



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

December 21, 2011

DWQ Project # 11-0997
Harnett County

Ms. Shari Padgett
D. R. Horton, Inc.
2000 Aerial Center Parkway, Suite 110
Morrisville, NC 27560

Subject Property: Cypress Pointe Subdivision
Ut to Buffalo Creek [18-23-18, WS-III]

Approval of General Isolated and Other Non-404 Jurisdictional Wetlands with Additional Conditions

Dear Ms. Padgett,

You have our approval, in accordance with the attached conditions and those listed below, to place fill within or otherwise impact 0.211 acres of Isolated and other Non-404 Jurisdictional Wetlands and Waters, to construct the proposed Cypress Pointe Subdivision at the site, as described within your Pre-construction Notification Application dated November 14, 2011 and received by DWQ on November 14, 2011 with additional information received on December 14, 2011. The impacts are covered by: the State General Permit for Impacts to Isolated and Other Non-404 Jurisdictional Wetlands and Waters (IWGP100000). In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you go ahead with your project including (but not limited to) Erosion and Sediment Control, and Non-discharge regulations. **Also, this Approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon the expiration of the Isolated and Other Non-404 Jurisdictional Wetlands and Waters (IWGP100000) (October 31, 2013) or unless otherwise rescinded by the Director of the Division of Water Quality.**

This approval is for the purpose and design that you described in your PCN application. If you change your project, you must notify us and you may be required to send us a new application. If the property (or a lot on the property) is sold, the new owner must be given a copy of this Certification and approval letter and will thereby responsible for complying with all conditions. If total fills for this project (now or in the future) exceed one acre of wetland or 150 linear feet of stream, compensatory mitigation may be required as described in T15A: 02H .1305 (C). (6.) (b.) **This approval requires you to follow the conditions listed in the attached IWGP100000 and any additional 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 (and Isolated Wetland Permit) are met. **No other impacts are approved including incidental impacts:**

Impact Type	Amount Approved (Units)	Plan Location or Reference
Non-404 Wetland	0.211 acres	December 14, 2011 PCN page 4 of 9

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

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Pre-Construction Notification and authorized by this approval letter. 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 state water quality standards, statutes, or rules occur.

3. No Sediment and Erosion Control Measures in Wetlands and Waters

Sediment and erosion control measures shall not be placed in wetlands or waters without prior approval from the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the date that the Division of Land Resources or locally delegated program has released the project.

4. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:

- a. Erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
- b. Design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- c. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

5. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by DWQ is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://portal.ncdenr.org/web/wq/ws/su/npdessw#General_Permits_NPDES.

6. Protective Fencing

The outside buffer, wetland or water 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, wetland or water prior to any land disturbing activities to ensure compliance with 15A NCAC 2B .0233 and GC 3821.

7. Deed Notifications

Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place at the time lots or properties are recorded. A sample deed notification can be downloaded from the Wetlands, Buffers, Stormwater, Compliance and Permitting Unit (WeBSCaPe) web site at <http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/apply/forms>. The text of the sample deed notification may be modified as appropriate to suit to this project.

8. Certificate of Completion

Within thirty (30) days of the completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached certificate of completion to the Wetlands, Buffers, Stormwater, Compliance and Permitting Unit (WeBSCaPe), North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

The applicant/permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If the Division determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is being violated, or that further conditions are necessary to assure compliance, then the Division may reevaluate and modify this General Water Quality Certification.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. The authorization to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application and as authorized by this Certification, shall expire upon expiration of the 404 or CAMA Permit.

If you wish to contest any statement in the attached 401 Water Quality Certification you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings (OAH). You must file the petition with the office of Administrative Hearings within thirty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The OAH accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission.

The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919) 733-2698, Facsimile: (919) 733-3478

A copy of the petition must also be served on DENR as follows:

Ms. Mary Penny Thompson, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

This letter completes the review of the Division of Water Quality under and Other Non-404 Jurisdictional Wetlands and Waters Rules (IWP100000). If you have any questions, please telephone Chad Turlington of the Fayetteville Regional Office at (910) 433-3320.

Sincerely,

Belinda S. Henson
for Coleen H. Sullins

Enclosures: Certificate of Completion
IWGP100000

cc: DLR - FRO
Christy Wicker - USACE
Karen Higgins - Wetlands, Buffers and Stormwater Compliance and Permitting Unit
File Copy
Kenneth W. Goetze - Deacon Development CP, LLC
Jennifer Burdette - Burdette Land Consulting, Inc.

STATE OF NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

STATE GENERAL PERMIT FOR IMPACTS TO ISOLATED AND
OTHER NON-404 JURISDICTIONAL WETLANDS AND WATERS
PERMIT NUMBER: IWGP100000

FOR PROJECTS IMPACTING LESS THAN ONE (1) ACRE OF ISOLATED
AND OTHER NON-404 WETLANDS, LESS THAN
TWO HUNDRED, FIFTY FEET (250) OF ISOLATED
STREAMS AND/OR LESS THAN ONE-THIRD ACRE (1/3) OF
ISOLATED SURFACE WATERS

In accordance with the provision of Article 21 of Chapter 143, General Statutes of North Carolina as amended and other lawful standards and regulations, including 15A NCAC 2H .1300 and 15A NCAC 2B .0200, promulgated and adopted by the North Carolina Environmental Management Commission.

Permission is hereby granted to all owners or operators of activities which impact isolated and other non-404 wetlands, isolated streams or other isolated waters in accordance with the conditions set forth in this General Permit.

This General Permit shall become effective on October 31, 2008.

This General Permit shall expire at midnight on October 31, 2013 or unless otherwise rescinded or until deemed appropriate by the Director of the NC Division of Water Quality (DWQ).

for Belinda S. Henson
Coleen H. Sullins, Director
Division of Water Quality
By the Authority of the
NC Environmental Management Commission

State General Permit N^o. IWGP100000

This General Permit is issued in conformity with the requirements of North Carolina Division of Water Quality (DWQ) Regulations in 15A NCAC 2H, Section .1300 for the discharge of fill material to isolated and other non-404 wetlands and isolated waters of the State of North Carolina. This Permit may be rescinded when deemed appropriate by the Director of DWQ after appropriate public notice.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Activities meeting any one (1) of the following criteria require *written approval* from the Division of Water Quality (the "Division"):

- I. Isolated stream and/or buffer impacts:
 - a. Any impacts to isolated perennial waters (as depicted on the most recent USGS 1:24000 topographic map or as otherwise determined by the local government,) and their associated riparian buffers in Water Supply (WS), High Quality Water (HQW), or Outstanding Resource Water (ORW) watersheds. Only water-dependent activities, public projects, and structures with diminimus increases in impervious surfaces will be allowed as outlined in those rules [15A NCAC 2B .0212 through .0215]. All other activities require a variance from the delegated local government and/or the NC Environmental Management Commission before the application for the 401 Water Quality Certification can be processed.
 - b. Any impacts to isolated streams and buffers in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application [in accordance with 15A NCAC 2B .0200]), *unless* the activities are listed as "EXEMPT" from these Rules-
 - c. Any impacts to isolated streams involving excavation or dredging.
 - d. Total isolated stream impacts equal to or greater than 150 linear feet of intermittent and/or perennial stream to be filled, culverted, rip rapped, or relocated, including temporary and/or permanent impacts.
- II. Impacts to isolated lakes and ponds (temporary or permanent):
 - a. Equal to or greater than one-third (1/3) of an acre
- III. Impacts to isolated and other non-404 wetlands (temporary or permanent):
 - a. Equal to or greater than one-third (1/3) of an acre east of I-95
 - b. Equal to or greater than one-tenth (1/10) of an acre west of I-95
 - c. Any impacts to isolated and other non-404 wetlands adjacent to waters designated as: ORW, SA, WS-I, WS-II, or Trout, or wetlands contiguous to waters designated as a North Carolina or National Wild and Scenic River.
 - d. Proposed fill or substantial modification of any amount of isolated and other non-404 wetlands classified in accordance with 15A NCAC 2B .0101(e)(7) as Unique Wetlands (UWL)
- IV. If the activity is associated with or in response to a Notice of Violation or an enforcement action initiated by the Division and/or the Division of Land Resources.

Totaling and Reporting of Impacts:

I. Isolated Streams - Impacts to isolated streams as determined by the Division of Water Quality shall be measured as the length of the centerline of the normal flow channel. Permanent and/or temporary stream impacts shall be enumerated on the entire project for all impacts regardless of which 404 Nationwide Permits are used (if any). Stream relocations and streambed and/or bank hardening are considered to be permanent stream impacts. Any activity that results in a loss of use of stream functions including but not limited to filling, relocating, flooding, excavation, dredging and complete shading shall be considered stream impacts.

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Impacts to streams shall include streams enclosed by bottomless culverts, bottomless arches or other spanning structures unless the entire structure (including construction impacts) spans the entire bed and both banks of the stream, is only used for a road, driveway or path crossing, and is not mitered to follow the stream pattern. Impacts for dam footprints and flooding will count toward the threshold for stream impacts, but flooding upstream of the dam will not count towards mitigation requirements as long as no filling, excavation, relocation or other modification of the existing stream dimension, pattern or profile occurs. Any filling, excavation, relocation or other modification of the existing stream (other than flooding) must re-establish the same dimensions, patterns and profiles of the existing channel (or those of a stable reference reach if the existing channel is unstable)

II. Isolated Lakes and Ponds – Impacts to isolated waters other than streams and wetlands as determined by the Division of Water Quality shall be measured as area. Permanent and/or temporary water impacts shall be enumerated on the entire project for all impacts proposed regardless of which 404 Nationwide Permits are used (if any). Any activity that results in a loss of use of aquatic functions including but not limited to filling, draining, and dredging shall be considered waters impacts.

III. Isolated and Other Non-404 Wetlands - Impacts to isolated and other non-404 wetlands as determined by the Division of Water Quality shall be measured as area. Permanent and/or temporary wetland impacts shall be enumerated on the entire project for all impacts. Any activity that results in a loss of use of wetland functions including but not limited to filling, excavating, draining, and flooding shall be considered wetland impacts. Impacts to wetlands shall include activities that change the hydrology of a wetland.

Public Notice requirement – A separate Public Notice and Individual Permit will be required for all projects which propose to impact more than 250 linear feet of isolated streams, more than one (1) acre of isolated and other non-404 wetlands, or more than one-third (1/3) acre of other isolated waters in accordance with 15A NCAC 2H .1303. For impacts less than these thresholds, this General Permit is applicable without additional Public Notice.

In accordance with North Carolina General Statute Section 143-215.3D(e), any application for an Isolated Wetland General or Individual Permit must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted. This payment shall be the higher of the two fees.

Activities that are below the thresholds, or otherwise do not meet the criteria listed above in this General Permit do *not* require written approval from the Division of Water Quality as long as they comply with the Conditions of Certification listed below, including the Stormwater Management Plan and Compensatory Mitigation conditions. If the project requires a Stormwater Management Plan, but is otherwise below the written approval thresholds, the applicant may provide a courtesy copy of the Pre-Construction Notification along with a copy of the Stormwater Management Plan (and approval letter from the appropriate locally delegated state program where applicable). Similarly, if collective wetland impacts, including 404 and non-404 wetlands, are equal to or greater than one (1) acre, compensatory mitigation is required (see attached examples "Wetland Impact Types and Compensatory Mitigation"). If the project requires a mitigation plan, but is otherwise below the written approval thresholds for use of IWGP100000, the applicant may provide a courtesy copy of the Pre-Construction Notification along with a copy of the mitigation plan. If any of the following Conditions cannot be met, then written approval from the Division is required, and may require an Individual Permit.

Conditions of Certification:

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1. No Impacts Beyond those Authorized in the Written Approval or Beyond the Threshold of Use of this Permit

No waste, spoil, solids, or fill of any kind shall occur in isolated and other non-404 wetlands, isolated waters, or isolated riparian areas beyond the footprint of the impacts depicted in the Pre-Construction Notification and authorized in the written approval from the Division, including incidental impacts. 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 state water quality standards, statutes, or rules occur.

2. Standard Erosion and Sediment Control Practices

Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices:

- a. Design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - b. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - c. Reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
 - d. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
 - e. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), Trout (Tr), SA, WS-I, WS-II, High Quality (HQW), or Outstanding Resource (ORW) waters, then the sediment and erosion control requirements contained within *Design Standards in Sensitive Watersheds* (15A NCAC 04B .0124) supercede all other sediment and erosion control requirements.
3. No Sediment and Erosion Control Measures in Wetlands or Waters

Sediment and erosion control measures should not be placed in wetlands or waters without prior approval by the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the date that the Division of Land Resources or locally delegated program has released the project.

4. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by the Division is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or

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more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this

permit and monitoring report forms may be found at
http://h2o.enr.state.nc.us/su/Forms_Documents.htm.

5. Construction Moratoriums and Coordination

If activities must occur during periods of high biological activity (i.e. sea turtle or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. This condition can be waived through written concurrence on a case by case basis upon reasonable justification.

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) to lessen impacts on trout, anadromous fish, larval/post-larval fishes and crustaceans, or other aquatic species of concern shall be implemented. This condition can be waived through written concurrence on a case by case basis upon reasonable justification.

Work within the twenty-five (25) designated trout counties or identified state or federal endangered or threatened species habitat shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

6. Work in the Dry

All work in or adjacent to stream waters shall be conducted in a dry work area. Approved best management practices from the most current version of the NC Sediment and Erosion Control Manual, or the NC DOT Construction and Maintenance Activities Manual, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require submittal to, and approval by, the Division of Water Quality.

7. Riparian Area Protection (Buffer) Rules

Activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not), within the Neuse, Tar-Pamlico, Catawba, or Randleman (or any other basin with buffer rules), shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0233, .0259, .0250 and .0243, and shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices. All buffer rule requirements, including diffuse flow requirements, must be met.

8. Water Supply Watershed Buffers

The 30-foot wide vegetative buffer (low-density development) or the 100-foot wide vegetative buffer (high-density development) shall be maintained adjacent to all perennial waters except for allowances as provided in the Water Supply Watershed Protection Rules [15A NCAC 2B .0212 through .0215].

9. If concrete is used during the construction, then a dry work area should be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life/fish kills.

10. Compensatory Mitigation

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In accordance with 15A NCAC 2H .0506 (h), compensatory mitigation may be required for losses of 150 linear feet or more of streams and/or one (1) acre or more of total wetland impacts, including all impacts to 404 and non-404 wetlands (see attached examples "Wetland Impact Types and Compensatory Mitigation"). For linear, public transportation projects, impacts equal to or exceeding 150 linear feet per stream shall require mitigation.

Compensatory stream mitigation shall be required at a 1:1 ratio for all perennial and intermittent stream impacts in watersheds classified as ORW, HQW, Trout, WS-I and WS-II.

Buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "Allowable with Mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules.

A determination of buffer, wetland and stream mitigation requirements shall be made for any General Water Quality Certification for this Nationwide Permit. Design and monitoring protocols shall follow the US Army Corps of Engineers Wilmington District *Stream Mitigation Guidelines* (April 2003), or its subsequent updates. Compensatory mitigation plans shall be submitted for written Division approval as required in those protocols. Alternatively, the Division will accept payment into an in-lieu fee program or credit purchase from a mitigation bank.

Finally, the mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the public. Proof of payment to an in-lieu fee program or mitigation bank must be provided to the Division to satisfy this requirement.

11. For all activities requiring re-alignment of streams, a stream relocation plan must be included for written Division approval. Relocated stream designs should include the same dimensions, patterns and profiles as the existing channel (or a stable reference reach if the existing channel is unstable), to the maximum extent practical. The new channel should be constructed in the dry and water shall not be turned into the new channel until the banks are stabilized. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30-foot wide wooded and an adjacent 20-foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating appropriate erosion control matting materials and seedling establishment is allowable. Rip-rap, A-Jacks, concrete, gabions or other hard structures may be allowed if it is necessary to maintain the physical integrity of the stream; however, the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage. Please note that if the stream relocation is conducted as a stream restoration as defined in the US Army Corps of Engineers Wilmington District, April 2003 *Stream Mitigation Guidelines* (or its subsequent updates), the restored length can be used as compensatory mitigation for the impacts resulting from the relocation.
12. Stormwater Management Plan Requirements
 - A. For applicants other than the North Carolina Department of Transportation, a Stormwater Management Plan in accordance with the version of *Stormwater Management Plan (SMP) Requirements for Applicants other than the North Carolina Department of Transportation* posted on the Division web site at the time of application shall be provided for any project that meets both of the following two criteria:

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- i. Requires a 404 Permit or Isolated Wetlands Permit (regardless of whether written authorization is required by the Division), AND
- ii. Contains one or more drainage areas that are anticipated to have impervious surface cover of equal to or greater than 24 percent. When drainage areas are difficult to delineate or when a pocket of high density exists within a drainage area, the Division shall use best professional judgment to apply the SMP requirement as appropriate.

B. For the North Carolina Department of Transportation, compliance with NCDOT's Individual NPDES permit NCS000250 shall serve to satisfy this condition.

13. Placement of Culverts and Other Structures in Waters and Wetlands

Culverts required for this project shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. Existing stream dimensions (including the cross section dimensions, pattern, and longitudinal

profile) must be maintained above and below locations of each culvert. Placement of culverts and other structures in waters and streams must be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

Installation of culverts in wetlands must ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. Additionally, when roadways, causeways or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

If site-specific topographic constraints preclude the ability to bury the culverts as described above and/or the applicant can demonstrate that burying the culvert would result in destabilization of the channel and head-cutting upstream, the Division will consider alternative design proposals.

Any riprap required for normal pipe burial and stabilization shall be buried such that the original stream elevation is restored and maintained.

The establishment of native, woody vegetation and other soft stream bank stabilization techniques must be used where practicable instead of riprap or other bank hardening methods.

14. Additional site-specific conditions may be added to the written approval letter for projects proposed under this General Permit in order to ensure compliance with all applicable water quality and effluent standards.
15. If an environmental document is required under the National or State Environmental Policy Act (NEPA or SEPA), then this General Permit is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse.
16. If this General Permit is used to access building sites, then all lots owned by the applicant must be buildable without additional impacts to streams or wetlands. The applicant is required to provide evidence that the lots are buildable without requiring additional impacts to wetlands, waters or buffers if required to do so in writing by the Division. For road

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construction purposes, this Permit shall only be utilized from natural high ground to natural high ground.

17. Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place at the time of recording of the property, or of individual lots, whichever is appropriate. A sample deed notification can be downloaded from the 401/Wetlands Unit web site at <http://h2o.enr.state.nc.us/ncwetlands>. The text of the sample deed notification may be modified as appropriate to suit to a specific project.
18. When written authorization is required for use of this permit, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return the certificate of completion attached to the approval. One copy of the certificate shall be sent to the DWQ Central Office in Raleigh at 1650 Mail Service Center, Raleigh, NC, 27699-1650.
19. This General Permit shall expire five (5) years from the date of issuance of the written letter from the Division. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Permit.
20. The applicant/permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If the Division determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is being violated, or that further conditions are necessary to assure compliance, then the Division may reevaluate and modify this General Permit.

The Permit is not transferable to any person or entity except after notice to and written approval by the Director. The Director may require modification or revocation and reissuance of the Permit to change the name and incorporate such other requirements as may be necessary. A formal permit request must be submitted to the Division of Water Quality accompanied by the appropriate fee, documentation from both parties involved, and other supporting materials as may be appropriate. The approval of this request will be considered on its merits, and may or may not be approved.

The issuance of this Permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances which may be imposed by other governments agencies (local, state, and federal) which have jurisdiction. If any of those permits results in revisions to the plans, a permit modification must be submitted.

The permittee grants permission to DENR Staff to enter the property during business hours for the purposes of inspections and compliance review.

Non-compliance with or violation of the conditions herein set forth by a specific fill project may result in revocation of this General Permit for the project and may also result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for Individual Certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality including state or federally listed endangered or threatened aquatic species or degrade the waters so that existing uses of the wetland or downstream waters are precluded.

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Public hearings may be held for specific applications or group of applications prior to a Permit decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: October 31, 2008

DIVISION OF WATER QUALITY

By

Belinda S. Henson

for

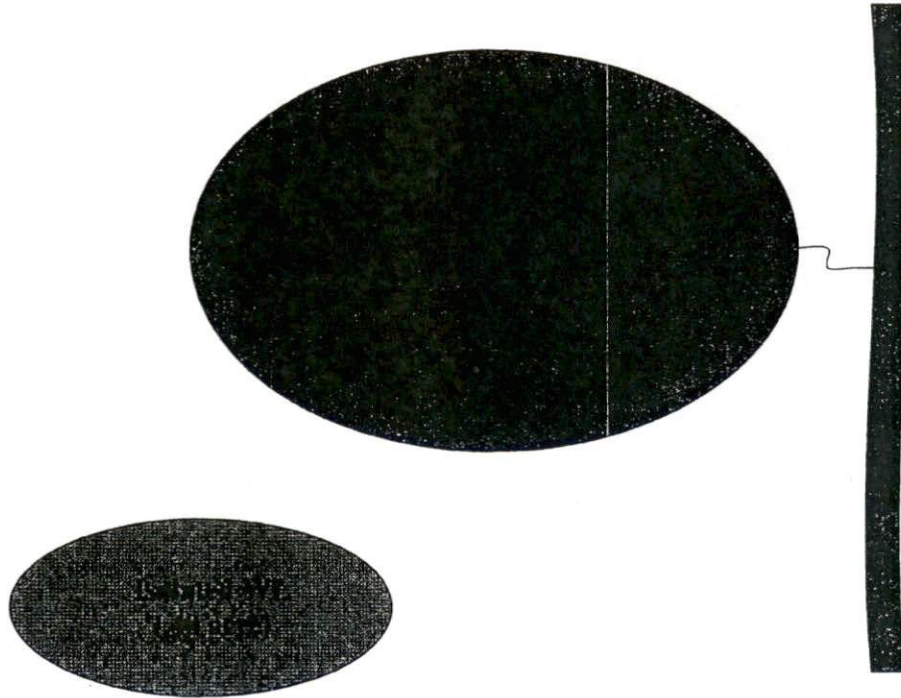
Coleen H. Sullins

Director

History Note: This Isolated Wetlands General Permit replaces the Isolated Wetlands General Permit (IWGP100000) issued on October 3, 2003. This General Permit is rescinded five (5) years from the effective date or unless otherwise rescinded or until deemed appropriate by the Director of the Division of Water Quality.

State General Permit N°. IWGP100000

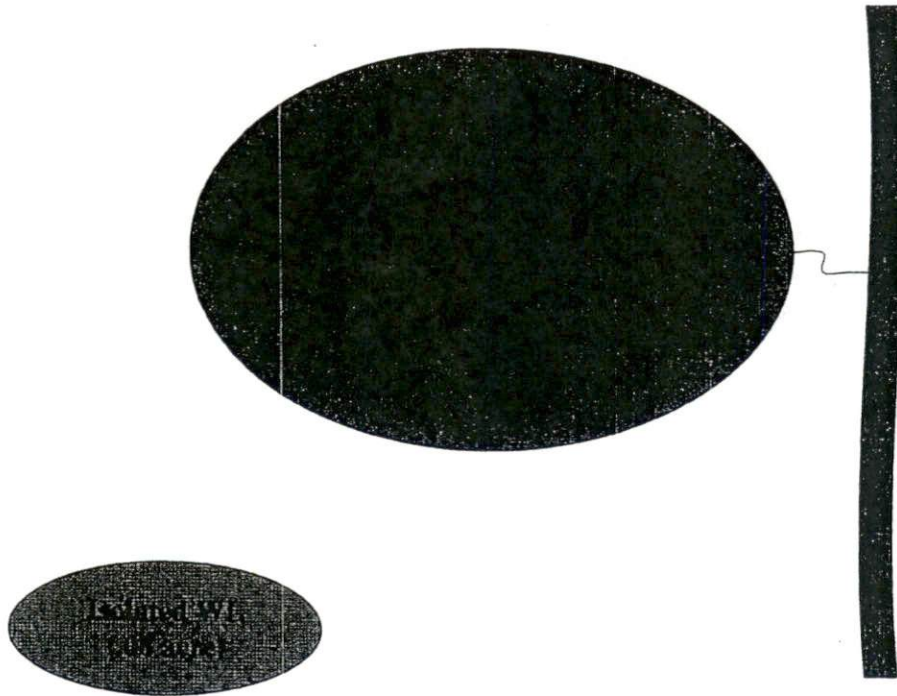
Example 1: Wetland Impacts and Compensatory Mitigation



In this case, the applicant proposes to fill .95 acre of 404 wetlands and .40 acre of Isolated wetlands. Since the Isolated impact is over the IWGP10000 threshold, written concurrence is required for the Isolated fill, in addition to the 404 fill. The applicant should note both impacts on the PCN and seek the Isolated General Permit AND the appropriate General Certification. Compensatory mitigation is required since total wetland impacts exceed one (1) acre.

State General Permit N°. IWGP100000

Example 2: Wetland Impacts and Compensatory Mitigation



In this case, the applicant proposes to fill .95 acre of 404 wetlands and .08 acre of Isolated wetlands. Since the Isolated impact is under the IWGP100000 threshold, written concurrence is not required for the Isolated fill. However, this impact should be noted on the PCN submitted for written concurrence on the 404 wetland fill. Compensatory mitigation is required since total wetland impacts exceed one (1) acre.



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Coleen H. Sullins

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Registration No. _____

Date _____



BURDETTE LAND CONSULTING, INC.

10212 Creedmoor Road - Raleigh, North Carolina 27615
Telephone (919) 841-9977 - Fax (919) 841-9909

December 14, 2011

Ms. Belinda Henson
Surface Water Protection Section
NC Division of Water Quality
225 Green Street, Suite 714
Fayetteville, North Carolina 28301-5043

RE: Additional Information
Cypress Pointe Subdivision
Johnsonville, Harnett County, North Carolina
BLC Project #: 11338
NCDWQ Project#: 11-0997

Dear Ms. Higgins:

We received your agency's letter dated December 1, 2011 requesting additional information regarding the application submitted for the subject project. Each request is restated and addressed below. The PCN application and impact maps were revised accordingly and are attached.

1. *Impact Justification (Avoidance and Minimization)*
 - a. *Under Section D.1. "Avoidance and Minimization" of your application you did not provide a "justification" for the impacts as requested within this section. Impacts labeled "Impact #2, Impact #3, and Impact #4 do not appear to be necessary for lots 16, 17 and 18 to be useable lots. Utility easements for onsite wastewater systems do not necessitate the amount of fill proposed in your application. Please eliminate or reduce these impacts or provide additional information as to why they are necessary for this project.*

The applicant has further minimized the impacts proposed as shown on the attached and revised Surface Water and Wetlands Impact Map. An additional 0.026 acre of impact previously proposed for septic system flexibility on Lot 16 has been avoided by planning the system alignment

around the wetland area. The impacts previously proposed for Lots 17 and 18 have been further minimized by 0.036 acre, which is 27 percent more minimization than previously proposed. On both lots, the applicant requests permanent fill across the isolated wetland to provide not only septic and vehicle access, but to also provide a visible and usable connection to a significant portion of the lot separated from the house site by the isolated wetland. We also request additional permanent fill for Lot 17 to allow adequate space for house site adjustment and a deck and/or patio due to the limited space available for the house site on this lot. The applicant believes further minimization on Lots 17 and 18 would restrict the future homeowners' ability to fully use a significant portion of their lot by limiting the visual connection to the home site.

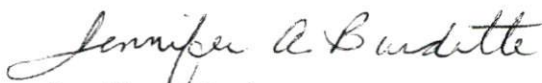
2. *Please provide a copy of the Notification of Jurisdictional Determination from the US Army Corps of Engineers.*

A copy of the Notification of Jurisdictional Determination dated December 5, 2011 from the US Army Corps of Engineers is attached.

Upon revision, the project would permanently impact a total of 0.211 acre of isolated wetlands. If you have any questions about the additional information provided, please do not hesitate to contact me.

Sincerely,

Burdette Land Consulting, Inc.

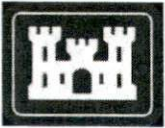


Jennifer A. Burdette
Environmental Specialist

Attachments

PCN Application Form revised 12/14/11
Impact Maps revised 12/12/11
USACE Notification of Jurisdictional Determination 12/5/11

- c: Shari Padgett – D.R. Horton, Inc.
Kenneth W. Goetze – Deacon Development CP, LLC – via email
Karen Higgins – Wetlands, Buffers and Stormwater Compliance and Permitting Unit
Chad Turlington – NCDWQ Fayetteville Regional Office – via email
Jim Wiley – Beacon Street Development Co., Inc. – via email



Office Use Only:
 Corps action ID no. _____
 DWQ project no. _____
 Form Version 1.3 Dec 10 2008

Pre-Construction Notification (PCN) Form

A. Applicant Information

1. Processing

1a. Type(s) of approval sought from the Corps:	<input type="checkbox"/> Section 404 Permit	<input type="checkbox"/> Section 10 Permit
1b. Specify Nationwide Permit (NWP) number: _____ or General Permit (GP) number: _____		
1c. Has the NWP or GP number been verified by the Corps?		<input type="checkbox"/> Yes <input type="checkbox"/> No
1d. Type(s) of approval sought from the DWQ (check all that apply):		
<input type="checkbox"/> 401 Water Quality Certification – Regular <input checked="" type="checkbox"/> Non-404 Jurisdictional General Permit <input type="checkbox"/> 401 Water Quality Certification – Express <input type="checkbox"/> Riparian Buffer Authorization		
1e. Is this notification solely for the record because written approval is not required?	For the record only for DWQ 401 Certification: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	For the record only for Corps Permit: <input type="checkbox"/> Yes <input type="checkbox"/> No
1f. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts? If so, attach the acceptance letter from mitigation bank or in-lieu fee program.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
1g. Is the project located in any of NC's twenty coastal counties. If yes, answer 1h below.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
1h. Is the project located within a NC DCM Area of Environmental Concern (AEC)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

2. Project Information

2a. Name of project:	Cypress Pointe Subdivision
2b. County:	Harnett
2c. Nearest municipality / town:	Johnsonville
2d. Subdivision name:	Cypress Pointe
2e. NCDOT only, T.I.P. or state project no:	NA

3. Owner Information

3a. Name(s) on Recorded Deed:	Deacon Development CP, LLC
3b. Deed Book and Page No.	DB 2240, PG 293
3c. Responsible Party (for LLC if applicable):	Kenneth Goetze
3d. Street address:	P O Box 400
3e. City, state, zip:	Rolesville, NC 27571
3f. Telephone no.:	(919) 562-6937
3g. Fax no.:	(919) 562-6938
3h. Email address:	kwgoetze@dnet.net

4. Applicant Information (if different from owner)	
4a. Applicant is:	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other, specify: Builder
4b. Name:	Shari Padgett, Assistant VP; POC: Matt Brubaker
4c. Business name (if applicable):	D. R. Horton, Inc.
4d. Street address:	2000 Aerial Center Parkway, Suite 110
4e. City, state, zip:	Morrisville, NC 27560
4f. Telephone no.:	(919) 460-2999
4g. Fax no.:	(800) 731-9291
4h. Email address:	mkbrubaker@drhorton.com
5. Agent/Consultant Information (if applicable)	
5a. Name:	Jennifer A. Burdette
5b. Business name (if applicable):	Burdette Land Consulting, Inc.
5c. Street address:	10212 Creedmoor Road
5d. City, state, zip:	Raleigh, NC 27615
5e. Telephone no.:	(919) 841-9977
5f. Fax no.:	(919) 841-9909
5g. Email address:	JBurdetteBLC@bellsouth.net
B. Project Information and Prior Project History	
1. Property Identification	
1a. Property identification no. (tax PIN or parcel ID):	9553-68-6912 & 9553-59-9041
1b. Site coordinates (in decimal degrees):	Latitude: 35.230740 Longitude: - 79.146857 (DD.DDDDDD) (-DD.DDDDDD)
1c. Property size:	28 acres
2. Surface Waters	
2a. Name of nearest body of water (stream, river, etc.) to proposed project:	UT to Buffalo Creek
2b. Water Quality Classification of nearest receiving water:	WS-III
2c. River basin:	Cape Fear

3. Project Description	
3a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: The site is currently forested except for the proposed subdivision roadway area that is currently under construction. General land use in the vicinity of the project is rural/residential.	
3b. List the total estimated acreage of all existing wetlands on the property: <1 acre	
3c. List the total estimated linear feet of all existing streams (intermittent and perennial) on the property: 0	
3d. Explain the purpose of the proposed project: The purpose of the project is to construct road infrastructure necessary to divide the property into individual lots for single-family home construction.	
3e. Describe the overall project in detail, including the type of equipment to be used: The project is approximately 28 acres in size and located on the southwest side of Cypress Church Road (SR 1107) approximately 140 feet northwest of Cypress Church Road's intersection with Hillmon Grove Road (SR 1106) southwest of Johnsonville. The project consists of construction of roadway to serve approximately 30 lots. The roadway and lot development would impact two isolated wetlands located on the property. Heavy equipment typical for road construction and grading will be used to construct the proposed project. The attached Surface Water and Wetland Impact Map depicts the plan view of the project.	
4. Jurisdictional Determinations	
4a. Have jurisdictional wetland or stream determinations by the Corps or State been requested or obtained for this property / project (including all prior phases) in the past? Comments:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
4b. If the Corps made the jurisdictional determination, what type of determination was made?	<input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final
4c. If yes, who delineated the jurisdictional areas? Name (if known): Jennifer A. Burdette	Agency/Consultant Company: Burdette Land Consulting, Inc. Other:
4d. If yes, list the dates of the Corps jurisdictional determinations or State determinations and attach documentation. On October 18, 2011, Ms. Christie Wicker of the USACE conducted a field verification of the isolated and jurisdictional wetlands and concurred with the boundaries as shown on the attached Surface Water and Wetland Impact Map. A copy of the Notification of Jurisdictional Determination dated December 5, 2011 is attached.	
5. Project History	
5a. Have permits or certifications been requested or obtained for this project (including all prior phases) in the past?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
5b. If yes, explain in detail according to "help file" instructions.	
6. Future Project Plans	
6a. Is this a phased project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6b. If yes, explain.	

C. Proposed Impacts Inventory						
1. Impacts Summary						
1a. Which sections were completed below for your project (check all that apply):						
<input checked="" type="checkbox"/> Wetlands <input type="checkbox"/> Streams - tributaries <input type="checkbox"/> Buffers <input type="checkbox"/> Open Waters <input type="checkbox"/> Pond Construction						
2. Wetland Impacts						
If there are wetland impacts proposed on the site, then complete this question for each wetland area impacted.						
2a. Wetland impact number – Permanent (P) or Temporary (T)	2b. Type of impact	2c. Type of wetland (if known)	2d. Forested	2e. Type of jurisdiction (Corps - 404, 10 DWQ – non-404, other)	2f. Area of impact (acres)	
W1 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	road/lot fill	headwater forest	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input checked="" type="checkbox"/> DWQ	0.115	
W2 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	lot fill	headwater forest	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input checked="" type="checkbox"/> DWQ	0.052	
W3 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	lot fill	headwater forest	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input checked="" type="checkbox"/> DWQ	0.043	
2g. Total wetland impacts					0.211	
2h. Comments: BLC believes that wetland mitigation should not be required because the total proposed isolated wetland impact of 0.211 acre does not exceed NCDWQ's 1-acre threshold for wetland mitigation.						
3. Stream Impacts						
If there are perennial or intermittent stream impacts (including temporary impacts) proposed on the site, then complete this question for all stream sites impacted.						
3a. Stream impact number - Permanent (P) or Temporary (T)	3b. Type of impact	3c. Stream name	3d. Perennial (PER) or intermittent (INT)?	3e. Type of jurisdiction (Corps - 404, 10 DWQ – non-404, other)	3f. Average stream width (feet)	3g. Impact length (linear feet)
S1 <input type="checkbox"/> P <input type="checkbox"/> T	NA		<input type="checkbox"/> PER <input type="checkbox"/> INT	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ		
3h. Total stream and tributary impacts						
3i. Comments:						
4. Open Water Impacts						
If there are proposed impacts to lakes, ponds, estuaries, tributaries, sounds, the Atlantic Ocean, or any other open water of the U.S. then individually list all open water impacts below.						
4a. Open water impact number – Permanent (P) or Temporary (T)	4b. Name of waterbody (if applicable)	4c. Type of impact		4d. Waterbody type	4e. Area of impact (acres)	
O1 <input type="checkbox"/> P <input type="checkbox"/> T	NA					
4f. Total open water impacts						
4g. Comments:						
5. Pond or Lake Construction						
If pond or lake construction proposed, then complete the chart below.						

5a. Pond ID number	5b. Proposed use or purpose of pond	5c. Wetland Impacts (acres)			5d. Stream Impacts (feet)			5e. Upland (acres)
		Flooded	Filled	Excavated	Flooded	Filled	Excavated	Flooded
P1	NA							
5f. Total								
5g. Comments:								
5h. Is a dam high hazard permit required?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, permit ID no:						
5i. Expected pond surface area (acres):								
5j. Size of pond watershed (acres):								
5k. Method of construction:								
6. Buffer Impacts (for DWQ)								
If project will impact a protected riparian buffer, then complete the chart below. If yes, then individually list all buffer impacts below. If any impacts require mitigation, then you MUST fill out Section D of this form.								
6a. Project is in which protected basin?				<input type="checkbox"/> Neuse <input type="checkbox"/> Tar-Pamlico <input type="checkbox"/> Other: <input type="checkbox"/> Catawba <input type="checkbox"/> Randleman				
6b. Buffer impact number – Permanent (P) or Temporary (T)	6c. Reason for impact	6d. Stream name		6e. Buffer mitigation required?	6f. Zone 1 impact (square feet)	6g. Zone 2 impact (square feet)		
B1 <input type="checkbox"/> P <input type="checkbox"/> T	NA			<input type="checkbox"/> Yes <input type="checkbox"/> No				
6h. Total buffer impacts								
6i. Comments:								
D. Impact Justification and Mitigation								
1. Avoidance and Minimization								
1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing project. The applicant requested BLC delineate the wetlands present on the site and worked to avoided isolated wetland areas except where necessary to obtain full use of proposed lots.								
1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques. The builder will use sediment and erosion control measures in accordance with Harnett County's development ordinance to minimize the impacts of construction on the adjacent wetlands.								
2. Compensatory Mitigation for Impacts to Waters of the U.S. or Waters of the State								
2a. Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
2b. If yes, mitigation is required by (check all that apply):				<input type="checkbox"/> DWQ <input type="checkbox"/> Corps				
2c. If yes, which mitigation option will be used for this project?				<input type="checkbox"/> Mitigation bank <input type="checkbox"/> Payment to in-lieu fee program <input type="checkbox"/> Permittee Responsible Mitigation				

3. Complete if Using a Mitigation Bank

3a. Name of Mitigation Bank: NA

3b. Credits Purchased (attach receipt and letter)	Type NA	Quantity NA
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3c. Comments:

4. Complete if Making a Payment to In-lieu Fee Program

4a. Approval letter from in-lieu fee program is attached. Yes

4b. Stream mitigation requested: NA linear feet

4c. If using stream mitigation, stream temperature: warm cool cold

4d. Buffer mitigation requested (DWQ only): NA square feet

4e. Riparian wetland mitigation requested: NA acres

4f. Non-riparian wetland mitigation requested: NA acres

4g. Coastal (tidal) wetland mitigation requested: NA acres

4h. Comments: NA

5. Complete if Using a Permittee Responsible Mitigation Plan

5a. If using a permittee responsible mitigation plan, provide a description of the proposed mitigation plan.
NA

6. Buffer Mitigation (State Regulated Riparian Buffer Rules) – required by DWQ

6a. Will the project result in an impact within a protected riparian buffer that requires buffer mitigation? Yes No

6b. If yes, then identify the square feet of impact to each zone of the riparian buffer that requires mitigation. Calculate the amount of mitigation required.

Zone	6c. Reason for impact	6d. Total impact (square feet)	Multiplier	6e. Required mitigation (square feet)
Zone 1	NA		3 (2 for Catawba)	
Zone 2	NA		1.5	

6f. Total buffer mitigation required:

6g. If buffer mitigation is required, discuss what type of mitigation is proposed (e.g., payment to private mitigation bank, permittee responsible riparian buffer restoration, payment into an approved in-lieu fee fund).
NA

6h. Comments: NA

E. Stormwater Management and Diffuse Flow Plan (required by DWQ)


1. Diffuse Flow Plan

1a. Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules? Yes No

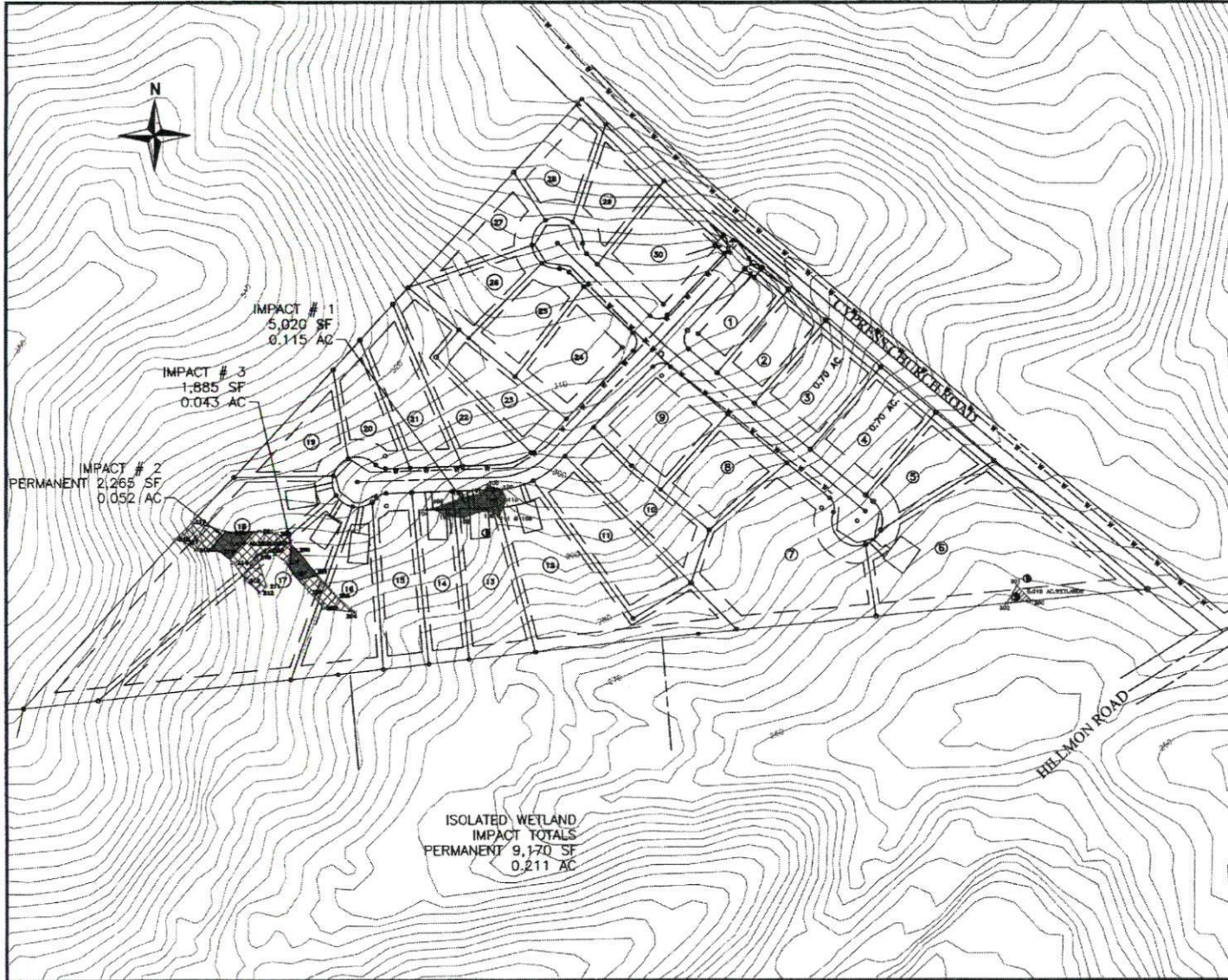
1b. If yes, then is a diffuse flow plan included? If no, explain why.
Comments: Yes No

2. Stormwater Management Plan	
2a. What is the overall percent imperviousness of this project?	13 %
2b. Does this project require a Stormwater Management Plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2c. If this project DOES NOT require a Stormwater Management Plan, explain why: This project does not require a stormwater management plan because it does not contain one or more drainage area that is anticipated to have impervious surface cover of equal to or greater than 24 percent.	
2d. If this project DOES require a Stormwater Management Plan, then provide a brief, narrative description of the plan: NA	
2e. Who will be responsible for the review of the Stormwater Management Plan?	<input type="checkbox"/> Certified Local Government <input type="checkbox"/> DWQ Stormwater Program <input type="checkbox"/> DWQ 401 Unit
3. Certified Local Government Stormwater Review	
3a. In which local government's jurisdiction is this project?	Harnett County
3b. Which of the following locally-implemented stormwater management programs apply (check all that apply):	<input checked="" type="checkbox"/> Phase II <input type="checkbox"/> NSW <input type="checkbox"/> USMP <input checked="" type="checkbox"/> Water Supply Watershed <input type="checkbox"/> Other:
3c. Has the approved Stormwater Management Plan with proof of approval been attached?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. DWQ Stormwater Program Review	
4a. Which of the following state-implemented stormwater management programs apply (check all that apply):	<input type="checkbox"/> Coastal counties <input type="checkbox"/> HQW <input type="checkbox"/> ORW <input type="checkbox"/> Session Law 2006-246 <input type="checkbox"/> Other:
4b. Has the approved Stormwater Management Plan with proof of approval been attached?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. DWQ 401 Unit Stormwater Review	
5a. Does the Stormwater Management Plan meet the appropriate requirements?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5b. Have all of the 401 Unit submittal requirements been met?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No




F. Supplementary Information	
1. Environmental Documentation (DWQ Requirement)	
1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1b. If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
1c. If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) Comments:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Violations (DWQ Requirement)	
2a. Is the site in violation of DWQ Wetland Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 2B .0200)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2b. Is this an after-the-fact permit application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2c. If you answered "yes" to one or both of the above questions, provide an explanation of the violation(s): The applicant has graded a portion of the smallest isolated wetland during road construction before they understood written concurrence would be required. However the impact area did not exceed 0.10 acre, which would be approved by State General Permit for Impacts to Isolated and Other Non-404 Jurisdictional Wetlands and Waters Permit Number: IWGP100000.	
3. Cumulative Impacts (DWQ Requirement)	
3a. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3b. If you answered "yes" to the above, submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent DWQ policy. If you answered "no," provide a short narrative description. The proposed infrastructure serves only the proposed residential development. Therefore, the project is not anticipated to result in additional development.	
4. Sewage Disposal (DWQ Requirement)	
4a. Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge) of wastewater generated from the proposed project, or available capacity of the subject facility. Wastewater generated from the proposed project will be disposed of through individual, on-site septic systems approved by Harnett County.	

5. Endangered Species and Designated Critical Habitat (Corps Requirement)		
5a. Will this project occur in or near an area with federally protected species or habitat?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5b. Have you checked with the USFWS concerning Endangered Species Act impacts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5c. If yes, indicate the USFWS Field Office you have contacted.	<input type="checkbox"/> Raleigh <input type="checkbox"/> Asheville	
5d. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? NA		
6. Essential Fish Habitat (Corps Requirement)		
6a. Will this project occur in or near an area designated as essential fish habitat?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6b. What data sources did you use to determine whether your site would impact Essential Fish Habitat? NA		
7. Historic or Prehistoric Cultural Resources (Corps Requirement)		
7a. Will this project occur in or near an area that the state, federal or tribal governments have designated as having historic or cultural preservation status (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7b. What data sources did you use to determine whether your site would impact historic or archeological resources? NA		
8. Flood Zone Designation (Corps Requirement)		
8a. Will this project occur in a FEMA-designated 100-year floodplain?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8b. If yes, explain how project meets FEMA requirements:		
8c. What source(s) did you use to make the floodplain determination?		
Jennifer A. Burdette Applicant/Agent's Printed Name	 Applicant/Agent's Signature (Agent's signature is valid only if an authorization letter from the applicant is provided.)	12/14/11 Date

Friday the 12th
lot CP 8

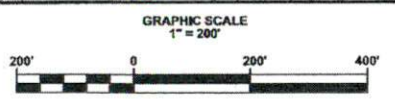


LEGEND

-  JURISDICTIONAL WETLANDS
-  ISOLATED WETLANDS
-  PERMANENT ISOLATED WETLAND IMPACTS

- CL CENTERLINE
- TT TIE TO
- CH CHANNEL
- PL PROPERTY LINE
- ⊙ WETLAND DATA POINT

- NOTES:
- 1.) THE DESIGNATION AND LIMITS OF THESE FEATURES MUST BE VERIFIED BY THE US ARMY CORPS OF ENGINEERS AND THE NORTH CAROLINA DIVISION OF WATER QUALITY.
 - 2.) THE WETLAND BOUNDARY REPRESENTED BY FLAGS 200-222 EXCLUDING FLAG 203 AND 300-302 WERE SURVEYED BY BENNETT SURVEYS, INC. THE WETLAND BOUNDARY REPRESENTED BY FLAGS 100-111 AND 203 WERE COLLECTED USING A TRIMBLE GEO XT.
 - 3.) THIS MAP DOES NOT REPRESENT A SURVEY OF JURISDICTIONAL / ISOLATED WATERS OF THE US AND/OR WATERS OF THE STATE. THIS MAP IS FOR PRELIMINARY PLANNING AND PERMITTING PURPOSES AND BURDETTE LAND CONSULTING, INC. DOES NOT GUARANTEE THE ACCURACY OF THE FEATURE LOCATIONS.
 - 3.) BASE MAP TOPOGRAPHIC INFORMATION OBTAINED FROM THE HARNETT COUNTY GIS AND THE NORTH CAROLINA DIVISION OF TRANSPORTATION.
 - 4.) SUBDIVISION LAYOUT PROVIDED BY JOHN HARRIS P.E. CONSULTING ENGINEER.



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SURFACE WATER & WETLANDS IMPACT MAP
CYPRESS POINTE SUBDIVISION
JOHNSONVILLE, HARNETT COUNTY, NC

DATE: 12-12-11 REVISED
SCALE: 1" = 200'
DRAWN BY: TMB
CHK'D BY: JAB
PROJECT #: 11338
FIGURE #: 3