENDIX A

Site Maps



Environmental Banc & Exchange LLC



EcoEngineering
A d fThe J h R M Adams C mpany Inc.

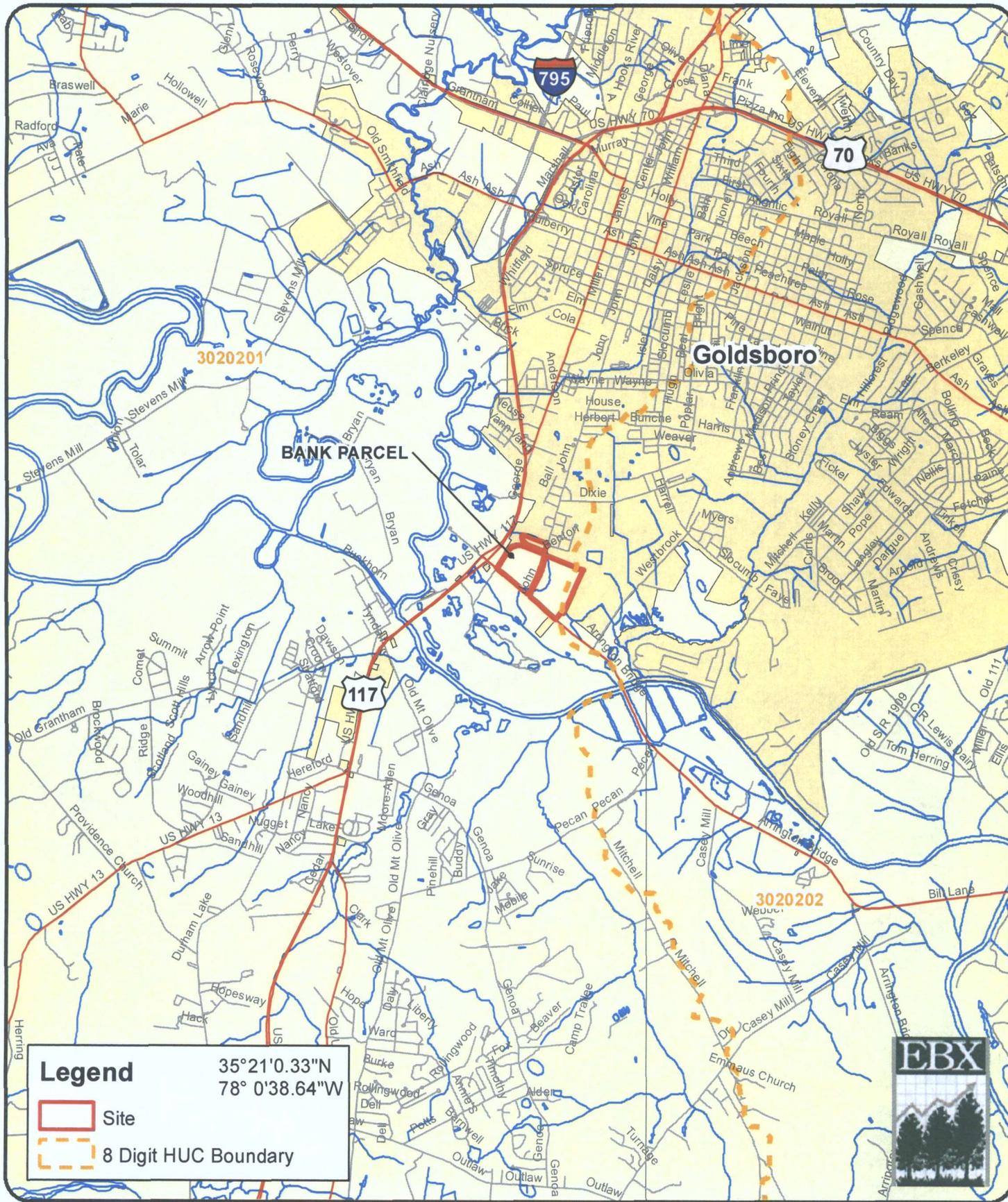


FIGURE 1 - SITE LOCATION MAP



0 0.5 1 2
Miles

1 inch = 1 miles



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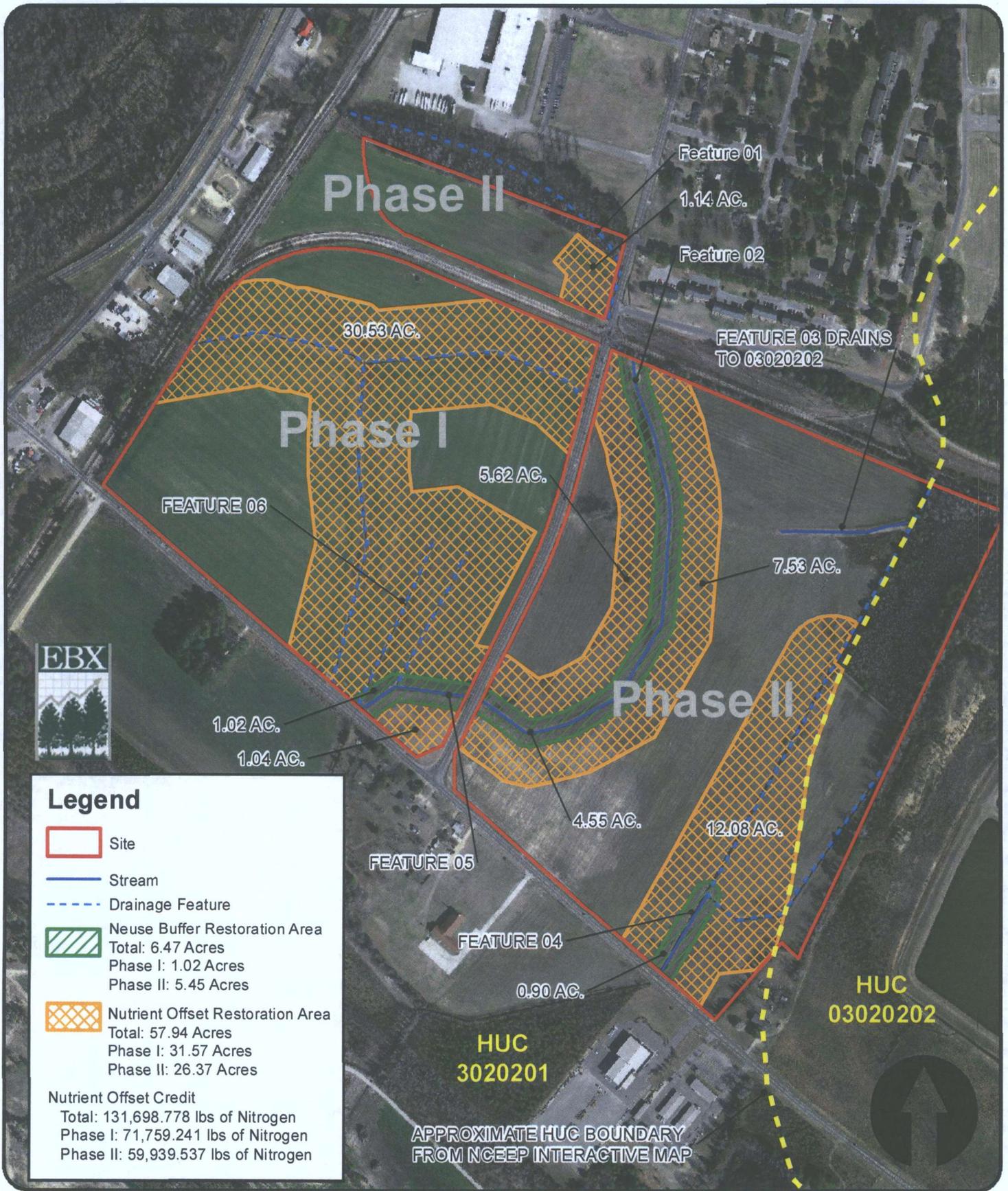
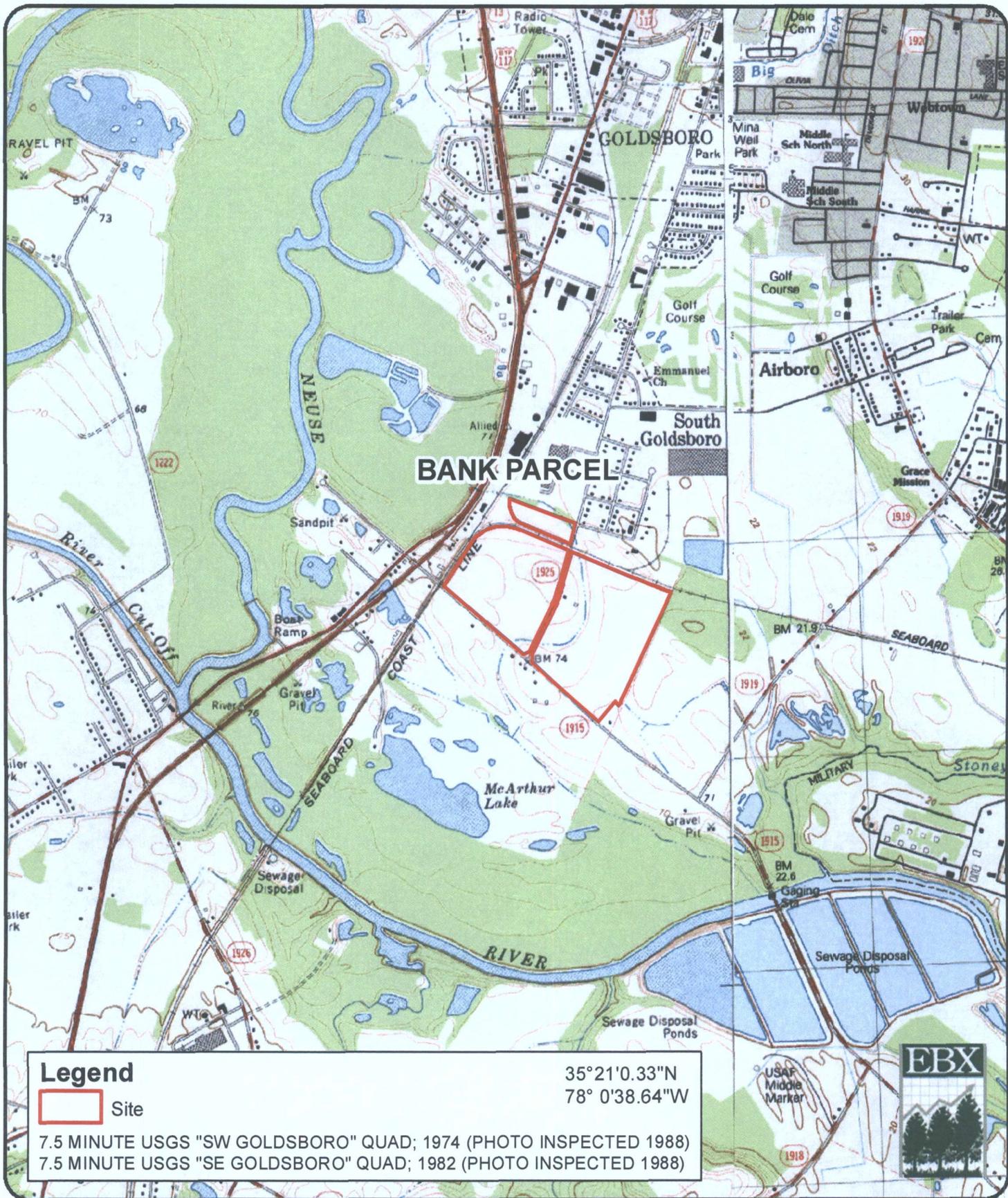


FIGURE 2 - PROPOSED NEUSE BUFFER & NUTRIENT OFFSET RESTORATION AREAS







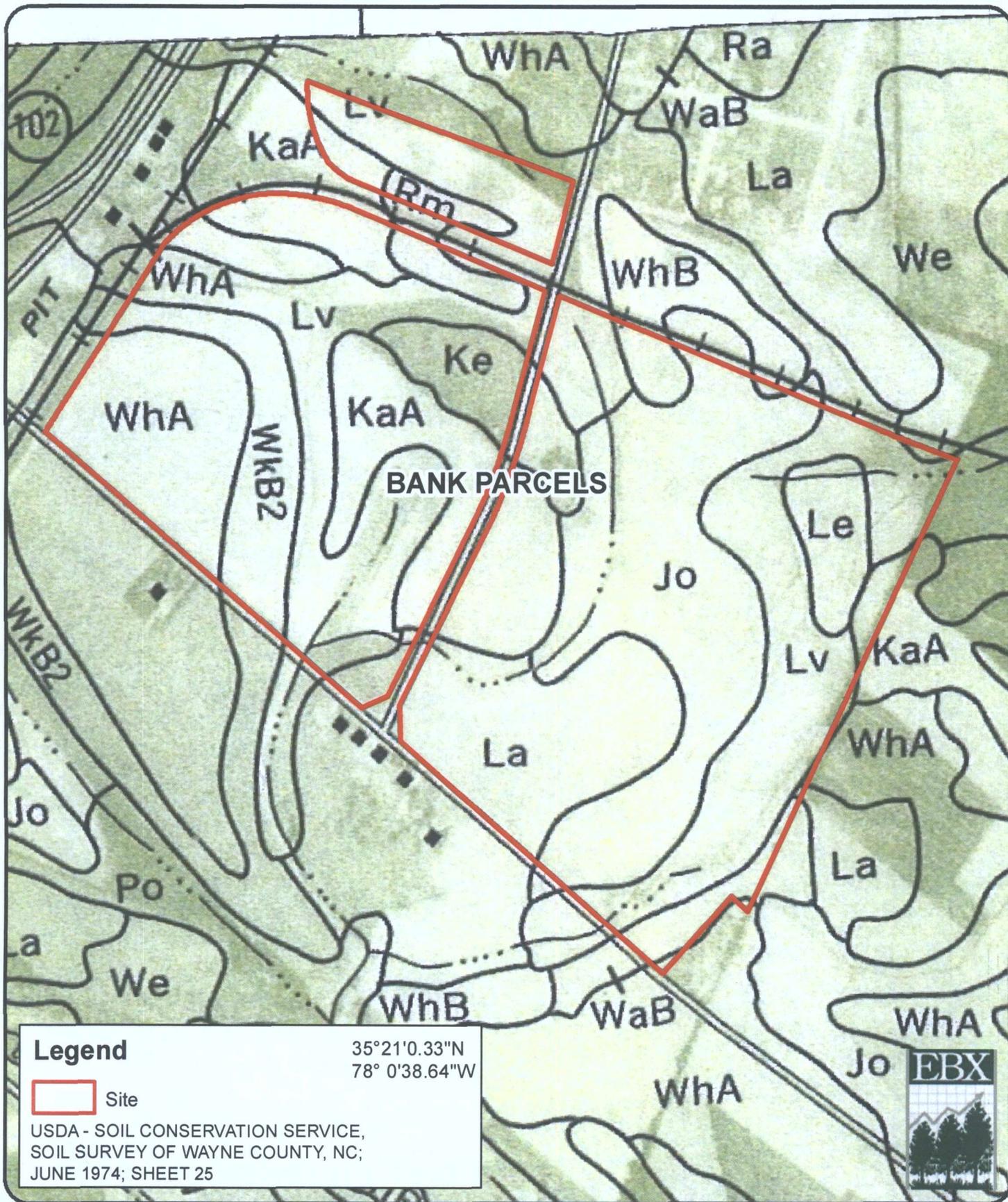
**FIGURE 3 - USGS QUAD
- SW/SE GOLDSBORO**

0 1,000 2,000 4,000
 Feet

1 inch = 2,000 feet



EcoEngineering
 A division of The John R. McAdams Company, Inc.



**FIGURE 4 - WAYNE COUNTY
SOILS SURVEY**



EcoEngineering

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FIGURE 5 - FEMA FLOODPLAIN / FLOODWAY EXHIBIT



0 500 1,000 2,000 Feet
1 inch = 1,000 feet



EcoEngineering

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APPENDIX B
Site Photographs



Environmental Banc & Exchange, LLC





Picture 1: Facing NW on Parcel Number 2598543857.



Picture 2: Facing SW on Parcel Number 2598449002 within the NE corner of the parcel.



Picture 3: Facing north on Parcel Number 2598449002 within the southern section of the parcel.



Picture 4: Facing SE on Parcel Number 2598632250 within the NE corner of the parcel.

APPENDIX C

DWQ Neuse River Buffer Determination





North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

December 1, 2011

DWQ Project # 2008-1473v4
Wayne County

Mr. Tommy Cousins
Environmental Banc & Exchange, LLC
909 Capability Drive, Suite 3100
Raleigh, NC 27606

Subject Property: Wayne County Development Alliance Bank Parcel
Potential Mitigation Site

**On-Site Determination for Applicability to the Neuse River Riparian Area
Protection Rules (15A NCAC 02B .0233)**

Dear Mr. Cousins:

On November 8, 2011, at your request DWQ staff conducted an on-site determination to review multiple features located on the subject property for applicability to the Neuse River Riparian Buffer Rules (15A NCAC 02B .0233). Martin Hovis with Environmental Banc & Exchange, LLC was present. The features are labeled as Features "01, 02, 03, 04, 05 & 06" on the attached map initialed by me on December 1, 2011. The project is located off Arrington Bridge Road, at its intersection with John Street in Goldsboro, North Carolina.

The Division of Water Quality (DWQ) has determined that the surface water features labeled as "02, 03, 04 & 05" on the attached map are jurisdictional streams and are subject to the Neuse Buffer Rule (15A NCAC 02B .0233). These streams and their associated buffers should be identified on any future plans for this property. **In addition, DWQ has determined that surface water features labeled as "01 & 06" on the attached map are not jurisdictional streams and are not subject to the Neuse Buffer Rules.** The owner (or future owners) should notify the DWQ (and other relevant agencies) of this decision in any future correspondences concerning this property. This on-site determination shall expire five (5) years from the date of this letter.

North Carolina Division of Water Quality
943 Washington Square Mall
Washington, NC 27889

Internet: www.ncwaterquality.org
Phone: 252-946-6481
FAX 252-946-9215

One
North Carolina
Naturally

Landowners or affected parties that dispute a determination made by the DWQ or Delegated Local Authority that surface waters exists and that it is subject to a buffer rule may request a determination by the Director. A request for a determination by the Director shall be referred to the Director in writing c/o Karen Higgins, DWQ, Wetlands, Buffers, Stormwater, Compliance and Permitting Unit (WBSCP) Mail Service Center, Raleigh, NC 27699-1650. Individuals that dispute a determination by the DWQ or Delegated Local Authority that "exempts" surface waters from the buffer rule may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. Applicants are hereby notified that the 60-day statutory appeal time does not start until the affected party (including downstream and adjacent landowners) is notified of this decision. DWQ recommends that the applicant conduct this notification in order to be certain that third party appeals are made in a timely manner. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This determination is final and binding unless you ask for a hearing within 60 days.

This letter only addresses the applicability to the buffer rules and does not approve any activity within the buffers. Nor does this letter approve any activity within Waters of the United States or Waters of the State. If you have any additional questions or require additional information please call Amy Adams at (252) 948-3917.

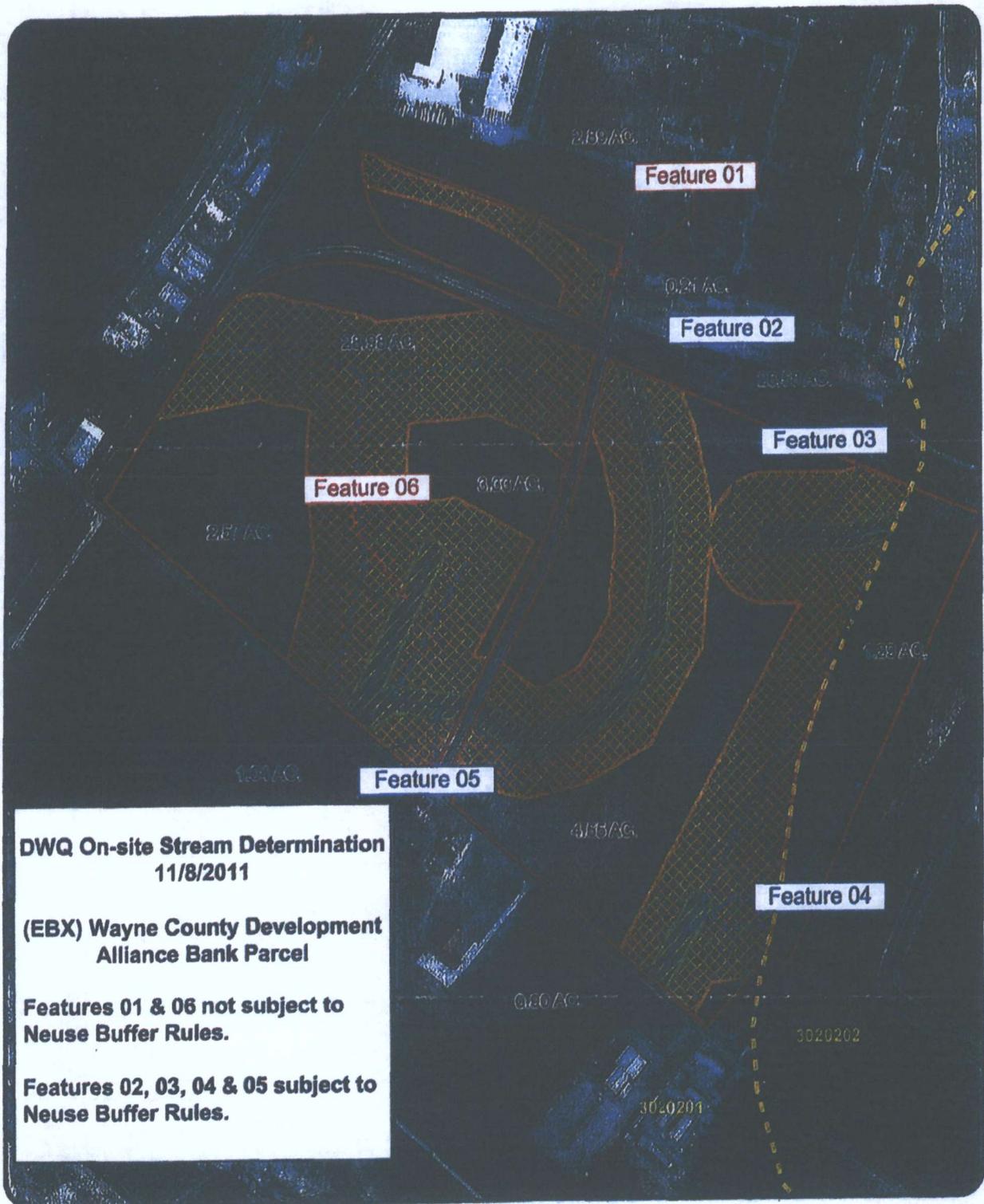
Sincerely,



Al Hodge/Supervisor
Division of Water Quality
Surface Water Protection
Washington Regional Office

Enclosures: Stream Map

cc: DWQ 401 Oversight/Express Unit
WaRO File Copy



DWQ On-site Stream Determination
11/8/2011

(EBX) Wayne County Development
Alliance Bank Parcel

Features 01 & 06 not subject to
Neuse Buffer Rules.

Features 02, 03, 04 & 05 subject to
Neuse Buffer Rules.

WETLAND/BUFFER

APPROVED 
 NORTH CAROLINA ENVIRONMENTAL
 MANAGEMENT COMMISSION
 DIVISION OF WATER QUALITY

DATE Dec 1, 2011

DWQ Permit No. 08-1473 V.4