



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

DANIEL H. JOHNSON
SECRETARY

January 15, 2026

MEMORANDUM TO: Division Environmental and Construction Units

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

SUBJECT: Environmental Permits for the Restoration of NC 9 due to damage caused by Hurricane Helene in Henderson County, Division 14, **WBS: 18314.1045061**

Please find enclosed the following permits for this project:

Agency	Permit Type	Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Nationwide Permit 3 and 33, SAW-2025-00325 dated August 8, 2025 and January 15, 2026	March 14, 2026*
NC Division of Water Resources Section 401 Water Quality Certification	Individual Water Quality Certification, DWR # 20250664 dated August 4, 2025, and January 6, 2026	with above 404 Permit

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

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

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

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

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

Telephone: (919) 707-6000
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH NC 27610

404 Permit (USACE) - January 2026



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
WILMINGTON REGULATORY OFFICE
69 DARLINGTON AVENUE
WILMINGTON NORTH CAROLINA 28403

January 16, 2026

Regulatory Division
SAW-2025-00325

Sent Via email: maturchy@ncdot.gov

NC Department of Transportation
Natural Environment Section
Mr. Michael Turchy
1598 Mail Service Center
Raleigh, NC 27699-1598

Dear Mr. Turchy:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Wilmington District, WRDA/Transportation Branch on August 26, 2025, for a Department of the Army Nationwide Permit (NWP) verification. This project has been assigned the file number SAW-2025-00325 and is known as the Hurricane Helene NC 9 repair project (WBS#18314.1045061). This file number should be referenced in all correspondence concerning this project.

A review of the information provided indicates that the proposed work would include the post Helene repairs to NC 9 for sites 5-13. A permit verification was issued for this project for sites 1-4 on August 8, 2025. By letter dated August 26, 2025, NCDOT requested a new permit verification to authorize revised impacts for Site 1 and the additional impacts for sites 5-13. Revised impacts for Site 1 include a reduction of temporary impacts from 1,222 lf to 1,166 lf. Additionally impacts for Sites 5-13 include permanent impact to 423 lf of stream channel and the temporary impact to 365 lf of stream channel. The total impact for the entire project includes the permanent impact to 438 lf of stream channel and the temporary impact to 1,534 lf of stream channel. This permit verification hereby replaces the verification issued August 8, 2025. The project is located along NC 9 starting at the intersection of NC 9 with US 64 and extending approximately 1.75 miles north to terminate at the Buncombe/Henderson County line in Bat Cave, Henderson County, North Carolina, at Latitude 35.455020 and Longitude -82.289520.

We have determined that the proposed work is authorized by NWP 3 and 33 pursuant to authorities under Section 404 of the Clean Water Act (33 U.S.C § 1344). The proposed work must be accomplished in strict accordance with the general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed plans. If the extent of the project area and/or

nature of the authorized impacts to waters are modified, a revised PCN must be submitted to this office for written approval before work is initiated. Any violation of permit conditions or deviation from your submitted plans may subject the permittee to enforcement action.

This verification is valid until March 14, 2026, unless prior to this date the subject NWP(s) is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of this NWP. If you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Project Specific Special Conditions:

1. The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological (PBO) and Conference Opinion (PCO) and Programmatic Conference Report titled "Five Imperiled Bat Species in Western North Carolina" dated April 1, 2025, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the PBO/PCO. The USFWS adopted the PBO/PCO as the Programmatic Biological Opinion (PBO) for the effects of this action on July 7, 2025. Your authorization under this Corps permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the PBO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO, and with the ESA.
2. All conditions of the attached North Carolina Wildlife Resources Commission letter of November 12, 2025, are hereby incorporated as special conditions of this permit.

This NWP verification does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Crystal Amschler, Project Manager of the WRDA/Transportation Branch at 828-526-6013, by mail at the above address, or by email at crystal.c.amschler@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Scott Jones".

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

Enclosures

U.S. Army Corps of Engineers (USACE)

CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.

Form Approved -

OMB No. 0710-0003

Expires 2027-10-31

The Agency Disclosure Notice (ADN)

The Public reporting burden for this collection of information, 0710-0003, is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PURPOSE: This form is used by recipients of U.S. Army Corps of Engineer Regulatory permits to certify compliance with the permit terms and conditions.

Your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the U.S. Army Corps of Engineers, Wilmington District, Regulatory Office.

The certification can be submitted by email at crystal.c.amschler@usace.army.mil or by mail at the below address:

U.S. Army Corps of Engineers
Wilmington District Office
Street Address: 151 Patton Ave Rm 208
City: Asheville State: NC Zip Code: 28801

COMPLETED BY THE CORPS

Corps Action Number: SAW-2025-00325
Permit Type: General Permit
General Permit Number and Name (*if applicable*):
Name of Permittee: Michael Turchy
Project Name: the Hurricane Helene NC 9 repair project (WBS#18314.1045061)
Project Location (*physical address*): Bat Cave, North Carolina

PERMITTEE'S CERTIFICATION

Date Work Started:
Date Work Completed:

Enclose photographs showing the completed project (*if available*).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with all of the permit terms and conditions, and that any required compensatory mitigation has been completed in accordance with the permit conditions.

Name	Date	Signature
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□ North Carolina Wildlife Resources Commission □

M. Kyle Briggs, Executive Director

November 12, 2025

Crystal Amschler

U.S. Army Corps of Engineers, Asheville Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, NC 28801

Amy Annino

401 and Buffer Transportation Permitting Branch
North Carolina Department of Environmental Quality
2090 U.S. 70 Highway
Swannanoa, NC 28778-8211

SUBJECT: Comments on 404/401 Application for Proposed Repair of “Upper Section” of NC 9 and
Modification of Issued 404/401 for Proposed Repair of “Lower Section” of NC 9,
Henderson County. **NCDOT Project No. 18314.1045061 (formerly 18314.1045035)**
SAW-2025-00325 and DEQ 20250664v2

The North Carolina Department of Transportation (NCDOT) applied for 404/401 authorization and modification to repair NC 9 that was damaged by Hurricane Helene. The North Carolina Wildlife Resources Commission’s (NCWRC) comments are offered to help conserve wildlife resources in the project area and to promote wildlife-based recreation in accordance with applicable provisions of the Clean Water Act of 1977 (33 U.S.C. 466 et seq.) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The proposed work involves constructing temporary causeways in the Broad River. Also proposed are permanent fills for concrete walls along the Broad River and Grassy Creek, stream and pipe inlet/outlet stabilizations, stream channel changes, and culvert extensions.

There are records for Blue Ridge Gray-cheeked Salamander (*Plethodon amplus*), Crevice Salamander (*Plethodon yonahlossee* pop. 1), and other rare species in the vicinity of the project. Much of the habitat for these Salamanders was likely destroyed by the storm or is beyond the proposed work footprints,

though the latter is difficult to assess without right-of-way plans and targeted field visits. On this project, the NCWRC is interested in slope cuts that may be needed in the vicinity of stations 47+00 to 57+00.

Like our requests on the US74A repair project, the NCWRC is interested in these areas not to modify any plans but rather allow our staff to possibly make rapid habitat checks and salamander relocations from summer-fall) before all clearing and grading is completed.

The NCWRC received the application for the “Lower Section” of the project on May 20, 2025 and offered comments on May 23, 2025. The original application for the modification and “Upper Section” was received on August 26, 2025. The NCWRC offered comments and questions on this application in advance of the revised application that was received November 7, 2025. Please consider the following recommendations on the project to help minimize adverse effects of the proposed work on wildlife habitats and their values:

1. As noted previously, the NCWRC believes there is no need for these repairs to adhere to a trout moratorium in this portion of the Broad River.
2. Large rock, either quarry stone or native material, should be placed along the along the walls (sites 1 and 7) to provide some flow disruption and stream channel restoration. This is requested to maintain some streambed cover and is particularly important along walls to help offset accelerated stream velocities, displaced scour, and habitat declines they can cause. This measure should be possible according to correspondence with the designers.
3. The river relocation site 1 should be constructed according to estimated regional curve dimensions as described.
4. Any areas of river and stream bank that have soil remaining following the repairs should be planted with live stakes such as willows or bare root seedlings like sycamores to provide some bank stability and eventual stream shading.
5. Stream channel excavation and fill should be avoided at site 7 except in the stabilization footprint along the south bank of the channel. This is recommended to retain the cobble and boulder material that is currently in the channel (see photo).

The NCWRC is concerned about possible aquatic habitat declines due to in-channel wall construction. Where roads have been completely washed-out, we understand that concrete walls may be more desirable than conventional rock plating. The roadway at site 7 did not wash-out, though the road fill was severely eroded. Therefore, we recommend further considering whether a shot rock alternative would still be effective to help avoid the aquatic habitat declines associated with walls.

Thank you for the opportunity to review and provide comments on this project. Please contact me at david.mchenry@ncwildlife.gov or (828) 476-1966 if you have any questions about these comments.

Sincerely,



Dave McHenry, NCWRC Western DOT Coordinator

cc: Michael Turchy, ECAP, NCDOT
Kevin Mitchell, NCDOT Division 14
Brian Burch, PE HNTB



Grassy Creek below RCBC, September 15, 2025.

401 Certification (NCDWR) - Jan 2026

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



January 6, 2026

DWR # 20250664 V2
Henderson County

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

Delivered via email to: maturchy@ncdot.gov

Subject: Approval of Individual 401 Water Quality Certification
NC 9 Helene Repairs, WBS# 18314.1045061

Location: 35.455019 / 82.289515

Dear Mr. Turchy:

Attached hereto is a copy of Certification No. WQC007905 issued to Mr. Michael Turchy and The North Carolina Department of Transportation (NCDOT) dated January 6, 2026. This Certification replaces the Certification issued on August 4, 2025. This Certification is being issued pursuant to a modification request submitted on August 27, 2025, to update impacts related to the final design of the roadway repair.

This Water Quality Certification does not relieve the Permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

Upon the presentation of proper credentials, the Division of Water Resources (Division) may inspect the property.

This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Water Quality Certification for the project and may also result in criminal and/or civil penalties.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

This approval and its conditions are final and binding unless contested [G.S. 143-215.5].

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.

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <https://www.oah.nc.gov> or by calling the OAH Clerk's Office at (919) 431-3000.

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

Dan Hirschman, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

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

This letter completes the Division's review under Section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Amy Annino at 828-296-4668 or amy.annino@deq.nc.gov if you have any questions or concerns.

Sincerely,

Signed by:



3185423002EA45E...
Faith Hardin, Supervisor
401 & Buffer Transportation Permitting Branch

Electronic cc: Crystal Amschler, US Army Corps of Engineers, Asheville Field Office
Patrick Breedlove, Division 14 PDEA Engineer
Kevin Mitchell, Division 14
Holland Youngman, US Fish and Wildlife Service
Dave McHenry, NC Wildlife Resources Commission
Transportation Permitting Branch Electronic file

Filename: 20250664v2_NC 9 Helene Repairs_Approval_20260106.docx



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

NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

CERTIFICATION #WQC007905 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina's Regulations in 15 NCAC 02H .0500 and 15A NCAC 02B .0200, to Mr. Michael Turchy and the North Carolina Department of Transportation, who have authorization for the impacts listed below, as described within your application received by the N.C. Division of Water Resources (Division) on August 27, 2025, and subsequent information on November 7, 2025, December 10, 2025, December 31, 2025, and by Public Notice issued by the Division on May 20, 2025, and within the *Reasonable Period of Time* pursuant to 40 CFR Part 121.6.

The State of North Carolina certifies that this activity will comply with water quality requirements and the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

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

Stream Impacts in the Broad River Basin

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	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)
S1	-	-	1,129	1,166	2,295	0
S2	15	12	-	-	27	0
S3	295	11	-	-	306	0
S4	382	11	-	-	393	0
S5	-	-	127	-	127	0
S6	-	-	131	26	157	0
S7	-	-	398	207	605	0
S8	-	-	128	36	164	0
S9	-	-	115	24	139	0
S10	-	-	46	-	46	0



S11	-	-	51	16	67	0
S12	-	-	4	15	19	0
S13	-	-	13	10	23	0
Total	692	34	2,142	1,500	4,368	0

*Permanent impact, not permanent loss. Impacts consist of fill material in original footprint and bank stabilization. Mitigation not required.

Total Stream Impact for Project: 2,834 linear feet permanent and 1,534 linear feet temporary

This approval requires you to follow the conditions listed in the Certification below.

CONDITIONS OF CERTIFICATION [15A NCAC 02H .0507(c)]:

Project Specific Conditions

1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
2. The permittee shall use *Design Standards in Sensitive Watersheds* (15A NCAC 4B.0124[a]-[e]) in areas draining to Trout waters.

NCDOT shall be in compliance with the NCS00250 issued to the NCDOT, including the applicable requirements of the NCG01000. Please note the extra protections for the sensitive watersheds.

3. Any material used to construct the temporary causeway and permanent bank stabilization within the Broad River shall be of a size and density to prevent movement by wave, current action, or stream flows, and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0201]
4. The permittee shall submit a temporary impact restoration plan for the restoration of the causeway and its associated impacts within the Broad River. The plan should identify the upland location where fill material removed from waters will be deposited. This Plan should include measures to protect water quality standards during project activities to remove temporary



impacts / fill. Upon restoration of temporary impacts to wetlands and streams, the restored areas shall be monitored quarterly for at least two years with photo documentation. The monitoring may be extended up to another 3 years if the restoration sites have not adequately recovered. A Restoration Plan for these temporary impacts shall be submitted to the Division 30-days prior to the planned removal. The Division shall provide written approval of the Restoration Plan before conducting work. [15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)]

General Conditions

1. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
2. 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]
3. For all streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species. [15A NCAC 02H.0506(b)(2)]
4. During the construction of the project, no staging of equipment of any kind is permitted in waters of the state or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
5. 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)]
6. 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)]



7. 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)]
8. 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)]
9. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
10. 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)]
11. 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)]
12. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
13. 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]
14. 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)]
15. 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)]
16. The outside buffer, wetland or water boundary located within the construction corridor



approved by this authorization, including all non-commercial borrow and waste sites associated with the project, shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification. [15A NCAC 02H.0501 and .0502]

17. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
18. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer (or whomever is the authorized agent if a non-NCDOT project) shall complete and return the "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0507]
19. Native riparian vegetation (i.e., herbaceous, trees, and shrubs native to your geographic region) must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0506(b)(2)]
20. 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)]
21. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within jurisdictional wetlands. [15A NCAC 2H.0506; 15A NCAC 2H.0507]
22. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards [15A NCAC 02H.0506(b)(3)]:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the North Carolina Sediment and Erosion Control Manual. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed,



- installed, operated, and maintained in accordance with the most recent version of the North Carolina Surface Mining Manual.
- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
23. Sediment and erosion control measures shall not be placed in wetlands or surface waters without prior approval from DWR. [15A NCAC 02H.0506(b)(3)]

This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

This, the 6th day of January 2026

Signed by:

3185423002EA45E...
Faith Hardin, Supervisor
401 & Buffer Transportation Permitting Branch



Permitted Drawings



North Carolina Department of Transportation

Highway Stormwater Program
STORMWATER MANAGEMENT PLAN
FOR NCDOT PROJECTS

(Version 3.02; Released April 23, 2024)

WBS Element: 18314.1045

TIP/Proj No: NC-9

County(ies): Henderson

Page 1 of 2

General Project Information

WBS Element:	18314.1045035	TIP Number:	NC-9	Project Type:	Roadway Widening	Date:	5/1/2025	
NCDOT Contact:	Josh Deyton		Contractor / Designer:	Sungate Design Group, PA				
	Address:	253 Webster Road Sylva, NC 28779		Address:	905 Jones Franklin Rd Raleigh, NC 27606			
	Phone:	828-331-5211		Phone:	919-859-2243			
	Email:	jdeyton@nccdot.gov		Email:	dalton@sungatedesign.com			
City/Town:	Bat Cave		County(ies):	Henderson				
River Basin(s):	Broad		CAMA County?	No				
Wetlands within Project Limits?	No							
Project Description								
Project Length (lin. miles or feet):	1.97	Surrounding Land Use:	Residential, Wooded, Conservation Forest					
Project Built-Upon Area (ac.)	14.0	ac.	Proposed Project	Existing Site				
Typical Cross Section Description:	NC-9: Southbound lane includes a 10' paved lane with 4' shoulders (2' paved + 2' grass from 10+12 to 91+00 -L-)4' grass from 91+00 to 113+77 -L-). Northbound lane includes a 10' paved lane with 3' shoulders (2' paved + 1' grass from 10+12 to 91+00 -L-)(3' grass from 91+00 to 113+77 -L-). Varying cut and fill slopes (see XSC file for detailed information).		Existing NC-9: 10' paved lane with 3' shoulders (1' paved + 2' grass) in each direction. Varying cut and fill slopes.					
Annual Avg Daily Traffic (veh/hr/day):	Design/Future:	1000	Year:	2025	Existing:	1000	Year:	2025

General Project Narrative:
(Description of Minimization of Water Quality Impacts)
The North Carolina Department of Transportation (NCDOT) has proposed repairs to NC-9 from US 74 ALT to the Henderson County Line. The project, NC-9, was proposed in response to the damage caused by Hurricane Helene (09/2024). There is one major structure within the limits of the project (2@8'x10' RCBC) that is not being impacted by the proposed design. There have been 2 repairs proposed to the structure fixing erosion issues on either end of the culvert (see PSH 08 for inlet/outlet improvements). Erosion and Sediment Control measures to preserve water quality for instream construction activities will include floating turbidity curtains and/or impervious dikes. Rip rap has been added to outlets in jurisdictional features in order to dissipate energy and reduce velocities.



(Version 3.02; Released April 23, 2024)

North Carolina Department of Transportation

Highway Stormwater Program
STORMWATER MANAGEMENT PLAN
FOR NCDOT PROJECTS

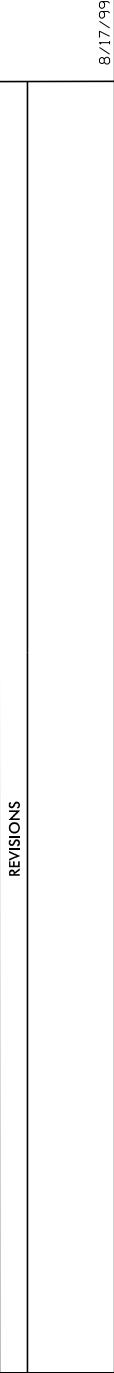
WBS Element: 18314.1045	TIP/Proj No.: NC-9	County(ies): Henderson	Page 2 of 2
General Project Information			
Waterbody Information			
Surface Water Body (1):	Broad River	NCDWR Stream Index No.:	9-(1)
NCDWR Surface Water Classification for Water Body		Primary Classification:	Class C
		Supplemental Classification:	Trout Waters (Tr)
Other Stream Classification:	None		
Impairments:	None		
Aquatic T&E Species?	Comments:		
NRTR Stream ID:	Broad River	Buffer Rules in Effect:	N/A
Project Includes Bridge Spanning Water Body?	No	Deck Drains Discharge Over Buffer?	N/A
Deck Drains Discharge Over Water Body?	N/A	(If yes, provide justification in the General Project Narrative)	
(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)	
Surface Water Body (2):	Grassy Creek	NCDWR Stream Index No.:	9-13
NCDWR Surface Water Classification for Water Body		Primary Classification:	Class C
		Supplemental Classification:	Trout Waters (Tr)
Other Stream Classification:	None		
Impairments:	None		
Aquatic T&E Species?	Comments:		
NRTR Stream ID:	Grassy Creek	Buffer Rules in Effect:	N/A
Project Includes Bridge Spanning Water Body?	No	Deck Drains Discharge Over Buffer?	N/A
Deck Drains Discharge Over Water Body?	N/A	(If yes, provide justification in the General Project Narrative)	
(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)	
Surface Water Body (3):		NCDWR Stream Index No.:	
NCDWR Surface Water Classification for Water Body		Primary Classification:	
		Supplemental Classification:	
Other Stream Classification:			
Impairments:			
Aquatic T&E Species?	Comments:		
NRTR Stream ID:		Buffer Rules in Effect:	
Project Includes Bridge Spanning Water Body?		Deck Drains Discharge Over Buffer?	
Deck Drains Discharge Over Water Body?		(If yes, provide justification in the General Project Narrative)	
(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)	

PERMIT DRAWING SHEET 2 OF 25

DATE: 12/23/2025

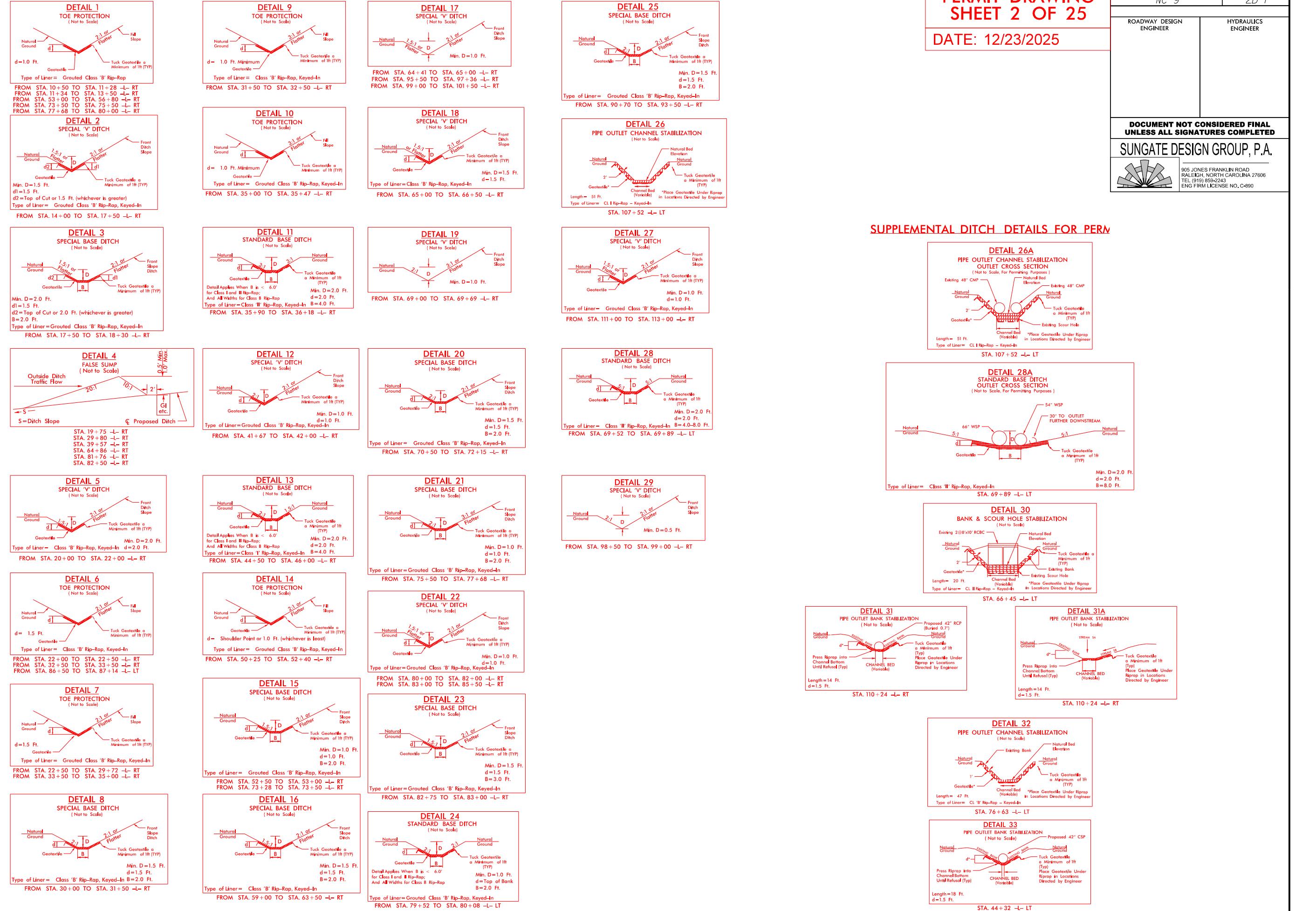
PROJECT REFERENCE NO.	HEET NO.
NC-9	2D-1
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	

SUNGATE DESIGN GROUP, P.A.
905 JONES FRANKLIN ROAD
RALEIGH, NORTH CAROLINA 27606
TEL: (919) 659-1000
ENG FIRM LICENSE NO. C-690



REVISIONS

NC-9_12025-pr-m-wet-psb-02B1.dgn

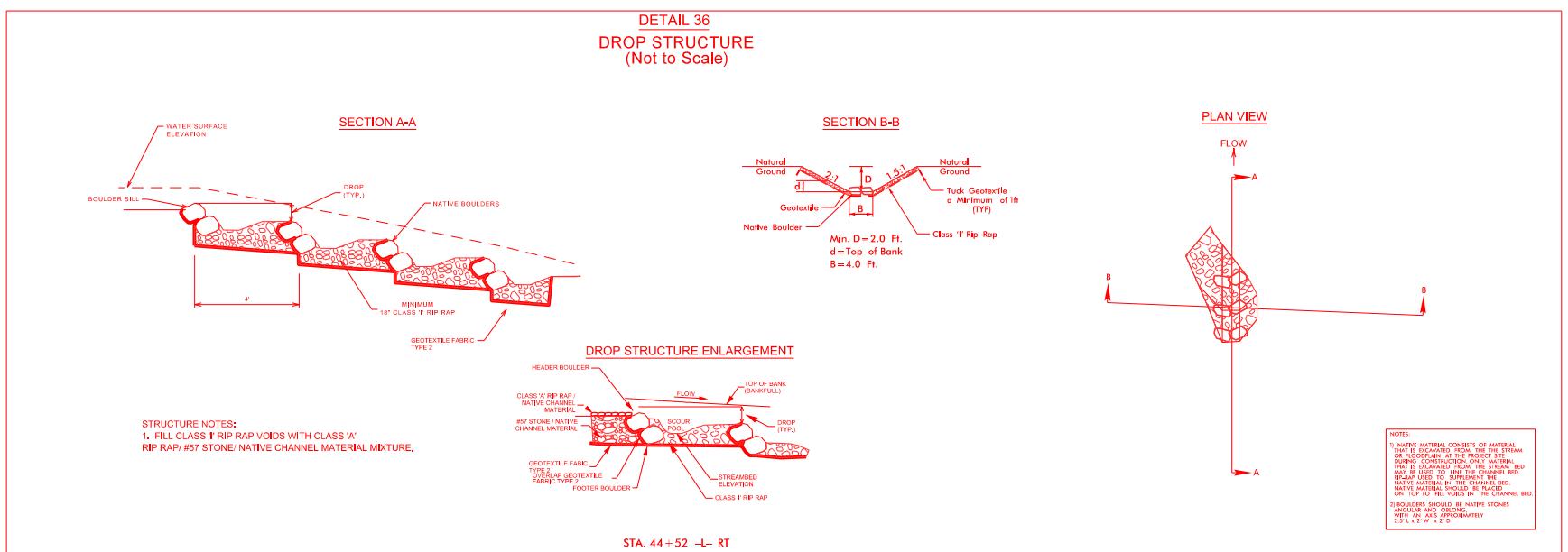
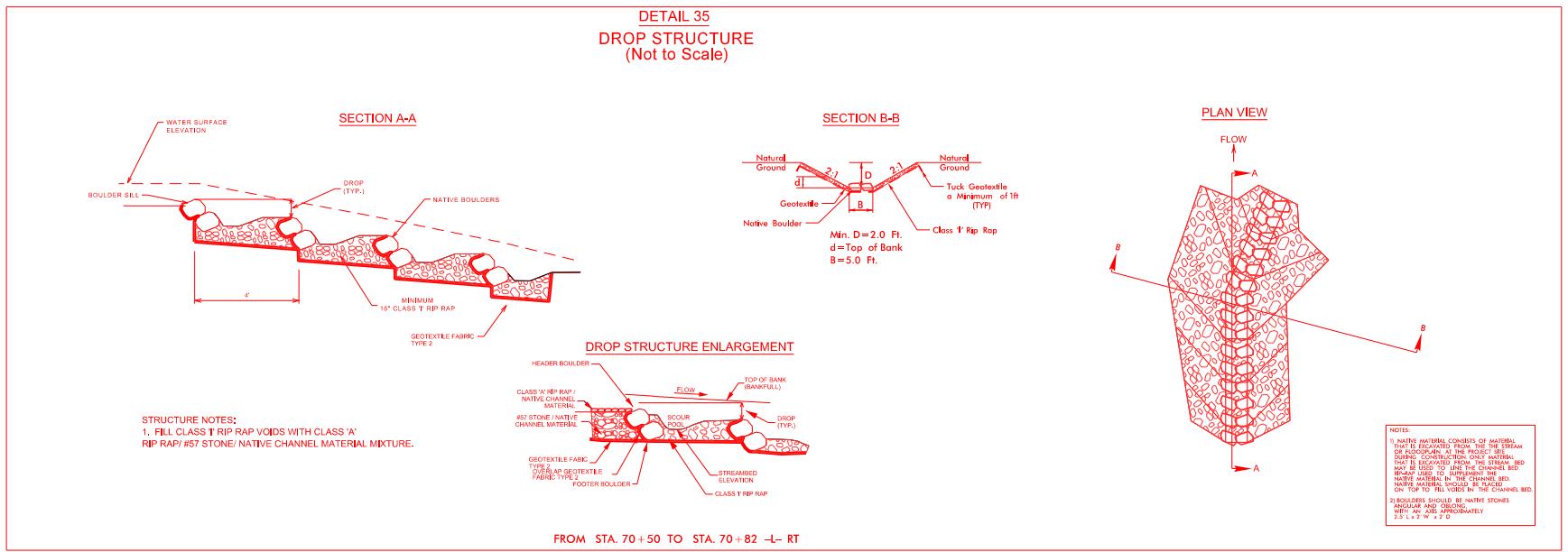
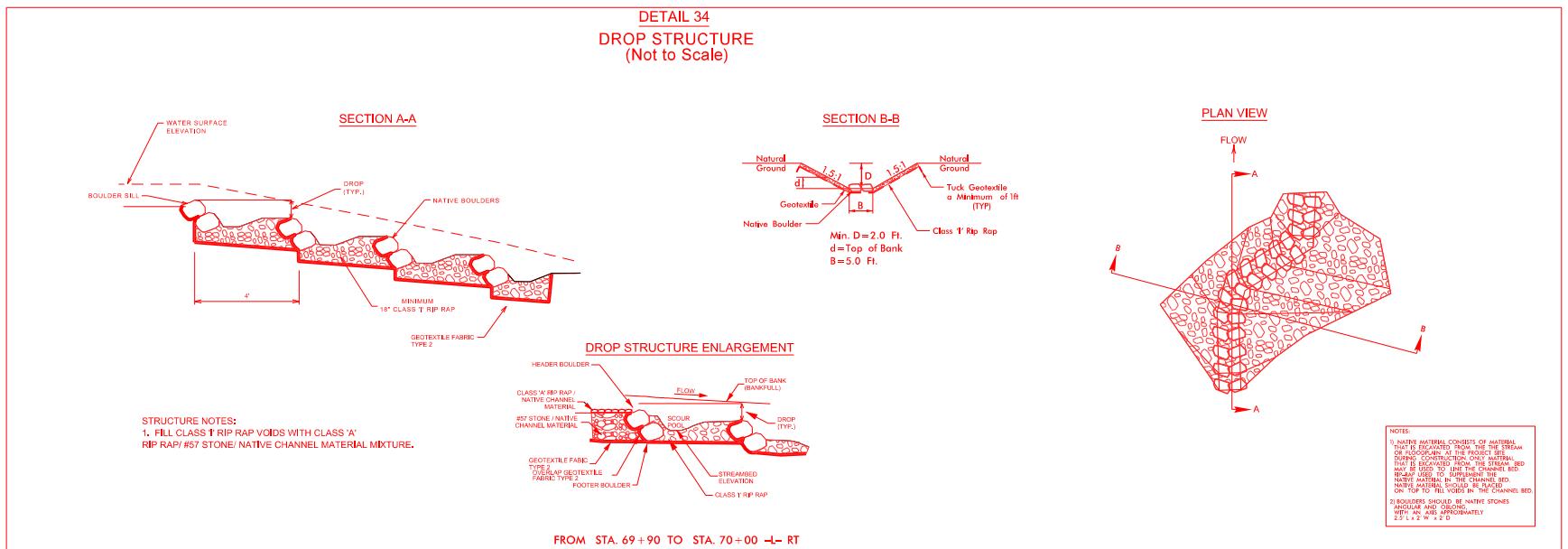


PROJECT REFERENCE NO.	SHEET NO.
NC-9	2D-2
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
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RALEIGH, NORTH CAROLINA 27606
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**PERMIT DRAWING
SHEET 3 OF 25**

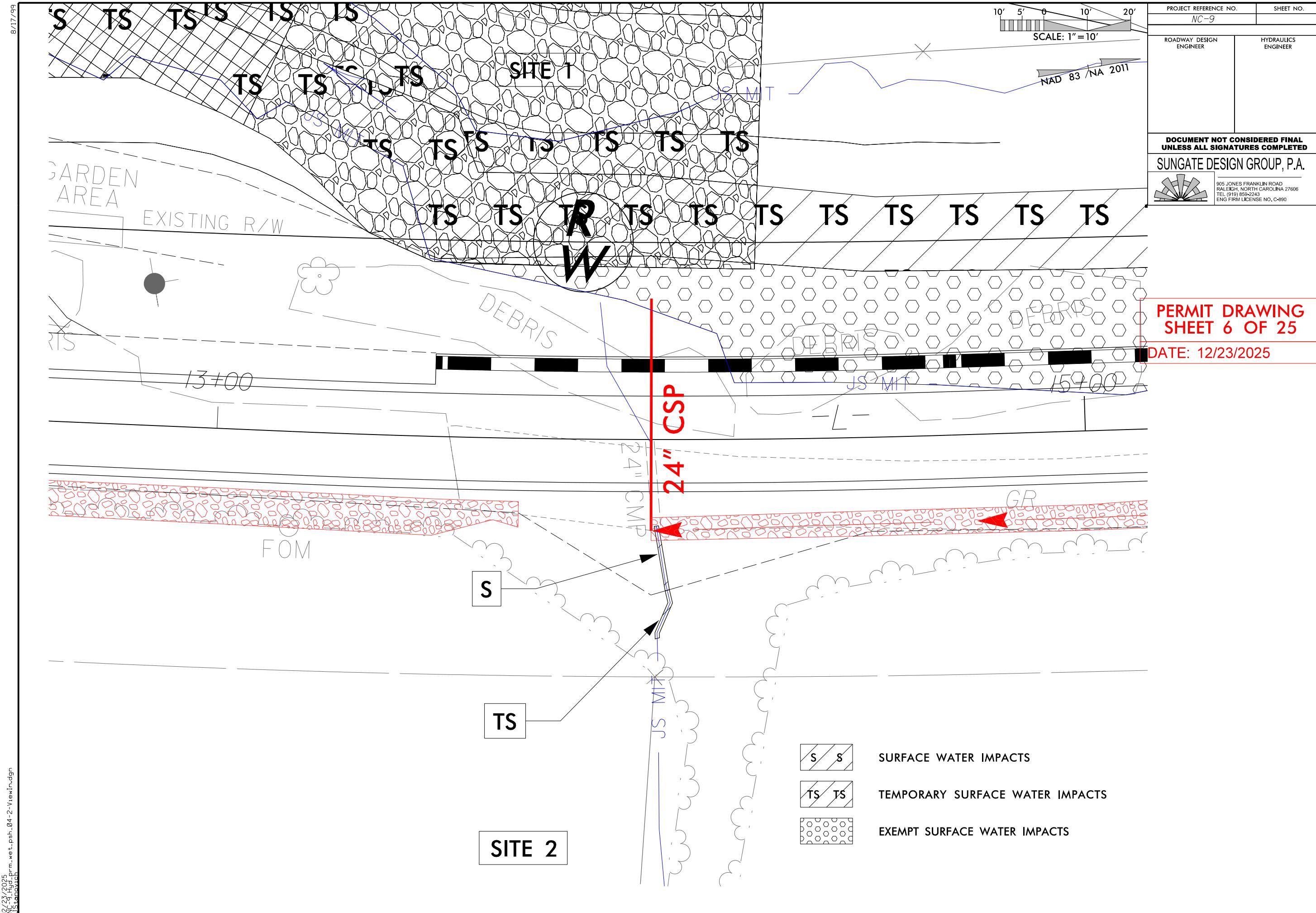
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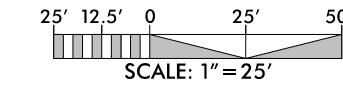


PROJECT REFERENCE NO.		SHEET NO.
NC-9		4
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER
<p>DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</p> <p>UNGATE DESIGN GROUP, P.A.</p> 		
<hr/> <p>905 JONES FRANKLIN ROAD RALEIGH, NORTH CAROLINA 27606 TEL (919) 859-2243 ENG FIRM LICENSE NO. C-890</p> <hr/>		

PERMIT DRAWING
SHEET 4 OF 25

BEGIN PROJECT NC-9
-L- STA 10+12.00





PROJECT REFERENCE NO.		SHEET NO.
NC-9		
Roadway Design Engineer		Hydraulics Engineer

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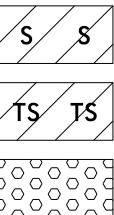
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PERMIT DRAWING SHEET 7 OF 25

DATE: 12/23/2025



SURFACE WATER IMPACT

TEMPORARY SURFACE WATER IMPACT

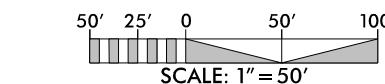
EXEMPT SURFACE WATER IMPACTS

	PROJECT REFERENCE NO.	SHEET NO.
	NC-9	5
	ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

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FIRM LICENSE NO. C-890



SCALE: 1" = 50'

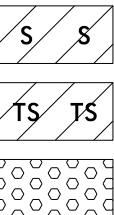
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**PERMIT DRAWING
SHEET 8 OF 25**

DATE: 12/23/2025



SURFACE WATER IMPACT

TEMPORARY SURFACE WATER IMPACTS

EXEMPT SURFACE WATER IMPACTS

NAD 83 / NA 2011

PROJECT REFERENCE NO.	SHEET NO.
NC-9	5
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

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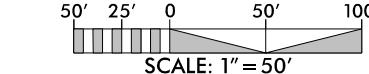
UNIGATE DESIGN GROUP, P.A.

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PERMIT DRAWING

SHEET 9 OF 25

DATE: 12/23/2025



SCALE: 1" = 50'

NAD 83 / NA 2011

ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
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UNLESS ALL SIGNATURES COMPLETED**

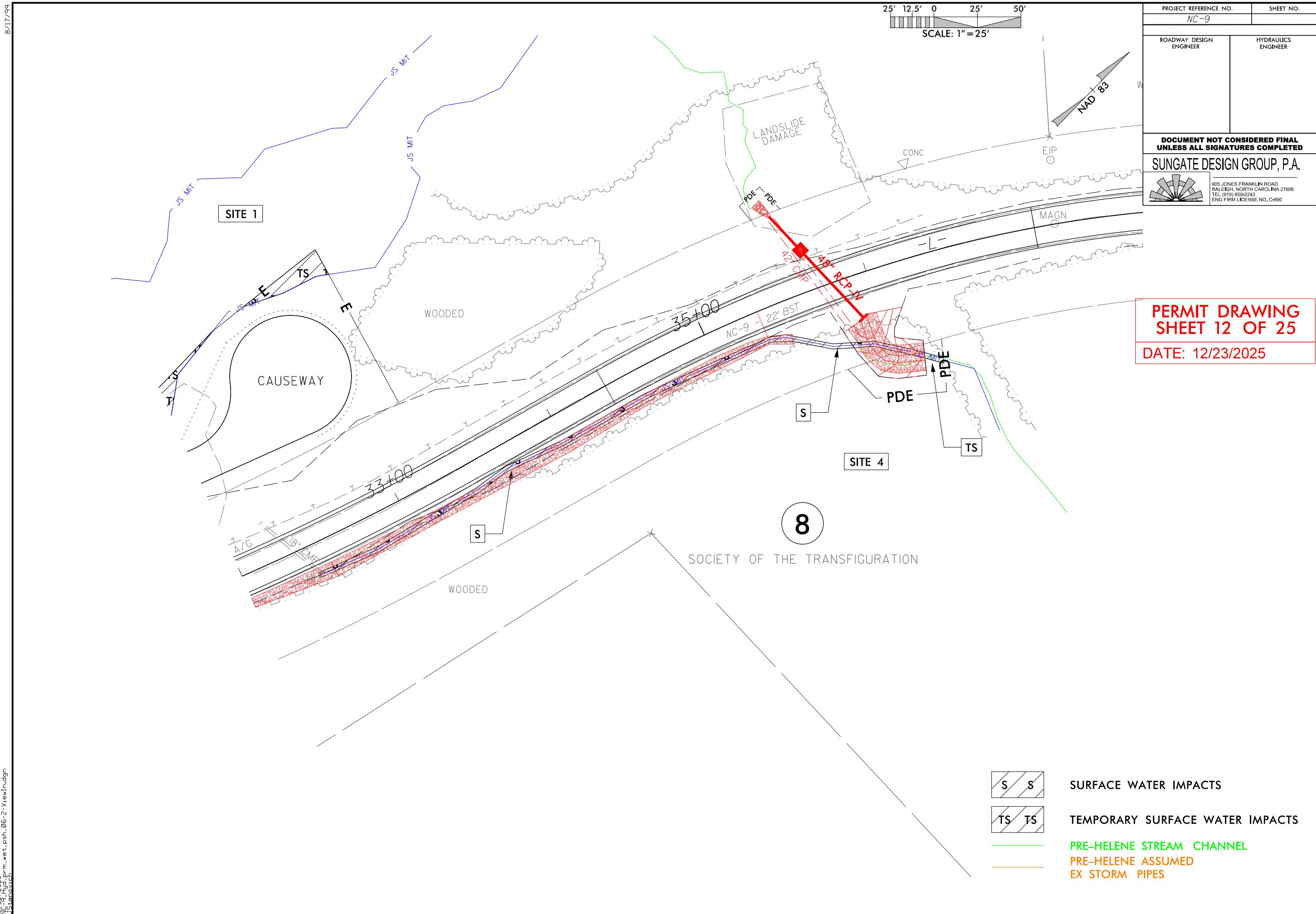
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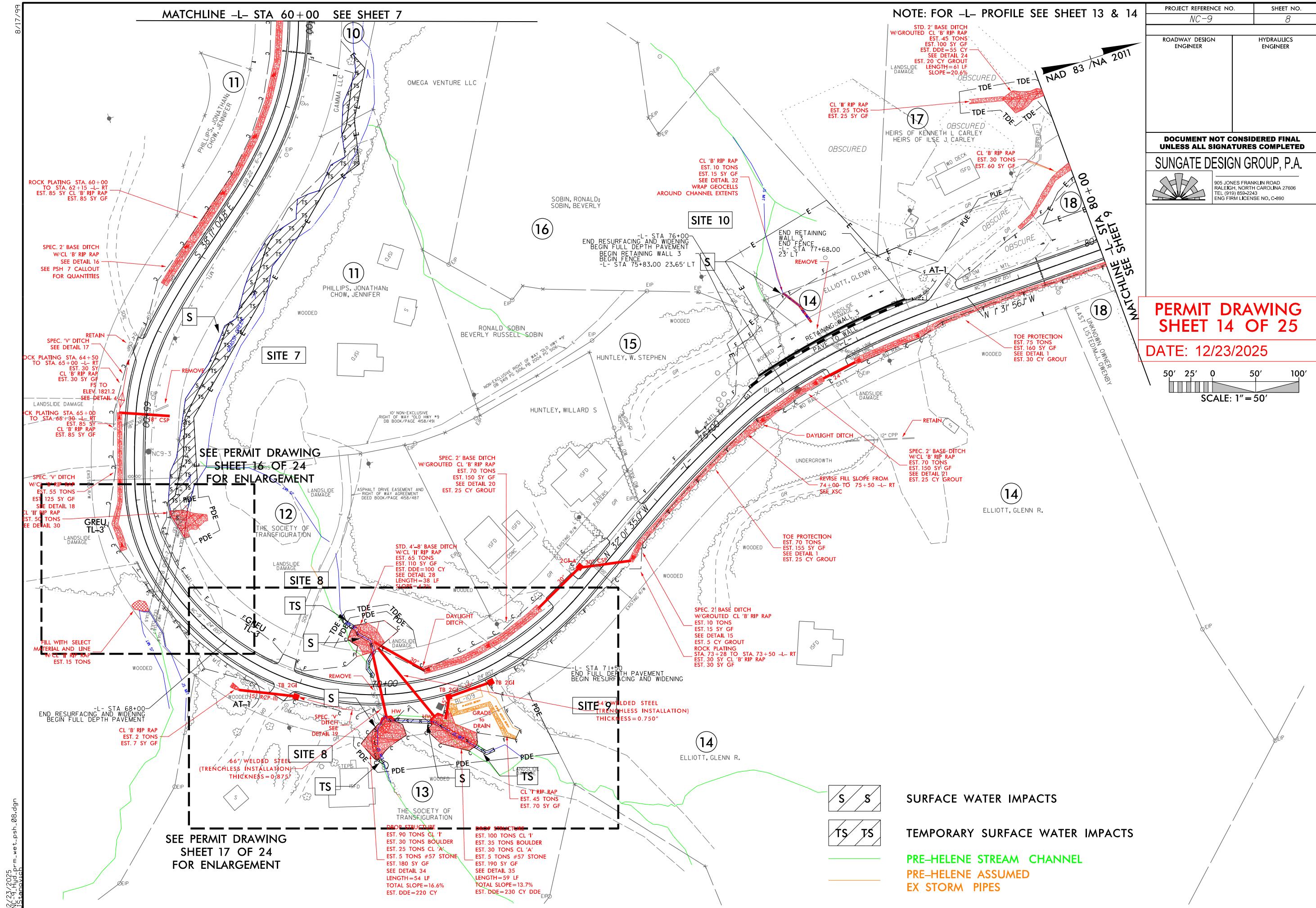
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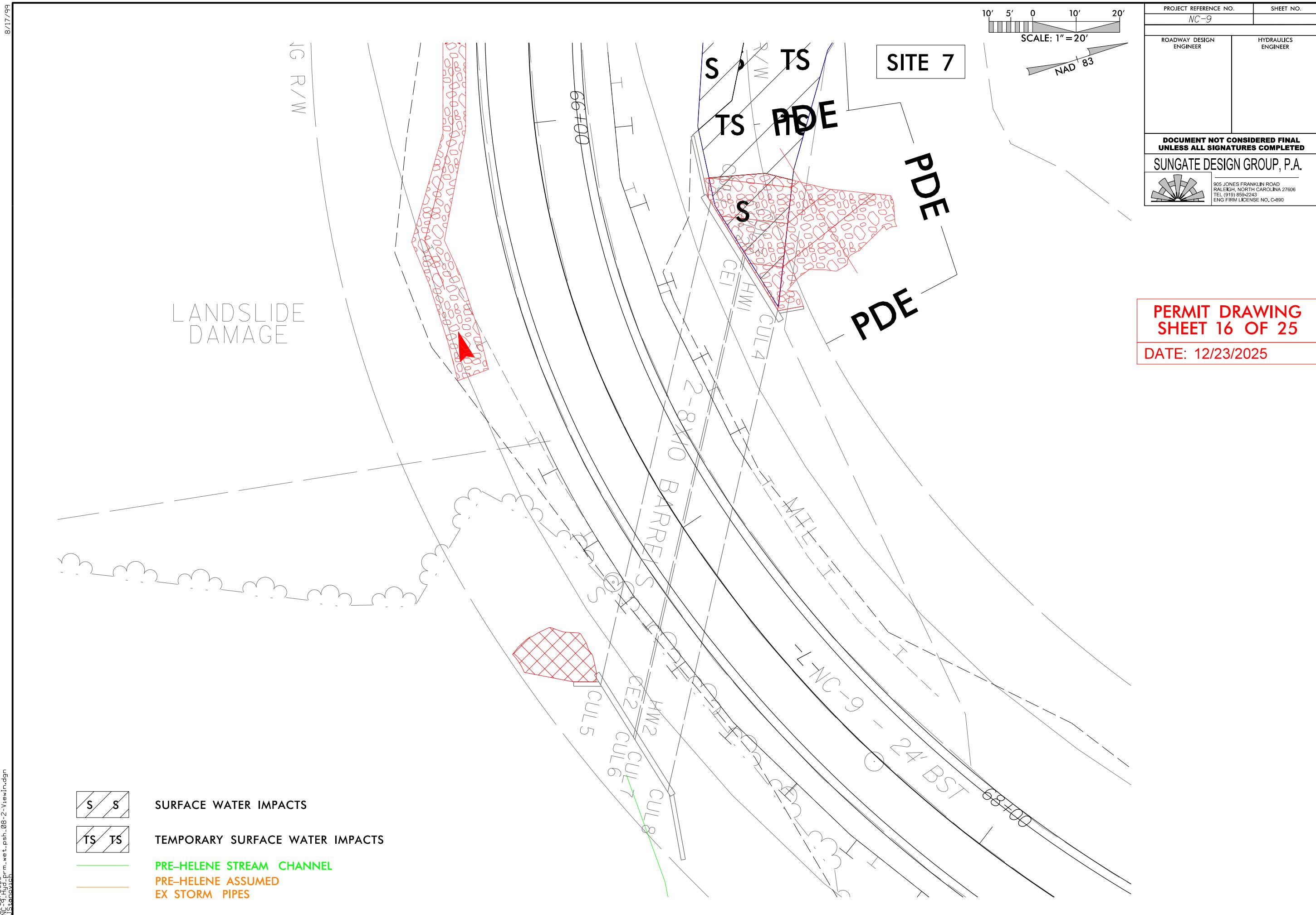
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RALEIGH, NORTH CAROLINA 27606
TEL (919) 859-2243
FNC FIRM LICENSE NO. C-890

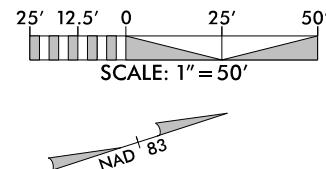
ES FRANKLIN ROAD
H, NORTH CAROLINA 27606
(859-2243
M LICENSE NO. C-890

SEE PERMIT DRAWING
SHEET 12 OF 24
FOR ENLARGEMENT









PROJECT REFERENCE NO.		SHEET NO.
NC-9		
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER
<p>DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</p> <p>UNGATE DESIGN GROUP, P.A.</p> <hr/> <p>905 JONES FRANKLIN ROAD RALEIGH, NORTH CAROLINA 27606 TEL (919) 859-2243 ENG FIRM LICENSE NO. C-890</p>		

**PERMIT DRAWING
SHEET 17 OF 25**

DATE: 12/23/2025

TS

SITE 8

SOIL

NC-9 - 24 BST

MTL

69-00

30''

TDE PDE

TDE PDE

TDE PDE

LANDSLIDE DAMAGE

S

30''

7100

NC-9 - 24 BST

15''

WOOED

15'' RCP-III

8' ACCESS BENCH

8' ACCESS BENCH

GRADE to DRAIN

PDE

54" WE (TRENCH THICKNESS)

66" WELDED STEEL (TRENCHLESS INSTALLATION) THICKNESS = 0.875"

S

GR

STEPS

PDE

PDE

PDE

LANDSLIDE DAMAGE

S

ISFD

SITE 8

13

TS

THE SOCIETY OF TRANSFIGURATION

S S

SURFACE WATER IMPACTS

TS TS

TEMPORARY SURFACE WATER IMPACTS

PRE-HELENE STREAM CHANNEL PRE-HELENE ASSUMED EX STORM PIPES

100

50

0

50

100

CL STA 66+99.77 -L-

1840

1830

1820

1810

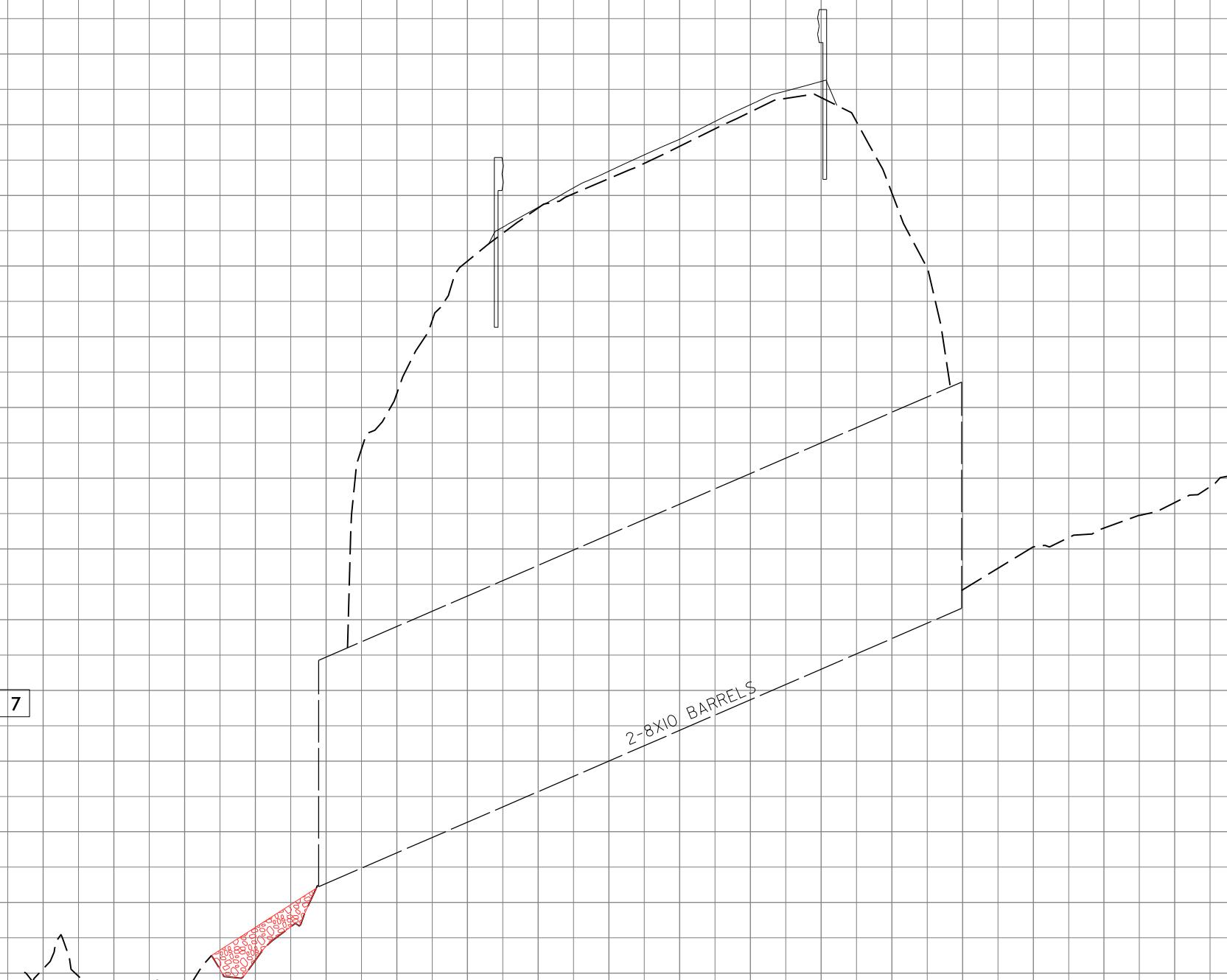
1800

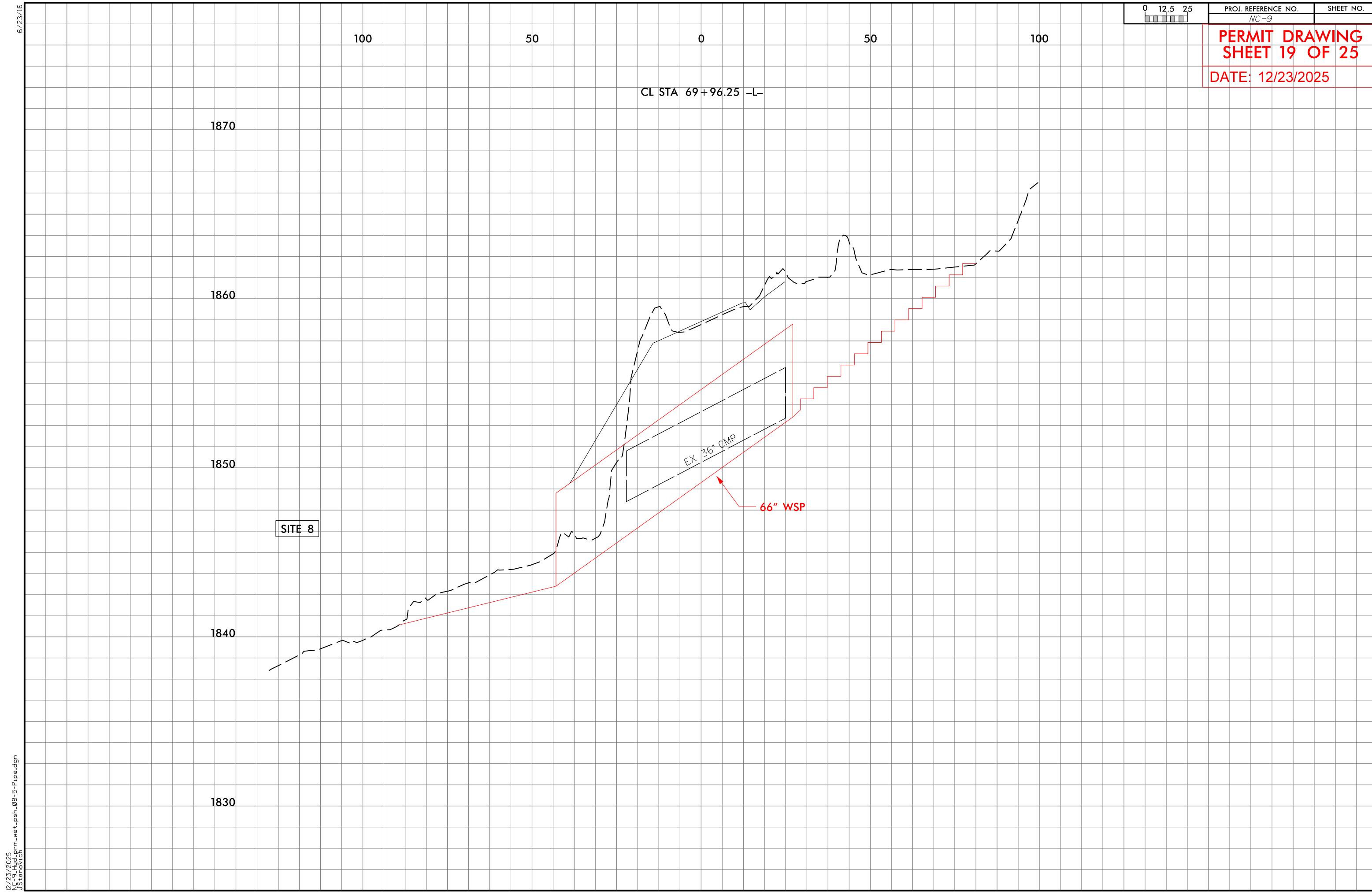
SITE 7

2-8X10 BARRELS

PERMIT DRAWING
SHEET 18 OF 25

DATE: 12/23/2025





WETLAND AND SURFACE WATER IMPACTS SUMMARY

*Rounded totals are sum of actual impacts

NOTES:

The linear feet of temporary existing channel impacts not included for Site 1 Stream Modification due to already being accounted for under Site 1 Roadway Fill.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

12-23-2025

HENDERSON COUNTY

NC-9

18314.4045135

23 OF

WETLAND AND SURFACE WATER IMPACTS SUMMARY											
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS			
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)
5	44+36 to 45+21-L-RT	CHANNEL REPLACEMENT/DEWATERING						0.001		26	
		PIPE INLET						0.001		19	
	44+14 to 44+33-L-LT	PIPE OUTLET						0.002		43	
		CHANNEL REPLACEMENT						0.002		39	
6	44+45 to 45+82-L-RT	DEWATERING							0.001		26
		INLET CHANNEL BACKSLOPE						0.001		6	
		INLET CHANNEL RIP RAP						0.006		125	
7	60+34 to 66+62-L-LT	RIP RAP EMBANKMENT						0.052		379	
	60+34 to 66+62-L-LT	DEWATERING							0.194		207
	66+21 to 66+62-L-LT	OUTLET RIP RAP						0.008		19	
8	69+84 to 70+01-L-RT	PIPE INLET						0.001		11	
		INLET CHANNEL RIP RAP						0.004		44	
		DEWATERING							0.002		17
	69+42 to 69+91-L-LT	PIPE CULVERT						0.003		34	
		OUTLET CHANNEL RIP RAP						0.004		39	
		DEWATERING							0.002		19
SHEET TOTALS*:			0.000	0.000	0.000	0.000	0.000	0.085	0.199	784	269
*Rounded totals are sum of actual impacts											0
NOTES:											
Site 5: Existing Pipe Culvert: 115 LF											
Site 6: Existing Pipe Culvert: 166 LF											
Site 8: Existing Pipe Culvert: 48 LF											
Revised 2018 Feb								NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 12-23-2025 HENDERSON COUNTY NC-9 18314.4045135			
								SHEET 24 OF 25			

WETLAND AND SURFACE WATER IMPACTS SUMMARY

*Rounded totals are sum of actual impacts

NOTES:

NC DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

12-23-2025

HENDERSON COUNTY

NC-9

18314.4045135

EET 25 OF 25