



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

DANIEL H. JOHNSON  
SECRETARY

1/29/2026

MEMORANDUM TO: Division Environmental and Construction Units

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

SUBJECT: Environmental Permits for the Widening of NC211 from NC73 in West  
End to SR1241 (Holly Grove School Road), Lee County, Division 8, **TIP  
R-5726.**

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Regional General Permit 50 (renewed 1/21/2026) <i>Replaces previous 3/4/22 issuance</i>	May 25, 2030
NC Division of Water Resources Section 401 Water Quality Certification	General Cert. No. 4135 [RGP50] (renewed 12/9/2025) <i>Replaces previous 4/6/22 issuance</i>	May 25, 2030

Work is authorized by the above referenced permit provided it is accomplished in strict accordance with the permitted plans.

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

The General Conditions and Certifications for Nationwide and Regional Permits can be referenced at:  
[https://xfer.services.ncdot.gov/pdea/PermIssued/\\_General\\_Conditions\\_and\\_Certifications/](https://xfer.services.ncdot.gov/pdea/PermIssued/_General_Conditions_and_Certifications/)



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT  
RALEIGH REGULATORY OFFICE  
3331 HERITAGE TRADE DRIVE, SUITE 105  
WAKE FOREST NORTH CAROLINA 27587

January 21, 2026

Regulatory Program/Division  
SAW-2017-00761

Sent Via Email: jldilday1@ncdot.gov

Jason Dilday, ECAP Eastern Regional Team Lead  
Environmental Analysis Unit  
NC Department of Transportation  
1598 Mail Service Center  
Raleigh, NC 27699-1598

Dear Mr. Dilday:

This letter is in response to the application you submitted to the Wilmington District, WRDA/Transportation Branch on November 18, 2025 for a Department of the Army general permit re-verification. This project has been assigned the file number SAW-2017-00761 and is known as NCDOT/R5726/NC211/Division8. 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 discharge of fill material into 0.759 acre of wetlands, 339 linear feet of stream channel, and 0.48 acre of open waters for the widening of existing NC Hwy 211. Of the total of 0.759 acres of wetlands impacted by this project, only 0.64 acres of impact will include loss of waters. In addition, this total area of impact (0.759 acres) includes two separate wetlands (Wetland WB and Wetland WG) that the Corps determined (via an Approved Jurisdictional Determination dated March 4, 2022) were isolated wetlands. These wetlands are located at R-5726 Impacts sites #4 & #5 and have not been included in the following impact table, nor did the Corps require compensatory mitigation for these impacts. The project area for this determination includes a 55 acres area which is illustrated on the enclosed site plans/maps. The project/review area is located on and along NC Highway 211 from NC 73 in West End to SR 1241 (Holly Grove School Road) near Pinehurst, at Latitude 35.256330 and Longitude -79.593550; in Moore County, North Carolina.

We have determined that the proposed work is authorized by Regional General Permit 50 (RGP-50) 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 enclosed general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed plans Sheet 1-9 of 9, entitled, " NCDOT TIP Project: R-5726, NC 211 from South of NC 73 in West Ent to

North of SR 1241 (Holly Grove School Road, Moore County”, revised November 13, 2025. If the extent of the project area and/or nature of the authorized impacts to waters are modified, a revised application must be submitted to this office for written approval before work is initiated. Any deviation from the terms and conditions of the permit, or your submitted plans, may subject the permittee to enforcement action.

This verification is valid until May 25, 2030, unless the subject general permit(s) is suspended, revoked, or is modified prior to that date such that the activity no longer complies with the terms and conditions of the general permit.

**Project Specific Special Conditions:**

1. All work must be performed in strict compliance with (a) the description of work in the PCN and (b) the Wetlands and Surface Water Impact Permit Drawing(s) (Permit Plans) in the application dated November 18, 2025, and Plan Sheets revised November 13, 2025. Any modification to the description of work and/or the permit plans must be approved by the USACE prior to implementation.
2. 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.
3. The U.S. Fish and Wildlife Service’s (USFWS’s) Programmatic Conference Opinion (PCO) titled "NCDOT Program Effects on the Tricolored Bat in Divisions 1-8”, dated November 20, 2023, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with “incidental take” that are specified in the PCO. Your authorization under this Corps permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the PCO, 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 PCO, 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 PCO, and with the ESA.

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 Stephen Brumagin, WRDA/Transportation Project manager of the Charlotte Field Office at 704-798-6471, by mail at the above address, or by email at [stephen.a.brumagin@usace.army.mil](mailto:stephen.a.brumagin@usace.army.mil). Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink that reads "M. Scott Jones". The signature is written in a cursive style with a large "M" and "J". There are small red marks above the "M" and below the "J".

M. Scott Jones, PWS  
WRDA/Transportation Branch Chief

Enclosures

Project Plans revised 11-13-25

Ind 401 WQC

RGP-50

"NCDOT Program Effects on the Tricolored Bat in Divisions 1-8", dated Nov. 20, 2023

cc (w/enclosures):

Rex Badgett, DEO, NC DOT Div 8 (via [jsbadgett@ncdot.gov](mailto:jsbadgett@ncdot.gov))

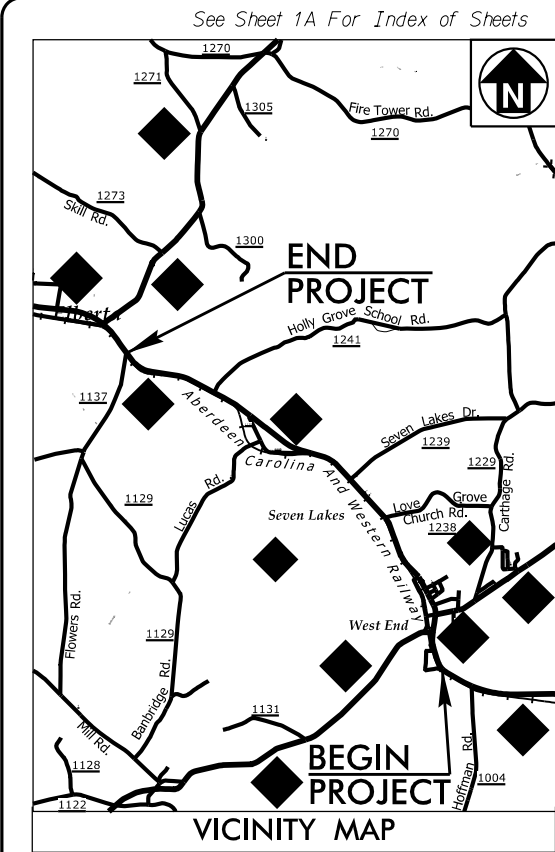




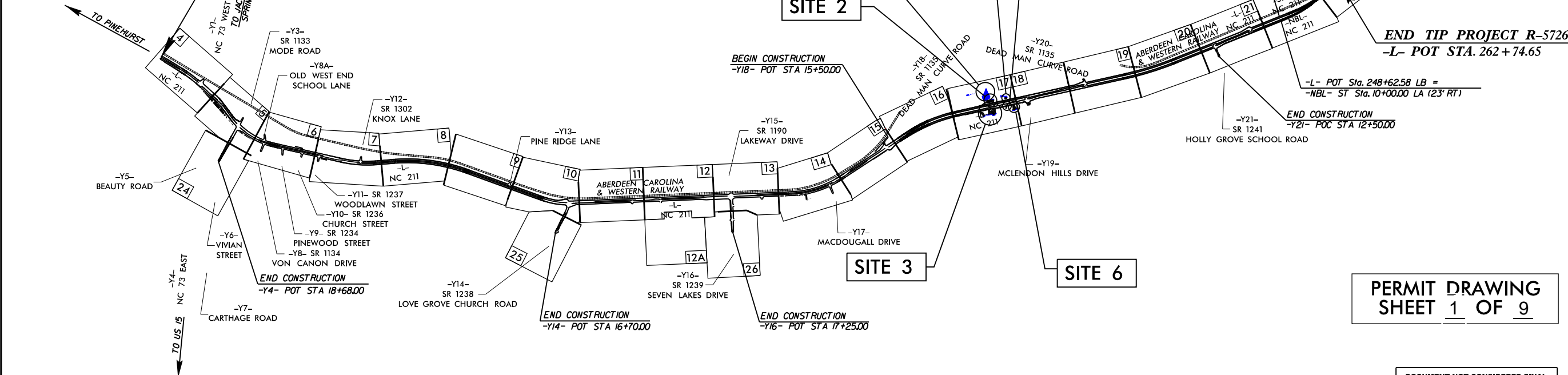
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TIP PROJECT: R-5726

CONTRACT:

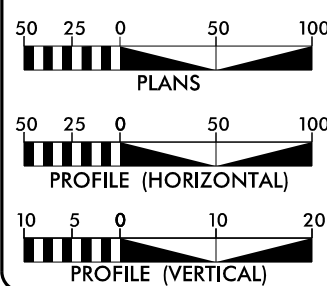


BEGIN TIP PROJECT R-5726  
-L- POT STA 9+00.00



THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.  
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.  
THIS IS A PARTIAL CONTROLLED-ACCESS PROJECT WITH ACCESS BEING LIMITED TO POINTS AS SHOWN ON THE PLANS

GRAPHIC SCALES



DESIGN DATA

ADT 2020 = 16,500  
ADT 2040 = 21,300  
K = 9 %  
D = 55 %  
T = 9 % \*  
V = 60 MPH  
\* (TTST 6% + DUAL 3%)  
FUNC CLASS =  
MINOR ARTERIAL  
REGIONAL TIER

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT R-5726 = 4.806 MILES  
TOTAL LENGTH OF TIP PROJECT R-5726 = 4.806 MILES

PLANS PREPARED FOR THE NCDOT BY:

M M  
MOTT  
MACDONALD  
LICENSE NO. F-6669

HDR  
HDR Engineering, Inc. of the Carolinas  
555 Fayetteville St. Suite 900 Raleigh, N.C. 27601  
N.C.B.E.L.S. License Number: F-0116

2018 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:  
JUNE 29, 2018

LETTING DATE:  
MAY 17, 2022

DAVID C. WALLER, PE  
PROJECT ENGINEER  
PEF ENGINEER

PADDY JORDAN  
PROJECT DESIGN ENGINEER  
PEF ENGINEER

GARY LOVERING, PE  
PROJECT ENGINEER  
NCDOT ROADWAY DESIGN

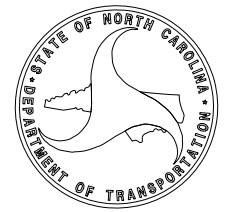
HYDRAULICS ENGINEER

SIGNATURE: P.E.

ROADWAY DESIGN  
ENGINEER

SIGNATURE: P.E.


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UNLESS ALL SIGNATURES COMPLETED








1/13/2022  
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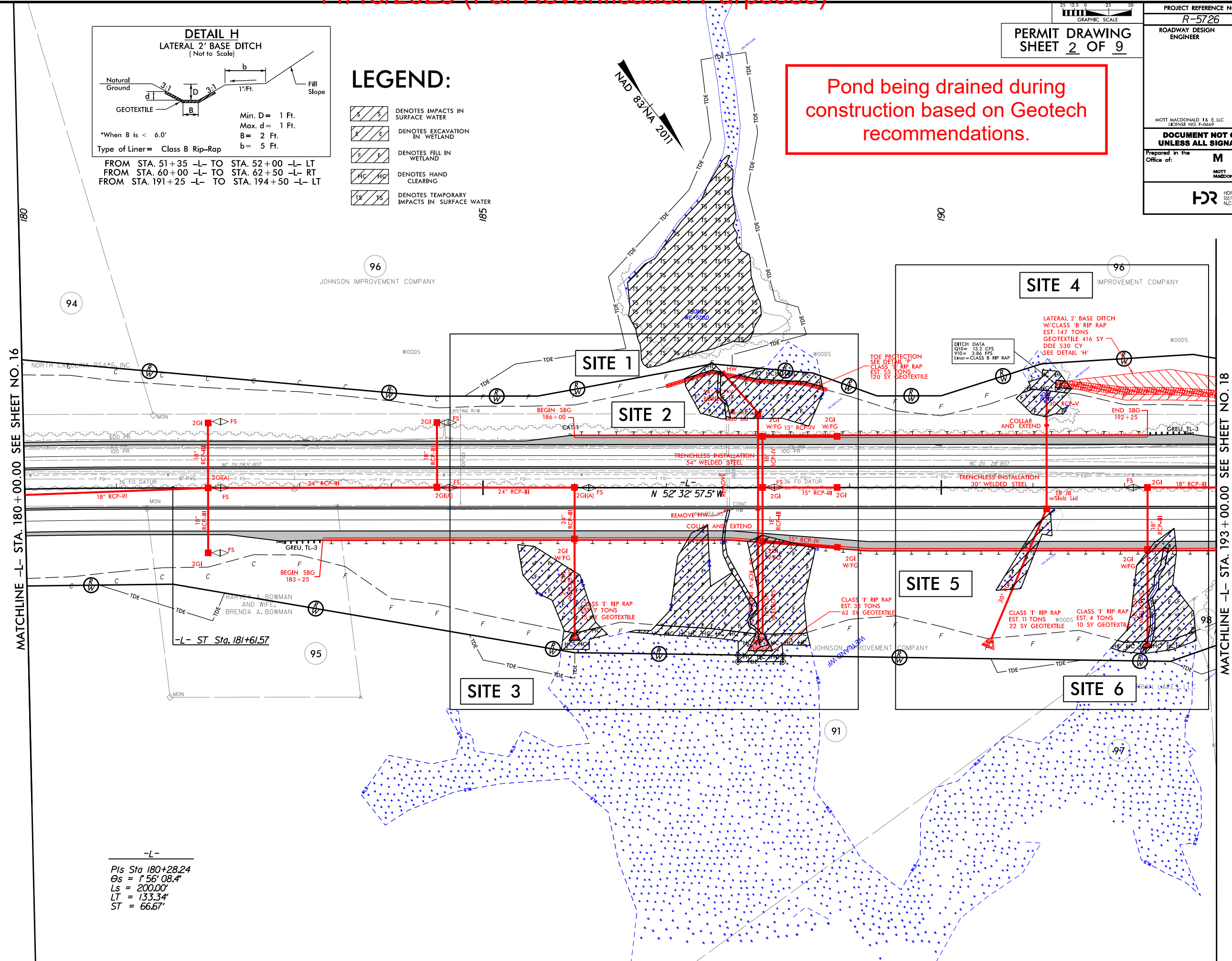
GRAPHIC SCALE

PROJECT REFERENCE NO.		SHEET NO.	
R-5726		17	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
MOTT MACDONALD I & L LC LICENSE NO. F-0069		HDR ENGINEERING LICENSE NO. F-0116	
<b>NOTED: NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</b>			
prepared in the office of:		MOTT MACDONALD PO Box 700 Fuquay-Varina, NC 27526 www.mottmac.com/bmterios	
		HDR Engineering, Inc. of the Carolinas 555 Fayetteville St, Suite 500 Raleigh, NC 27601 N.C.B.E.L.S., License Number: F-0116	



- |   |  |
|---|--|
|  | DENOTES IMPACTS IN SURFACE WATER           |
|  | DENOTES EXCAVATION IN WETLAND              |
|  | DENOTES FILL IN WETLAND                    |
|  | DENOTES HAND CLEARING                      |
|  | DENOTES TEMPORARY IMPACTS IN SURFACE WATER |

Pond being drained during construction based on Geotech recommendations.



**WATCHLINE -L- STA. 180+00.00 SEE SHEET NO. 16**

**MATCHLINE -L- STA. 193+00.00 SEE SHEET NO. 18**

-L-

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Pls Sta 180+28.24  
 $\theta_s = 1^\circ 56' 08.4''$   
 $L_s = 200.00'$   
 $LT = 133.34'$   
 $ST = 66.67'$

1/27/2022  
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\$\$\$\$\$USERNAME\$\$\$\$\$

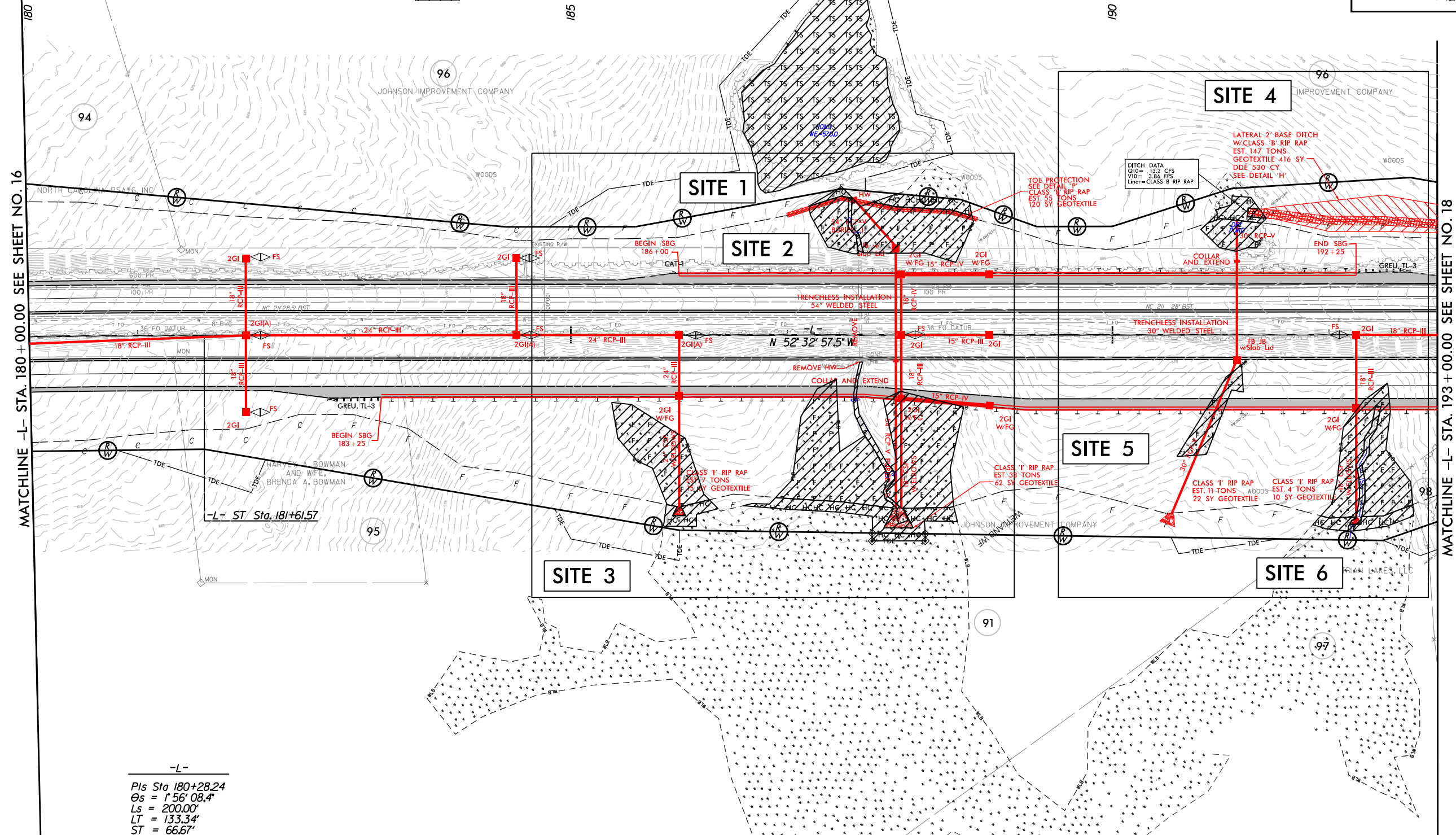


PROJECT REFERENCE NO.		SHEET NO.	
R-5726		17	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
MOTT MACDONALD I & L LC LICENSE NO. F-0669		HDR ENGINEERING LICENSE NO. F-0116	
<b>NOTED: NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</b>			
pared in the ice of:		M PO Box 700 Fuquay-Varina, NC 27526 www.mottmac.com/bmerriss	
MOTT MACDONALD		HDR Engineering, Inc. of the Carolinas 555 Fayetteville St. Suite 500 Raleigh, NC 27601 N.C.B.E.L.S., License Number: F-0116	



- |   |  |
|---|--|
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|  | DENOTES EXCAVATION IN WETLAND              |
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|  | DENOTES TEMPORARY IMPACTS IN SURFACE WATER |

Pond being drained during construction based on Geotech recommendations.



**WATCHLINE -L- STA. 180+00.00 SEE SHEET NO. 16**

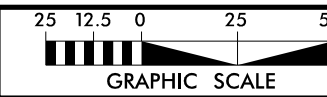
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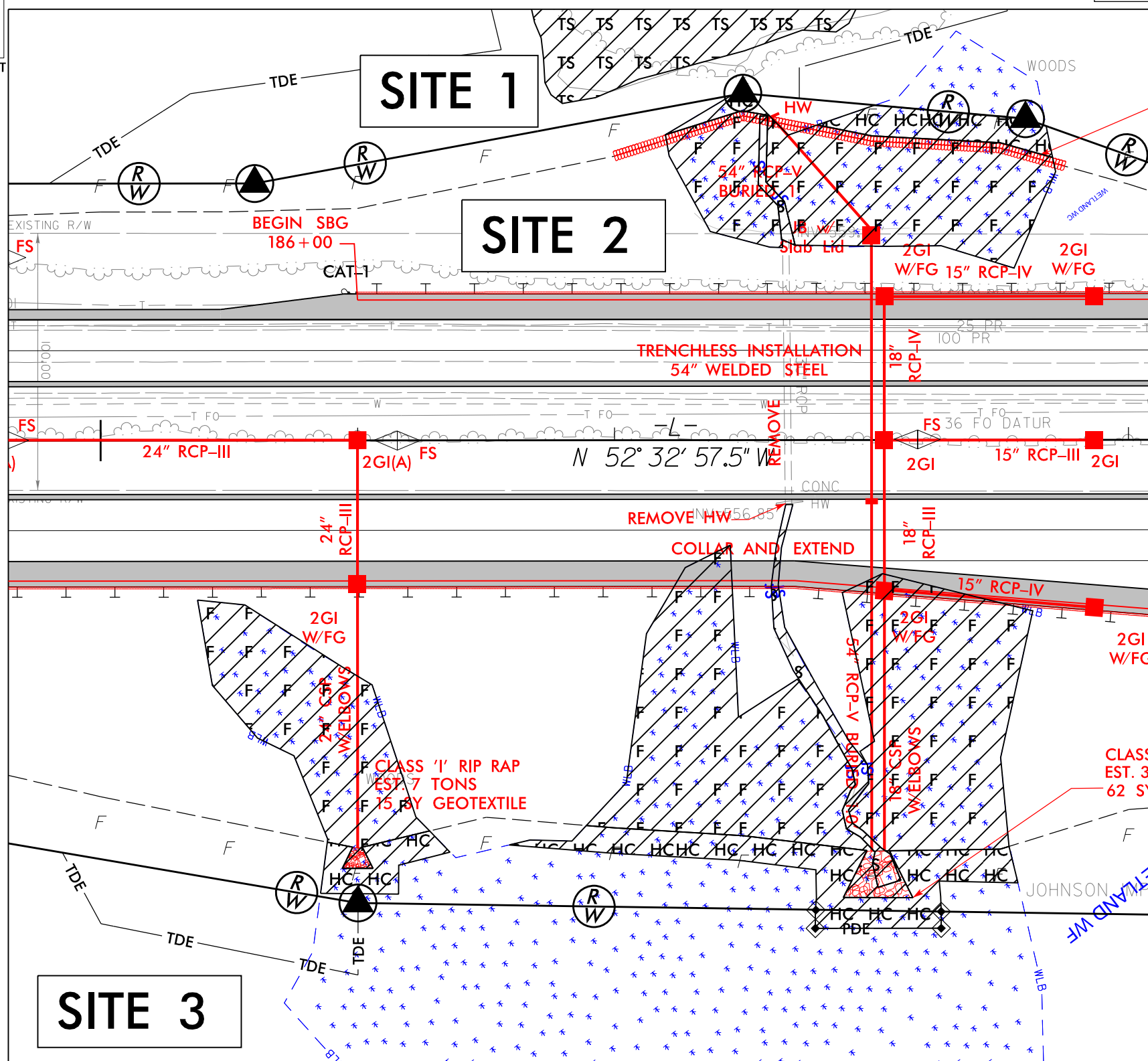
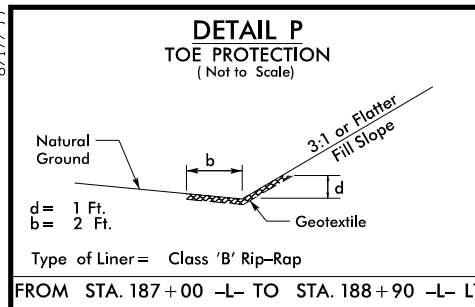
Pls Sta 180+28.24  
 $\theta_s = 156^{\circ} 08.4''$   
 $L_s = 200.00'$   
 $LT = 133.34'$   
 $ST = 66.67'$

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\$\$\$\$\$USERNAME\$\$\$\$\$



PERMIT DRAWING  
SHEET 4 OF 9

PROJECT REFERENCE NO.		SHEET NO.
R-5726		17A
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER	



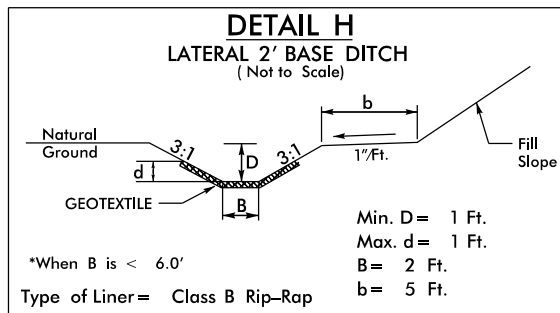
# LEGEND:

- DENOTES IMPACTS IN SURFACE WATER
- DENOTES FILL IN WETLAND
- DENOTES HAND CLEARING
- DENOTES TEMPORARY IMPACTS IN SURFACE WATER





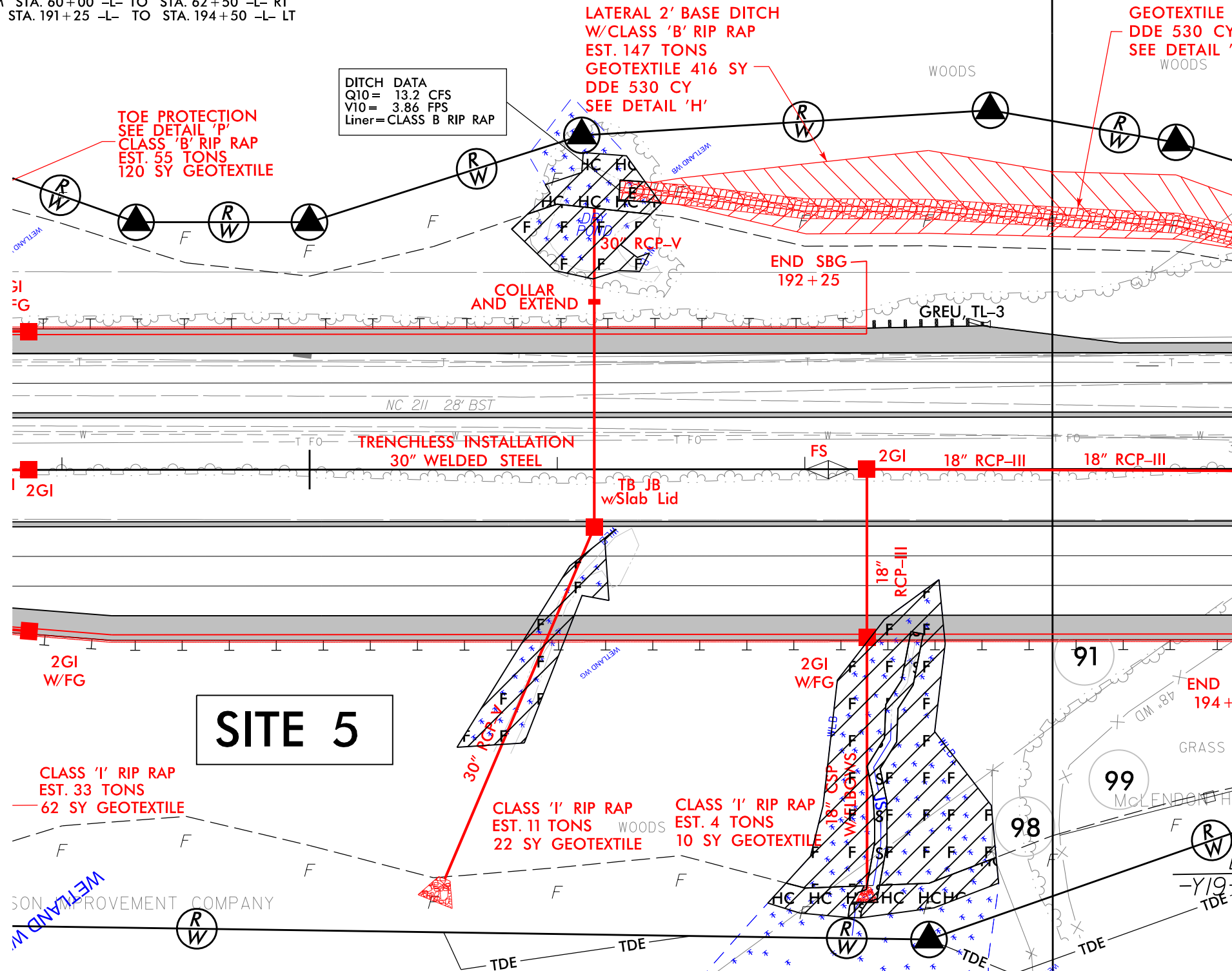
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FROM STA. 51+35 -L- TO STA. 52+00 -L- LT  
FROM STA. 60+00 -L- TO STA. 62+50 -L- RT  
FROM STA. 191+25 -L- TO STA. 194+50 -L- LT

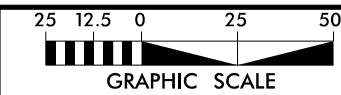
**SITE 4**

96  
IMPROVEMENT COMPANY



**SITE 5**

**SITE 6**



**PERMIT DRAWING**  
SHEET 6 OF 9

PROJECT REFERENCE NO.	SHEET NO.
R-5726	17B
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
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Prepared in the Office of: <b>M</b> MOTT MACDONALD	
PO Box 700 Fayetteville, NC 27526 www.mottmac.com/marfos	
<b>HDR</b> HDR Engineering, Inc. of the Carolinas 555 Fayetteville St, Suite 900 Raleigh, N.C. 27601 N.C.B.E.L.S. License Number: F-0116	

## LEGEND:


	DENOTES IMPACTS IN SURFACE WATER
	DENOTES EXCAVATION IN WETLAND
	DENOTES FILL IN WETLAND
	DENOTES HAND CLEARING
	DENOTES TEMPORARY IMPACTS IN SURFACE WATER



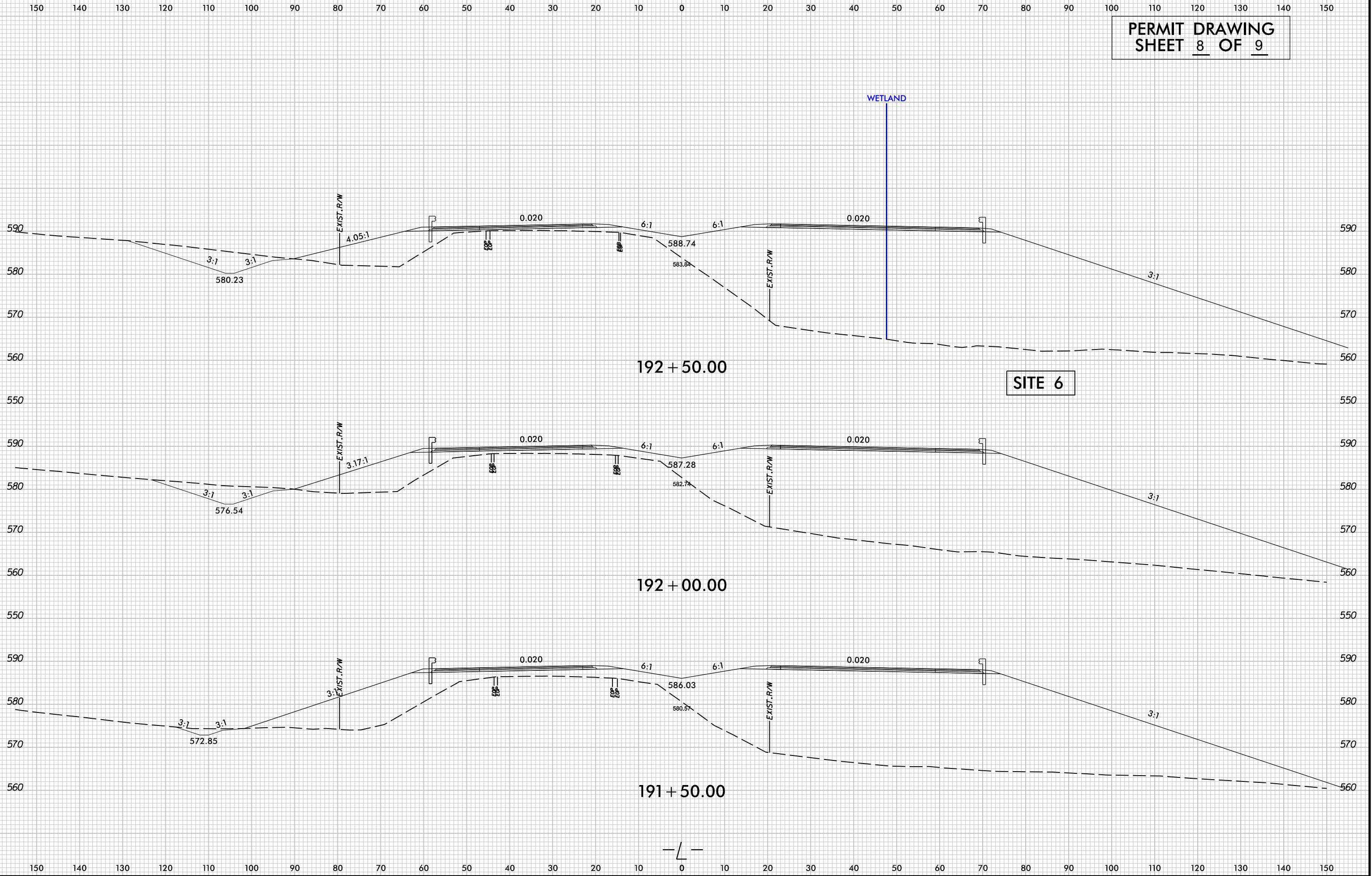




6/23/16

	PROJ. REFERENCE NO.	SHEET NO.
	R-5726	X-84

PERMIT DRAWING  
SHEET 8 OF 9



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380025.dwg  
SUBMITTABLE

WETLAND AND SURACE WATER IMPACTS SUMMARY												
			WETLAND IMPACTS					SURFACE WATER IMPACTS				
Site No.	Station (From/To)	Structure Size / Type	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	186+58/188+04 LT	** Draining Pond							0.43			
2	187+20/188+72 LT	Roadway Fill/ 54" RCP-V	0.14				0.03	0.02		215		
3	185+38/188+63 RT	Rdwy Fill/ 54" RCP-V/18" CSP	0.38				0.07					
4	191+25/191+42 LT	Lateral Ditch			< 0.01							
4	190+82/191+42 LT	Roadway Fill/ 30" RCP-V	0.03				0.02					
5	190+60/191+24 RT	Roadway Fill/ 30" RCP-V	0.03									
6	191+85/192+78 RT	Roadway Fill/ 18" CSP	0.12				0.02	0.01	< 0.01	117	7	
TOTALS*			0.70		< 0.01		0.13	0.03	0.43	332	7	0

\*Rounded totals are sum of actual impacts

NOTES:

\* Totals above reflect Wetland WG being considered as a total take.

\*\* Geotech recommendation to drain pond prior to construction.

There will be 0.02 acre of Temporary Fill in Wetlands in the Hand Clearing areas for Erosion Control measures

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

Moore County

R-5726

50218.1.1

SHEET

9

OF

9

**JOSH STEIN**

*Governor*

**D. REID WILSON**

*Secretary*

**RICHARD E. ROGERS, JR.**

*Director*



January 13, 2026

Mr. Jason Dilday  
NCDOT- ECAP Eastern Team Lead  
1000 Birch Ridge Drive  
Raleigh, NC 27610  
[jldilday1@ncdot.gov](mailto:jldilday1@ncdot.gov)

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for the proposed widening of NC 211 from south of NC 73 to north of Holly Grove School Road (SR1241) in Moore County. NCDWR Project No. 20220164.V2  
NCDOT TIP: R-5726, SAW-2017-00761

Dear Mr. Dilday,

Attached hereto is a copy of Certification No. 008507 issued to the NCDOT dated January 13, 2026.  
If we can be of further assistance, do not hesitate to contact us.

Sincerely,  
Signed by:

*Faith Hardin*

3185423002EA45E...

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

Electronic copy only distribution:

Steve Brumagin, US Army Corps of Engineers  
Shane Tapper, NCDOT [kstapper@ncdot.gov](mailto:kstapper@ncdot.gov)  
Rex Badgett, NCDOT  
Chris Rivenbark, RK&K

**401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS.**

**THIS CERTIFICATION** is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact 339 linear feet of jurisdictional streams and 0.84 acres of jurisdictional wetlands and 0.43 of open waters in Moore County. The project shall be constructed pursuant to the re-application dated November 18, 2025. A previous 401 Water Quality Certification was issued for this project on April 6, 2022. The authorized impacts are described below:

**Stream Impacts in the Cape Fear River Basin**

Site	Permanent Fill in Stream (linear ft)	Temporary Fill in Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
Site 2 - Roadway fill/ 54' RCP-V- Stream SA	215	0	215	215
Site 6 - Roadway fill/ 18" CSP- Stream SB	117	7	124	117
<b>Totals</b>	<b>332</b>	<b>7</b>	<b>339</b>	<b>332</b>

**Total Stream Impacts: 339 linear feet.**

**Wetland Impacts in the Cape Fear River Basin**

Site	Fill in wetland (acres)	Excavation in wetland (acres)	Hand Clearing in wetland (acres)	Total Wetland Impact (acres)	Wetland Impacts Requiring Mitigation (acres)
Site 2	0.14	0	0.03	0.17	0.14
Site 3	0.38	0	0.07	0.45	0.38
*Site 4	0.03	<0.01	0.02	0.05	0
*Site 5	0.03	0	0	0.03	0
Site 6	0.12	0	0.02	0.14	0.12
<b>Totals</b>	<b>0.70</b>	<b>&lt;0.01</b>	<b>0.14</b>	<b>0.84</b>	<b>0.64</b>

**Total Wetland Impacts: 0.84 acres.**

**\*Sites 4 and 5 are isolated wetlands**

**Open Water (Pond) Impacts in the Cape Fear River Basin**

Site	Permanent Fill (acres)	Temporary Fill (acres)	Total Impacts (acres)
Site 1- Pond A Draining	0.43	0	0.43
<b>Totals</b>	<b>0.43</b>	<b>0</b>	<b>0.43</b>

**Total Open Water Impacts: 0.43 acres**





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

This approval is only valid for the purpose and design that you submitted in your application. Should your project change, you are required to notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7).

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

This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded. Upon the presentation of proper credentials, the Division may inspect the property.

#### **Condition(s) of Certification:**

##### **Project Specific 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 down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the 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 multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible. including pipes or barrels at flood plain elevation and/ or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [ 15A NCAC 02H.0506( b)( 2)] Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [ 15A NCAC 02H. 0506( b)( 2)]
3. Channel relocations shall be completed and stabilized, and approved on site by NCDWR staff, prior to diverting water into the new channel. Stream banks shall be matted with coir-fiber matting. Vegetation used for bank stabilization shall be limited to native riparian vegetation, and should include establishment of a vegetated buffer on both sides of the relocated channel to the maximum extent practical. Also, rip- rap may



be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested. Once the stream has been turned into the new channel, it may be necessary to relocate stranded fish to the new channel to prevent fish kills. [ 15A NCAC 02H .0506(b)( 3).

4. 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)
5. For all linear feet of 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)]
6. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. [ 15A NCAC 02H. 0506( b)( 2)]
7. Compensatory mitigation for impacts to 332 linear feet of jurisdictional streams and 0.64 acres of wetlands is required in the CU 03030003 Cape Fear River Basin. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Division of Mitigation Services (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. DMS has indicated in a letter dated April, 29, 2022, that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above- referenced project, in accordance with DMS' s Mitigation Banking Instrument signed July 28, 2010.

#### **General Conditions**

1. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
2. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
3. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
4. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
5. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
6. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
7. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
8. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. [15A NCAC 02H.0506(b)(3)]
9. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]





10. Discharging hydroseed mixtures and washing out hydro seeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
11. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
12. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
13. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
14. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization 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]
15. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
16. 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)]
17. Upon completion of the project (including any impacts at associated borrow or waste sites), NCDOT project engineer (or appointee) shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
18. 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)]
19. 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) and (c)(3)]:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
20. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)]



21. 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 (c)(3) and 15A NCAC 02B .0200]
22. 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 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.
23. 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.

This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

This approval and its conditions are final and binding unless contested [G.S. 143-215.5]. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

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





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

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 the 13<sup>th</sup> day of January, 2026

DIVISION OF WATER RESOURCES

Signed by:

*Faith Hardin*

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Richard E. Rogers, Jr., Director

WQC No. 008507



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