

## Chronological order of events

We (DEMLR WaRO) first received a complaint about a land disturbance at Wayfarers Cove Marina (site) on **July 10, 2020**. The marina is located at 1107 Bennet Road, Arapahoe, NC 28510, in Pamlico County, in the Neuse River Basin. Mr. Carlos Melo owns the property.

I (Scott Graboski) inspected the site on **July 13, 2020**, and found unpermitted work being done, approximately 3.15 acres in size. As a result, Mr. Melo was issued a Notice of Violation (NOV) on **July 16, 2020**. I called Mr. Melo at 12:50 pm on **July 16, 2020**, and asked him if it would be alright to mail him the NOV or if he would like me to hand-deliver it. He responded that it was acceptable to mail it to him and asked if we could email him a copy in advance. So we sent an email and mailed a copy on the same day.

After the 15-day deadline passed with no response to the NOV from Mr. Melo, I did a follow-up inspection. On **July 31, 2020**, I re-inspected the site and found approximately 1.5 acres of additional land disturbance. Therefore, I drafted another NOV to be mailed out on **August 11, 2020**. Around the time the letter was to be mailed, we got a response from Mr. Joe Avolis, P.E. He stated that Mr. Melo had retained him as an engineer and would work with Mr. Melo to help bring the site into compliance. In addition, Mr. Avolis assured us that he would submit the plans to permit the site. Once we received this information, we decided not to send the NOV dated **August 11, 2020**.

On **September 3, 2020**, we received the permit application. The permit was approved for 4.70 acres, and the Project ID PAMLI-2021-001 was issued on **September 24, 2020**.

On **November 16, 2020**, Avolis Engineering, PA, submitted revised plans for permitting an additional 0.7 acres (5.40 acres total) at Wayfarers Cove. The permit was approved on **November 30, 2020**.

On **December 8, 2020**, I visited the site to do an inspection. I noticed areas where sediment eroded into the Alligator Gut waterway. An inspection report was sent.

On **February 10, 2021**, I visited the site to do an inspection. I noticed a lot of additional work outside the Limits of Disturbance (LOD) outlined on the previous permit, issued 11/30/2020. I walked around and took pictures before being confronted by Mr. Melo. Mr. Melo got angry when I told him that he was once again outside of his LOD. He got aggressive and very loud with me, so I excused myself from the premises for my safety. I mailed a certified inspection report notifying Mr. Melo that he had 15 days to bring the site into compliance and apply for a permit for the newly disturbed areas.

Within the 15-day window to comply with the previous violations, we heard from Avolis Engineering, PA, that they would again help bring the site into compliance. On **March 12, 2021**, we received the revised permit submittal for an additional 1.74 acres, totaling 7.14 acres of disturbance. On **March 26, 2021**, the permit revision was disapproved due to the LOD not being clearly indicated and encompassing all land disturbing activities.

On **May 5, 2021**, we received another plan submittal to correct the previous issues from the disapproval. The submittal was acceptable, and the permit was issued for 7.14 acres on **May 19, 2021**.

On **September 15, 2021**, I visited the site to do an inspection. New land disturbing activities were being done outside the LOD. A bulkhead was being installed along the southern point of the property. Tree

clearing was done inside the Neuse River riparian buffer and other places across the property. The south end of the property was denuded and regraded. I spoke with Mr. Melo briefly once he approached my truck. I told him I would just be doing a quick inspection and leaving. After I left the property, I was confronted by someone in a pickup truck at the intersection of Bennett Road and NC-306. The gentleman asked me if I like to harass people. He stated that I would be hearing from a lawyer. I sent Mr. Melo a certified inspection report on **September 17, 2021**, saying that the site needed to be brought into compliance within 15 days. The letter was delivered on **September 22, 2021**. Mr. Melo did not sign the certified letter due to Covid-19 restrictions.

On **September 29, 2021**, I received an email from Mr. Ted Tyndall, P.E., stating that he has “been retained by Carlos M. Melo...to assist him with project modifications, permit issues, and agency concerns with the Wayfarers Cove Marina Improvement project.” He requested a 30-day extension to address the non-compliance issues. The 30-day extension was granted. At some point during October of 2021, Mr. Tyndall came to the Washington Regional Office to look over our file for the site and make copies.

On **December 1, 2021**, WaRO’s permitting engineer, Randall Jones, emailed Mr. Tyndall all the information he needed to submit a permit application. No application was ever received for this project.

On **March 11, 2022**, I visited the site to do an inspection. The property's south end (outside of the LOD) was actively being regraded, and the permitted piece of property was missing erosion and sediment control measures that were supposed to be in place. As a result, an SPCA and NCG 01 NOV was issued for their active permit and for doing unpermitted work. The NOV was issued on **March 25, 2022**, and received by Mr. Melo on **March 30, 2022**.

On **April 14, 2022**, I visited the site for a follow-up inspection. At that time, nothing was done to bring the site into compliance. I drafted a Notice of Continuing and Additional Violations (NOCAV) for the site the following day.

On **April 18, 2022**, four days after the compliance deadline in the NOV, Mr. Tyndall called me in response to the NOV and left a message. I returned his call the following day (**April 19, 2022**) and spoke with him about what needed to be done to bring the site into compliance. I received an email dated **April 22, 2022**, from Mr. Tyndall, which said that Mr. Melo is trying to find a different engineering firm to help him put together a permit submittal but was not having much luck.

On **April 25, 2022**, I mailed the NOCAV for the SPCA and NCG 01 violations to Mr. Melo. He received the NOCAV on **April 27, 2022**. The green signature card returned to me with it ripped and crumpled up.

As of the date of this letter, no permit submittal was received for the additional disturbances at Wayfarers Cove Marina.