



NORTH CAROLINA  
Environmental Quality

**ROY COOPER**  
Governor  
**MARY PENNY KELLEY**  
Secretary  
**RICHARD E. ROGERS, JR.**  
Director

October 1, 2024

DWR # 20230997 v3  
Durham County

Abiel, LLC  
Attn: Eugene Mack  
4815 Revere Rd.  
Durham, NC 27713  
Delivered via email ([gene.mack@homevestors.com](mailto:gene.mack@homevestors.com))

**Subject: APPROVAL of NEUSE BASIN RIPARIAN BUFFER IMPACTS WITH ADDITIONAL CONDITIONS**  
604 E. Geer St., Durham

Dear Mr. Mack:

You have our approval for the impacts listed below for the purpose described in your application dated September 19, 2024 and received by the Division of Water Resources (Division) September 19, 2024. These impacts are covered by the Neuse Buffer Rules. **The Authorization Certificate replaces the Authorization issued on July 9, 2024.** The Authorization Certificate is being issued pursuant to a modification request for additional riparian buffer impacts in Zone 2.

This Buffer Authorization does not relieve the permittee of the responsibility to obtain all other required federal, state, or local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and/or Stormwater regulations.

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

Type of Impact	Amount Approved (units) Permanent	Amount Approved (units) Temporary
Zone 1: Single Family Home	404 (square feet)	0 (square feet)
Zone 2: Single Family Home	1,331 (square feet)	0 (square feet)

Compensatory Mitigation

The Division has received a copy of a receipt dated August 24, 2023 from Wildland Holdings V, LLC satisfying the original mitigation requirements for this project as approved on August 2, 2023 and as



specified below. Mitigation is not required for the additional 224 square feet of buffer impacts in Zone 2.

	Compensatory Mitigation Required	River & Sub-basin Number
<b>Original Approved Mitigation Requirement</b>		
Neuse Buffer	1,212 (square feet)	Neuse: 03020201-Upper Falls Lake Watershed

*Citation: 15A NCAC 02H .0506 (b)(6)*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. In determining that the proposed activity will comply with state water quality standards (including designated uses, numeric criteria, narrative criteria and the state’s antidegradation policy), the project must provide for replacement of existing uses through compensatory mitigation.*

This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Authorization Certificate. If you change your project, you must notify the Division and you may be required to submit a new application package. If the property is sold, the new owner must be given a copy of this Authorization Certificate and is responsible for complying with all conditions. [15A NCAC 02B.0611(b)(2)]

If you are unable to comply with any of the conditions below, you must notify the Raleigh Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Raleigh Regional Office any noncompliance with the conditions of this Authorization Certificate and/or any violation of state regulated riparian buffer rules [15A NCAC 02.0714]. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the applicant became aware of the circumstances.

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

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

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

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



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

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

**This Authorization shall expire five (5) years from the date of this letter.** This letter completes the Division's review under the Neuse Riparian Buffer Rules as described in 15A NCAC 02B.0714. Please contact Cherri Smith at 919-791-4200 or [cherri.smith@deq.nc.gov](mailto:cherri.smith@deq.nc.gov) if you have any questions or concerns.

Sincerely,

DocuSigned by:

*Michael Hall*

372DCBCB61EE4A8...

Michael Hall

Regional Supervisor

Division of Water Resources, Raleigh Regional Office

Department of Environmental Quality

cc: DWR 401 & Buffer Permitting Branch electronic file

