



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

DANIEL H. JOHNSON  
SECRETARY

April 9, 2026

MEMORANDUM TO: Division Environmental and Construction Units  
FROM: *mat* Michael A. Turchy, ECAP Group Leader  
Environmental Analysis Unit  
SUBJECT: Environmental Permits for the Replacement of Bridge 19 on NC 226 over  
Cub Creek in Mitchell County, Division 13, **TIP: B-5893.**

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Regional General Permit 50 Originally issued 3/8/23, Renewed 4/7/26	May 25, 2030
NC Division of Water Resources Section 401 Water Quality Certification	Individual Certification No. 008719 Originally issued 1/17/23 under GC 4135, Renewed 2/12/26	May 25, 2030

Work is authorized by the above referenced permit provided it is accomplished in strict accordance with the permitted plans. The Environmental Coordination and Permitting Group or the Division Environmental Office must be consulted if any deviation from the permit(s) is required.

The General Conditions and Certifications for Nationwide and Regional Permits can be referenced at:  
[https://xfer.services.ncdot.gov/pdea/PermIssued/\\_General\\_Conditions\\_and\\_Certifications/](https://xfer.services.ncdot.gov/pdea/PermIssued/_General_Conditions_and_Certifications/)

The Project Commitments “Greensheet” is located on the Preconstruction SharePoint Dashboard at:  
<https://connect.ncdot.gov/site/preconstruction>



DEPARTMENT OF THE ARMY  
 U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT  
 151 Patton Avenue, Room 208  
 Asheville, NC 28801-5006

April 7, 2026

Regulatory Division  
 SAW-2022-02732

North Carolina Department of Transportation  
 Attn: Mr. Michael A. Turchy  
 Environmental Coordination and Permitting Group Leader  
 1598 Mail Service Center  
 Raleigh, North Carolina 27699-1598  
 Sent Via Email: [maturchy@ncdot.gov](mailto:maturchy@ncdot.gov)

Dear Mr. Turchy,

This letter is in response to the application you submitted to the U.S. Army Corps of Engineers (USACE), Wilmington District, WRDA/Transportation Branch on February 4, 2026, for reverification of a previously issued Department of the Army general permit verification. This project will replace **Bridge No. 19 (B-5893)** over Cub Creek on NC 226 in Mitchell County, North Carolina (36.018253, -82.183394) and is assigned file number SAW-2022-02732. Impacts to waters of the U.S. have not changed since the original verification was issued on March 8, 2023. In order to perform this work, NCDOT proposes to conduct the following activities in waters of the U.S.:

**Summary of Authorized Impacts and Required Mitigation**

Impact ID #	NWP / GP #	Open Water (ac)		Wetland (ac)		Stream (lf)	
		Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
<b>Site 1 (Cub Creek)</b>	<b><u>RGP 50</u></b>					<b>20' / bank stabilization</b>	<b>67' / bank stabilization</b>
<b>Site 2 (Cub Creek)</b>	<b><u>RGP 50</u></b>					<b>16' / bank stabilization</b>	<b>12' / bank stabilization</b>
<b>Impact Totals</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>36'</b>	<b>79'</b>
Total Loss of waters of the U.S. (wetlands and/or open waters in ac)			<b>0</b>	Total Loss of waters of the U.S. (streams in lf)			<b>0</b>
Required Wetland Mitigation (ac)			<b>0</b>	Required Stream Mitigation (lf)			<b>0</b>

We have reviewed the proposed activities in waters of the U.S. and have determined that these activities are authorized by Regional General Permit (RGP) 50 pursuant to authorities under Section 404 of the Clean Water Act (33 U.S.C § 1344). The proposed work must be accomplished in strict accordance with the following:

- enclosed terms, general conditions, and special conditions of RGP 50
- special conditions of the verification letter (see below)
- information in the PCN and attachments
- enclosed plans

If the extent of the project area and/or nature of the authorized impacts to waters are modified, a request detailing the proposed changes must be submitted to this office for written approval before work is initiated. Any deviation from the terms and conditions of the permit, the special conditions of this letter, the information contained in the PCN, or your submitted plans, may subject the permittee to enforcement action.

This verification is valid until **May 25, 2030**, unless the subject RGP is suspended, revoked, or is modified prior to that date such that the activity no longer complies with the terms and conditions of the RGP.

**Project Specific Special Conditions:**

1. NCDOT shall adhere to the following ESA/Section 7 commitments/conservation measures:

- a. NCDOT will remove trees between October 15th and April 1st only; trees will not be removed outside of this time period.
- b. NCDOT shall adhere to Design Standards in Sensitive Watersheds.
- c. Lighting for night work that occurs between March 15th and November 15th will only illuminate active work areas and will not be projected into adjacent wooded areas or over the water surface.
- d. Due to blasting concerns, NCDOT will survey the culvert on Sweet Creek Road within two years of construction during the optimal summer survey window (May 15<sup>th</sup> to August 15<sup>th</sup>) for bats or signs of bat use. If bats, or signs of bat use, are discovered, NCDOT shall immediately notify the USACE and the USACE will then reinitiate consultation with the U.S. Fish and Wildlife Service (Service).

2. Conditions #1-6 of the North Carolina Wildlife Resources Commission letter of December 28, 2022, are hereby incorporated as special conditions of this authorization/verification letter. Emphasis is placed on Condition #1 of WRC's letter – "The October 15 to April 15 trout moratorium should be followed since construction has a reasonable potential to cause inadvertent sedimentation in trout spawning habitat downstream of the bridge."

3. NCDOT shall require its contractors and/or agents to comply with the terms and conditions of this authorization letter 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 authorization letter, all conditions, and any authorized modifications. A copy of this authorization letter, all conditions, and any authorized modifications, shall be available at the project site during construction and maintenance of this project.

This general permit verification and any associated authorizations does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Lori Beckwith, Regulatory Project Manager of the WRDA/Transportation Branch at 828-230-0483, by mail at the above address, or by email at [loretta.a.beckwith@usace.army.mil](mailto:loretta.a.beckwith@usace.army.mil). Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink that reads "M. Scott Jones". The signature is written in a cursive style with a large, prominent "M" and "J".

M. Scott Jones, PWS  
WRDA / Transportation Branch Chief  
USACE, Wilmington District

Enclosures

U.S. Army Corps of Engineers (USACE)

**CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT**

For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.

*Form Approved -  
OMB No. 0710-0003  
Expires 2027-10-31*

**The Agency Disclosure Notice (ADN)**

The Public reporting burden for this collection of information, 0710-0003, is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**PURPOSE:** This form is used by recipients of U.S. Army Corps of Engineer Regulatory permits to certify compliance with the permit terms and conditions.

Your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the U.S. Army Corps of Engineers, Wilmington District, Regulatory Office.

The certification can be submitted by email at [loretta.a.beckwith@usace.army.mil](mailto:loretta.a.beckwith@usace.army.mil) or by mail at the below address:

U.S. Army Corps of Engineers, Wilmington District  
Asheville Field Office  
Street Address: 151 Patton Avenue, Room 208  
Asheville, North Carolina 28801-5006

Corps Action Number: SAW-2022-02732

Permit Type: General Permit

General Permit Number and Name (if applicable): RGP 50

Name of Permittee: NCDOT, Division of Highways

Project Name: NCDOT / B-5893 / Bridge 19 / Mitchell County / Div 13

Project Location (physical address): Bridge 19 over Cub Creek on NC 226 Mitchell Co. North Carolina

**PERMITTEE'S CERTIFICATION**

Date Work Started: \_\_\_\_\_

Date Work Completed: \_\_\_\_\_

Enclose photographs showing the completed project (if available).

I \_\_\_\_\_ hereby certify that the work authorized by the above referenced permit has been completed in accordance with all of the permit terms and conditions, and that any required compensatory mitigation has been completed in accordance with the permit conditions.

Name	Date	Signature
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## ◊ North Carolina Wildlife Resources Commission ◊

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Cameron Ingram, Executive Director

December 28, 2022

Lori Beckwith  
U.S. Army Corps of Engineers, Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801

Kevin Mitchell  
NCDEQ, DWR  
2090 U.S. Hwy. 70  
Swannanoa, N.C. 28778

SUBJECT: Comments on GP/WQC Application for Replacement of Bridge 19 on NC 226 over Cub Creek, Mitchell County (**B-5893, WBS 48086.1.1**)  
DWR 20221786 ver.1

Dear Ms. Beckwith and Mr. Mitchell,

The North Carolina Department of Transportation (NCDOT) applied for a General 404 Permit and 401 Certification for the subject project. I am familiar with the wildlife resources in the area and visited the project site on December 21, 2022. Comments on the application from the North Carolina Wildlife Resources Commission (NCWRC) are offered to help conserve the wildlife resources affected by the project and to promote wildlife-based recreation in accordance with applicable provisions of the state and federal Environmental Policy Acts (G.S. 113A-1 through 113-10; 1 NCAC 25 and 42 U.S.C. 4332(2)(c), respectively), the Clean Water Act of 1977 (33 U.S.C. 466 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The existing concrete bridge on NC 226 over Cub Creek (C Tr) is being replaced using staged construction of a 40 foot long cored slab bridge.

Cub Creek (C Tr) at the project site is not designated by the NCWRC as a trout water and does not support trout upstream of the bridge. However, Cane Creek a short distance downstream of the bridge

supports a naturally reproducing brown trout population. Cane Creek also supports blotched chub (*Erimystax insignis*, NC Significantly Rare) and may also support sharphead darter (*Etheostoma acuticeps*), a North Carolina threatened species that is endemic to the Nolichucky River system.

The NCWRC requests that the following conditions be included in authorizations to help conserve trout and other aquatic resources affected by the project:

1. The October 15 to April 15 trout moratorium should be followed since construction has a reasonable potential to cause inadvertent sedimentation in trout spawning habitat downstream of the bridge.
2. Applicable measures from the current *NCDOT Erosion and Sediment Control Design and Construction Manual* should be adhered to. Measures for sensitive-HQW areas are recommended at this location. In accordance with standard GC conditions, matting used in riparian areas should not contain nylon mesh because it entangles and kills wildlife. Coir matting should be used on disturbed stream banks that are steep or susceptible to high water. Matting should be anchored with wooden stakes according to NCDOT specifications.
3. Heavy equipment needs to be well-maintained and concrete pouring needs to be closely monitored to avoid and quickly mitigate fuel, fluid, or wet concrete losses in or near streams.
4. Removal of vegetation in riparian areas and wetlands should be minimized.
5. Sandbags, rock berms, cofferdams, or other diversion structures should be used where excavation or other periods of extended stream disturbance has the potential for downstream sedimentation.
6. The natural dimension, pattern, and profiles of streams and the grades of wetlands should be restored where temporarily impacted.

Thank you for the opportunity to review and provide recommendations on this project. Please contact me at [david.mchenry@ncwildlife.org](mailto:david.mchenry@ncwildlife.org) or (828) 476-1966 if you have any questions about these comments.

Cordially,



Dave McHenry, NCWRC Western DOT Coordinator

cc: Roger Bryan, NCDOT Division 13 Environmental Officer



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Asheville Field Office  
160 Zillicoa Street Suite B  
Asheville, North Carolina 28801

March 3, 2023

Lori Beckwith  
Regulatory Project Manager, Transportation Permitting  
U.S. Army Corps of Engineers  
[Loretta.a.beckwith@usace.army.mil](mailto:Loretta.a.beckwith@usace.army.mil)

Subject: Informal Consultation and Conference Report for Bridge 19 Replacement on NC 226 over Cub Creek in Mitchell County (TIP B-5893, Service Log #23-217)

Dear Lori Beckwith:

On January 20, 2023, we received (via e-mail) your request for informal consultation and conference procedures under section 7 for effects the subject project may have on federally listed and proposed species. We have reviewed the information you submitted along with updates provided on February 13, 2023, responses to our questions received February 15 and 24 2023, observations from a site visit we conducted on February 14, 2023, and the following is provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 - 667e); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 - 1543) (Act).

## **Project Description**

According to the information provided, the North Carolina Department of Transportation (NCDOT) is proposing to replace Bridge 19 on NC 226 over Cub Creek with a new bridge just north of the existing location. A new road will be built and shifted north to accommodate the new bridge location. Project construction will extend approximately 315 feet west and 261 feet east from the bridge. NC 226 will be widened to two 11-foot lanes with 4-foot paved shoulder approaches. The existing 22-foot-long bridge is a single-span structure with a concrete deck, end walls, and solid concrete guard rails that lack crevices. The new bridge will span Cub Creek and will not contain deck drains. Stormwater from the project will flow through an 18-inch reinforced concrete pipe, a grass-lined ditch, a riprap-lined ditch that will disperse flow, or some combination of these features before discharging into Cub Creek. No off-site detour will be needed. NCDOT expects the project to encounter weathered or crystalline rock within six feet of grade that will require blasting. Both end bents on the structure will have steel pile foundations that require pile driving. As these percussive activities as well as guard rail installation will be needed, the action area extends outside the project footprint.

As a result of bank stabilization under the new bridge and a ditch outlet, there will be a total of 79 linear feet of permanent stream bank impacts and 36 linear feet (<0.01 acres) of temporary impacts. No culverts are present within the project footprint; however, a single 6.7-foot-tall by 50-foot-long corrugated metal pipe culvert occurs on Cub Creek about 320 feet upstream, within the action area. There is no permanent street lighting present within the action area. Night work may occur. NCDOT will remove about 1.02 acres of trees for the project. The bridge crosses over Cub Creek about 50 feet upstream of its connection with Cane Creek. Cane Creek flows into the North Toe River about 1.2 river miles downstream. Large continuous forests are present in the project vicinity.

The project requires a 404 permit under the Clean Water Act, thus the U.S. Army Corps of Engineers (USACE) is the lead federal agency for this project for section 7 purposes. NCDOT has agreed to implement the following conservation measures for the project and the USACE will include these as special conditions in any verification letter (authorization) that may be issued for the project.

1. NCDOT will remove trees between October 15 and April 1.
2. NCDOT shall adhere to Design Standards in Sensitive Watersheds.
3. Lighting for night work that occurs between March 15 and November 15 will only illuminate active work areas and will not be projected into adjacent wooded areas or over the water surface.
4. Due to blasting concerns, NCDOT will survey the culvert on Sweet Creek Road within two years of construction during the optimal summer survey window (May 15 to August 15).

### **Federally Listed Species**

Your letter provides a recent and complete list of species that may occur within the project area per our Information for Planning and Consultation website and an effect determination for each species. Based upon a review of our records and the information provided including a lack of suitable habitat, we agree with your “no effect” determinations for Virginia spiraea (*Spiraea virginiana*) and rock gnome lichen (*Gymnoderma lineare*). The bog turtle (*Glyptemys muhlenbergii*) does not require section 7 at this time.

Suitable habitat for Appalachian elktoe (*Alasmidonta raveneliana*) is present within the action area; however, mussel surveys in Cub and Cane Creeks in 2016, 2018, and 2022 did not detect Appalachian elktoe or any other native mussel. Critical habitat and existing records of Appalachian elktoe occur in the North Toe River about 1.25 river miles downstream of the project. Based on survey findings and the conservation measures listed above, we concur with the USACE’s determination that the project may affect but is not likely to adversely affect (NLAA) the Appalachian elktoe.

Suitable roosts (trees and a culvert) and suitable commuting and foraging habitat for gray bat (*Myotis grisescens*), northern long-eared bat (*Myotis septentrionalis*), tricolored bat (*Perimyotis subflavus*), and little brown bat (*Myotis lucifugus*) occur within the action area. Surveys on Bridge 19 in 2018 and on July 20, 2022 and February 15, 2023 found no crevices suitable for roosting, no bats, and no signs of bat use. Bridge 19 provides limited suitability for day-roosting bats as it does not have any crevices or darkened chambers. An adjacent private bridge does not provide good habitat either due to its lack of crevices and open grid decking. One culvert under Sweet Creek Road provides suitable day-roosting habitat. No caves or mines occur within 0.5 miles of the action area. Existing records for all four bat species occur within about eight miles of the project. NCDOT did not conduct presence/probable absence surveys or surveys capable of detecting tree roosts.

The noise, measured in decibels (dBA), associated with guardrail installation, pile driving, and blasting is considered “extreme,” creating an average maximum background noise level of 95-126 dBA (Caltrans 2016, NRC 2012) at locations 50 feet away, which could disturb bats day-roosting within the action area during the active seasons (March 15 – November 15 for gray bats) (April 1 – October 15 for northern long-eared bat, tricolored bat, and little brown bat). Bats that are present in proximity to transportation corridors are expected to be tolerant of baseline noise and vibration levels (or have already modified their behaviors to avoid them). How temporary increases in noise and vibration from construction activities affects bats, in this case bats in unknown tree roosts, within existing transportation corridors has not been well studied to our knowledge. One study (Luo et al. 2014) of bats in torpor looked at bats response to noise exposure and found similar responses to traffic noise, bat colony noise, and bird colony noise of the same decibel. Importantly, this study also found that bats habituated rapidly to traffic noise (Luo et al. 2014). Given the information available and the small size of the project, we do not believe any response to project noise and vibration by bats that are already tree-roosting in the area is expected to rise to the level of harm (as defined at 50 CFR 17.3).

Based on NCDOT's commitment to implement the above conservation measures, the information provided, and analysis above, we concur with the USACE's determination that the proposed project is NLAA the gray bat and northern long-eared bat.

On September 14, 2022, the U.S. Fish and Wildlife Service (Service) published a proposal in the Federal Register to list the tricolored bat as endangered under the Act. The Service has up to 12-months from the date a proposal publishes to make a final determination, either to list a species under the Act or to withdraw the proposal. Species proposed for listing are not afforded protection under the Act; however, as soon as a listing becomes effective (typically 30 days after publication of the final rule in the Federal Register), the prohibitions against jeopardizing its continued existence and "take" will apply.

The little brown bat is currently undergoing a discretionary status review by the Service. The Service anticipates determining if the species warrants listing under the Act in 2023. Species undergoing a status review are not afforded protection under the Act; however, if the species is proposed for listing and a final rule to list the species is published, the prohibitions against jeopardizing its continued existence and "take" will apply as soon as a listing becomes effective (typically 30 days after publication of the final rule in the Federal Register).

In order to avoid the disruption to ongoing or planned actions, the USACE requested conferencing procedures for the tricolored bat and little brown bat. The conference can be adopted as concurrence if a final rule for either species becomes effective during the life of the project. Based on the information provided, the analysis above, and the commitment to implement the above conservation measures, we have determined that the proposed project will not jeopardize the continued existence of tricolored bat or little brown bat. Additionally, we concur with USACE's determination that the project is NLAA either species should one or both become federally listed.

Golden-winged warbler (*Vermivora chrysoptera*) is an at-risk species and monarch butterfly (*Danaus plexippus*) is a candidate species. These species occur or have the potential to occur in Mitchell County. At-risk and candidate species are not legally protected under the Act and are not subject to any of its provisions, including section 7, unless they are formally proposed or listed as endangered or threatened. The Service is expected to make listing determinations for some of these species in the near future. While lead federal agencies are not prohibited from jeopardizing the continued existence of an at-risk or candidate species unless the species becomes listed, the prohibition against jeopardy and taking a listed species under section 9 of the Act applies as soon as a listing becomes effective, regardless of the stage of completion of the proposed action. We include this notification to make you aware of these species' current status and potential occurrence within the action area. Current records of golden-winged warbler occur about 6.7 miles from the action area.

### **Conservation Recommendations**

Section 7(a)(1) of the Act directs federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

- If suitable roost trees are present near high-decibel activity (81 – 162 dBA) and would experience noise above background levels (41 – 70 dBA), avoid conducting those high-decibel activities during the bat maternity season (May 15 – August 15). Alternatively, activity could avoid the pup season (June 1 and July 31).
- To minimize noise levels, incorporate sound-dampening devices.

For the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

**Reinitiation Notice**

We believe the requirements under section 7 of the Act are fulfilled for the federally listed species discussed above. However, obligations under section 7 must be reconsidered if: (1) new information reveals impacts of this proposed action may affect listed species or critical habitat in a manner not previously considered, (2) this proposed action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed, or critical habitat is determined that may be affected by the proposed action.

Because we have concurred with your determination that the project is NLAA the tricolored bat and little brown bat in this conference report, you do not need to reinitiate section 7 consultation solely due to any final effective listing of either species.

We appreciate the opportunity to provide these comments. Please contact Ms. Lauren B. Wilson of our staff at [lauren\\_wilson@fws.gov](mailto:lauren_wilson@fws.gov) if you have any questions. In any future correspondence concerning this project, please reference our Service Log #23-217.

Sincerely,

*- - original signed - -*

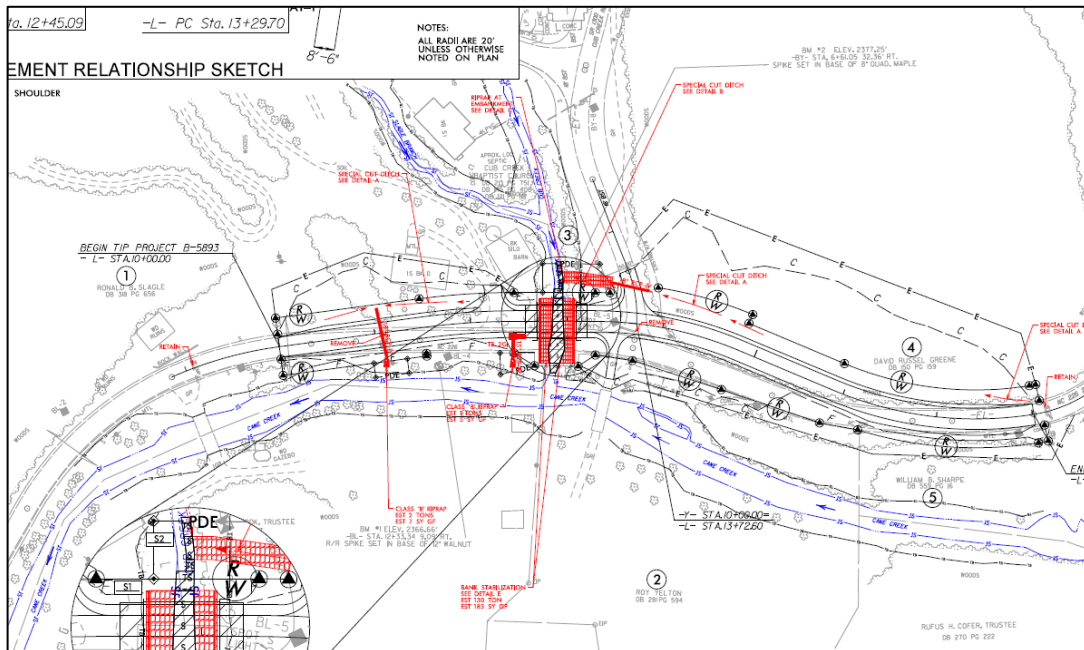
Janet Mizzi  
Field Supervisor

Enclosure: Figures

**Figures**



**Figure 1.**  
Photos of the Action Area. Bridge 19 over Cub Creek, the confluence of Cub and Cane Creek, the Sweet Creek Road culvert, and Cub Creek and trees that will be removed upstream of Bridge 19.



**Figure 2.**  
Permit Drawing Sheet 2 of 5. Partial screenshot of permit drawings showing project footprint and stream and wetland impacts.



NORTH CAROLINA  
*Environmental Quality*

February 12, 2026

JOSH STEIN  
*Governor*

D. REID WILSON  
*Secretary*

RICHARD E. ROGERS, JR.  
*Director*

DWR # 20221786 V2  
Mitchell County

Ms. Erin K. Cheely  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, NC 27699

Delivered via email to: ekcheely@ncdot.gov

**Subject: Approval of Individual 401 Water Quality Certification**

Replacement of Bridge 19 on NC 226 over Cub Creek (Tr) in Mitchell  
County, TIP No. B-5893, WBS No. 48086.1.1

**Location:** 36.018253, -82.183394

Dear Ms. Erin Cheely:

Attached hereto is a copy of Certification No. WQC008719 issued to Erin Cheely and the North Carolina Department of Transportation, dated February 12, 2026. 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 on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. 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].



North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9000

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 and Petition forms may be accessed at <https://www.oah.nc.gov> 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:

Dan Hirschman, 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 Amy Annino at 828-296-4668 or [amy.annino@deq.nc.gov](mailto:amy.annino@deq.nc.gov) if you have any questions or concerns.

Sincerely,

Signed by:

*Faith Hardin*

3185423002EA45E...

Faith Hardin, Supervisor

401 & Buffer Transportation Permitting Branch

Electronic cc: Lori Beckwith, USACE Asheville Regulatory Field Office  
Mike Sanderson, Division 13  
Holland Youngman, USFWS  
Dave McHenry, NCWRC  
DWR 401 & Buffer Permitting Branch Electronic file

Filename: 20221786 V2\_Bridge 19 on NC 226 \_APPRVL\_20260212.docx



**NORTH CAROLINA 401 WATER QUALITY CERTIFICATION**

**CERTIFICATION #WQC008719** 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 Ms. Erin Cheely and the North Carolina Department of Transportation, who have authorization for the impacts listed below, as described within your application received by the N.C. Division of Water Resources (Division) on February 4, 2026, 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.

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

**Stream Impacts in the French Broad River Basin**

Site	Permanent Fill in Intermittent Stream (linear feet)	Temporary Fill in Intermittent Stream (linear feet)	Permanent Fill in Perennial Stream (linear feet)	Temporary Fill in Perennial Stream (linear feet)	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation (linear feet)
S1	-	-	67	-	67	0
S2	-	-	-	20	20	0
S3	-	-	12	-	12	0
S4	-	-	-	16	16	0
<b>Totals:</b>			<b>79</b>	<b>36</b>	<b>115</b>	<b>0</b>

**Total Stream Impact for Project: 79 linear feet of permanent and 36 linear feet of temporary.**

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

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

**Project Specific Conditions**

1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with the stream at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
2. The permittee shall use Design Standards in Sensitive Watersheds (15A NCAC 4B.0124[a]-[e]) in areas draining to Trout or Outstanding Resource Waters. However, due to the size of the project, the NCDOT shall not be required to meet 15A NCAC 4B .0124(a) regarding the maximum amount of uncovered acres.



3. The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission. No in-water work is permitted between October 15 and April 15 of any year, without prior approval from the NC Division of Water Resources and the NC Wildlife Resources Commission.

In-stream work and land disturbance within the 25-foot buffer zone are prohibited during the trout-spawning season of October 15 through April 15 to protect the egg and fry stages of trout.

4. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS0000250, please refer to the most recent version of the North Carolina Department of Transportation Stormwater Best Management Practices Toolbox manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
5. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly. [15A NCAC 02H .0506(b)(3)]
6. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
7. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15A NCAC 02H .0506(b)(2)]
8. Cane Creek is on the 303(d) list for biological criteria exceedances. All portions of the proposed project draining to 303(d) listed watersheds that are impaired due to biological criteria exceedances shall not discharge stormwater directly to surface waters. Stormwater shall be treated using appropriate best management practices (e.g., vegetated conveyances, constructed wetlands, detention ponds, etc.) prior to discharging to surface waters.

#### General Conditions

1. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and downstream of the above structures. The



applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]

2. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
3. For all streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species. [15A NCAC 02H.0506(b)(2)]
4. During the construction of the project, no staging of equipment of any kind is permitted in waters of the state or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
5. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
6. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
7. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
8. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
9. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
10. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids,



or other toxic materials. [15A NCAC 02H.0506(b)(3)]

11. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
12. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
13. The permittee and its authorized agents shall conduct its 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. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
14. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
15. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
16. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization, including all non-commercial borrow and waste sites associated with the project, shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification. [15A NCAC 02H.0501 and .0502]
17. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
18. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer (or whomever is the authorized agent if a non-NCDOT project) shall complete and return the "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0507]
19. Native riparian vegetation (i.e., herbaceous, trees, and shrubs native to your geographic region) must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0506(b)(2)]



20. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3) and (c)(3)]
21. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within jurisdictional wetlands. [15A NCAC 2H.0506; 15A NCAC 2H.0507]
22. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards [15A NCAC 02H.0506(b)(3)]:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the North Carolina Sediment and Erosion Control Manual. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Surface Mining Manual.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
23. Sediment and erosion control measures shall not be placed in wetlands or surface waters without prior approval from DWR. [15A NCAC 02H.0506(b)(3)]
24. DWR approves the stormwater drainage design as shown in the 401 application, under the assumption that it meets the requirements of the NCDOT NPDES permit #NCS000250. These plans are enforceable by DWR. Changes to the approved plans are prohibited without prior approval from DWR. If sediment or other pollutants are found to be discharged from the stormwater outfalls, DWR may take enforcement action. NCDOT and DWR shall assess the damage to water quality standards and implement an appropriate action plan to address the impacts. The action plan shall provide an appropriate timeline for implementation as agreed upon by both DWR and NCDOT. This may require NCDOT to obtain a modification to its current 401 and 404 permits.



This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

This, the 12th day of February 2026

Signed by:



3185423002EA45E...

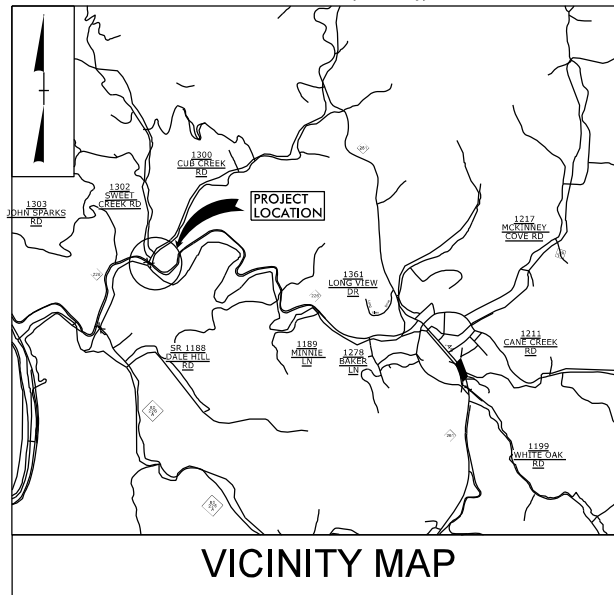
Faith Hardin, Supervisor

401 & Buffer Transportation Permitting Branch



09/08/19

See Sheet 1B For Symbology Sheet



VICINITY MAP

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

**MITCHELL COUNTY**

LOCATION: REPLACE BRIDGE No. 19 OVER CUB CREEK ON NC 226

TYPE OF WORK: GRADING, DRAINAGE, PAVING, RETAINING WALL, AND STRUCTURE

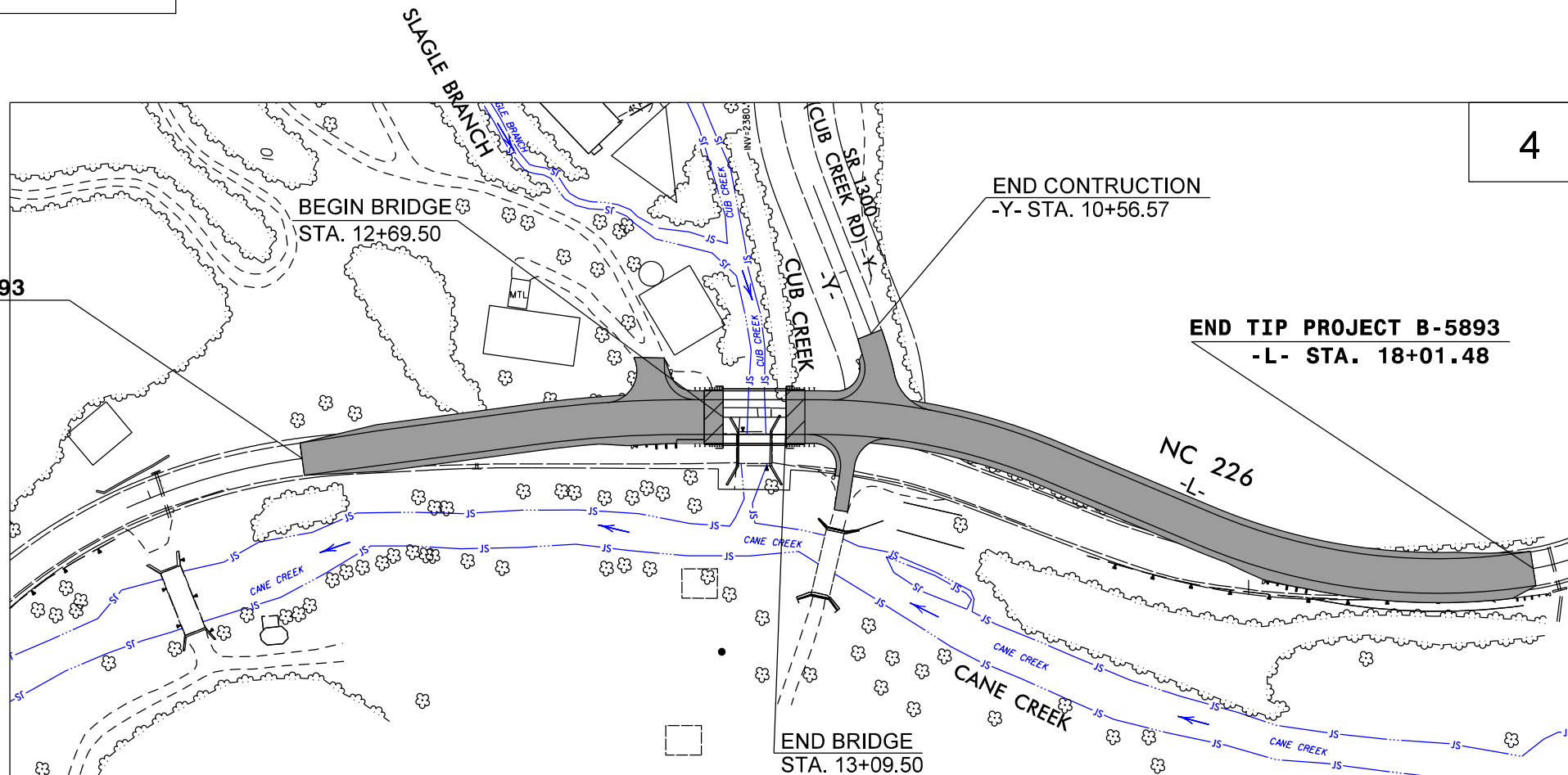
**WETLAND AND STREAM IMPACTS 6-20-2019**

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-5893	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
48086.1.1	N/A	PE	

PERMIT DRAWING  
SHEET 1 OF 5

TIP PROJECT: B-5893

BEGIN TIP PROJECT B-5893  
-L- STA. 10+00.00

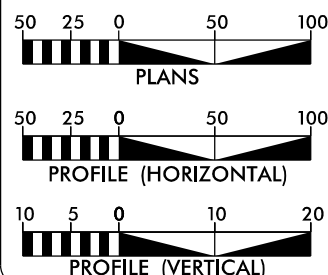


THIS PROJECT HAS NO CONTROL OF ACCESS  
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD \_.

INCOMPLETE PLANS  
DO NOT USE FOR R/W ACQUISITION  
DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

CONTRACT:

GRAPHIC SCALES



DESIGN DATA

ADT 2016 = 2000 VPD  
ADT 2040 = 2300 VPD  
K = 12 %  
D = 55 %  
T = 4 % \*  
V = 45 MPH  
\* TTST = 1% DUAL 3%  
FUNC CLASS =  
LOCAL  
SUBREGIONAL TIER

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT B-5893 = 0.139 MI  
LENGTH STRUCTURE TIP PROJECT B-5893 = 0.013 MI  
TOTAL LENGTH TIP PROJECT B-5893 = 0.152 MI

Prepared in the Office of  
**wsp**  
WSP USA  
224 JAYTOWN STREET  
SUITE 1500  
RALEIGH, NC 27601  
TEL: 1-919-836-8040  
FAX: 1-919-836-6999  
LICENSE NO. 15-0165

FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

2018 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:  
APRIL 17, 2019

LETTING DATE:  
APRIL 17, 2020

RONYELL THIGPEN, PE  
PROJECT ENGINEER

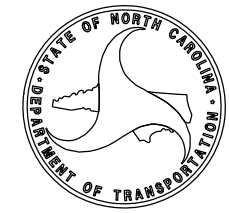
HOLLY CHRISTENBURY, PE  
PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

SIGNATURE: \_\_\_\_\_ P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: \_\_\_\_\_ P.E.



\$\$\$\$\$SYTIME\$\$\$\$\$  
\$\$\$\$\$DDGN\$\$\$\$\$  
\$\$\$\$\$SERNAME\$\$\$\$\$

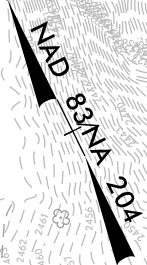


8/17/99

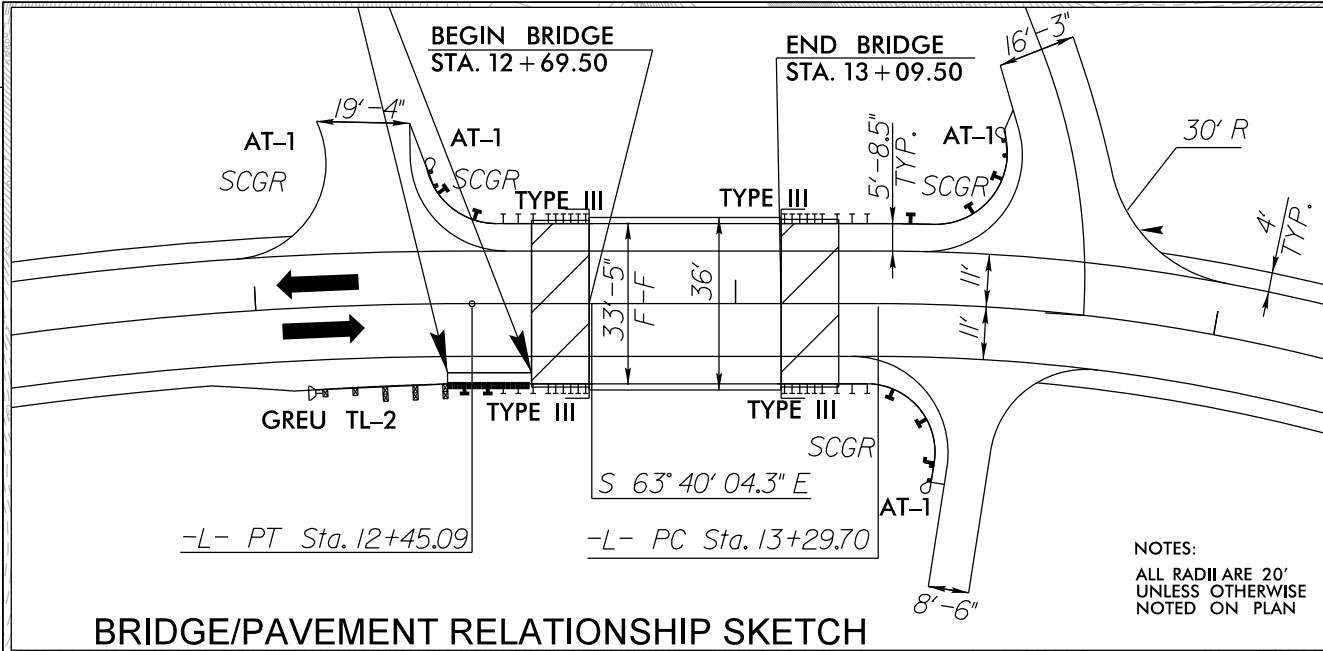
**wsp** WSP USA  
 451 HAYTTEVILLE STREET  
 SUITE 1500  
 RALEIGH, NC 27601  
 TEL: 1.919.836.4040  
 FAX: 1.919.836.4099  
 LICENSE NO. F-0165

PROJECT REFERENCE NO. <b>B-5893</b>	SHEET NO. <b>4</b>
RW SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	

PERMIT DRAWING  
SHEET 3 OF 5



DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

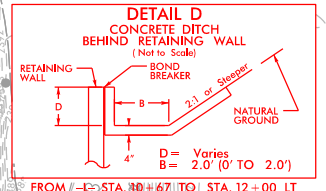
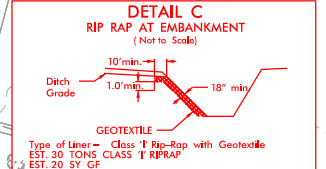
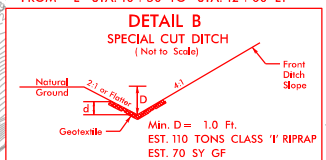
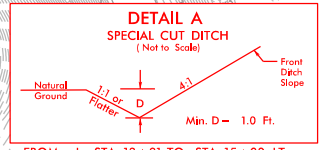
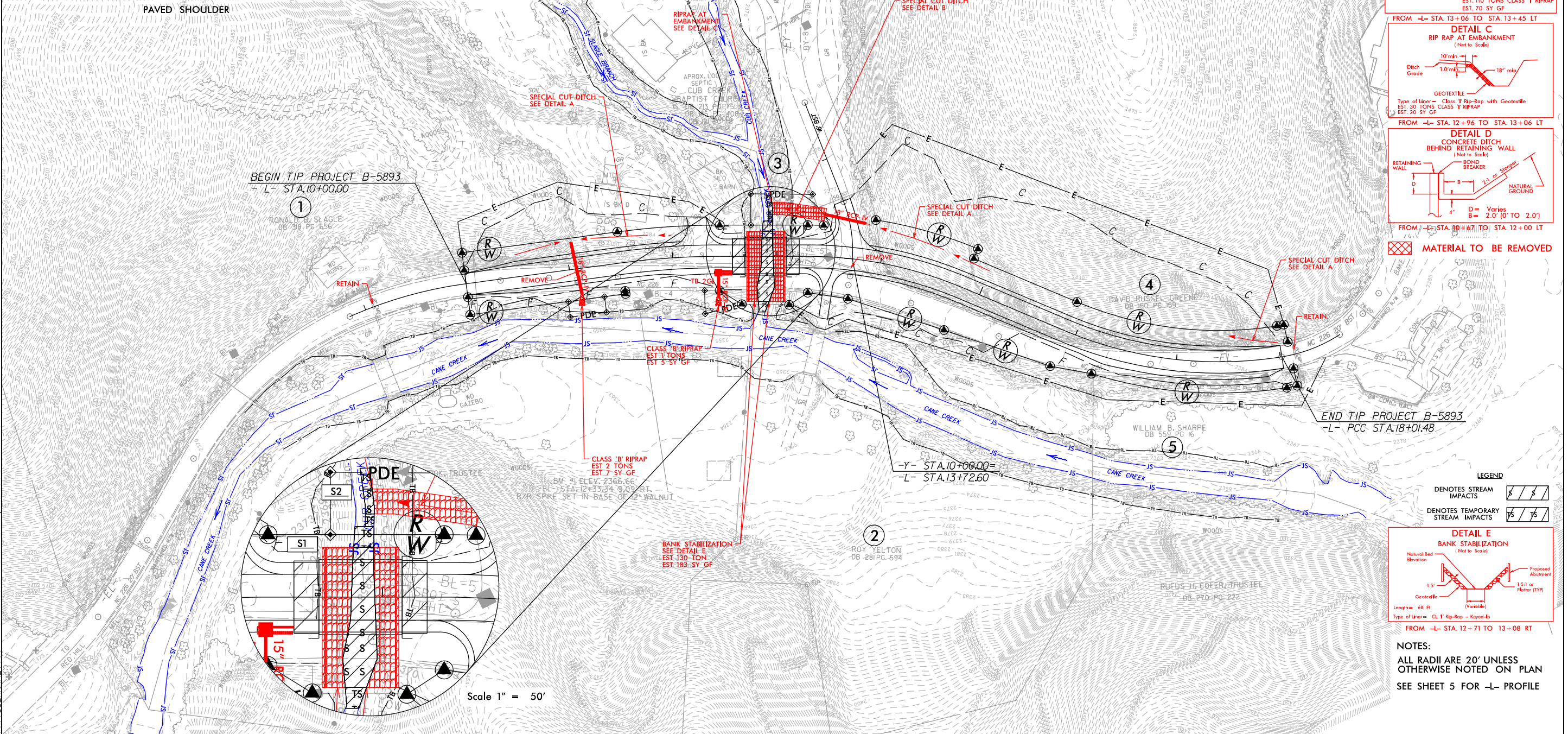


BRIDGE/PAVEMENT RELATIONSHIP SKETCH

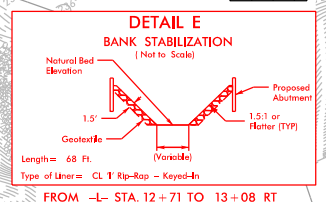
NOTES:  
ALL RADII ARE 20'  
UNLESS OTHERWISE  
NOTED ON PLAN

WETLAND & STREAM IMPACTS

REVISIONS



MATERIAL TO BE REMOVED



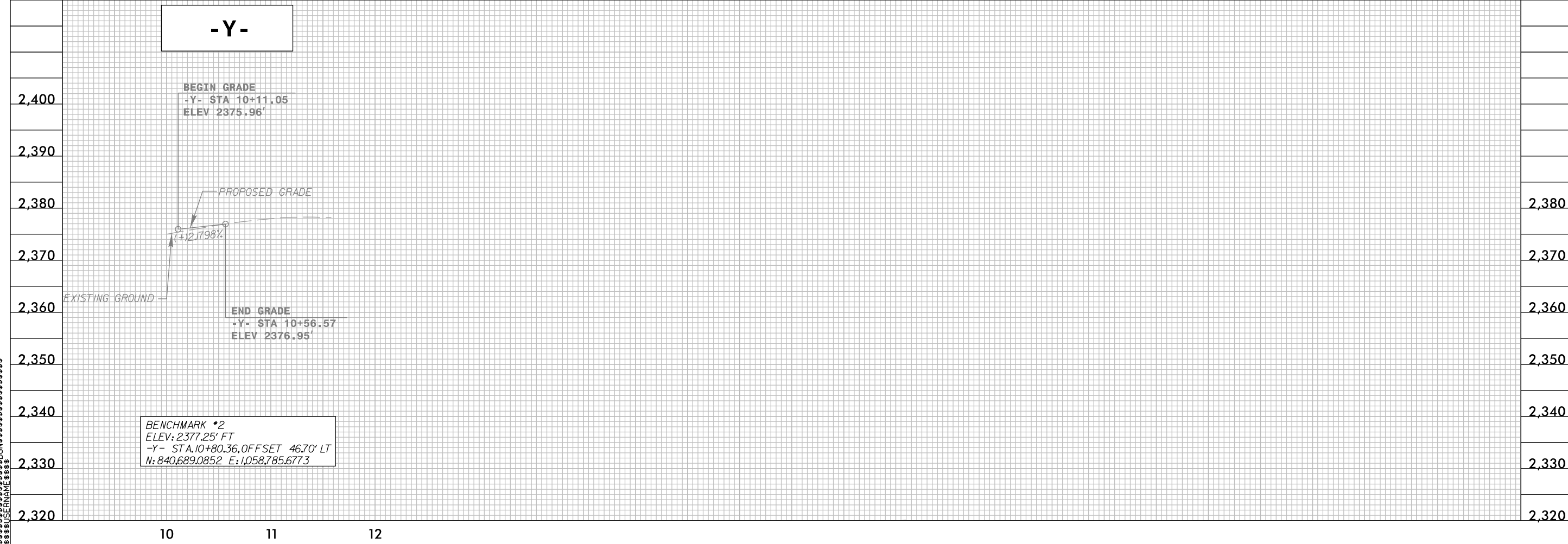
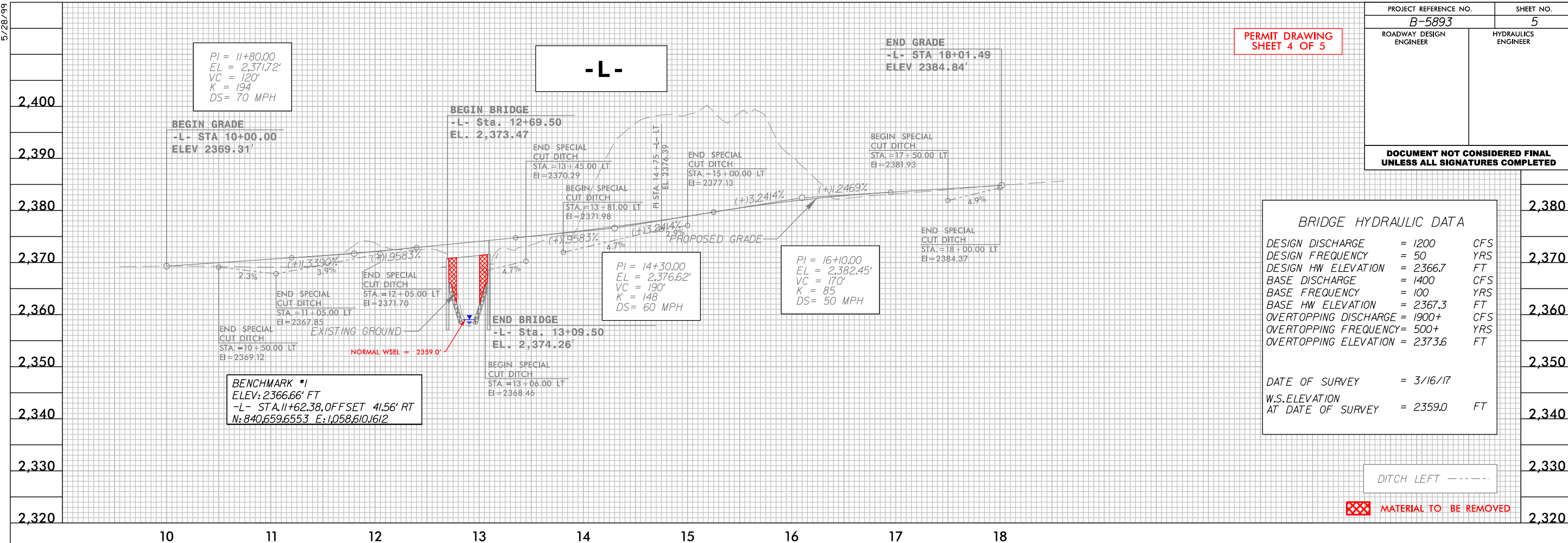
NOTES:  
ALL RADII ARE 20'  
UNLESS OTHERWISE NOTED ON PLAN  
SEE SHEET 5 FOR -L- PROFILE

SYTIME  
DGN  
SYTIME  
DGN

5/28/99

PROJECT REFERENCE NO. <b>B-5893</b>	SHEET NO. <b>5</b>
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<b>DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</b>	

PERMIT DRAWING  
SHEET 4 OF 5



## WETLAND AND SURFACE WATER IMPACTS SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-L- 12+85.13 CL	Bank Stabilization						0.02	< 0.01	67	20	
2	-L- 12+96.07 LT	Bank Stabilization						< 0.01	< 0.01	12	16	
<b>TOTALS*:</b>								0.02	< 0.01	79	36	0

\*Rounded totals are sum of actual impacts

NOTES:  
 Site 1 Existing Channel Impacts: Permanent / Temporary = 828.2 SF / 174.2 SF  
 Site 2 Existing Channel Impacts: Permanent / Temporary = 51.7 SF / 70.4 SF

Tree Clearing acreage = 1.02 ac (LT Wooded Cut Slopes)

NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 06/20/2019  
 Mitchell County  
 B-5893  
 48086.1.1  
 SHEET 5 OF 5