

# North Carolina Department of Transportation

## NEPA/SEPA Consultation Form

STIP Project No.	<u>NA</u>
WBS Element	<u>17BP.9.R.83</u>
Federal Aid Project No.	<u>NA</u>

### A. Project Description, Location, and Purpose:

The project involves replacing Bridge number 286 in Stokes County. NCDOT Bridge Management Unit records indicate Bridge No. 286 has a sufficiency rating of 73.48 out of a possible 100 for a new structure (3/27/17). This rating is not considered as structurally deficient. However, based on discussion with NCDOT staff the rating does not appear to reflect the structure's on-going maintenance issues as would be expected with an 80+ year old structure. The bridge, however, is functionally obsolete. The bridge deck is narrow consisting of 2 travel lanes and no functional clear zone. This bridge does not comply with current AASHTO Greenbook guidelines. Based on the on-going need for maintenance and its functional obsolescence the bridge is considered at the end of its useful life in need of replacement.

The existing, concrete, 4-span bridge was constructed in 1936 and is 190 feet long. The proposed new structure will be a 190-foot long, three span (1 at 40 ft., 1 at 105 ft. and 1 at 45 ft.), box beam bridge. The new bridge will include two 12-foot travel lanes and approximately 6-foot shoulders. The replacement structure will be on new location upstream and adjacent to the existing bridge. The bridge approaches will be on new location and tie into the existing roadway approximately 1,100 feet to the east and 1,200 feet to the west of the new structure. The approaches will have two 12-foot travel lanes and 8- to 11-foot shoulders including 4 feet paved. The roadway is a major collector. It will be designed as a major collector using sub-regional tier guidelines with a 55 mile per hour design speed (Figure 3a and b).

Two roads intersect SR 1236 to the northwest of the existing bridge, SR 1140 (Dalton Loop Road) enters from the east and SR 1127 (W Dalton Road) enters from the west. Both intersections will individually be realigned to reduce the skew and to accommodate the new location of the roadway. SR 1140 will shift approximately 75 feet to the west and SR 1127 will shift slightly to the east.

The existing bridge will remain in use during construction. Once the new bridge is complete, the existing structure and its approaches will be removed and the area revegetated.

### B. Consultation Phase: (Check one)

- Right-of-Way
- Construction
- Other: Identify the trigger – (e.g., design change, change in impacts)

C. NEPA/SEPA Class of Action Initially Approved as:

<input checked="" type="checkbox"/>	SEPA MCDC	September 6, 2019
<input checked="" type="checkbox"/>	ROW Consultation	August 9, 2022
<input checked="" type="checkbox"/>	Construction Consultation	February 3, 2023

D. Changes in Proposed Action & Environmental Consequences:

There have been no changes to the project design or limits since the completion of the construction consultation in February 2023.

In the previous construction consultation, new project commitments were added due to informal consultation between USACE and USFWS for the northern long-eared, tricolored and grey bats. However, since then, the USFWS updated the range maps for the bats, and none of the 3 bats are in range for the project area. As such, the project special commitments related to the bats have been deleted.

E. Conclusion:

The above NEPA/SEPA documentation has been reevaluated (as required by either 23 CFR 771 or by NC General Statute Chapter 113A Article 1). It has been determined that the current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted in Section D. It has been determined that anticipated social, economic, and environmental impacts were accurately described in the above referenced document(s) unless noted otherwise herein. Therefore, the original Administration Action remains valid.

F. Coordination

NCDOT personnel have discussed the current project parameters with qualified NCDOT representatives and FHWA (where applicable). The NCDOT Project Manager, Daniel Dagenhart, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Division 9 Bridge Program Manager:	Jeremy Keaton, PE	December 17, 2024
Environmental Specialist:	Amy Euliss	December 17, 2024

Consultation Approval for NCDOT Project 17BP.9.R.83

**Prepared By:**

12/17/2024

Date

DocuSigned by:



Amy Euliss, Division 9 PDEA Engineer  
NCDOT

**Reviewed By:**

12/17/2024

Date

DocuSigned by:



Jeremy Keaton, PE Division 9 Bridge Program Manager  
NCDOT

G. Project Commitments (as of February 3, 2023)

**Stokes County  
Bridge No. 86 Replacement on Old US 52  
WBS No. 17BP.9.R.83**

*Changes since ROW consultation are in italics.*

**Previous commitments from MCDC**

**Coordination with Stokes County Schools**

In order to have time to adequately reroute school busses, Stokes County Schools will be contacted at least one month prior to road closure by NCDOT Division 9.

**Coordination with Stokes County Emergency Services**

Stokes County Emergency Services will be contacted by NCDOT Division 9 at least one month prior to road closure to make the necessary temporary reassignments to primary response units.

**New commitments from ROW consultation**

The small anthered bittercress survey will be updated in the 2023 survey window.

*This commitment is not required. Small anthered bittercress surveys are not required in the Yadkin River Basin.*

Prior to any clearing or permitting, consultation needs to be completed for the Gray bat and Northern long-eared bat.

*Consultation for gray and northern long-eared bats is complete.*

Prior to listing of the tricolored bat, consultation needs to be completed for the tricolored bat.

*Consultation for gray and northern long-eared bats is complete.*

**New commitments from Informal Consultation with USFWS**

*NCDOT has committed to the following conservation measures:*

- 1. NCDOT will not perform blasting or pile driving activities at night.*
- 2. Blast monitoring will follow NCDOT standard specifications for all blasting activities.*
- 3. NCDOT will use blast mats or overburden material (e.g., soil) over all blast sites.*
- 4. NCDOT will implement a tree clearing moratorium for the action area from April 1 to October 15, effective with the uplisting of the northern long-eared bat (*Myotis septentrionalis*) and/or listing of the tricolored bat (*Perimyotis subflavus*), whichever is first.*
- 5. Permanent lighting will be downward facing, full cut-off lens light, with the same intensity or less for replacement lighting.*
- 6. NCDOT will clearly denote tree clearing limits on project plans and ensure that the contractor understands the limits.*
- 7. NCDOT will minimize tree clearing to what is required to implement the project safety.*
- 8. There will be no nightwork, so temporary lights will not be needed.*

# PROJECT COMMITMENTS

Bridge Replacement

T.I.P Number:

Stokes

Federal Aid Number:

WBS:17BP.9.R.83

## COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

No commitments developed during project development and design.

## COMMITMENTS FROM PERMITTING

### Construction Office - Emergency Services

Stokes County Emergency Services will be contacted by NCDOT Division 9 at least one month prior to road closure to make the necessary temporary reassignments to primary response units.

### Construction Office - Stokes County Schools

In order to have time to adequately reroute school busses, Stokes County Schools will be contacted at least one month prior to road

No permitting commitments developed to date.

**\*\*\*\*\*END OF PROJECT COMMITMENTS\*\*\*\*\***

**Bridge Replacement**

**17BP.9.R.83**

## MINIMUM CRITERIA DETERMINATION CHECKLIST

**TIP Project No.:****W.B.S Project No.:** 17BP.9.R.83

**Project Location:** Bridge #286 over Little Yadkin River on SR 1236 (N. Old 52) in Stokes County (Figures 1 and 2).

**Project Description:** NCDOT Bridge Management Unit records indicate Bridge No. 286 has a sufficiency rating of 73.48 out of a possible 100 for a new structure (3/27/17). This rating is not considered as structurally deficient. However, based on discussion with NCDOT staff the rating does not appear to reflect the structure's on-going maintenance issues as would be expected with an 80+ year old structure. The bridge, however, is functionally obsolete. The bridge deck is narrow consisting of 2 travel lanes and no functional clear zone. This bridge does not comply with current AASHTO Greenbook guidelines. Based on the on-going need for maintenance and its functional obsolescence, the bridge is considered at the end of its useful life in need of replacement.

The existing, concrete, 4-span bridge was constructed in 1936 and is 190 feet long. The proposed new structure will be a 190-foot long, three span (1 at 40 ft., 1 at 105 ft. and 1 at 45 ft.), box beam bridge. The new bridge will include two 12-foot travel lanes and approximately 6-foot shoulders. The replacement structure will be on new location upstream and adjacent to the existing bridge. The bridge approaches will be on new location and tie into the existing roadway approximately 1,100 feet to the east and 1,200 feet to the west of the new structure. The approaches will have two 12-foot travel lanes and 8- to 11-foot shoulders including 4 feet paved. The roadway is a major collector. It will be designed as a major collector using sub-regional tier guidelines with a 55 mile per hour design speed (Figure 3a and b).

Two roads intersect SR 1236 to the northwest of the existing bridge, SR 1140 (Dalton Loop Road) enters from the east and SR 1127 (W Dalton Road) enters from the west. Both intersections will individually be realigned to reduce the skew and to accommodate the new location of the roadway. SR 1140 will shift approximately 75 feet to the west and SR 1127 will shift slightly to the east.

The existing bridge will remain in use during construction. Once the new bridge is complete, the existing structure and its approaches will be removed and the area revegetated.

**Anticipated Permit Requirements:**

Construction of the permanent 3-span bridge will not include new piers in the Little Yadkin River. Riprap will be utilized for bank stabilization including approximately 180 feet placed in the river under the new bridge and to stabilize new drainage channels along the new roadway approaches. Additionally, the project will result in the loss of approximately 350 feet of an unnamed perennial stream just northeast of the existing

bridge for the construction of the approach roadway. Finally, placement of fill at the east end of the project will impact approximately 0.10 ac. of jurisdictional wetlands.

The proposed project will utilize the existing bridge during construction. The existing bridge will be removed once the proposed structure is completed and the area will be stabilized and revegetated.

A Nationwide Permit will likely be required for the temporary and/or permanent impacts to the Little Yadkin River and its unnamed tributary, as well as the wetlands. A corresponding NCDWQ Section 401 Water Quality General Certificate may be required prior to the issuance of a Section 404 Permit. The USACE holds final discretion as to what permit will be required to authorize project construction.

### **Special Project Information:**

**Environmental Commitment:** Project commitments have been made for this project. A Green Sheet is attached.

### **Estimated Traffic:**

Current            5000 ADT  
Year 2025        9000 ADT

**Design Exceptions:** Design exceptions will be required on this project for vertical curve and vertical sight distance.

### **Protected Species:**

As of June 27, 2018, the US Fish and Wildlife Service (USFWS) lists five federally protected species for Stokes County.

### **Federally protected species listed for Stokes County**

Scientific Name	Common Name	Federal Status	Habitat Present	Survey Date	Biological Conclusion
<i>Percina rex</i>	Roanoke logperch	E	No	--	No Effect
<i>Parvaspina collina</i>	James Spiny mussel	E	No	--	No Effect
<i>Helianthus schweinitzii</i>	Schweinitz's sunflower	E	Yes	9/13/16	No Effect
<i>Cardamine micranthera</i>	Small-anthered bittercress	E	Yes	6/9/17	No Effect
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Yes	7/25/18	No Effect

E – Endangered, T – threatened

As indicated in the previous table, two species did not have available habitat in the project area. The fish and the mussel are not known from the Yadkin River basin. No surveys were conducted for these species and a biological conclusion of “No effect” was made.

Surveys were conducted for the three federally protected species with available habitat in the project area.

Surveys did not find any populations of the federally protected plant species with their respective, appropriate habitats. Therefore, a Biological Conclusion of “No Effect” has been made for the small-anthered bittercress and Schweinitz’s sunflower.

During surveys conducted in December 2017, traces of guano was observed on the sub-structure of the bridge. This would indicate bat roosting activity. Additional surveys will be conducted by NCDOT to identify if bats utilizing the bridge. On July 25, 2018 additional surveys were conducted to determine if northern long-eared bats were utilizing the bridge. No evidence (bats, staining, and guano) of bats was observed. Therefore, a Biological Conclusion of “No Effect” has been made for the northern long-eared.

**Pedestrian and Bicycle Accommodations:** This portion of SR 1236 is not a part of a designated bicycle route nor is it listed in the Transportation Improvement Program (TIP) as a bicycle project.

**Bridge Demolition:** The existing Bridge No. 286 is constructed of concrete and steel and should be possible to remove with no resulting debris in the water based on standard demolition practices. The existing pier in the Little Yadkin River will be removed at stream bed level leaving no obstruction in the river.

**Water Classification:** According to the Department of Water Resources (DWR) Surface Water Classification Program the Little Yadkin River is Water Supply IV (WS-IV).

**Construction Moratoria:** The project location in Stokes County is not identified as having Trout Waters or habitat for anadromous fish; therefore, construction moratoria are not anticipated.

**Historic Resources:** NCDOT Cultural Resource staff reviewed the project study area for the presence of National Register eligible structures and archeology sites. No effect determinations were reached on both Historic Architecture (June 6, 2017) and Archeology (February 22, 2018).

**Residential Relocation:** Based on the 25% design plans plus a 25-foot buffer, it appears there will likely be one residential relocation north of the proposed bridge at the junction of N Old 52 Road and Dalton Loop. Efforts will be made during the final design phase to minimize property impacts.

It is the policy of the NCDOT to ensure that comparable replacement housing is available for those relocated prior to construction of all state- and/or federally-funded projects. The NCDOT utilizes three programs to minimize the inconvenience of relocation, including relocation assistance, relocation moving payments, and relocation replacement housing payments or rent supplements. The relocation program for the proposed project will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) and the North Carolina Relocation Assistance Act (GS-133-5 through 133-18).



**Floodplains:** The project area is regulated by the Federal Emergency Management Agency (FEMA) in a detailed study area. Any encroachments into the floodplain will be managed according to the NCDOT and NC Floodplain Mapping Program MOA (modified August 12, 2016). Hydraulics analysis indicates the new bridge will not require a map revision as stipulated under the MOA.

**Agency Comments:** No comments are available.

**PART A: MINIMUM CRITERIA**

- |  | <b>YES</b>                          | <b>NO</b>                |
|--|-------------------------------------|--------------------------|
| 1. Is the proposed project listed as a type and class of activity allowed under the Minimum Criteria Rule in which environmental documentation is <u>not</u> required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If the answer to number 1 is “no”, then the project does not qualify as a minimum criteria project. A state environmental assessment is required.

If yes, under which category?      Category #9

If either category #8, #12(i) or #15 is used complete Part D of this checklist.

**PART B: MINIMUM CRITERIA EXCEPTIONS**

- |  | <b>YES</b>               | <b>NO</b>                           |
|--|--------------------------|-------------------------------------|
| 2. Could the proposed activity cause significant changes in land use concentrations that would be expected to create adverse air quality impacts?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Will the proposed activity have secondary impacts or cumulative impacts that may result in a significant adverse impact to human health or the environment?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Is the proposed activity of such an unusual nature or does the proposed activity have such widespread implications, that an uncommon concern for its environmental effects has been expressed to the Department?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Does the proposed activity have a significant adverse effect on wetlands; surface waters such as rivers, streams, and estuaries; parklands; prime or unique agricultural lands; or areas of recognized scenic, recreational, archaeological, or historical value? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Will the proposed activity endanger the existence of a species on the Department of Interior's threatened and endangered species list?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 7. Could the proposed activity cause significant changes in land use concentrations that would be expected to create adverse water quality or ground water impacts?
- 8. Is the proposed activity expected to have a significant adverse effect on long-term recreational benefits or shellfish, finfish, wildlife, or their natural habitats

**PART C: COMPLIANCE WITH STATE AND FEDERAL REGULATIONS**

- |  | <b>YES</b>                          | <b>NO</b>                           |
|--|-------------------------------------|-------------------------------------|
| 9. Is a federally protected threatened or endangered species, or its habitat, likely to be impacted by the proposed action?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 10. Does the action require the placement of temporary or permanent fill in waters of the United States?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 11. Does the project require the placement of a significant amount of fill in high quality or relatively rare wetland ecosystems, such as mountain bogs or pine savannahs? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 12. Is the proposed action located in an Area of Environmental concern, as defined in the coastal Area Management Act?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 13. Does the project require stream relocation or channel changes?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Cultural Resources

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
| 14. Will the project have an “effect” on a property or site listed on the National Register of Historic Places?                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Will the proposed action require acquisition of additional right of way from publicly owned parkland or recreational areas? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response to Question 10:**

Construction of the permanent 3-span bridge will not include new piers in the Little Yadkin River. Riprap will be utilized for bank stabilization including approximately 180 feet placed in the river under the new bridge and to stabilize new drainage channels along the new roadway approaches. Additionally, the project will result in the loss of

approximately 350 feet of an unnamed perennial stream just northeast of the existing bridge for the construction of the approach roadway. Finally, placement of fill at the east end of the project will impact approximately 0.10 ac. of jurisdictional wetlands. A Nationwide Permit will likely be required for the temporary and/or permanent impacts to the Little Yadkin River and its unnamed tributary, as well as the wetlands. A corresponding NCDWQ Section 401 Water Quality General Certificate may be required prior to the issuance of a Section 404 Permit.

**PART D:( To be completed when either category #8, 12(i) or #15 of the rules are used.)**

- 16. Project length:
- 17. Right of Way width:
- 18. Project completion date:
- 19. Total acres of newly disturbed ground surface:
- 20. Total acres of wetland impacts:
- 21. Total linear feet of stream impacts:
- 22. Project purpose:



<u>Reviewed by:</u>	<small>DocuSigned by:</small> <i>Daniel Dagenhart</i> <small>5C91DB0F6FF243F...</small>
9/4/2019	_____
Date	Daniel R. Dagenhart Division Bridge Program Manager
<u>Reviewed by:</u>	<small>DocuSigned by:</small> <i>Brett Abernathy</i> <small>9F9F109546A54F5...</small>
9/6/2019	_____
Date	J. Brett Abernathy, PE, PLS Division Project Development Engineer
<u>Reviewed by:</u>	<small>DocuSigned by:</small> <i>Martha Register</i> <small>15328A772CE64DB</small>
9/4/2019	_____
Date	Martha Register Simpson Engineers & Associates

**PROJECT COMMITMENTS:**

**Stokes County  
Bridge No. 286 on SR 1236 (N. Old 52)  
Over Little Yadkin River  
W.B.S. No. 17BP.9.R.83**

**Coordination with Stokes County Schools**

In order to have time to adequately reroute school busses, Stokes County Schools will be contacted at least one month prior to road closure by NCDOT Division 9.

**Coordination with Stokes County Emergency Services**

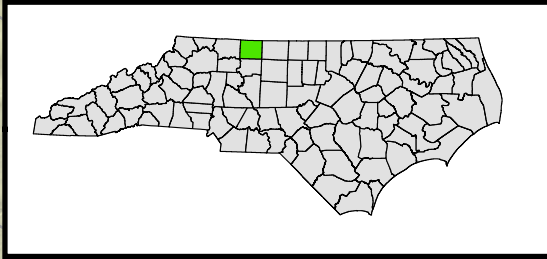
Stokes County Emergency Services will be contacted by NCDOT Division 9 at least one month prior to road closure to make the necessary temporary reassignments to primary response units.

# Figure 1: Vicinity Map

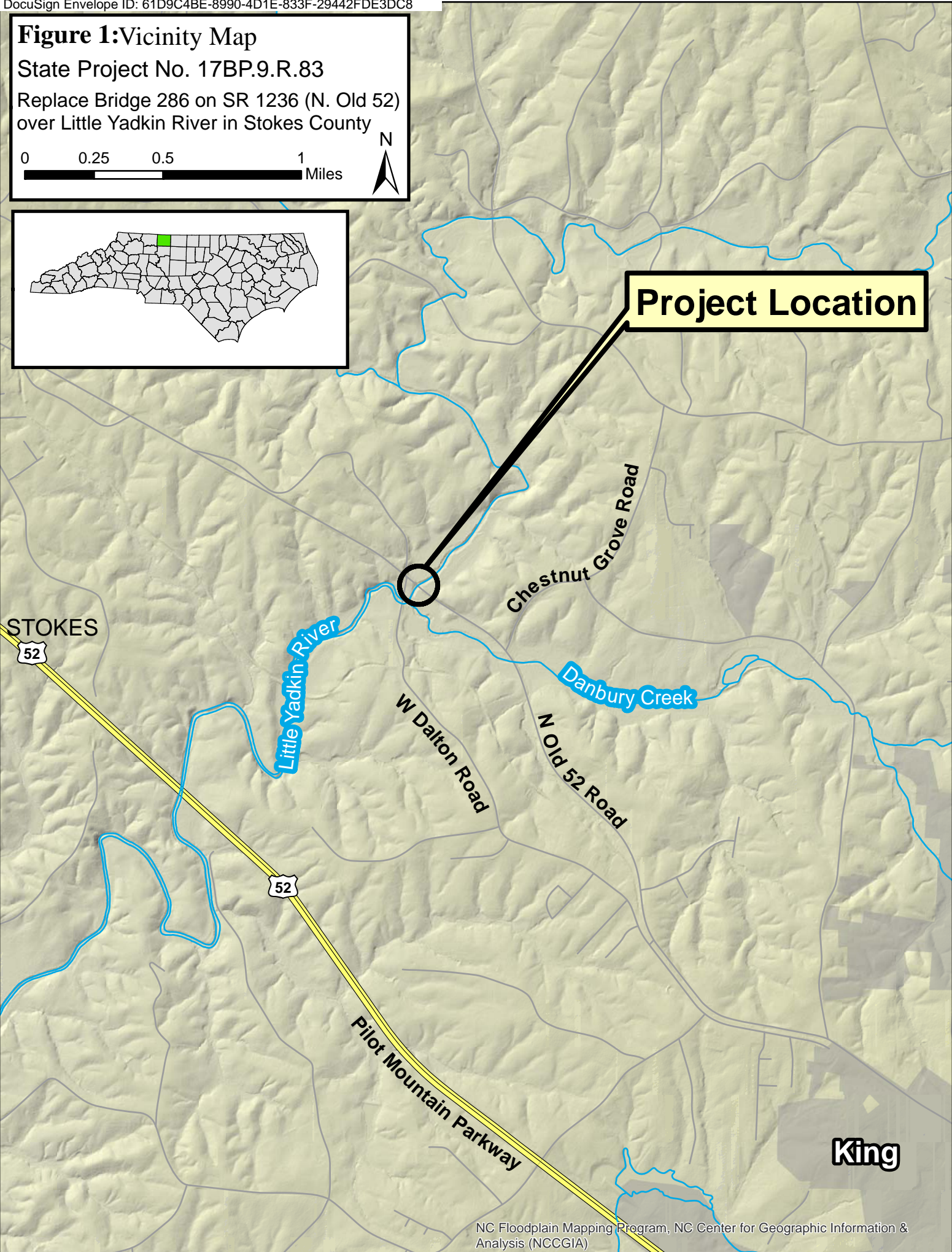
State Project No. 17BP.9.R.83

Replace Bridge 286 on SR 1236 (N. Old 52)  
over Little Yadkin River in Stokes County


0 0.25 0.5 1 Miles



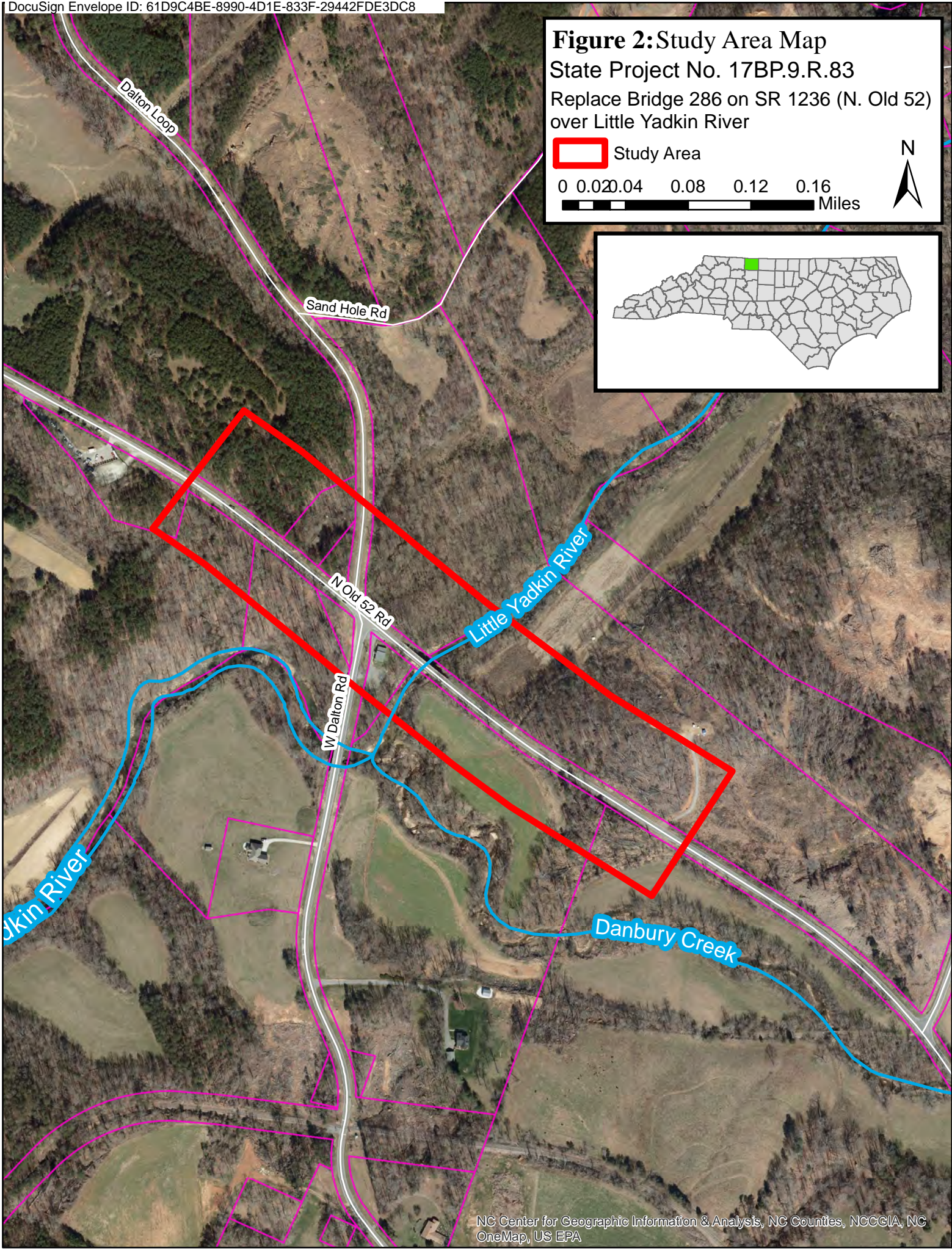
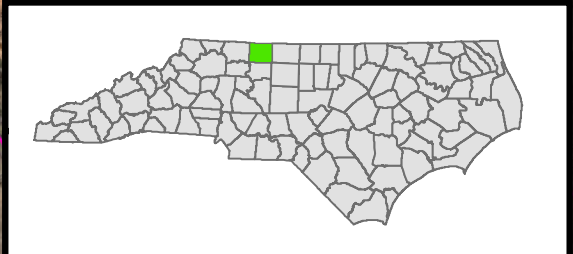

**Project Location**



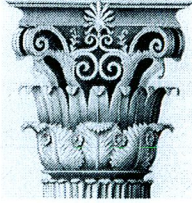
**Figure 2: Study Area Map**  
State Project No. 17BP.9.R.83  
Replace Bridge 286 on SR 1236 (N. Old 52)  
over Little Yadkin River

 Study Area

0 0.02 0.04 0.08 0.12 0.16 Miles



17-05-0059



## HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

### PROJECT INFORMATION

<b>Project No:</b>		<b>County:</b>	Stokes
<b>WBS No.:</b>	17BP.9.R.83	<b>Document Type:</b>	
<b>Fed. Aid No:</b>		<b>Funding:</b>	X State    Federal
<b>Federal Permit(s):</b>	X Yes    No	<b>Permit Type(s):</b>	USACE
<b>Project Description:</b> Replace Bridge No. 286 on SR 1236 (Old US 52) over Little Yadkin River (no off-site detour specified in review request).			

### SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

**DESCRIPTION OF REVIEW ACTIVITIES, RESULTS, AND CONCLUSIONS:** HPOWeb reviewed on 6 June 2017 and yielded no NR, SL, SS, LD, or DE properties in the Area of Potential Effects (APE). Stokes County current GIS mapping, aerial photography, and tax information indicated an APE of mostly woodland and cultivated fields (viewed 6 July 2017). A circa-1950 church (Crossroads Community Church, #1780 W. Dalton Road) standing approximately 28 feet west of the existing bridge is a heavily altered and unexceptional example of its type. The APE intersects a large parcel to the SE of the existing bridge on which stands a 1978 house approximately 1200 feet south of the bridge. Built in 1936, Bridge No. 286 is not eligible for the National Register according to the NCDOT Historic Bridge Inventory as it is not architecturally, historically, or technologically significant. Google Maps "Street View" confirmed the absence of critical architectural and landscape resources in the APE (viewed 6 June 2017).

**No architectural survey is required for the project as currently defined.**

**WHY THE AVAILABLE INFORMATION PROVIDES A RELIABLE BASIS FOR REASONABLY PREDICTING THAT THERE ARE NO UNIDENTIFIED SIGNIFICANT HISTORIC ARCHITECTURAL OR LANDSCAPE RESOURCES IN THE PROJECT AREA:** APE extends 400 feet from either end of the existing bridge (NW-SE) and 150 feet to either side of the SR 1236 (Old US 52) centerline (NE-SW) to encompass proposed construction activities. The comprehensive county architectural survey (1988-9) and later investigations recorded no properties in the APE. County GIS/tax materials and other visuals support the absence of significant architectural and landscape resources. No National Register-listed properties are located within the APE.

**Should the design of the project change, please notify NCDOT Historic Architecture as additional review may be necessary.**

### SUPPORT DOCUMENTATION

X Map(s)     Previous Survey Info.     Photos     Correspondence     Design Plans

### FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- NO SURVEY REQUIRED

*Vanessa C. Patrick*

NCDOT Architectural Historian

*6 June 2017*

Date

17-05-0059



## NO ARCHAEOLOGICAL SURVEY REQUIRED FORM

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.



### PROJECT INFORMATION

**Project No:** Bridge No. 286      **County:** Stokes  
**WBS No:** 17BP.9.R.83      **Document:** M C C  
**F.A. No:**      **Funding:**  State       Federal  
**Federal Permit Required?**       Yes       No      **Permit Type:** tbd

**Project Description:** NCDOT proposes to replace the circa 1936 Bridge No. 286 in Stokes County. The bridge is located along SR 1236, Old US 52, over the Little Yadkin River/West Prong. The project length provided is listed as 0.10 miles (528 feet). The new proposed ROW is listed as 180 feet, will include a slightly wider roadway, wider shoulders and a guardrail. No other information was provided as to whether this would be a replace in place project, a realignment to one side or the other of the existing bridge, or would involve either a temporary onsite detour or offsite (driving route) detour. There is little project information available on the NCDOT SharePoint/Connect site, nor on the ProjectStore. General road mapping shows that a potential detour under five miles does potentially exist, but that is only an observation by the reviewing archaeologist. For purposes of this investigation, there is an assumption that a conceptual bridge design could be located adjacent to the existing bridge on either side, allowing for a number of alternative options. Therefore, the Area of Potential Effects for the bridge project is defined as the stated length of the project, 528 feet, with a total width of 200 feet, all centered on the existing bridge.

This is federally funded and permitted project, therefore, the undertaking falls under Section 106 of the National Historic Preservation Act for purposes of archaeological review.

### SUMMARY OF CULTURAL RESOURCES REVIEW

#### *Brief description of review activities, results of review, and conclusions:*

This undertaking involves constructing a new bridge with guardrails along SR 1236, Old US 52, replacing the present 1930s bridge structure. Much of the APE is already majorly altered by the construction of the existing Old US 52 roadway, the bridge, a modern structure (church), and possibly channelized waterways.

USGS mapping (Pinnacle) and aerial photography was studied (see Figures 1 and 2). The project area along SR 1236 is principally bordered by woods with some agriculture fields adjacent beyond the ROW east of the bridge. . West of the bridge at the southeastern quadrant of the intersection of SR 1236 and SR 1127 (West Dalton Road) is a structure used as a church. This structure, surrounded by a graded and otherwise modified lot, was present on 1964 USGS mapping. Contour mapping indicates that the approach from the east towards the existing Bridge No. 286 was built up several feet in an otherwise low and level floodplain.

Soil types include Dan River and Comus soils (DaA, 0-4 percent slopes, occasionally flooded and well drained) and a smaller percentage of Siloam fine sandy loam (SfD, 15-25 percent slopes) towards the western end of the project. The Dan River soils, being fairly level and well drained, are suitable for some past human activities, though are subject to flooding. The Siloam soils, with a greater slope, are often considered too hilly for occupation.



17-05-0059

Virtual drive-by was available on Google Maps. This examination and Google Earth confirmed conditions that were expected from topographic and aerial mapping, including the elevated roadway approach for the entire APE and plowed fields beginning near the ROW on the eastern side of the project. It also shows that a new bridge has been recently constructed (within about ten years) on SR 1127 in the immediate area 500 feet southwest of the subject bridge. The scale of the project, perhaps, is similar, resulting in a two lane bridge with guardrails, though the span for the recent bridge may be greater.

Historic maps of Stokes County were examined. The 1934 soils map of Stokes County is detailed and accurate, reliably showing road configurations, streams as they existed at the time, and structures. Here, the bridge to be replaced has not been constructed, nor has (Old) NC 52. The north to south running Dalton Road/Dalton Loop (SR 1127) does exist in 1934, though no structures are present at that time. The east to west traffic was routed on Chestnut Grove Rd, now possibly a portion outside of the state system. Had there been a crossroad or structures depicted nearby then the presence of historic archaeological resources would be more likely and worthy of consideration. Instead, we have a context that illustrates a road and the subject bridge being built about 90 years ago.

Little changed in mapping from the midcentury. The 1964 USGS quadrangle now shows the subject road, SR 1236, and the structure currently used as a church at the nearby intersection with SR 1127.

A number of environmental reviews for archaeology are recorded with the NC Office of State Archaeology near the project (ER 04-0792, ER 03-1305, ER 98-8303). Further west, there have been surveys and several archaeological sites identified that are associated with Pilot Mountain and the state park. Prehistoric archaeological site 31SK209 is about 1500 feet outside of the project area to the southwest on a ridge toe overlooking the Little Yadkin River. Some distance away, it will not be affected by the undertaking.

Significantly, the archaeological review (MA09503B) of the very nearby Bridge No. 242 by NCDOT archaeologist Jesse D. Zinn as part of the MovingAhead! initiative recommended no archaeological survey based on the project scale, archaeological background and immediate surroundings. That archaeological review is directly comparable to the present proposed bridge replacement.

As a result of this review, we conclude that the likelihood of encountering intact, NRHP-eligible resources are very low based on the nature (replacement of existing facility) and scale of undertaking within a largely disturbed context. The project should be considered compliant with Section 106. No archaeological survey is recommended for this undertaking as currently proposed.

***Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:***

The construction of an existing highway facility (Old US 52) and 1930s bridge running through the primary location for the proposed bridge replacement has disturbed much of the APE's archaeological integrity. Plowing to either side of the built up roadway has modified and mixed the soil layers resulting in poorer archaeological context. A midcentury building and associated graded lot has likely further destroyed an archaeological sites that may have been present on the southwestern project quadrant. While there are no archaeological sites present within the APE, a recent archaeological review at a similar bridge replacement project a few hundred feet away was recommended as not requiring additional work after the initial review. Therefore, this federally permitted undertaking should be considered compliant with Section 106.

**SUPPORT DOCUMENTATION**

See attached:  Map(s)  Previous Survey Info  Photos  Correspondence  
 Photocopy of County Survey Notes  Other:

**FINDING BY NCDOT ARCHAEOLOGIST**

**NO ARCHAEOLOGY SURVEY REQUIRED**

  
 NCDOT ARCHAEOLOGIST

2/22/2018

Date

# North Carolina Department of Transportation

## NEPA/SEPA Consultation Form

STIP Project No.	<u>NA</u>
WBS Element	<u>17BP.9.R.83</u>
Federal Aid Project No.	<u>NA</u>

### A. Project Description, Location, and Purpose:

The project involves replacing Bridge number 286 in Stokes County. NCDOT Bridge Management Unit records indicate Bridge No. 286 has a sufficiency rating of 73.48 out of a possible 100 for a new structure (3/27/17). This rating is not considered as structurally deficient. However, based on discussion with NCDOT staff the rating does not appear to reflect the structure's on-going maintenance issues as would be expected with an 80+ year old structure. The bridge, however, is functionally obsolete. The bridge deck is narrow consisting of 2 travel lanes and no functional clear zone. This bridge does not comply with current AASHTO Greenbook guidelines. Based on the on-going need for maintenance and its functional obsolescence the bridge is considered at the end of its useful life in need of replacement.

The existing, concrete, 4-span bridge was constructed in 1936 and is 190 feet long. The proposed new structure will be a 190-foot long, three span (1 at 40 ft., 1 at 105 ft. and 1 at 45 ft.), box beam bridge. The new bridge will include two 12-foot travel lanes and approximately 6-foot shoulders. The replacement structure will be on new location upstream and adjacent to the existing bridge. The bridge approaches will be on new location and tie into the existing roadway approximately 1,100 feet to the east and 1,200 feet to the west of the new structure. The approaches will have two 12-foot travel lanes and 8- to 11-foot shoulders including 4 feet paved. The roadway is a major collector. It will be designed as a major collector using sub-regional tier guidelines with a 55 mile per hour design speed (Figure 3a and b).

Two roads intersect SR 1236 to the northwest of the existing bridge, SR 1140 (Dalton Loop Road) enters from the east and SR 1127 (W Dalton Road) enters from the west. Both intersections will individually be realigned to reduce the skew and to accommodate the new location of the roadway. SR 1140 will shift approximately 75 feet to the west and SR 1127 will shift slightly to the east.

The existing bridge will remain in use during construction. Once the new bridge is complete, the existing structure and its approaches will be removed and the area revegetated.

### B. Consultation Phase: (Check one)

- Right-of-Way
- Construction
- Other: Identify the trigger – (e.g., design change, change in impacts)

C. NEPA/SEPA Class of Action Initially Approved as:



SEPA MCDC

September 6, 2019

D. Changes in Proposed Action & Environmental Consequences:

Since completion of the MCDC, the project study area was revised. The revision was needed to get the relocated Old US 52 to properly tie back into the existing section.

The project was resubmitted to NCDOT Cultural Resources staff for review and Historic Architecture and Archeology. No survey required forms were received for both. Additionally, the Catawba Indian Nation was consulted concerning impact to their resources. They had no immediate concerns in a response dated April 14, 2020.

Since the completion of the MCDC, USFWS has begun to utilize IPAC instead of county level data for triggering habitat surveys. A IPAC report was run on August 3, 2022 to determine threatened and endangered species in the project area. The list includes Schweinitz's sunflower, small-anthered bittercress, and the Grey bat as endangered. Its also lists NLEB as threatened. We anticipate that NLEB will be listed prior to construction of the project. Additionally, we anticipate that the tricolored bat will be added to the project area in IPAC prior to the construction of the project.

E. Conclusion:

The above NEPA/SEPA documentation has been reevaluated (as required by either 23 CFR 771 or by NC General Statute Chapter 113A Article 1). It has been determined that the current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted in Section D. It has been determined that anticipated social, economic, and environmental impacts were accurately described in the above referenced document(s) unless noted otherwise herein. Therefore, the original Administration Action remains valid.

F. Coordination

NCDOT personnel have discussed the current project parameters with qualified NCDOT representatives and FHWA (where applicable). The NCDOT Project Manager, Daniel Dagenhart, hereby verifies the involvement of the following staff and the incorporation of their technical input:

Division 9 Bridge Program Manager:	Daniel Dagenhart	August 3, 2022
Environmental Specialist:	Amy Euliss	August 3, 2022

G. Consultation Approval for NCDOT Project 17BP.9.R.83

**Prepared By:**

\_\_\_\_\_  
Date Amy Euliss, Division 9 PDEA Engineer  
NCDOT

**Reviewed By:**

\_\_\_\_\_  
Date Daniel Dagenhart, Division 9 Bridge Program Manager  
NCDOT

H. Project Commitments (as of August 3, 2022)

**Stokes County  
Bridge No. 86 Replacement on Old US 52  
WBS No. 17BP.9.R.83**

**Previous commitments from MCDC**

**Coordination with Stokes County Schools**

In order to have time to adequately reroute school busses, Stokes County Schools will be contacted at least one month prior to road closure by NCDOT Division 9.

**Coordination with Stokes County Emergency Services**

Stokes County Emergency Services will be contacted by NCDOT Division 9 at least one month prior to road closure to make the necessary temporary reassignments to primary response units.

**New commitments from ROW consultation**

The small anthered bittercress survey will be updated in the 2023 survey window.

Prior to any clearing or permitting, consultation needs to be completed for the Gray bat and Northern long-eared bat.

Prior to listing of the tricolored bat, consultation needs to be completed for the tricolored bat.



**UTILITY CERTIFICATION**

I.D. 17BP.9.R.83  
County: Stokes

W.B.S. Element: 17BP.9.R.83  
F. A. Project No. N/A

In connection with the above referenced project, I certify that all necessary utility work applicable is in accordance with Federal and State laws and regulations. I further certify that one of the following has application:

  X   1. Completed,

       2. That all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedule and, to the extent deemed necessary. There will be appropriate notification in the contract documents identifying the utility work that is to be undertaken concurrently with the project construction,

Or

       3. No utility conflicts.

This certification assures compliance with all applicable Federal and State laws, rules and policies.

DATE: 3/06/24

APPROVED

DocuSigned by:  
*Louis F. Porter*  
C159F85CA34E459...  
\_\_\_\_\_  
Division Coordinator



NORTH CAROLINA  
Environmental Quality

RECEIVED

MAR 18 2020

The Wooten Company  
Winston-Salem Regional Office

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

March 11, 2020

City of King  
Attention: T. Scott Barrow, City Engineer  
P.O. Box 1132  
King, North Carolina 27021

Re: Engineering Plans Approval  
Distribution Relocation  
NCDOT Bridge #286 on SR 1236  
City of King  
Water System No.: NC0285010, Stokes County  
Serial No.: 20-00094

Dear Applicant:

Enclosed please find one copy of the "Application for Approval..." together with one copy of the referenced engineering plans bearing the Division of Water Resources stamp of approval for the referenced project. These engineering plans are approved under Division of Water Resources Serial Number 20-00094, dated March 11, 2020.

Engineering plans prepared by John C. Grey, P.E, call for the relocation of approximately 525 feet of 6-inch water main, valves and associated appurtenances along North Old 52 Road (SR 1236) near Bridge #286 crossing the Little Yadkin River to facilitate NCDOT TIP Project 17BP.9.R.83 at that location in Stokes County. The proposed 6-inch water mains will tie into the existing asbestos-cement 6-inch water main at two locations along Old North 52 Road, the two locations are approximately 580 feet and 1,100 feet west of the intersection between Old North 52 Road and West Dalton Road, respectively. The existing 6-inch water main will be abandoned in place. This project must be constructed in accordance with NCDOT's standard specifications dated January 2018.

Please note that in accordance with 15A NCAC 18C .0309(a), no construction, alteration, or expansion of a water system shall be placed into service or made available for human consumption until the Public Water Supply Section has issued Final Approval. Final Approval will be issued and mailed to the applicant upon receipt of both an Engineer's Certification and an Applicant's Certification submitted in accordance with 15 A NCAC 18C .0303 (a) and (c).



North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1634 Mall Service Center | Raleigh, North Carolina 27699-1634  
919.707.9100



City of King  
Attention: T. Scott Barrow, City Engineer  
Page 2 of 2  
March 11, 2020

These plans in the foregoing application are approved insofar as the protection of public health is concerned as provided in the rules, standards and criteria adopted under the authority of Chapter 130A-317 of the General Statutes. This approval does not constitute a warranty of the design, construction or future operation of the water system.

One copy of the "Application for Approval..." and a copy of the plans with a seal of approval from the department are enclosed. One copy of the enclosed documents is being forwarded to our Winston-Salem Regional Office. The second copy is being retained in our office.

If the Public Water Supply Section can be of further service, please call (919) 707-9100.

Sincerely,

Handwritten signature of Robert W. Midgette in cursive, followed by the text "/for".

Robert W. Midgette, P.E.  
Chief, Public Water Supply Section  
Division of Water Resources

RWM/LARP

Enclosures: Approval Document

cc: Eric Hudson, P.E., Winston-Salem Regional Office  
Stokes County Health Department  
The Wooten Company

ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director



March 11, 2020

CITY OF KING  
ATTN: T. SCOTT BARRON, KING CITY ENGINEER  
P.O. BOX 1132  
KING, NC 27021

Re: **Authorization to Construct (This is not a Final Approval)**  
Issue Date: March 11, 2020  
NCDOT BRIDGE #286 ON SR 1236  
Serial No.: 20-00094 Water System No.: NC0285010  
Stokes County

Dear Applicant:

This letter is to confirm that a complete Engineer's Report and a Water System Management Plan have been received, and that engineering plans and specifications have been approved by the Department for **NCDOT BRIDGE #286 ON SR 1236, Serial No.: 20-00094.**

The "Authorization to Construct" is valid for 36 months from the issue date. Authorization to construct may be extended if the Rules Governing Public Water Supplies and site conditions have not changed (see Rule .0305). The "Authorization to Construct" and the engineering plans and specifications approval letter shall be posted at the primary entrance of the job site before and during construction.

Upon completion of the construction or modification, **and prior to placing the new construction or modification into service**, the applicant must submit an Engineer's Certification and Applicant's Certification to the Public Water Supply Section.

- **Engineer's Certification:** in accordance with Rule .0303 (a), the applicant shall submit a certification statement signed and sealed by a registered professional engineer stating that construction was completed in accordance with approved engineering plans and specifications, including any provisions stipulated in the Department's engineering plan and specification approval letter.
- **Applicant's Certification:** in accordance with Rule .0303 (c), the applicant shall submit a signed certification statement indicating that the requirements for an Operation and Maintenance Plan and Emergency Management Plan have been satisfied in accordance with Rule .0307 (d) and (e) and that the system has a certified operator in accordance with Rule .1300. The "Applicant's Certification" form is available at <http://www.ncwater.org/> (click on Public Water Supply Section, Plan Review, Plan Review Forms).

Certifications can be sent by mail, fax (919-715-4374), or attachment to an e-mail message to [PWSSection.PlanReview@ncdenr.gov](mailto:PWSSection.PlanReview@ncdenr.gov).

If this "Authorization to Construct" is for a new public water system, the owner must submit a completed **application for an Operating Permit** and the appropriate fee. For a copy of the application for an Operating Permit please call (919) 707-9085.

Once the certifications and permit application and fee (if applicable) are received and determined adequate, the Department will issue a Final Approval letter to the applicant. In accordance with Rule .0309 (a), **no portion of this project shall be placed into service until the Department has issued Final Approval.**

Please contact us at (919) 707-9100 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Midgette".

Robert W. Midgette, P.E.  
Chief, Public Water Supply Section

cc: ERIC HUDSON, P.E., Regional Engineer  
THE WOOTEN COMPANY



North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1634 Mail Service Center | Raleigh, North Carolina 27699-1634  
919.707.9100

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North Carolina Department of Environmental Quality  
Division of Water Resources

Authorization to Construct

Project Applicant:	CITY OF KING
Public Water System Name and Water System No.:	KING, CITY OF NC0285010
Project Name:	NCDOT BRIDGE #286 ON SR 1236
Serial No.:	20-00094
Issue Date:	March 11, 2020
Expiration Date:	36 Months after Issue Date

In accordance with NCAC 18C .0305, this Authorization to Construct must be posted  
at the primary entrance to the job site during construction.

---



NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

RICHARD E. ROGERS, JR.  
Director

January 26, 2023  
Stokes County  
NCDWR Project No. 20221783  
Bridge 286 on SR 1236  
WBS No. 17BP.9.R.83

**APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS**

Ms. Amy Euliss  
NCDOT, Division 9 PDEA Engineer  
375 Silas Creek Parkway  
Winston Salem, NC 27127

Dear Ms. Euliss:

You have our approval, in accordance with the conditions listed below, for the following impacts related to the replacement of Bridge 286 on North Old 52 over Little Yadkin River. *This is a minor revision to the previous Certification issued on January 23, 2023, to correct the Regional General Permit number.*

**Stream Impacts in the Yadkin PeeDee River Basin**

Site	Permanent Fill in Perennial Stream (linear ft)		Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)		Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
	Bank Stabilization	Relocation	Relocation	Bank Stabilization	Relocation		
1	-	-	66	-	-	66	-
2	-	-	54	-	-	54	-
2a	-	127	-	-	11	138	-
3	-	356	-	-	-	356	356
4	142	-	-	173	-	315	-
<b>Totals</b>	<b>142</b>	<b>483</b>	<b>120</b>	<b>173</b>	<b>11</b>	<b>929</b>	<b>356</b>

**Total Stream Impacts: 929 linear feet**

**Wetland Impacts in the Yadkin Pee Dee River Basin (Riverine)**

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)
5	0.030	-	-	-	0.040	0.070
<b>Total</b>	<b>0.030</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.040</b>	

**Total Wetland Impact for Project: 0.070 acres.**



After reviewing your application, we have decided that the proposed impacts are covered by General Water Quality Certification (GC) Number 4135. This GC corresponds to US Army Corps of Engineers Regional General Permit 201902350. 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 information received on January 25, 2023 (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 riprap/causeway must return the project site to its preconstruction contours and elevations and all riprap removed. The impacted areas along the banks shall be revegetated with appropriate native species. [15A NCAC 02H .0506(b)(2)]
2. 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)]
3. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means before entering streams. 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)]
4. Compensatory mitigation for 356 linear feet of impacts to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Division of Mitigation Service (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. The DMS has indicated in a letter dated December 15, 2022, that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the DMS Mitigation Banking Instrument signed July 28, 2010.

#### **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. 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)]
3. 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)]
4. 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)]



5. 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)]
6. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
7. Heavy equipment shall be operated from the banks rather than in the stream channel to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
8. 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)]
9. 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)]
10. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
11. 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]
12. 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)]
13. 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)]
14. 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.
15. 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)]
16. 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)]
17. 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 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.

18. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [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:

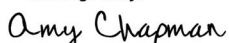
William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

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 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](mailto:dave.wanucha@ncdenr.gov) if you have any questions or concerns.

Sincerely,

DocuSigned by:

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



Electronic copy only distribution:

Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office

Rebekah Reid, US Fish and Wildlife Service

David McHenry, NC Wildlife Resources Commission

File Copy







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](mailto:kristilynn.carpenter@ncdenr.gov) or mailed to:  
NCDEQ Transportation Permitting  
1617 Mail Service Center  
Raleigh NC 27699-1617

