



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J.R. "JOEY" HOPKINS  
SECRETARY

December 27, 2024

MEMORANDUM TO: Division Environmental and Construction Units

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

SUBJECT: Environmental Permits for the proposed widening along NC 105 from SR 1136 (Clark's Creek Road) to SR 1107 (NC 105 Bypass) including the replacement of Bridge No. 5 over the Watauga River, Watauga County, Division 11, **TIP No R-2566B and R-2566BA.**

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	Individual Permit (IP) Modification and Renewal (for final R-2566BA and preliminary R-2566B) December 19, 2024 <ul style="list-style-type: none"><li>Original IP (for final R-2566BA and Preliminary R-2566B), November 6, 2019</li></ul>	Dec. 31, 2034
NC Division of Water Resources Section 401 Water Quality Certification	Individual Cert. No. 004194 Mod and Renewal (for final R-2566BA and preliminary R-2566B) November 4, 2024 <i>Previous Certification remains applicable except where superseded by this modification</i> <ul style="list-style-type: none"><li>Original Certification (for final R-2566BA and Preliminary R-2566B), June 19, 2019</li></ul>	Dec. 31, 2034

Work is authorized by the above-referenced permit(s) 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 Project Commitments "Greensheet" is located on the Preconstruction SharePoint Dashboard at:  
<https://connect.ncdot.gov/site/preconstruction>



**DEPARTMENT OF THE ARMY**  
**WILMINGTON DISTRICT, CORPS OF ENGINEERS**  
**69 DARLINGTON AVENUE**  
**WILMINGTON, NORTH CAROLINA 28403-1343**

December 19, 2024

Regulatory Division

Action ID: SAW-2010-00653 (TIP Nos. R-2566B and R-2566BA)

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

Dear Mr. Turchy:

I refer to your Department of the Army (DA) Individual Permit dated November 6, 2019, in which the U.S. Army Corps of Engineers (USACE) authorized the placement of fill material into waters of the U.S. associated with the widening of NC 105 from SR 1136 to SR 1107, and the replacement of Bridge No. 5 over the Watauga River in Watauga County, North Carolina (TIP Nos. R-2566B and R-2566BA). This is a phased permit and the USACE file number for this work is SAW-2010-00653. I also refer to your request of October 24, 2024, to modify impacts to waters of the U.S. in Phase 1 and extend the expiration date of the subject permit.

The proposed modification would occur at Site 1 in the R-2566BA section. As noted by NCDOT, this modification is necessary due to constructability issues. The proposed modification would result in a 25' rock lined ditch instead of the previously authorized 25' section of pipe. This modification would result in a change to the type of impact to waters of the U.S., but not to the amount of impact to waters of the U.S. This modification is shown on Permit Drawing Sheet 2 of 9, revised July 2024 (enclosed). The proposed modification would not result in the need for additional compensatory mitigation.

The subject permit is scheduled to expire on December 31, 2024. Because the work is not complete on the R-2566BA section (Phase 1), and the work on the R-2566B section (Phase 2) will not occur and be completed for a number of years, NCDOT has requested that the current permit be extended for ten years.

On November 1, 2024, the USACE coordinated your request for permit modification and extension with the U.S. Fish and Wildlife Service (Service), the U.S. Environmental Protection Agency (US EPA), the N.C. Division of Water Resources (NCDWR), and the N.C. Wildlife Resources Commission (NCWRC). No objections were raised. All responses are outlined below:

#### Service

Due to federally listed species that were not located in the project's action area when consultation for the existing permit occurred, NCDOT requested reinitiation of informal consultation under Section 7(2)(2) of the Endangered Species Act (ESA) with the Service on October 3, 2024; this request included a number of proposed conservation measures. By email dated December 5, 2024, the Service concurred with NCDOT's determinations with the understanding that NCDOT will implement the following conservation measures:

1. Tree clearing will not occur from May 1 to September 15. From September 16 to October 15, and from April 1 to April 30, if temperatures, tree clearing will not occur if ambient air temperature is below 50°.
2. Temporary lighting for night work will be directed at the construction activities and away from the adjacent landscape to the maximum extent possible.
3. Permanent lighting already exists in the project study area and no new lighting will be added by NCDOT as part of this project. If existing lighting is in the way of construction, then it will be removed and set back up following construction.
4. Blasting and percussive activities will occur once trees within the action area have been cleared.
5. Design Standards in Sensitive Watersheds (DSSW) will be implemented throughout the project corridor.

Additionally, the Service's email included conservation recommendations for your consideration. The Service's December 5, 2024, email is attached.

#### USEPA

No comments or objections were raised.

NCDWR

In response to NCDOT's request, NCDWR issued a modification to the previously issued 401 Water Quality Certification (WQC) on November 4, 2024 (enclosed). This modification contains additional conditions.

NCWRC

By email dated November 1, 2024, NCWRC noted that they have no comments or concerns. NCWRC's email is enclosed for reference.

NCDOT coordinated the proposed modification with the five federally recognized and interested tribes for this area on August 26, 2024. The tribes did not submit any objections or concerns.

The USACE has also reviewed NCDOT's request for modification and extension and has no objections. As such, NCDOT is authorized to conduct the modified work as described, as noted below:

- NCDOT shall replace the original Permit Drawing Sheet 2 of 9 with the revised (July 2024) permit drawing sheet.
- The ESA conservation measures (#1-5) noted above are incorporated as additional special conditions to the permit.
- NCDOT shall comply with the requirements and conditions of the modified 401 WQC.
- The expiration date of the subject permit is now December 31, 2034.

If you have any questions, please contact Lori Beckwith, Regulatory Project Manager, WRDA / Transportation Branch, at [loretta.a.beckwith@usace.army.mil](mailto:loretta.a.beckwith@usace.army.mil) or at 828-230-0483.

Sincerely,

A handwritten signature in black ink that reads "M. Scott Jones". The signature is written in a cursive, flowing style.

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

## Enclosures

Copies furnished by email with enclosures:

USFWS, Ms. Holland Youngman  
USEPA, Ms. Amanetta Sommerville  
NCDWR, Ms. Kaylie Yankura  
NCWRC, Mr. Dave McHenry  
NCDOT, Ms. Erin Cheely  
NCDOT, Mr. Kevin Hining

## Cheely, Erin K

---

**From:** Youngman, Holland J <holland\_youngman@fws.gov>  
**Sent:** Thursday, December 5, 2024 7:56 AM  
**To:** Cheely, Erin K  
**Cc:** Loretta Beckwith (Lori) (loretta.a.beckwith@usace.army.mil); Hining, Kevin J  
**Subject:** Re: [EXTERNAL] R-2566B | Watauga | Informal Concurrence Request Distribution

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Good morning, Erin. A response to your request for informal consultation on the subject project is provided below.

Informal Consultation for Gray Bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Virginia Big-eared Bat (*Corynorhinus townsendii virginianus*), and Informal Conference for Green Floater (*Lasmigona subviridis*) and Tricolored Bat (*Perimyotis subflavus*) Relating to the Subject Project - **FWS Log # 10-244**

We have reviewed the information you submitted, along with a previous concurrence letter issued from this office on June 28, 2018, and the following is provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 - 667e); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 - 1543) (Act).

NCDOT proposes to improve NC 105 in Boone, Watauga County. The project involves widening along NC 105 from SR 1136 (Clark's Creek Road) to SR 1107 (NC 105 Bypass) including the replacement of Bridge No. 5 over the Watauga River and realignment of Old Shulls Mill Road in Watauga County as project R-2566B/BA/BB. The phase of this project involving the replacement of the bridge that carries NC 105 over the Watauga River north of the Broadstone Road intersection (R-2566BA) is currently under construction. Approximately 45 acres of tree clearing remains to be conducted within the project corridor's B section. Percussive activities and temporary night lighting will occur. NCDOT requests to update consultation to address species that were not previously within the project's action area, but which now warrant consideration. NCDOT has committed to implementing the following conservation measures:

1. Tree clearing will not occur from May 1 to September 15. From September 16 to October 15, and from April 1 to April 30, if temperatures, tree clearing will not occur if ambient air temperature is below 50°.
2. Temporary lighting for night work will be directed at the construction activities and away from the adjacent landscape to the maximum extent possible.
3. Permanent lighting already exists in the project study area and no new lighting will be added by NCDOT as part of this project. If existing lighting is in the way of construction, then it will be removed and set back up following construction.
4. Blasting and percussive activities will occur once trees within the action area have been cleared.
5. Design Standards in Sensitive Watersheds (DSSW) will be implemented throughout the project corridor.

Mussel surveys were conducted by RK&K personnel Tyler Black (Federal Permit# ES67197D, NC Permit # ESP24000013), Hal Bain, and Loretta Lutackas on July 2, 2024, at two survey locations. Survey location 1 (SL1) is within the Watauga River at SR 1112 (Broadstone Road) and survey location 2 (SL2) at Atkins River conservation easement (NC 105). Surveys were negative for native mussels at both locations, though the information provided indicates that suitable habitat is present at both locations. On July 26, 2023, the Service published a proposal in the Federal Register to list the green floater as endangered under the Act. As a result, NCDOT has requested a conference for the species as the project may be on-going after the effective date of any final listing rule, if one is published. Based on the negative survey results and

implementation of DSSW measures, we have determined that the proposed project will not jeopardize the continued existence of the green floater. Additionally, we would concur with the NCDOT's determination that the project may affect but isn't likely to adversely affect (NLAA) the green floater should it become listed.

Occurrence records for gray bat, northern long-eared bat, and tricolored bat exist in close proximity to the action area. The records for northern long-eared bat and tricolored bat are from 2011, which is considered pre- white-nose-syndrome in this region. Culverts suitable for bat roosting were surveyed in July and August of 2024 and results were negative. Given the information presented in the request and the commitments listed above, project actions are not expected to rise to a level where take occurs. We concur with NCDOT's determination of NLAA for gray bat, Indiana bat, northern long-eared bat, and Virginia big-eared bat. Further, On September 14, 2022, the Service published a proposal in the Federal Register to list the tricolored bat as endangered under the Act. As a result, NCDOT has requested a conference for the tricolored bat as the project may be on-going after the effective date of any final listing rule, if one is published. Based on the information provided, the analysis above, and the commitments to minimize project impacts, we have determined that the proposed project will not jeopardize the continued existence of the tricolored bat. Additionally, we would concur with the NCDOT's determination that the project is NLAA the tricolored bat should it become listed.

Eastern hellbenders (*Cryptobranchus alleganiensis*) occur in the project action area within the Watauga River. This species is state-listed and is not currently afforded legal protection under the Act. The eastern hellbender was petitioned for listing on March 31, 2022 and is now considered an at-risk species, with a proposal for federal listing anticipated in the near future. We recommend a relocation effort if construction activities are likely to injure or kill eastern hellbenders that may occur on site. We encourage you to coordinate the project and relocation efforts with the Service and the North Carolina Wildlife Resources Commission (NCWRC).

Bog turtle (*Glyptemys muhlenbergii*) and little brown bat (*Myotis lucifugus*) are at-risk species and Monarch butterfly (*Danaus plexippus*) is a candidate species. At-risk and candidate species are not legally protected under the Act and are not subject to any of its provisions, including section 7, unless they are formally proposed or listed as endangered or threatened. We will be making listing determinations on these species in the future and include them here to provide advanced notification and request your assistance in protecting them. If bog turtle or its suitable habitat is identified within the proposed action area or proposed activities will impact the hydrology of suitable habitat, we recommend coordinating the project with the Service and the NCWRC.

Conservation Recommendations: Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

**-Riparian Replanting:** Because the removal of forested riparian habitat can affect the water quality for aquatic organisms and for foraging habitat for bats, we recommend replanting the riparian zone with native, fast-growing trees and shrubs that would serve to block light pollution and improve the quality of the habitat. Examples of potential native tree species to plant include: Sycamore, tulip poplar, black cherry and river birch. Planting with established (e.g. containerized) young trees can increase the survival rate of plantings and contribute to faster improvement of riparian habitat.

**-Provide Terrestrial Wildlife Passage:** Where riparian corridors suitable for wildlife movement occur adjacent to a project, a spanning structure that also spans a portion of the floodplain and provides or maintains a riprap-free level path underneath for wildlife passage would provide a safer roadway and facilitate wildlife passage. A 10-foot strip may be ideal, though smaller widths can also be beneficial. Alternatively, a "wildlife path" can be constructed with a top-dressing of finer stone (such as smaller aggregate or on-site alluvial material) to fill riprap voids if full bank plating is required. If a multi-barrel culvert is used, the low flow barrel(s) should accommodate the entire stream width and the other barrel should have sills to the floodplain level and be back-filled to provide dry, riprap-free wildlife passage and well as periodic floodwater passage.

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

We appreciate the opportunity to provide these comments. In any future correspondence on this project, please reference **FWS Log # 10-244**.

Sincerely,

Holland Youngman  
(she/her)  
Wildlife Biologist  
U.S. Fish and Wildlife Service  
Asheville Ecological Services Field Office  
160 Zillicoa Street, Asheville, North Carolina, 28801  
Cell: 828-575-3920

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**From:** Cheely, Erin K <ekcheely@ncdot.gov>

**Sent:** Thursday, October 3, 2024 5:22 PM

**To:** Youngman, Holland J <holland\_youngman@fws.gov>

**Cc:** Loretta Beckwith (Lori) (loretta.a.beckwith@usace.army.mil) <loretta.a.beckwith@usace.army.mil>; Hining, Kevin J <kjhining@ncdot.gov>; McCann, Nora A <namccann@ncdot.gov>; Stanton, Tyler P <tpstanton@ncdot.gov>; Miller, Melissa R <mrmiller2@ncdot.gov>; Burroughs, Anne M <amburroughs@ncdot.gov>; Cheely, Erin K <ekcheely@ncdot.gov>; NCDOT\_Service\_Account\_ECAP <ECAP@ncdot.gov>

**Subject:** [EXTERNAL] R-2566B | Watauga | Informal Concurrence Request Distribution

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Please see the attached informal concurrence request letter for project R-2566B, the widening/improvements of NC 105 from Clark's Creek Road (SR 1136) to the NC 105 Bypass (SR 1107) in Watauga County.

I know there are obviously pretty monumental extenuating circumstances currently, but whenever it is that review of these requests resumes, if it's at all possible to put this one closer to the top of the stack because the Phased Individual Permit for this project expires December 31<sup>st</sup>, 2024, before which Section 7 has to be updated in order for the USACE to issue the IP renewal/extension in time, that would be much appreciated.

Thanks!

-erin

**Erin Cheely**  
Western Team Lead  
Environmental Coordination & Permitting  
Environmental Analysis Unit  
N.C. Department of Transportation

919 707 6108 office  
919 323 5192 mobile  
[ekcheely@ncdot.gov](mailto:ekcheely@ncdot.gov)



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**ROY COOPER**

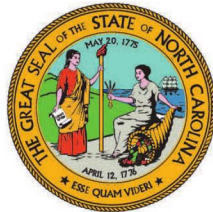
*Governor*

**MARY PENNY KELLEY**

*Secretary*

**RICHARD E. ROGERS, JR.**

*Director*



**NORTH CAROLINA**  
*Environmental Quality*

November 4, 2024

Mr. Michael A. Turchy  
Environmental Coordination & Permitting Group Leader  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

Subject: Modification to 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to NC 105 and Bridge No. 5 replacement over the Watauga River in Watauga County; TIPS R-2566BA and R-2566B.  
NCDWR Project No. 20190397 v2

Dear Mr. Turchy:

Attached hereto is a copy of Certification No. 004194 issued to The North Carolina Department of Transportation (NCDOT) dated November 4, 2024.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Signed by:

*Susan Locklear*

04351F033762414  
Richard E. Rogers, Jr., Director  
Division of Water Resources

#### Attachments

#### Electronic copy only distribution:

Lori Beckwith, US Army Corps of Engineers, Asheville Field Office  
Erin Cheely, NC Department of Transportation  
Kevin Hining, NC Department of Transportation  
Carla Dagnino, NC Department of Transportation  
Amanetta Somerville, US Environmental Protection Agency  
Holland Youngman, US Fish and Wildlife Service  
Dave McHenry, NC Wildlife Resources Commission  
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

## Modification to 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. This certification authorizes the NCDOT to impact 0.57 acres (preliminary for B-Section; no wetland impacts for BA Section) of jurisdictional wetlands; 4,099 linear feet of jurisdictional streams (preliminary for B-Section); and 600 linear feet of jurisdictional streams for BA Section (203 permanent and 397 temporary) in Watauga County. The project shall be constructed pursuant to the applications dated and received March 29, 2019 (revised April 17, 2019) and October 24, 2024. The authorized impacts are as described below:

### Stream Impacts in the Watauga River Basin R-2566BA; Revised

Site	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1*	100	10	110	-
2	-	274	274	-
3	-	70	70	-
4	73	22	95	-
5	30	21	51	-
<b>Total</b>	203	397	600	-

\*Impact revision includes replacement of a 25 LF section of previously approved fill for pipe with 25 LF of rock lined ditch

### Total Stream Impact for Section BA: 600 linear feet

### Stream Impacts in the Watauga River Basin R-2566B; Preliminary

Site	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1 A, B	300	-	300	300
1	163	-	163	-
4, 6, 8	479	-	479	479
5, 7	169	-	169	-
9	163	-	163	-
10	77	-	77	-



11	132	-	132	-
12	93	-	93	-
14, 15	66	-	66	-
16	135	-	135	-
18	42	-	42	-
19	90	-	90	-
20	42	-	42	-
21	242	-	242	-
25	217	-	217	-
26	152	-	152	-
28	50	-	50	-
29	54	-	54	-
30	73	-	73	-
31	52	-	52	-
32	130	-	130	-
34	115	-	115	-
35	268	-	268	-
36,37	150	-	150	-
38	59	-	59	-
39	40	-	40	-
42	98	-	98	-
Additional	200	-	200	-
<b>Total</b>	<b>4,099</b>	<b>-</b>	<b>4,099</b>	<b>779</b>

**Total Preliminary Stream Impacts for R-2566B: 4,099 linear feet**



**Wetland Impacts in the Watauga River Basin (Riverine), R-2566B Section; Preliminary**

<b>Site</b>	<b>Fill (ac)</b>	<b>Fill (temporary) (ac)</b>	<b>Excavatio n (ac)</b>	<b>Mechanize d Clearing (ac)</b>	<b>Hand Clearing (ac)</b>	<b>Total Wetland Impact (ac)</b>
IA	0.09	-	-	-	-	0.09
1B	<0.01	-	-	-	-	<0.01
2	0.02	-	-	-	-	0.02
3	0.04	-	-	-	-	0.04
7	0.02	-	-	-	-	0.02
10	0.01	-	-	-	-	0.01
11	0.02	-	-	-	-	0.02
13	0.03	-	-	-	-	0.03
17	0.08	-	-	-	-	0.08
20	0.06	-	-	-	-	0.06
27	0.03	-	-	-	-	0.03
32	0.03	-	-	-	-	0.03
33	<0.01	-	-	-	-	<0.01
35	0.02	-	-	-	-	0.02
40	<0.01	-	-	-	-	<0.01
Additional	0.10	-	-	-	-	0.10
<b>Total</b>	<b>0.57</b>	-	-	-	-	<b>0.57</b>

**Total Preliminary Wetland Impacts for R-2566B Section: 0.57 acres (rounded)**

The application provides adequate assurance that the discharge of fill material into the waters of the Watauga River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your applications dated and received March 29, 2019 (revised April 17, 2019) and October 24, 2024. Should your project change, you are required to 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 any





additional wetland impacts, or stream impacts, for this project (now or in the future) exceed 0.1 acre or 300 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (c) (2) and (4).

For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

**Additional Conditions of Certification:**

1. All of the authorized activities and conditions associated with the original Water Quality Certification (WQC No. 004194) issued on June 19, 2019, for the R-2566BA & R-2566B project apply except where superseded by this Certification. [15A NCAC 02H. 0506(b) (1, 2)]

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

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:

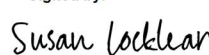
William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

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 4th day of November 2024

DIVISION OF WATER RESOURCES

Signed by:

  
04351F033762414...

Richard E. Rogers, Jr., Director

WQC No. 004194



**ROY COOPER**  
Governor

**MARY PENNY KELLEY**  
Secretary

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



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

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

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

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

**Certificate of Completion**

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

***Applicant's Certification***

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

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

***Agent's Certification***

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

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

***Engineer's Certification***

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

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

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

Date \_\_\_\_\_

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

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



5/14/99

MCLEAN INNOVATIVE HOMES, LLC

JOSE S. GALLARDO

JOHN F. AYERS, TRUST

KATHLEEN A. GERAGHTY

BETTY P. COLEMAN

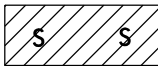
BETTY P. COLEMAN

GAIL L. TOWNSEND TATUM

NAD 83/NSRS 2007

# PERMIT DRAWING SHEET 2 OF 9

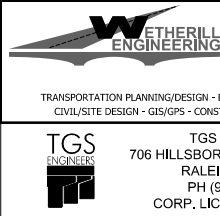
Revised July 2024



DENOTES IMPACTS IN  
SURFACE WATER



DENOTES TEMPORARY  
IMPACTS IN SURFACE WATER



1223 Jones Franklin Rd.  
Raleigh, N.C. 27606  
License No. F-0377  
Bus: 919 851 8077  
Fax: 919 851 8107

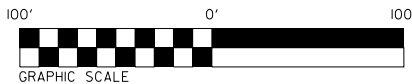
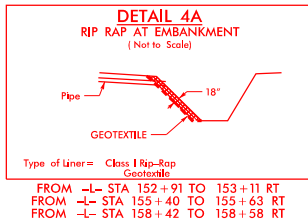
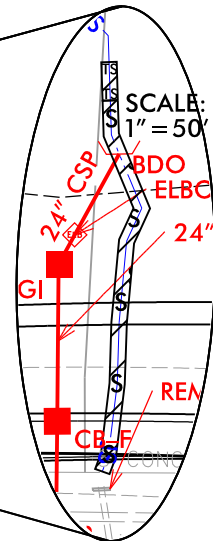
TRANSPORTATION PLANNING/DESIGN - BRIDGE/STRUCTURE DESIGN  
CIVIL/SITE DESIGN - GIS/GPS - CONSTRUCTION OBSERVATION



TGS ENGINEERS  
706 HILLSBOROUGH ST., SUITE 200  
RALEIGH, NC 27603  
PH (919) 773-8887  
CORP. LICENSE NO.: C-0275

PROJECT REFERENCE NO.		SHEET NO.
R-2566BA		4
RW SHEET NO.		
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED		

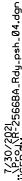
Remove and replace proposed  
25' section of 24" CSP with a  
Std. V-ditch (Class 1) down to  
proposed 2GI. Note - 2GI will  
be enlarged to a 4GI



SEE SHT. 7 FOR -L- PROFILE



## DocuSign Envelope ID: 5C33B007-AA01-44F4-9FFB-41655F42E771



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