

▶ TRIAD Listens, Designs & Delivers

June 12, 2023

Mr. Sean Masterson Sidewinder Enterprises, LLC 4340 Von Karmen Ave Newport Beach, CA 92660

Re: Wetland/Waterway Presence/Absence Determination

Sidewinder Enterprises LLC Property (p/o Parcel 07 22000900000000)

Brucetown Road, Kearneysville, WV 25430

Triad Project No. 03-23-0484

Dear Mr. Masterson:

Triad Engineering, Inc. (Triad) performed an evaluation to determine the presence or absence of suspect jurisdictional waters of the U.S. and/or waters of the state for the proposed warehouse at the above-referenced site. The study limit for this evaluation is shown on the attached exhibit. The following is a summary of this evaluation and the findings.

<u>Methodology</u> - This evaluation was performed in general accordance with the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual (Y-87-1), dated January 1987 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (ERDC/EL TR-12-9), dated April 2012.

Office Analysis - Triad reviewed the applicable U.S. Geological Survey Topographic Map, Web Soil Survey, U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper, Google Earth Pro aerial photographs, and the Federal Emergency Management Agency National Flood Hazard Layer. The only surface water features identified at the site are industrial wastewater lagoons/settling ponds, the mapped soils are predominantly non-hydric, except for the northern and southern fringes of the study area, and the study area is in an area of minimal flood hazard (Zone X).

<u>Site Reconnaissance</u> – Patrick Upham and Tim Kellerman of Triad conducted a reconnaissance at the site on June 6, 2023, which was during a period of severe drought.

<u>Findings</u> - The office analysis and site reconnaissance confirmed the <u>absence</u> of suspect jurisdictional waters of the U.S. and waters of the State. Several wastewater lagoons/settling ponds and several upland gullies were evaluated at the site via ground truthing as were other areas of the site. None of these features or any other areas at the site should be considered jurisdictional waters of the U.S. or waters of the State.

We appreciate the opportunity to provide our services on this project. Should you have any questions concerning our findings, please contact the undersigned at 301-797-6400.

Wetland/Waterway Presence Absence Determination Triad Project No. 03-23-0484 June 12, 2023 Page 2

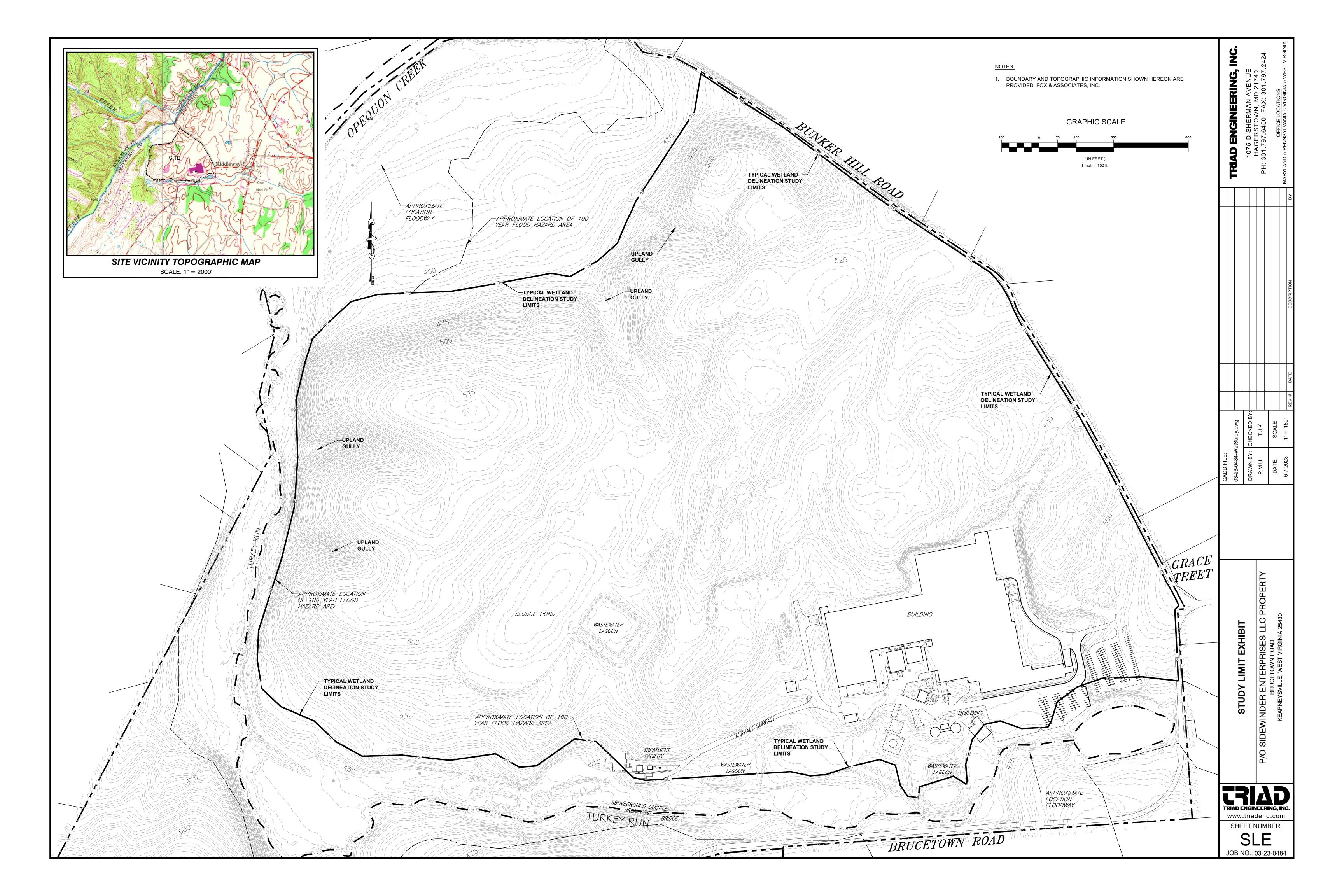
Prepared by:

TRIAD ENGINEERING, INC.

Justy J Kellerman

Senior Environmental Scientist

Attachment: Study Area Exhibit



BERKELEY COUNTY PUBLIC SERVICE SEWER DISTRICT

P.O. Box 944 Martinsburg, WV 25402 Phone: (304) 263-8566 Fax: (304) 267-7478

Board of Directors:
John Kunkle, Chairman
John E. Myers, Secretary
Greg Rhoe, Treasurer

August 18, 2021



Curtis B. Keller General Manager

Mr. Jason Gerhart Gordon 148 S Queen Street, Suite 201 Martinsburg, WV 25401

Re: Intent to Serve - Middleway Property - Map 2, Parcel 9

Dear Mr. Gerhart

This letter is to provide notice of the Berkeley County Public Service Sewer District's intention to serve the proposed Middleway Property, located in Jefferson County, Map 2, Parcel 9. The sewer service for this property is for domestic purposes only and not for any process water with an estimated 10,000 gpd maximum. All design and construction of on-site and off-site line extensions including the Opequon Creek crossing will be the responsibility of the contractor.

The District will provide sanitary sewer service to the project and may enter into a COVA Agreement with the developer for construction of the necessary improvements, which may include both on-site and off-site improvements along with an on-site pump station. Individual applications will need to be completed and payment of the tap fee may be required before construction of the project on the lot(s) will be permitted.

If you have any questions, please feel free to call my office at 304-263-8566.

Sincerely,

Rodney Hanes

Assistant General Manager

Berkeley County Public Service Sewer District PO Box 944, Martinsburg, WV 25402 Telephone Direct 304-263-8566

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

251 Caperton Blvd. Martinsburg, WV 25403 Telephone: 304.267.4600 & FAX: 304.267.3864

To Whom It May Concern:

INTENT TO SERVE PUBLIC WATER FOR SUBDIVISIONS AND/OR LAND DEVELOPMENTS

Property Owner: Sidewinder Enterprises, LLC

4340 Von Karmen

Ste 380

Newport Beach, CA 92660

Phone: (310)365-5183

Property Location: Jefferson Co Tax Map 22 Parcels 3.01, 9, 32, 34 and Map 22B Parcel 19.02

Property Address: TBD

Description of Proposed Project: Commercial/Industrial (2 lot subdivision with 2 services)

[] Has public water service. Water main of adequate size exists in the public right-of-way adjoining the property. All lots must have frontage on public main in order to have water service. All lots of proposed subdivision/land development that do not have frontage on an existing water main will require a mainline extension for water service. As the details of the project are reviewed and hydraulic model evaluations are determined, additional infrastructure provisions, onsite and offsite, may be required to ensure adequate service to existing customers as well as the proposed development.

[x] Requires a mainline extension for public water service to and/or within the proposed subdivision/land development. Interior of proposed subdivision/land development will require a mainline extension for water service. The Developer shall execute an alternate mainline extension agreement with the District for the above noted project which must be approved by the Public Service Commission of West Virginia. Pursuant to the agreement not to exceed 10,000 gallons of water per day. Proposed mainline extension is from the District's existing main on Specks Run Road. All mainline extensions shall be completed in accordance with the Berkeley County Public Service District Developer Policy, Procedures and Standards for Water Systems.

This Intent to Serve Public Water is only an intent to serve water. Water service is not guaranteed until a tap application (i.e., a formal request for immediate and continuous service) is approved for an individual lot(s). This Intent to Serve Public Water does not convey District acceptance or approval of the proposed project for permitting by State or other regulatory agencies.

This Intent to Serve Public Water expires one year from date of issue.

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

By: Robin Shade Date: May 28, 2024

Its: District Representative

FOR PLAN REVIEW PURPOSES ONLY. NOT TO BE USED TO OBTAIN BUILDING PERMIT.

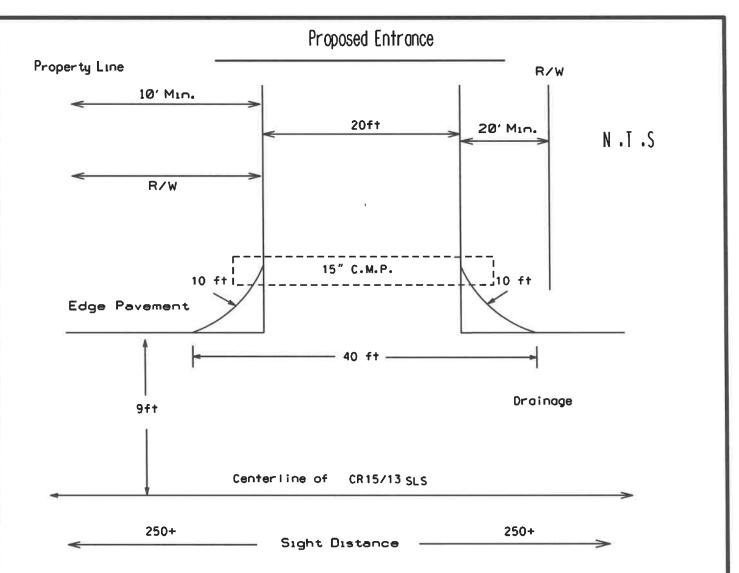
West Virginia Department of Transportation Division of Highways Right of Way Entry Permit Application

PERMIT NO. 05-2024-0381

By signing below, APPLICANT agrees to all terms and conditions (see page 2) associated with this permit to enter upon, under, over, or across the state road right(s) of way of the State of West Virginia. Applicant: SIDEWINDER ENTERPRISES Address: 4340 VÓN KARMAN AVENUE, 380 City: NEWPORT BEACH State: CA 92660 Email: Phone Number: 3103655183 Route Number: 1/8 County: 19 - Jefferson Route Type: US WV X County Milepost 2.846 ☐ Interstate ☐ HARP Latitude/Longitude at/along Roadway (in decimal degrees): 39.30371/-77.98996 Description of Work: To maintain an existing entrance to Sindwinder Enterprises, LLC. (old 3M Plant) it is being issued as a residential entrance. This shall be maintained so that water and debris will not flow or be tracked onto the roadway. Also, should this parcel be used commercially, farther subdivided, or be located within a subdivision with internal access, this permit will be invalid. Applicant shall apply for a new permit to fit altered conditions. Length of Installation: — Estimated Construction Duration: DOH Project Number/Name (if applicable):__ **APPROVED** Inspection Fees (must check one): For any inspection fees incurred under this permit AUG 29 2024 At \$0.85 per linear foot of water line installed under this permit At \$3.37 per linear foot of sewer line installed under this WV DOT permit Applicant Title: CO-MANAGER Applicant: Date: 6/28/24 SEAN Applicant Printed Name: ___ **Permit Supervisor** DOH Reviewer Title: District Manager/Engineer DOH Approver Title: FOR DIVISION USE ONLY DEPOSIT/BOND REQUIRED: YES NO DEPOSIT/BOND AMOUNT: _\$_ Check Attached Bond Attached Bond On File BOND NUMBER:_____ _DATE:_ INSPECTION: By Owner/Consultant By Division Periodic Full Time Part Time No Cost Reimbursable (Authorization 6/14/2024 PERMIT ISSUE DATE: ____

TERMS AND CONDITIONS

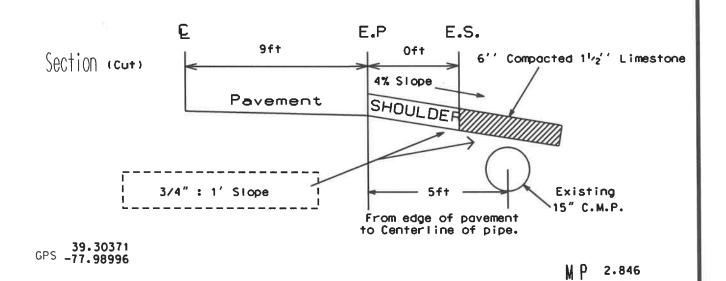
- 1. This permit, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation, hereinafter called "DIVISION" and APPLICANT, a person, firm or corporation, listed on page one.
- 2. In consideration of the conditions hereinafter set forth and in accordance with all state and federal laws, including but not limited to, W. Va. Code §17-2E-1 et seq., §17-4-8, §17-16-6, §17-16-9, §31H-1-1 et seq., and any related rules, regulations, policies, manuals, or guidelines, APPLICANT does hereby apply to enter DIVISION's right(s) of way listed on page one, for the purpose listed in Description of Work on page one.
- 3. APPLICANT shall deposit with DIVISION an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the issuing of this permit, including any expense incurred in restoring said right(s) of way to original condition or the proper repair of any and all damages arising from, related to, or otherwise connected to said entry.
- 4. APPLICANT agrees to reimburse DIVISION for inspection costs as listed on page one.
- 5. APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply may result in cancellation of this permit.
- 6. APPLICANT shall notify DIVISION upon completion of any work authorized under this permit. If APPLICANT's work is anticipated to extend beyond the estimated construction duration indicated on page one, APPLICANT shall notify the DIVISION as soon as possible. Failure to comply may result in additional charges.
- 7. APPLICANT agrees to protect all users of the road right(s) of way, as well as all employees and equipment of APPLICANT and DIVISION, at all times in accordance with the current Division of Highways manual, "Manual on Temporary Traffic Control for Streets and Highways" (https://transportation.wv.gov/highways/traffic/Pages/default.aspx).
- 8. APPLICANT agrees to comply with all applicable state and federal laws related to the entry that is the subject of this permit, including but not limited to the requirement to provide DIVISION copies of any NEPA clearance documentation for utility installations along or across the Interstate Highway System and/or controlled-access right(s) of way.
- 9. The person, firm or corporation to whom a permit is issued agrees to defend, indemnify, and hold the State of West Virginia and DIVISION harmless on account of any damages to persons or property which may arise during the process of the work authorized by this permit or by reason thereof.
- 10. Applications for permission to perform work within highway right(s) of way shall be made on DIVISION's standard permit form and shall be signed by the authorized representative of the person, firm or corporation applying.
- 11. The APPLICANT shall give detailed information concerning the nature of the entry and any work to be performed, and the application must include plans sufficient to show the same.
- 12. Any work authorized under this permit shall be completed on or before one calendar year from the issue date listed on page one, unless otherwise specified or approved by DIVISION.
- 13. APPLICANT, its agents, successor, heirs or assigns, contractors or any other person, firm or corporation working under APPLICANT's real or apparent authority, shall perform the work in a manner satisfactory to DIVISION. Damage to the right(s) of way resulting at any time from work authorized under this permit shall be repaired by APPLICANT. Unsatisfactory repairs, at the sole discretion of DIVISION, may be corrected by DIVISION or its authorized agent and the cost thereof paid by APPLICANT.
- 14. DIVISION shall not be liable for any damage or costs incurred by APPLICANT arising from or related to DIVISION's construction or maintenance of DIVISION's facilities.
- 15. Utility installation(s) shall be in accordance with the current manual, "Accommodation of Utilities on Highway Right of Way" (https://transportation.wv.gov/highways/right-of-way/Pages/Utility-Publications.aspx).
- 16. Driveway construction shall be in accordance with the current manual, "Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way" (https://transportation.wv.gov/highways/traffic/Pages/default.aspx).
- 17. DIVISION reserves the right to cancel this permit at any time.
- 18. This permit is issued only insofar as DIVISION has a right to do so. APPLICANT has sole responsibility to secure all necessary rights or permissions for any third-party property interests related to the entry, known or unknown. APPLICANT, by signing on page one, hereby warrants that, to the extent its entry onto DIVISION's right(s) of way involves or affects any other entity's property, real or personal, on or within DIVISION's right(s) of way, that APPLICANT has full legal authorization or the legal right to do so. To the fullest extent permitted by law, APPLICANT agrees to defend, indemnify, and hold harmless DIVISION for damage to any persons or property arising from APPLICANT's breach of this representation and warranty.
- 19. All attachments are incorporated into this permit. To the extent of any conflict, the terms of this permit shall control.
- 20. APPLICANT agrees to keep any surface facilities installed pursuant to this permit clear of vegetation for so long as APPLICANT's facilities are located on DIVISION's rights of way. APPLICANT agrees to remove promptly any vegetation in, on, or around such facilities that poses a risk or hazard to the safety of the travelling public.



NO OBSTRUCTION PERMITTED BETWEEN PAVEMENT EDGE AND R/W LINE

REMARKS: Existing entrance to be used as a residental entrance for Sidewinder Enterprises LLC.

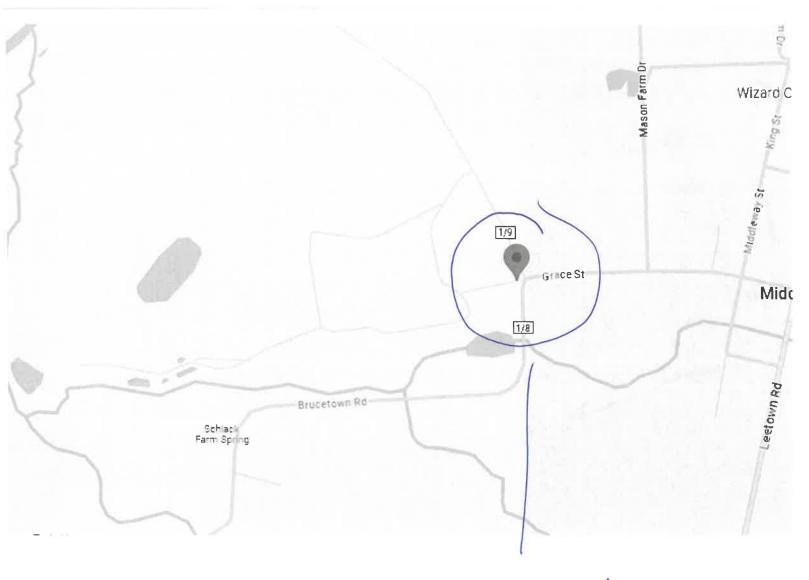
Posted Speed Limit 15 MPH



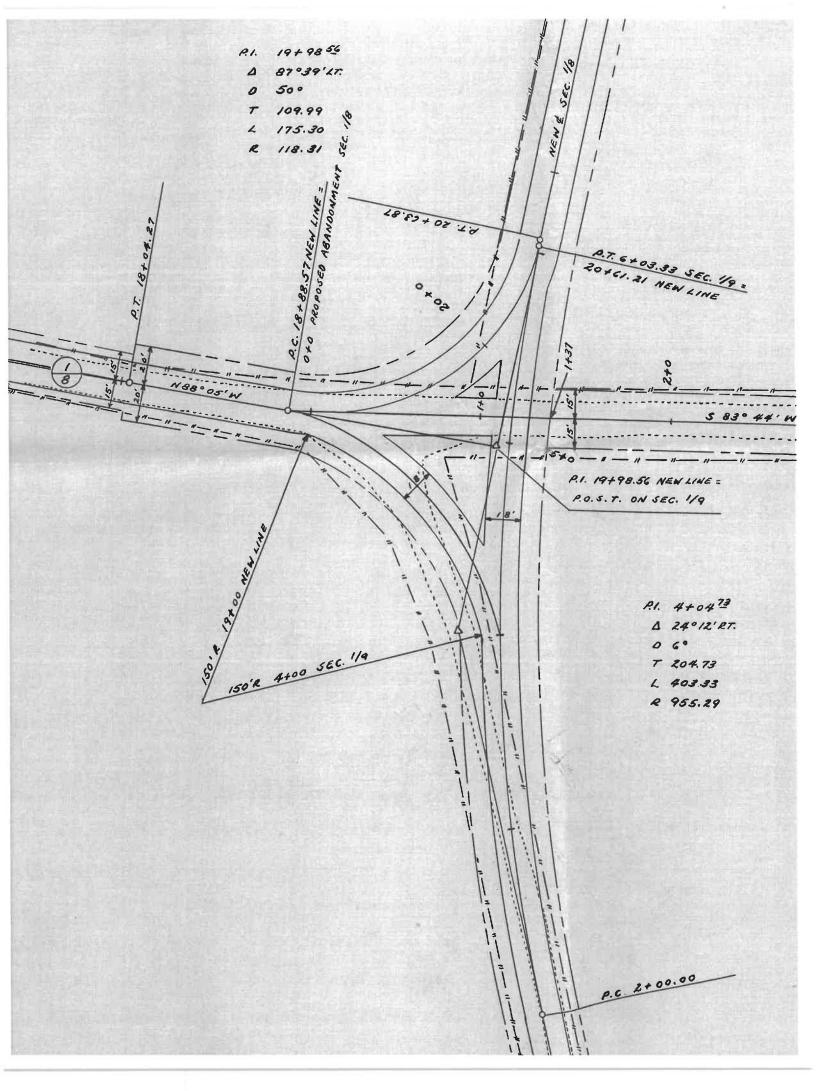
NAME Sidewinder Enterprises LLC.

4340 Von Karman Avenue 380
Newbort Beach CA 92660

e inter of CR 1/8, 1/9 and Grace Street
LOCATION:



@intersection at CR 1/8; 1/9 & Grace 8t.



Entrance Permit Application

PLEASE PRINT LEGIBLY

DATE APPLIED FOR:	April 24, 202	4	Contractor	or Engineer (If applicable)	
COUNTY:	Jefferson			ty Federal Services	
OWNER/DEVELOPER	NAME: Sidew	inder Enterprises	PHONE NO: 30		
ROUTE NO:	1/9			3 S. Queen St., Ste. 201 rtinsburg, WV 25401	
PHONE NO:	310-365-518	33	EMAIL: mmcc	lonald@ifs-ae.c <u>om</u>	
ADDRESS OF APPLICA	ANT: 4340 Vo	on Karman Ave., #380, Ne	ewport Beach, CA	A 92660	
EMAIL ADDRESS: SE	ean@sidewin	derenterprises.net	-		
EXACT LOCATION OF	APPROACH (Pie	ease be specific. Example: East s	side of John Doe Roa	ad, 1.25 miles north of	
Jane Doe Road): The entrance is located at the intersection of Grace St., Brucetown Rd. & Bunker Hill Rd. The entrance would be located approx. 2,000' from Leetown Rd.					
NOTE: Property owner	r must stake loc	ation of approach or approach	es out in field with I	blue and gold ribbon.	
TYPE OF APPROACH:					
Private		(Please mark)	WIDTH (16 16'	3' – 20')	
Commercial				min 25'	
Minor Subdivisi Major Subdivisi				min 25'	
Heavy Equipme				17.111 2.0	
Miscellaneous	(state purpose)				
REQUIRED DOCUMEN	NTATION				
PRIVATE APPROACH (See A for required documentation)					
COMMERCIAL APPROACH (See B for required documentation)					
SUBDIVISION (Minor - See C for required documentation, Major - See D for required documentation)					

HEAVY EQUIPMENT (See E for required documentation)

MISCELLANEOUS (See F for required documentation)

- A) PRIVATE One single lot already with a recorded deed. Must provide a deed in the applicant's name and/or a surveyor's signed plat of the entire property in applicant's name. For one single family dwelling.
- B) COMMERCIAL This also includes churches.

Please include:

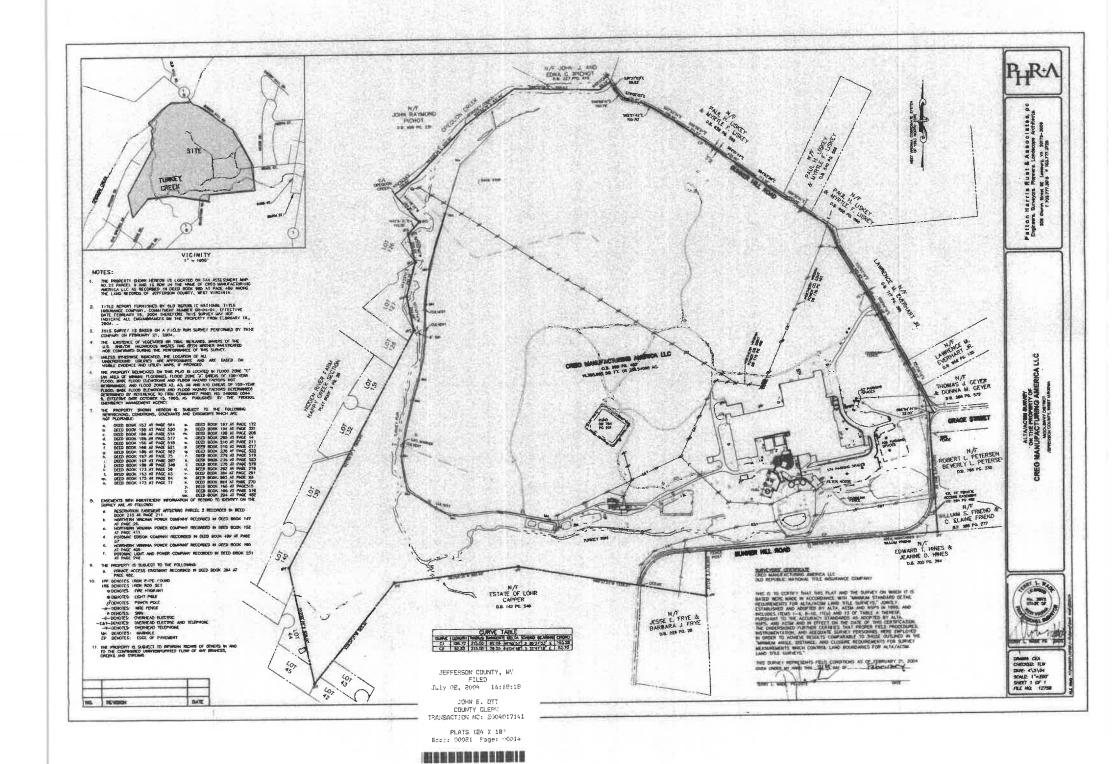
- 1) Plan view of entire project (50 scale max)
- 2) Plan view of entrance (20 scale)
 - a) Show width, radii, and drainage structures
 - b) Signage striping
 - c) Traffic control
- 3) Provide drainage calculation according to WVDOH Drainage Manual
- 4) Show any road improvements
- 5) Provide paving typical and sight distance profile
- 6) Profile of entrance starting at centerline of state road and include edge line, width of pavement, drainage structures, and right of way. Must go a minimum of 50' into entrance (10 scale).
- 7) Will require a bond
- C) MINOR SUBDIVISION Four lots or less, including the residue. Must provide a plat signed and stamped by a licensed surveyor. This includes parent to child transfers.
- D) MAJOR SUBDIVISION Five lots or more, including the residue. This also includes subdividing that has occurred within the last five years.

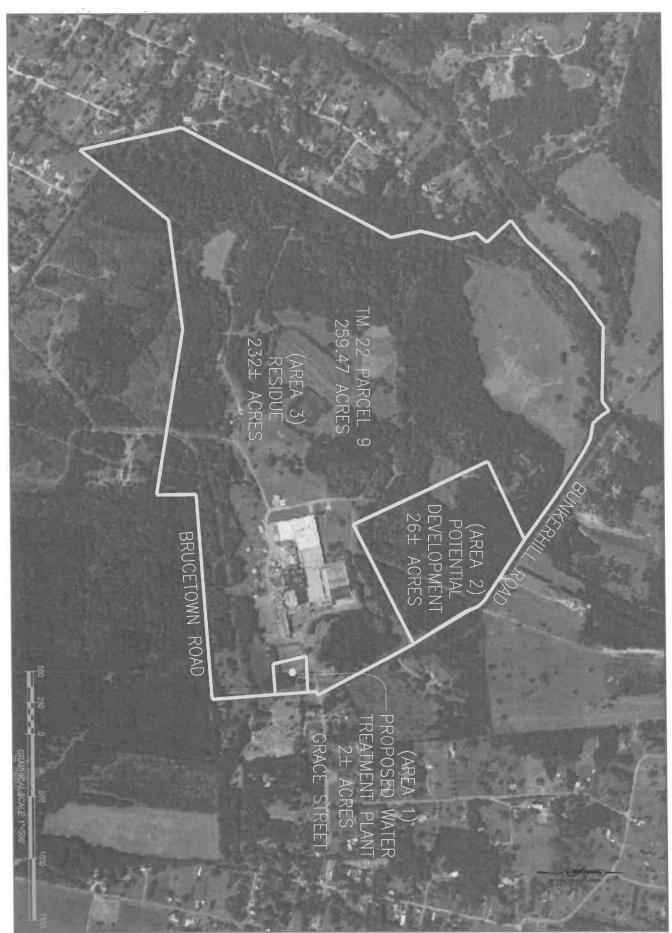
Please include:

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- 7) Will require a bond
- E) HEAVY EQUIPMENT This is for a temporary entrance. Must provide what it will be used for and for how long it will be used for (must have an end date). May require a bond. Includes logging operations.
- F) MISCELLANEOUS Includes fuel spills, tree plantings and removals, and other work within WVDOH rights of way. Fill out application and contact entrance permit section in Burlington for required documentation.

The above information is general in nature and may require additional information after review.

Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way: http://www.transportation.wv.gov/highways/engineering/Manuals/Traffic/Driveway.pdf





3M PROPERTY PARCELS SIDEWINDER ENTERPRISES LLC



148 S. Queen Street, Suite 201 • Phone: 304-725-8456 Martinsburg, WV 25401 • www.ifs-ac.com

Entrance Permit Application

PLEASE PRINT LEGIBLY

DATE APPLIED FOR: April 24	, 2024	Contractor or Engineer (If applicable)
COUNTY: Jeffers	on	NAME: Integrity Federal Services
OWNER/DEVELOPER NAME:	idewinder Enterprises	PHONE NO: 304-725-8456
ROUTE NO: 1/9		148 S. Queen St., Ste. 201 ADDRESS: Martinsburg, WV 25401
PHONE NO: 310-36	5-5183	EMAIL: mmcdonald@ifs-ae.com
ADDRESS OF APPLICANT: 43	40 Von Karman Ave., #380), Newport Beach, CA 92660
EMAIL ADDRESS: sean@sic	lewinderenterprises.net	
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04110 200 11000/		ction of Grace St., Brucetown Rd. & Bunker d approx. 2,000' from Leetown Rd.
TYPE OF APPROACH: Private Commercial Minor Subdivision Major Subdivision Heavy Equipment Miscellaneous (state purp	(Please mark)	WIDTH (16' – 20') 16' min 25' min 25'
REQUIRED DOCUMENTATION		
PRIVATE APPROACH (S	See A for required documentation)	
COMMERCIAL APPROA	CH (See B for required document	ation)
SUBDIVISION (Minor - S	See C for required documentation,	Major – See D for required documentation)
HEAVY EQUIPMENT (Se	ee E for required documentation)	

MISCELLANEOUS (See F for required documentation)

- A) PRIVATE One single lot already with a recorded deed. Must provide a deed in the applicant's name and/or a surveyor's signed plat of the entire property in applicant's name. For one single family dwelling.
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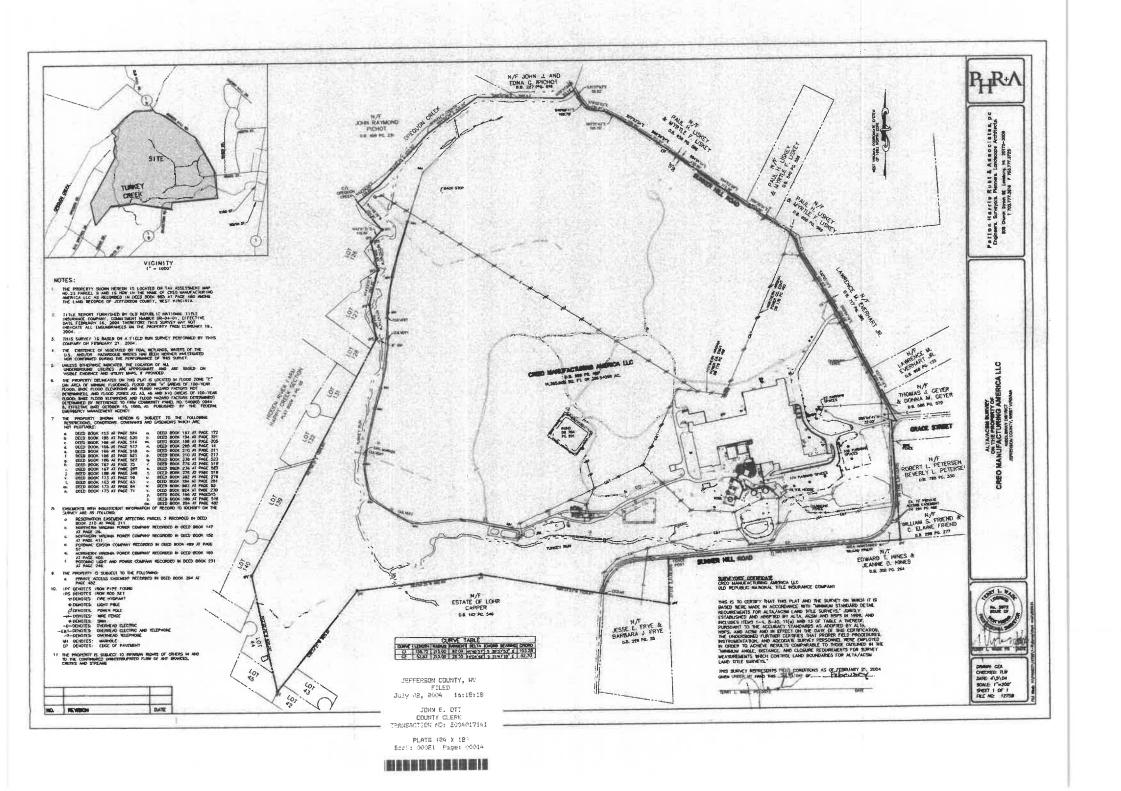
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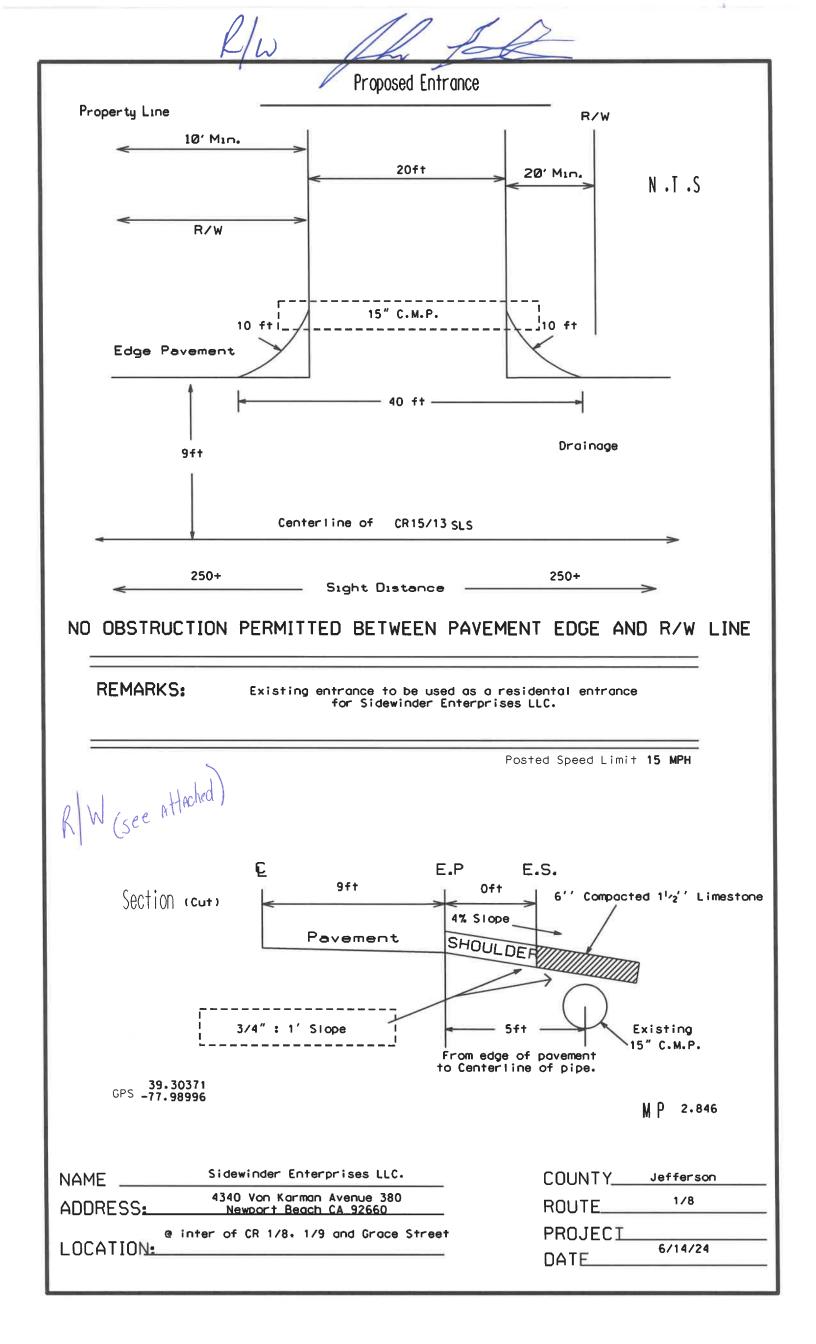
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SIDEMINDER ENTERPRISES LLC LLC



