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## Helene Structure Yancey 173 | Permit Package Distribution

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**From** Turchy, Michael A <maturchy@ncdot.gov>

**Date** Fri 9/12/2025 11:39 PM

**To** Moneyham, Nathaniel S <nsmoneyham@ncdot.gov>; Clough, Karina A <kacclough@ncdot.gov>; Sanderson, Mike <jmsanderson@ncdot.gov>; Allen, Yates <ryallen@ncdot.gov>; David Petty <dpetty@tgsengineers.com>; Jimmy Terry <jterry@tgsengineers.com>; Rusty Lassiter <rlassiter@tgsengineers.com>

**Cc** Griffin, Randy W <rwgriffin@ncdot.gov>; Elliott, Jason C <jcelliot@ncdot.gov>; Turchy, Michael A <maturchy@ncdot.gov>; Cheely, Erin K <ekcheely@ncdot.gov>; Nance (Mott MacDonald), Jon G <ext-jgnance@ncdot.gov>; Bukowy (HNTB), Kat A <ext-kabukowy@ncdot.gov>; Jamison, John <johnjamison@ncdot.gov>; Cox, Marissa R <mrcox2@ncdot.gov>; Farrell, Christine E <cefarrell@ncdot.gov>; Stanton, Tyler P <tpstanton@ncdot.gov>; Knepp, Cheryl L <clknepp@ncdot.gov>

All environmental permits have been received for the replacement of structure 173 in Yancey County on 1159 (Rock Creek Road) over Middle Creek. The permit package has been posted on the NCDOT website at:

<https://xfer.services.ncdot.gov/pdea/EnvironmentalPermits/Helene%20Yancey%20173/Yancey%20173%202025-09-12%20Permit%20Package.pdf>

Thank you,  
Michael

**Michael Turchy**

Environmental Coordination and Permitting [ECAP] Group Leader

Environmental Analysis Unit

North Carolina Department of Transportation

919 707 6157 office

919 818 7427 mobile

[maturchy@ncdot.gov](mailto:maturchy@ncdot.gov)

1598 Mail Service Center (Mail)

Raleigh, NC 27699-1598

1000 Birch Ridge Drive (Delivery)

Raleigh, NC 27610



*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*

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STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

J.R. "JOEY" HOPKINS  
SECRETARY

September 12, 2025

MEMORANDUM TO: Division Environmental and Construction Units

FROM:  Michael A. Turchy, ECAP Group Leader  
Environmental Analysis Unit

SUBJECT: Environmental Permits for the Replacement of Structure 173 over Middle Creek on SR 1159 (Rock Creek Road) in Yancey County, Division 13, **WBS DF18313.2100031.PR.**

Please find enclosed the following permits for this project:

Agency	Permit Type	Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Nationwide Permit 3, Action ID: SAW-2025-01479 Dated September 12, 2025	March 14, 2026*
NC Division of Water Resources Section 401 Water Quality Certification	Individual Water Quality Certification, ID: 20250999 v1 Dated August 22, 2025	expires with above Permit

Work is authorized by the above-referenced documents and must be accomplished in strict accordance with the permitted plans.

The Environmental Coordination and Permitting Group (ECAP) or the Division Environmental Office must be consulted if any deviation from the permit(s) or accompanying drawings is required.

\*All 404 Nationwide Permits expire on March 14, 2026. Since new Nationwide Permits are not issued until the previous set expires, a one-year period exists between March 14, 2026, and March 14, 2027 to complete construction, or renew the permit under the new Nationwide Permit.

ECAP will coordinate with Division Environmental Staff to determine project completion timelines and initiate the renewal process, if necessary.

# 404 Permit (USACE)



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

September 12, 2025

Regulatory Division  
SAW-2025-01479

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 July 30, 2025, for a Department of the Army general permit verification to replace dual pipe arches (**Pipe 173**) that were damaged by **Hurricane Helene**. This project is located in Middle Creek under SR 1159 in Yancey County, North Carolina (35.7913, -82.2121) and has been assigned file number SAW-2025-01479. In order to perform this work, NCDOT proposes to conduct the following activities in waters of the U.S.:

**Summary of Proposed Impacts**

Impact ID #	NWP / GP #	Open Water (ac)		Wetland (ac)		Stream (lf)	
		Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
Site 1 (Middle Creek)	<u>NWP 3</u>					103' / dewater and access	10' / pipe
						49' (ATF) for emergency pipe	
Impact Totals		0	0	0	0	152'	10'

We have reviewed the proposed activities in waters of the U.S. and have determined that the activities are authorized by Nationwide Permit (NWP) 3 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 NWP general conditions
- enclosed NWP regional conditions
- special conditions of the verification letter for this project (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 March 14, 2026, unless the subject NWP is suspended, revoked, or is modified prior to that date such that the activity no longer complies with the terms and conditions of the NWP.

**Project Specific Special Conditions:**

1. NCDOT shall comply with the recommendations noted in the enclosed email from the North Carolina Wildlife Resources Commission dated July 31, 2025:
  - The permittee will backfill the culverts and restore the outlet area of the streambed with well compacted, native material up to the sill heights to resist scour.
  - Design standards for sensitive watersheds will be used.
  - Nylon netting will not be used along the stream.
2. 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, flowing style.

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

Enclosures

## **Compliance Certification Form**

**File Number: SAW-2025-01479**

**County: Yancey**

**Permittee: NCDOT, Mr. Michael Turchy**

**Project Name: NCDOT / Hurricane Helene / DF18313.2100031.PR / Structure 173 /  
SR 1159 / Yancey / Div 13**

**Date Verification Issued: September 12, 2025**

**Project Manager: Lori Beckwith**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

**US ARMY CORPS OF ENGINEERS**

**Wilmington District**

**Attn: Lori Beckwith**

**151 Patton Avenue, Room 208**

**Asheville, NC 28801-5006**

**or**

**loretta.a.beckwith@usace.army.mil**

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the USACE suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit, and mitigation (if applicable), has been completed in accordance with the terms and conditions of the said permit and verification letter, including all applicable conditions.

**Date Authorized Work Started: \_\_\_\_\_ Completed: \_\_\_\_\_**

Describe any deviations from permit (attach drawing(s) depicting the deviations):

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**\*Note: The description of any deviations on this form does not constitute approval by the USACE.**

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**Signature of Permittee**

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**Date**

401

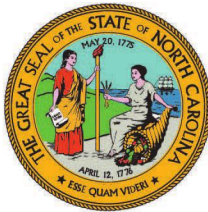
# Certification (NCDWR)



**JOSH STEIN**  
Governor

**D. REID WILSON**  
Secretary

**RICHARD E. ROGERS, JR.**  
Director



**NORTH CAROLINA**  
*Environmental Quality*

August 22, 2025

DWR # 20250999  
Yancey County

North Carolina Department of Transportation  
Attn: Michael Turchy  
1598 Mail Service Center  
Raleigh, NC 27699

Delivered via email to: [maturchy@ncdot.gov](mailto:maturchy@ncdot.gov)

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

Replacement of Structure 173 on SR 1159 (Rock Creek Road) over  
Middle Creek, WBS DF18313.2100031.PR

**Location:** 35.79130, -82.21214

Dear Mr. Turchy:

Attached hereto is a copy of Certification No. WQC008102 issued to Michael Turchy and the North Carolina Department of Transportation, dated August 22, 2025. 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 Kaylie Yankura at 919-707-3870 or [kaylie.yankura@deq.nc.gov](mailto:kaylie.yankura@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 Environmental Officer  
Holland Youngman, USFWS  
Dave McHenry, NCWRC  
DWR 401 & Buffer Permitting Branch Electronic file



NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

**CERTIFICATION** #WQC008102 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 Mr. Michael Turchy 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 July 30, 2025, and by Public Notice issued by the Division on July 30, 2025, 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 Perennial Stream (linear feet)	Temporary Fill in Perennial Stream (linear feet)	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation (linear feet)
Site 1	10 linear feet	-	10 linear feet	0 linear feet
Site 2	-	103 linear feet	103 linear feet	0 linear feet
Totals:	10 linear feet	103 linear feet	113 linear feet	0 linear feet

Total Stream Impact for Project: 113 linear feet

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 stream and bridge alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
2. 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 a permit modification will be required. [15A NCAC 02H.0506(b)(2)] As a condition of this 401 Water Quality Certification, culvert removal 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)]

3. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross sections as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]
4. The permittee will need to adhere to all appropriate in-water work moratoria prescribed by the NC Wildlife Resources Commission (NCWRC). The NCWRC has waived the October 15, 2025 to April 15, 2026 trout moratorium. However, if construction is delayed, subsequent moratoria periods will apply to the project.
5. The permittee shall use Design Standards in Sensitive Watersheds (15A NCAC 4B.0124[a]-[e]) in areas draining to Trout waters (Middle Creek).
6. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]
7. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species. [15A NCAC 02H.0506(b)(2)]
8. The permittee shall use Design Standards in Sensitive Watersheds (15A NCAC 4B.0124[a]-[e]) in areas draining to Trout waters (Middle Creek).
9. 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)]



## General Conditions

1. 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]
2. 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)]
3. 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)]
4. 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)]
5. 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)]
6. 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)]
7. 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)]
8. 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)]
9. 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)]
10. 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)]



11. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
12. 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]
13. 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)]
14. 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)]
15. 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]
16. 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)]
17. 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]
18. 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)]
19. 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)]

20. 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]
21. 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.
22. 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)]
23. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H.0506(b)(3) and (c)(3) and 15A NCAC 02B.0200]
24. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the North Carolina Sediment and Erosion Control Manual, or for linear transportation projects, the NCDOT Sediment and Erosion Control Manual. All devices shall be maintained on all construction sites,



borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Surface Mining Manual. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

25. 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 22nd day of August 2025

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 Environmental Officer  
Holland Youngman, USFWS  
Dave McHenry, NCWRC  
DWR 401 & Buffer Permitting Branch Electronic file

Filename: 20250999\_Ver 1\_Approval Letter\_20250822.docx

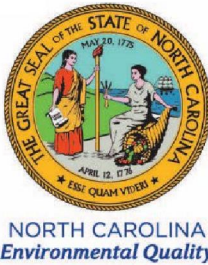




**JOSH STEIN**  
Governor

**D. REID WILSON**  
Secretary

**RICHARD E. ROGERS, JR.**  
Director



**NCDWR Project No.:** \_\_\_\_\_ **County:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Date of Issuance of 401 Water Quality Certification:** \_\_\_\_\_

**Certificate of Completion**

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, **or** the project engineer. It is not necessary to send certificates from all of these.

***Applicant's Certification***

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Agent's Certification***

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Engineer's Certification***

\_\_\_\_\_ Partial \_\_\_\_\_ Final

I, \_\_\_\_\_, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature \_\_\_\_\_ Registration No. \_\_\_\_\_



Date \_\_\_\_\_



Completed hard copies can be emailed to [kristilynn.carpenter@ncdenr.gov](mailto:kristilynn.carpenter@ncdenr.gov) or mailed to:

NCDEQ Transportation Permitting  
1617 Mail Service Center  
Raleigh NC 27699-1617



# Permitted Drawings

		<div>North Carolina Department of Transportation</div> <div>Highway Stormwater Program</div> <div>STORMWATER MANAGEMENT PLAN</div> <div>FOR NCDOT PROJECTS</div>									
(Version 3.02; Released April 23, 2024)											
WBS Element: N/A		TIP/Proj No: DF18313.2100031.PR		County(ies): Yancey		Page 1 of 2					
General Project Information											
WBS Element:		N/A		TIP Number:		DF18313.2100031.PR		Project Type: Other		Date: 6/30/2025	
NCDOT Contact:		Yates Allen (Division Environmental Officer)				Contractor / Designer:		TGS Engineers (Rusty Lassiter)			
		Address: NCDOT Highway Division 13 55 Orange Street Asheville NC, 28801						Address: 706 Hillsborough Street Suite 200 Raleigh NC, 27603			
		Phone: 828-250-3002						Phone: 919-773-8887 ext. 121			
		Email: <a href="mailto:yallen@ncdot.gov">yallen@ncdot.gov</a>						Email: <a href="mailto:rlassiter@tgsengineers.com">rlassiter@tgsengineers.com</a>			
City/Town:		Celo				County(ies):		Yancey			
River Basin(s):		French Broad				CAMA County?		No			
Wetlands within Project Limits?		No									
Project Description											
Project Length (lin. miles or feet):		0.076 miles		Surrounding Land Use:		Rural: wooded, low-density residential, Pisgah National Forest					
		Proposed Project						Existing Site			
Project Built-Upon Area (ac.)		0.2		ac.		0.2		ac.			
Typical Cross Section Description:		Two 10' paved lanes with 3' paved shoulders.						Two 9' paved lanes w/ 0.5' paved shoulders.			
Annual Avg Daily Traffic (veh/hr/day):		Design/Future: 430		Year: 2045		Existing: 350		Year: 2025			
General Project Narrative: (Description of Minimization of Water Quality Impacts)		<p>NCDOT Project DF18313.2100031.PR involves the emergency replacement of Structure #990173 over Middle Creek on SR-1159 (Rock Creek Rd) in Yancey County, NC. The pipes were heavily damaged during Hurricane Helene in September 2024. Proposed 2@142"x91" corrugated metal pipe arches to replace pre-existing 2@112"x75" corrugated metal pipe arches. All proposed stormwater runoff is discharged as far away from the stream and at the lowest velocities practicable.</p> <p>The temporary 102" steel tank culvert detour upstream of the proposed pipes is to be removed and returned to natural conditions.</p> <p>All impacts to the project have been minimized to the maximum extent practicable.</p>									

		<div>North Carolina Department of Transportation</div> <div>Highway Stormwater Program</div> <div>STORMWATER MANAGEMENT PLAN</div> <div>FOR NCDOT PROJECTS</div>					
(Version 3.02; Released April 23, 2024)							
WBS Element: N/A		TIP/Proj No.: DF18313.2100031.PR		County(ies): Yancey		Page 2 of 2	
General Project Information							
Waterbody Information							
Surface Water Body (1):		Middle Creek		NCDWR Stream Index No.:		7-2-52-18	
NCDWR Surface Water Classification for Water Body		Primary Classification:		Class C			
		Supplemental Classification:		Trout Waters (Tr) Waters (ORW)			
Other Stream Classification:		None					
Impairments:		None					
Aquatic T&E Species?		No		Comments:			
NRTR Stream ID:		Middle Creek		Buffer Rules in Effect:		N/A	
Project Includes Bridge Spanning Water Body?		No		Deck Drains Discharge Over Buffer?		N/A	
Deck Drains Discharge Over Water Body?		No		(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)	
(If yes, provide justification in the General Project Narrative)							
Surface Water Body (2):							
NCDWR Surface Water Classification for Water Body		Primary Classification:					
		Supplemental Classification:					
Other Stream Classification:							
Impairments:							
Aquatic T&E Species?				Comments:			
NRTR Stream ID:				Buffer Rules in Effect:			
Project Includes Bridge Spanning Water Body?				Deck Drains Discharge Over Buffer?			
Deck Drains Discharge Over Water Body?				(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)	
(If yes, provide justification in the General Project Narrative)							
Surface Water Body (3):							
NCDWR Surface Water Classification for Water Body		Primary Classification:					
		Supplemental Classification:					
Other Stream Classification:							
Impairments:							
Aquatic T&E Species?				Comments:			
NRTR Stream ID:				Buffer Rules in Effect:			
Project Includes Bridge Spanning Water Body?				Deck Drains Discharge Over Buffer?			
Deck Drains Discharge Over Water Body?				(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)	
(If yes, provide justification in the General Project Narrative)							

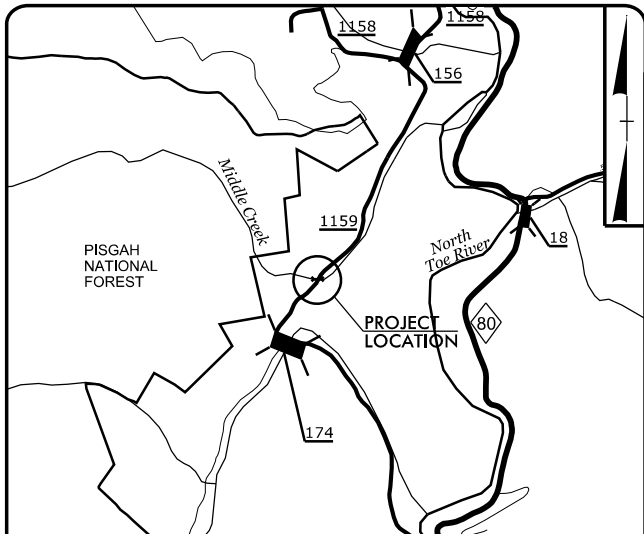
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PROJECT: DF18313.2100031.PR

CONTRACT: C205030

See Sheet 1A For Index of Sheets



VICINITY MAP (NTS)

RIGHT OF WAY PLANS

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

**YANCEY COUNTY**

LOCATION: REPLACEMENT OF STRUCTURE #990173  
ON SR 1159 (ROCK CREEK RD) OVER  
MIDDLE CREEK

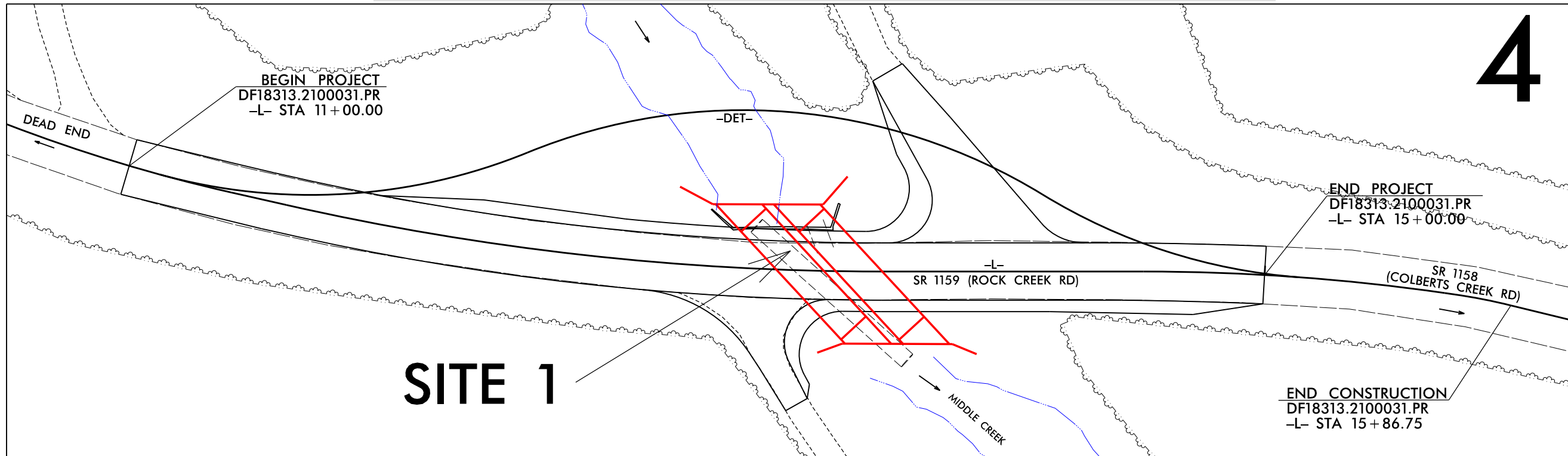
TYPE OF WORK: GRADING, DRAINAGE,  
PAVING, & STRUCTURE

2025.07.21

WETLAND AND SURFACE WATER IMPACTS PERMIT

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	DF18313.2100031.PR	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
DF18313.2100031.PR		PE	
DF18313.2100031.PR		R/W	
DF18313.2100031.PR		UTIL.	
DF18313.2100031.PR		CONST.	

PERMIT DRAWING  
SHEET 1 OF 5



SITE 1

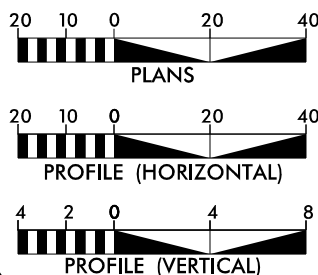
THIS IS NOT A CONTROLLED ACCESS PROJECT.

CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY NATIONAL FOREST SERVICE LANDS PROJECT SPECIAL PROVISION.

THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.

DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

GRAPHIC SCALES



DESIGN DATA

ADT 2025 = 350  
ADT 2045 = 430  
V = 40 MPH  
TTST = 3% DUAL = 3%  
FUNC CLASS = LOCAL  
SUBREGIONAL TIER

PROJECT LENGTH

LENGTH OF ROADWAY PROJECT DF18313.2100031.PR = 0.076 MILES  
TOTAL LENGTH OF PROJECT DF18313.2100031.PR = 0.076 MILES

PLANS PREPARED BY:

**TCS**  
TCS ENGINEERS  
201 W. MARION ST  
SHELBY, NC 28150  
PH (704) 476-0003  
CORP. LICENSE NO. C-0275

**BURNS**  
R.E. BURNS & SONS CO  
P.O. BOX 7168  
STATESVILLE, NC 28687  
PH (704) 924-8658

2024 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:  
MAR. 18, 2025

LETTING DATE:  
MAR. 18, 2025

PLANS PREPARED FOR:

NCDOT  
ALTERNATIVE DELIVERY UNIT  
1020 BIRCH RIDGE DR  
RALEIGH, NC 27610

JIMMY L. TERRY, PE  
PROJECT ENGINEER

KATELYN S. ALMOND  
PROJECT DESIGN ENGINEER

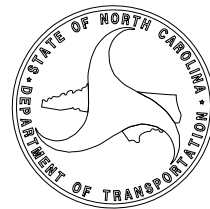
SOLOMON MENGESHA  
NCDOT CONTACT

HYDRAULICS ENGINEER

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

ROADWAY DESIGN  
ENGINEER

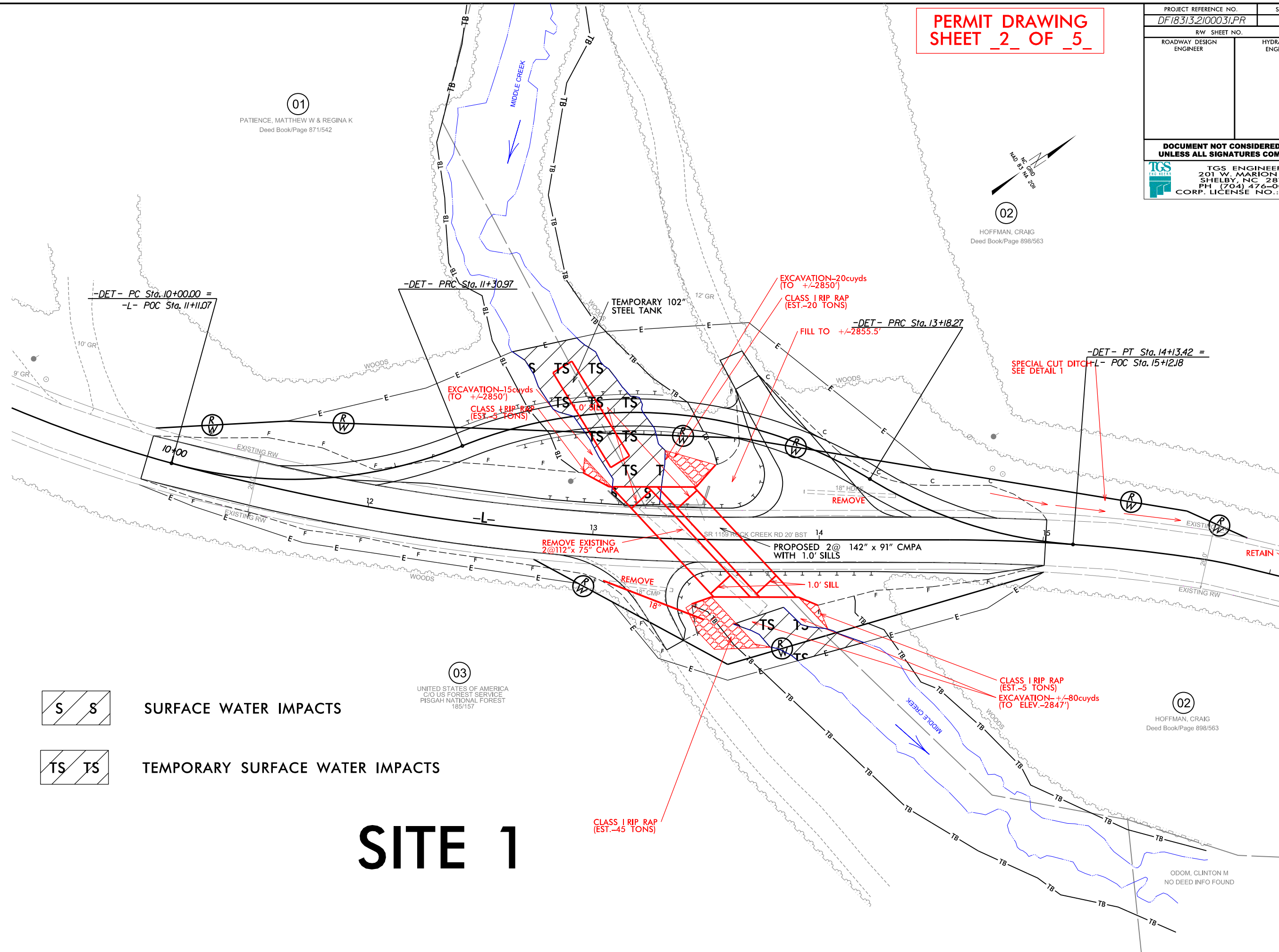
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7/2/2025  
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REVISIONS



PERMIT DRAWING  
SHEET \_2\_ OF \_5\_

PROJECT REFERENCE NO. DF18313.2100031.PR	SHEET NO. 4
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	
TGS ENGINEERS 201 W. MARION ST SHELBY, NC 28150 PH (704) 476-0003 CORP. LICENSE NO.: C-0275	

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HOFFMAN, CRAIG  
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02  
HOFFMAN, CRAIG  
Deed Book/Page 898/563

03  
UNITED STATES OF AMERICA  
C/O US FOREST SERVICE  
PISGAH NATIONAL FOREST  
185/157

ODOM, CLINTON M  
NO DEED INFO FOUND

SURFACE WATER IMPACTS

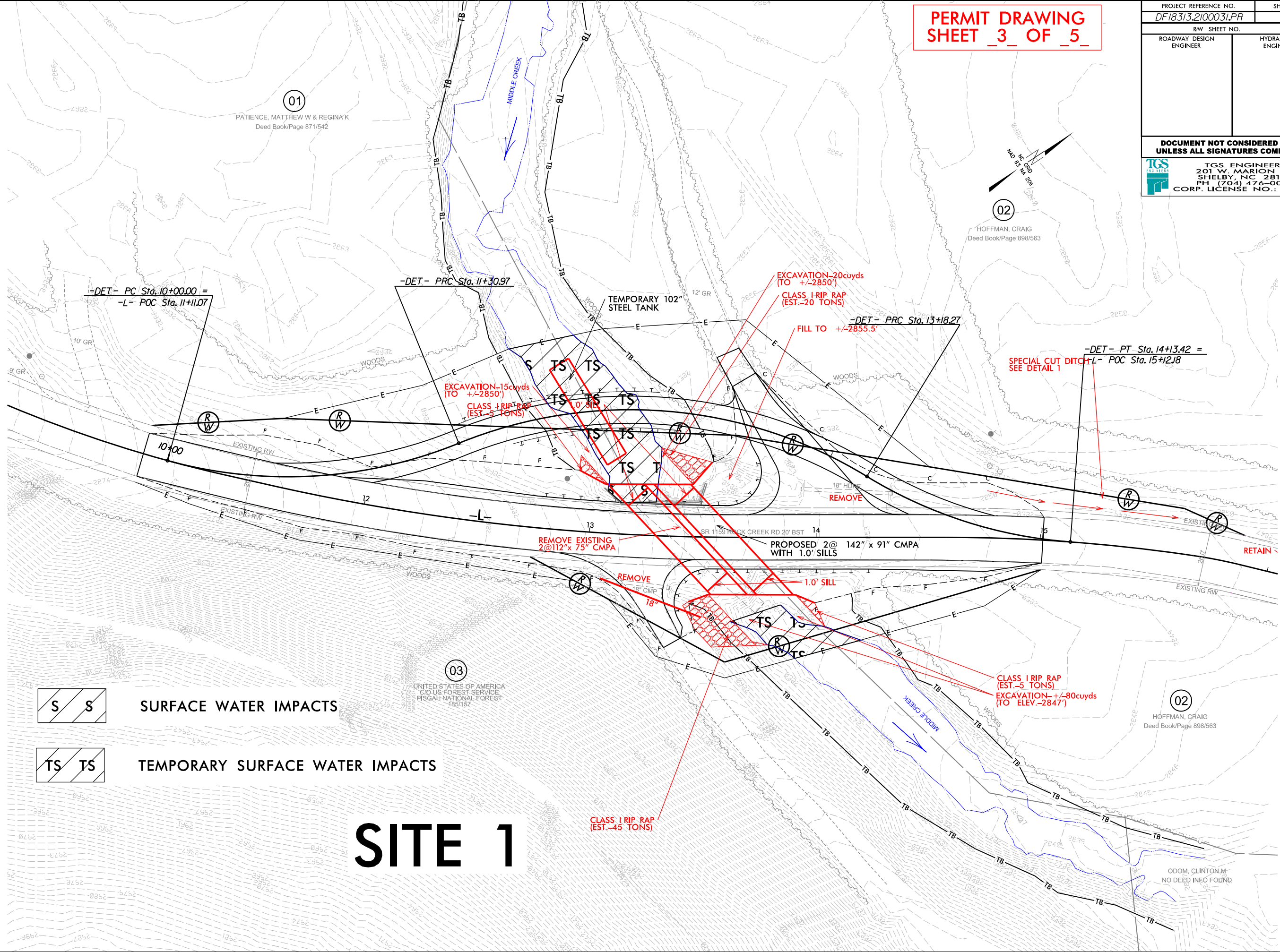
TEMPORARY SURFACE WATER IMPACTS

SITE 1

8/17/99

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REVISIONS





CULVERT HYDRAULIC DATA (2@ 142"x91" CMPA)		
DESIGN DISCHARGE	= 520	CFS
DESIGN FREQUENCY	= 25	YRS
DESIGN HW ELEVATION	= 2853.8	FT
BASE DISCHARGE	= 810	CFS
BASE FREQUENCY	= 100	YRS
BASE HW ELEVATION	= 2855.5	FT
OVERTOPPING DISCHARGE	= 920	CFS
OVERTOPPING FREQUENCY	= 100+	YRS
OVERTOPPING ELEVATION	= 2856.0	FT



TGS ENGINEERS  
201 W. MARION ST  
SHELBY, NC 28150  
PH (704) 476-0003  
CORP. LICENSE NO.: C-0275

FOR -L- PLAN, SEE SHEET NO. 4

POINT	NORTH	EAST	ELEV.	DESCRIPTION
BM1	758411.782	1047626.774	2852.84	RR SPIKE IN 12" DOUBLE POPLAR

END GRADE  
-L- STA. 15+00.00  
ELEV = 2,850.40

$PI = 14+40.00$   
 $EL = 2,851.93'$   
 $VC = 120'$   
 $K = 28$   
 $DS = 25 \text{ MPH}$

$$\begin{aligned} PI &= 12+07.00 \\ EL &= 2.867.95' \\ VC &= 80' \\ K &= 59 \\ DS &= 40 \text{ MPH} \end{aligned}$$

BEGIN GRADE  
-L- STA. 11+00.00  
ELEV = 2.873.85

# SITE 1

REMOVE EXISTING 112"x75" CMPA  
(SECOND PIPE WASHED AWAY  
DURING HURRICANE HELENE)

2@142"x 91" CMPA  
WITH 1.0' SILLS AT

UPSTREAM FACE  
INLET INV.-2848.7

**-DET-**

FOR -DET- PLAN, SEE SHEET NO. 2B-1

CULVERT HYDRAULIC DATA (102" STEEL TANK CULVERT)		
DESIGN DISCHARGE	= 135	CFS
DESIGN FREQUENCY	= 2	YRS
DESIGN HW ELEVATION	= 2856.2	FT
BASE DISCHARGE	= N/A	CFS
BASE FREQUENCY	= N/A	YRS
BASE HW ELEVATION	= N/A	FT
OVERTOPPING DISCHARGE	= N/A	CFS
OVERTOPPING FREQUENCY	= N/A	YRS
OVERTOPPING ELEVATION	= N/A	FT

BEGIN GRADE  
-DET - STA. 10+71.46  
ELEV = 2.868.55

# SITE 1

NWS-2853.5

PROPOSED 102" STEEL TANK CULVERT (BURY 1.0')

UPSTREAM FACE INV-2851.36'

$PI = 13+00.00$   
 $EL = 2,853.48'$   
 $VC = 100'$   
 $K = 35$   
 $DS = 25 \text{ MPH}$

END GRADE  
-DET- STA.13+57.08  
ELEV = 2.85134

 10YR WSEL-2859.2'

R WSEL-2857.9'



WETLAND AND SURACE WATER IMPACTS SUMMARY													
Site No.	Station (From/To)	Structure Size / Type	Stream Name	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- 13+00 to 14+00 LT & RT	Temporary Dewatering/ 2@ 142"x 91" CMPA	Middle Creek						0.004	0.060	10	103	
TOTALS*:				0.000	0.000	0.000	0.000	0.000	0.004	0.060	10	103	0

NOTES:

1. No wetlands were identified within the study area.

1. No wetlands were identified within the study area.

SHEET 5 OF 5