



No Practical Alternatives Authorization Certificate

October 1, 2024

Andrew Ross
The Conservancy Real Estate Group, LLC
601 Hawks Ridge Court
Apex, NC 27539

AUTHORIZATION of Chatham County Watershed Protection Buffer Rules Section 304(F)(5) and 304(I) Authorization Certificate

Project Name: The Conservancy
Project Number: WP-24-301

Dear Applicant,

You have our authorization, in accordance with the Chatham County Watershed Protection Ordinance and any conditions listed below, to impact 18, 506 square feet of the protected riparian buffer associated with three unnamed tributaries of Shaddox Creek and two potentially jurisdictional wetlands. The proposed impacts are associated with the installation of underground utilities (electric, water, gas and telecom) as described within your application submitted June 19, 2024, within the Riparian Buffer Impact Exhibit that was completed by CE Group. Review and approval of the proposed activities were required under Section 304(F)(5) and Section 304(I) of the Chatham County Watershed Protection Ordinance.

Per your application this review, and authorization is only valid for those impacts stated above.

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:

A. Permanent Impacts

Total Impacts			
(Utility Impacts)			
B1 - Perennial, Zone 1, Electric Underground Utility	511 (square feet)	Project Summary	Impacts Inventory
B2 - Perennial, Zone 1, Non-electric Underground Utility	990 (square feet)	Project Summary	Impacts Inventory
B3 - Perennial, Zone 2, Electric Underground Utility	493 (square feet)	Project Summary	Impacts Inventory
B4 - Perennial, Zone 2, Non-electric Underground Utility	1, 227 (square feet)	Project Summary	Impacts Inventory
B5 - Perennial, Zone 2 Outer, Electric Underground Utility	1, 043 (square feet)	Project Summary	Impacts Inventory
B6 - Perennial, Zone 2 Outer, Non-electric Underground Utility	1, 439 (square feet)	Project Summary	Impacts Inventory
B7 - Wetland, Electric Underground Utility	296 (square feet)	Project Summary	Impacts Inventory
B8 - Wetland, Non-electric Underground Utility	2, 155 (square feet)	Project Summary	Impacts Inventory
B9 - Perennial, Zone 1, Electric Underground Utility	218 (square feet)	Project Summary	Impacts Inventory
B10 - Perennial, Zone 1, Non-electric Underground Utility	1, 059 (square feet)	Project Summary	Impacts Inventory
B11 - Perennial, Zone 2, Electric Underground	165 (square feet)	Project Summary	Impacts Inventory
B12 - Perennial, Zone 2, Non-electric Underground Utility	740 (square feet)	Project Summary	Impacts Inventory
B13 - Wetland, Electric Underground Utility	664 (square feet)	Project Summary	Impacts Inventory

B14 – Wetland, Non-electric Underground Utility	3, 264 (square feet)	Project Summary	Impacts	Inventory
B15 – Perennial, Zone 1, Water	1, 525 (square feet)	Project Summary	Impacts	Inventory
B16 – Perennial, Zone 2, Water	730 (square feet)	Project Summary	Impacts	Inventory
B17 – Perennial, Zone 2 Outer, Water	1, 987 (square feet)	Project Summary	Impacts	Inventory

2. Temporary Impacts

Such impacts are typically associated with construction corridors, temporary access roads, the installation and operation of temporary sediment and erosion control measures and devices, and vegetation management, including monitoring and maintenance, on restoration or enhancement projects. 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 with 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.

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 Watershed

Protection, c/o the Chatham County Watershed Protection Department. The Director's decision is subject to review as provided in Section 304(I)(5).

The mailing address for the Watershed Protection Department is:

Ms. Rachael Thorn
Watershed Protection Director
Chatham County Watershed Protection Department
12 East Street, P.O. Box 1809
Pittsboro, NC 27312
Telephone: 919-54-8343, Facsimile: 919-545-2698

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). If you have any questions or would like a copy of the buffer rules, please call Taylor A. Burton at (984) 214-1456. 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: Jacob Hudson, CE Group
Taylor A. Burton, Senior Watershed Specialist, Chatham County Watershed Protection Department
Drew Blake, Assistant Director, Chatham County Watershed Protection Department
Jason Sullivan, Director, Chatham County Planning Department
Kimberly Tyson, Subdivision Administrator, Chatham County Planning Department

Enclosures: Riparian Buffer Authorization Application – June 19, 2024
Updated Riparian Buffer Impact Map Set with Narrative – September 10, 2024
Project Impact Inventory Summary – CE Group, September 10, 2024
NCDEQ Individual 401 Water Quality Certification(DWR #20200396v3, Certification No. WQC006982) – July 9, 2024
USACE NWP 29(404, SAW-2020-02249) – July 16, 2024
Mitigation Documentation – October 1, 2024