

NORTH CAROLINA
Environmental Quality

November 26, 2024

ROY COOPER
Governor

MARY PENNY KELLEY
Secretary

RICHARD E. ROGERS, JR.
Director

DWR # 20202025 V3
Wake County

Asthon Raleigh Residential, LLC
Attn: Bob Mishler
900 Ridgefield Dr., Suite 335
Raleigh, NC 27609

Delivered via email to: bob.mishler@ashtonwoods.com

Subject: APPROVAL of NEUSE RIPARIAN BUFFER AUTHORIZATION CERTIFICATE

Project: The Point South – Phase 3; 35.904642, -78.455435

Dear Bob Mishler:

You have our approval for the impacts listed below for the purpose described in your application dated and received by the Division of Water Resources (Division) September 30, 2024. These impacts are covered by the Neuse Buffer Rules. This Buffer Authorization does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and/or Stormwater regulations.

The following impacts are hereby approved, provided that all of the Conditions listed below, and all of the conditions of the **Neuse** Buffer Rules are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0611(b)(2)]

Type of Impact	Amount Approved (units) Permanent	Amount Approved (units) Temporary	Mitigation Amount Required
Buffers – Zone 1			
B1: Impact Area 12 – Road Crossing	7251 (square feet)	0 (square feet)	0 credits
B2: Impact Area 20 – Greenway Crossing	2076 (square feet)	0 (square feet)	0 credits
Totals	9327 (square feet)	0 (square feet)	0 credits



Buffers – Zone 2			
B1: Impact Area 12 – Road Crossing	5224 (square feet)	0 (square feet)	0 credits
B2: Impact Area 20 – Greenway Crossing	1382 (square feet)	0 (square feet)	0 credits
Totals	6606 (square feet)	0 (square feet)	0 credits

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 .0611(b)(2)]

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 .0714]. 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.

This approval and its conditions are final and binding unless contested. [G.S. 143-215.5] Upon the presentation of proper credentials, the Division may inspect the property.

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/> or by calling the OAH Clerk’s Office at (919) 431-3000.

A party filing a Petition must serve a copy of the Petition on:

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

If the party filing the Petition is not the permittee, then the party must also serve the recipient of the Authorization Certificate in accordance with N.C.G.S 150B-23(a).

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#20202025 expires.

This letter completes the Division's review under the Neuse Riparian Buffer Rules as described in 15A NCAC 02B .0714]. Please contact Kristina Morales at 919-791-4258 or kristina.morales@deq.nc.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:

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Michael Hall
Regional Supervisor
Division of Water Resources, Raleigh Regional Office
Department of Environmental Quality

Electronic cc: Jennifer Burdette, Natural Resource Consultants, LLC (burdette@nrconsultnc.com)
Eric M. Parks, USACE Technical Regional Execution Center – South Atlantic Division
Gabriela Garrison, NCWRC
DWR 401 & Buffer Permitting Branch Electronic file

Filename: 20202025v3_ThePointSPhase3_Wake_BufferAuthorization

