



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

DANIEL H. JOHNSON  
SECRETARY

February 12, 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:  
Re-establishment of Bridge 62 over Ayles Creek on Hickory Springs Road (SR 1153) in Yancey County, Division 13, WBS DF18313.2100307

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-2026-00132 Dated February 12, 2026	March 14, 2026*
NC Division of Water Resources Section 401 Water Quality Certification	Individual Water Quality Certification Project ID: 20260070 Dated January 29, 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  
151 Patton Avenue, Room 208  
Asheville, NC 28801-5006

February 12, 2026

Regulatory Division  
SAW-2026-00132

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

Dear Mr. Turchy,

This letter is in response to the application you submitted to the U.S. Army Corps of Engineers (USACE), Wilmington District, WRDA/Transportation Branch on January 22, 2026, for a Department of the Army general permit verification to replace a bridge that was destroyed by **Hurricane Helene**. This project will replace **Bridge No. 62** over Ayles Creek on SR 1153 in Yancey County, North Carolina (35.8838, -82.2178) and has been assigned file number SAW-2026-00132. In order to perform this work, NCDOT proposes to conduct the following activities in waters of the U.S.:

**Summary of Proposed Impacts**

Impact ID #	NWP / GP #	Open Water (ac)		Wetland (ac)		Stream (If)	
		Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
Site 1 (Ayles Creek)	<u>NWP 3</u>					100' / dewatering	98' / bank stabilization
Impact Totals		0	0	0	0	100'	98'
Total Loss of waters of the U.S. (wetlands and/or open waters)		0	Total Loss of waters of the U.S.			0	

We have reviewed the proposed activities in waters of the U.S. and have determined that these activities are authorized by Nationwide Permit (NWP) 3 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 following:

- enclosed terms, general conditions, and regional conditions of NWP 3
- special conditions of the verification letter (see below)
- information in the PCN and attachments
- enclosed plans

If the extent of the project area and/or nature of the authorized impacts to waters are modified, a request detailing the proposed changes must be submitted to this office for written approval before work is initiated. Any deviation from the terms and conditions of the permit, the special conditions of this letter, the information contained in the PCN, or your submitted plans, may subject the permittee to enforcement action.

This verification is valid until **March 14, 2026**, unless the subject NWP is suspended, revoked, or is modified prior to that date such that the activity no longer complies with the terms and conditions of the NWP.

**Project Specific Special Conditions:**

1. The U.S. Fish and Wildlife Service (USFWS) issued a document titled, "Biological and Conference Opinions and Informal Consultations – Batch Format, Replace Multiple Crossing Structures Destroyed by Tropical Storm Helene in Buncombe, McDowell, Yancey Counties, North Carolina, Service Log #25-110 through 25-117" on February 11, 2025. NCDOT shall comply with the Avoidance and Minimization and Conservation Measures (AMCMs) (Section 2.3) of this document. Failure to comply with these AMCMs would constitute non-compliance with your authorization for this project. The USFWS is the appropriate authority to determine compliance with the AMCMs of its letter and with the ESA.
2. The permittee shall comply with conditions #1-6 in the attached letter from the North Carolina Wildlife Resources Commission dated January 22, 2026.
3. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this authorization letter in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this authorization letter, all conditions, and any authorized modifications. A copy of this authorization letter, all conditions, and any authorized modifications, shall be available at the project site during construction and maintenance of this project.

This general permit verification and any associated authorizations 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 Lori Beckwith, Regulatory Project Manager of the WRDA/Transportation Branch at 828-230-0483, by mail at the above address, or by email at [loretta.a.beckwith@usace.army.mil](mailto:loretta.a.beckwith@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  
USACE, Wilmington District

Enclosures

the replacement bridges will be concrete box beam or cored slab structures and the culvert structures will be the same or similar materials to those previously in place. The general and expected elements of these crossing structure replacement projects are described below. The current estimated timeline is for these projects to be carried out over the next two years.

### ***In-water impacts***

Considering the range in structure and waterbody sizes analyzed in this review, and basing amounts on past similarly-sized structure and waterbody NCDOT crossing structure projects in WNC, the estimate of combined temporary and permanent in-water impacts for these projects range from 0.01 – 0.35 acres (or 4,356 – 15,246 square feet) per structure. Some structure replacements will fall in the lower portion of that range of in-water impacts while some will fall in the higher range. These impacts may be in the form of work pad causeways, bent removal and/or placement, and placement of stream-bank stabilization materials.

### ***Tree Clearing, Access Roads, and Demolition***

The maximum estimate for tree clearing at structure replacement locations is 0.10 acre. That amount will likely be less at most locations, given the variability in site conditions and the extreme scour (and resulting loss of riparian vegetation) during TS Helene flooding. The season during which clearing will occur is not known for each location. Clearing and grading will occur to allow for access roads and general construction functionality.

Where damaged structures or portions of damaged structures remain in place, demolition will occur. The details of demolition activities and seasonality of demolition will vary by project.

## **2.3 Avoidance and Minimization and Conservation Measures**

NCDOT will employ the following agency Standards, Guides, and Best Practices to avoid and minimize project mediated activities that could negatively impact listed/proposed species or their habitat.

### **2.3.1 Avoidance and minimization measures (AMMs)**

**General** (regardless of species): The following General AMMs will be implemented on all projects to minimize impacts to listed/proposed species and habitat:

General AMM1. NCDOT will ensure that all operators, employees, and contractors working in areas of suitable habitat for federally listed/proposed species are aware of all NCDOT environmental commitments, including all applicable AMMs and all associated NCDOT guidance documents.

General AMM2. Best management practices (BMP) and sediment and erosion control (SEC) measures will be utilized to prevent non-point source pollution, control storm water runoff, and minimize sediment damage to avoid and reduce overall water quality degradation.

General AMM3. Areas of disturbance, such as tree clearing, grubbing, and grading, will be limited to the maximum extent possible.

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

- Aquatic AMM Structure – To the maximum extent possible, structure will be built in the same location as the previous structure, with minimal impact [such as in-water bents] to water resource, built to NCDOT’s current improved highway and hydraulic standards.
- Aquatic AMM Equipment – To the maximum extent possible, 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 included in 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** - The General AMMs will minimize impacts to listed and proposed bat species. **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 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 Likely to Adversely Affect (LAA) aquatic species, the NCDOT will contribute\* \$10,000 for each project structure to the N.C. Nongame Aquatic Species Fund (or subsequently renamed fund).



# ☒ North Carolina Wildlife Resources Commission ☒

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M. Kyle Briggs, Executive Director

January 22, 2026

Loretta Beckwith

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 Application for Replacement of Bridge 62 over Ayles Creek, Yancey County (**DF18313.2100307**), DWR 20260070 ver.1

The North Carolina Department of Transportation (NCDOT) applied for a 404 Permit and 401 Certification for the subject project. The North Carolina Wildlife Resources Commission's (NCWRC) comments are offered to help conserve the wildlife resources affected by the project 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 project will replace a bridge over Ayles Creek that was washed-out by flooding from Hurricane Helene. The new structure will be a 50-foot cored slab bridge. The new bridge will be built downstream of the original bridge location so that the temporary bridge in that location can keep handling traffic during construction.

In April 2025 NCWRC biologists sampled Ayles Creek well upstream of the bridge where they found a couple Brook Trout (*Salvelinus Fontinalis*). Based on older surveys and trends observed in other streams, Ayles Creek near the bridge likely still supports wild Rainbow Trout (*Onchorynchus mykiss*). Therefore, as noted in scoping comments for this bridge project, 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. An example of instream work proposed with this project may be removal of the temporary bridge and final grading.

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.

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:    Katrina Clough, NCDOT Division 14 PDEA Engineer  
         Yates Allen, NCDOT Division 14 Environmental Specialist II  
         Mike Sanderson , NCDOT Division 14 Environmental Supervisor  
         Michael Turchy, NCDOT ECAP

## 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](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 [loretta.a.beckwith@usace.army.mil](mailto:loretta.a.beckwith@usace.army.mil) or by mail at the below address:

U.S. Army Corps of Engineers, Wilmington District  
Asheville Field Office  
Street Address: 151 Patton Avenue, Room 208  
Asheville, North Carolina 28801-5006

Corps Action Number:

SAW-2026-00132

Permit Type: General Permit

General Permit Number and Name (*if applicable*): NWP 3

Name of Permittee: NCDOT, Division of Highways

Project Name: NCDOT / Hurricane Helene / DF18313.2100307 / Br 62 / SR 1153 / Yancey / Div 13

Project Location (*physical address*): Bridge 62 SR 1153 Ayles Creek Yancey Co. NC**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

401

Certification  
(NCDWR)

**JOSH STEIN**  
*Governor*

**D. REID WILSON**  
*Secretary*

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



**NORTH CAROLINA**  
*Environmental Quality*

January 29, 2026

DWR # 20260070  
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

**Subject: Approval of Individual 401 Water Quality Certification**  
Replacement of Bridges 62 over Ayles Creek on Hickory Springs Road  
(SR 1153) in Yancey County, WBS DF18313.2100307

**Location:** 35.883833, -82.217861

Dear Mr. Michael Turchy:

Attached hereto is a copy of Certification No. WQC008678 issued to Michael Turchy and the North Carolina Department of Transportation, dated January 29, 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.



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].

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  
Mike Sanderson, Division 13  
Holland Youngman, USFWS  
Dave McHenry, NCWRC  
DWR 401 & Buffer Permitting Branch Electronic file

Filename: 20260070\_Bridge 62 on SR1153\_APPRVL.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** #WQC008678 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 January 21, 2026, and by Public Notice issued by the Division on January 21, 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

Site	Permanent Fill in Perennial Stream (linear feet)	Temporary Fill in Perennial Stream (linear feet)	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation (linear feet)
Site 1: Bank Stabilization	98	-	98	0
Site 2: Dewatering	-	100	100	0
<b>Totals:</b>	<b>98</b>	<b>100</b>	<b>198</b>	<b>0</b>

**Total Stream Impact for Project: 198 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 need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques), prescribed by the NC Wildlife Resources Commission. No in-water work is permitted between January 1 to April 15 of any year, without approval from the NC Division of Water Resources and the NC Wildlife Resources Commission. In addition, the permittee shall conform to the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
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. 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 29th day of January 2026

Signed by:



3185423002EA45E...

Faith Hardin, Supervisor  
401 & Buffer Transportation Permitting Branch



# Permitted Drawings



(Version 3.02; Released April 23, 2024)

North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS



Page 2 of 2

WBS Element:	N/A	TIP/Proj No.:	DF18313.2100307.PR	County(ies):	Yancey		
<b>General Project Information</b>							
<b>Waterbody Information</b>							
Surface Water Body (1):	Ayles Creek		NCDWR Stream Index No.:		7-2-52-33-11		
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:	Ayles Creek		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)		
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)		
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)							



**PERMIT DRAWING  
SHEET 2 OF 5**


SURFACE WATER IMPACTS

TEMPORARY SURFACE WATER IMPACTS

990062

PRP 04

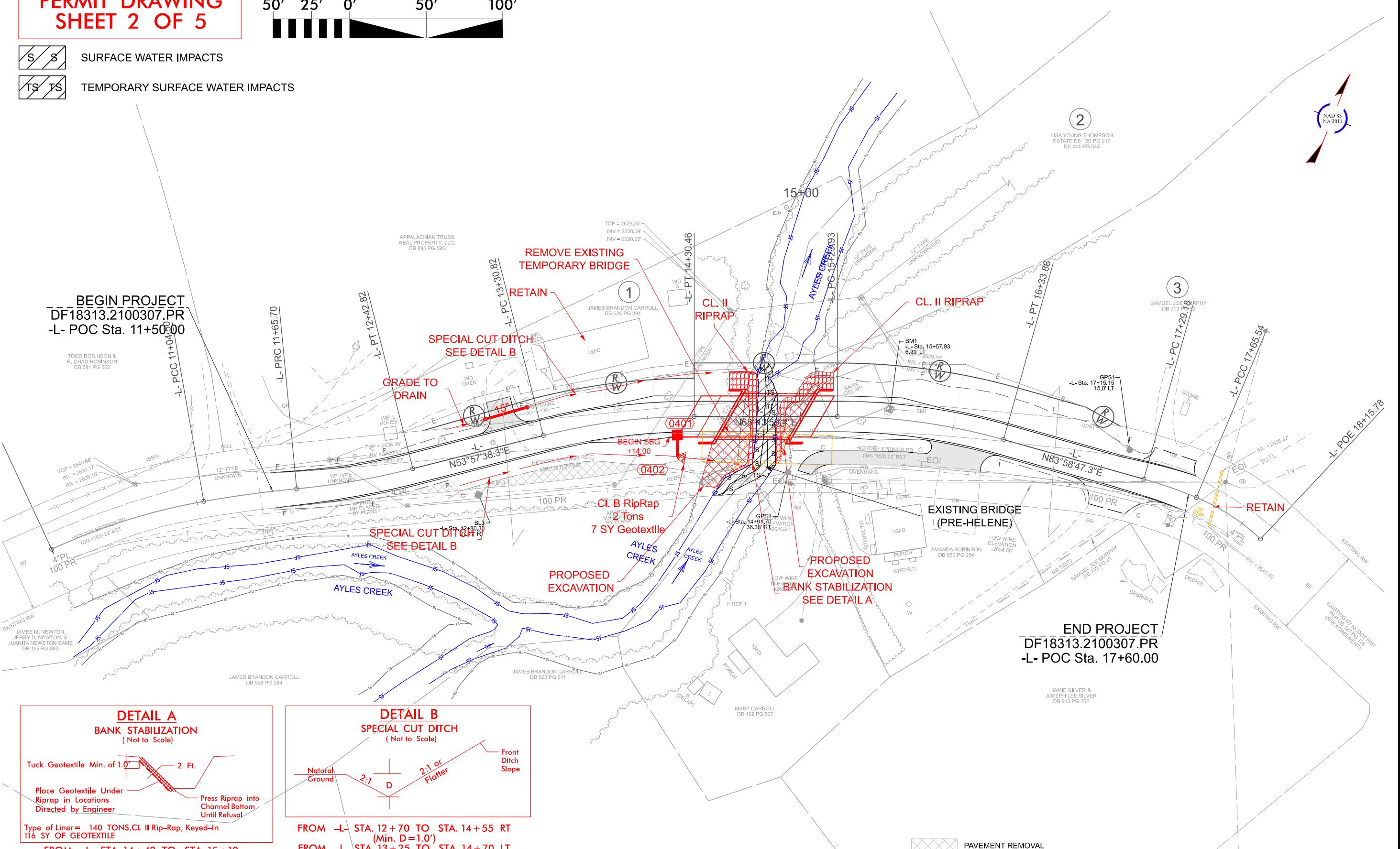
 NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
YANCEY COUNTY  
ROADWAY DESIGN UNIT  
ROADWAY DESIGN ENGINEER

 DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED  
HYDRAULICS  
ENGINEER

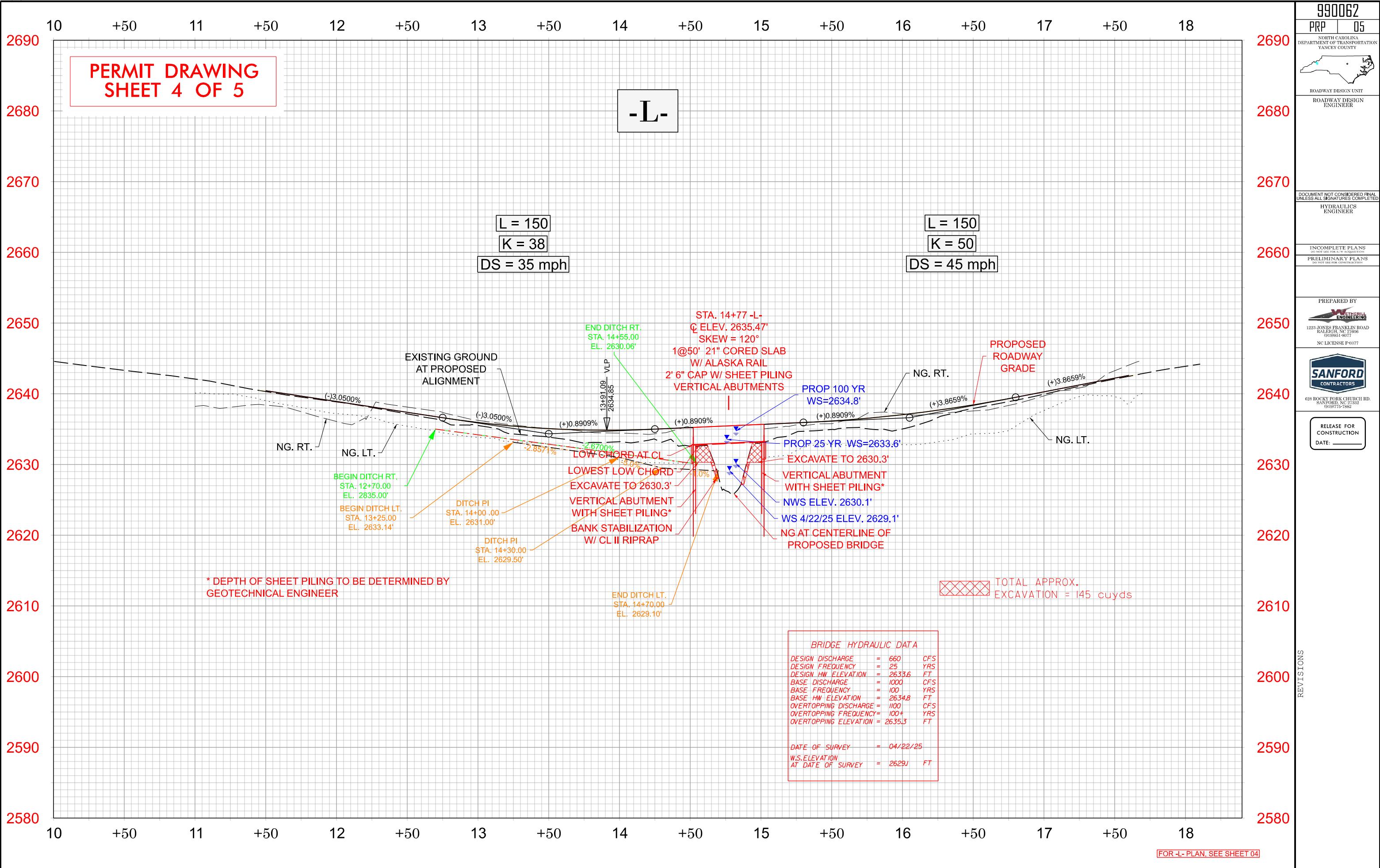
 INCOMPLETE PLANS  
DO NOT USE FOR R/W ACQUISITION  
PRELIMINARY PLANS  
DO NOT USE FOR CONSTRUCTION

 PREPARED BY  
**WETHERILL ENGINEERING**  
1225 JONES FRANKLIN ROAD  
RALEIGH, NC 27606  
(919) 651-8077  
NC LICENSE P-0377

**SANFORD**  
CONTRACTORS  
628 ROGERS FORGE CHURCH RD.  
SANFORD, NC 27332  
(919) 775-7882

 RELEASE FOR  
CONSTRUCTION  
DATE: \_\_\_\_\_






## WETLAND AND SURACE WATER IMPACTS SUMMARY

\*Rounded totals are sum of actual impacts

## NOTES:

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
12/16/2025  
YANCEY COUNTY  
DE18313 2100307 PR