



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. JAY ZIMMERMAN
Director

February 27, 2017

Julie Davidson
Agri-Waste Technology, Inc
501 North Salem Street
Apex, NC 27502

Subject: Stream Crossing
Cedar Mountain subdivision
Chatham County

Dear Julie,

An emergency access road was built at the Cedar Rock Subdivision in Chatham County. The road crossed an intermittent stream in the Jordan Lake Watershed. The stream is subject to the riparian buffer rules (NCAC 02B .0627). Listed in part 9 of these rules is a table of uses describing what riparian buffer impacts are exempt, allowable or allowable with mitigation. The table states that road crossings that impact less than 40 linear feet of a riparian buffer are “Exempt”.

Based on measurements taken during a site visit on February 24, the emergency access road built across the intermittent stream in the Cedar Mountain subdivision impacts less than 40 linear feet of the creek and as such, is “exempt”.

With respect to the stream impacts, General Water Quality Certification 3890 for states the following:

Activities meeting any one (1) of the following thresholds or circumstances require *written approval* for a 401 Water Quality Certification from the Division of Water Quality (the “Division”):

- e. Temporary or permanent impacts equal to or greater than one-tenth (1/10) acre of wetlands or open waters; or
- i. Any impacts to streams and/or buffers in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman, Jordan or Goose Creek Watersheds (or any other basin or watershed with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless* the activities are listed as “EXEMPT” from these rules or a Buffer Authorization Certificate is issued through N.C. Division of Coastal Management (DCM) delegation for “ALLOWABLE” activities.

Therefore, a written authorization (approval) to conduct work using the General Water Quality Certification from the Division of Water Resources is not required, in this instance, as long as they comply with the Conditions of the General Water Quality Certification.



If you have any questions, please feel free to contact me via email at ray.milosh@ncdenr.gov or at (919) 791-4240.

Sincerely,

Ray Milosh
Environmental Specialist
ray.milosh@ncdenr.gov

cc: RRO-WQROS Files
DWR Central Files

