March 31, 2021

NCDOT Division 8
Attn: Mr. Art King
121 DOT Drive
Carthage, NC 28327
Delivered via email to: acking@ncdot.gov

Subject:  **APPROVAL of JORDAN LAKE RIPARIAN BUFFER IMPACTS WITH ADDITIONAL CONDITIONS**
NCDOT Chatham Park Way North (R-5930)

Dear Mr. King:

You have our approval for the impacts listed below for the purpose described in your application received by the Division of Water Resources (Division) September 8, 2020 with subsequent information on November 13, 2020 and by Public Notice issued by the Division on December 4, 2020 and Public Hearing held on January 7, 2021. These impacts are covered by the Jordan Lake Riparian Buffer Rules and the conditions listed below. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Clean Water Act Section 404 and/or 401 Authorizations, Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

The following impacts are hereby approved, provided that all of the Conditions listed below and all of the conditions of the Jordan Lake Riparian Buffer Rules are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0267(11)]

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Amount Approved (units) Permanent</th>
<th>Amount Approved (units) Temporary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffers – Zone 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact Site 1</td>
<td>15291 (square feet)</td>
<td>0 (square feet)</td>
</tr>
<tr>
<td>Impact Site 2</td>
<td>10672 (square feet)</td>
<td>0 (square feet)</td>
</tr>
<tr>
<td>Impact Site 3</td>
<td>14493 (square feet)</td>
<td>0 (square feet)</td>
</tr>
<tr>
<td>Buffers – Zone 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact Site 1</td>
<td>13893 (square feet)</td>
<td>0 (square feet)</td>
</tr>
<tr>
<td>Impact Site 2</td>
<td>10850 (square feet)</td>
<td>0 (square feet)</td>
</tr>
<tr>
<td>Impact Site 3</td>
<td>14440 (square feet)</td>
<td>0 (square feet)</td>
</tr>
</tbody>
</table>
This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Authorization Certificate. If you change your project, you must notify the Division and you may be required to submit a new application package. If the property is sold, the new owner must be given a copy of this Authorization Certificate and is responsible for complying with all conditions. [15A NCAC 02B .0267(11]

If you are unable to comply with any of the conditions below, you must notify the Raleigh Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Raleigh Regional Office any noncompliance with the conditions of this Authorization Certificate and/or any violation of state regulated riparian buffer rules [15A NCAC 02B .0267]. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the applicant became aware of the circumstances.

Additional Conditions:

1. Mitigation for NCDOT Chatham Park Way (R-5930) for must be provided for the proposed impacts as specified in the tables below. The Division has received an acceptance letter from the NC Division of Mitigation Services (DMS) to meet this mitigation requirement. Until the DMS receives and clears your payment, and proof of payment has been provided to this Office, no impacts specified in this Authorization Certificate shall occur. For accounting purposes, this Authorization Certificate authorizes payment to the DMS to meet the following compensatory mitigation requirement:

<table>
<thead>
<tr>
<th>Buffers</th>
<th>Compensatory Mitigation Required</th>
<th>River &amp; Sub-basin Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>79,639 square feet</td>
<td>Cape Fear (03030002)</td>
<td></td>
</tr>
</tbody>
</table>

*Citation: 15A NCAC 02H .0506(c)*

2. NCDOT shall submit final construction plans for the Chatham Park Way (R-5930) portion of this project for review and approval by DWR. The final design of Chatham Park Way shall follow the NCDOT Post-Construction Stormwater Plan and Stormwater Best Management Practices Toolbox and that all stormwater measures shall be properly inspected and maintained in accordance with NCDOT’s National Pollutant Discharge Elimination System (NPDES) stormwater permit NCS000250.

*Citation: 15A NCAC 02H .0502 (a) and 15A NCAC 02H .0506 (b)(1)*

3. NCDOT shall schedule and conduct a pre-construction meeting with the construction contractors, NCDOT staff, and Division staff to review the conditions and requirements of the respective certifications and permits for clarity and understanding before any impacts authorized in this Certification occur.

*Citation: 15A NCAC 02H .0507 (c) and 15A NCAC 02H .0502 (e) and 15A NCAC 02H .0506 (b)(3)*

This approval and its conditions are final and binding unless contested. [G.S. 143-215.5]
This Authorization Certificate can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at [http://www.ncoah.com/](http://www.ncoah.com/) or by calling the OAH Clerk’s Office at (919) 431-3000.

One (1) copy of the Petition must also be served to the North Carolina Department of Environmental Quality:

William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

This Authorization Certificate neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Authorization Certificate does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person, nor does it create any prescriptive right or any right of priority regarding any usage of water. This Authorization Certificate shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Authorization Certificate to possess any prescriptive or other right of priority with respect to any other consumptive user.

This Authorization shall expire when the corresponding 401 Water Quality Certification Approval DWR#20200533v2 expires.

This letter completes the Division’s review under the Raleigh Riparian Buffer Rules as described in 15A NCAC 02B.0267. Please contact Sue Homewood at 336-776-9693 or Sue.Homewood@ncdenr.gov if you have any questions or concerns.

Sincerely,

S. Daniel Smith, Director  
Division of Water Resources

cc: Jason Hartshorn, Kimley-Horn (via email)  
Bob Zarzecki, Soil & Environmental Consultants, PA (via email)  
James Lastinger, USACE Raleigh Regulatory Field Office (via email)  
Todd Bowers, EPA, (via email)  
Gabriela Garrison, NCWRC (via email)  
Emily Wells, USFWS (via email)  
DWR 401 & Buffer Permitting Branch Electronic file