



North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

April 23, 2014

Sent Via E-mail and USPS

Mr. Michael Kersting  
Fertile Ground, LLC  
4022 Market Street  
Wilmington, NC 28403  
michael@kerstingarchitecture.com

Subject: Letter of Eligibility  
Former Wetsig Yachts Site  
4022 Market Street  
Wilmington, New Hanover County  
Brownfields Project Number 18016-14-065

Dear Mr. Kersting:

The North Carolina Department of Environment and Natural Resources (DENR), Brownfields Program has reviewed your April 3, 2014 Brownfields Property Application (BPA) submitted on behalf of Fertile Ground, LLC as a Prospective Developer seeking a brownfields agreement regarding the subject site. Upon review of the BPA with respect to the requirements of the Brownfields Property Reuse Act of 1997, DENR has determined that this project is eligible for entry into the North Carolina Brownfields Program and for continued evaluation for a Brownfields Agreement.

The next step in the process will involve a detailed review of available environmental and other relevant data to determine what is currently known about contamination at the site, and what, if any, information gaps may exist that may require additional assessment. We are in receipt of several environmental reports and other supporting documentation regarding the site. Historical site information from the files of DENR's Division of Waste Management will also be utilized during the evaluation process. Please forward any additional information or data you may have or can acquire for our evaluation. This should include reports from other DENR agencies or regional offices. We will contact you regarding any additional assessment that may be necessary to establish that the property is or can be made suitable for the intended reuse, as required by statute.

According to the BPA, the intended redevelopment for the site is for the expansion of commercial development on the property. Because risk management decisions may vary depending on the nature of the redevelopment, it will be important that DENR review the

locations of the various elements. Please forward any maps or drawings indicating these details, even if they are only preliminary or conceptual. Also: Please note that Fertile Ground, LLC does not have the liability protections a Brownfields Agreement offers unless and until it is executed. Thus, pending the execution of a Brownfields Agreement, you operate at the site at the risk of jeopardizing your eligibility and/or becoming a party responsible for the contamination at the site if an agreement is not finalized. This makes it very much in your interest to consult closely with the Project Manager regarding any planned site activities prior to agreement finalization.

Please be aware that if the applicant Prospective Developer, Fertile Ground, LLC, does not actually buy the property for redevelopment, it cannot be a Prospective Developer under our authorizing statute and loses its eligibility for the Brownfields Program. This refers to Fertile Ground, LLC itself, not an affiliate or any other party.

Also, if a party other than the Prospective Developer will own the Brownfields property at the conclusion of the brownfields process, the final Notice of Brownfields Property (which gets recorded at the Register of Deeds' office and to which the Brownfields Agreement is an exhibit) must be signed not only by the Prospective Developer but by that property owner. Failure by the Prospective Developer to ensure, by the time Brownfields Agreement negotiations are complete, the willingness to sign of any such party, and to provide DENR the exact name, e-mail address, telephone number and U.S. mail address of the party (along with signatory/signatory's title in the case of an entity) will delay, and could prevent, the Brownfields Agreement taking effect.

We look forward to working with you to advance this brownfields redevelopment project. If you have questions about this correspondence or require additional information, please feel free to contact the Project Manager, Samuel Watson, by phone at 910-796-7408, or by e-mail at [samuel.watson@ncdenr.gov](mailto:samuel.watson@ncdenr.gov).

Sincerely,



Linda M. Culpepper, Deputy Director  
Division of Waste Management

cc: Project File

ec: Bruce Nicholson, DENR  
Sam Watson, WiRO  
Paul Clark, The Clark Group