



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

DANIEL H. JOHNSON  
SECRETARY

February 19, 2026

MEMORANDUM TO: Division Environmental and Construction Units

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

SUBJECT: Environmental Permits for the Replacement of:  
Yancey Bridge No. 233 over Pigpen Creek on SR 1333 (Upper Pig Pen Road)  
Division 13, WBS DF18313.2100411.PR.

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 Action ID: SAW-2026-0273 Dated February 19, 2026	March 14, 2026*
NC Division of Water Resources Section 401 Water Quality Certification	General Certification No. 7466 ID: 20260174v1 Dated February 16, 2026	expires with above 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.

# 404 Permit (USACE)



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT**  
**WRDA / TRANSPORTATION BRANCH**  
**3331 HERITAGE TRADE DR, SUITE 105**  
**WAKE FOREST NC 27587**

February 19, 2026

Regulatory Division  
SAW-2026-00273

Sent Via email: [maturchy@ncdot.gov](mailto:maturchy@ncdot.gov)

Michael Turchy  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, NC 27606

Dear Mr. Turchy:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Wilmington District, WRDA / Transportation Branch on February 11, 2026, for a Department of the Army Nationwide Permit (NWP) verification. This project has been assigned the file number SAW-2026-00273 and is known as Hurricane Helene / DF18313.2100411.PR / Br 233/SR1333/UpperPigPenRd/Yancey . 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 replacement of Bridge No. 233, impacting a total of 151 linear feet (0.4 acre) of stream.. The project area for this determination is illustrated on the enclosed permit drawings. The project is located at Bridge 233 over Pigpen Creek, on SR 1333, Upper Pigpen Road, at Latitude 35.982930 and Longitude -82.269970; north of Burnsville, Yancey County, North Carolina.

We have determined that the proposed work is authorized by NWP 3, Maintenance 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. **FWS Biological Opinion:** This Corps permit does not authorize you to take an endangered species, in particular Gray bat (*Myotis grisescens*, Endangered) or Tricolored bat (*Perimyotis subflavus*, Proposed Endangered). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., a Biological Opinion (BO) under the ESA, Section 7, with “incidental take” provisions with which you must comply). The U.S. Fish and Wildlife Service (USFWS) *Biological and Conference Opinions and Informal Consultations – Batch Format*, dated July 8, 2025, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with “incidental take” that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the BO, 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 BO, 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 BO, and with the ESA.
2. **NCWRC:** All recommendations in the attached letter from the North Carolina Wildlife Resources Commission dated February 12, 2026, 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 Eric Alsmeyer, Project Manager of the WRDA / Transportation Branch at 919-817-1570, by mail at the above address, or by email at [eric.c.alsmeyer@usace.army.mil](mailto:eric.c.alsmeyer@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,



M. Scott Jones, PWS  
WRDA / Transportation Branch Chief

Enclosures

<p>U.S. Army Corps of Engineers (USACE)</p> <p><b>CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT</b></p> <p>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.</p>	<p><i>Form Approved -</i></p> <p><i>OMB No. 0710-0003</i></p> <p><i>Expires 2027-10-31</i></p>
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**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](mailto: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, Raleigh [eric.c.alsmeyer@usace.army.mil](mailto:eric.c.alsmeyer@usace.army.mil) or by mail at the below address:

U.S. Army Corps of Engineers  
 Wilmington District, Raleigh Field Office  
 Street Address: 3331 Heritage Trade Dr, Suite 105  
 City: Wake Forest      State: NC      Zip Code: 27587

**COMPLETED BY THE CORPS**

Corps Action Number:	SAW-2026-00273
Permit Type: <u>General Permit</u>	
General Permit Number and Name ( <i>if applicable</i> ):	<u>NWP 3 (Maintenance)</u>
Name of Permittee:	<u>NCDOT</u>
Project Name:	<u>Hurricane Helene / DF 18313.2100411.PR / Br 233/SR1333/UpperPigPenRd/Yancey</u>
Project Location ( <i>physical address</i> ):	<u>Upper Pig Pen Rd</u> <u>Burnsville, North Carolina</u>

**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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The NCWRC requests that the following conditions be included in authorizations to help conserve trout and other aquatic resources affected by the project:

1. The upcoming moratoria for Rainbow Trout (January 1, 2027 to April 15, 2027, and subsequent moratorium periods), should be adhered to for instream disturbance from the bridge work.
2. Applicable measures from the current *NCDOT Erosion and Sediment Control Design and Construction Manual* should be adhered to.
3. In accordance with standard GC conditions, matting used in riparian areas should not contain nylon mesh because it entangles and kills wildlife. Coir matting should be used on disturbed stream banks that are steep or susceptible to high water. Matting should be anchored with wooden stakes according to NCDOT specifications.
4. Heavy equipment needs to be well-maintained and concrete pouring needs to be closely monitored to avoid and quickly mitigate fuel, fluid, or wet concrete losses in or near streams.
5. Sandbags, rock berms, cofferdams, or other diversion structures should be used where excavation or other periods of extended stream disturbance has the potential for downstream sedimentation.
6. Areas of temporary disturbance of the stream channel (e.g on-site detours or diversion channels) should be restored to stable and reference conditions (width, depth, and pattern). Reference conditions can be approximated by observing conditions upstream or downstream that appear stable, or by consulting available regional curve information. Live stakes of native trees should be planted on stream banks where temporary detours are removed.
7. Added rip rap on streambanks should only extend to the ordinary high water elevation and matting and vegetation should be used above the ordinary high water elevation.

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

Sincerely,



Dave McHenry, NCWRC Western DOT Coordinator

cc: Yates Allen, NCDOT Division 14 Environmental Specialist II  
Mike Sanderson, NCDOT Division 14 Environmental Supervisor  
Michael Turchy, NCDOT ECAP

- Aquatic AMM Equipment – Heavy machinery will not be utilized within the waterbody. Additionally, staging and storage areas for equipment and materials will be managed in such a way to ensure that potential spills and leaks do not have access to the waterbody.
- Aquatic AMM Temporary and Permanent Fill – Any temporary fill (i.e. causeways) or permanent (i.e. bents/piers) fill in excess of what was previously present will be avoided and minimized to the maximum extent possible.
- Aquatic AMM Abutments - Existing abutments will be completely removed unless removal results in destabilizing of banks or increases the adverse effect to listed/proposed aquatic species.
- Aquatic AMM Deck Drains – Deck drains that empty directly to the waterbody below will not be implemented on new bridge designs. Surface water drainage transport will be designed to incorporate improved treatment prior to drainage entering the waterbody.
- Aquatic AMM Erosion Control Matting – Coir fiber matting will be utilized instead of plastic or other synthetic matting.

**Bats** - General AMMs will minimize impacts to listed/proposed bats. **To the maximum extent possible,** the following AMMs will also be incorporated into project work – though implementation of all bat AMMs below cannot be guaranteed at the time of this consultation, given the scale, scope, and timeline constraints addressed previously:

- Bat AMM Noise - Percussive activities will occur only after the tree clearing within the action area has been completed, helping to reduce the exposure of any tree-roosting bats within the action area to high decibel noise.
- Bat AMM Lighting - No new lighting will be added to the action area. Any lighting needed for night work will be directed at the work area and shielded from surrounding waters/landscape, only on when needed, no brighter than necessary, and blue light emissions will be limited.
- Bat AMM Riparian Planting – Disturbed riparian areas will be replanted with native, fast-growing tree and shrub species where feasible, with the understanding that plantings likely cannot be done in utility/drainage/construction easements.

### 2.3.2 Conservation Measures (CMs)

CMs represent actions, pledged in the project description, that the action agency will implement to further the recovery of the species under review. The beneficial effects of CMs are considered in making determinations of whether the projects will jeopardize the species under consideration in this document.

Aquatic CM: Aquatics Contribution - For individual bridge projects that are LAA aquatic species, the NCDOT will contribute \$10,000 for each project structure to the N.C. Nongame Aquatic Species Fund.

Aquatic CM: Relocation - For projects that are LAA aquatic species, prior to project construction, a Service Asheville Field Office NCDOT liaison and the NC Wildlife Resources Commission NCDOT liaison will be contacted to discuss the potential for aquatic species relocation, if applicable and practicable.

115, and 424 (Buncombe County); structure 304 (temp) (Madison County); structure 058 (McDowell County); structure 036 (Rutherford County); and structures 009, 233, 193, 192, 157 056 (Yancey County). , as well as any associated tree clearing. Specifically, take of these species may occur as a result of flushing, wounding, or direct mortality during demolition activities (if applicable); or, for northern long-eared bat Indiana bat, and tricolored bat, take may occur as a result of clearing suitable roost trees during times of year that these bats could be tree-roosting within the action area, which may similarly result in flushing, wounding, or direct mortality during clearing activities.

Incidental take of bats is difficult to measure or detect given that 1) the animals are small, cryptic, and generally difficult to observe, 2) finding dead or injured bats during or following project implementation is unlikely, and 3) some incidental take is in the form of non-lethal harm and not directly observable. Given this, the 1) maximum estimated tree clearing (for northern long-eared bat, Indiana bat, and tricolored bat only) and 2) number of structures replaced, are used as surrogate measures of take for this Opinion. Additionally, as discussed in the Environmental Baseline, no more than 1 individual of gray bat or 2 individuals of northern long-eared bat, Indiana bat, or tricolored bat (given structure and tree roosting) are estimated to be present within the action areas of each crossing structure.

Therefore, the incidental take permitted by the Opinion would be exceeded if:

1. \*Tree clearing amount exceeds 0.10 acre at a single structure location for the crossing structures listed at the beginning of section 7.2.
2. Any more than one structure is demolished/replaced per crossing structure, as listed at the beginning of section 7.2.

*\*For Indiana bat, northern long-eared bat, and tricolored bat only*

Exceedance of take as defined above will represent new information that was not considered in this Opinion and shall result in reinitiation of this consultation. The incidental take of gray bat, northern long-eared bat, and tricolored bat is expected to be in the form of harm, wounding, or death.

### 7.3 Reasonable and Prudent Measures

The Service believes the following reasonable and prudent measure(s) are necessary and appropriate to minimize take of Appalachian elktoe, gray bat, Indiana bat, northern long-eared bat, and tricolored bat. These non-discretionary measures reduce the level of take associated with project activities and include only actions that occur within the action area.

1. NCDOT shall ensure that the contractor(s) understands and follows the measures listed in the “Conservation Measures”, “Reasonable and Prudent Measures,” and “Terms and Conditions” sections of this Opinion.
2. NCDOT shall minimize the area of disturbance within the action areas to only the area necessary for the safe and successful implementation of the proposed actions.
3. NCDOT shall monitor and document any take numbers and the surrogate measures of take and report those to the Service in a batched format.

### 7.4 Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, the Applicant must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting and/or monitoring requirements. When incidental take is anticipated, the terms and conditions must include provisions for monitoring project activities to determine the actual project effects on listed fish or wildlife species (50 CFR §402.14(i)(3)). These terms and conditions are nondiscretionary. If this conference opinion is adopted as a biological opinion following a listing or

designation, these terms and conditions will be non-discretionary.

1. NCDOT shall adhere to all measures as listed in the Avoidance and Minimization and Conservation Measures section as summarized in this Opinion.
2. The NCDOT will immediately inform the Service if the amount or extent of incidental take in the incidental take statement is exceeded.
3. When incidental take is anticipated, the Terms and Conditions must include provisions for monitoring project activities to determine the actual project effects on listed fish or wildlife species (50 CFR §402.14(i)(3)). In order to monitor the impact of incidental take, the NDOT must report the action impacts on the species to the Service according to the following:

- a. The NCDOT will submit a report each year not later than September 30 identifying, per individual project (via Service Log # and NCDOT identifiers), the following for the preceding calendar year ending December 31:
  - i. Acreage of in-water impacts, if LAA for Appalachian elktoe.
  - ii. Acreage and dates of tree removal (if any), if LAA for bats (excepting gray bat).
  - iii. Dates of structure removal (if any), if LAA for bats.
  - iv. List of implemented AMMs and BMPs [as listed in Section 2.3].

## 8. Conservation Recommendations

Section 7(a)(1) of the Endangered Species ESA directs Federal agencies to use their authorities to further the purposes of the Endangered Species ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

- **Eastern Hellbender:** Proximity to eastern hellbender occurrence records was noted for the following crossing structures: Buncombe County structures 308 (temp), 380 (temp), Madison County structure 304 (temp), and Yancey County structures 009, 056, 157, 192, 193, 233. Ahead of work at these locations, coordinate with the NCWRC and the Service to survey for/relocate any hellbender that may be within the action area and vulnerable to impacts from project work.
- **State Species of Concern:** Close proximity to several aquatic species with North Carolina designations was noted for crossing structures: 115 and 380 (temp) in Buncombe County; 058 in McDowell County; 036 in Rutherford County; and 009 and 056 in Yancey County. While these species are not currently afforded legal protection under the ESA, we recommend the most protective sediment and erosion control measures possible be used in waters occupied by these species, and we encourage you to coordinate any relocation efforts of such species with the NCWRC.
- **Refueling and Materials Storage:** Refuel construction equipment outside the 100-year floodplain or at least 200 feet from all water bodies (whichever distance is greater) and protected with secondary containment. Store hazardous materials, fuel, lubricating oils, or other chemicals outside the 100-year floodplain or at least 200 feet from all water bodies (whichever distance is greater).
- **Provide Terrestrial Wildlife Passage:** Where riparian corridors suitable for wildlife movement occur adjacent to a project, a spanning structure that also spans a portion of the floodplain and provides or maintains a riprap-free level path underneath for wildlife passage would provide a safer roadway and facilitate wildlife passage. A 10-foot strip may be ideal, though smaller widths can also be beneficial. Alternatively, a “wildlife path” can be constructed with a top-dressing of finer stone (such as smaller aggregate or on-site alluvial material) to fill riprap voids if full bank plating is required. If a multi-barrel culvert is used, the low flow barrel(s) should accommodate the entire stream width and the other barrel should have sills to the floodplain level and be back-filled to

401

Certification  
(NCDWR)



NORTH CAROLINA  
*Environmental Quality*

February 16, 2026

JOSH STEIN  
*Governor*

D. REID WILSON  
*Secretary*

RICHARD E. ROGERS, JR.  
*Director*

DWR # 20260174  
Yancey County

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

Delivered via email to: [maturchy@ncdot.gov](mailto:maturchy@ncdot.gov)

**Subject: Approval of Individual 401 Water Quality Certification**

Helene Replacement of Bridges 233 over Pigpen Creek on SR 1333 in  
Yancey County, WBS DF18313.2100411.PR.

**Location:** 35.982929, -82.269966

Dear Mr. Michael Turchy:

Attached hereto is a copy of Certification No. WQC008733 issued to Michael Turchy and the North Carolina Department of Transportation, dated February 16, 2026. This approval is for the purpose and design described in your application.

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.



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

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](mailto: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: Lori Beckwith, USACE Asheville Regulatory Field Office  
Eric Alsmeyer, USACE Wake Forest Regulatory Field Office  
Mike Sanderson, NCDOT Division 13  
Holland Youngman, USFWS  
Dave McHenry, NCWRC  
DWR 401 & Buffer Permitting Branch Electronic file

Filename: 20260174\_Bridge 233 on SR1333 \_APPRVL\_20260216.docx



**NORTH CAROLINA 401 WATER QUALITY CERTIFICATION**

**CERTIFICATION #WQC008733** 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 February 11, 2026, with additional information received on February 13, 2026, and by Public Notice issued by the Division on February 11, 2026, 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 French Broad River Basin**

<b>Site</b>	<b>Permanent Fill in Perennial Stream (linear feet)</b>	<b>Temporary Fill in Perennial Stream (linear feet)</b>	<b>Total Stream Impact (linear feet)</b>	<b>Stream Impacts Requiring Mitigation (linear feet)</b>
Site 1: Bank Stabilization	30	-	30	0
Site 2: Dewatering and temporary detour culvert	-	121	121	0
<b>Totals:</b>	<b>30</b>	<b>121</b>	<b>151</b>	<b>0</b>

**Total Stream Impact for Project: 151 linear feet**

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 the stream 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 in areas draining to Trout waters. [15A NCAC 4B.0124(a)-(e)]
3. 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.
4. The permittee will not need to adhere to in-water work moratoria (including the use of pile driving or vibration techniques), as the NC Wildlife Resources Commission waived the current January 1, 2026 to April 15, 2026 trout moratorium. However, the NCWRC requires that subsequent January 1 to April 15 moratoria should be adhered to in 2027 (and subsequent years) for instream disturbance with bridge construction for this project.
5. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15A NCAC 02H .0506(b)(2)]
6. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
7. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS0000250, please refer to the most recent version of the North Carolina Department of Transportation Stormwater Best Management Practices Toolbox manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
8. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from the NCDWR first. [15A NCAC 02H.0506(b)(2)]
9. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly. [15A NCAC 02H .0506(b)(3)]
10. All bridge construction shall be performed from the existing bridge, temporary work bridges, temporary causeways, or floating or sunken barges. If work conditions require barges, they shall be floated into position and then sunk. The barges shall not be sunk and then dragged into position. Under no circumstances should barges be dragged along the bottom of the surface water. [15A NCAC 02H .0506(b)(3)]

#### 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)]
24. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973).



Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506(b)(3) and 15A NCAC 02B .0200]

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the North Carolina Sediment and Erosion Control Manual, or for linear transportation projects, the NCDOT Sediment and Erosion Control Manual.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits and waste sites associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Surface Mining Manual. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

25. DWR approves the stormwater drainage design as shown in the 401 application, under the assumption that it meets the requirements of the NCDOT NPDES permit #NCS000250. These plans are enforceable by DWR. Changes to the approved plans are prohibited without prior approval from DWR. If sediment or other pollutants are found to be discharged from the stormwater outfalls, DWR may take enforcement action. NCDOT and DWR shall assess the damage to water quality standards and implement an appropriate action plan to address the impacts. The action plan shall provide an appropriate timeline for implementation as agreed upon by both DWR and NCDOT. This may require NCDOT to obtain a modification to its current 401 and 404 permits.

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 16th day of February 2026

Signed by:

*Faith Hardin*

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:** N/A     
 **TIP/Proj No:** EEDB 00226.004     
 **County(ies):** Yancey     
 **Page** 1 **of** 2

**General Project Information**

<b>WBS Element:</b>	N/A	<b>TIP Number:</b>	EEDB 00226.004	<b>Project Type:</b>	Bridge Replacement	<b>Date:</b>	9/3/2025
<b>NCDOT Contact:</b>	Joel M. Davis		<b>Contractor / Designer:</b>		DRMP / Ryan P. Mitchell		
<b>Address:</b>	Assistant Division Bridge Program Manager 20 Old 74 Asheville, NC 28803		<b>Address:</b>	5808 Faringdon Place Suite 100 Raleigh, NC 27609			
<b>Phone:</b>	(828) 488-0902		<b>Phone:</b>	(919) 650-1038			
<b>Email:</b>	jmdavis4@ncdot.gov		<b>Email:</b>	rmitchell@drmp.com			
<b>City/Town:</b>	Unincorporated		<b>County(ies):</b>	Yancey			
<b>River Basin(s):</b>	French Broad		<b>CAMA County?</b>	No			
<b>Wetlands within Project Limits?</b>	No						

**Project Description**

<b>Project Length (lin. miles or feet):</b>	0.057 mi	<b>Surrounding Land Use:</b>	Rural with forested land and a few residential parcels				
	<b>Proposed Project</b>			<b>Existing Site</b>			
<b>Project Built-Upon Area (ac.)</b>	0.2	ac.	0.1	ac.			
<b>Typical Cross Section Description:</b>	Two-lane roadway with 9' lanes and 2% superelevation to one side. 19' out-to-out bridge width including varying shoulder width on bridge.			19' long, with a 15.8' clear roadway, grass shoulders, and a superstructure depth of about 2'. It carries a two-lane roadway that is supered.			

<b>Annual Avg Daily Traffic (veh/hr/day):</b>	<b>Design/Future:</b>	N/A	<b>Year:</b>	N/A	<b>Existing:</b>	270	<b>Year:</b>	2025
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**General Project Narrative:**  
**(Description of Minimization of Water Quality Impacts)**

The North Carolina Department of Transportation (NCDOT) proposes to replace bridge #990233 on SR-1333 (Pig Pen Rd) across Pig Pen Creek. The project is located in Yancey County, northeast of the town of Burnsville, NC. The project is an in-line replacement of the existing bridge with an off-site detour route. Additional drainage improvements are proposed upstation/downstation of the proposed bridge. Rip rap / bank stabilization at pipe outlets and the proposed bridge embankment has been incorporated to minimize erosion on slopes where vegetation will not be adequate. NCDOT standards for ground cover, vegetation, and slope stabilization will be adhered to during the life of this project, and will be specified in the NCDOT Erosion and Sediment Control Plan for the project.



North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN  
FOR NCDOT PROJECTS



(Version 3.02; Released April 23, 2024)

WBS Element: N/A      TIP/Proj No.: EEDB 00226.004      County(ies): Yancey      Page 2 of 2

General Project Information

Waterbody Information

Surface Water Body (1):	Pig Pen Creek		NCDWR Stream Index No.:	7-2-62		
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?	No	Comments:				
NRTR Stream ID:	N/A				Buffer Rules in Effect:	N/A
Project Includes Bridge Spanning Water Body?	Yes	Deck Drains Discharge Over Buffer?	No	Dissipator Pads Provided in Buffer?		
Deck Drains Discharge Over Water Body?	No	(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)		
(If yes, provide justification in the General Project Narrative)						

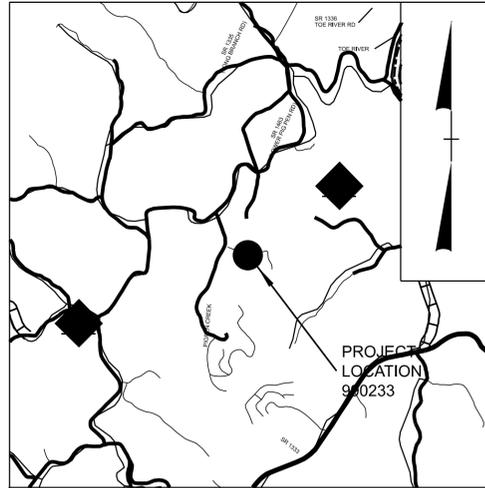
Surface Water Body (2):			NCDWR Stream Index No.:			
NCDWR Surface Water Classification for Water Body	Primary Classification:					
	Supplemental Classification:					
Other Stream Classification:						
Impairments:						
Aquatic T&E Species?		Comments:				
NRTR Stream ID:					Buffer Rules in Effect:	
Project Includes Bridge Spanning Water Body?		Deck Drains Discharge Over Buffer?		Dissipator Pads Provided in Buffer?		
Deck Drains Discharge Over Water Body?		(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)		
(If yes, provide justification in the General Project Narrative)						

Surface Water Body (3):			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?		Dissipator Pads Provided in Buffer?		
Deck Drains Discharge Over Water Body?		(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)		
(If yes, provide justification in the General Project Narrative)						

PROJECT: 990233

CONTRACT:

See Sheet 1A For Index of Sheets



VICINITY MAP (NTS)

PRELIMINARY ROADWAY PLANS

# STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS

## YANCEY COUNTY

LOCATION: REPLACE BRIDGE NO. 990233 ON  
SR 1333 (UPPER PIG PEN RD)  
OVER PIGPEN CREEK

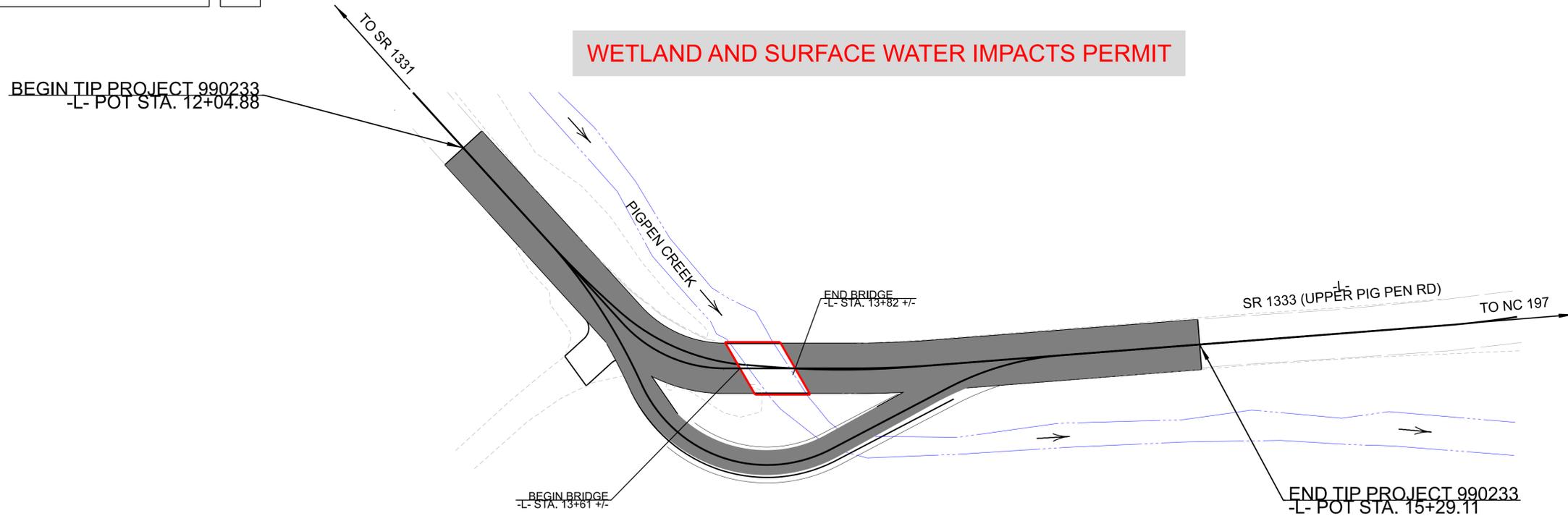
TYPE OF WORK: GRADING, DRAINAGE, PAVING, STRUCTURE  
SEPTEMBER 2025

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	990233	11	
STATE PROJ. NO.	F. A. PROJ. NO.	DESCRIPTION	

PERMIT DRAWING  
SHEET 1 OF 5



### WETLAND AND SURFACE WATER IMPACTS PERMIT



THERE IS NO CONTROL OF ACCESS ON THIS PROJECT.  
THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.  
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.

PRELIMINARY PLANS  
DO NOT USE FOR CONSTRUCTION  
INCOMPLETE PLANS  
DO NOT USE FOR R/W ACQUISITION  
DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

**GRAPHIC SCALES**

20 10 0 20 40  
PLANS

20 10 0 20 40  
PROFILE (HORIZONTAL)

4 2 0 4 8  
PROFILE (VERTICAL)

**DESIGN DATA**

ADT 2025 = 270  
ADT \_\_\_\_ = NA

K = NA %  
D = NA %  
T = NA % \*  
V = 20 MPH

\* TTST = DUAL  
FUNC CLASS = SUB-REGIONAL  
TIER

**PROJECT LENGTH**

LENGTH OF ROADWAY TIP PROJECT 990233 = 0.052 MILES  
LENGTH OF STRUCTURE TIP PROJECT 990233= 0.004 MILE  
TOTAL LENGTH OF TIP PROJECT 990233= 0.056 MILES

PLANS PREPARED BY:

**DRMP**  
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

DRMP, INC.  
5808 FARINGTON PLACE, SUITE 100  
RALEIGH, NORTH CAROLINA 27609  
(919) 872-5115  
NC LICENSE NO. F-1524

FOR  
NCDOT HIGHWAY DIVISION 13

2024 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:

LETTING DATE:

TIMOTHY A. KOLTZ, PE  
PROJECT ENGINEER

COOPER A. BOLZ  
PROJECT DESIGN ENGINEER

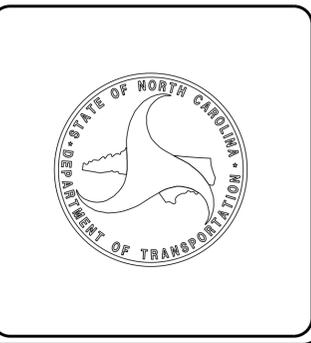
ROB COUSINS, PE  
NCDOT PROJECT MANAGER

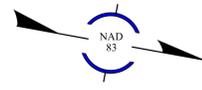
HYDRAULICS ENGINEER

SIGNATURE: \_\_\_\_\_ P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: \_\_\_\_\_ P.E.





DOUGLAS ALAN DEYTON  
DB 831 PG 145

UPPER PIG PEN RD (SR-1333) 18' BST

**BEGIN PROJECT 990233**  
-L- POT STA. 10 + 50.00

**BEGIN BRIDGE**  
-L- STA. 11 + 81.25

**END PROJECT 990233**  
-L- POT STA. 13 + 50.00

**END BRIDGE**  
-L- STA. 12 + 04.40

UPPER PIG PEN RD (SR-1333) 18' BST

PEGGY N. WROTEN  
LE INTER VIVOS TRUST  
DB 628 PG 689

-L- +25.00  
28.78' RT (EX. R/W)

-L- +60.00  
45.00' RT

-L- +77.42  
55.00' RT

-L- +10.00  
55.00' RT

-L- +80.00  
30.00' RT (EX. R/W)  
40.00' RT

**SITE 1**



SURFACE WATER IMPACTS



TEMPORARY SURFACE WATER IMPACTS



Scale: 1" = 20'

AREA INACCESSIBLE  
SHOTS TAKEN BY  
DIRECT REFLECT

WD HANDRAIL

PIGPEN CREEK

EXISTING RW

EXISTING RW

REVISIONS



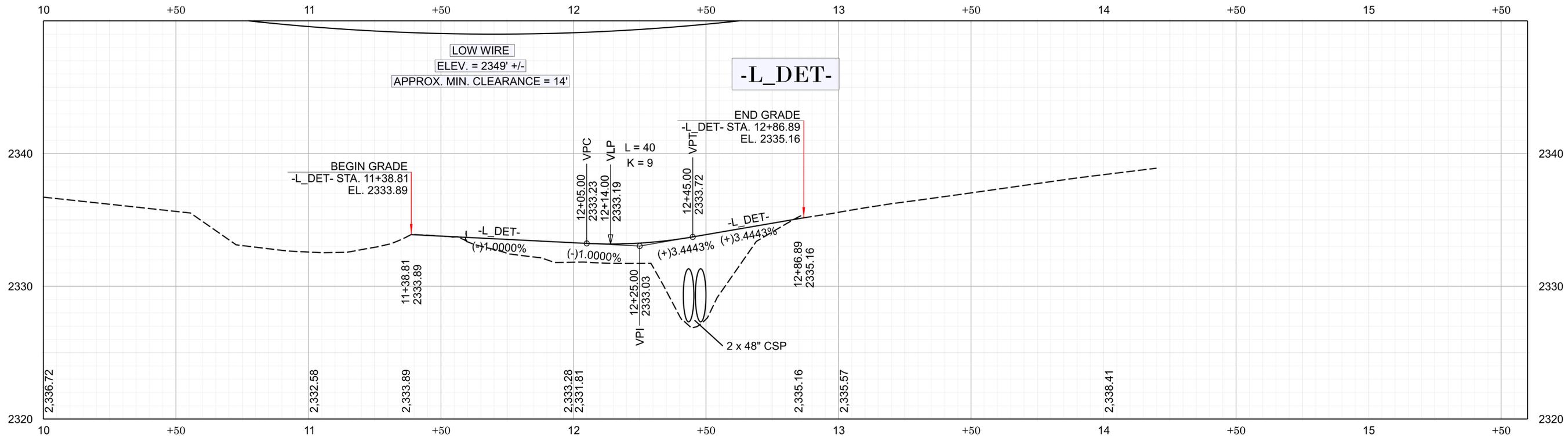
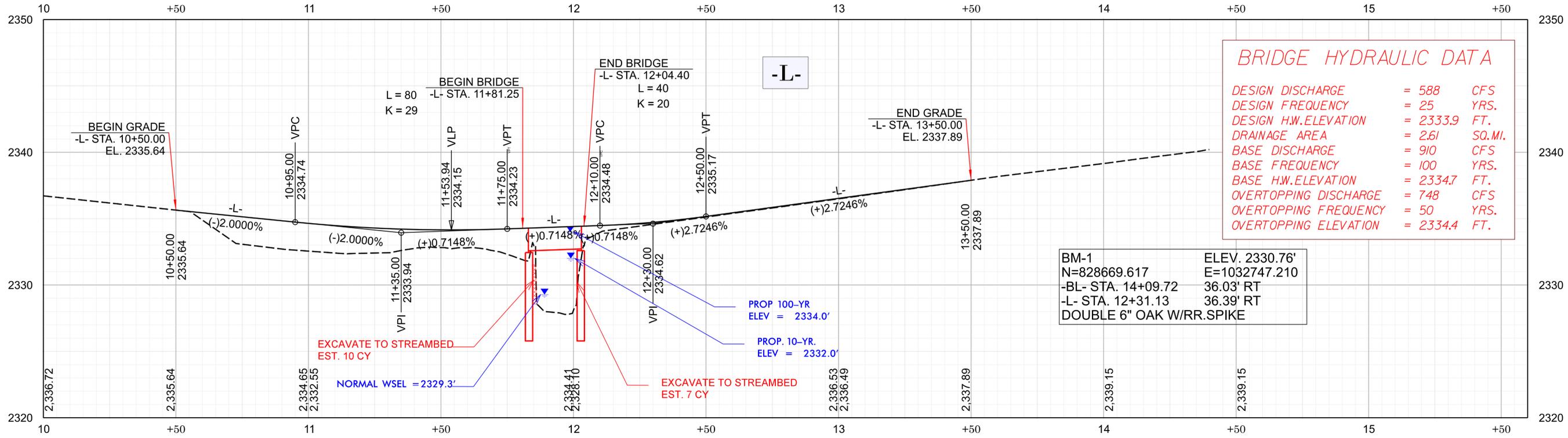


ROADWAY DESIGN UNIT  
ROADWAY DESIGN  
ENGINEER

HYDRAULICS  
ENGINEER



**DRMP**  
DRMP, INC.  
5808 FARINGTON PLACE  
RALEIGH, NC 27609  
(919) 872-5115  
NC LICENSE NO. F-1524  
www.drmp.com



REVISIONS

## 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)	Natural Stream Design (ft)
1	-L- 11+08/11+39	Class B Rip-Rap - Pipe Outlet						< 0.01		30		
2	-L- 11+72/12+76	Bridge & Detour Culvert							0.03		121	
<b>TOTALS*:</b>								< 0.01	0.03	30	121	0

\*Rounded totals are sum of actual impacts

NOTES:  
 Linear impacts were measured along stream centerline.  
 Linear permanent impacts supersede temporary impacts where the two overlap along stream centerline.

NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 09/04/2025  
 YANCEY COUNTY  
 990233  
 50647.1.1  
 SHEET            5            OF            5