



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

March 15, 2023

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 8 on NC 194 over North Fork New River in Ashe County, Division 11, **TIP: BR-0002.**

Please find enclosed the following permits for this project:

Agency	Permit Type	Date	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Nationwide 14	March 7, 2023	March 14, 2026
	Nationwide 14	June 12, 2020	<i>Expired, but retained as referenced in 3/7/2023 permit.</i>
NC Division of Water Resources Section 401 Water Quality Certification	Individual Certification No. 005188	October 19, 2022	March 14, 2026
	General Certification 4135	April 6, 2020	<i>Expired, but retained as referenced in 10/19/22 certification.</i>

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/

PROJECT COMMITMENTS

T.I.P. Project No. BR-0002
Replacement of Bridge No. 8 on NC 194
over North fork New River
Ashe County
WBS Element No. 67002.1.1

COMMITMENTS FROM DESIGN

Division Construction

Bicycle Accommodations – Structure Design and Roadway Design Units The design of the project will accommodate bicycles regarding paved shoulders and the approaches and regarding offset and bicycle safe rail on the bridge.

COMMITMENTS FROM PERMITTING

Division Construction

Special Conditions from the Revised 404 Permit issued June 15, 2020:

3. The permittee shall adhere to Design Standards in Sensitive Watersheds.
5. The permittee shall ensure that any equipment that is placed on the causeway is removed when either of the following situations are forecasted or anticipated: (1) the water level will rise to a point where the equipment could be flooded (even during work days), and (2) the water level is expected to rise overnight, or over a non-work period of time, to a point where the equipment could be flooded.
6. Upon completion of work that requires the causeway to be in the river, the permittee shall remove all readily detectible causeway material, to the extent practicable, while removing as little of the original riverbed as possible.

Division Construction

Project Specific Condition from 401 Water Quality Certification issued April 6, 2020:

7. For the 16 linear feet of 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)]

COMMITMENTS FROM PERMITTING RENEWAL

Division Construction

From the 404 Permit Renewal issued March 7, 2023 by the ACOE:

2. NCDOT shall adhere to the following commitments:

a. Tree clearing will not occur from April 1st to October 15th of any year.

b. Within 14 days of demolition of the existing bridge, NCDOT shall inspect the bridge 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). Until this reinitiated consultation is complete and the USACE notifies NCDOT in writing that they may proceed, NCDOT will not be authorized to proceed with bridge demolition work.

c. No night work will occur.

d. No temporary or permanent lighting will be added to the action area.

e. No blasting will occur.

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action ID. SAW-2019-02373 – Reverification #1 County: Ashe

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent:

North Carolina Department of Transportation
Attn: Mr. Michael A. Turchy
Environmental Coordination and Permitting Group Leader

Address: 1598 Mail Service Center
Raleigh, North Carolina 27699-1598
919-707-6157

Size and location of property (water body, road name/number, town, etc.): The project is located at Bridge No. 8 (BR-0002) on NC 194 over the North Fork New River in Ashe County, North Carolina.

Description of project area and activity: A Nationwide Permit (NWP) verification letter for this project was originally issued by the USACE on February 11, 2020. On March 24, 2020, NCDOT submitted a revision request (Revision #1) and the revised work was verified by the USACE on June 12, 2020. Because construction could not be completed during the valid period of the 2020 verification, NCDOT submitted a request to reverify the project under NWP 14 on September 21, 2022 (Reverification #1). Impacts to waters of the U.S. have not changed from what was authorized in the June 12, 2020 verification letter. As such, in order to replace the bridge, the permittee is authorized to impact waters of the U.S. as follows:

Summary of Authorized Impacts and Required Mitigation

Impact ID #	NWP / GP #	Open Water (ac)		Wetland (ac)		Stream (lf)	
		Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
Site 1 (UT to Buffalo Creek)	<u>14</u>					16' (dewater)	22' (excavation)
Site 2 (Buffalo Creek)	<u>14</u>					42' (rip rap)	15' (rip rap/ stabilization)
Site 3 (North Fork New River)	<u>14</u>					81' (0.07 acre) (work pad/ causeway)	
Site 4 (UT to North Fork New River)	<u>14</u>					15' (dewater)	1' (headwall)
Impact Totals		0	0	0	0	154'	38'
Total Loss of waters of the U.S. (wetlands and/or open waters in ac)		0	Total Loss of waters of the U.S. (streams in lf)				23'
Required Wetland Mitigation (ac)		0	Required Stream Mitigation (lf)				*46'

*Per NCDMS, the required compensatory mitigation (46 cold water stream credits) was obtained for this project on February 12, 2020.

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)
Authorization: Regional General Permit Number:
Nationwide Permit Number: **NWP 14**

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions, your submitted application, and the following special conditions:

Special Conditions

1. All work must be performed in strict compliance with the description of work and plans in (1) the application dated December 6, 2019; (2) the revised application information dated March 24, 2020; (3) the information in the September 21, 2022 reverification request, to include all associated correspondence from NCDOT, and; (4) the permit plans titled, "Wetland and Surface Water Impacts Permit", dated "Revised 3/18/20. Any modification to the description of work and/or the permit plans must be approved by the USACE prior to implementation.
2. NCDOT shall adhere to the following commitments:
 - a. Tree clearing will not occur from April 1st to October 15th of any year.
 - b. Within 14 days of demolition of the existing bridge, NCDOT shall inspect the bridge 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 reinstate consultation with the U.S. Fish and Wildlife Service (Service). Until this reinstated consultation is complete and the USACE notifies NCDOT in writing that they may proceed, NCDOT will not be authorized to proceed with bridge demolition work.
 - c. No night work will occur.
 - d. No temporary or permanent lighting will be added to the action area.
 - e. No blasting will occur.
3. The permittee shall adhere to Design Standards in Sensitive Watersheds.
4. No more than 50% of river flow shall be constricted by the causeway at any time.
5. The permittee shall implement all reasonable and practicable measures to ensure that equipment, structures, fill pads, work, and operations associated with this project do not adversely affect upstream and/or downstream reaches. Adverse effects include, but are not limited to, channel instability, flooding, and/or stream bank erosion. The permittee shall routinely monitor for these effects, cease all work when detected, take initial corrective measures to correct actively eroding areas, and notify this office immediately. Permanent corrective measures may require additional authorization by the U.S. Army Corps of Engineers.

6. The permittee shall ensure that any equipment that is placed on the causeway is removed when either of the following situations are forecasted or anticipated: (1) the water level will rise to a point where the equipment could be flooded (even during work days), and (2) the water level is expected to rise overnight, or over a non-work period of time, to a point where the equipment could be flooded.
7. Upon completion of work that requires the causeway to be in the river, the permittee shall remove all readily detectible causeway material, to the extent practicable, while removing as little of the original riverbed as possible.
8. The permittee 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.

Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide and/or regional general permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide and/or regional general permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 828-296-4500) to determine Section 401 requirements.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the U.S. Army Corps of Engineers regulatory program, please contact Lori Beckwith at 828-271-7980.

USACE Regulatory Official: Monte Matthews

*Monte
Matthews*

2023.03.07

14:28:29 -05'00'

Date: March 7, 2023

Expiration Date of Verification: March 14, 2026

Copy furnish: NCDOT, Mr. Jeff Hemphill

Action ID Number: SAW-2019-02373 – Reverification #1

County: Ashe

Permittee: NCDOT, Mr. Michael A. Turchy
Environmental Coordination and Permitting Group Leader

Project Name: NCDOT / Bridge 8 / (BR-0002) / NC 194 / Div 11

Nationwide Permit: 14

Date Verification Issued: March 7, 2023

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

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 U.S. Army Corps of Engineers 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 has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action ID: SAW-2019-02373 – Project Revision #1 County: Ashe

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent: North Carolina Department of Transportation
Project Development and Environmental Analysis Branch
Philip S. Harris III, P.E., C.P.M.
Natural Environment Section Head

Address: 1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Telephone No.: 919-707-6103

Size and location of property (water body, road name/number, town, etc.): The project is located at Bridge No. 8 (BR-0002) on NC 194 over the North Fork New River in Ashe County, North Carolina.

Description of project area and activity: A Nationwide Permit (NWP) verification letter for this project was originally issued by the USACE on February 11, 2020. On March 24, 2020, NCDOT submitted a revision to the project; as such, this NWP verification letter replaces the letter that was issued on February 11, 2020. All revised information is highlighted. In order to replace the bridge, the permittee is authorized to impact waters of the U.S. as follows:

Summary of Authorized Impacts and Required Mitigation

Impact ID #	NWP / GP #	Open Water (ac)		Wetland (ac)		Stream (lf)	
		Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
Site 1 (UT to Buffalo Creek)	<u>14</u>					16' (dewater)	22' (excavation)
Site 2 (Buffalo Creek)	<u>14</u>					42' (rip rap)	15' (rip rap/ stabilization)
Site 3 (North Fork New River)	<u>14</u>					81' (0.07 acre) (work pad/ causeway)	
Site 4 (UT to North Fork New River)	<u>14</u>					15' (dewater)	1' (headwall)
Impact Totals		0	0	0	0	154'	38'
Total Loss of waters of the U.S. (wetlands and/or open waters in ac)		0	Total Loss of waters of the U.S. (streams in lf)				23'
Required Wetland Mitigation (ac)		0	Required Stream Mitigation (lf)				46'

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number:
 Nationwide Permit Number: **14**

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions, your submitted application (as revised on March 24, 2020), and the following special conditions:

Special Conditions

1. All work must be performed in strict compliance with the description of work and plans in the application dated December 6, 2019, and the revised application information dated March 24, 2020. The revised permit plans are titled, "Wetland and Surface Water Impacts Permit" and are dated "Revised 3/18/20". Any modification to the description of work and/or the permit plans must be approved by the USACE prior to implementation.
2. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.
3. The permittee shall adhere to Design Standards in Sensitive Watersheds.
4. The permittee shall implement all reasonable and practicable measures to ensure that equipment, structures, fill pads, work, and operations associated with this project do not adversely affect upstream and/or downstream reaches. Adverse effects include, but are not limited to, channel instability, flooding, and/or stream bank erosion. The permittee shall routinely monitor for these effects, cease all work when detected, take initial corrective measures to correct actively eroding areas, and notify this office immediately. Permanent corrective measures may require additional authorization by the U.S. Army Corps of Engineers.
5. The permittee shall ensure that any equipment that is placed on the causeway is removed when either of the following situations are forecasted or anticipated: (1) the water level will rise to a point where the equipment could be flooded (even during work days), and (2) the water level is expected to rise overnight, or over a non-work period of time, to a point where the equipment could be flooded.
6. Upon completion of work that requires the causeway to be in the river, the permittee shall remove all readily detectible causeway material, to the extent practicable, while removing as little of the original riverbed as possible.
7. The permittee 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.

Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide and/or regional general permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide and/or regional general permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 828-296-4500) to determine Section 401 requirements.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the U.S. Army Corps of Engineers regulatory program, please contact Lori Beckwith at 828-271-7980.

USACE Regulatory Official: Monte Matthews

*Monte
Matthews*

Date: 2020.06.12

14:25:18 -04'00'

Date: **June 12, 2020**

Expiration Date of Verification: **March 18, 2022**

Copy furnish:

NCDOT, Mr. Jeff Hemphill
NCDOT, Mr. Michael Turchy

Action ID Number: SAW-2019-02373 – Project Revision #1

County: Ashe

Permittee: NCDOT, Mr. Philip S. Harris III, P.E., C.P.M.

Project Name: NCDOT / Bridge 8 / NC 194 / Div 11

Nationwide Permit: 14

Date Verification Issued: June 12, 2020

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

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 U.S. Army Corps of Engineers 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 has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

U.S. ARMY CORPS OF ENGINEERS
Wilmington District
Compensatory Mitigation Responsibility Transfer Form

Permittee: North Carolina Department of Transportation
Project Name: BR-0002, Bridge 040008 (Bridge 8) on NC 194

Action ID: SAW-2019-02373
County: Ashe

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements

Permitted Impacts Requiring Mitigation*: **8-digit HUC and Basin:** 05050001, New River Basin

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
		23				

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements: **8-digit HUC and Basin:** 05050001, New River Basin

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
		46				

Mitigation Site Debited: NCDMS

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: NCDMS

Name of Sponsor's Authorized Representative: Beth Harmon

Signature of Sponsor's Authorized Representative: [Signature] **Date of Signature:** 02/12/2020

**USACE Wilmington District
Compensatory Mitigation Responsibility Transfer Form, Page 2**

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. **Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil).** Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager: Lori Beckwith
USACE Field Office: Wilmington Regulatory Field Office
US Army Corps of Engineers
151 Patton Avenue, Room 208
Asheville, NC 28801-5006

Email: loretta.a.beckwith@usace.army.mil

BECKWITH.LORETTA. Digitally signed by
BECKWITH.LORETTA.ANN.1173452264
ANN.1173452264 Date: 2020.02.11 13:54:41 -05'00'

USACE Project Manager Signature

**February 11, 2020
Date of Signature**

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

RICHARD E. ROGERS, JR.

Director

October 19, 2022

Mr. Jamie Lancaster, Acting
NCDOT Environmental Analysis Unit Head
1000 Birch Ridge Drive
Raleigh, NC 27610

Subject: Renewal of 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed Bridge No. 8 (TIP No. BR-0002) replacement on NC 194 over North Fork New River in Ashe County; NCDWR Project No. 20191658v3; WQC No. WQ005188.

This Individual Certification replaces the previous issued General Certification (GC) 4135, corresponding to US Army Corps of Engineers Nationwide Permit 14, on December 6, 2019, and April 6, 2020 (version 2 - with revisions).

Dear Mr. Lancaster:

Attached hereto is a copy of Certification No. 005188 issued to The North Carolina Department of Transportation (NCDOT) dated October 19, 2022.

This approval is for the purpose and design described in your renewal application received on September 20, 2022. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. [15A NCAC 02H .0507(d)(2)]. This 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.

This letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Dave Wanucha at 336-403-5655 or dave.wanucha@ncdenr.gov if you have any questions or concerns.

Sincerely,
Signed by:

Amy Chapman

9C9886312DCD474
Richard E. Rogers Jr., Director
Division of Water Resources

Electronic copy only distribution:

Loretta Beckwith, US Army Corps of Engineers, Asheville Field Office
Rebekah Reid, US Fish and Wildlife Service
David McHenry, NC Wildlife Resources Commission
Kevin Hining, NCDOT Division 11 DEO
Michael Turchy NCDOT ECAP

File Copy



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

**Individual 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act
with ADDITIONAL CONDITIONS**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NC Department of Transportation to impact 192 linear feet of jurisdictional streams in Ashe County. The project shall be constructed pursuant to the renewal application dated received September 20, 2022. The authorized impacts are as described below:

Stream Impacts in the New River Basin.

Site	Permanent Fill in Perennial Stream (linear ft)			Temporary Fill in Perennial Stream (linear ft)				Stream Impacts Requiring Mitigation (linear ft)
	Ditch	Rip Rap	Pipe	Dewatering/Excavation	Headwall	Rip Rap	Causeway	
1	22	-	-	16	-	-	-	-
2 <i>(revision)</i>	-	<i>18 to 15</i>	-	-	-	<i>11 to 42</i>	-	-
3	-	-	-	-	-	-	81	-
4	-	-	1	-	15	-	-	-
Totals	22	18 to 15	1	16	15	11 to 42	81	-
	<i>41 to 38</i>			<i>123 to 154</i>				-

Notes: Revisions to impacts are from the March 24, 2020, modification.

Total Stream Impacts for Project due to revisions: 164 to 192 linear feet.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.

Condition(s) of Certification:

Project Specific Conditions

1. 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)]
2. All work in or adjacent to stream waters shall be conducted per approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual. [15A NCAC 02H.0506(b)(3) and (c)(3)]
3. Stormwater shall be directed to vegetated buffer areas, grass-lined ditches or other means appropriate to the site for the purpose of pre-treating storm water runoff prior to discharging directly into streams. (15A NCAC 02B.0224 and .0225)
4. The permittee shall use Design Standards in Sensitive Watersheds (15A NCAC 4B.0124[a]-[e]) and shall be in compliance with NCS000250 issued to NCDOT, including applicable requirements of NCG010000. Please note the extra protections for the sensitive watersheds.



5. 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)]
6. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, rip-rap deck drain pads, vegetated buffers, etc.) before entering the stream. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5).
7. For the 16 linear feet of 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. 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)]
3. 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)]
4. 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)]
5. 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)]
6. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
7. 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]
8. 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)]
9. 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)]
10. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization 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]
11. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having



jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.

12. 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)]
13. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer (or appointee) shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
14. Native riparian vegetation 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 02H.0506(b)(3) and (c)(3)]
15. 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)]
16. 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) and (c)(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.
17. Where placement of sediment and erosion control devices in wetlands and/or waters is unavoidable, they shall be removed, and the natural grade restored upon completion of the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]

This approval and its conditions are final and binding unless contested [G.S. 143-215.5]. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

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 <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

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

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

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

This the 19th of October 2022

DIVISION OF WATER RESOURCES

DocuSigned by:

Amy Chapman

9C9886312DCD474..

Richard E. Rogers Jr., Director

WQC No. 005188





NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
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 or mailed to:
NCDEQ Transportation Permitting
1617 Mail Service Center
Raleigh NC 27699-1617





NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
Director

April 6, 2020
Ashe County
NCDWR Project No. 20191658v2
Bridge 8 on NC 194
TIP Project BR-0002

APPROVAL of Revisions to 401 WATER QUALITY CERTIFICATION

Mr. Philip S. Harris III, P.E., C.P.M.
NCDOT Environmental Analysis Unit Head
1000 Birch Ridge Drive
Raleigh, NC 27610

Dear Mr. Harris:

You have our approval, in accordance with the conditions listed below, for the following revisions as requested on March 24, 2020 to the original Certification issued on December 19, 2019. The change in impacts are summarized in the Table below regarding impacts related to replacing Bridge 8 with a new bridge over North Fork New River. This revision also removes the 401 Condition that referenced a hellbender salamander moratorium requested by NCWRC.

Stream Impacts in the New River Basin.

Site	Permanent Fill in Perennial Stream (linear ft)			Temporary Fill in Perennial Stream (linear ft)				Stream Impacts Requiring Mitigation (linear ft)
	Ditch	Rip Rap	Pipe	Dewatering/Excavation	Headwall	Rip Rap	Cause way	
1	22	-	-	16	-	-	-	-
2 (revision)	-	18 to 15	-	-	-	11 to 42	-	-
3	-	-	-	-	-	-	81	-
4	-	-	1	-	15	-	-	-
Totals	22	18 to 15	1	16	15	11 to 42	81	-
	<i>41 to 38</i>			<i>123 to 154</i>				-

Total Stream Impact for Project due to revisions: 164 to 192 linear feet.

The project shall be constructed in accordance with your application dated December 6, 2019 and subsequent revisions requested in your application dated March 24, 2020. The proposed revisions to impacts are covered by General Water Quality Certification (GC) Number 4135. This GC corresponds to US Army Corps of Engineers Nationwide Permit 14. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the corresponding 404 permit.

This approval is valid solely for the purpose and design described in your application and subsequent revisions.



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

Should your project change again, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.

Condition(s) of Certification:

Project Specific Conditions

1. 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)]
2. All work in or adjacent to stream waters shall be conducted per approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual. [15A NCAC 02H.0506(b)(3) and (c)(3)]
3. Stormwater shall be directed to vegetated buffer areas, grass-lined ditches or other means appropriate to the site for the purpose of pre-treating storm water runoff prior to discharging directly into streams. (15A NCAC 02B.0224 and .0225)
4. The permittee shall use Design Standards in Sensitive Watersheds (15A NCAC 4B.0124[a]-[e]) and shall be in compliance with NCS000250 issued to NCDOT, including applicable requirements of NCG010000. Please note the extra protections for the sensitive watersheds.
5. 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)]
6. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, rip-rap deck drain pads, vegetated buffers, etc.) before entering the stream. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)].
7. For the 16 linear feet of 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. 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)]
3. 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)]
4. 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)]
5. 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)]

6. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
7. 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]
8. 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)]
9. 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)]
10. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization 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]
11. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
12. 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)]
13. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer (or appointee) shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
14. Native riparian vegetation 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 02H.0506(b)(3) and (c)(3)]
15. 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)]
16. 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) and (c)(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.

17. Where placement of sediment and erosion control devices in wetlands and/or waters is unavoidable, they shall be removed, and the natural grade restored upon completion of the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-providing the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission.

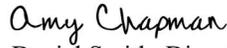
The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919) 431-3000, Facsimile: (919) 431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Bill F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Dave Wanucha at (336) 776-9703 or dave.wanucha@ncdenr.gov.

Sincerely,
DocuSigned by:

S. Daniel Smith, Director
Division of Water Resources

Electronic copy only distribution:

Lori Beckwith, US Army Corps of Engineers, Asheville Field Office
Claire Ellwanger, US Fish and Wildlife Service
Marla Chambers, NC Wildlife Resources Commission
Jeff Hemphill, NCDOT (jhemphill@ncdot.gov)
File Copy



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
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 _____





North Carolina Department of Transportation

Highway Stormwater Program
STORMWATER MANAGEMENT PLAN
FOR NCDOT PROJECTS



(Version 2.08; Released April 2018)

WBS Element: 67002.1.1 TIP No.: BR-0002 County(ies): Ashe Page 1 of 2

General Project Information

WBS Element:	67002.1.1	TIP Number:	BR-0002	Project Type:	bridge replacement	Date:	9/15/2019	
NCDOT Contact:	Michelle Berry, PE		Contractor / Designer:	Michelle Berry, PE (NCDOT)				
Address:	1020 Birch Ridge Dr. Raleigh, NC 27610		Address:	same				
	Phone:	919-707-6719		Phone:	same			
	Email:	mgberry@ncdot.gov		Email:	same			
City/Town:	Warrensville		County(ies):	Ashe				
River Basin(s):	New		CAMA County?	no				
Wetlands within Project Limits?	Yes							

Project Description

Project Length (lin. miles or feet):	0.322 mi.	Surrounding Land Use:	wooded/residential					
	Proposed Project			Existing Site				
Project Built-Upon Area (ac.)	1.6	ac.	1.2	ac.				
Typical Cross Section Description:	The proposed cross-section is 2 lane undivided, 12' wide lanes with 8' shoulder (11' in guardrail locations). The clear roadway width of the proposed bridge is 35'.			The clear roadway width is 23', while the existing bridge is 26'. The typical section is 2 lane undivided with grass shoulders.				
Annual Avg Daily Traffic (veh/hr/day):	Design/Future:	4100	Year:	2040	Existing:	4010	Year:	2020
General Project Narrative: (Description of Minimization of Water Quality Impacts)	Project will replace existing 6 span bridge with a 3 span 54" pre-stressed concrete girder bridge with 4' deep caps with 1.5:1 spill through abutments. The span arrangement will be 1 @ 85', 1 @ 110' and 1 @ 85'. Proposed bents will be located outside of the stream and the existing bents will be removed from the stream. Deck drains will be placed on the bridge where they do not discharge over water. One SR and one driveway will be realigned due to site distances of the proposed bridge. Construction will be staged to maintain traffic on site. Existing drainage patterns will be maintained. 2:1 roadway fill slopes are used to minimize footprint of the overall project. Ditches will be vegetated where possible. Riprap pads are used at pipe outlets to dissipate energy and prevent erosion. A retaining wall was included to prevent significant impacts to Buffalo Creek (10-2-20) which is a NCDWQ Trout Stream. There will be an in-water moratorium for Hellbender from August 15 to November 15. No wetland impacts are anticipated.							

Waterbody Information

Surface Water Body (1):	North Fork New River		NCDWR Stream Index No.:	10-2-(12)b			
NCDWR Surface Water Classification for Water Body	Primary Classification:		Class C				
	Supplemental Classification:		(ORW)				
Other Stream Classification:	None						
Impairments:							
Aquatic T&E Species?	No	Comments:					
NRTR Stream ID:				Buffer Rules in Effect:	N/A		
Project Includes Bridge Spanning Water Body?	yes	Deck Drains Discharge Over Buffer?	N/A	Dissipator Pads Provided in 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)							



North Carolina Department of Transportation
Highway Stormwater Program
STORMWATER MANAGEMENT PLAN
FOR NCDOT PROJECTS



(Version 2.08; Released April 2018)

WBS Element: 67002.1.1 **TIP No.:** BR-0002 **County(ies):** Ashe **Page** 2 **of** 2

Additional Waterbody Information

Surface Water Body (2):	Buffalo Creek		NCDWR Stream Index No.:	10-2-20	
NCDWR Surface Water Classification for Water Body	Primary Classification:		Class C		
	Supplemental Classification:		Trout Waters (Tr)		(HQW)
Other Stream Classification:	None				
Impairments:					
Aquatic T&E Species?	No	Comments:			
NRTR Stream ID:	Buffalo Creek			Buffer Rules in Effect:	N/A
Project Includes Bridge Spanning Water Body?	No	Deck Drains Discharge Over Buffer?	N/A	Dissipator Pads Provided in Buffer?	
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 (3):	UT to Buffalo Creek		NCDWR Stream Index No.:	10-2-20	
NCDWR Surface Water Classification for Water Body	Primary Classification:		Class C		
	Supplemental Classification:		Trout Waters (Tr)		(HQW)
Other Stream Classification:	None				
Impairments:	turbidity				
Aquatic T&E Species?	No	Comments:			
NRTR Stream ID:	SA, SB, SC			Buffer Rules in Effect:	N/A
Project Includes Bridge Spanning Water Body?	No	Deck Drains Discharge Over Buffer?	N/A	Dissipator Pads Provided in Buffer?	
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 (4):	UT/ North Fork New River		NCDWR Stream Index No.:	10-2-(12)b	
NCDWR Surface Water Classification for Water Body	Primary Classification:		Class C		
	Supplemental Classification:		(ORW)		
Other Stream Classification:	None				
Impairments:					
Aquatic T&E Species?	No	Comments:			
NRTR Stream ID:	SD			Buffer Rules in Effect:	
Project Includes Bridge Spanning Water Body?	No	Deck Drains Discharge Over Buffer?	N/A	Dissipator Pads Provided in Buffer?	
Deck Drains Discharge Over Water Body?	N/A	(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)				

09/08/19

See Sheet 1A For Index of Sheets
See Sheet 1B For Conventional Symbols

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

ASHE COUNTY

LOCATION: BRIDGE NO. 8 ON NC 194 OVER
NORTH FORK NEW RIVER

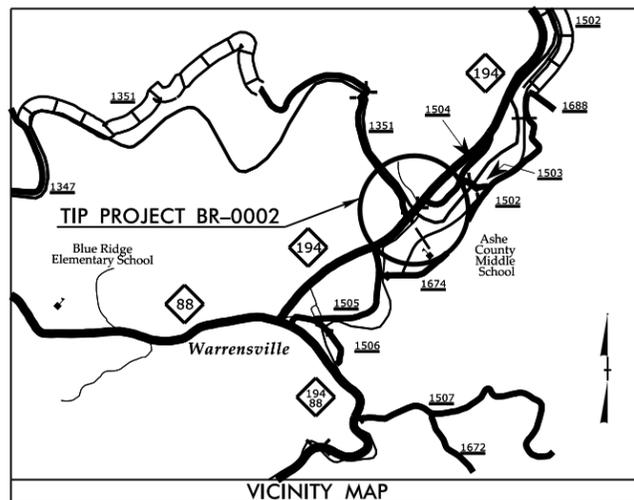
TYPE OF WORK: GRADING, DRAINAGE, PAVING AND STRUCTURE

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	BR-0002	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
49071.1.1		P.E.	
49071.2.1		ROW	
49071.3.1		CON	

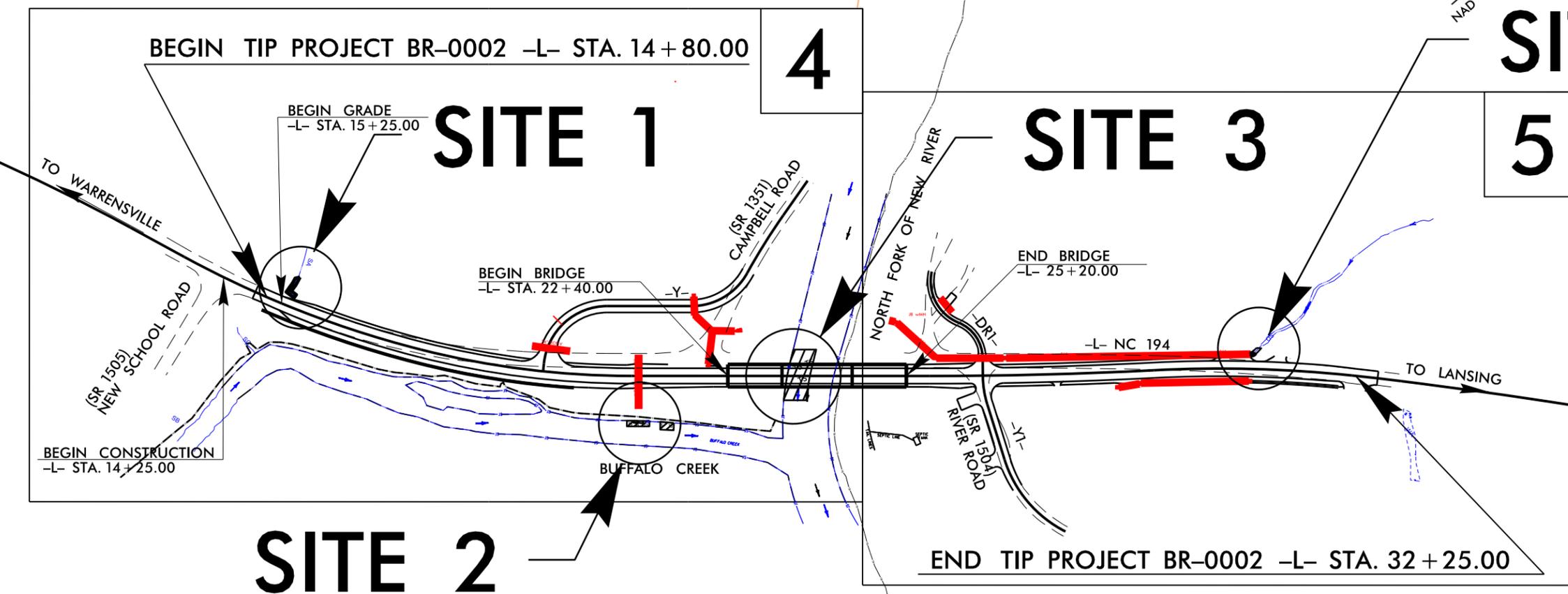
PERMIT DRAWING
SHEET 1 OF 7

TIP PROJECT: BR-0002

CONTRACT: C204482



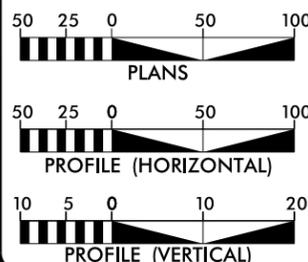
WETLAND AND SURFACE WATER IMPACTS PERMIT



THIS IS NOT A CONTROL OF ACCESS FACILITY.

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

GRAPHIC SCALES



DESIGN DATA

ADT 2020 = 4010
 ADT 2040 = 4100
 K = 12 %
 D = 55 %
 T = 7 % *
 V = 60 MPH
 * (TTST = 2% + DUAL = 5%)
 FUNC CLASS =
 MAJOR COLLECTOR
 REGIONAL TIER

PROJECT LENGTH

LENGTH OF ROADWAY TIP PROJECT BR-0002 = 0.277 MI
 LENGTH OF STRUCTURE TIP PROJECT BR-0002 = 0.053 MI
 TOTAL LENGTH OF TIP PROJECT BR-0002 = 0.330 MI

Prepared in the Office of:
DIVISION OF HIGHWAYS
 1000 Birch Ridge Dr., Raleigh NC, 27610

2018 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:
 DECEMBER 18, 2019

LETTING DATE:
 SEPTEMBER 21, 2021

A. KEITH PASCHAL, PE
 PROJECT MANAGER

TATIA L. WHITE, PE, PLS

PIOTR J. STOJDA
 PROJECT TEAM LEAD

HYDRAULICS ENGINEER

SIGNATURE: _____ P.E.

ROADWAY DESIGN
ENGINEER

SIGNATURE: _____ P.E.



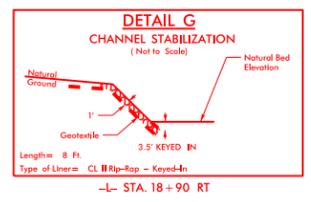
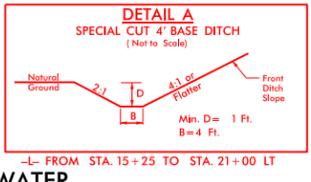
2/23/2021

mgberry

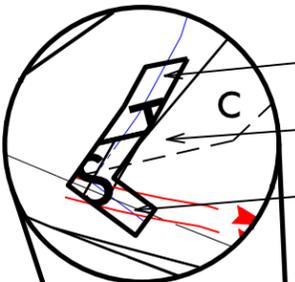
R:\Hydraulics\PERMITS_Environmental\Drawings\BR0002_Hyd_tsh.dgn

PROJECT REFERENCE NO. BR-0002	SHEET NO. 4
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	

**PERMIT DRAWING
SHEET 2 OF 7**



**SITE 1
3X**

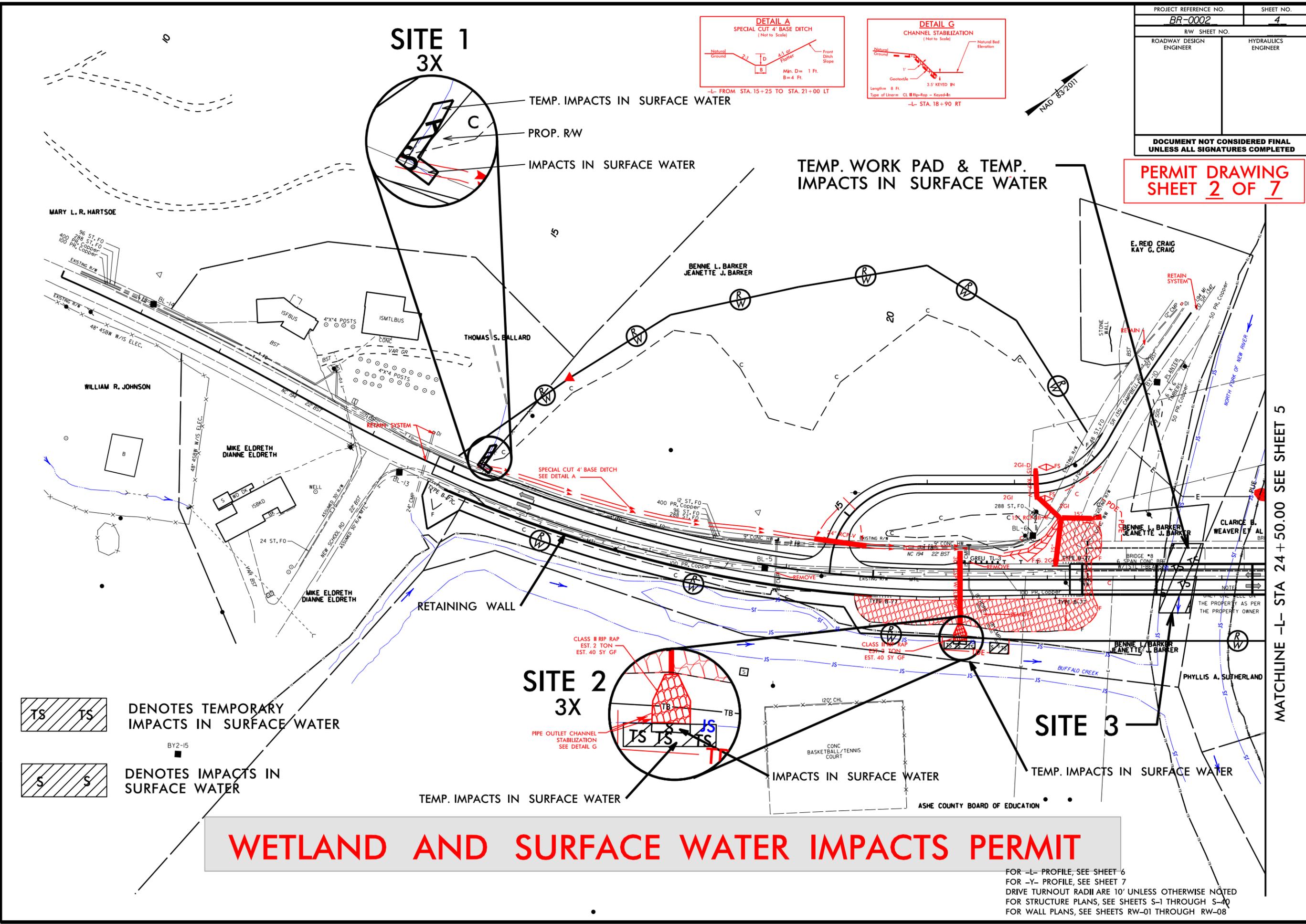


TEMP. IMPACTS IN SURFACE WATER

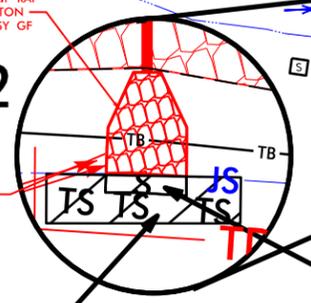
PROP. RW

IMPACTS IN SURFACE WATER

**TEMP. WORK PAD & TEMP.
IMPACTS IN SURFACE WATER**



**SITE 2
3X**



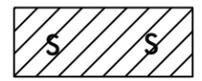
TEMP. IMPACTS IN SURFACE WATER

IMPACTS IN SURFACE WATER

TEMP. IMPACTS IN SURFACE WATER



DENOTES TEMPORARY IMPACTS IN SURFACE WATER



DENOTES IMPACTS IN SURFACE WATER

WETLAND AND SURFACE WATER IMPACTS PERMIT

FOR -L- PROFILE, SEE SHEET 6
 FOR -Y- PROFILE, SEE SHEET 7
 DRIVE TURNOUT RADII ARE 10' UNLESS OTHERWISE NOTED
 FOR STRUCTURE PLANS, SEE SHEETS S-1 THROUGH S-40
 FOR WALL PLANS, SEE SHEETS RW-01 THROUGH RW-08

REVISIONS

8/17/99

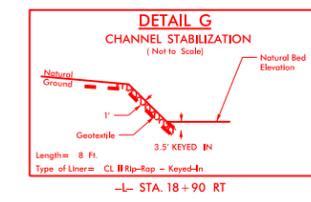
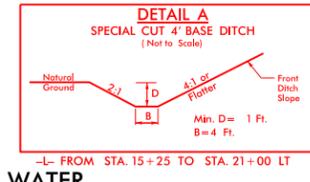
2/23/2021
mgberry
R:\Hydraulics\PERMITS Environmental\Drawings\BR0002_hyd_pst_4.dgn

MATCHLINE -L- STA 24+50.00 SEE SHEET 5

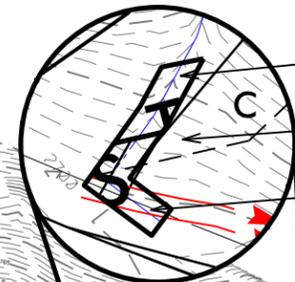
PROJECT REFERENCE NO.	SHEET NO.
BR-0002	4
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

PERMIT DRAWING
SHEET 3 OF 7



SITE 1
3X

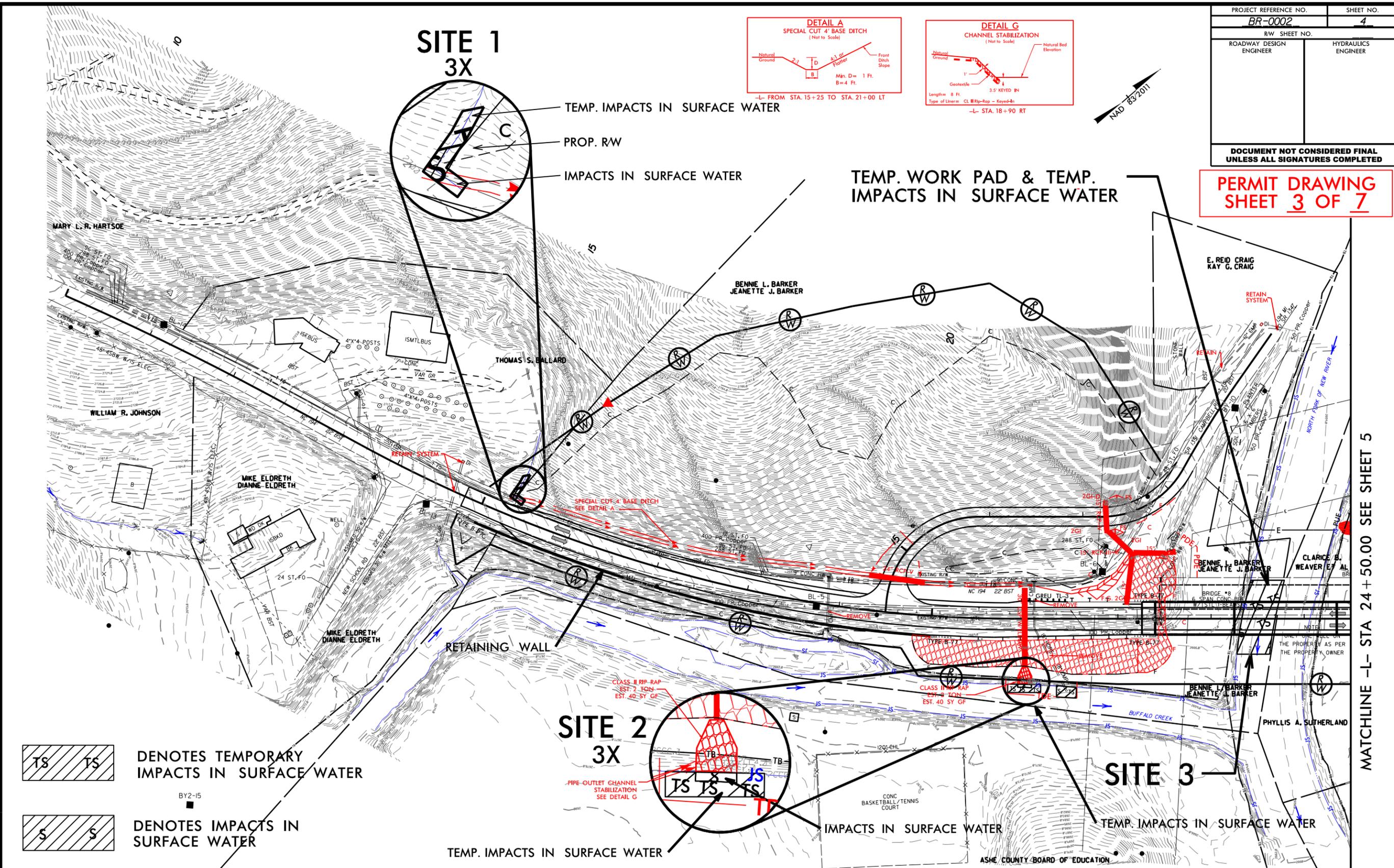


TEMP. IMPACTS IN SURFACE WATER

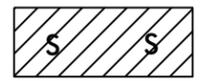
PROP. RW

IMPACTS IN SURFACE WATER

TEMP. WORK PAD & TEMP.
IMPACTS IN SURFACE WATER

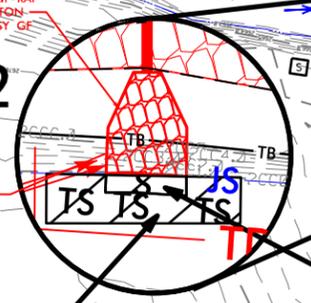


DENOTES TEMPORARY
IMPACTS IN SURFACE WATER



DENOTES IMPACTS IN
SURFACE WATER

SITE 2
3X



TEMP. IMPACTS IN SURFACE WATER

IMPACTS IN SURFACE WATER

SITE 3

TEMP. IMPACTS IN SURFACE WATER

WETLAND AND SURFACE WATER IMPACTS PERMIT

FOR -L- PROFILE, SEE SHEET 6
FOR -Y- PROFILE, SEE SHEET 7
DRIVE TURNOUT RADII ARE 10' UNLESS OTHERWISE NOTED
FOR STRUCTURE PLANS, SEE SHEETS S-1 THROUGH S-4
FOR WALL PLANS, SEE SHEETS RW-01 THROUGH RW-08

REVISIONS

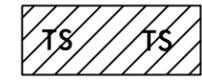
2/23/2021
R:\Hydraulics\PERMITS\Environmental Drawings\BR0002_hyd_pst_4.dgn
mgberry

MATCHLINE -L- STA 24+50.00 SEE SHEET 5

PROJECT REFERENCE NO. BR-0002	SHEET NO. 5
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	

PERMIT DRAWING
SHEET 4 OF 7

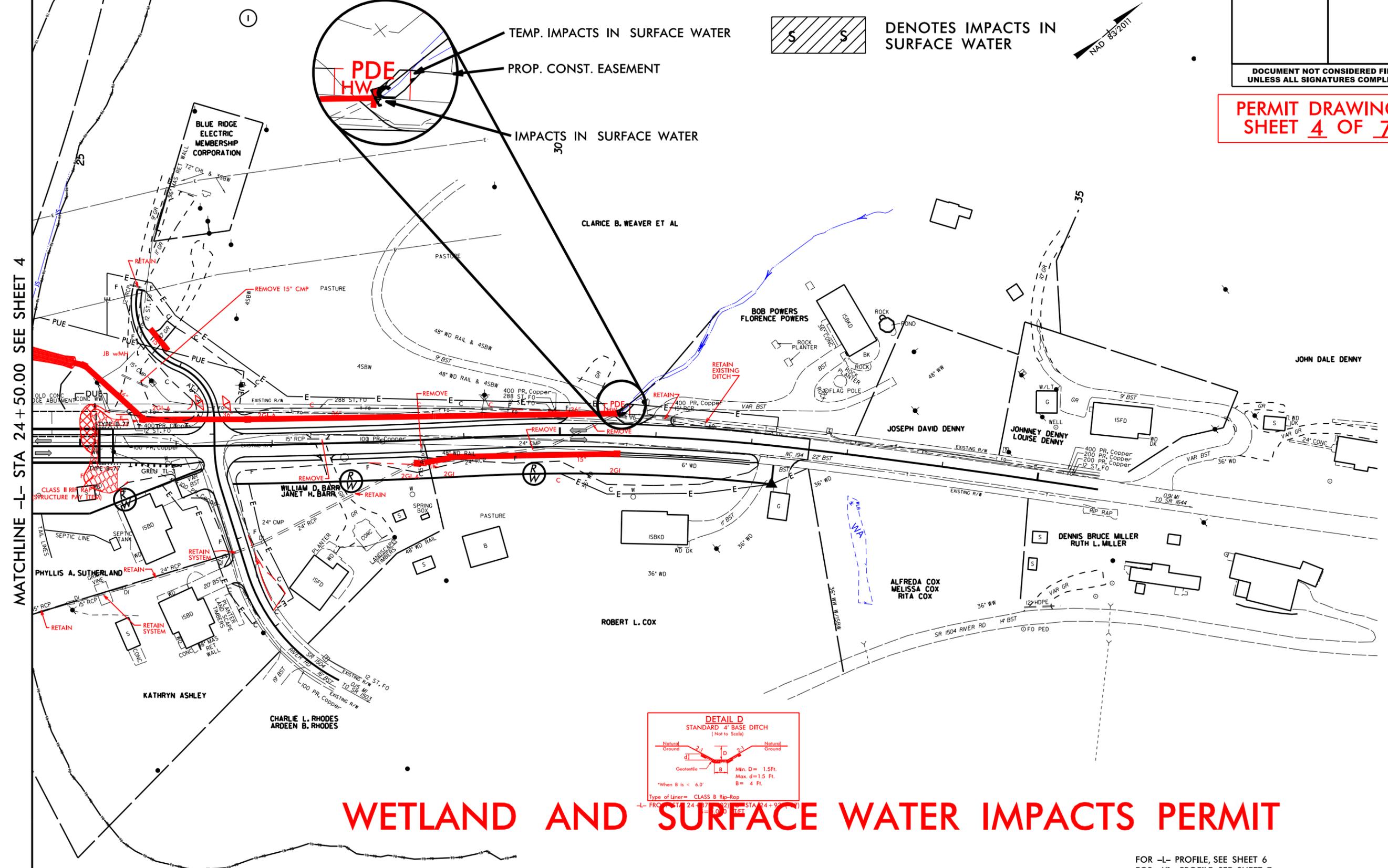
SITE 4 3X



DENOTES TEMPORARY
IMPACTS IN SURFACE WATER

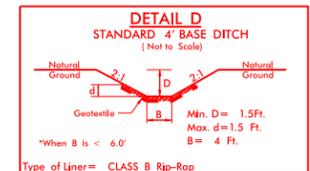


DENOTES IMPACTS IN
SURFACE WATER



MATCHLINE -L- STA 24+50.00 SEE SHEET 4

REVISIONS



WETLAND AND SURFACE WATER IMPACTS PERMIT

FOR -L- PROFILE, SEE SHEET 6
 FOR -Y1- PROFILE, SEE SHEET 7
 FOR -DR1- PROFILE, SEE SHEET 7
 DRIVE TURNOUT RADII ARE 10' UNLESS OTHERWISE NOTED
 FOR STRUCTURE PLANS, SEE SHEETS S-1 THROUGH S-40

PROJECT REFERENCE NO. BR-0002	SHEET NO. 5
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	

PERMIT DRAWING
SHEET 5 OF 7

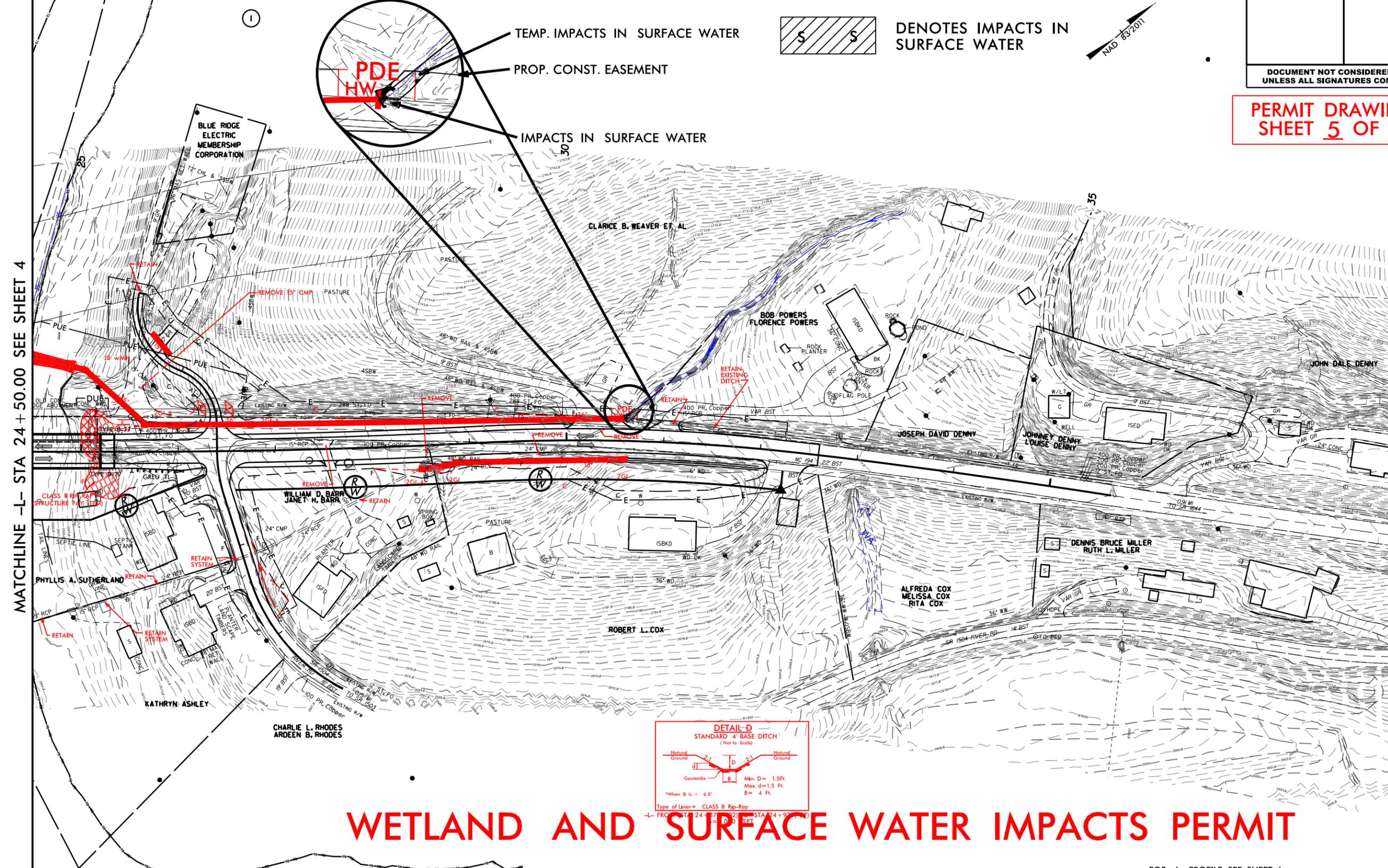
SITE 4 3X



DENOTES TEMPORARY
IMPACTS IN SURFACE WATER

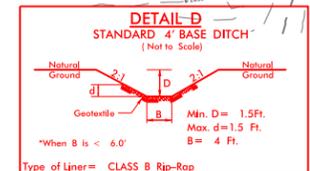


DENOTES IMPACTS IN
SURFACE WATER



MATCHLINE -L- STA 24+50.00 SEE SHEET 4

REVISIONS



WETLAND AND SURFACE WATER IMPACTS PERMIT

FOR -L- PROFILE, SEE SHEET 6
FOR -Y1- PROFILE, SEE SHEET 7
FOR -DR1- PROFILE, SEE SHEET 8
DRIVE TURNOUT RADII ARE 10' UNLESS OTHERWISE NOTED
FOR STRUCTURE PLANS, SEE SHEETS S-1 THROUGH S-40

2/23/2021 mgberry R:\Hydraulics PERMITS_Environmental Drawings\BR0002_hyd_pst_5.dgn

5/28/99

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

PERMIT DRAWING SHEET 6 OF 7

DESIGN EXCEPTION FOR BRIDGE PAVEMENT DATA

DESIGN DISCHARGE	= 14800	CFS
DESIGN FREQUENCY	= 50	YRS
DESIGN HW ELEVATION	= 2674.9	FT
BASE DISCHARGE	= 17400	CFS
BASE FREQUENCY	= 100	YRS
BASE HW ELEVATION	= 2676.2	FT
OVERTOPPING DISCHARGE	= 22900+	CFS
OVERTOPPING FREQUENCY	= +500	YRS
OVERTOPPING ELEVATION	= 2681.9	FT

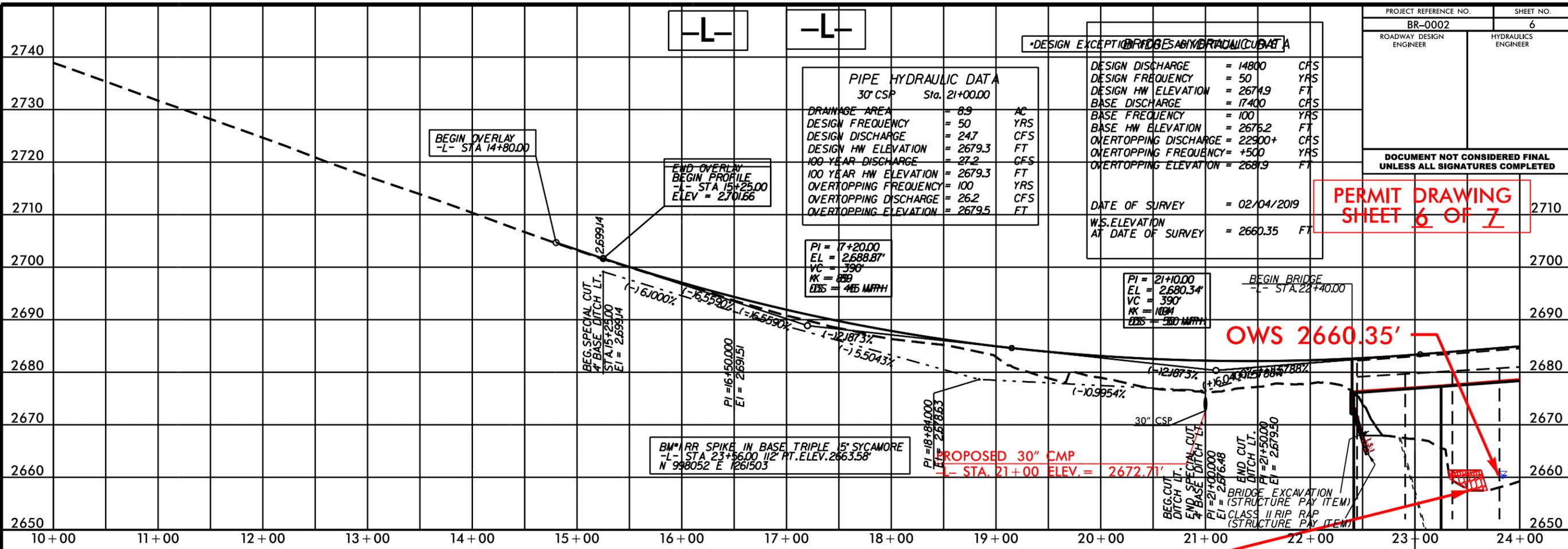
DATE OF SURVEY	= 02/04/2019	
W.S. ELEVATION AT DATE OF SURVEY	= 2660.35	FT

PIPE HYDRAULIC DATA
30" CSP Sta. 21+00.00

DRAINAGE AREA	= 8.9	AC
DESIGN FREQUENCY	= 50	YRS
DESIGN DISCHARGE	= 247	CFS
DESIGN HW ELEVATION	= 2679.3	FT
100 YEAR DISCHARGE	= 272	CFS
100 YEAR HW ELEVATION	= 2679.3	FT
OVERTOPPING FREQUENCY	= 100	YRS
OVERTOPPING DISCHARGE	= 262	CFS
OVERTOPPING ELEVATION	= 2679.5	FT

PI = 17+20.00
EL = 2688.87'
VC = 390'
KK = 893
DS = 485 MPH

PI = 21+10.00
EL = 2680.34'
VC = 390'
KK = 1094
DS = 580 MPH

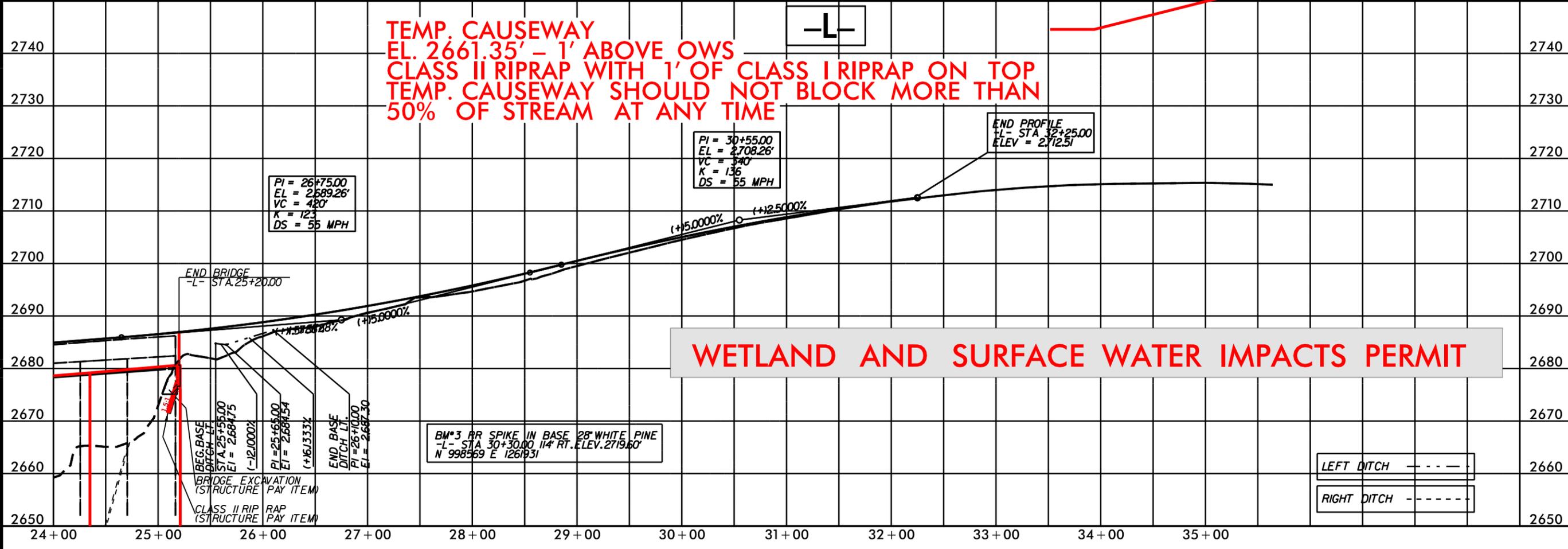


TEMP. CAUSEWAY
EL. 2661.35' - 1' ABOVE OWS
CLASS II RIPRAP WITH 1' OF CLASS I RIPRAP ON TOP
TEMP. CAUSEWAY SHOULD NOT BLOCK MORE THAN
50% OF STREAM AT ANY TIME

WETLAND AND SURFACE WATER IMPACTS PERMIT

PI = 30+55.00
EL = 2708.26'
VC = 340'
K = 136
DS = 55 MPH

PI = 26+75.00
EL = 2689.26'
VC = 420'
K = 123
DS = 55 MPH



LEFT DITCH - - - - -
RIGHT DITCH - - - - -

2/23/2021
R:\Hydraulics\PERMITS\Environmental Drawings\BR0002_Hyd_pdm_wet_inf.dgn

