



## No Practical Alternatives Authorization Certificate

June 24, 2020

Shaddox Creek Developers, LLC  
341 Kilmayne Drive  
Cary, NC 27511

### AUTHORIZATION of Chatham County Watershed Riparian Buffer Protection Rules (Watershed Protection Ordinance Section 304(F)(5) & (I)(1))

Project Name: Conservancy at Jordan Lake

Dear Mr. Ross,

You have our authorization, in accordance with the Chatham County Watershed Protection Ordinance and the conditions listed below, to permanently impact approximately 12,980 ft<sup>2</sup> of the protected riparian buffers associated with the installation of one (1) roadway crossing. The impacts will occur within zones 1 and 2 of one (1) unnamed intermittent tributary to Shaddox Creek within the Conservancy at Jordan Lake subdivision as described within your application submitted April 2, 2019 and revised on June 23, 2020, in the U.S. Army Corps of Engineers Nationwide Permit (SAW-2019-01410) dated April 24, 2020, and on the Buffer Impact Maps, completed by CE Group. No temporary impacts to riparian buffers on the site are proposed or approved herein. Per your application, this review and authorization is only valid for those impacts stated above and described herein. In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you proceed with your project including (but not limited to) Erosion and Sediment Control and Non-discharge regulations.

This authorization certification is for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this authorization letter and is thereby responsible for complying with all conditions. This authorization requires you to follow the conditions listed below.

#### The Additional Conditions of the Certification are:

##### 1. Impacts Approved

The following impacts are hereby approved as long as all of the other specific and general conditions of this Certification are met. No other impacts are approved including incidental impacts:

Permanent Impacts		
Road Crossing 1		
	Amount Approved (Units)	Plan Location or Reference
Intermittent Stream Buffers (Zone 1)	8,564 (square ft.)	Project Impacts Inventory, Buffer Impact Map Sheets 2, 3, & 6
Perennial Stream Buffers "SB2" (Zone 2 Inner)	4, 416 (square ft.)	Project Impacts Inventory, Buffer Impact Map Sheets 2, 3, & 6
Wetland Buffers "WB1" (Zone 1)	744 (square ft.)	Project Impacts Inventory, Buffer Impact Map Sheets 2, 3, & 6
<b>*Denotes buffer mitigation required</b>		



<b>Temporary Impacts</b>
No temporary impacts are proposed or approved for this project

2. Temporary Impacts

Such impacts are typically associated with construction corridors, temporary access roads, and the installation and operation of temporary sediment and erosion control measures and devices. Approved temporary impacts must remain temporary in nature, minimize impacts to the riparian buffer, meet or exceed required Best Management Practices (BMP), perform and be maintained so that no violations of county riparian buffer or state water quality standards, statutes, or rules occur, and must be returned to the uses that were existing at the time of authorization. No temporary impacts are proposed or approved for this project.

3. No Waste, Spoil, Solids, or Fill of Any Kind

No waste, spoil, solids, or fill of any kind shall occur in riparian areas beyond the footprint of the impacts depicted in the Pre-Construction Notification. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of county riparian buffer or state water quality standards, statutes, or rules occur.

4. Diffuse Flow

An additional condition is that all stormwater shall be directed as diffuse flow at non-erosive velocities through the protected stream buffers and will not re-concentrate before discharging into the stream as identified within Section 304(j)2 of the Watershed Protection Ordinance.

5. Protective Fencing

The outside buffer boundary and along the construction corridor within these boundaries approved under this authorization shall be clearly marked with orange warning fencing (or similar high visibility material) for the areas that have been approved to infringe within the buffer, stream channel or water prior to any land disturbing activities to ensure compliance with the Watershed Protection Ordinance.

6. Certificate of Completion

All activities as proposed, and any subsequent modifications, approved within this authorization must be completed within one year of the issuance of the authorization. The applicant is required to certify that the completed project is in accordance with this authorization and shall submit actual 'as-built' plans. If proof of completion is not presented within this timeframe, then the person shall be in violation of both the State's and Chatham County's riparian buffer protection program.

7. Deed Notifications

Deed notifications or similar mechanisms shall be placed on all retained protective buffers in order to assure compliance for future buffer impact. These mechanisms shall be put in place at the time of recording of the property, or easements, whichever is appropriate.

Any disputes over determinations regarding this Authorization of Approvable Impacts (associated with the approved buffer impacts) shall be referred in writing to the Director of the Division of Water Resources, c/o the 401 & Buffer Permitting Unit. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.


The mailing address for the 401 & Buffer Permitting Unit is:

Mr. Paul Wojoski  
1650 Mail Service Center  
Raleigh, NC 27699-1650  
Telephone: 919-807-6300, Facsimile: 919-807-6494

This Authorization shall expire five (5) years from the date of this letter.

This letter completes the review of the "No Practical Alternatives" determination under Section 304(I) of the Chatham County Watershed Protection Ordinance. If you have any questions or would like a copy of the buffer rules, please call Drew Blake at (919) 545-8394. This letter does not authorize any impacts to either Waters of the United States or Waters of the State. Please contact the US Army Corps of Engineers (USACE) or NC Division of Water Quality (DWQ) if any impacts are proposed to either of these waters.

Sincerely,



Rachael Thorn  
Chatham County Watershed Administrator

cc: Paul Wojoski, NC DWR 401/Buffer Coordinator  
Stephanie Goss, NC DWR Raleigh Regional Office  
James Lastinger, USACE Raleigh Regulatory Field Office  
Jason Sullivan, Chatham County Planning Director  
Kimberly Tyson, Chatham County Subdivision Administrator  
File Copy

Enclosures: Riparian Buffer Authorization Application  
Riparian Buffer Impacts Maps  
Chatham County Riparian Buffer Confirmation Letter  
USACE Notification of Jurisdictional Determination  
NCDWR 401 Water Quality Certification  
Soil Erosion and Sedimentation Control Plans