



NORTH CAROLINA
Environmental Quality

October 7, 2021

DWR #2017-1487 v3
Wake County

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

S. DANIEL SMITH

Director

Wake Stone Corporation
Attn: Mr. Samuel T. Bratton
PO Box 190
Knightdale, NC 27545-0190

Subject: ALJ's Final Decision in *The Umstead Coalition v. North Carolina Department of Environmental Quality, Division of Water Resources*

Dear Mr. Bratton:

On April 7, 2020, the Division of Water Resources (Division) received your application requesting a Riparian Buffer Authorization pursuant to the Neuse River Riparian Buffer Protection Rules (15A NCAC 02B .0233¹) related to a proposed bridge over Crabtree Creek. The Division issued a Buffer Authorization for the project on June 4, 2020 (Buffer Authorization).

On August 30, 2020, the Umstead Coalition filed a petition for contested case in the N.C. Office of Administrative Hearings, challenging the Buffer Authorization. The matter² was heard on the merits February 17—19, 2021. On September 27, 2021, an Administrative Law Judge rendered a final decision reversing the Division's issuance of the Buffer Authorization.

As a result of the Administrative Law Judge's final decision, please be aware that you do not have authorization to impact riparian buffers under the Neuse River Riparian Buffer Rules, and any such impacts may be a violation of North Carolina General Statutes and Administrative Code.

¹ Rule 15A NCAC 02B .0233 has been re-codified in 15A NCAC 02B .0714, 15A NCAC 02B .0610, 15A NCAC 02B .0611, 15A NCAC 02B .0612, effective June 15, 2020.

² *The Umstead Coalition v. North Carolina Department of Environmental Quality, Division of Water Resources*, 20 EHR 03014.



Please contact Paul Wojoski at 919-707-9015 or Paul.Wojoski@ncdenr.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:
Paul Wojoski
949D91BA53EF4E0...

Paul Wojoski, Supervisor
401 and Buffer Permitting Branch

cc via email: Bob Zarzecki, S&EC
Sam Bratton, Wake Stone Corporation
DEMLR
DWR RRO
DWR 401 & Buffer Permitting Unit via Laserfiche

File: 2107-1487v3_Wake_Stone_Order_Response_Letter

