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July 16, 2009

Via Certified Mail

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Re: Notice of Intent to File Suit Pursuant to Section 505(a)(1) and Section 505(a)(2) of
the Clean Water Act

Dear Madam and Messrs.:

You are hereby provided notice by the Village of Bald Head Island, North Carolina (the "Village"), through undersigned counsel, pursuant to Section 505(b)(1)(A) and Section 505(b)(2) of the Clean Water Act ("CWA"), 33 U.S.C. § 1365(b)(1)(A) and (b)(2), of the Village's intention to file a lawsuit against all of you, with the exception of Ms. Jackson, to enforce the CWA and requirements of the CWA, by way of a complaint that will allege the following:

1. The U.S. Army Corps of Engineers' ("Corps") continuing violation of a water quality certification issued to the Corps by the State of North Carolina, as more fully described in the enclosed draft complaint; and
2. The Corps' failure to perform acts and duties under the CWA that are not discretionary with the Corps, as more fully described in the enclosed draft complaint.

The Village is represented by undersigned counsel, whose contact information is as follows: George W. House, 2000 Renaissance Plaza, 230 North Elm St., Greensboro, NC 27401 (Tel. No. 336-373-8850; Fax No. 336-378-1001). The contact information for the Village is as follows:

Charles Baldwin, Esq.
Village Attorney
Rountree, Losee, and Baldwin
2419 Market Street, Wilmington, NC 28403
P.O. Box 1409, Wilmington, NC 28402-1409
Phone: 910-763-3404
Fax: 910-763-0080

We intend to file suit 60 days after you receive this notice. We are interested in discussing with you the voluntary implementation of effective remedies and encourage you to contact us.

Sincerely,



George W. House

Enclosure

cc: The Honorable Eric Holder, Esq.
Attorney General of the United States

Mr. A. Stanley Meiburg, Acting Regional Administrator
U.S. Environmental Protection Agency Region IV

Ms. Dee Freeman, Secretary
N.C. Department of Environment and Natural Resources

Ms. Robin Smith, Assistant Secretary for Environment
N.C. Department of Environment and Natural Resources

Ms. Colleen H. Sullins, Environmental Program Manager
Division of Water Quality
N.C. Department of Environment and Natural Resources

Mary Penny Thompson, Esq., General Counsel
N.C. Department of Environment and Natural Resources