



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

July 21, 2025

J.R. "JOEY" HOPKINS  
SECRETARY

U. S. Army Corps of Engineers  
Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28805

NC Division of Water Resources  
Transportation Permitting Branch  
2090 U.S. 70 Highway  
Swannanoa, NC 28778-8211

ATTN: Ms. Lori Beckwith,  
NCDOT Coordinator

Ms. Amy Annino,  
NCDOT Coordinator

Subject: **Application for Section 404 Nationwide Permit 3 & 401 Written Water Quality Certification under the Expedited Processing Provisions for Hurricane Helene Response** for the Replacement of Bridge 394 over Flat Branch on SR 2783 (Rocky Fork Road) in Buncombe County, Division 13, WBS DF18313.2011206PR.

Dear Madams:

The North Carolina Department of Transportation (NCDOT) proposes the aforementioned project as the result of damage caused by Hurricane Helene in late September 2024.

Please note that Flat Branch is also referred to as Rocky Creek, or Rocky Fork in some resources.

**Brief Damage Summary:**

The bridge was destroyed and removed by the storm.

**Temporary/ emergency structure:**

A temporary emergency structure is currently in-use for this facility consisting of two, 95"x 67" corrugated metal arched pipes, 50 feet in length.

**Proposed Replacement:**

A new single-span, 45' long x 24' wide bridge, will replace the destroyed 25' long single span bridge.

**Avoidance and Minimization:**

- The new structure is approximately 20' longer providing a larger hydraulic opening.
- The proposed bridge will have no direct discharge into the creek.
- Stormwater runoff from the bridge and paved shoulders at the bridge approaches will be diffused at riprap pad outlets prior to discharge into Flat Branch.
- Bank stabilization is planned to prevent erosion of the stream banks.

**Lead Federal Agency:** FEMA is the lead federal agency for this project.

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

*Telephone:* (919) 707-6000  
*Customer Service:* 1-877-368-4968  
*Website:* [www.ncdot.gov](http://www.ncdot.gov)

*Location:*  
1000 BIRCH RIDGE DRIVE  
RALEIGH NC 27610

**Proposed Activities in Streams:**

Impact Site	Impact Category	Permanent Fill	Bank Stabilization	Temporary Impacts	Permit Proposed/ Impact Description
Site 1  Rocky Creek	Maintenance Exemption	--	14	--	The previous structure had approximately 14 feet of bank stabilization impacts
	Non-Notifying	--	--	--	--
	Notification Required (Not After the fact)	--	66 lf	0.03 (ac)	<b>NWP 3:</b> - Due to unstable banks, there will be 66 linear feet of bank stabilization required for the project. - Due to stream access, erosion control devices and stabilizing the stream to properly align with the proposed structure, there will be 0.03 ac of temporary impacts.
	Notification Required (After the fact)	--	--	50 lf	<b>NWP 3:</b> -The installation of the temporary/ emergency culvert, resulted in 50 linear feet of temporary impacts.
	<b>Totals:</b>	--	<b>66 lf (&lt;0.01)</b>	<b>50.0 lf 0.03 ac</b>	

*The information above is provided in accordance with the “U.S. Army Corps of Engineers, Wilmington District’s Information for Hurricane Helene Recovery and Repair Work Conducted by the North Carolina Department of Transportation in Waters of the U.S.” dated February 10, 2025.*

## Endangered Species Act

Protected Species listed from IPaC<sup>1</sup> as of the date of this application:

Common Name	Habitat Present	Survey Dates <sup>2</sup>	Proposed Biological Conclusion	FWS Concurrence Remarks
Gray bat	No	n/a	No Effect	n/a
Northern long-eared bat	No	n/a	No Effect	n/a
Bog turtle	n/a	n/a	Not Required	n/a
Eastern hellbender (Proposed) <sup>2</sup>	n/a	n/a	Not Required	n/a
Monarch butterfly (Proposed) <sup>2</sup>	n/a	n/a	Not Required	n/a
White irisette	No	(visited site May 2025)	No Effect	n/a
Rock gnome lichen	No	n/a	No Effect	n/a

1 IPaC – Information for Planning and Consultation (US Fish and Wildlife Service)

2 Due to the recent listings of monarch butterfly within the proposed action area, NCDOT does not have complete information at this time. It is anticipated that construction will be complete by the timeframes proposed for full listing, should the species be formally listed.

## Historic Resources

Information Attached

106 Topic	Findings
Historic Architecture	The NCDOT 106 Programmatic Agreement (PA) checklist was completed for this project (attached). The checklist determined the project is exempt from further Section 106 review in accordance with NCDOT's Section 106 PA.
Archaeology	
Tribal Coordination	The PA checklist exempts the project from tribal coordination.

If you have any questions or need additional information, please contact Michael Turchy, at [maturchy@ncdot.gov](mailto:maturchy@ncdot.gov) or (919) 707-6157.

Sincerely,

 Digitally  
signed by  
Michael  
Turchy

Michael A. Turchy  
Environmental Coordination and Permitting Group Leader

ePCN



## Pre-Construction Notification (PCN) Form

For Nationwide Permits and Regional General Permits

(along with corresponding Water Quality Certifications)

December 4, 2023 Ver 4.3

Please note: fields marked with a red asterisk \* below are required. You will not be able to submit the form until all mandatory questions are answered.

Also, if at any point you wish to print a copy of the E-PCN, all you need to do is right-click on the document and you can print a copy of the form.

Below is a link to the online help file.

<https://edocs.deq.nc.gov/WaterResources/DocView.aspx?dbid=0&id=2196924>

### A. Processing Information

If this is a courtesy copy, please fill in this with the submission date.

Does this project involve maintenance dredging funded by the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund, electric generation projects located at an existing or former electric generating facility, or involve the distribution or transmission of energy or fuel, including natural gas, diesel, petroleum, or electricity? \*

☐ Yes ☒ No

Is this application for a project associated with emergency response/repairs from Hurricane Helene impacts to your project or property?

☒ Yes ☐ No

Is this project connected with ARPA funding or S.L. 2023-134 (earmark)? \*

☐ ARPA ☐ S.L. 2023-134 (earmark) ☒ No

County (or Counties) where the project is located: \*

Buncombe

Is this a NCDMS Project? \*

☐ Yes ☒ No

Click Yes, only if NCDMS is the applicant or co-applicant.

DO NOT CHECK YES, UNLESS YOU ARE DMS OR CO-APPLICANT.

Is this project a public transportation project? \*

☒ Yes ☐ No

This is any publicly funded by municipal, state or federal funds road, rail, airport transportation project.

Is this a NCDOT Project? \*

☒ Yes ☐ No

(NCDOT only) T.I.P. or state project number:

DF18313.2011206.PR

WBS # \*

DF18313.2011206.PR

(for NCDOT use only)

1a. Type(s) of approval sought from the Corps: \*

- ☒ Section 404 Permit (wetlands, streams and waters, Clean Water Act)  
☐ Section 10 Permit (navigable waters, tidal waters, Rivers and Harbors Act)

Has this PCN previously been submitted? \*

☐ Yes  
☒ No

1b. What type(s) of permit(s) do you wish to seek authorization? \*

- ☒ Nationwide Permit (NWP)  
☐ Regional General Permit (RGP)  
☐ Standard (IP)

1c. Has the NWP or GP number been verified by the Corps? \*

☐ Yes ☒ No

### NWP Numbers (for multiple NWPS):

List all NW numbers you are applying for not on the drop down list.

### 1d. Type(s) of approval sought from the DWR: \*

check all that apply

- ☒ 401 Water Quality Certification - Regular  
☐ Non-404 Jurisdictional General Permit  
☐ Individual 401 Water Quality Certification

- ☐ 401 Water Quality Certification - Express  
☐ Riparian Buffer Authorization

### 1e. Is this notification solely for the record because written approval is not required?

\*

For the record only for DWR 401 Certification:

☐ Yes ☒ No

For the record only for Corps Permit:

☐ Yes ☒ No

### 1f. Is this an after-the-fact permit application? \*

☐ Yes ☒ No

### 1g. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts?

If so, attach the acceptance letter from mitigation bank or in-lieu fee program.

☐ Yes ☒ No

### Acceptance Letter Attachment

Click the upload button or drag and drop files here to attach document

FILE TYPE MUST BE PDF

### 1h. Is the project located in any of NC's twenty coastal counties? \*

☐ Yes ☒ No

### 1j. Is the project located in a designated trout watershed? \*

☒ Yes ☐ No

You must submit a copy to the appropriate Wildlife Resources Commission Office.

Link to trout information: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Trout.aspx>

## B. Applicant Information



### 1a. Who is the Primary Contact? \*

ECAP

### 1b. Primary Contact Email: \*

maturchy@ncdot.gov

### 1c. Primary Contact Phone: \*

(xxx)xxx-xxxx

(919)707-6157

### 1d. Who is applying for the permit? \*

☐ Owner

(Check all that apply)

☒ Applicant (other than owner)

### 1e. Is there an Agent/Consultant for this project? \*

☐ Yes ☒ No

## 2. Owner Information

### 2a. Name(s) on recorded deed: \*

NCDOT

### 2b. Deed book and page no.:

### 2c. Contact Person:

(for Corporations)

### 2d. Address \*

Street Address

1598 MSC

Address Line 2

City

Raleigh

Postal / Zip Code

27699

State / Province / Region

NC

Country

USA

### 2e. Telephone Number: \*

(xxx)xxx-xxxx

(919)707-6157

2f. Fax Number:

(xxx)xxx-xxxx

2g. Email Address: \*

maturchy@ncdot.gov

3. Applicant Information (if different from owner)

3a. Name: \*

Michael Turchy

3b. Business Name:

(if applicable)

3c. Address \*

Street Address

1598 MSC

Address Line 2

City

Raleigh

Postal / Zip Code

27699

State / Province / Region

NC

Country

USA

3d. Telephone Number: \*

(919)707-6157

(xxx)xxx-xxxx

3e. Fax Number:

(xxx)xxx-xxxx

3f. Email Address: \*

maturchy@ncdot.gov

C. Project Information and Prior Project History

1. Project Information

1a. Name of project: \*

Hurricane Helene Bridge Re-establishment

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town: \*

Fairview

2. Project Identification

2a. Property Identification Number:

(tax PIN or parcel ID)

2b. Property size:

(in acres)

2c. Project Address

Street Address

Address Line 2

City

Postal / Zip Code

State / Province / Region

Country

2d. Site coordinates in decimal degrees

Please collect site coordinates in decimal degrees. Use between 4-6 digits (unless you are using a survey-grade GPS device) after the decimal place as appropriate, based on how the location was determined. (For example, most mobile phones with GPS provide locational precision in decimal degrees to map coordinates to 5 or 6 digits after the decimal place.)

Latitude: \*

35.54930

ex: 34.208504

Longitude: \*

-82.37996

-77.796371

3. Surface Waters

3a. Name of the nearest body of water to proposed project: \*

Flat Branch (to Rocky Fork Creek)

3b. Water Resources Classification of nearest receiving water: \*

C

[Surface Water Lookup](#)

3c. What river basin(s) is your project located in? \*

French Broad

3d. Please provide the 12-digit HUC in which the project is located. \*

060101050701

[River Basin Lookup](#)

4. Project Description and History

4a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: \*

Transportation facility damaged by Hurricane Helene.

4b. Have Corps permits or DWR certifications been obtained for this project (including all prior phases) in the past? \*

☐ Yes ☐ No ☒ Unknown

4f. List the total estimated acreage of all existing wetlands on the property:

Unkown

4g. List the total estimated linear feet of all existing streams on the property:

(intermittent and perennial)

330 linear ft.

4h. Explain the purpose of the proposed project: \*

Re-establish the transportation facility damaged by Hurricane Helene.

4i. Describe the overall project in detail, including indirect impacts and the type of equipment to be used: \*

The project requires the removal of the existing temporary crossing and construction a permanent single-span bridge, 45, long x 24' wide; Riprap will be utilized for bank stabilization. Standard construction equipment will be used.

5. Jurisdictional Determinations

5a. Have the wetlands or streams been delineated on the property or proposed impact areas? \*

☐ Yes ☒ No ☐ Unknown

Comments:

5b. If the Corps made a jurisdictional determination, what type of determination was made? \*

☐ Preliminary ☐ Approved ☒ Not Verified ☐ Unknown ☐ N/A

Corps AID Number:

Example: SAW-2017-99999

5c. If 5a is yes, who delineated the jurisdictional areas?

Name (if known):

Agency/Consultant Company:

Other:

6. Future Project Plans

6a. Is this a phased project? \*

☐ Yes ☒ No

Are any other NWP(s), regional general permit(s), or individual permits(s) used, or intended to be used, to authorize any part of the proposed project or related activity? This includes other separate and distant crossing for linear projects that require Department of the Army authorization but don't require pre-construction notification.

D. Proposed Impacts Inventory

1. Impacts Summary

1a. Where are the impacts associated with your project? (check all that apply):

☐ Wetlands ☒ Streams-tributaries ☐ Buffers

☐ Open Waters ☐ Pond Construction

3. Stream Impacts

If there are perennial or intermittent stream impacts (including temporary impacts) proposed on the site, then complete this question for all stream sites impacted.

"S." will be used in the table below to represent the word "stream".

	3a. Reason for impact* (?)	3b.Impact type *	3c. Type of impact *	3d. S. name *	3e. Stream Type* (?)	3f. Type of Jurisdiction *	3g. S. width *	3h. Impact length*



S1	Riprap embankment	Permanent	Bank Stabilization	Flat Branch	Perennial	Both	10 Average (feet)	66 (linear feet)
S2	Riprap embankment	Temporary	Bank Stabilization	Flat Branch	Perennial	Both	10 Average (feet)	0 (linear feet)

\*\* All Perennial or Intermittent streams must be verified by DWR or delegated local government.

3i. Total jurisdictional ditch impact in square feet:

0

3i. Total permanent stream impacts:

66

3i. Total temporary stream impacts:

0

3i. Total stream and ditch impacts:

66

3j. Comments:

Temporary impacts due to riprap embankment actually total 0.03 ac. (not 0 If as indicated in above table)

## E. Impact Justification and Mitigation

### 1. Avoidance and Minimization

1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing the project: \*

See cover letter

1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques: \*

See cover letter

### 2. Compensatory Mitigation for Impacts to Waters of the U.S. or Waters of the State

2a. Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State?

☐ Yes ☒ No

2b. If this project DOES NOT require Compensatory Mitigation, explain why:

Permanent impacts are due to the use of riprap for bank stabilization which does not require mitigation.

NC Stream Temperature Classification Maps can be found under the Mitigation Concepts tab on the Wilmington District's [RIBITS](#) website.

## F. Stormwater Management and Diffuse Flow Plan (required by DWR)

\*\*\* Recent changes to the stormwater rules have required updates to this section .\*\*\*

### 1. Diffuse Flow Plan

1a. Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules?

☐ Yes ☒ No

For a list of options to meet the diffuse flow requirements, click [here](#).

If no, explain why:

Project is not located in protected riparian buffer.

### 2. Stormwater Management Plan

2a. Is this a NCDOT project subject to compliance with NCDOT's Individual NPDES permit NCS000250? \*

☒ Yes ☐ No

Comments:

## G. Supplementary Information

### 1. Environmental Documentation

1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? \*

☒ Yes ☐ No

1b. If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)? \*

☒ Yes ☐ No

1c. If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) \*

☐ Yes ☒ No

## 2. Violations (DWR Requirement)

2a. Is the site in violation of DWR Water Quality Certification Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), or DWR Surface Water or Wetland Standards or Riparian Buffer Rules (15A NCAC 2B .0200)? \*

☐ Yes ☒ No

## 3. Cumulative Impacts (DWR Requirement)

3a. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? \*

☐ Yes ☒ No

3b. If you answered "no," provide a short narrative description.

The project is the re-establishment, therefore no additional development is anticipated.

## 4. Sewage Disposal (DWR Requirement)

4a. Is sewage disposal required by DWR for this project? \*

☐ Yes ☒ No ☐ N/A

## 5. Endangered Species and Designated Critical Habitat (Corps Requirement)

5a. Will this project occur in or near an area with federally protected species or habitat? \*

☐ Yes ☒ No

5b. Have you checked with the USFWS concerning Endangered Species Act impacts? \*

☐ Yes ☒ No

5d. Is another Federal agency involved? \*

☒ Yes ☐ No ☐ Unknown

What Federal Agency is involved?

FEMA

5e. Is this a DOT project located within Division's 1-8? \*

☐ Yes ☒ No

5f. Will you cut any trees in order to conduct the work in waters of the U.S.? \*

☐ Yes ☒ No

5g. Does this project involve bridge maintenance or removal? \*

☒ Yes ☐ No

5g(1). If yes, have you inspected the bridge for signs of bat use such as staining, guano, bats, etc.? Representative photos of signs of bat use can be found in the NLEB SLOPES, Appendix F, pages 3-7.

☐ Yes ☒ No

Link to the NLEB SLOPES document: [http://saw-reg.usace.army.mil/NLEB/1-30-17-signed\\_NLEB-SLOPES&apps.pdf](http://saw-reg.usace.army.mil/NLEB/1-30-17-signed_NLEB-SLOPES&apps.pdf)

If you answered "Yes" to 5g(1), did you discover any signs of bat use? \*

☐ Yes ☐ No ☒ Unknown

\*\*\* If yes, please show the location of the bridge on the permit drawings/project plans.

5h. Does this project involve the construction/installation of a wind turbine(s)?\* \*

☐ Yes ☒ No

5i. Does this project involve (1) blasting, and/or (2) other percussive activities that will be conducted by machines, such as jackhammers, mechanized pile drivers, etc.? \*

☒ Yes ☐ No

5j. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? \*

See cover letter: IPaC generated T/E list. Bats - no roosting habitat as nothing remains of the structure and no habitat present for remaining species, therefore no concurrence is required.

## 6. Essential Fish Habitat (Corps Requirement)

6a. Will this project occur in or near an area designated as an Essential Fish Habitat? \*

☐ Yes ☒ No

6b. What data sources did you use to determine whether your site would impact an Essential Fish Habitat? \*

EFH Mapping

## 7. Historic or Prehistoric Cultural Resources (Corps Requirement)

Link to the State Historic Preservation Office Historic Properties Map (does not include archaeological data: <http://gis.ncdcr.gov/hpweb/>)

**7a. Will this project occur in or near an area that the state, federal or tribal governments have designated as having historic or cultural preservation status (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)? \***

☐ Yes ☒ No

**7b. What data sources did you use to determine whether your site would impact historic or archeological resources? \***

See cover letter

## 8. Flood Zone Designation (Corps Requirement)

Link to the FEMA Floodplain Maps: <https://msc.fema.gov/portal/search>

**8a. Will this project occur in a FEMA-designated 100-year floodplain? \***

☐ Yes ☒ No

**8c. What source(s) did you use to make the floodplain determination? \***

<https://flood.nc.gov>

## Miscellaneous

### Comments

Please use the space below to attach all required documentation or any additional information you feel is helpful for application review. Documents should be combined into one file when possible, with a Cover Letter, Table of Contents, and a Cover Sheet for each Section preferred.

[Click the upload button or drag and drop files here to attach document](#)

Buncombe 394 - Permit Application Components.pdf

4.52MB

File must be PDF or KMZ

## Signature

\*

☒ By checking the box and signing below, I certify that:

- The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief; and
- The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.
- I have given true, accurate, and complete information on this form;
- I agree that submission of this PCN form is a "transaction" subject to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I agree to conduct this transaction by electronic means pursuant to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature; AND
- I intend to electronically sign and submit the PCN form.

**Full Name: \***

Michael Turchy

**Signature \***



**Date**

7/21/2025

# Permit Drawings



## North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS



(Version 3.02; Released April 23, 2024)

WBS Element: DF18313.2011206.PR TIP/Proj No: 100394 County(ies): Buncombe Page 1 of 2

## General Project Information

WBS Element:		DF18313.2011206.PR	TIP Number:	100394		Project Type:	Bridge Replacement		Date:	7/2/2025
NCDOT Contact:		Marc Shown, PE			Contractor / Designer:		Justin Davenport, PE			
	Address:	Hydraulics Unit				Address:	Moffatt & Nichol			
		1000 Birch Ridge Drive					4700 Falls of Neuse Rd, Suite 300			
	Raleigh, NC 27610			Raleigh, NC 27609						
	Phone:	(919)707-6751				Phone:	(919)334-7979			
	Email:	mtshown@ncdot.gov				Email:	jdavenport@moffattnichol.com			
City/Town:		Fairview			County(ies):		Buncombe			
River Basin(s):		French Broad			CAMA County?		No			
Wetlands within Project Limits?		Yes								

## Project Description

Project Length (lin. miles or feet):	0.05		Surrounding Land Use:	RURAL, FORESTS							
	Proposed Project			Existing Site							
Project Built-Up Area (ac.)	0.1		ac.	0.1		ac.					
Typical Cross Section Description:	THE PROPOSED ROADWAY WILL BE A TWO-WAY ALIGNMENT WITH 9' TRAVEL LANES, NO PAVED SHOULDERS, AND VARYING SLOPES. THE PROPOSED BRIDGE HAS AN OUT TO OUT OF 24' AND CLEAR ROADWAY OF 21'-10". THE BRIDGE WILL HAVE 8'-6" TRAVEL LANES AND 2'-5" PAVED SHOULDERS.			THE EXISTING ROADWAY IS A TWO-WAY ALIGNMENT WITH 9' TRAVEL LANES, NO PAVED SHOULDER, AND 4:1 SLOPES. THE EXISTING BRIDGE HAS AN OUT TO OUT OF 19'.							
Annual Avg Daily Traffic (veh/hr/day):	Design/Future:	N/A		Year:	N/A		Existing:	200		Year:	2025

General Project Narrative:  
(Description of Minimization of Water Quality Impacts)

The project consists of the replacement of bridge # 100394 in Buncombe County. The existing culvert carries SR 2783 (Rocky Fork Road) Over Rocky Creek to Old Fort Road. The Creek is called Rocky Creek on the vicinity map, the final survey file. At the NCDEQ Surface Waters Classification website, the Creek is called Rocky Fork and is referring to the same stream. The proposed structure for bridge # 100394 is 45' length x 24' width (8 -21" prestressed concrete cored slab units). The proposed alignment is at the different location from the existing alignment. The proposed detour alignment is located to the west and on the upstream side of the project. The detour bridge typical is one 14' travel lane with 2' paved shoulders on both side.

## STORMWATER CONTROLS:

The proposed bridge does not utilize deck drains. Runoff from the bridge roadway and paved shoulders at the bridge approaches drains into concrete flume and inlets. The stormwater is then diffused at riprap pad outlets prior to discharging into Rocky Creek. Shoulders will be paved. Bank Stabilization is planned to prevent erosion of the steambanks.

## NOTE:

This is an emergency design bulid caused by Hurricane Helene.



## North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN  
FOR NCDOT PROJECTS

(Version 3.02; Released April 23, 2024)

WBS Element: DF18313.2011206.PR TIP/Proj No.: 100394 County(ies): Buncombe Page 2 of 2

## General Project Information

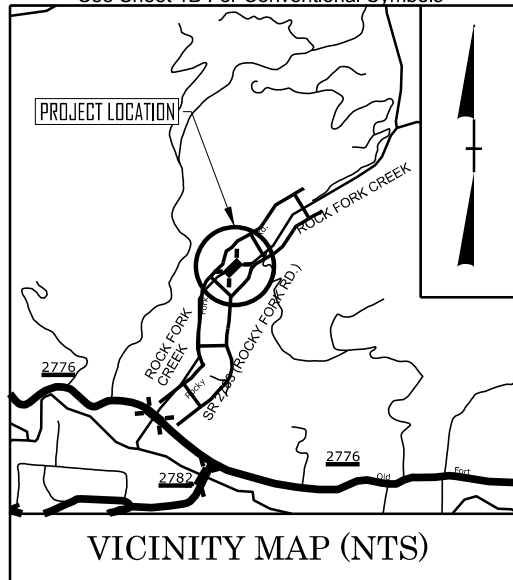
## Waterbody Information

Surface Water Body (1):	Rocky Creek		NCDWR Stream Index No.:	6-57-4	
NCDWR Surface Water Classification for Water Body	Primary Classification:		Class C		
	Supplemental Classification:		Trout Waters (Tr)		
Other Stream Classification:					
Impairments:	None				
Aquatic T&E Species?	No	Comments:			
NRTR Stream ID:	Rocky Fork		Buffer Rules in Effect:	N/A	
Project Includes Bridge Spanning Water Body?	Yes	Deck Drains Discharge Over Buffer?	No	Dissipator Pads Provided in Buffer?	No
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)					

TIP PROJECT: 100394

CONTRACT: C205025

See Sheet 1A For Index of Sheets  
See Sheet 1B For Conventional Symbols



VICINITY MAP (NTS)

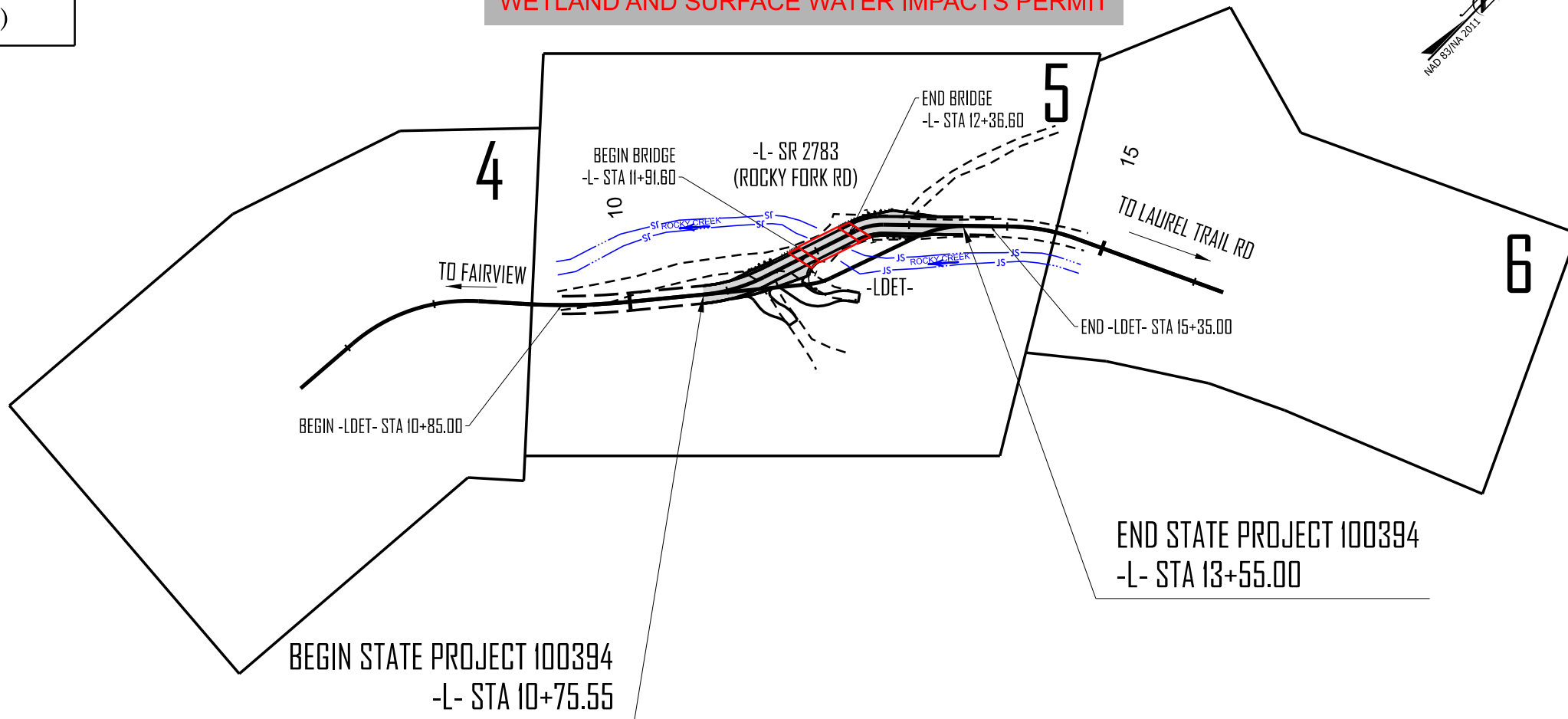
# STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS

## BUNCOMBE COUNTY

LOCATION: *REPLACE BRIDGE #100394 ON  
SR 2783 (ROCKY FORK RD) OVER  
ROCKY CREEK*

TYPE OF WORK: *PAVING, GRADING, DRAINAGE  
AND STRUCTURES*

WETLAND AND SURFACE WATER IMPACTS PERMIT



STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	100394	11	
STATE PROJ. NO.	F. A. PROJ. NO.	DESCRIPTION	
DF18313.2011206.PR	N/A	PE	
DF18313.2011206.PR	N/A	R/W	
DF18313.2011206.PR	N/A	UTIL	
DF18313.2011206.PR	N/A	CONST	



S.T. WOOTEN



moffatt & nichol

PERMIT DRAWING  
SHEET 1 OF 9

THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES  
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II

INCOMPLETE PLANS  
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### GRAPHIC SCALES



PLANS



PROFILE (HORIZONTAL)



PROFILE (VERTICAL)

### DESIGN DATA

ADT 2025 = 200

T = 6 % \*  
V = 20 MPH  
\* TTST = 3% DUAL 3%  
FUNC CLASS =  
LOCAL  
SUBREGIONAL TIER

### PROJECT LENGTH

LENGTH OF ROADWAY TIP PROJECT 100394 = 0.044 MILES  
LENGTH OF STRUCTURE TIP PROJECT 100394 = 0.009 MILES  
TOTAL LENGTH OF TIP PROJECT 100394 = 0.053 MILES



Prepared in the Office of:  
**moffatt & nichol**

4700 FALLS OF NEUSE ROAD, SUITE 300  
RALEIGH, NORTH CAROLINA 27609  
(919) 781-4626 VOICE (919) 781-4889 FAX  
NC LICENSE NO.: F-0105

2024 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:  
JANUARY 21, 2025

LETTING DATE:  
JANUARY 21, 2025

TRENT E. HUFFMAN, P.E.  
PROJECT ENGINEER

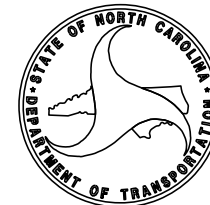
ZITONG LIU, P.E.  
PROJECT DESIGN ENGINEER

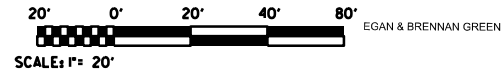
BYRON KYLE, PE  
NCDOT CONTACT

HYDRAULICS ENGINEER

SIGNATURE: \_\_\_\_\_  
ROADWAY DESIGN ENGINEER

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





PERMIT DRAWING  
SHEET 2 OF 9



# Detour Bridge

NOTE: NATURAL ROCK OR RIPRAP ON SITE THAT MEETS OR EXCEEDS THE D50 FOR THE RIPRAP SPECIFIED ON THE PLANS CAN BE USED IN LIEU OF THE RIPRAP SPECIFIED ON THE PLANS

CHARLES H KEITH

CONSTRUCT PROPOSED GRADING DURING DETOUR

CONSTRUCT PROPOSED GRADING DURING DETOUR

CONSTRUCT PROPOSED DITCH DURING DETOUR

CONSTRUCT PROPOSED DITCH DURING DETOUR

CONSTRUCT PROPOSED DRIVEWAY PIPE DURING DETOUR

APPROXIMATE EXISTING BRIDGE LOCATION PRIOR TO HURRICANE HELENE

No Impacts  
on this page

100394

28-1

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
WAKE COUNTY

ROADWAY DESIGN UNIT  
ROADWAY DESIGN  
ENGINEER

HYDRAULICS  
ENGINEER

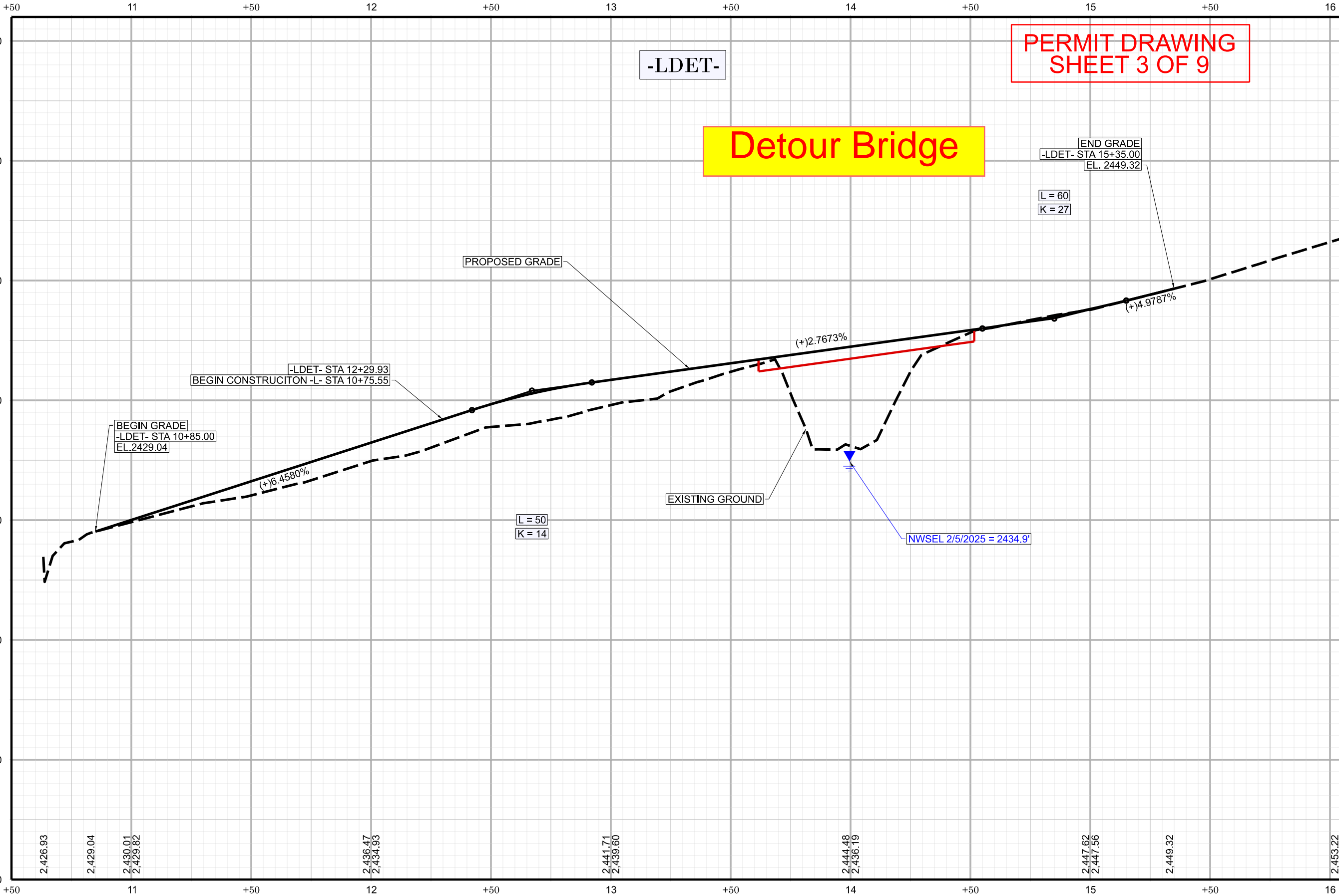
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REVISIONS

FOR PLAN SHEET 1004  
FOR DETAILED PROFILE SEE SHEET 1282





FOR -LDET- PLAN, SEE SHEET 2B-

100394

2B-2

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
WAKE COUNTY

ROADWAY DESIGN UNIT  
ROADWAY DESIGN  
ENGINEER

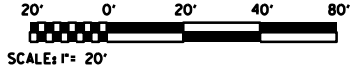
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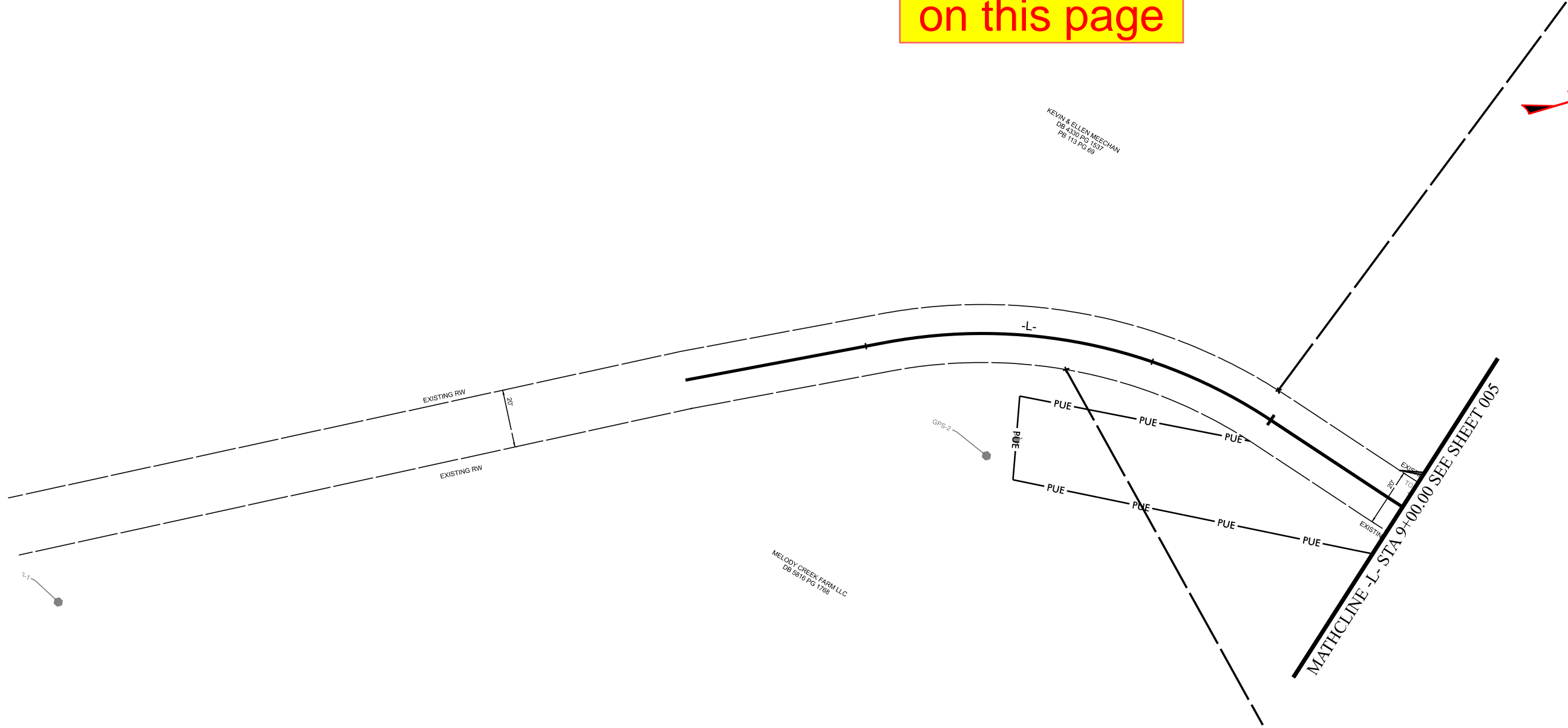
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REVISIONS



PERMIT DRAWING  
SHEET 4 OF 9

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100394

004

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
WAKE COUNTY

ROADWAY DESIGN UNIT  
ROADWAY DESIGN  
ENGINEER

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NC LICENSE NO.: P-10103

REVISIONS

100394

004

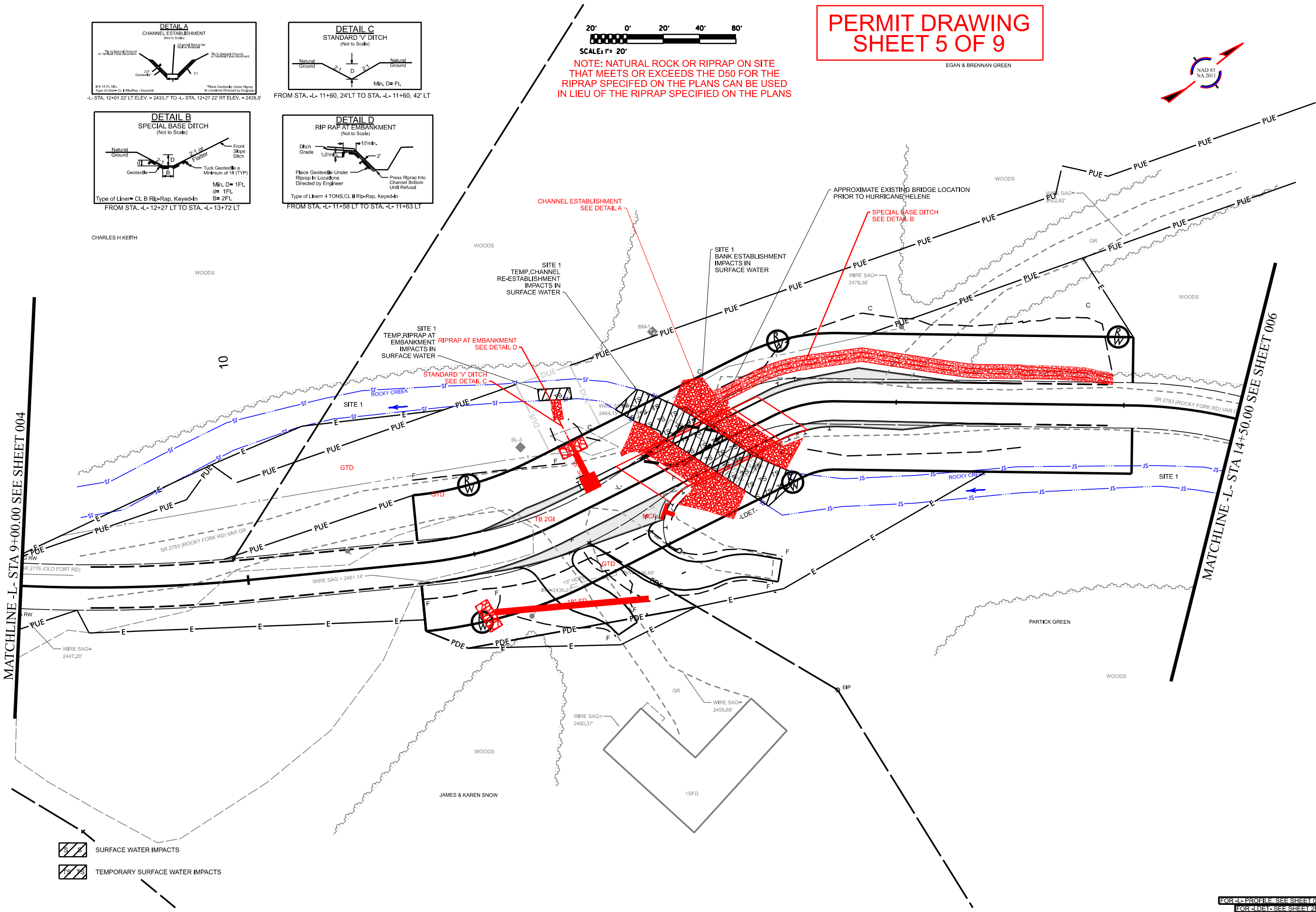
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DEPARTMENT OF TRANSPORTATION  
WAKE COUNTY

ROADWAY DESIGN UNIT  
ROADWAY DESIGN  
ENGINEER

HYDRAULICS  
ENGINEER

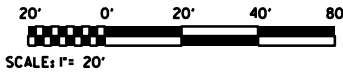
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NC LICENSE NO. J-P-0103

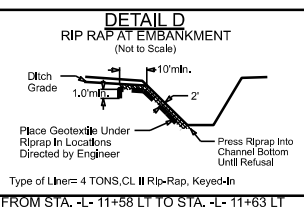
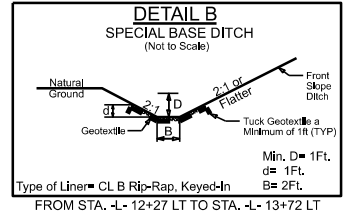
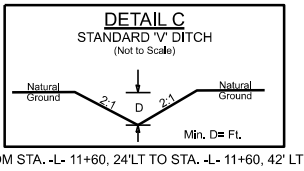
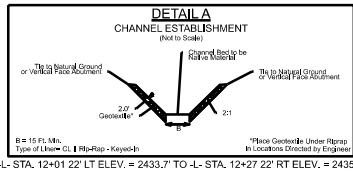


PERMIT DRAWING  
SHEET 5 OF 9

EGAN & BRENNAN GREEN



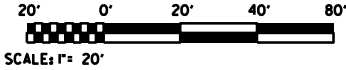
NOTE: NATURAL ROCK OR RIPRAP ON SITE  
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IN LIEU OF THE RIPRAP SPECIFIED ON THE PLANS



- SURFACE WATER IMPACTS
- TEMPORARY SURFACE WATER IMPACTS

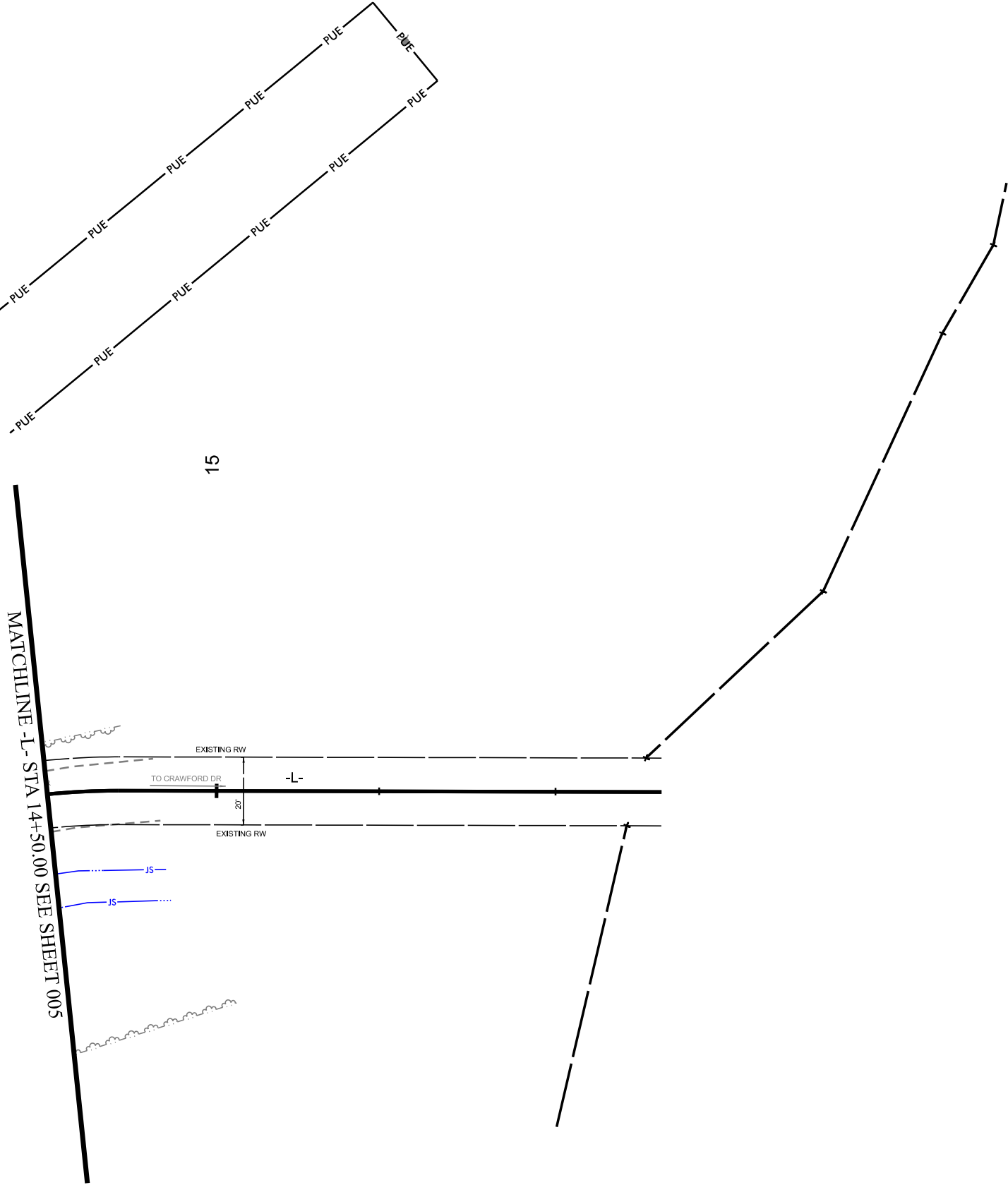
FOR -L- PROFILE SEE SHEET 007  
FOR -L- DETAIL SEE SHEET 006

REVISIONS



PERMIT DRAWING  
SHEET 6 OF 9

No Impacts  
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100394

006

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
WAKE COUNTY

ROADWAY DESIGN UNIT  
ROADWAY DESIGN  
ENGINEER

HYDRAULICS  
ENGINEER

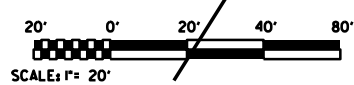
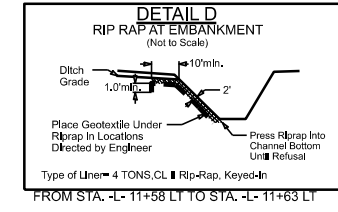
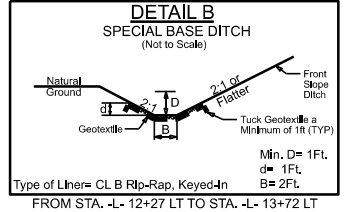
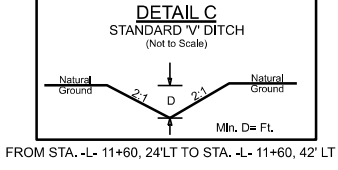
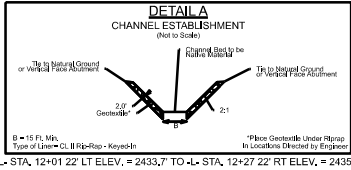
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(919) 781-4600 FAX (919) 781-4600  
NC LICENSE NO.: P-10103

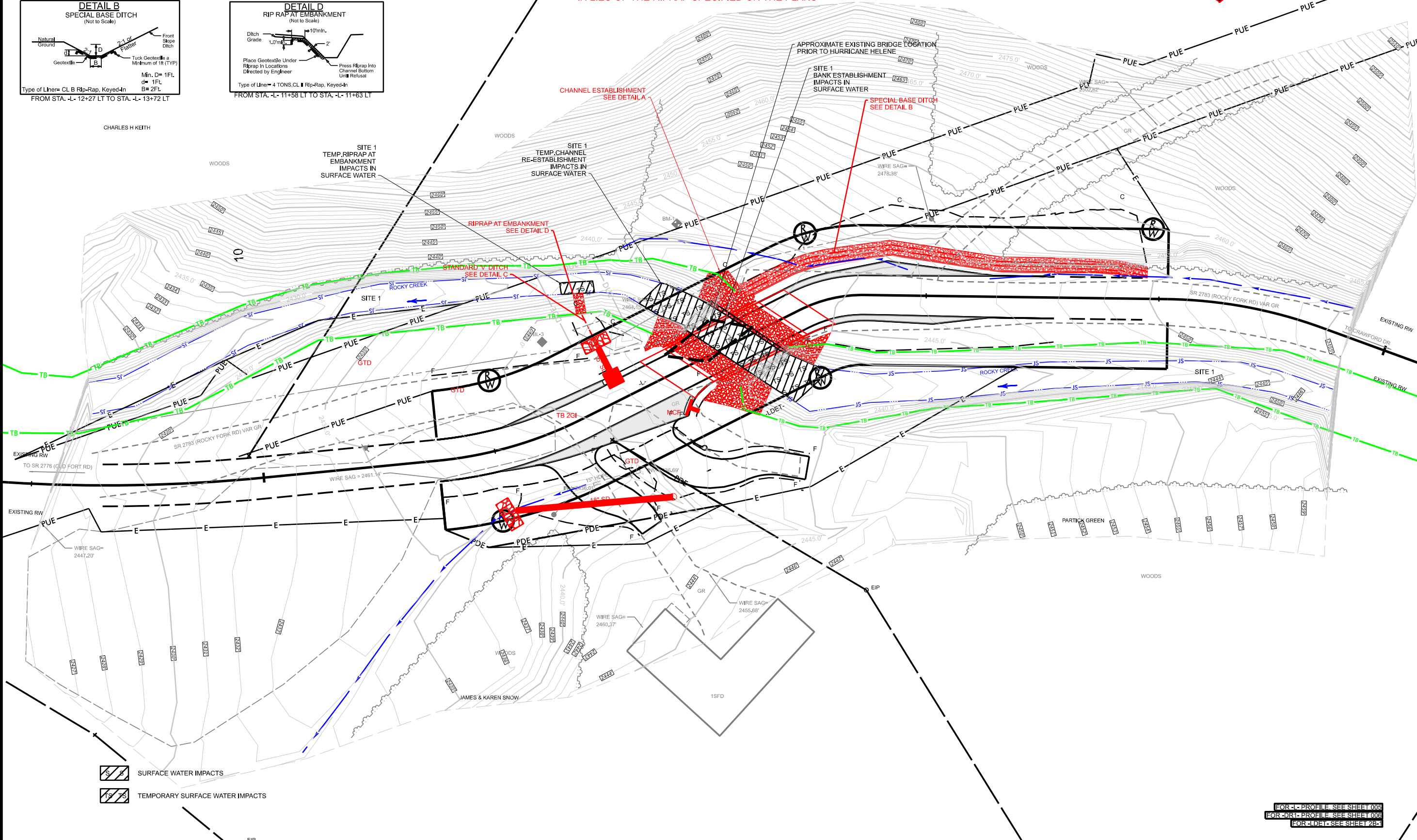
REVISIONS



# PERMIT DRAWING SHEET 7 OF 9

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EGAN & BRENNAN GREEN



- SURFACE WATER IMPACTS
- TEMPORARY SURFACE WATER IMPACTS

FOR L-PROFILE SEE SHEET 005  
FOR DR1-PROFILE SEE SHEET 006  
FOR DFC SEE SHEET 007

100394  
004

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
WAKE COUNTY

ROADWAY DESIGN UNIT  
ROADWAY DESIGN  
ENGINEER

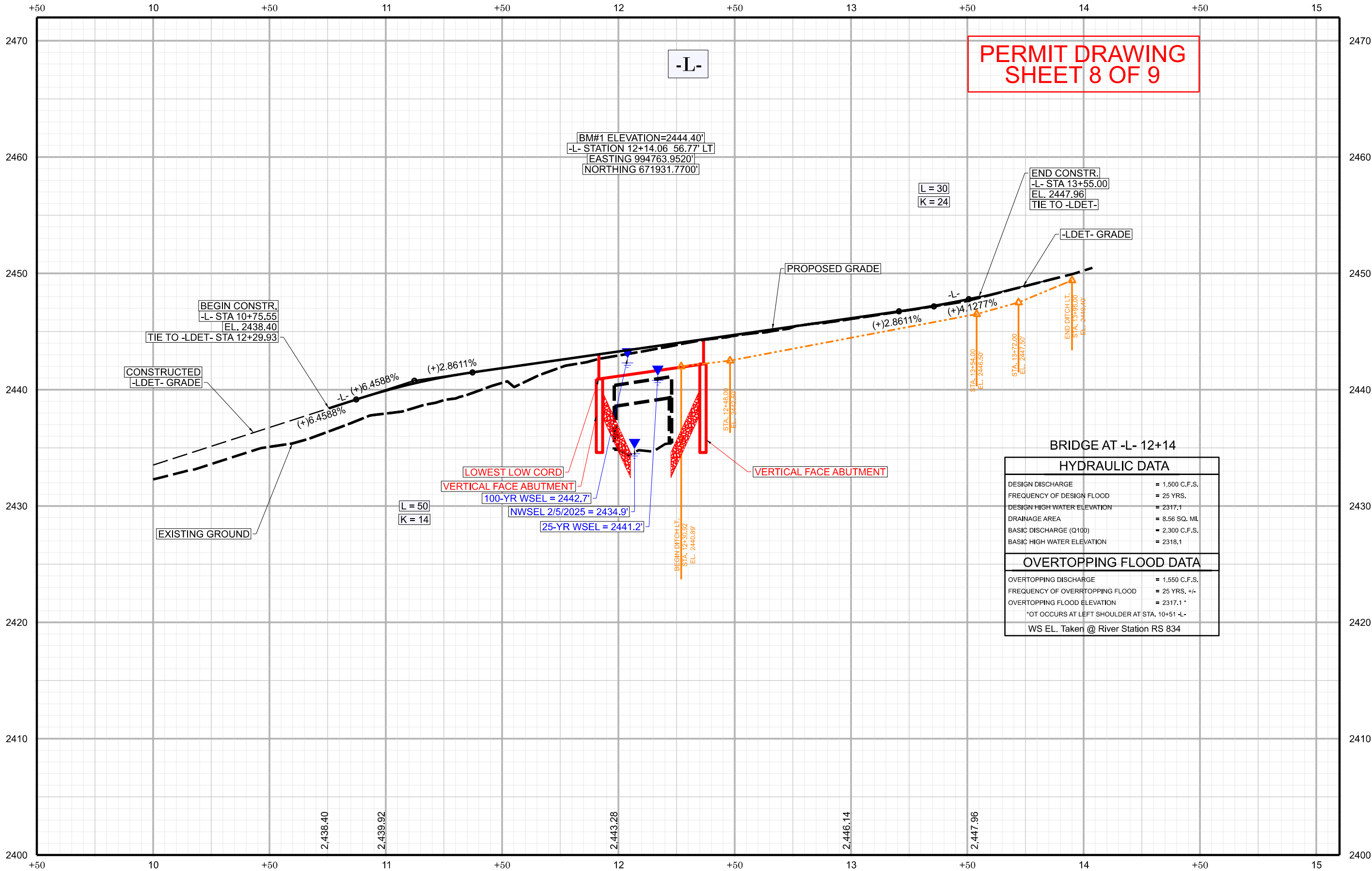
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ENGINEER

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100394  
005

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
WAKE COUNTY

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ROADWAY DESIGN  
ENGINEER

HYDRAULICS  
ENGINEER

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(919) 781-0000 FAX (919) 781-0000 FAX  
NC LICENSE NO. J-P-0100

REVISIONS

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	-L- 11+57 LT to 12+43 LT & RT	Rip Rap Embankment						< 0.01	0.03	66		
TOTALS*:								< 0.01	0.03	66	0	0

NOTES:

SHEET 9 OF 9

# Section 106 Checklist



## Cultural Resources Programmatic Agreement Screening Checklist for Section 106

**Project TIP:**

**FA:**

**WBS:** DF18313.2011206

**Project Name:** repair/replace Bridge 394

**County:** Buncombe

**Project Description:** Repair/replace Bridge 394 over Flat Branch on Rocky Fork Road due to damages incurred by Hurricane Helene

**Funding Source:** anticipated federal reimbursement

**Lead Federal Agency:** FHWA/FEMA

**Permits Anticipated:** none anticipated

### **Instructions:**

NCDOT Project Managers, Project Engineers, or the Division Environmental Staff shall complete the following checklist based upon knowledge of the project site and adjacent parcels. Webservice (<https://www.ncdcr.gov/about/history/division-historical-resources/gis-maps-and-data>) should be reviewed for NRHP Eligible or Listed Buildings, Districts, Objects, Sites, or Structures. Before checking “Unable to Determine”, efforts should be made to acquire any available information. If the answer to any question is “Yes” or “Unable to Determine”, the undertaking is subject to further historic preservation review by NCDOT Cultural Resources staff. If answers to all the questions are “No”, the undertaking will be considered to have *Little Potential to Cause Effects – Exempt Activities* and excluded from further historic preservation review, until differing information is discovered. Please reference “Appendix A *Exempt Activities Under Section 106*” of the Programmatic Agreement for Transportation Program in North Carolina prior to completion.

	Yes	No	Unable to Determine
A. Would this activity have the potential to cause effects on historic properties, assuming historic properties are present? See list in Appendix A.		X	
B. Is this project directly related to other actions with individually insignificant, but cumulatively significant environmental effects?		X	
C. Are you aware of any concerns raised by the owner of a historic property or public controversy for this undertaking?		X	
D. Locations of cemeteries have been found on the webservices? ( <a href="https://www.ncdcr.gov/about/history/division-historical-resources/gis-maps-and-data">https://www.ncdcr.gov/about/history/division-historical-resources/gis-maps-and-data</a> )		X	

By my signature, I certify that I have completed a site visit or am familiar with the specifics of the project and to the best of my knowledge answers to the questions above are correct. I also understand that no further environmental analysis is required at this time, as all of the answers are “No”.

Christine Farrell

*Christine Farrell*

11/6/2024

Name (print)

Signature

Date

# NEPA Document

## Type I or II Categorical Exclusion Action Classification Form

STIP/Project No. Bridge 394, Div 13, Buncombe County

WBS/DF Element DF18313.2011206

Federal Project No. \_\_\_\_\_

### A. Project Description:

The North Carolina Department of Transportation (NCDOT) intends to re-establish Bridge 394 over Flat Branch on Rocky Fork Road in Buncombe County, North Carolina (Division 13). See vicinity map.

### B. Description of Need and Purpose:

The Purpose of the project is to replace a structure damaged by floodwaters associated with Hurricane Helene which made landfall in Florida on September 26, 2024. The repair/replacement work is needed to restore essential traffic in Western North Carolina.

### C. Categorical Exclusion Action Classification:

**Type I(A) - Ground Disturbing Action**

### D. Proposed Improvements:

9. The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

a) Emergency repairs under 23 U.S.C. 125; and

b) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

i) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

ii) Is commenced within a 2-year period beginning on the date of the declaration.

and/or

28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e)(1-6).

### E. Special Project Information:

NCDOT conducted a desktop GIS analysis for potential natural and human environment features in early November 2024. The study area was defined as a 200-foot buffer around the bridge location. NCDOT is utilizing an Emergency Express Design-Build contracting process to expedite this process. The repair/replacement bridge work is anticipated to occur within the current NCDOT right-of-way (ROW). If additional ROW is required, or if the final design results in potential impacts outside of the study area, NCDOT will re-evaluate and document any additional effects. NCDOT is conducting

ongoing federal and state agency coordination to determine the most expedient processes for accomplishing NEPA compliance while adhering to emergency relief protocols.

NCDOT is providing comprehensive public outreach to our western NC communities in lieu of site-specific outreach. As site-specific information becomes available, NCDOT will use its various outreach platforms to inform the public.

A Direct and Indirect Screening Tool (DIST) was used to assess potential impacts to the local community, farm lands, and pedestrian accommodations (see project site). No adverse impacts to these resources are anticipated to result from the construction of this project.

The NCDOT 106 PA checklist was completed for this project (see project site). The checklist determined the project is exempt from further Section 106 review in accordance with NCDOT's Section 106 PA. The PA also exempts the project from any further tribal coordination.

The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool was reviewed on November 1, 2024. USFWS lists the following species below as federally protected with potential to be found within the project study area as of this date:

Species Name	Scientific Name	ESA Status	Biological Conclusion	Habitat Present
Gray bat	<i>Myotis grisescens</i>	Endangered	No Effect	No
Northern Long-eared bat	<i>Myotis septentrionalis</i>	Endangered	No Effect	No
Appalachian Elktoe	<i>Alasmodonta raveneliana</i>	Endangered	No Effect	No
Mountain sweet pitcher-plant	<i>Sarracenia rubra</i>	Endangered	No Effect	No
White irisette	<i>Sisyrinchium dichotomum</i>	Endangered	No Effect	No
Rock gnome lichen	<i>Gymnoderma lineare</i>	Endangered	No Effect	No

F. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)				
<p>Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &amp;/or 30; &amp;/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31.</p> <ul style="list-style-type: none"> <li><i>If any question 1-7 is checked “Yes” then NCDOT certification for FHWA approval is required.</i></li> <li><i>If any question 1-31 is checked “Yes” then additional information will be required for those questions in Section G.</i></li> </ul>				
<p><b>PROJECT IMPACT THRESHOLDS</b> (FHWA signature required if any of the questions 1-7 are marked “Yes”.)</p>			Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.</p>				
<p><b>Other Considerations</b></p>			Yes	No
8	Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)? <a href="https://data-ncdenr.opendata.arcgis.com/datasets/surface-water-classifications/explore">https://data-ncdenr.opendata.arcgis.com/datasets/surface-water-classifications/explore</a>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11	Does the project impact Waters of the United States in any of the designated mountain trout streams? <a href="https://data-ncdenr.opendata.arcgis.com/datasets/surface-water-classifications/explore">https://data-ncdenr.opendata.arcgis.com/datasets/surface-water-classifications/explore</a>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area? <a href="https://www.rivers.gov/carp/map">https://www.rivers.gov/carp/map</a>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29	Is the project considered a Type I under the NCDOT Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. Additional Documentation as Required from Section F (ONLY for questions marked 'Yes'):

8. NCDOT and our federal partners, USACE and FHWA, completed consultation with USFWS in August 2024 to develop a Programmatic Section 7 Agreement for federally listed bat species in western NC (Divisions 9-14) after initiating the formal consultation process on 5/16/24. Per 50 CFR 402.12 issuance of a Programmatic Biological Opinion (PBO) was required on or before 09/30/24. Following recent and ongoing discussions with all parties, USFWS is expected to issue the PBO in February 2025. Once the PBO is issued, if Section 7 for this project has not been completed, it may need to be evaluated under the terms and conditions of the agreement.

25. This project is an emergency relief project due to Hurricane Helene impacts. Per 40 CFR § 93.126, it is exempt from the requirement to determine conformity because it does not involve substantial functional, locational or capacity changes (23 CFR 450.218(g)).

H. Project Commitments (attach as Green Sheet to CE Form):

## **NCDOT PROJECT COMMITMENTS**

WBS/DF DF18313.2011206

Re-establishment of Bridge 394 over Flat Branch on Rocky Fork Road

Buncombe County

Federal Aid Project No. **Federal Aid Number**

### **COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN**

NCDOT and our federal partners, USACE and FHWA, completed consultation with USFWS in August 2024 to develop a Programmatic Section 7 Agreement for federally listed bat species in western NC (Divisions 9-14) after initiating the formal consultation process on 5/16/24. Per 50 CFR 402.12 issuance of a Programmatic Biological Opinion (PBO) was required on or before 09/30/24. Following recent and ongoing discussions with all parties, USFWS is expected to issue the PBO in February 2025. Once the PBO is issued, if Section 7 for this project has not been completed, it may need to be evaluated under the terms and conditions of the agreement.

#### **Eastern Hellbender**

The Eastern Hellbender was proposed for federal listing in December 2024. However, no restrictions will take effect until the proposal is finalized, which is expected in late 2025 or early 2026. Until then, proposed species do not receive protection under the Endangered Species Act (ESA), except that federal action agencies must ensure their actions do not jeopardize the species' existence. These agencies may also consult with the U.S. Fish and Wildlife Service (USFWS) to obtain a conference opinion, which will automatically convert to a biological opinion upon the final listing decision.

In the meantime, NCDOT construction or division environmental offices may voluntarily coordinate with the North Carolina Wildlife Resources Commission (NCWRC) to assess and potentially relocate hellbenders from project sites in western North Carolina. It is recommended that they contact the NCWRC liaison at least two months before construction begins.

David McHenry

Email: [david.mchenry@ncwildlife.org](mailto:david.mchenry@ncwildlife.org)

Phone: (828) 476-1966

#### **Monarch Butterfly**

The Monarch Butterfly was proposed for federal listing in December 2024. However, no restrictions will take effect until the proposal is finalized, which is expected in late 2025 or early 2026. Until then, proposed species do not receive protection under the Endangered Species Act (ESA), except that federal action agencies must ensure their actions do not jeopardize the species' existence. These agencies may also consult with the U.S. Fish and Wildlife Service (USFWS) to obtain a conference opinion, which will automatically convert to a biological opinion upon the final listing decision.



I. Categorical Exclusion Approval:

STIP/Project No. Bridge 394, Div 13, Buncombe County

WBS/DF Element DF18313.2011206

Federal Project No. \_\_\_\_\_

**Prepared By:**

1/7/2025

Date



Christine Farrell, NEPA Program Consultant  
Environmental Policy Unit, NCDOT

**Prepared For:**

NCDOT Division 13

**Reviewed By:**

2/11/2025

Date



Marissa Cox, Western Regional Team Lead  
Environmental Policy Unit, NCDOT



**Approved**

- If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.



**Certified**

- If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
- If classified as Type III Categorical Exclusion.

2/11/2025

Date



John Jamison, Environmental Policy Unit Manager  
North Carolina Department of Transportation

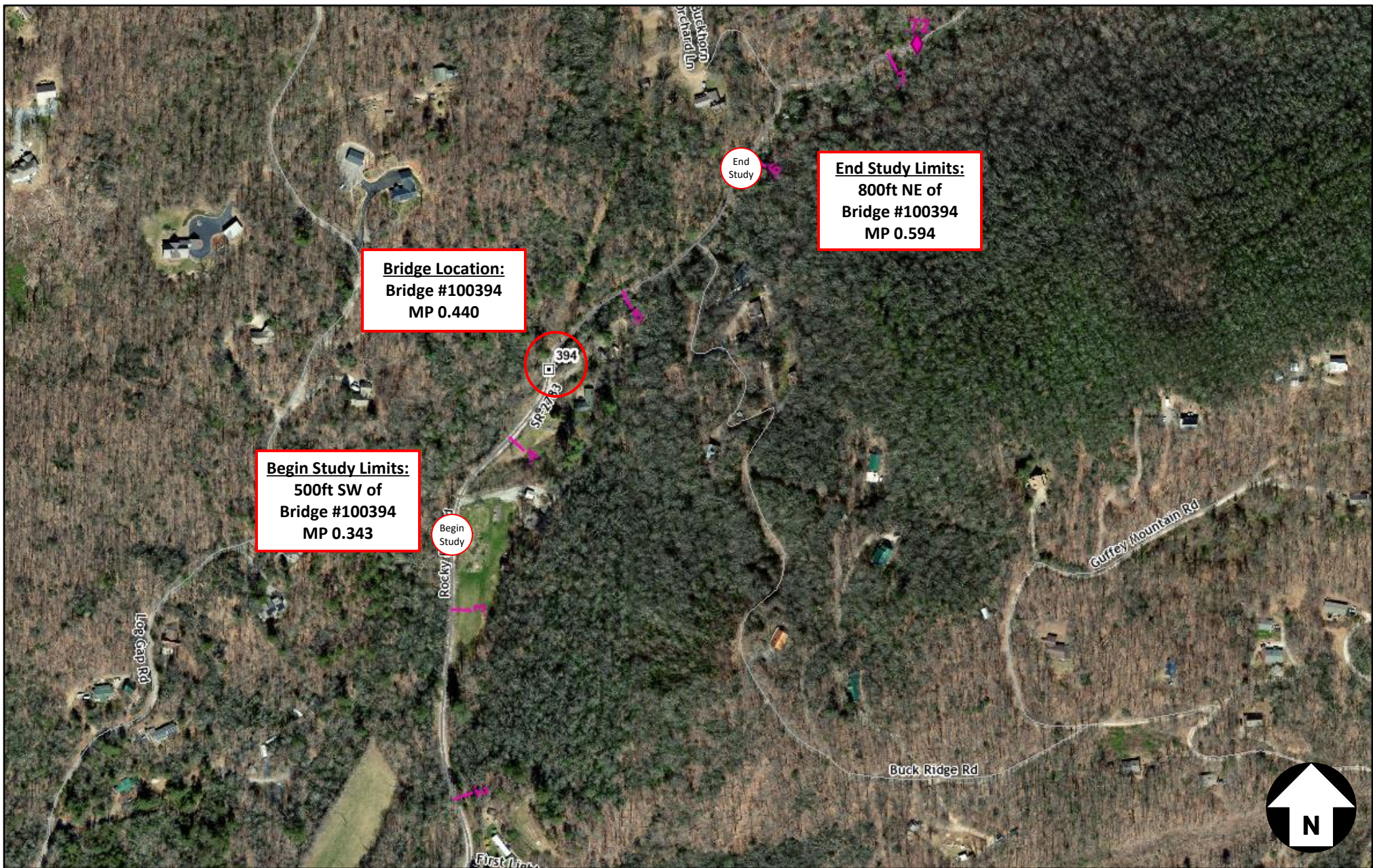
FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

\_\_\_\_\_  
Date

for Yolonda K. Jordan, Division Administrator  
Federal Highway Administration

*Note: Prior to ROW or Construction authorization, a consultation may be required (please see Section VII of the NCDOT-FHWA CE Programmatic Agreement for more details).*





Bridge Number	Division	County	Location Description	Latitude	Longitude
100394	13	Buncombe	SR 2783 (Rocky Fork Rd) from 500ft SW of Bridge #100394 to 800ft NE of the bridge	35.549144	-82.379983



HNTB North Carolina, P.C.  
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