

US Army Corps of Engineers ® Wilmington District

General Re-evaluation Report and Environmental Assessment Surf City, Onslow and Pender Counties, North Carolina Coastal Storm Risk Management Project



Appendix I: Clean Water Act Documentation

Final

April 2025

Section 404 (b) (1) Analysis

Surf City Coastal Storm Risk Management Project Pender and Onslow County, North Carolina

Preliminary Evaluation of Section 404 (b) (1) Guidelines 40 CFR 230

This evaluation covers the placement of all fill material into waters and wetlands of the United States required for the construction and maintenance of the Surf City Coastal Storm Risk Management project, Pender and Onslow County, North Carolina. The Recommended Plan is the Least Environmentally Damaging Practicable Alternative and consists of a dune constructed to an elevation of 14 feet (North Atlantic Vertical Datum 1988 (NAVD 88) and a 25 ft wide dune crest, fronted by a 50 ft wide berm at an elevation of 6 feet (NAVD 88). The length of the project would be restricted to the town limits of Surf City, approximately 33,300 ft or 6 miles. The project would also include a 1000-foot transition berm in northern end of the project from the town limits of Surf City into the town limits of North Topsail Beach. Hopper dredges most likely will be used because of their higher efficiency as compared to pipeline dredges. Sand for the construction and renourishment intervals would be taken from identified borrow sites off the coast of Topsail Island. During initial construction, dredging and beach placement may occur any time of year and could be ongoing, without interruption, for up to 13 months, resulting in only one disturbance event. Increased turbidity would occur during this time; however, sediments would be comprised of \geq 90% sand and therefore would not likely to produce significant turbidity or other water quality impacts. Discharges associated with dredging in the offshore borrow areas are considered incidental to the dredging operation, and therefore, are not being considered as being a discharge addressed under the Section 404(b)(1) Guidelines Analysis. Nourishment events would occur within the beach placement window of November 16 to April 30. Each nourishment would be accomplished within a single dredging and placement event and nourishments would occur every six years.

The potential water quality impacts of dredging and placement have been addressed in the documents incorporated by reference in Section 1.6 of the General Reevaluation Report and

Environmental Assessment (GRR/EA); however, previous NEPA documents prepared by the Wilmington District have not addressed water quality impacts related to hopper dredging in the spring and summer months. Overall, the dredging and placement of beach quality sand from the proposed project would not have any significant impacts on water quality as discussed in detail below.

Pursuant to Section 401 of the Clean Water Act of 1977 (P.L. 95- 217), as amended, a Water Quality Certification (WQC) is required for this proposed project and will be obtained before any work is started. All conditions of the water quality certification would be implemented to minimize adverse impacts to water quality. As part of the NCDCM consistency conditions of the 2010 EIS, the USACE, in conjunction with ERDC, would conduct monitoring of sedimentation effects from dredging activities within the 122-m (400-foot) hardbottom buffer.

The area where beach placement would occur at Surf City is considered the beach community and encompasses a total of 445 acres, a decrease of approximately 36% as compared to the Authorized Plan that included Surf City and North Topsail Beach. The total combined acreage for borrow areas A, B, C, D, E, F, G, H, J, L, N, O, and P within state waters (inside 3 miles) is 9,663 acres; however only portions of these borrow areas will be used over the life of the project. Further delineation of dredge cut boxes is ongoing with additional geotechnical investigations underway. Disturbance acreages are based on the full footprint of the borrow area, excluding hardbottom and low relief hardbottom buffers, and would likely be reduced significantly with the delineation of dredge cut boxes.

Section 404 Public Notice No. CESAW-ECP-PE

1.	Review of Compliance (230.10(a)-(d))	Preliminary <u>1</u> /	Final <u>2</u> /	
	A review of the NEPA Document indicates that:			
a. activi its ba	The discharge represents the least environmentally damaging prac ty associated with the discharge must have direct access or proximi sic purpose (if no, see section 2 and NEPA document);	cticable alternative and if in a speci- ity to, or be located in the aquatic e YES 🔀 NO	al aquatic site, the cosystem to fulfill YES 🛛 NO 🗌	
b.	The activity does not: 1) violate applicable State water quality standards or effluent stand 2) jeopardize the existence of federally listed endangered or thread 3) violate requirements of any federally designated marine sanctual resource and water quality certifying agencies);	dards prohibited under Section 307 tened species or their habitat; and ary (if no, see section 2b and check YES NO *	of the CWA; responses from YES NO	
c. huma and re	The activity will not cause or contribute to significant degradation in health, life stages of organisms dependent on the aquatic ecosyst ecreational, aesthetic, and economic values (if no, see section 2);	of waters of the U.S. including advo tem, ecosystem diversity, productiv YES NO	erse effects on vity and stability, YES NO	
d ecosy	Appropriate and practicable steps have been taken to minimize po stem (if no, see section 5).	otential adverse impacts of the disc YES NO *	harge on the aquatic YES NO	
<u>Proce</u>	Proceed to Section 2			

2. Technical Evaluation Factors (Subparts C-F)

N/A

Not Significant Significant

a. Physical and Chemical Characteristics of the Aquatic Ecosystem (Subpart C)

- (1) Substrate impacts.
- (2) Suspended particulates/turbidity impacts
- (3) Water column impacts.
- (4) Alteration of current patterns and water circulation.
- (5) Alteration of normal water fluctuations/hydroperiod.
- (6) Alteration of salinity gradients.
- b. Biological Characteristics of the Aquatic Ecosystem (Subpart D)
- (1) Effect on threatened/endangered species and their habitat.
- (2) Effect on the aquatic food web.
- (3) Effect on other wildlife (mammals birds, reptiles, and amphibians).
- c. Special Aquatic Sites (Subpart E)
- (1) Sanctuaries and refuges.
- (2) Wetlands.
- (3) Mud flats.
- (4) Vegetated shallows.
- (5) Coral reefs.
- (6) Riffle and pool complexes.
- d. Human Use Characteristics (Subpart F)
- (1) Effects on municipal and private water supplies.
- (2) Recreational and commercial fisheries impacts
- (3) Effects on water-related recreation.
- (4) Aesthetic impacts.

(5) Effects on parks, national and historical monuments, national seashores, wilderness areas,

research sites, and similar preserves.

	Х	
	Х	
	Х	
	Х	
Х		
Х		

Х	
Х	
Х	

NA	
NA	

NA		
	Х	
	Х	
	Х	
	Х	

Proceed to Section 3

3. Evaluation of Dredged or Fill Material (Subpart G) 3/

a. The following information has been considered in evaluating the biological availability of possible contaminants in dredged or fill material. (Check only those appropriate.)

(1) Physical characteristics	\boxtimes
(2) Hydrography in relation to known or anticipated sources of contaminants	
(3) Results from previous testing of the material or similar material in the vicinity of the project	\boxtimes
(4) Known, significant sources of persistent pesticides from land runoff or percolation	
(5) Spill records for petroleum products or designated (Section 311 of CWA) hazardous substances	
(6) Other public records of significant introduction of contaminants from industries, municipalities, or other so	urces 🖂
(7) Known existence of substantial material deposits of substances which could be released in harmful quantiti aquatic environment by man-induced discharge activities	es to the
(8) Other sources (specify).	
List appropriate references.	

b. An evaluation of the appropriate information in 3a above indicates that there is reason to believe the proposed dredge or fill material is not a carrier of contaminants, or that levels of contaminants are substantively similar at extraction and disposal sites and not likely to result in degradation of the disposal site. YES \boxtimes NO*

Proceed to Section 4

4. Disposal Site Determinations (230.11(f)).

a. The following factors as appropriate, have been considered in evaluating the disposal site.

(2) Current velocity, direction, and variability at disposal site □ (3) Degree of turbulence. □ (4) Water column stratification □ (5) Discharge vessel speed and direction □ (6) Rate of discharge □ (7) Dredged material characteristics (constituents, amount and type of material, settling velocities). □ (8) Number of discharges per unit of time. □ (9) Other factors affecting rates and patterns of mixing (specify) □ List appropriate references. b. An evaluation of the appropriate factors in 4a above indicates that the disposal site and/or size of mixing zone are acceptable. VES □ NO 5. Actions to Minimize Adverse Effects (Subpart H). All appropriate and practicable steps have been taken, through application of recommendations of 230.70-230.77, to ensure minimal adverse effects of the proposed discharge. VES □ NO		(1) Depth of water at disposal site.	\boxtimes		
(3) Degree of turbulence. □ (4) Water column stratification □ (5) Discharge vessel speed and direction □ (6) Rate of discharge □ (7) Dredged material characteristics (constituents, amount and type of material, settling velocities). □ (8) Number of discharges per unit of time. □ (9) Other factors affecting rates and patterns of mixing (specify) □ List appropriate references. b. An evaluation of the appropriate factors in 4a above indicates that the disposal site and/or size of mixing zone are acceptable. VES □ NO 5. Actions to Minimize Adverse Effects (Subpart H). All appropriate and practicable steps have been taken, through application of recommendations of 230.70-230.77, to ensure minimal adverse effects of the proposed discharge. VES □ NO		(2) Current velocity, direction, and variability at disposal site	\boxtimes		
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 5. Actions to Minimize Adverse Effects (Subpart H). All appropriate and practicable steps have been taken, through application of recommendations of 230.70-230.77, to ensure minimal adverse effects of the proposed discharge. YES ∑ NO 		 b. An evaluation of the appropriate factors in 4a above indicates that the disposal site and/or size of mixing zone are acceptable. 		YES 🔀	NO 🗌*
All appropriate and practicable steps have been taken, through application of recommendations of 230.70-230.77, to ensure minimal adverse effects of the proposed discharge. YES X NO	5.	Actions to Minimize Adverse Effects (Subpart H).			
discharge. YES 🔀 NO		All appropriate and practicable steps have been ta through application of recommendations of 230.7 to ensure minimal adverse effects of the proposed	ıken, 0-230.77, 1		
		discharge.		YES 🔀	NO 🗌*

Return to section 1 for final stage of compliance review.

6. Factual Determinations (230.11).

A review of appropriate information as identified in items 2-5 above indicates that there is minimal potential for short- or long-term environmental effects of the proposed discharge as related to:

a.	Physical substrate at the disposal site (review sections 2a, 3, 4, and 5).	YES 🔀	NO 🗌*
b.	Water circulation, fluctuation, and salinity (review sections 2a, 3, 4, and 5).	YES 🔀	NO 🗌*
c.	Suspended particulates/turbidity (review sections 2a, 3, 4, and 5).	YES 🔀	NO 🗌*
d	Contaminant availability (review sections 2a, 3, and 4).	YES 🔀	NO 🗌*
e.	Aquatic ecosystem structure and function (review sections 2b and c, 3, and 5).	YES 🔀	NO 🗌*
f.	Disposal site (review sections 2, 4, and 5).	YES 🔀	NO 🗌*
g.	Cumulative impact on the aquatic ecosystem.	YES 🔀	NO 🗌*
h.	Secondary impacts on the aquatic ecosystem.	YES 🔀	NO 🗌*

7. <u>Findings</u>.

a. The proposed disposal site for discharge of dredged or fill material complies with the	
Section 404(b)(1) guidelines	

b.The proposed disposal site for discharge of dredged or fill material complies with the Section 404(b)(1) guidelines with the inclusion of the following conditions:

c.The proposed disposal site for discharge of dredged or fill material does not comply with the Section 404(b)(1) guidelines for the following reasons(s):

 (1)There is a less damaging practicable alternative	
(3) The proposed discharge does not include all practicable and appropriate measures to minimize potential harm to the aquatic ecosystem.	

Date: _____

Brad A. Morgan Colonel, U.S. Army District Engineer

*A negative, significant, or unknown response indicates that the permit application may not be in compliance with the Section 404(b)(1) Guidelines.

1/ Negative responses to three or more of the compliance criteria at this stage indicate that the proposed projects <u>may</u> not be evaluated using this "short form procedure." Care should be used in assessing pertinent portions of the technical information of items 2 a-d, before completing the final review of compliance.

2/ Negative response to one of the compliance criteria at this stage indicates that the proposed project does not comply with the guidelines. If the economics of navigation and anchorage of Section 404(b)(2) are to be evaluated in the decision-making process, the "short form evaluation process is inappropriate."

3/ If the dredged or fill material cannot be excluded from individual testing, the "short-form" evaluation process is inappropriate.

Section 401 Water Quality Certification

JOSH STEIN Governor D. REID WILSON Secretary RICHARD E. ROGERS, JR. Director



April 15, 2025

DWR # 20250343 Pender County

United States Army Engineer District, Wilmington Attn: Mr. Kenneth M. Porter, Lieutenant Colonel, U.S. Army, Acting Commander 69 Darlington Ave. Wilmington, NC 28403

Delivered via email to: Kenneth.m.porter@usace.army.mil

Subject: Approval of Individual 401 Water Quality Certification

Surf City Coastal Storm Risk Management Project

Location: 34.424892, -77.545108

Dear Mr. Kenneth M. Porter:

Attached hereto is a copy of Certification No. WQC007792 issued to Mr. Kenneth M. Porter and United States Army Engineer District, Wilmington, dated April 15, 2025. This approval is for the purpose and design described in your application.

This Water Quality Certification 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 Trout Buffer regulations.

Upon the presentation of proper credentials, the Division of Water Resources (Division) may inspect the property.

This Water Quality Certification shall expire five (5) years from the date of this authorization. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Water Quality Certification for the project and may also result in criminal and/or civil penalties.



This approval and its conditions are final and binding unless contested [G.S. 143-215.5].

This Certification 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 forms may be accessed at <u>http://www.ncoah.com/</u> 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 Certification in accordance with N.C.G.S. 150B-23(a).

This letter completes the Division's review under Section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Michael Meilinger at 910-796-7215 or <u>michael.meilinger@deq.nc.gov</u> if you have any questions or concerns.

Sincerely,

DocuSigned by stephanic Goss

Stephanie Goss, Supervisor 401 & Buffer Permitting Branch Division of Water Resources

Electronic cc: Eric Gasch, USACE Wilmington, <u>eric.k.gasch@usace.army.mil</u> Maria Dunn, NCWRC DWR 401 & Buffer Permitting Branch Electronic file

Filename: 20250343_Surf City Coastal Storm Risk Management Project_IWQC_Pender_April25.docx



NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

CERTIFICATION #WQC007792 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina's Regulations in 15 NCAC 02H .0500

and 15A NCAC 02B .0200, to Mr. Kenneth M. Porter and United States Army Engineer District, Wilmington, who have authorization for the impacts listed below, as described within your application received by the N.C. Division of Water Resources (Division) on March 10, 2025, subsequent information on March 14, 2025, April 11, 2025, by Public Notice issued by the Division on March 13, 2025, and within the *Reasonable Period of Time* pursuant to 40 CFR Part 121.6.

The State of North Carolina certifies that this activity will comply with water quality requirements and the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

Type of Impact	Amount Approved Permanent	Plan Location or Reference
Open Waters		
Site # A Dredge Footprint / Benthic Removal	9,663 acres	ePCN application, additional information received March 14, 2025
Site # 1 Fill below MHW	38 acres	ePCN application, additional information received March 14, 2025, Appendix A: general Site Plan Final February 2025, Sheets A-1 through A- 7, additional information received April 11, 2025
Site # 2 Fill above MHW	435 acres	ePCN application, additional information received March 14, 2025, Appendix A: general Site Plan Final February 2025, Sheets A-1 through A- 7, additional information received April 11, 2025
Totals:	10136 acres	

The following impacts are hereby approved. No other impacts are approved, including incidental impacts. [15A NCAC 02H .0506(b)]

This approval requires you to follow the conditions listed in the Certification below.

CONDITIONS OF CERTIFICATION [15A NCAC 02H .0507(c)]:

1. The Permittee shall adhere specially to 15A NCAC 02B .0220 Tidal Salt Water Quality Standards for Class SB Waters.



(12) pH: shall be normal for waters in the area, which generally shall range between 6.8 and 8.5 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions;

(19) Turbidity: the turbidity in the receiving water shall not exceed 25 NTU; if turbidity exceeds this level due to natural background conditions, the existing turbidity level shall not be increased.

Citation: 15A NCAC 02B .0220

2. The permittee shall submit an "As-built" survey to the DWR within 30 days of completing the project.

Citation: 15A NCAC 02H .0507(c)

3. If this Water Quality Certification is used to access residential, commercial or industrial building sites, then all parcels owned by the permittee that are part of the single and complete project authorized by this Certification must be buildable without additional impacts to streams or wetlands.

Citation: 15A NCAC 02H .0502(a);15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

4. This approval is for the purpose and design described in your application. The plans and specification are incorporated by reference as part of the Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee.

Citation: 15 A NCAC 02H .0501 and 15A NCAC 02H .0502

5. Any final construction plans for this project must include or reference the application and plans approved by the Division under this authorization letter and certification. The applicant will also be required to evaluate all acquired permits to assure that they are consistent, and all relative impacts are accounted for and shown on the construction plans. The applicant shall require his contractor (and/or agents) to comply with all of the terms of the Certification and shall provide each of its contractors (and/or agents) a copy of this Certification.

Citation: 15A NCAC 02H .0502 (a) and 15A NCAC 02H .0506 (b)(1)

6. The permittee shall notify the Division in writing prior to the beginning of the work authorized under this certification. A pre-construction meeting must be held with the Division prior to the start of the project so that the contractors and/or agents fully understand the conditions associated with this certification.

Citation: 15A NCAC 02H .0507 (c) and 15A NCAC 02H .0502 (e) and 15A NCAC 02H .0506 (b)(3)

7. If the Permittee becomes aware of any inability to comply with any of the conditions of this Water Quality Certification, they must notify the Wilmington 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 may be required to submit a new application package with appropriate fee to initiate modification of this authorization, and/or to conduct corrective actions as determined by the Division.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

8. The Permittee shall report to the DWR Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the Permittee became aware of the non-compliance circumstances.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

9. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the approved impacts (including temporary impacts).

Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)

10. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur.

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *North Carolina Department of Transportation Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC02B .0200; 15A NCAC 02B .0231

11. Sediment and erosion control measures shall not be installed in wetland or waters except within the footprint of temporary or permanent impacts otherwise authorized by this Certification. If placed within authorized impact areas, then placement of such measures shall not be conducted in a manner that results in dis-equilibrium of any wetlands, streambeds, or streambanks. Any



silt fence installed within wetlands shall be removed from wetlands and the natural grade restored within two (2) months of the date that DEMLR or locally delegated program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

12. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

13. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping, and reporting requirements is required.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

14. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State, and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

15. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

16. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance and compaction.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231

17. In accordance with 143-215.85(b), the Permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.



Citation: 15A NCAC 02H .0507(c); N.C.G.S 143-215.85(b)

18. The 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.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

19. The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this Certification in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Water Quality Certification. A copy of this Water Quality Certification shall be available at the project site during the construction and maintenance of this project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

20. This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification 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 Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user.

This Water Quality Certification shall expire five (5) years from the date of this authorization. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

This, the 15th day of April 2025

DocuSigned by: Stephanie Goss 755ABF0CD80B428...

Stephanie Goss, Supervisor 401 & Buffer Permitting Branch Division of Water Resources

