

ROY COOPER

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Director



NORTH CAROLINA  
Environmental Quality

September 23, 2022

DWR # 20220955  
Beaufort County

[Redacted address information]

**Subject: APPROVAL of TAR/PAMLICO BASIN RIPARIAN BUFFER IMPACTS WITH ADDITIONAL CONDITIONS  
WILLIAMS HOME AND BOAT BASIN**

Dear David and Rachael Williams:

You have our approval for the impacts listed below for the purpose described in your application dated July 12, 2022, received by the Division of Water Resources (Division) July 12, 2022. These impacts are covered by the **Tar/Pamlico** Buffer Rules and the conditions listed below. 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, CAMA 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 **Tar/Pamlico** 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
Buffers – Zone 1		
Site 1	0 (square feet)	0 (square feet)
Buffers – Zone 2		
Site 1	590 (square feet)	0 (square feet)

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)]



North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9000

If you are unable to comply with any of the conditions below, you must notify the Washington 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 Washington Regional Office any noncompliance with the conditions of this Authorization Certificate and/or any violation of state regulated riparian buffer rules [15A NCAC 02B .0734]. 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. The plans provided along with the application depict grading activities within Zone 2 of the protected buffer. This activity is designated as "exempt" under the Buffer Rule provided that fill is not placed in Zone 1, diffuse flow is maintained as per the Buffer Rule, the disturbed areas are stabilized and revegetated, and the health of the existing vegetation in Zone 1 is not compromised. [Table of Use for each buffer rule: 15A NCAC 02B.0734(11) and (6)]
2. No impacts shall occur to Zone 1 of the protected riparian buffers [except for uses and activities designated as "exempt" within 15A NCAC 02B .0734 (11) and (8a), unless otherwise approved by the Division.
3. The Permittee shall replant the vegetation within temporarily disturbed areas located within 30 feet of the shoreline or most landward limit of normal high water level associated with this project in an "in kind" manner immediately following construction. (Example: Disturbed areas with pre-existing grassed lawns must be replanted with grass. Disturbed areas with pre-existing trees or woody vegetation must be replanted with trees and woody vegetation. Disturbed areas with pre-existing forest vegetation must be replanted with forest vegetation including at least two different native hardwood tree species at a density sufficient to provide 260 trees per acre at maturity. This density can usually be achieved by planting approximately 436 (10 x 10 spacing) to 681 (8 x 8 spacing) trees per acre.) Replanting of trees/shrubs/forest must be completed by the first subsequent planting season (November 1 through March 30). Note, if the tree plantings do not survive, they will need to be replaced such that the density is sufficient to provide 260 trees per acre at maturity. [15A NCAC 02H .0507(c), 15A NCAC 02H .0506(b)(3), and [15A NCAC 02B .0734(11)(ee), (ff)]
4. Immediately post- construction, bare soils must be stabilized as quickly as possible by providing a temporary ground cover. Newly seeded areas should be protected with mulch and/or erosion matting. This ground cover is a temporary measure used to address erosion until buffer restoration can be accomplished. [15A NCAC 02B .0611(b)(4) / (c)(4), 15A NCAC 02B .0203, 15A NCAC 02B .0734(8) and (9)]



5. New boat basins (such as the one you are proposing to construct) are considered by the Division as a modification of the existing shoreline. As such, a 50 foot buffer that meets the requirements of 15A NCAC 02B .0734 (8) and (9) must be established around the newly created shoreline. You are required to establish a new buffer around the shoreline of the basin. All associated upland development (such as parking lots, buildings, etc.) and any new impervious surfaces shall not be located within the newly established buffer or any existing protected buffers without an authorization.
6. Stormwater runoff through the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 that meets the requirements of 15A NCAC 02B .0734 (9).

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 regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.



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

This letter completes the Division's review under the Tar/Pamlico Riparian Buffer Rules as described in 15A NCAC 02B .0734. Please contact Robert Tankard at 252-948-3921 or [robert.tankard@ncdenr.gov](mailto:robert.tankard@ncdenr.gov) if you have any questions or concerns.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant Regional Supervisor  
Water Quality Regional Operation Section  
Division of Water Resources, NCDEQ  
Washington Regional Office

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