



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

June 29, 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 22 over Bills Swamp on US 701 in Sampson County, Division 3, **TIP: BR-0046.**

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Regional General Permit 50	May 25, 2025
NC Division of Water Resources Section 401 Water Quality Certification	General Certification No. 4135 [RGP50]	May 25, 2025

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

S.T.I.P Project No. BR-0046
Bridge No. 22 on US 701 over Bills Swamp
Sampson County
WBS Element No. 67046.1.1

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

EAU-Environmental Coordination & Permitting

Updated surveys for pondberry, wood stork and bald eagle will be conducted in the spring of 2022.

Surveys for the wood stork and bald eagle were performed on June 7, 2022, due to habitat present in the study area. No evidence of wood storks or bald eagles, including nests, was observed. The project will have No Effect of the bald eagle. The Programmatic Biological Evaluation (PBE) will be used for the wood stork due to lack of nests and evidence of wood stork and the project being in Divisions 1-8. The biological conclusion given to the wood stork is May Affect, Not Likely to Adversely Affect. A survey was last done for pondberry on October 12, 2022, due to habitat present in the study area. No pondberry was observed within the study area. The biological conclusion is No Effect for pondberry.

Hydraulics Unit – FEMA Coordination

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT's Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

This commitment is still valid.

NCDOT Division Construction – FEMA Coordination

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

This commitment is still valid.

NCDOT Division 3 – Schools and Emergency Services

NCDOT will coordinate construction activities with Sampson County Schools (Vicki Westbrook, Transportation Director, (910) 592-3191) and Sampson County Emergency Services (Rick Sauer, Emergency Services Director, (910) 592-8996) at least one month prior to construction.

Added due to information from DIST form.

COMMITMENTS FROM PERMITTING

There are no additional commitments from permitting.

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

Action Id. **SAW-2018-01609** County: **Sampson County** U.S.G.S. Quad: **Ingold**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: **Jason Dilday**
NCDOT
Address: **1598 Mail Service Center**
Raleigh NC, 27699-1598
Telephone Number: *********

Size (acres) **5 ac** Nearest Town **Garland**
Nearest Waterway **Great Coharie Creek** River Basin **Cape Fear**
USGS HUC **03030006** Coordinates Latitude: **34.8177142398755**; Longitude: **-78.3621222639231**

Location description: **Bridge 22 on US 701 over Bill's Swamp**

Description of projects area and activity: **Applicant proposes replace structurally deficient and functionally obsolete bridge on existing location utilizing an on-site detour. This verification authorizes 0.20 acres of permanent riparian wetland impacts, 0.53 acres of hand clearing for temporary detour bridge.**

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

Authorization: Regional General Permit Number and/or Nationwide Permit Number: **GP 50 - NCDOT - Bridge, Road Widening and Interchanges**

SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated April 25, 2023. 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 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 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 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Morehead City, NC, at (252) 808-2808.

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 Corps of Engineers regulatory program, please contact **Thomas Steffens at (910) 251-4615 or Thomas.A.Steffens@usace.army.mil.**

Corps Regulatory Official: _____ Date: **June 2, 2023**
Expiration Date of Verification: **May 25, 2025**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Copy furnished:

Deanna Riffey
North Carolina Department of Transportation
ECAP, Environmental Coordination and Permitting
Raleigh NC, 27699-1598

SPECIAL CONDITIONS

1. CONSTRUCTION PLANS: All work authorized by this permit must be performed in strict compliance with the attached plans dated originally 04-25-2023, which are a part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.

2. UNAUTHORIZED DREDGE OR FILL: Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

3. MAINTAIN CIRCULATION AND FLOW OF WATERS: Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.

4. DEVIATION FROM PERMITTED PLANS: The permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Mr. Tom Steffens Regulatory Field Office prior to any active construction in waters or wetlands.

5. WATER CONTAMINATION: All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-3300 or (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

6. SILT-FENCING: The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

7. The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (PBO) titled, "NCDOT Program Effects on the Northern Long-eared Bat in Divisions 1-8", dated November 6, 2020, contains agreed upon conservation measures for the NLEB. As noted in the PBO, applicability of these conservation measures varies depending on the location of the project. Your authorization under this Department of the Army permit is conditional upon your compliance with all applicable conservation measures in the PBO, which are incorporated by reference in this permit. Failure to comply with the applicable conservation measures would constitute non-compliance with your Department of the Army permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO, and with the ESA.

8. The U.S. Fish and Wildlife Service issued a programmatic biological evaluation (PBE) for the wood stork (*Mycteria americana*) for certain transportation projects in Divisions 1-8 with a federal nexus which fall under one of the included categories. Additionally, in Bladen, Brunswick, Columbus, Duplin, Robeson, and Sampson Counties, NCDOT has committed to surveying each individual project site for the presence of wood storks and their foraging and nesting habitat during the reproductive season of April 15-July 15. The PBE will ensure compliance with Section 7 of the Endangered Species Act for nine years (effective through April 30, 2030) for NCDOT projects that fall within the counties and the categories included in the PBE, which includes Sampson County, where STIP BR-0046 is located.

A survey for wood stork was conducted on June 7, 2022, and no wood storks, nests, or roosts were observed. This project falls within the PBE parameters for the wood stork with a biological conclusion of **May Affect, Not Likely to Adversely Affect**. However, the NCDOT Division Environmental Unit will resurvey for the wood stork two years prior to construction.

Additional correspondence follows this page.

A survey was last done for pondberry on October 12, 2022, due to habitat present. No pondberry was observed within the study area. The biological conclusion is **No Effect** for pondberry

9. 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.

To: Riffey, Deanna <driffey@ncdot.gov>

Subject: RE: [External] Br-0046 Bridge 22 US-701

From: Steffens, Thomas A CIV USARMY CESAW (USA) <Thomas.A.Steffens@usace.army.mil>

Sent: Wednesday, June 28, 2023 4:07 PM

Deanna,

I spoke to Monte about this and left you a message earlier today. While the language appears to specify who's to do the surveying, the Corps intent is for it to occur and we don't really care who does it. We'd have to be very bored to run compliance on a detail like that.

As such, this is an offer to settle the matter by a gentleman's agreement that the Corps and DOT understand somebody will do the wood stork survey prior to construction.

But, if you need something more concrete, we can revise the permit and conditions and get it back to you. Let me know and thanks for the consideration.

Thomas A Steffens
Regulatory Project Manager
US Army Corps of Engineers
2407 West 5th Street
Washington, NC 27889
(910)-251-4615

Action ID Number: SAW-2018-01609

County: Sampson County

Permittee: Jason Dilday
NCDOT

Project Name: NCDOT BR 0046 Bridge 22 Bills Creek US 701 Division 3

Date Verification Issued: June 2, 2023

Project Manager: Thomas Steffens

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: Thomas Steffens

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 Corps 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: NCDOT
Project Name: BR-0046 Bridge 22 US-701

Action ID: SAW-2018-01609
County: Sampson

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 Wilmington District 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 verifies that the mitigation requirements (credits) shown below have been released and are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether 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 ledger to the Permittee, the Project Manager who issued the permit, the Bank Project Manager, and the 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: 03030006, Cape Fear River Basin**

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
			0.20			

*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: 03030006, Cape Fear River Basin**

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
			0.40			

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 Wilmington District, 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: _____

Name of Sponsor's Authorized Representative: _____

Signature of Sponsor's Authorized Representative

Date of Signature

**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 District 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 District 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. When NCDMS provides mitigation 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 NCDMS must be provided to the District within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the District 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 District 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 District, the Sponsor must obtain case-by-case approval from the District 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 District administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

This form is not valid unless signed below by the District 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 District Project Manager at the address below, 3) the Bank Manager listed in RIBITS, and 4) the Wilmington District Mitigation Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (or by email to SAWMIT@usace.army.mil).***

Questions regarding this form or any of the permit conditions may be directed to the District Mitigation Office.

USACE Project Manager: Thomas Steffens
USACE Field Office: Washington Regulatory Field Office
US Army Corps of Engineers
2407 West Fifth Street
Washington, NC 27889
Email: thomas.a.steffens@usace.army.mil



Wilmington District Project Manager Signature

June 2, 2023

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>.

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

RICHARD E. ROGERS, JR.

Director



NORTH CAROLINA
Environmental Quality

May 16, 2023

DWR # 20230613

TIP BR-0046

Sampson County

Mr. Jamie Lancaster
Environmental Analysis Unit Head
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina, 27699-1598

Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS

NCDOT BR-0046, Replace Bridge No. 22 over Bill's Swamp on US 701 in Sampson County.

**Bills Swamp [Cape Fear River Basin, 18-68-1-18, C;Sw]
Great Coharie Creek [Cape Fear River Basin, 18-68-1, C;Sw]**

Dear Mr. Lancaster:

You have our approval for the impacts listed below for the purpose of replacing Bridge No. 22 over Bill's Swamp on US 701 as described in your application dated received by the Division of Water Resources on April 25, 2023. These impacts are covered by the attached Water Quality General Certification Number 4135 and the conditions listed below. This certification is associated with the use of the Regional General Permit 201902350 once it is issued to you by the U.S. Army Corps of Engineers. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

The Division has determined that the proposed project will comply with water quality requirements provided that you adhere to the conditions listed in the enclosed certification and to the additional conditions itemized below.

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



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

Wetland Impacts in the Cape Fear River Basin

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Impacts (ac)
Site 1	0.040	---	0.100	0.050	0.510	0.700
Site 2	0.010	0.030	---	---	0.010	0.050
Totals	0.050	0.030	0.100	0.050	0.520	0.750

Total Wetland Impact for Project: 0.750 acres

(permanent impacts: 0.200 ac)

This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this 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)]. If total wetland fills for this project (now or in the future) exceed 1/10 acre, or 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).

If you are unable to comply with any of the conditions of the attached Water Quality General Certification or with the additional conditions itemized below, you must notify the DWR Transportation Permitting Branch within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

Additional Conditions:

1. 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.
2. 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)]
3. Compensatory mitigation for impacts to 0.200 acres of wetlands is required. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Division of Mitigation Services (DMS) (formerly NCEP), and that the DMS has agreed to implement the mitigation for the project. DMS has indicated in a letter dated April 18, 2023 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with DMS's Mitigation Banking Instrument signed July 28, 2010.



4. 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]
5. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
6. 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]
7. 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)]
8. 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)]
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. 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)]
11. 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]
 - a. 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*.
 - b. 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.
 - c. 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.
- d. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-1, WS-11, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watershed*. [15A NCAC 02H.0506(b)(3) and (c)(3); GC 4135]
12. Sediment and erosion control measures shall not be placed in wetlands or surface waters or within 5 feet of the top of bank without prior approval from DWR. [15A NCAC 02H.0506(b)(3) and (c)(3)]
 13. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]
 14. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands, stream beds, or banks, adjacent to or upstream and downstream of the above structures. All sediment and erosion control devices shall be removed from wetlands and waters and the natural grade restored within two (2) months of the date that the Division of Energy, Mining and Land Resources (DEMLR) or locally delegated program has released the specific area within the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]
 15. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
 16. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) where possible before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS0000250, please refer to the most recent version of the North Carolina Department of Transportation Stormwater Best Management Practices Toolbox manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
 17. All bridge construction shall be performed from the existing bridge, temporary work bridges, temporary causeways, or floating or sunken barges. If work conditions require barges, they shall be floated into position and then sunk. The barges shall not be sunk and then dragged into position. Under no circumstances should barges be dragged along the bottom of the surface water. [15A NCAC 02H .0506(b)(3)]
 18. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from the NCDWR first. [15A NCAC 02H.0506(b)(2)]
 19. A turbidity curtain will be installed in the stream if driving or drilling activities occur within the stream channel, on the stream bank, or within 5 feet of the top of bank, or during the removal of



bents from an old bridge. This condition can be waived with prior approval from the NCDWR. [15A NCAC 02H .0506(b)(3)]

20. 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)]
21. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original streambed elevation and streambank contours are restored and maintained and shall consist of clean rock or masonry material free of debris or toxic pollutants. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or be installed in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)]
22. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows, and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0201]
23. 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)]
24. 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)(2)]
25. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
26. NCDOT shall be in compliance with the NCS00250 issued to the NCDOT, including the applicable requirements of the NCG01000.
27. 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]
28. 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)]
29. The NCDOT will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the permit conditions and any potential issues at the



permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]

30. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete the "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
31. 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)] .

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 letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Hannah Sprinkle at hannah.sprinkle@ncdenr.gov if you have any questions or concerns.



Sincerely,

DocuSigned by:

Amy Chapman

9C9886312DCD474...

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

CC:

Thomas A. Steffens, USACE Washington Regulatory Field Office (via email)
Michael Turchy, NC Department of Transportation
Deann Riffey, NC Department of Transportation
Gary Jordan, US Fish and Wildlife Service
Travis Wilson, NC Wildlife Resources Commission
Beth Harmon, Division of Mitigation Services
Hannah Sprinkle, NC Division of Water Resources Wilmington Regional Office
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

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 3.00; Released August 2021)

WBS Element: 67046.1.1 **TIP/Proj No:** BR-0046 **County(ies):** Sampson **Page** 1 **of** 2

General Project Information

WBS Element:	67046.1.1	TIP Number:	BR-0046	Project Type:	Bridge Replacement	Date:	7/21/2022
NCDOT Contact:	Galen Cail, PE		Contractor / Designer:		David Holmes		
Address:	1000 Birch Ridge Dr. Raleigh, NC 27610		Address:	1000 Birch Ridge Dr. Raleigh, NC 27610			
Phone:	919-707-6710		Phone:	919-707-6715			
Email:	gcail@ncdot.gov		Email:	dkholmes@ncdot.gov			
City/Town:	Ingold		County(ies):	Sampson			
River Basin(s):	Cape Fear		CAMA County?	No			
Wetlands within Project Limits?	Yes						

Project Description



Project Length (lin. miles or feet):	0.133 mi	Surrounding Land Use:	Woods/Swamp
Proposed Project		Existing Site	
Project Built-Upon Area (ac.)	0.6 ac.	Project Built-Upon Area (ac.)	0.4 ac.
Typical Cross Section Description:	12' Travel Lanes, 2' Paved Shoulder, 8' Grass Shoulders. 3:1 Side Slopes		
Annual Avg Daily Traffic (veh/hr/day):	Design/Future: 6165	Year: 2043	Existing: 5535
		Year: 2023	

General Project Narrative:
(Description of Minimization of Water Quality Impacts)

The project consists of replacing Bridge# 22 on US 701 over Great Coharie Creek Overflow. The approach work will consist of providing paved/grass shoulders and guardrail. Bridge #22 serves as an overflow structure to the main crossing inder bridge #31 while. The existing overflow structure is a 6 span (1@20'3", 4@20'0", 1@20'3" - total length 121') reinforced concrete deck on I beams, with reinforced concrete caps on timber piles, and sits at a 90-degree skew. The proposed structure is a 3 span, 36" prestressed concrete girder bridge on reinforced concrete caps (1@50', 1@60", 1@50'), with a total length of 160'. This new bridge will sit at 90-degree skew with 4.0' high end bent caps, 3' wide drilled shaft piles, and 3.5' high concrete bridge barrier rail.

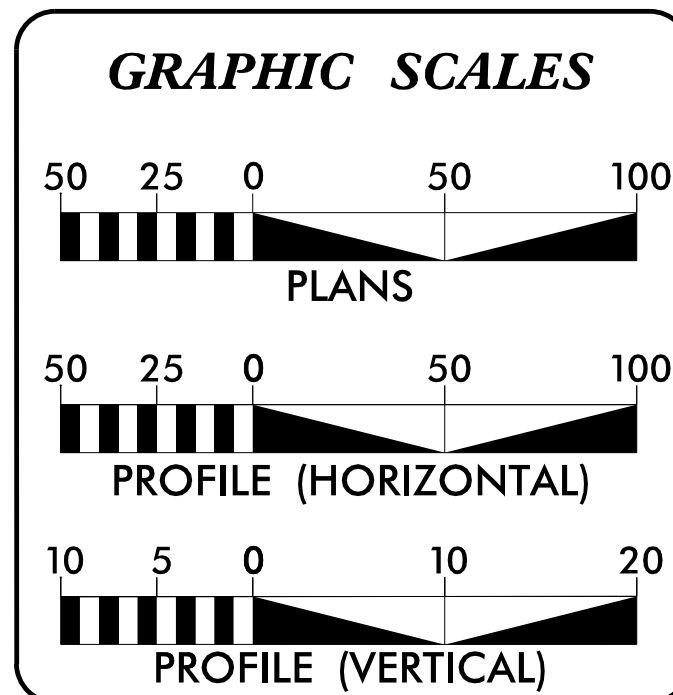
Best Mgmt. Practices:

- Promotion of sheet flow and infiltration with grassed shoulders.
- Storm Drain outlets to a rip rap pad.
- Ditch in N quad is lined with rip rap to prevent erosion.
- Elimination of three interior bents
- No Deck Drains required

		North Carolina Department of Transportation Highway Stormwater Program STORMWATER MANAGEMENT PLAN FOR NCDOT PROJECTS				
(Version 3.00; Released August 2021)						
WBS Element: 67046.1.1		TIP/Proj No.: BR-0046		County(ies): Sampson		Page 2 of 2
General Project Information						
Waterbody Information						
Surface Water Body (1):		Great Coharie Creek		NCDWR Stream Index No.: 18-68-1-18		
NCDWR Surface Water Classification for Water Body		Primary Classification: Class C				
		Supplemental Classification: Swamp Waters (Sw)				
Other Stream Classification:						
Impairments:		None				
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? No		
Deck Drains Discharge Over Water Body?		No		Dissipator Pads Provided in Buffer? 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)		
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?		Yes		Deck Drains Discharge Over Buffer?		
Deck Drains Discharge Over Water Body?		Yes		Dissipator Pads Provided in Buffer?		
		(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)		
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?		Yes		Deck Drains Discharge Over Buffer?		
Deck Drains Discharge Over Water Body?		Yes		Dissipator Pads Provided in Buffer?		
		(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)		

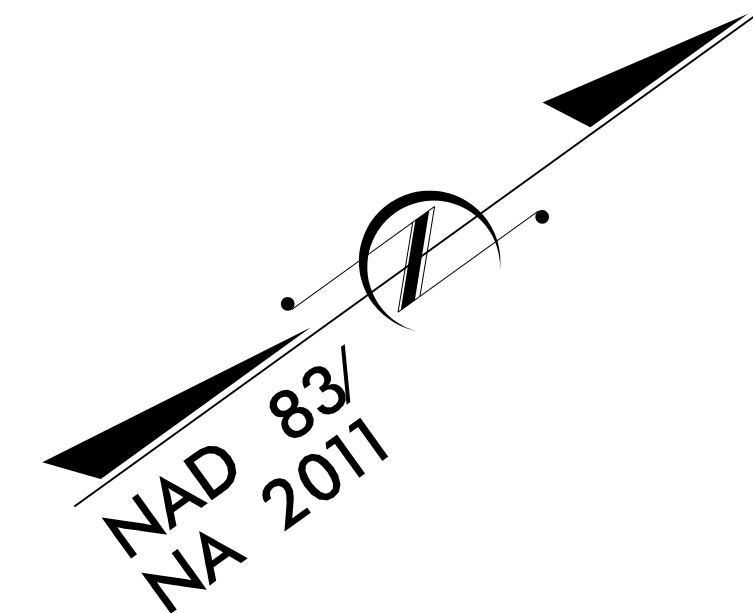
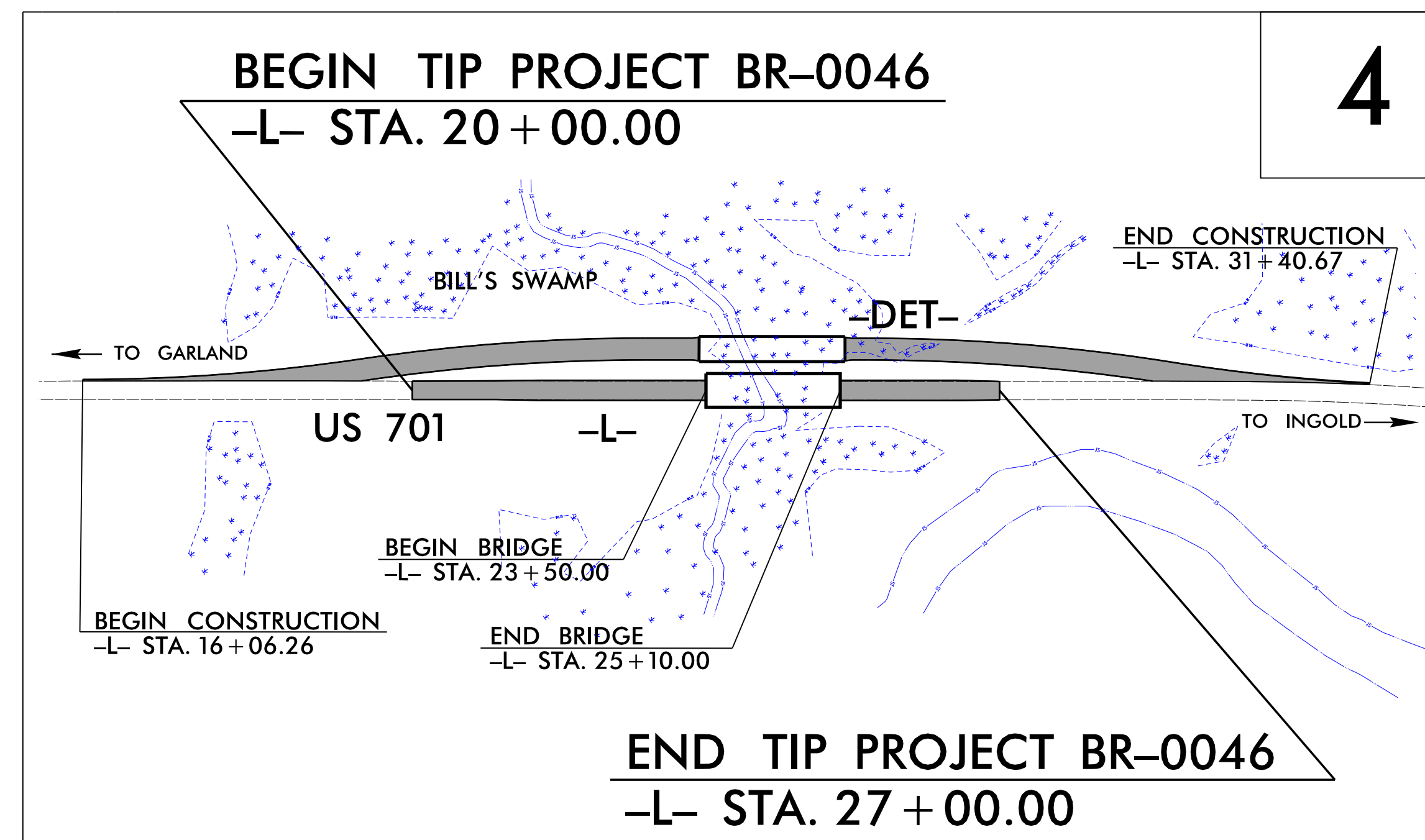
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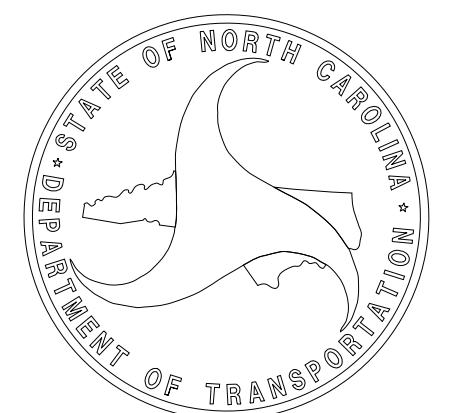
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LENGTH STRUCTURE TIP PROJECT BR-0046	=	0.030	MI
TOTAL LENGTH OF TIP PROJECT BR-0046	=	0.133	MI

WETLAND AND SURFACE WATER IMPACTS PERMIT



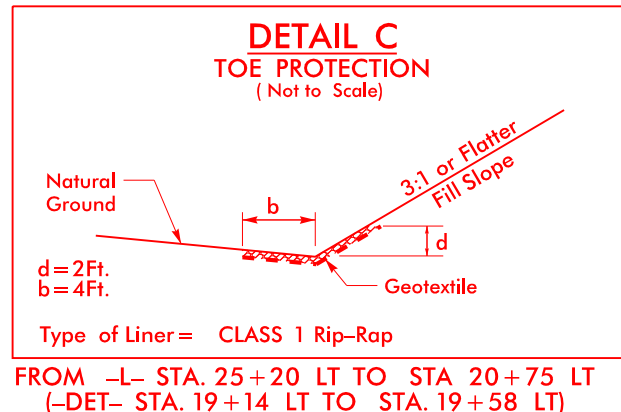
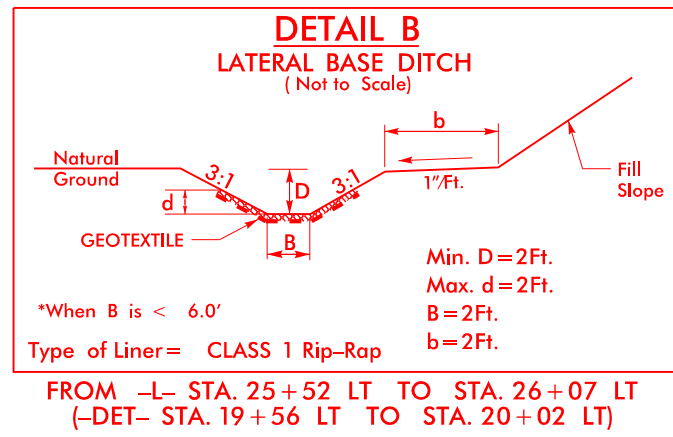
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STATE PROJ.NO.	F. A. PROJ.NO.	DESCRIPTION	
67046.1.1		PE	
67046.2.1		ROW	
67046.3.1		CONS.	

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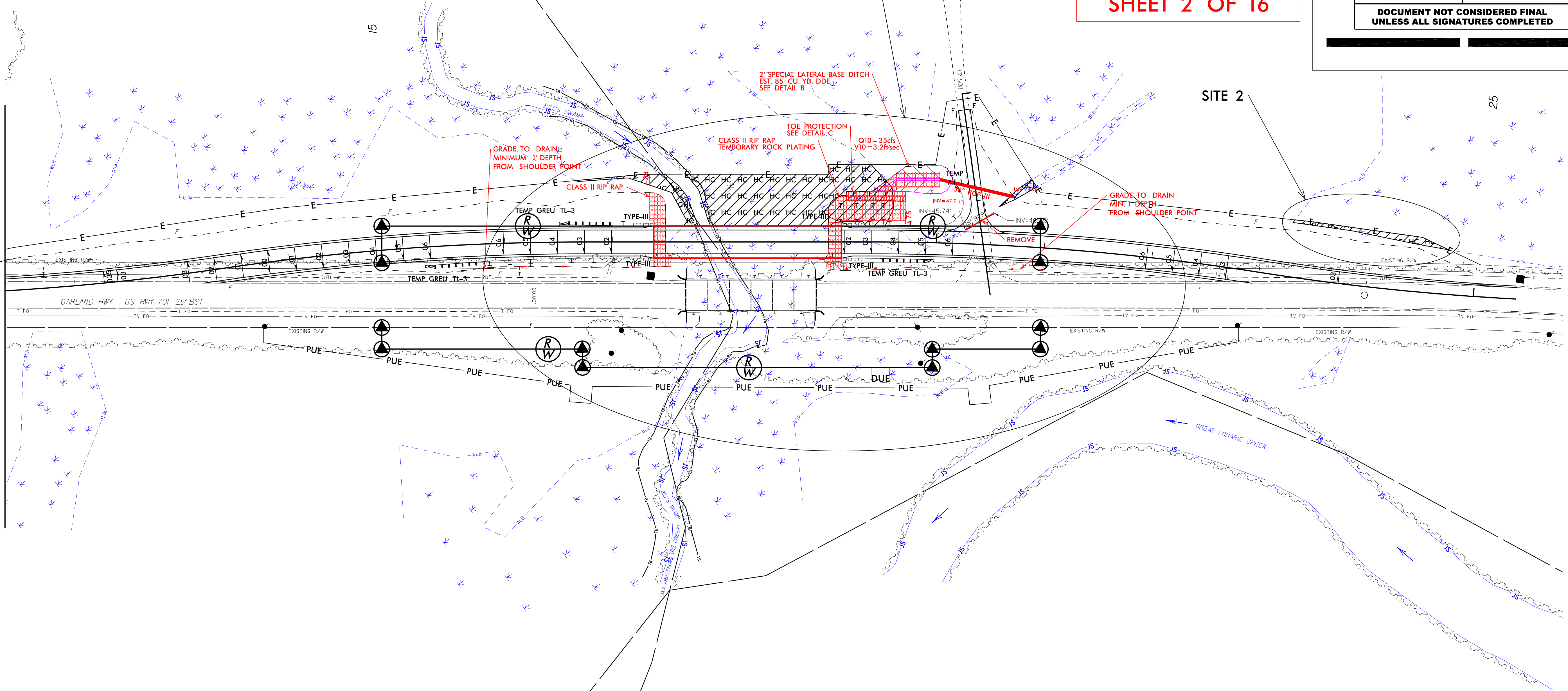
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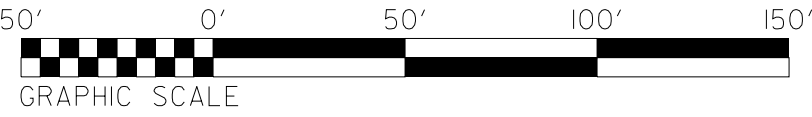
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SHEET 2 OF 16

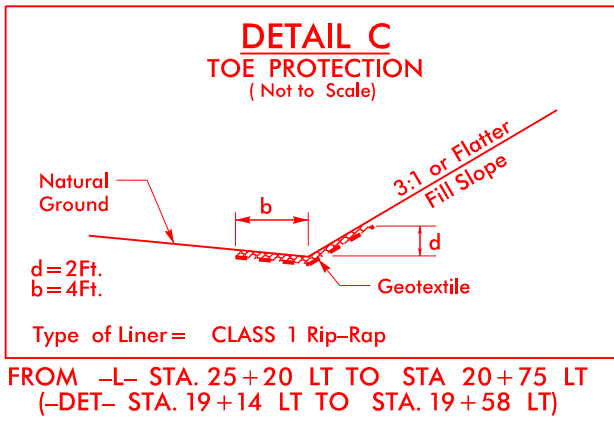
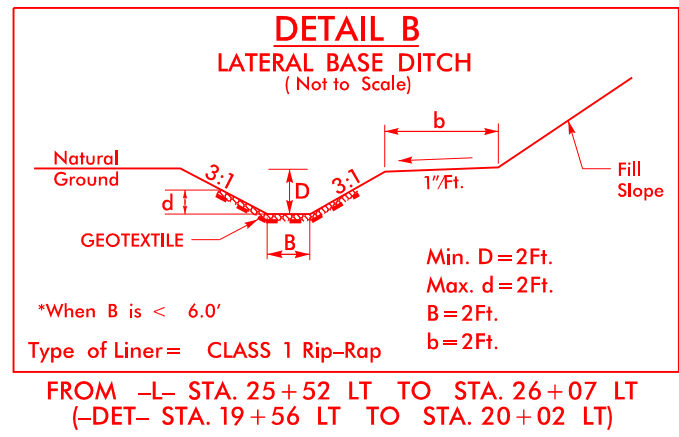
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- T T TEMPORARY FILL IN WETLAND
- HC HC HAND CLEARING (NON-GRUBBING)



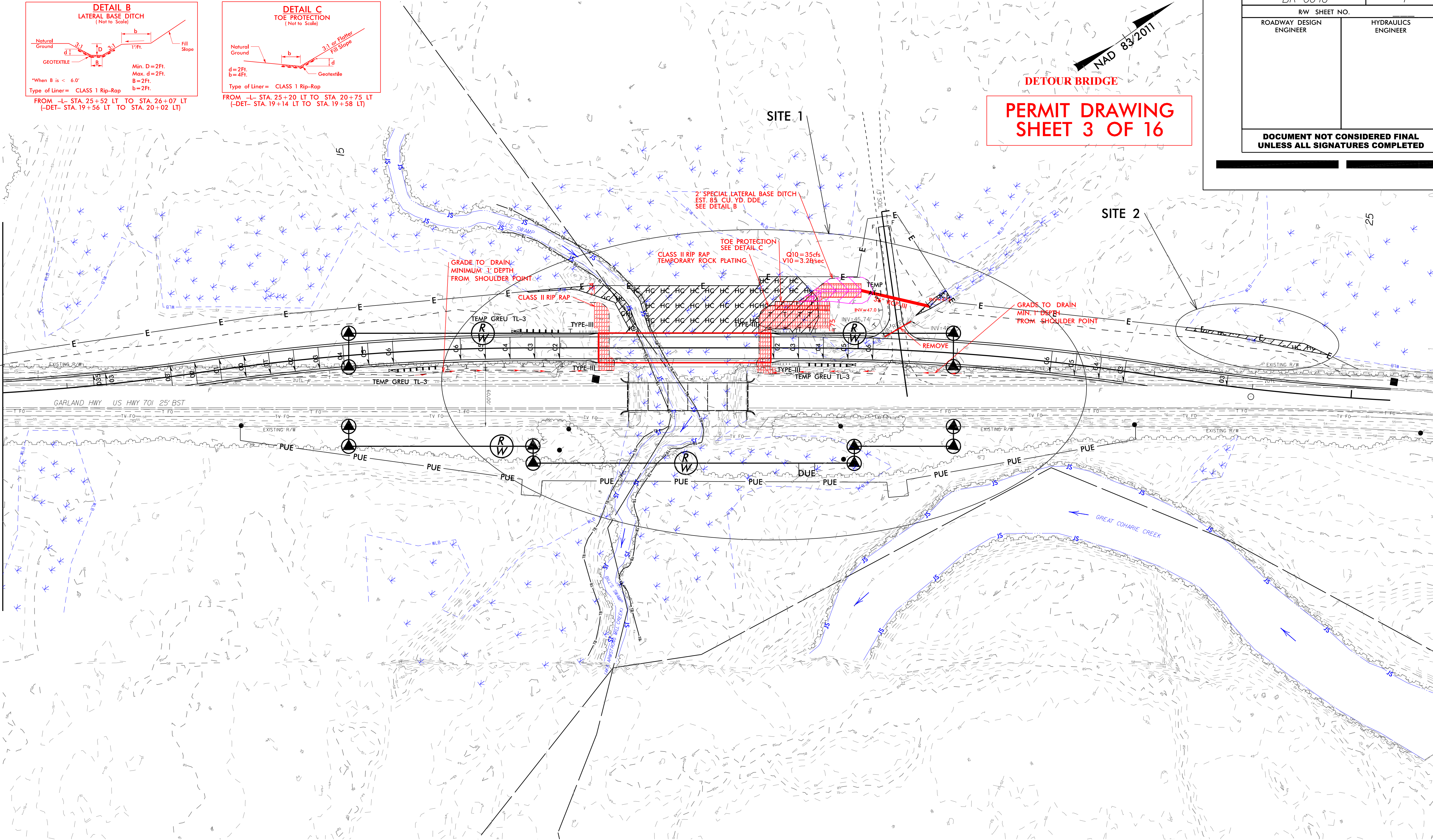
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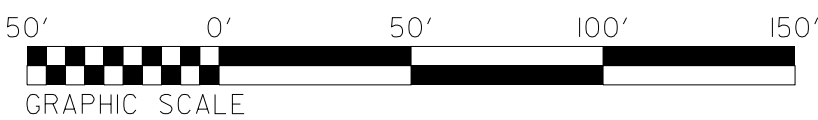
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SHEET 3 OF 16**

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- HC HC HAND CLEARING (NON-GRUBBING)



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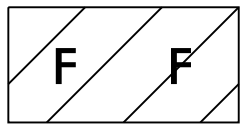
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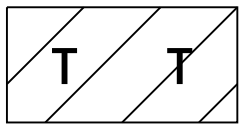
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SHEET 4 OF 16



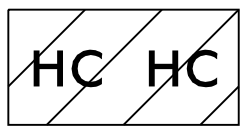
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FILL IN WETLAND

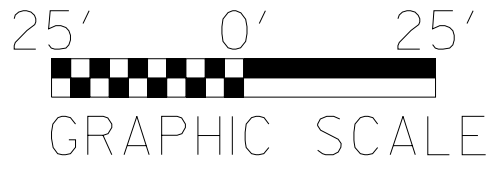
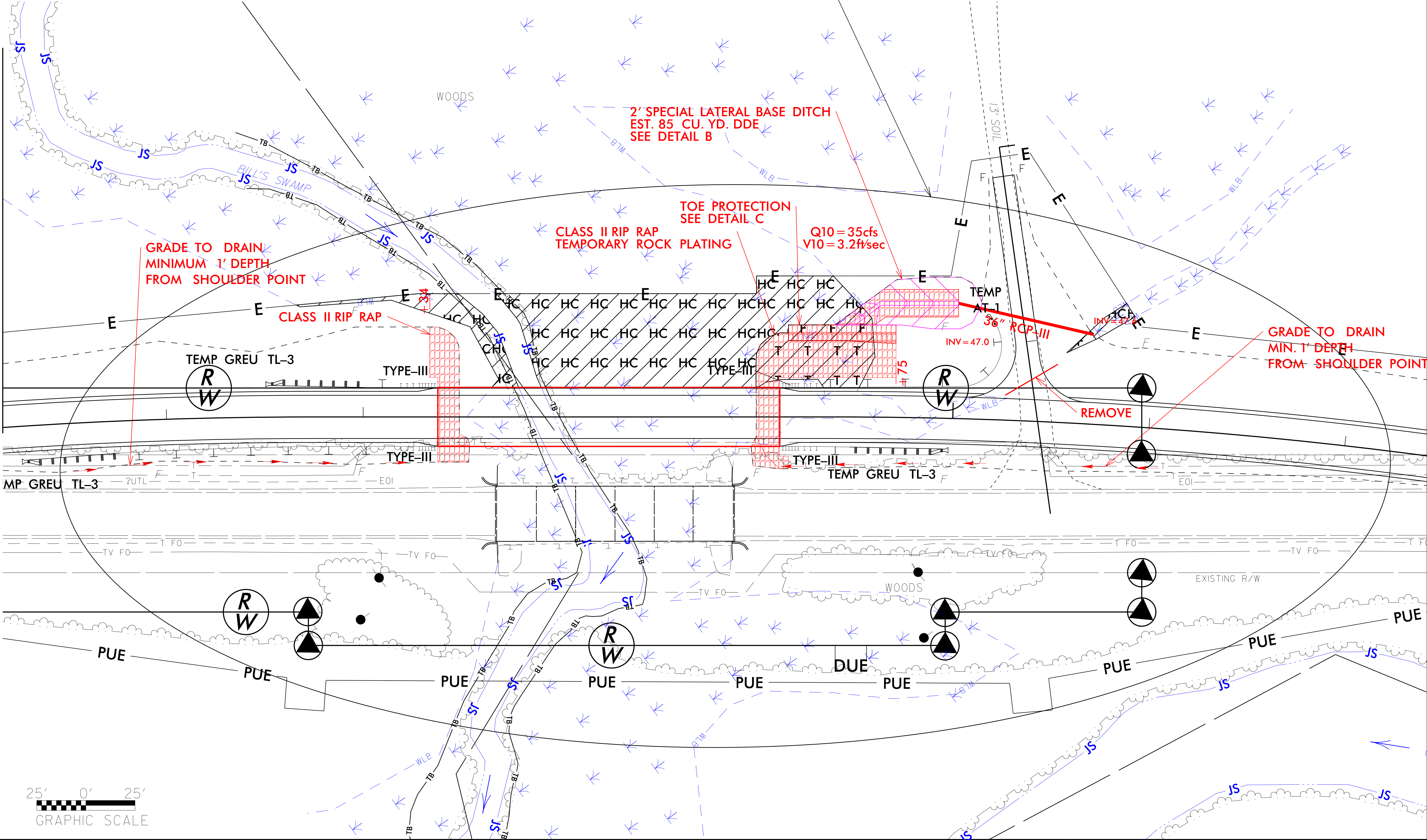


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GRAPHIC SCALE

DETOUR BRIDGE

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SHEET 6 OF 12



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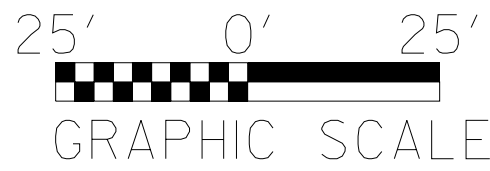
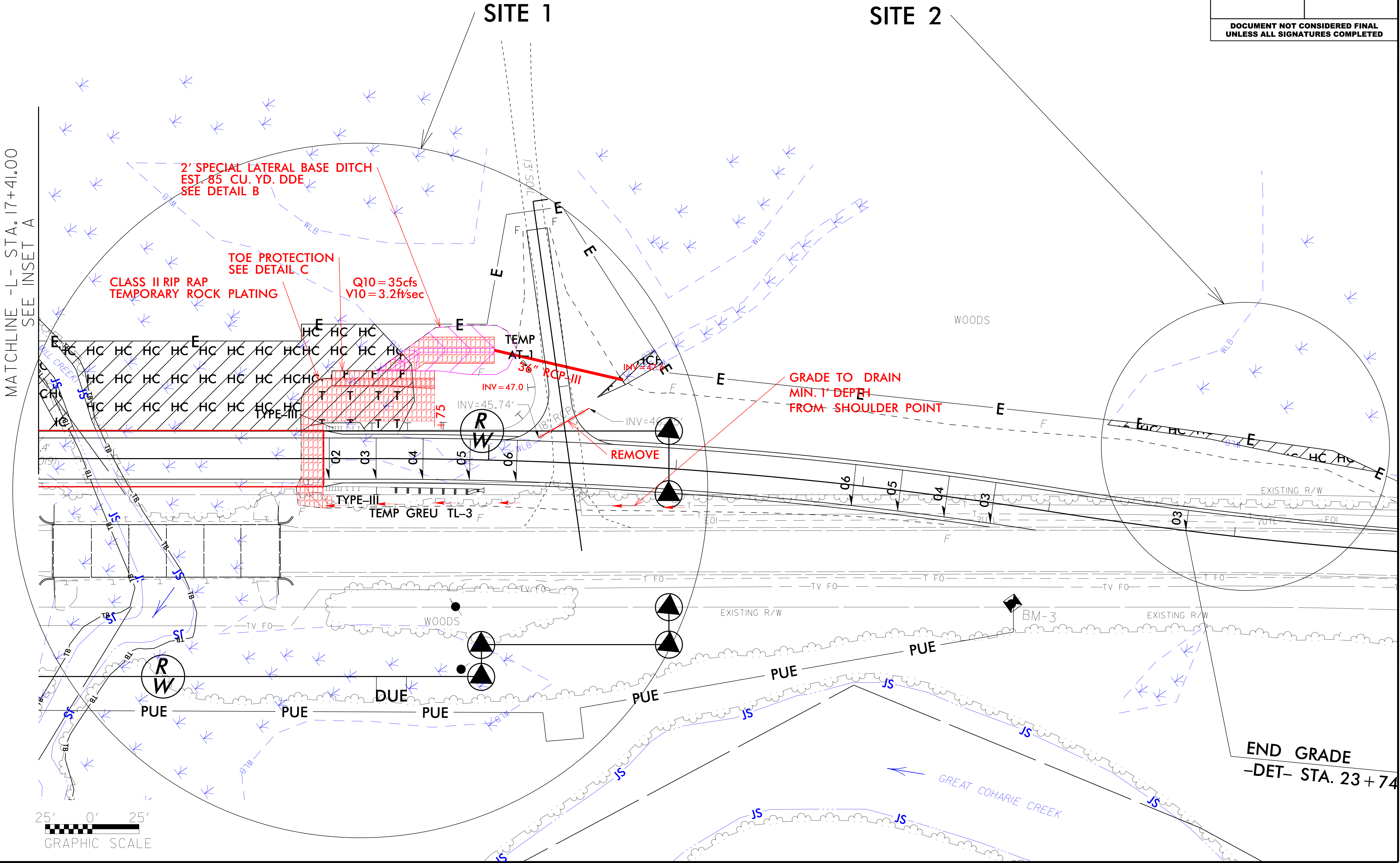


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GRAPHIC SCALE

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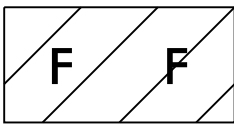
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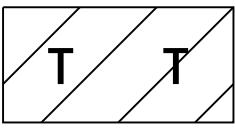
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SHEET 7 OF 12



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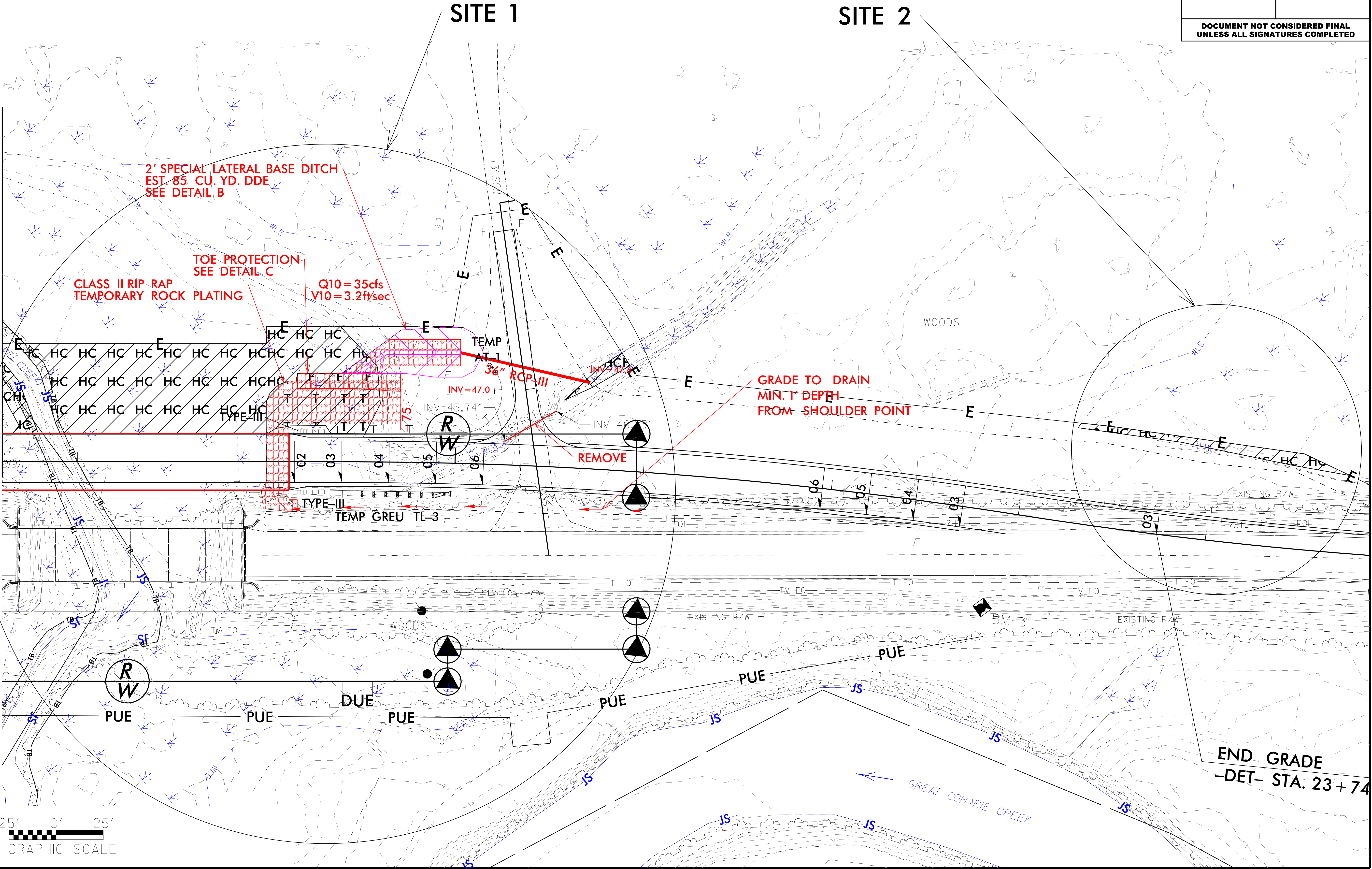


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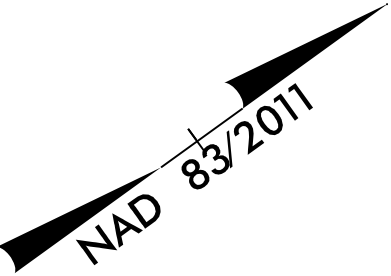


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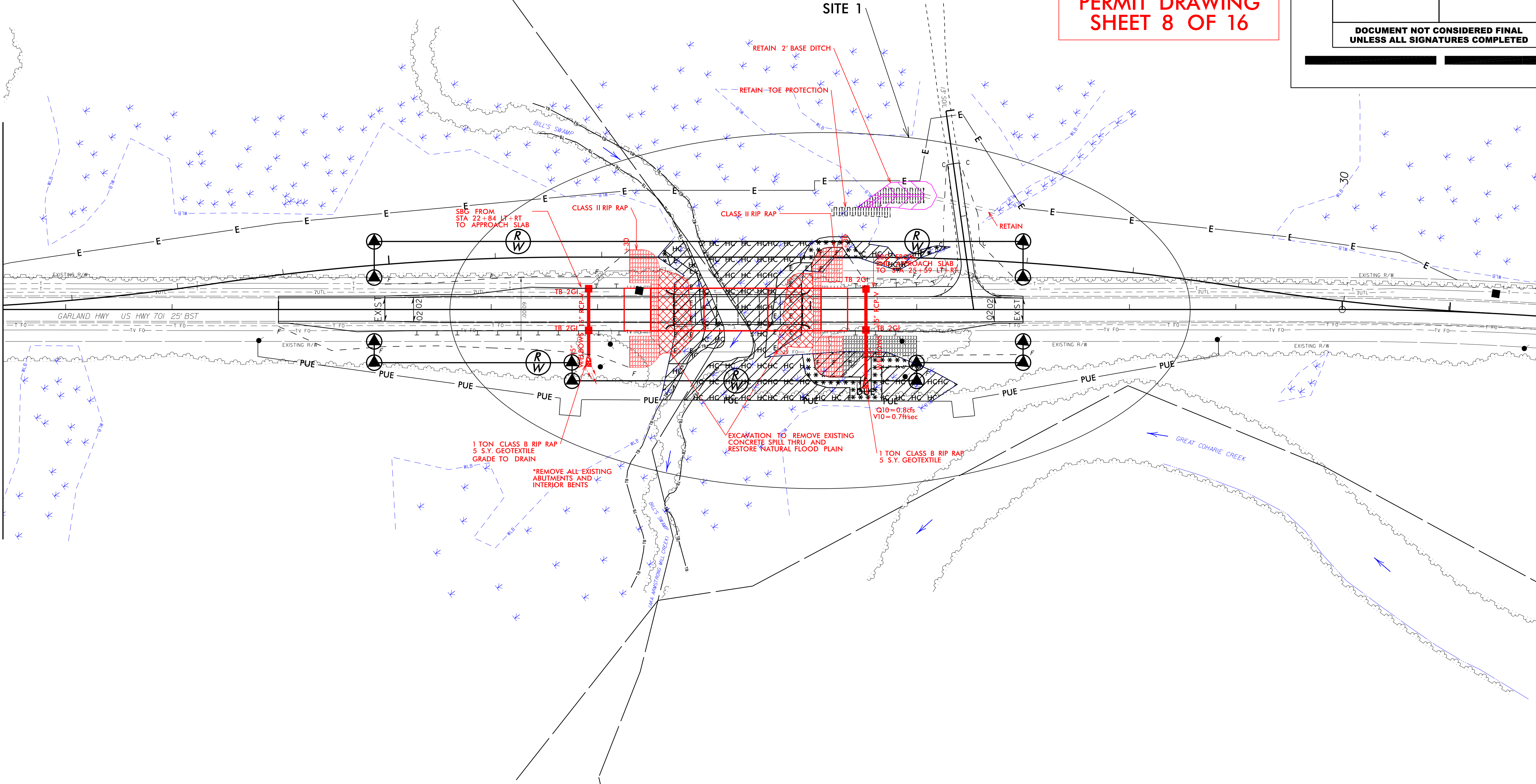
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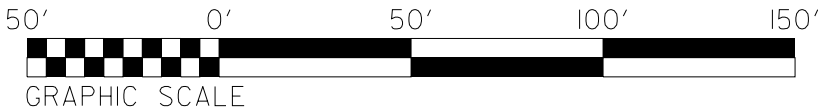


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SHEET 8 OF 16

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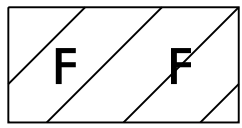
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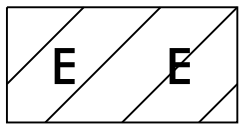
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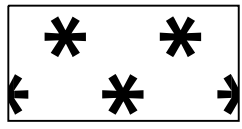
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FILL IN WETLAND



WETLAND EXCAVATION

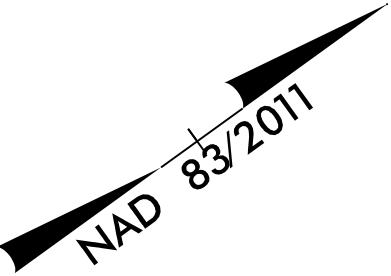


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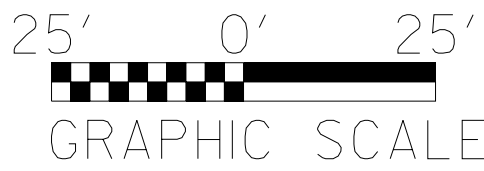
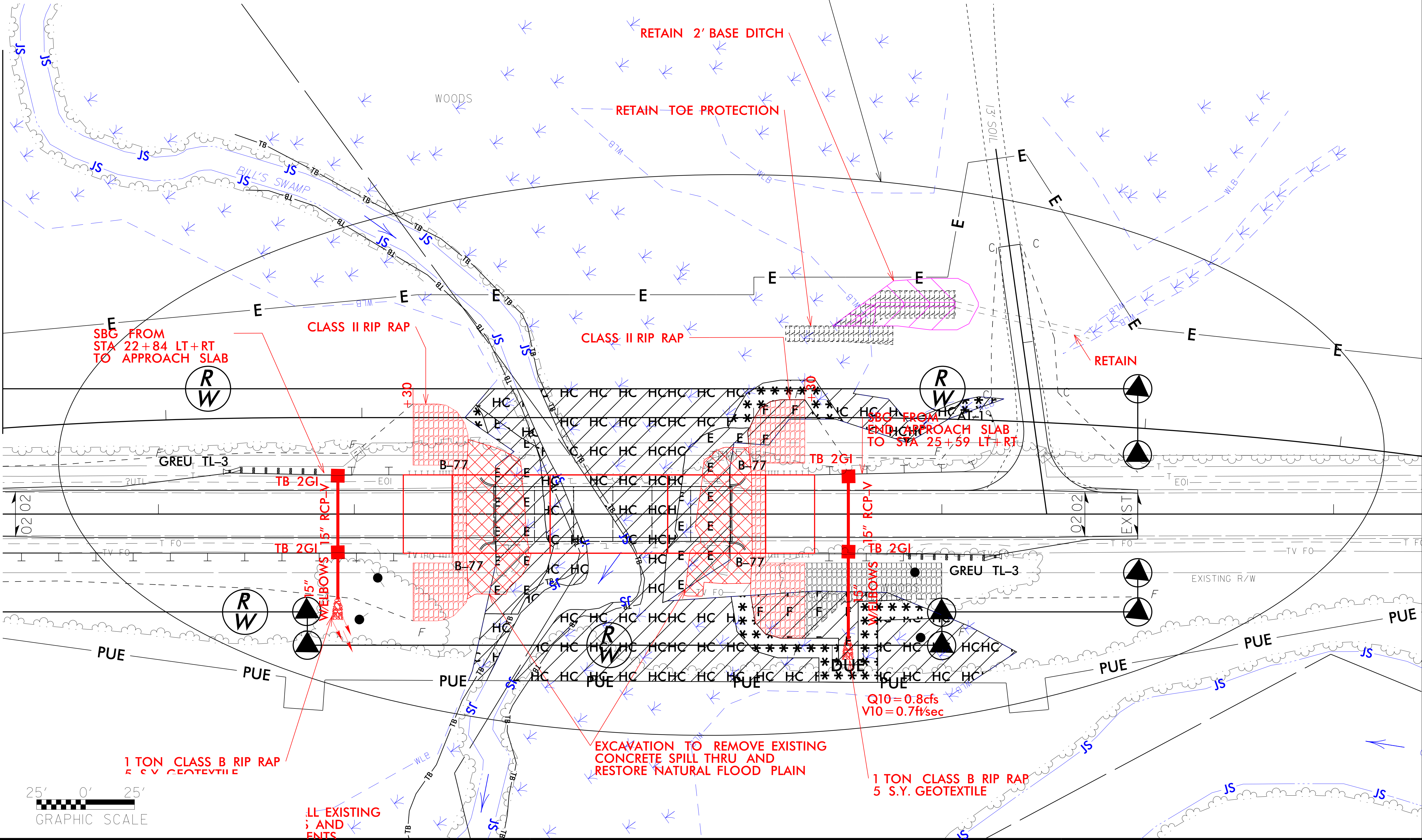
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SHEET 10 OF 16



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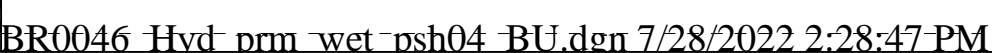
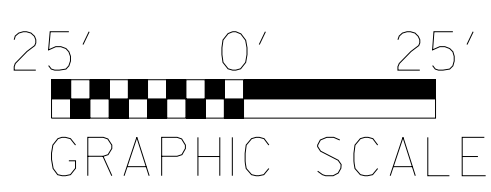
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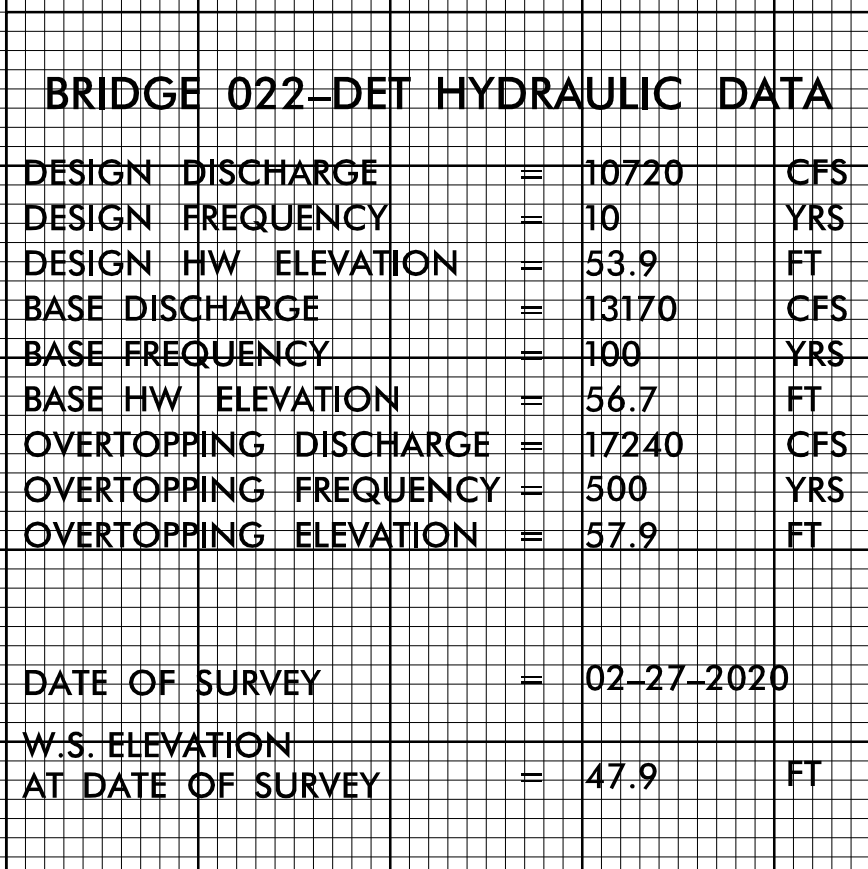
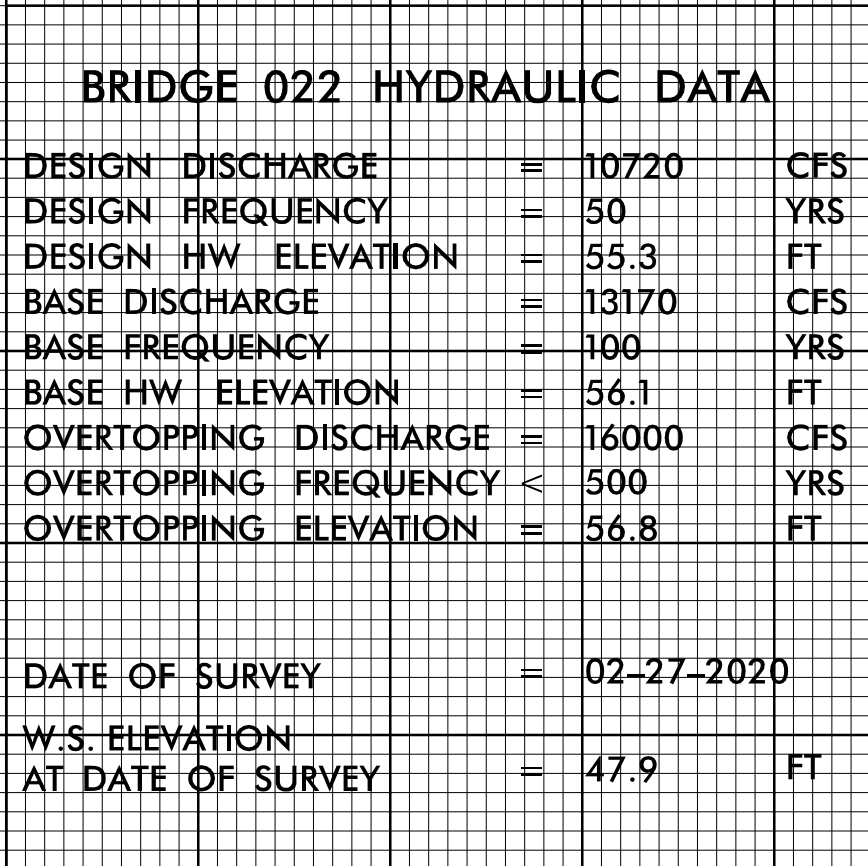


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8/17/2022

NAD 83/2011





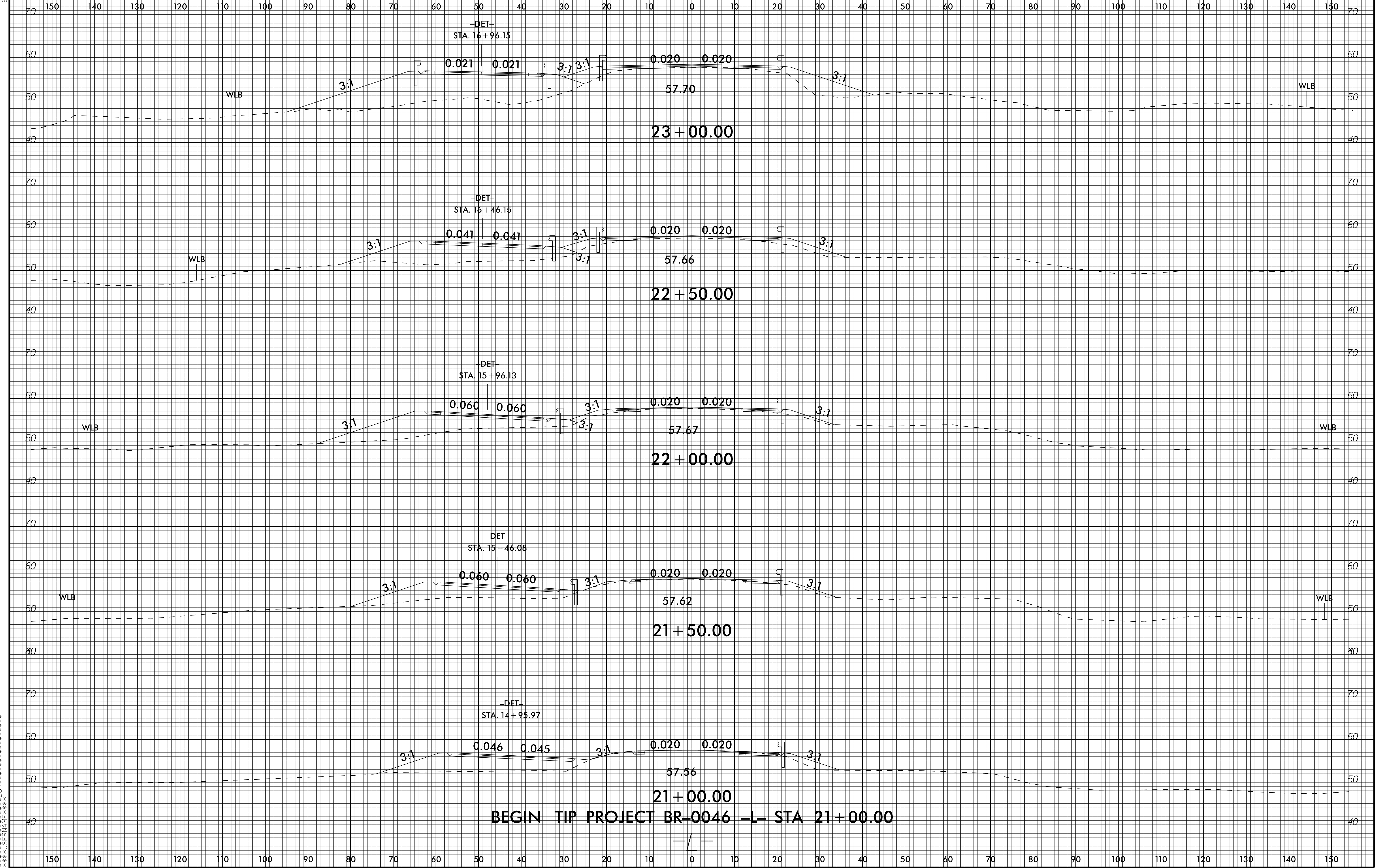
6/23/16

PERMIT DRAWING
SHEET 13 OF 16



PROJ. REFERENCE NO.
BR-0046

SHEET NO.
X-4

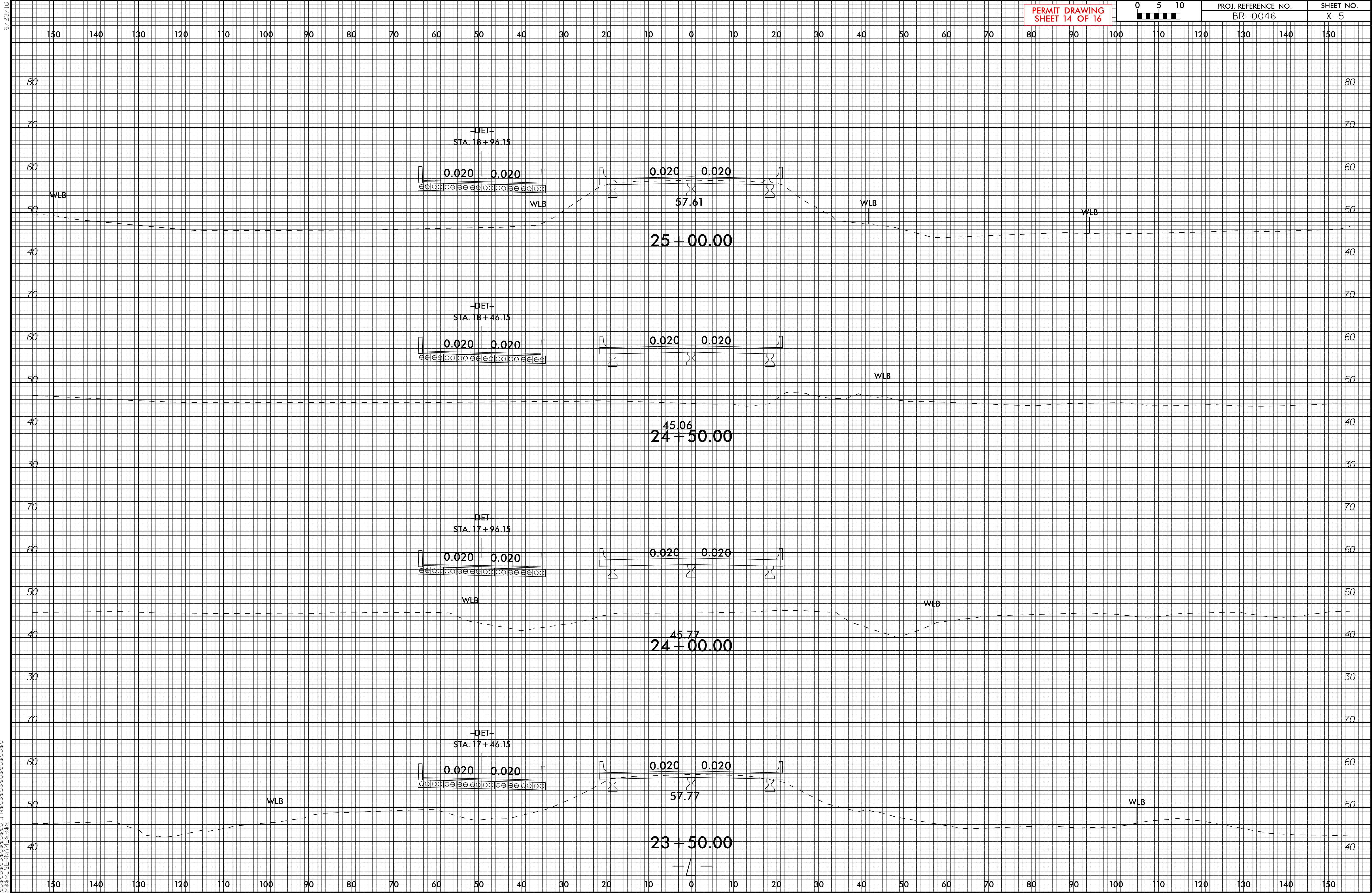


6/23/16

PERMIT DRAWING
SHEET 14 OF 16



PROJ. REFERENCE NO.	SHEET NO.
BR-0046	X-5

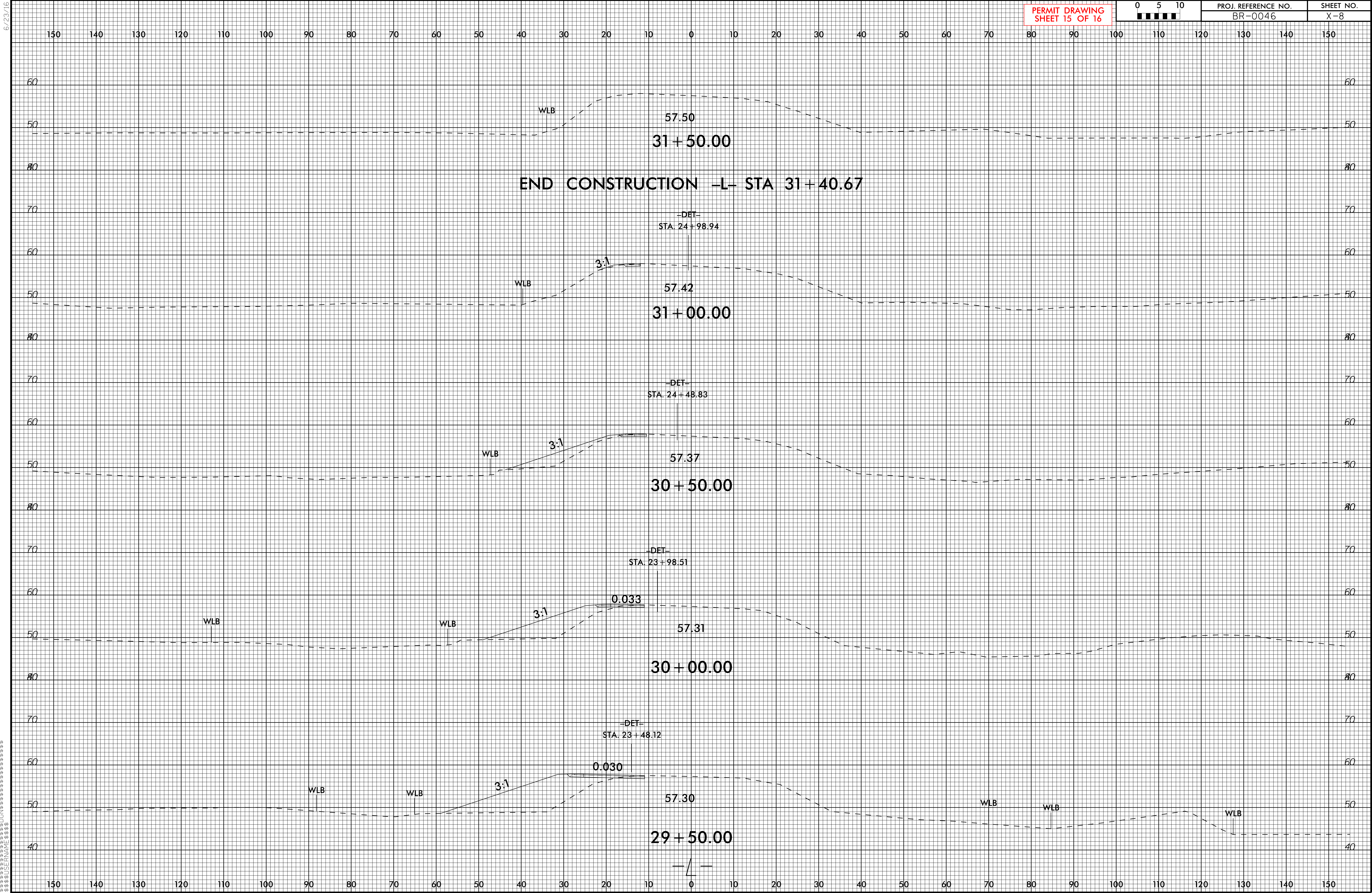


6/23/16

PERMIT DRAWING
SHEET 15 OF 16



PROJ. REFERENCE NO.	SHEET NO.
BR-0046	X-8



WETLAND PERMIT IMPACT SUMMARY												
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	23+56 / 26+38	Bridge	0.04		0.10	0.05	0.33					
1	22+70 / 26+96 LT	Detour Bridge	0.01	0.03			0.18					
2	29+34 / 30+77 LT	Detour Bridge					0.01					
TOTALS*:			0.05	0.03	0.10	0.05	0.53					

*Rounded totals are sum of actual impacts

NOTES:

There will be < 0.01 Ac of Temporary Fill for Erosion Control measures in the Hand Clearing Area

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
8/1/2022
Sampson County
BR-0046

SHEET 16 OF 16