

STAFF REPORT

UDO 2015-10-08 Special Use Permit Findings of Facts

PROJECT INFORMATION

File Reference: UDO 2015-10-08
Project Name; Shooting Range –
Law Enforcement
PIN: 03-8964-00-39-4075
Applicant: Sheriff's Office
Camden County
Address: P.O. Box 57
Camden, NC 27921
Phone: (252) 338-5046
Email:

Agent for Applicant:

Address:
Phone:
Email:

Current Owner of Record: Michael P. McLain

Meeting Dates:
Planning Board - 11/1/2015
Board of Commissioners

Application Received: 10/7/2015
By: David Parks, Permit Officer

Application Fee paid: \$400 Check #

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A. Land Use/Development Application
- B. Site Plan/Aerial Photo/Deed
- C. Sheriff Perry's letter request
- D. Sheriff's office Policy #3.30 entitled Shooting Range Facility
- E. Proposed Lease Agreement
- F. Letter from Twiford Law Firm – John Morrison
- G. Letter from Army Corps of Engineers
- H. Proposal from Albemarle Septic Service

PROJECT LOCATION:

Street Address: 480 Trotman Road
Location Description: Shiloh Township

Vicinity Map:



REQUEST: Request for Shooting Range for Law Enforcement (Use #6.310)

SITE DATA

Lot size: Lease portion of tract approximately 194 acres in size
Flood Zone: X
Zoning District(s): General Use District (GUD)
Existing Land Uses: Cut over woodland.

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)
Use & size	Houses – 10 Acre Tracts (nearest dwelling is over 2200 feet away)	Woodland/Farms over 23 acres	Woodland – 87 acres	Woodland/Farms over 50 acres

Proposed Use(s): Outdoor shooting range for Law Enforcement Only

Description of property:

Property is located off Trotman Road and contains approximately 194 acres of cut over woodland.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall:

Nearest outfall is North River

Soils:

Predominant: Hyde (HyA)

Other: Nimmo (NoA); Portsmouth (PtA)

INFRASTRUCTURE

There are currently no utilities servicing the property.

Traffic: Minimal increase of traffic flow on Trotman Road

1. Utilities:

- A. Does the application include a letter or certificate from the District Health Department regarding septic tanks?** Applicant requesting use of portable toilet.
- B. Does the applicant propose the use of public sewage systems?** No
- C. Does the applicant propose the use of public water systems?** No.
- D. Distance from existing public water supply system:** Approximately 2000 feet from Trotman Road to location of range.
- E. Is the area within a five-year proposal for the provision of public water?** Yes
- F. Is the area within a five-year proposal for the provision of public sewage?** No

2. Landscaping

- A. Is any buffer required?** Natural buffer exists (cutover woodland)
- B. Is any landscaping described in application:** Yes

3. Findings Regarding Additional Requirements:

A. Endangering the public health and safety

The UDO requires firing ranges meet the standards of the Military Handbook which present the highest safety standards for firing ranges, including a Surface Danger Zone (SDZ) under the facility's direct ownership or control. The SDZ is a fan shaped area that extends at a 10 degree angle from the ends of the firing line to a distance equal to the farthest possible range for the caliber of weapon and round fired. This distance is 7086 feet (1.34 miles) for a .357 caliber pistol and 10,170 feet (1.93 miles) for 5.56 caliber rifle. These distances can be reduced by 50% if properly constructed overhead baffle is placed at the firing line, which results in a SDZ of 3,543 (.67 mile) for pistol and 5085 feet (.96 mile) for rifle.

The proposed firing range indicates that for pistol firing 2,944 feet of the required 3,543 foot SDZ (with use of a baffle) within the limits of the property ownership on which the range will be located. It also shows the nearest house within the SDZ to be 4,227 feet. Likewise the site plan shows only 580 feet of the required 5,085 foot SDZ within the limits of property ownership and the distance to the nearest house is 6,330 feet.

The staff recommendation for approval includes consideration that the range will be used exclusively by trained and licensed professional safety personnel, using overhead baffles, and that the property surrounding the range under the same ownership remain wooded.

The range will also result in noise which will be baffled by surrounding woodland and limited by hours of operation.

- B. **Injure the value of adjoining or abutting property:** Staff considers that the range will not injure the values of adjoining woodland or farm land.
- C. **Harmony with the area in which it is located:** Yes. The range is located in a secluded area of the county with surround woodland and farmland. Nearest housing is over 2000 feet away.
- D. **Conformity with the Plans**
 - (1). Land Use Plan – Shooting Ranges are not addressed in the Land Use Plan or Comprehensive Plan
 - (2). Thoroughfare Plan – N/A
 - (3). Other Plans officially adopted by the Board of Commissioners – N/A
- E. **Will not exceed the county's ability to provide public facilities**
 - (1). Schools – N/A.
 - (2). Fire and rescue – No.
 - (3). Law Enforcement – No.
- F. Other County Facilities – N/A

At their November 18, 2015 meeting, Planning Board recommended approval of the Special Use Permit for outdoor shooting range for law enforcement only with the conditions/modifications as follows:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the approved plans contained in the file titled UDO 2015-10-08.
3. Shooting Range shall be utilized by duly sworn law enforcement personnel only.
4. Applicant shall adhere to all requirements of their policy 3.30 entitled Shooting Range Facility dated October 2015.
5. Applicant shall amend policy 3.30 reflecting that no children shall be permitted on the range.
6. Hours of operations shall be Monday-Thursday from 8:00 AM – 8:00 PM. EST.
7. Utilization of the caliber of weapons shall be limited to a 357 caliber hand gun and 5.56 caliber rifles.
8. In view of the contour of the land outside the shooting range (wooded), the site plan reflecting the utilization of berms, portable overhead baffles, and with the experience of the individuals utilizing the range (law enforcement), staff is recommending approval to deviate from the requirement for the down range safety areas not encompass land not owned by the owner be waived so long as the land remain wooded and the construction of the portable overhead baffles meet minimum design and construction standards.
9. In accordance the information listed in condition 3 staff also recommends approval of a reduction from 900 feet to 550 feet that all shooting stations and backstops are from any property lines. The wooded area around the range should provide adequate buffer for noise.
10. Applicant shall post No Trespassing signs every 100 feet along property line that faces Trotman Road and every 250 feet along the remaining perimeter of the property.
11. There shall be no training on the small arm ranges while training is being conducted on rifle range.

12. The range policy manual shall include for any round fired that leaves the immediate firing range, targets, or berms, a log book will be kept indicating the date, time, direction of travel, caliber of round, and person firing at the time.
13. Prior to any land disturbing activity, applicant shall provide an approved Sedimentation & Erosion Control Plan & Stormwater Permit from NCDENR.
14. Applicant shall maintain a log of all personnel utilizing the range listing day and times on range.
15. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.



Land Use/Development Application
County of Camden, North Carolina

Depending upon the type of proposal, the proposal may require a Zoning Permit, Conditional Use Permit, or Special Use Permit. This form is used as the start of application process. All applicants must submit a site plan (see "Minimum Site Plan Requirements") and a valid Health Department permit. Applicants for a Conditional Use Permit or Special Use Permit should review the "Requirements for Conditional Use Permit and Special Use Permit Applications".

Applicants for a subdivision must submit this form as their Special Use Permit application.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

Please Do Not Write in this Box
PIN: 03-8964-00-39-4025
UDO#: 2015-10-08
Date Received: 10-7-15
Received by: af
Zoning District: 640
Fee Paid \$ 400.00

PLEASE PRINT OR TYPE

Applicant's Name: CAMDEN CO SHERIFF'S OFFICE

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: PO Box 57
Camden NC 27921

Daytime Phone Number: () 338-5046

Street Address Location of Property:

General Description of Proposal: Law Enforcement Shooting Range
USE # 6.310

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: Sheriff Tony Perry

Dated: 10-7-15

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area?

*Flood Zone (from FIRM Map): X *Taxes paid? yes no

(F) **Applicants for a Conditional Use Permit or a Special Use Permit must respond to the following issues and include those responses with their application:** [Article 151.509] (The applicant may use separate sheets for answers to these questions.)

(1) Will the proposal in any way endanger the public health or safety? **NO**

(2) Will the proposal in any way injure the value of adjoining or abutting property? **NO**

(3) Is the proposal in conformity with the:

(a) Land Use Plan - **YES**

(b) Thoroughfare Plan - **N/A**

(c) Watershed Plan - **N/A**

(4) Will the proposal 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?

(a) Schools

(b) Fire and rescue

(c) Law Enforcement

(d) Other County facilities

N/A

November 2, 2015

Camden County
Board of Commissioners

RE: Special Use Permit for Shooting Range

Based on evidence submitted (site plan, aerial photo, utilization of overhead baffles), and the experience of law enforcement personnel, request a reduction/waiver to the requirements listed in the Unified Development Ordinance Article 151.347 (S) (8) and (11) – Specific Standards for shooting ranges as follows:

- Article 151.347 (S) (8): The safety area shall not encompass other property not owned by the range operator or owner.
- Article 151.347 (S) (11): A reduction from the 900 feet requirement that all shooting stations and backstops be set back from any property lines to 580 feet.

Sincerely,



Sheriff Tony Perry

Camden County, NC Code of Ordinances

**TITLE XV: LAND USAGE / CHAPTER 151: UNIFIED DEVELOPMENT /
CONDITIONAL AND SPECIAL USES / § 151.347 SPECIFIC STANDARDS.**

(S) The following minimum development standards shall apply to commercial shooting ranges which utilize firearms:

- (1) Use is only permitted with the issuance of a special use permit.
- (2) The use is allowed within the I-1 and I-2 districts with the issuance of a special use permit.
- (3) The design criteria cited in the Military Handbook - Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B), as amended or superseded or the National Rifle Association Range Manual, as amended or superseded shall be met. For those ranges constructed in accordance with the National Rifle Association Range Manual, the downrange safety area shall not apply, but the permit holder shall provide documentation of approval of the ranges by the NRA-sponsored team of inspectors annually.
- (4) The proposed shooting range shall be reviewed by and comments received from the County Sheriff's Department.
- (5) Hours of firing activities and number of ranges shall be set as conditions of the Special Use Permit.
- (6) Alcohol consumption shall be prohibited before and during range operations, but shall be allowed after the range is closed provided proper permits are obtained.
- (7) The adjacent areas to the proposed range shall be predominantly undeveloped.
- (8) All areas within the proposed range, including, but not limited to firing area(s), backstops, downrange safety zones, parking and accessory areas and the like shall be under uniform control or ownership. The downrange safety area shall be essentially fan-shaped, with its vertex being 100 meters each side of the end firing point and extending to the maximum range of the type of firearm being used as shown on Table 4 of the MIL-HDBK-1027/3B, ten degrees from the firing line, plus an additional 100 meters running parallel to the ten degree line, as shown in Figure 2.2-1 of MIL-HDBK-1027/3B or as approved in accordance with the NRA manual and inspections per division (S)(3) above. **The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.**
- (9) The operators of an outdoor range must provide proof of coverage by adequate accident and liability insurance. A minimum coverage of \$2,000,000 shall be established.
- (10) The site or area used as a shooting range shall be enclosed by a six-foot high fence or otherwise restricted by natural physical features (such as swamps, bodies of water,

Camden County, NC Code of Ordinances

and the like) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along the fence every 100 feet.

(11) All shooting stations and backstops, when utilized, shall be at least 900 feet from any property line regardless of the direction of fire unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable.

(12) All parking areas, vehicle accommodation areas, driveways and the like shall meet standards for parking as stated in this chapter.

(13) Weapon types will be restricted to pistol, rifle and shotgun or similar unless authorized in accordance with division (S)(19) below. No automatic assault type weapon shall be used by the general public, but will be allowed by any law enforcement, military or federal agency group, or any holder of a Federal Firearms License of a class and type that authorizes NFA weapons, duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the MIL-HDBK-1027/3B/ or National Rifle Association Range Manual subject to the physical constraints of the property.

(14) No concussion type of explosives shall be permitted unless authorized in accordance with division (S)(19) below.

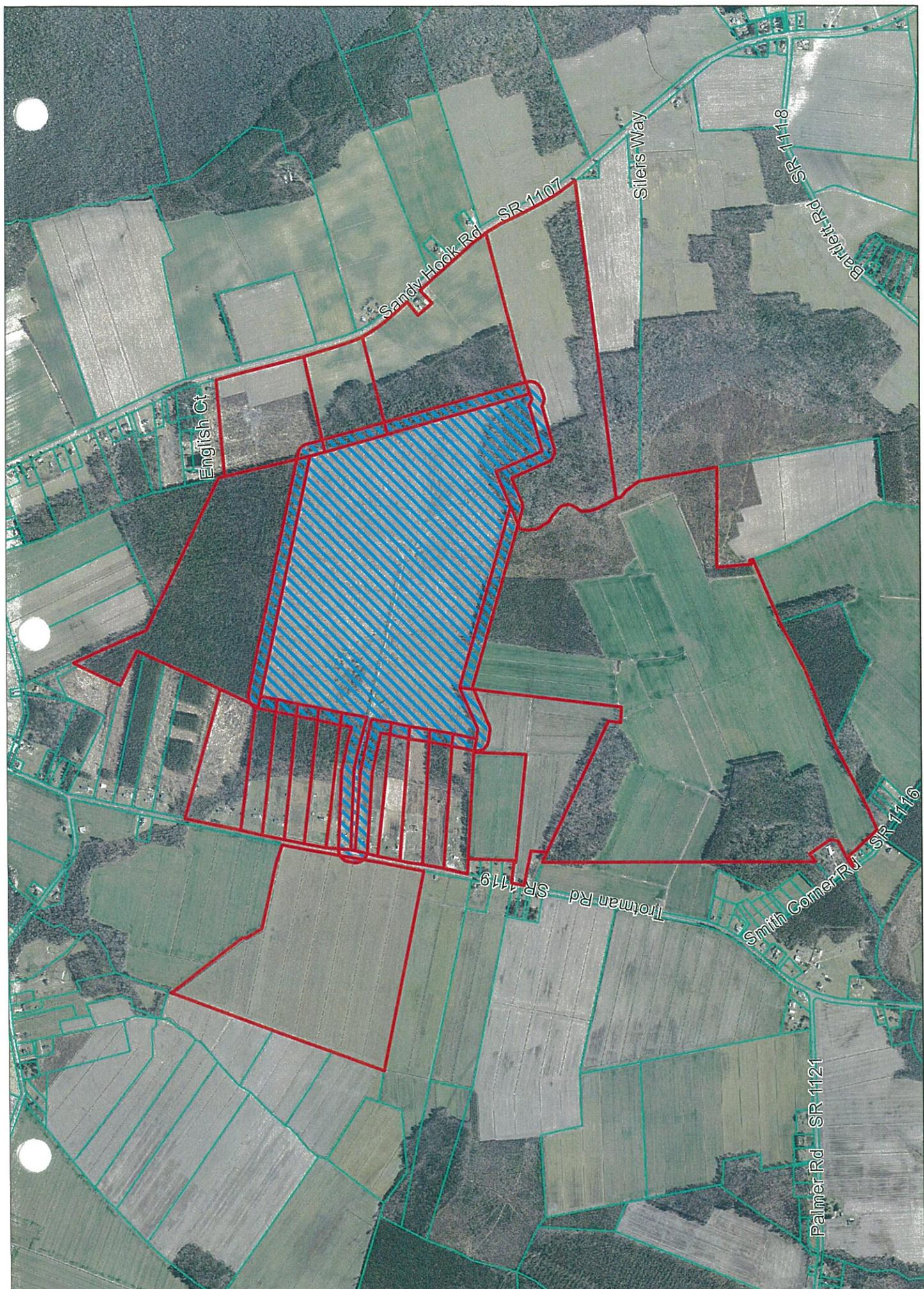
(15) No military, para-military or militia type activities or maneuvers, including, but not limited to hand-to-hand combat training, swamp or guerrilla warfare techniques, no incendiary type firings, infiltration course type training and the like be permitted unless authorized in accordance with division (S)(19) below.

(16) All actual firing activities will be directed toward either moving or stationary targets only.

(17) Any overnight or temporary storage of weapons, ammunition and/or explosives must meet the Bureau of Alcohol, Tobacco, Firearms and Explosives storage and stand-off safety standards.

(18) Each commercial firing range shall be posted indicating the allowable caliber of weapon allowed and any other applicable rules.

(19) Any commercial firing range activity not specifically mentioned within the foregoing shall be prohibited unless set as a condition of the special use permit.



-  150 Buffer
-  Parcels within 150 Foot Buffer



Estimate

ALBEMARLE SEPTIC SERVICE LLC
 134 BELCROSS RD
 Camden NC 27921
 252-202-9969/252-562-5121

Name/Address
Camden County Sheriff's Office PO Box 57 Camden NC 27921

Date	Estimate No.	Project
09/29/15	14	

Item	Description	Quantity	Cost	Total
monthly pt rental	portable toilet rental/service for the month of 1/16-12/16 at shooting range. Rental is cleaned once a week and resupplied with tissue. Additional items or changes can increase price.	1	72.00	72.00T
discount	county discount		-15.00	-15.00
	Sales Tax		6.75%	3.85
Thank you for your business.			Total	\$60.85

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2015-01866 County: Camden U.S.G.S. Quad: NC-SHILOH

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: Camden County Sheriffs Office
Tony Perry

Address: 117 North NC343

Camden, NC, 27921
Telephone Number: 252-338-5046

Size (acres) 1.6

Nearest Waterway Areneuse Creek

USGS HUC 03010205

Nearest Town Camden

River Basin Albemarle

Coordinates Latitude: 36.3226093558351

Longitude: -76.0712994404755

Location description: The project is located off North Trotman Road on a private parcel of forest land owned by P. Michael McLain. Access is via a gatted (cabeled) dirt forest road.

Description of projects area and activity: Haul in clean fill to construct an impact berm for a police training facility for rifle and pistol marksmanship practice. Approximate wetland impacts are less than a tenth of an acre. Some grading will be required. Area is a former commercial forest lot that is largely upland and has been recently logged.

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number or Nationwide Permit Number: NWP 18 Minor Discharges.
SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated 09/17/2015. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Elizabeth City, NC, at (252) 264-3901.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Chester Bigelow at 910-251-4595 or Chester.C.Bigelow@usace.army.mil.

Corps Regulatory Official: _____ Date: 10/06/2015
Expiration Date of Verification: 03/18/2017

Determination of Jurisdiction:

- A. Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. 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.
- C. There are waters of the US and/or wetlands within 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.
- D. The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued 10/10/2015. Action ID: SAW-2015-01866.

Basis For Determination: Presence of field indicators of hyric soils, vegetation and hydrology consistent with the 1987 Corps of Engineers manual for Identifying and Delineating Wetlands.

Remarks: The wetland area is a small wetland less than 0.21 acres in size located in the southwest corner of the property.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

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

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

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

****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: _____
Chester Bigelow

Date of JD: 10/06/2015
Expiration Date of JD: 10/5/2020

SAW-2015-01866

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 online at <http://regulatory.usacesurvey.com/>.

Copy furnished:

Agent: Camden County Sheriffs Office
Tony Perry
Address: 117 North NC343
Camden, NC, 27921
Telephone Number: 252-338-5046

SAW-2015-01866

SPECIAL CONDITIONS

Action ID Number: SAW-2015-01866 County: Camden

Permittee: Camden County Sheriffs Office
Tony Perry

Project Name: Camden County Sheriffs Office Shooting Range

Date Verification Issued: 10/06/2015

Project Manager: Chester Bigelow

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Chester Bigelow

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Camden County Sheriffs Office Tony Perry	File Number: SAW-2015-01866	Date: 10/06/2015
Attached is:	See Section below	
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/> PERMIT DENIAL	C	
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E	

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

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

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

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

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

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

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

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

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

<p>If you have questions regarding this decision and/or the appeal process you may contact: District Engineer, Wilmington Regulatory Division, Attn: Chester Bigelow</p>	<p>If you only have questions regarding the appeal process you may also contact: Mr. Jason Steele, Administrative Appeal Review Officer CESAD-PDO U.S. Army Corps of Engineers, South Atlantic Division 60 Forsyth Street, Room 10M15 Atlanta, Georgia 30303-8801 Phone: (404) 562-5137</p>
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RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<p>_____ Signature of appellant or agent.</p>	<p>Date:</p>	<p>Telephone number:</p>
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For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Chester Bigelow, 69 Darlington Avenue, Wilmington, North Carolina 28403

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
 Phone: (404) 562-5137

ACTION ID: SAW-2015-01866

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Memorandum Documenting Nationwide Permit/Regional General Permit Verification

1. Applicant: Camden County Sheriffs Office
Tony Perry

2. Project Location (*Waterway, Section, Township, Range, City, County, State*):

Nearest Waterway Areneuse Creek

Nearest Town

County Camden

State NC

USGS HUC 03010205

Location description:

3. Pre-Construction Notification Receipt Date: 8/26/2015

Complete? Yes No

4. Additional Information Requested Date(s):

10/02/2015

5. Pre-Construction Notification Complete Date: 09/17/2015

6. Waters of the US:

*see Jurisdictional Determination form(s) and/or Preliminary JD letter(s) dated: October 6, 2015

7. Authority: Section 404

8. Project Description (*Describe activities in waters of the U.S. considered for verification*):

Haul in clean fill to construct an impact berm for a police training facility for rifle and pistol marksmanship practice. Approximate wetland impacts are less than a tenth of an acre. Some grading will be required. Area is a former commercial forest lot that is largely upland and has been recently logged.

9. Type of Permit Requested: NWP 18 Minor Discharges.

10. Pre-construction Notification Required: with PCN

11. Waiver required to begin work (*see GC 31 (a)(2) as applied to appropriate NWP*s): Yes No

Rationale:

12. Coordination with Agencies/Tribes Needed: Yes No Date: _____

Resolution:

13. Commenting Agencies:

a. US Fish and Wildlife Service

b. US Environmental Protection Agency

- c. National Marine Fisheries Service
- d. State Agency (list commenting state agencies)
- e. State Historic Preservation Office
- f. Other:

14. Substantive Issues Raised and Corps Resolution (*Consideration of Comments*):

15. Compliance with Other Federal Laws (*If specific law is not applicable write N/A*):

a. Endangered Species Act: N/A

- (1) Name of species present:
- (2) Effects determination: No Effect
- (3) Date of Service(s) concurrence:
- (4) Basis for "no effect" determination:
- (5) Additional information (optional):

b. Magnuson-Stevens Act (Essential Fish Habitat): N/A

- (1) Name of species present:
- (2) Effects determination: No Effect
- (3) Date of Service(s) concurrence:
- (4) Basis for "no effect" determination:
- (5) Additional information (optional):

c. Section 106 of the National Historic Preservation Act: N/A

- (1) Known site present: yes no
- (2) Survey required/conducted: yes no
- (3) Effects determination: No Effect
- (4) Rationale:
- (5) Date consultation complete (if necessary):
- (6) Additional information (optional):

d. Section 401 Water Quality Certification: N/A

- (1) Individual certification required: yes no
- (2) Individual Certification: Issued Waived Denied
- (3) General Certification required: yes no

(4) Additional Information (optional):

e. Coastal Zone Management Act:

N/A

(1) Individual certification (CAMA Major) required: yes no

(2) Individual certification: Issued Waived Denied

(3) Other CAMA permit required: yes no

(4) Additional information (optional):

f. Wild and Scenic Rivers Act:

N/A

(1) Project located on designated or "study" river: yes no

(2) Managing Agency:

(3) Date written determination provided that the project will not adversely affect the Wild and Scenic River designation or study status:

(4) Additional information (optional):

g. Other:

N/A

16. Special Conditions Required (*include rationale for each required condition/explanation for requiring no special conditions*):
Verified Without Special Conditions

a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Wilmington District NWP Regional Conditions.

17. Compensatory Mitigation Determination: The applicant has avoided and minimized impacts to the maximum extent practicable.

a. Is compensatory mitigation required for unavoidable impacts to jurisdictional aquatic resources to reduce the individual and cumulative adverse environmental effects to a minimal level?

No

[If "no," do not complete the rest of this section and include an explanation of why not here]

b. Is the impact in the service area of an approved mitigation bank? yes no

(1) Does the mitigation bank have appropriate number and resource type of credits available? yes no

c. Is the impact in the service area of an approved in-lieu fee program? yes no

(a) Does the in-lieu fee program have appropriate number and resource type of credits available? yes no

d. Check the selected compensatory mitigation option(s):

mitigation bank credits

in-lieu fee program credits

permittee-responsible mitigation under a watershed approach

permittee-responsible mitigation, on-site and/or in-kind

permittee-responsible mitigation, off-site and/or out-of-kind

e. If a selected compensatory mitigation option deviates from the order of the options presented in §332.3(b)(2)-(6), explain why the selected compensatory mitigation option is environmentally preferable. Address the criteria provided in §332.3(a)(1) (i.e., the likelihood for ecological success and sustainability, the location of the compensation site relative to the impact site and their significance within the watershed, and the costs of the compensatory mitigation project):

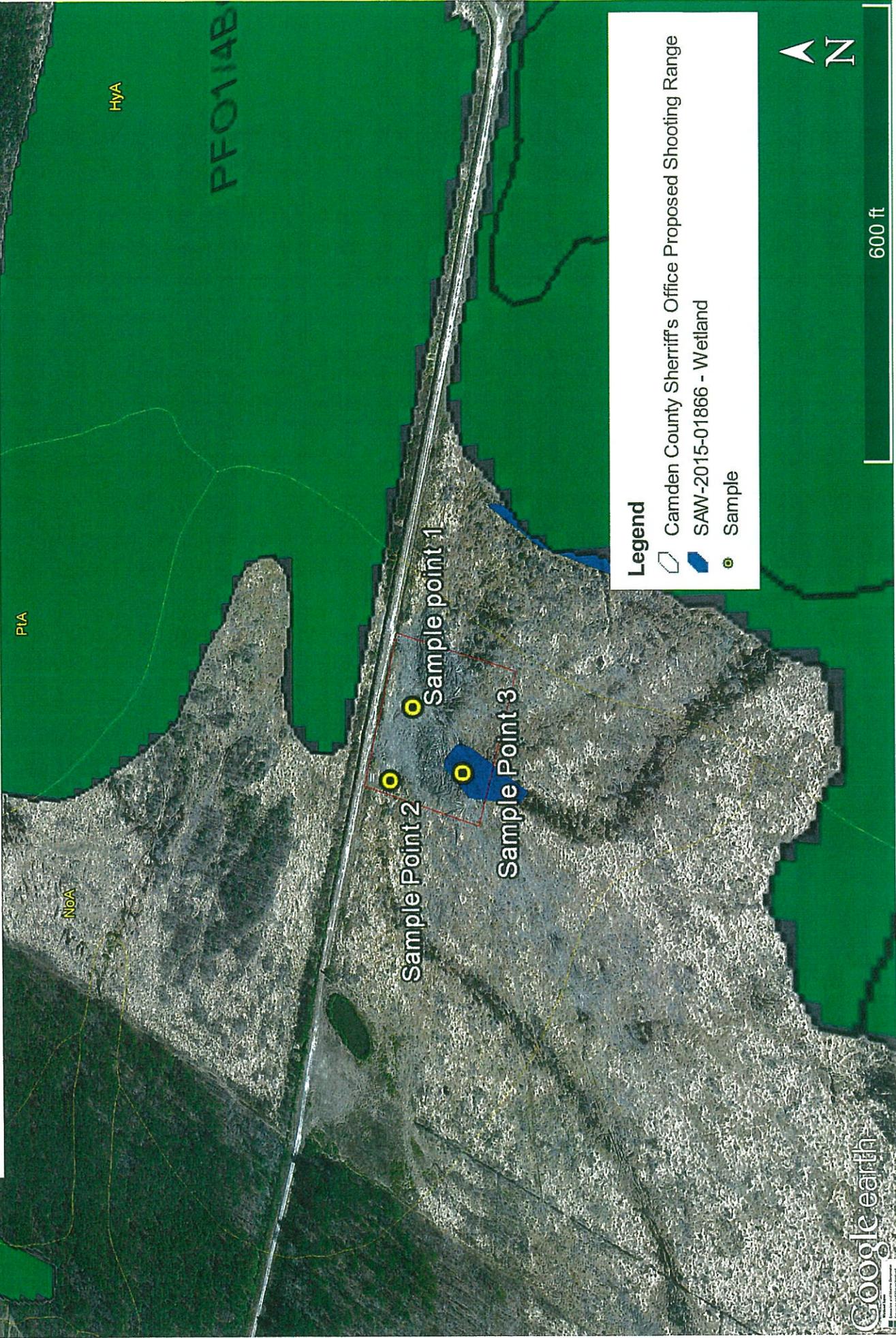
Determination (*Reference Section D. District Engineer's Decision*):

The proposed activity, with proposed mitigation (if applicable) would result in no more than minimal individual and cumulative adverse environmental effects and would not be contrary to the public interest provided the special conditions and/or modifications identified in the above sections are incorporated. This project complies with all terms and conditions of NWP 18 Minor Discharges., including any applicable regional conditions.

PREPARED BY:

_____ Date: 10/06/2015

Proposed site of Camden County Sheriffs Office Shooting Range



Legend

- Camden County Sherriff's Office Proposed Shooting Range
- SAW-2015-01866 - Wetland
- Sample



600 ft

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): October 6, 2015

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: Tony Perry, 117 North NC343, , NC, 27921.

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington, Camden County Sheriffs Office Shooting Range, SAW-2015-01866

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: NC County/parish/borough: Camden City:
Center coordinates of site (lat/long in degree decimal format): Lat. 36.3226093558351° N, Long. -76.0712994404755° W.
Universal Transverse Mercator:
Name of nearest water body: Areneuse Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Cowardin Class:
Stream Flow:
Wetlands: 0.45 acres.
Cowardin Class: Forested

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:
Non-Tidal:

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

- Office (Desk) Determination. Date: October 6, 2015
- Field Determination. Date(s): September 16, 2015

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

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 approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (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 preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, 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, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify): Site visit and evaluation by USACE on Sept. 16, 2015.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

BIGELOW.CHES
TER.CHARLES.III
.1205754357

Digitally signed by
BIGELOW.CHESTER.CHARLES.III.1205754357
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=BIGELOW.CHESTER.CHARLES.III.1205754
357
Date: 2015.10.06 13:53:39 -04'00'

Signature and date of
Regulatory Project Manager
(REQUIRED)


10-7-2015

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the signature is
Impracticable)

SAMPLE

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Wetland	36.32218	-76.07177	PFO (HARVESTED)	0.21 acre	section 404 Non – tidal

CAMDEN COUNTY SHERIFF'S OFFICE

Page 1 of 3

Post Office Box 57

Camden, North Carolina 27921

Tony E. Perry, Sheriff



Voice: 252-338-5046
Fax: 252-335-4300
24 Hours: 252-331-7445

MEMORANDUM

TO: Camden County Board of Commissioners

FROM: Sheriff Tony Perry

DATE: July 27, 2015

RE: Firing Range Need

The Camden County Sheriff's Office is mandated by the North Carolina Sheriff's Education and Training Standards Commission to qualify annually in firearms that deputies carry. Qualification ranges require maximum 25 yards on handguns, 40 yards on shotguns and 100 yards on rifles. Qualification times vary depending upon weather and availability of deputies to gather for a period over a week for classroom, day and night training. Furthermore, we may train with other agencies on site for qualification purposes.

For the last 13 years, George Wood Farms has allowed the Sheriff's Office through the Pasquotank County Sheriff's Office and then in 2008 through a County of Camden lease an area here in Camden for a firing range equipped with a berm and target area. In December 2014, that lease agreement was terminated by George Wood Farms due to the sale of farmland. I was contacted by Matt Wood in June 2015 that he was going to completely close the area and have it cleaned up.

I spoke with Currituck Sheriff in the use of their range for this year but after all the winter storms and rains, berms were washed away. I also met with Academi and they know by their Special Use Permit, they can allow the Sheriff's Office to use their range. I have requested further meetings with superiors at Academi, requested potential trainings available, and available range dates but have received no responses. Furthermore, we would not be a paying customer and if we planned to use the range, we could be bumped for a paying customer.

I met with Mike Renshaw back in January 2015 on the need for a firing range. John Morrison was informed of the termination of the George Wood Farm lease and the need to build a new range. For the last year, I have been looking for property in the county to build a new firing range. I had been in touch with one property owner in South Mills I thought had property available but was later discovered it was not. I have been reviewing

"Working Together For a Safer Tomorrow"

county owned property through GIS but was unable to find suitable property with a large area and a buffer zone.

Commissioner Michael McLain stated to me back in the spring of 2015 he had property that was possibly suitable for a firing range. I reviewed the GIS map for the McLain property and set up meetings with the County Planning Office – Dave Parks and then with the Army Corps of Engineers (ACOE). The ACOE requested that a small area be cleared so that they could better determine wetlands possibilities.

I flew by airplane over the property during mid-June and saw that trees were growing in the proposed area. Through speaking with a former logger of the property they stated that there would be stumps from passed logging that would be six inches high that would create extra problems for clearing the area. Commissioner McLain said I could look at other areas of his property in which I did and discovered that where the logging operation stripped and loaded the logs was actually an area that would be easily cleared and cleaned. I have been to this area and bulldozed an area 100 feet by 150 feet pushing the dead logs and trees limbs to the side for the ACOE to make a determination on this area.

While this opportunity has risen with the McLain property, Law Enforcement Support Services (LESO) of the North Carolina Department of Public Safety just opened up for law enforcement to get equipment. LESO works in conjunction with the (military) Defense Logistics Agency that facilitates a law enforcement support program, which originated from the National Defense Authorization Act of Fiscal Year 1997 (FY 97). This law allows transfer of excess Department of Defense property that might otherwise be destroyed to law enforcement agencies across the United States and its territories.

No equipment is purchased for distribution. All items were excess which had been turned in by military units or had been held as part of reserve stocks until no longer needed. Since its inception, the program has transferred more than \$5.4 billion worth of property. In 2014, \$980 million worth of property (based on initial acquisition cost) was transferred to law enforcement agencies. Requisitions cover the gamut of items used by America's military -- clothing and office supplies, tools and rescue equipment, vehicles, rifles and others small arms. Of all the excess equipment provided through the program, only five percent are weapons and less than one percent is tactical vehicles. More than 8,000 law enforcement agencies have enrolled in the program.

Such equipment available that could be used to build a firing range was a bulldozer, a motor grader, a dump truck and a used pickup truck. We are currently looking for a front end loader. This equipment was given to the Sheriff's Office at no cost with the only stipulation that we hold it for 12 months then we could surplus and sell it.

At this point and the date of this memorandum, we are waiting for the ACOE to return sometime the second week of August to determine if the proposed area on the McLain property will be suitable for the range. After that, further consultation with the County Planning Office will be needed to start the process for permits. The UDO currently designates for commercial and private use firing ranges. This will not be for commercial

use and a designation of private use needs to be reviewed.

At the same time, a lease agreement will need approval between County of Camden and Michael McLain if the UDO will allow the range. Furthermore, the determined amount of leasing the property will be \$1.00 annually from the Sheriff's Office to McLain.

I have been working on this project to save the county a maximum amount of costs using available resources. I will be available for questions.

The Twiford Law Firm, P.C.

Russell E. Twiford (Retired)
John S. Morrison
Edward A. O'Neal
H.P. Williams, Jr.
R. Mark Warren
Courtney S. Hull
Lauren Arizaga-Womble
Megan Morgan

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Elizabeth City, NC 27907-0099
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Telecopier (252) 338-8546

LOOK AT OUR WEBSITE:
www.twifordlaw.com

Please Respond To:
Moyock

July 27, 2015

Michael McLain
Michael Renshaw
Sheriff Perry
Via Email

Re: *Proposed Firing Range - McLain Lease*

Dear Gentlemen:

I reviewed Sheriff Perry's email of July 22, 2015, together with the agenda item summary sheet and proposed lease for a firing range. I have the following comments:

- Consideration - North Carolina law strictly prohibits any elected official from dealing with the government he serves in private transactions for valuable consideration. Indeed, it is a crime, and in certain cases, can be a felony. My review of the proposed lease, which as Sheriff Perry says "mirrored" that of what Matt Wood provided, is legally compliant in that Commissioner McLain is receiving only a token \$1.00 amount. Further, Commissioner McLain shall continue to be responsible for ad valorem property tax. Only personal property brought onto and stored on the property by the Sheriff would be subject to taxation. This seems highly unlikely to me. However, I caution both parties to carefully reflect upon this transaction. Is Commissioner McLain, in any way, receiving any valuable consideration? It certainly does not appear so. To the contrary, this appears more like a donation to the county. Nevertheless, given the severity of a legal violation here, everyone should carefully reflect upon this. To this end I suggest language be stricken from Article 2 that Lessor would have the right to terminate the lease if the rent payment goes unpaid for 15 days. That is the language of a commercial transaction rather than a gift. Even though the rent only \$1.00, I think it best not to in anyway imply this is a lease in which monetary rent is of prime importance.

- Transparency – As we all know, the Sheriff is a Constitutional officer and is not subject to regulation by the board of county commissioners except as to his budget. Nevertheless, conflicts can arise between the Sheriff's Dept. and the Board of Commissioners. Accordingly, this lease should be made to the public in open session. I do not see this rising to the level of a conflict of interest or even close to it; however, my perception may not be shared by others. If there is free and open disclosure that should go a long way towards removing any such concerns.

I have no opinion on the text amendment or the suitability of the subject property for a firing range. Otherwise, I have no legal issues.

If you have any questions, please contact me. I suggest all of this correspondence, including my position, be circulated to the full board prior to the next meeting.

Warmest Personal Regards,

John S. Morrison

John S. Morrison
Dictated but not reviewed
to expedite delivery

NORTH CAROLINA

CAMDEN COUNTY

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this ___ day of _____, 2016, by and between **Michael McLain**, hereinafter called **Lessor**, and the **COUNTY OF CAMDEN**, whose address is 117 North Highway 343, Camden, NC 27921, hereinafter called **LESSEE**;

WITNESSETH

Article 1. Lease Premises: Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the property owned by Lessor in Camden County, North Carolina more particularly known as the Camden County Sheriff's Office Firearms Range, located at 480 Trotman Road in the Camden County Township of Shiloh, North Carolina, 27974.

Article 2. Term: The term of the lease shall begin the 1st day of _____ 2016 and unless terminated as provided herein, shall expire on the 31st of December of each year. Lessor shall have the right to terminate the lease after any rent payment specified hereinafter goes unpaid by the Lessee for fifteen (15) days. In addition to said rent payment, the lessor shall have the right to terminate the lease if Tony Perry, Sheriff of Camden County, should leave said office.

Article 3. Rent: During the 12 month lease term, Lessee shall pay as rent the sum of one dollar (\$1.00) per year, which said annual rental payment shall be due and payable on or before the 1st day of specified in term.

Article 4. Utility Payments: Lessee shall be responsible for all monthly payments for electricity, water telephone, or other utility services used by lessee in connection with the Lessee's use of the leased premises.

Article 5. Ad Valorem Taxes: Lessor shall be responsible for the payment of any and all Camden County Ad Valorem property taxes associated with the leased premises. Lessee shall be responsible for any Camden County property taxes associated with any county owned property that is kept on or about the leased premises.

Article 6. Compliance with Requirements and All Applicable Law: Lessee shall comply with any and all local, state, or federal laws while in possession of the leased premises.

Article 7. Insurance: Lessee will maintain with insurers authorized to do business in North Carolina extended coverage insurance policies applicable to any and all property owned by the lessee in or on the leased premises. Lessee shall also maintain comprehensive general liability insurance coverage against claims for bodily injury, death and or property damage arising out of the use or occupancy of the leased premises by Lessee.

Lessee shall indemnify and hold harmless the Lessor, and the Lessor's successors in interest, for any and all claims arising out of the leased premises.

Article 8. Assignment and Subletting: Lessee may not assign this lease or sublet the leased premises to any other person or entity. Any law enforcement agency will be allowed to use said range in agreement with Lessor and Lessee. The law enforcement agency will be responsible for maintaining cleanliness, and damages, and providing proper supervision and/or a qualified firing range instructor of said range while they are using it. The County of Camden shall not be held accountable for the use of the leased property by the law enforcement agency or any unauthorized user of the range.

Article 9. Surrender of Leased Premises: Upon the expiration or earlier termination of this lease agreement, Lessee shall return the leased premises to the Lessor in good order and condition, except for ordinary wear and tear, and except for the results of any casualty damage caused through no fault of the Lessee. Lessee shall remove from the leased premises on or prior to such expiration or earlier termination all of the Lessee's property situated thereon and shall repair any damage caused by such removal.

Article 10. Miscellaneous Provisions:

Binding Effect. This lease shall be binding upon and insure the benefit of and be enforceable by the respective heirs, executors, administrators, and successors in interest of the parties hereto.

Quiet Enjoyment. Upon due performance of the covenants and agreements to be performed by Lessee under this lease. Lessor covenants that Lessee shall and may at all times peaceably and quietly have, hold land enjoy the leased premises during the terms of this lease.

Captions. The section headings in this lease are for convenience of reference only and shall not limit or otherwise affect the meaning hereof.

Duplicate Originals. This lease agreement shall be executed in duplicate originals, one of which shall be retained by each of the parties hereto, and each duplicate original shall constitute an original and shall be fully enforceable.

Governing Law. This lease agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

Modification. No modification in this lease agreement shall be binding on the parties unless the same shall be executed with the same formality of the original lease agreement.

Lessor's Right of Inspection. Lessor, or such designated representative of the Lessor as Lessor, shall have the right to inspect the leased premises at reasonable times, and upon giving reasonable notice thereof to the Lessee.

Any violation of these provisions shall constitute a major breach of the lease on the Lessee's part and shall be adequate grounds for immediate summary ejection from the lease premises.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, this the ____ day of _____, 2016.

MICHAEL MCLAIN

Witness: _____

By: _____
Michael McLain

COUNTY OF CAMDEN

Witness: _____

By: _____
_____, Vice Chairman
Camden County Board of County
Commissioners


N O R T H C A R O L I N A
ASSOCIATION OF COUNTY COMMISSIONERS

LIABILITY AND PROPERTY COVERAGE CERTIFICATE						
COVERAGE PROVIDER: NCACC Liability and Property Pool 215 North Dawson Street Raleigh, NC 27603			This certificate is provided by the NCACC Liability and Property Pool and is issued as a matter of information only. This certificate confers no rights upon the certificate holder other than those provided in the coverage document. This certificate does not amend, extend, or alter the coverage afforded by the coverage documents listed herein.			
MEMBER: Camden County PO Box 190 Camden, NC 27921						
COVERAGES						
Type of Coverage	Coverage Contract #	Effective Date	Expiration Date	Limits		
Liability						
X	General Liability – Each Occurrence, No Aggregate applies	LP-CA-015-15	July 1, 2015	July 1, 2016	\$2,000,000 occurrence	
X	Public Officials Liability, Each Wrongful Act	LP-CA-015-15	July 1, 2015	July 1, 2016		
X	Law Enforcement Liability, Each Occurrence	LP-CA-015-15	July 1, 2015	July 1, 2016		
Cyber Liability		LP-CA-015-15	July 1, 2015	July 1, 2016	\$1,000,000 aggregate Claims Made	
Excess Liability						
Automobile Liability						
X	All Owned Autos, Each Accident	LP-CA-015-15	July 1, 2015	July 1, 2016	\$2,000,000 occurrence	
X	Hired Autos, Each Accident	LP-CA-015-15	July 1, 2015	July 1, 2016		
X	Excess Auto Liability for Non-Owned Autos	LP-CA-015-15	July 1, 2015	July 1, 2016		
Automobile Physical Damage						
X	Scheduled Vehicles	LP-CA-015-15	July 1, 2015	July 1, 2016	Actual Cash Value at the time of the Loss, unless otherwise specified in the Coverage Document; Deductible Applies	
X	Hired Autos (if coverage is not purchased elsewhere)	LP-CA-015-15	July 1, 2015	July 1, 2016		
Property – Risks of Direct Physical Loss, Blanket Limit		LP-CA-015-15	July 1, 2015	July 1, 2016	Limit	Deductible
					\$22,294,551	\$1,000
Additional Information:						
CERTIFICATE HOLDER: P. Michael McClain 124 Pine St. Camden, NC 27921			Cancellation: Should any of the described coverage documents herein be cancelled before the expiration date shown, the NCACC Pools will endeavor to mail written notice to the Certificate Holder named herein, but failure to mail such notice shall impose no obligation or liability of any kind upon the NCACC Pools, its agents or representatives, or the issuer of this certificate.			
			By: Jo-Ann West, Underwriter for the NCACC			10/13/2015

Certificate Mailed/E-Mailed or Faxed to:

P. Michael McClain
124 Pine St.
Camden, NC 27921

Camden County Sheriff's Office
PO Box 57
Camden, NC 27921

Policy #: **3.30**

Policy Title: **Shooting Range Facility**

Date: **October 2015**

PURPOSE:

To establish policy and provide guidelines for Sheriff's Office firearms training sessions and for the safe operation and use of the Sheriff's Office Shooting Range.

POLICY:

Firearms training are an important phase in the development of public safety officers. Consequently, it is the policy of this Sheriff's Office that all persons participating in firearms training sessions and using the Shooting Range will do so using safe practices and adhering to procedures set forth in this policy.

DEFINITIONS:

Shooting Range: A Camden County Government approved and permitted facility for the use the qualifications of sworn law enforcement officers on property leased by the County for the exclusive use of the Camden County Sheriff's Office.

PROCEDURES:

I. Safety on the Shooting Range

- A. A North Carolina Criminal Justice Education and Training Standards Commission Certified Firearms Instructor shall be present on the Shooting Range during all training sessions.
- B. Safety on the firing range will be the first priority of all personnel. Shooting Range Safety Rules, as provided for in APPENDIX A of this policy, will be followed at all times.
- C. All personnel will have the duty and responsibility to announce a cease fire for any unsafe condition whether during organized training sessions or individual firing.
- D. Hours of operation:
 - 1. Monday through Thursday
 - 2. 8:00 AM through 8:00 PM

II. Authorization for Use of the Shooting Range

A. Sworn Public Safety Personnel

1. Sworn Public Safety personnel may use the Shooting Range in the following situations:
 - a. During scheduled training sessions;
 - b. On-duty as directed by his/her supervisor; or
 - c. Off-duty when the range is not being used.
2. Use of the Shooting Range by sworn Public Safety personnel must be coordinated with the Sheriff's Office Training Officer to ensure there are no conflicts with scheduled training sessions.
3. All sworn Public Safety personnel using the range, except for scheduled Sheriff's Office training sessions, must obtain the key from the Sheriff's Office and sign the Shooting Range Sign-In Log.

B. Non-Sheriff's Office Personnel

1. All non-Sheriff's Office personnel must obtain approval, in writing, from the Sheriff's Office Training Officer, his/her designee in order to utilize the Shooting Range.
2. All written approvals for non-Sheriff's Office personnel will be forwarded to the Sheriff's Office Training Officer for scheduling.
4. All non-Sheriff's Office personnel using the range must obtain the key from the Sheriff's Office and sign the Shooting Range Sign-In Log.

III. Responsibility for the Shooting Range

- A. The Sheriff's Office Training Officer shall be responsible for maintaining the Shooting Range facility and related records.
- B. The Training Officer, any supervisor or firearms instructor will have the authority to stop any use of the Shooting Range for any unsafe condition whether during an organized training session or individual firing.
- C. The Training Officer will have the authority to re-call any person or organization to clean the Shooting Range if it is not cleaned properly.

IV. Records

- A. A Shooting Range Sign-In Log will be maintained in the Sheriff's Office for all persons using the range including scheduled Sheriff's Office training sessions.
- B. The log will state the date, persons/agencies using the range, time in and time out, and a responsible party.

V. Clean-Up

- A. All brass, targets and other items used in training will be cleaned and stored as necessary by the person/agency at the conclusion of the training session.
- B. The grounds of the Shooting Range will be cleaned after each training session, garbage can(s) emptied in the dumpster and returned to the range.
- C. The range should be left in a neat and clean condition and ready for the next training session

NOTE: This policy is for internal use only, and does not enlarge a deputy's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

Date: October 24, 2015

Sheriff: *Tony E. Perry*

Appendix A

Shooting Range Safety Rules

1. Ear and Eye protection will be worn at all times while firing is in progress.
2. Do not practice dry firing at any time, except in the presence of a qualified firearms instructor.
3. No loading or unloading of revolvers unless on the firing line and instructed by a qualified firearms instructor. Semi-autos are governed by the "hot range" concept (no weapon is to be removed from the holster except on the firing line).
4. No unnecessary talking while on the firing line except to a qualified firearms instructor.
5. While on the firing line, weapons shall be pointed down range or carried in the holster.
6. No cross-draw or shoulder holsters will be allowed on the firing line.
7. In the case of a misfire, keep the firearm pointed down range for at least ten (10) seconds before opening the cylinder/action.
8. When handling any firearm, first check to determine if it is loaded or empty.
9. Never lay a firearm down without unloading it and having the action open.
10. At no time will anyone go beyond the firing line until it is safe and then only when the firearms instructors give the command.
11. Discipline must be maintained. Horseplay, carelessness and irresponsible behavior will not be tolerated in the range area.
12. The firearms instructors are in charge at all times when officers are on the firing range for training.
13. No smoking, drinking, eating, or chewing tobacco will be permitted in the area of the firing lanes.
14. Each person leaving the firing range shooting area must wash their hands

before leaving the range facility.

15. Keep the trigger finger out of the trigger guard and away from the trigger until the weapon is pointed down range.

16. The use of tracer ammunition and armor piercing rounds is prohibited at the Shooting Range. No ammunition greater than .45 calibers will be permitted on the Shooting Range. Loads more powerful than standard factory loads are prohibited.

19. Anyone utilizing the Shooting Range must have a second person in the range with them in case of emergency.

39-15 2/27/14
\$249,600.00 / \$2496.00

No delinquent taxes - MK - 2/27/14

PREPARED BY: Linda H. McCown, McCown & McCown, P.A., PO Box 729, Manteo, NC 27954
RETURN TO: H. T. Mullen, Jr., Attorney at Law, 101 East Elizabeth Street, Elizabeth City, NC 27909

Delinquent taxes, if any, are to be paid by the closing attorney to the County Tax Collector upon disbursement of proceeds.

LAND TRANSFER TAX NO:
LAND TRANSFER TAX:

Excise Tax: \$500.00

NORTH CAROLINA, COUNTY OF CAMDEN

PARCEL # 03-8964-00-39-4075

Brief Description for Index: 194.21 Acre Parcel, Shiloh Township

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this the 14th day of February, 2014, by and between **M & L Partnership, a North Carolina General Partnership**, Grantor, of c/o PO Box 729, Manteo, NC 27954, and **P. Michael McLain**, Grantee, of PO Box 2427, Elizabeth City, NC 27906;

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Shiloh Township, Camden County, North Carolina and more particularly described as follows:

That certain 194.21 Acre Parcel of woodland as shown and delineated on that certain plat prepared by Edward T. Hyman, Jr., Registered Surveyor, entitled "Trotman Road, L.L.C., Shiloh Township, Camden County, North Carolina" dated January 27, 2000 and recorded in the office of the Register of Deeds of Camden County in Plat Cabinet 3, Slide 59B.

The Property herein above described was acquired by Grantor by instrument recorded in Book 295 at Page 593.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property herein above described is subject to the following exceptions:

Easements, restrictions and general utility agreements of record.

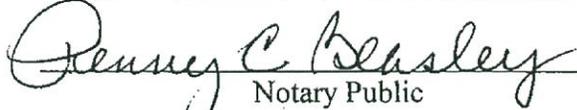
IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

M & L PARTNERSHIP
By:  (SEAL)
Linda H. McCown, General Partner

STATE OF NORTH CAROLINA
COUNTY OF DARE

I Penny C Beasley, a Notary Public of Tyrrell County, North Carolina, hereby certify that **Linda H. McCown, General Partner of M & L Partnership, a North Carolina General Partnership**, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal or stamp, this 14th day of February, 2014.


Notary Public

(SEAL-STAMP)

My commission expires: 12-10-14

