

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

DOUGLAS R. ANSEL
Interim Director



NORTH CAROLINA
Environmental Quality

Certificate of Approval

June 21, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7019 1120 0002 0063 5634

Cara Spencer
Atlantic National Capital, LLC
PO Box 35910
Fayetteville, North Carolina 28303

RE: Approval to Modify
Woodlake Dam
Moore County
State Dam ID: MOORE-040

To Whom It May Concern:

This is in response to your latest submission dated June 16, 2023 and received on June 16, 2023, with additional information dated March 29, 2023 and received on April 3, 2023, of plans, specifications, and design data for modification of the subject dam in compliance with the Dam Safety Law of 1967. This dam is of high hazard classification. The plans, specifications, and design data submitted were prepared under the supervision of John F. Lloyd, PE of Schnabel Engineering South, PC. Also, Check No. 001570 in the amount of \$200.00 serving as the minimum application processing fee was received on February 8, 2023.

This letter constitutes approval of the proposal to modify the subject dam according to the plans, specifications, and design data received by this Division on June 16, 2023 with the following stipulations:

1. In accordance with GS 143-215.29, project construction shall be supervised by John F. Lloyd, PE. John F. Lloyd, PE shall be responsible for field observation of construction as necessary to ensure compliance with approved plans.
2. During construction, the Division of Energy, Mineral, and Land Resources may require progress reports as are deemed necessary.
3. In accordance with GS 143-215.30 and 15A NCAC 02K .0203, .0212, .0215, and .0216, within 30 days of completion of the project, John F. Lloyd, PE shall inspect the completed work and upon finding that the work has been done as specified, minimum stream flow requirements have been satisfied, and the dam is safe, shall file with the Division of Energy, Mineral, and Land Resources one set of record drawings and a certificate stating that the work has been completed in accordance with approved plans, specifications and other requirements.
4. Prior to issuance of final written consent for use of this dam pursuant to this construction, the requirements of Session Law 2014-122, Section 8, as revised by Session Law 2015-7 must be met. Session Law 2015-7 requires all owners of high and intermediate hazard dams to submit an annually updated Emergency Action Plan (EAP) to the NC Department of Environmental Quality and the NC Department of Public Safety. More



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
512 North Salisbury Street | 1612 Mail Service Center | Raleigh, North Carolina 27699-1612
919.707.9200

details regarding this requirement may be found online at (<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/dam-safety>).

5. All trees, brush and woody vegetation must be removed from the slopes and crest of the dam embankments and the emergency spillway areas. All trees and/or brush less than six inches in diameter at breast height may be removed either by excavation or cutting flush to the ground. All trees larger than six inches in diameter at breast height must be completely removed by excavation, including roots, and the resulting excavations properly backfilled with select fill. All disturbed areas must be immediately revegetated with a good cover of grass adequate to prevent surface erosion. Excavation and backfilling required for tree removal will require engineered plans to be submitted to Dam Safety for review and approval before removal may proceed. FEMA 534 "Technical Manual for Dam Owners, Impacts of Plants on Earthen Dams" should be used as guidance.
6. In accordance with GS 143-215.30 and 15A NCAC 02K .0220, final written consent must be issued by the Director of the Division of Energy, Mineral, and Land Resources for use of this dam pursuant to this construction.
7. An operation and maintenance (O&M) plan is required for all high hazard dams. The O&M plan should address routine maintenance, frequency of piezometer readings, frequency of inspections by the owner or the owner's representative, and annual operation of the bottom drain to ensure that it is functional. The O&M plan must be received prior to issuance of final written consent for use of this dam pursuant to this construction.
8. This approval does not convey the right to access the private property of others. Any required access to perform the approved work must be secured prior to initiation of construction activities.
9. Provided that the disturbed area is an acre or more, an erosion and sedimentation control plan needs to be submitted, including a Financial Responsibility and Ownership (FRO) form and applicable permitting fee, to the Division of Energy, Mineral, and Land Resources Fayetteville Regional Office at least 30 days prior to initiating land disturbing activities.
10. Impoundment management (lake drawdown)/water diversion plan, if necessary, for proposed activities should be provided at least 60 days prior to implementation/construction.
11. You must notify Timothy L. LaBounty, PE, Regional Engineer, Land Quality Section, 225 Green Street, Suite 714, Fayetteville, North Carolina 28301, telephone number (910) 433-3300 ten days before the start of construction.

Water control activities required to complete approved construction which involve diversion and discharge of reservoir waters to discharge points not covered by an existing NPDES permit, or which utilize procedures that are not approved by an existing NPDES permit, must receive approval from the Division of Water Resources prior to implementation.

The Army Corps of Engineers and the Division of Water Resources of this Department should be contacted to determine if additional permits are required. Also, the erosion and sediment control program having jurisdiction should be contacted to determine plan approval requirements. In any case, sediment must be prevented from entering the waters of the state or flowing onto neighboring property.

Enclosed are a cost certification form and an explanation of the final processing fee calculation via email transmission (You may also refer to the Dam Safety website at <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/dam-safety-permits/fees>). An additional fee will be required when the cost certification and engineer's certifications are submitted if the cost for construction of the

dam exceeds \$10,001.00. The cost certification form must be completed and returned with the engineer's certification in any event.

Should the subject dam change ownership, a "Change of Ownership of a Dam" form must be completed by the new owner of the dam at the time of transfer in order to ensure the new owner receives important information concerning the subject dam, and the former owner be released from liability. The form may be located on the Dam Safety website at <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/dam-safety/application-forms>. The completed form must be submitted via email to DamSafety@deq.nc.gov listing the change of ownership for the subject dam with its applicable state ID in the subject line.

There are additional guidance and resources available on the Dam Safety website at:

<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/dam-safety>.

Also, to assist dam owners through outreach and education, the Association of State Dam Safety Officials' Owner Outreach Committee has developed three educational videos as a free resource for owners on critical basics of operating and maintaining a dam safely. The videos are 1) dam inspections, 2) spillways and outlet works, and 3) operation and maintenance plans. All the videos are available at: <https://damsafety.org/dam-owners>. These videos are the first in a series specific to owner education called the 'Dam Owner Academy.'

The Dam Safety Law of 1967 requires that project construction commence within one year from the date of this approval, or the approval is void. For assistance, you may contact Timothy L. LaBounty, PE, Regional Engineer, Land Quality Section, 225 Green Street, Suite 714, Fayetteville, North Carolina 28301, telephone number (910) 433-3300 or the Dam Safety Program in the Raleigh Central Office at telephone number (919) 707-9220 should you have questions concerning this matter.

Sincerely,



Josh Colley, PE
State Dam Safety Engineer

JC/jmp

cc: Timothy LaBounty, PE, Land Quality Regional Engineer, FRO
John F. Lloyd, PE, Schnabel Engineering South, PC