



NORTH CAROLINA
Environmental Quality

May 4, 2021

DWR # 20171487 Ver 4
Wake County

ROY COOPER

Governor

DIONNE DELLI-GATTI

Secretary

S. DANIEL SMITH

Director

Raleigh-Durham Airport Authority
ATTN: Michael Landguth, President
1000 Trade Drive
RDU Airport, NC 27623

(Delivered via email to michael.landguth@rdu.com)

Subject: AUTHORIZATION CERTIFICATE PER THE NEUSE RIVER RIPARIAN BUFFER PROTECTION RULES (15A NCAC 02B .0714) WITH ADDITIONAL CONDITIONS
Raleigh Durham Airport Authority Enhanced Security Perimeter Fencing

Dear Mr. Landguth,

On October 14, 2020, the Division of Water Resources (Division) received your application for a buffer authorization to impact the Neuse River Riparian Buffer. The Division requested additional information about the project on December 12, 2020 and February 16, 2021 and additional information was received by the Division on December 18, 2020 and March 5, 2021.

The proposed project includes installation of a security fence within Zone 1 and Zone 2 of the regulated riparian buffer including the removal of trees for a 10-foot wide permanent maintenance corridor. The purpose of the project, as described in your application, is to provide enhanced security and prevent trespassers. The application identifies the project's fit in Table of Uses as *Fences: Installation results in removal of trees from Zone 1* [15A NCAC 02B .0714(11)(f)(iii)].¹ Pursuant to 15A NCAC 02B .0714(11)(f)(iii), installation of fences resulting in removal of trees in Zone 1 requires Division review and approval.

You have our approval for the buffer impacts listed below for the purpose described in your application, supporting materials, and additional information responses received by the Division. The plans and specifications for this project are incorporated by reference as part of this Authorization Certificate. This letter shall act as your Authorization Certificate Approval as described within 15A NCAC 02B .0611(b).

The following buffer impacts are hereby approved, provided that all of the Conditions listed below, and all of the conditions of the Neuse River Riparian Buffer Rules are met. No other impacts are approved, including incidental impacts [15A NCAC 02B .0714].

¹15A NCAC 02B .0714 was Readopted Eff. June 15, 2020.



Type of Impact (Feature ID: Table of Use Item)	Amount Approved (units) Permanent	Amount Approved (units) Temporary
Buffers – Zone 1		
Stream O-1: Fence	1,307 (square feet)	0 (square feet)
Stream O-2: Fence	717 (square feet)	0 (square feet)
Stream HB1: Fence	609 (square feet)	0 (square feet)
Stream 7: Fence	602 (square feet)	0 (square feet)
Stream 12: Fence	733 (square feet)	0 (square feet)
Stream HB2: Fence	605 (square feet)	0 (square feet)
Stream I-1: Fence	632 (square feet)	0 (square feet)
Stream HB3: Fence	728 (square feet)	0 (square feet)
Stream 29: Fence	665 (square feet)	0 (square feet)
Stream I-2: Fence	602 (square feet)	0 (square feet)
Stream L: Fence	629 (square feet)	0 (square feet)
Stream 30: Fence	603 (square feet)	0 (square feet)
Stream 28: Fence	602 (square feet)	0 (square feet)
Pond 1: Fence	399 (square feet)	0 (square feet)
Pond 2: Fence	301 (square feet)	0 (square feet)
Pond 3: Fence	351 (square feet)	0 (square feet)
Buffers – Zone 2		
Stream O-1: Fence	602 (square feet)	0 (square feet)
Stream O-2: Fence	418 (square feet)	0 (square feet)
Stream HB1: Fence	407 (square feet)	0 (square feet)
Stream 7: Fence	402 (square feet)	0 (square feet)
Stream 12: Fence	572 (square feet)	0 (square feet)
Stream HB2: Fence	406 (square feet)	0 (square feet)
Stream I-1: Fence	420 (square feet)	0 (square feet)
Stream HB3: Fence	426 (square feet)	0 (square feet)
Stream 29: Fence	682 (square feet)	0 (square feet)
Stream I-2: Fence	402 (square feet)	0 (square feet)
Stream L: Fence	480 (square feet)	0 (square feet)
Stream 30: Fence	408 (square feet)	0 (square feet)
Stream 28: Fence	401 (square feet)	0 (square feet)
Pond 1: Fence	246 (square feet)	0 (square feet)
Pond 2: Fence	201 (square feet)	0 (square feet)
Pond 3: Fence	217 (square feet)	0 (square feet)

This approval requires you to comply with the following conditions:

1. Signage shall be posted in locations where the Enhanced Security Perimeter Fence crosses wetlands, streams and riparian buffers. Signs shall include language to indicate these areas are to be “foot traffic only” and vehicle operation in these areas is prohibited. Signage must be



maintained on the project site in these areas after construction is completed. [15A NCAC 02B .0611(b)(2) and (4)].

2. All stormwater must be directed and maintained as dispersed flow at non-erosive velocities through the protected stream buffers such that it does not re-concentrate before discharging into a stream. [15A NCAC 02B .0714(9); 15A NCAC 02B .0611(b)(2) and (4)].
3. Vegetation management in the permanent maintenance corridor and Enhanced Security Fence Gate operation must be conducted in accordance with the *Standard Operating Procedure (SOP) – Operation and Maintenance of Enhanced Security Perimeter Fence and Gates* dated March 3, 2021 and received by the Division March 5, 2021 as Attachment A.
 - a. Manual Slide Gates shall be opened prior to any forecasted flood events to allow passage of floodwaters. Upon notification of a flood warning or watch issues by the National Weather Service, the permittee shall open the manual slide gates for a period needed to allow the flood waters to pass.
 - b. Vegetation maintenance within the riparian buffers and wetlands shall be conducted by mechanical methods only using hand tools or weed trimmers. Natural vegetation shall only be removed only as needed to prevent growth into, through or over the security fence. Chemicals shall not be used to control vegetation within the riparian buffers.

The permittee shall report to the Water Quality Regional Operations Section of the Raleigh Regional Office any noncompliance with the conditions of this Authorization Certificate and/or any violation of state regulated riparian buffer rules [15A NCAC 02B .0714]. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the applicant became aware of the circumstances.

Please note that you should get any other federal, state or local permits before proceeding with your project, including any required by (but not limited to) Clean Water Act Section 404 and/or 401, Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

If you change your project, you must notify the Division and you may be required to submit a new application package. If the property is sold, the new owner must be given a copy of this Authorization Certificate and is responsible for complying with all conditions [15A NCAC 02B .0714].

This Authorization Certificate neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Authorization Certificate does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person, nor does it create any prescriptive right or any right of priority regarding any usage of water. This Authorization Certificate shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Authorization Certificate to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.



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

This Authorization Certificate can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing and serving a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

Service of a petition on the North Carolina Department of Environmental Quality must be sent to:

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

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

This letter completes the review of the Division under the Neuse Riparian Buffer Rules as described in 15A NCAC 02B .0714 and 15A NCAC 02B .0611. Please contact Rick Trone at rick.trone@ncdenr.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:

Paul Wojoski

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Paul Wojoski, Supervisor
401 & Buffer Permitting Branch

cc: Bob Zarzecki, S&EC (via email)
DWR 401 & Buffer Permitting Branch electronic file

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