



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

December 18, 2023

MEMORANDUM TO: Division Environmental and Construction Units

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

SUBJECT: Environmental Permits for the Replacement of Bridges 122 and 126 on
US 52 over Toms Creek in Surry County, Division 11, **TIP: B-5527.**

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 | May 25, 2025 |
| NC Division of Water Resources Section 401 Water Quality Certification | General Certification No. 4135 [RGP50] | May 25, 2025 |

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/

The Project Commitments "Greensheet" is located on the Preconstruction SharePoint Dashboard at:
<https://connect.ncdot.gov/site/preconstruction>

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action ID.: **SAW-2023-02227 B-5527** County: **Surry**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent:

North Carolina Department of Transportation

Attn: Mr. Michael A. Turchy

Environmental Coordination and Permitting Group Leader

Address: **1598 Mail Service Center**

Raleigh, North Carolina 27699-1598

919-707-6157

Size and location of property (water body, road name/number, town, etc.): **The project is located at Bridge Numbers 122 and 126 along US 52 over Toms Creek in Surry County, North Carolina.**

Description of project area and activity: **In order to replace the bridges, the permittee is authorized to impact waters of the U.S. as follows:**

Summary of Authorized Impacts and Required Mitigation

| Impact ID # | NWP / GP # | Open Water (ac) | | Wetland (ac) | | Stream (lf) | |
|---|----------------------|-----------------|-----------|---|-----------|-------------|-------------------------------------|
| | | Temporary | Permanent | Temporary | Permanent | Temporary | Permanent |
| Site 1 (Toms Creek) | <u>RGP 50</u> | | | | | | 64' (bank stabilization) |
| Impact Totals | | 0 | 0 | 0 | 0 | 0 | 64' |
| Total Loss of waters of the U.S. (wetlands and/or open waters in ac) | | | 0 | Total Loss of waters of the U.S. (streams in lf) | | | 0 |
| Required Wetland Mitigation (ac) | | | 0 | Required Stream Mitigation (lf) | | | 0 |

Applicable Law: ☒ Section 404 (Clean Water Act, 33 USC 1344)
☐ Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number: **RGP 50**
Nationwide Permit Number:

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions, your submitted application, and the following special conditions:

Special Conditions

1. All work must be performed in strict compliance with (a) the description of work in the PCN and (b) the Permit Drawings titled, "B-5527 Permit Drawings 10-10-2023", which were attached to the application dated November 15, 2023. Any modification to the description of work and/or the permit plans must be approved by the U.S. Army Corps of Engineers (USACE) prior to implementation.

2. In accordance with the concurrence letter to NCDOT from the U.S. Fish and Wildlife Service dated November 9, 2023, NCDOT shall adhere to the following ESA/Section 7 commitments/conservation measures:

- Tree clearing will take place from October 16 to March 31.
- Should demolition occur during the bat active season (March 15 – November 15 for the purposes of this commitment), bridge structures will be surveyed within two weeks of demolition to ensure absence of bats.
- Should night work occur, temporary lighting will be configured to only illuminate the active work areas and not the surrounding landscape.
- Permanent lighting will not be added to the roadway or bridges.

3. NCDOT 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.

Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide and/or regional general permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide and/or regional general permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 828-296-4500) to determine Section 401 requirements.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the U.S. Army Corps of Engineers regulatory program, please contact Lori Beckwith at loretta.a.beckwith@usace.army.mil or 828-230-0483.

USACE Regulatory Official: Monte Matthews

 2023.12.12
12:16:17 -05'00'

Date: **December 12, 2023**

Expiration Date of Verification: **May 25, 2025**

Copy furnished:

NCDOT, Ms. Erin Cheely

Action ID Number: SAW-2023-02227 B-5527

County: Surry

Permittee: NCDOT, Mr. Michael A. Turchy
Environmental Coordination and Permitting Group Leader

Project Name: NCDOT / B-5527 / Bridges 122 and 126 / Div 11

Regional General Permit: RGP 50

Date Verification Issued: December 12, 2023

Project Manager: Lori Beckwith

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Lori Beckwith
151 Patton Avenue
Room 208
Asheville, NC 28801-5006

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the U.S. Army Corps of Engineers suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

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

Signature of Permittee

Date



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street Suite B
Asheville, North Carolina 28801



November 9, 2023

Erin Cheely
ECAP Western Team Lead, Environmental Analysis Unit
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699

Subject: Informal Consultation and Conference for Replacement of Bridges 122 and 126 on U.S. Highway 52 over Toms Creek, Surry County, County (TIP No. B-5527, Service Log #21-331)

Dear Erin Cheely:

On September 13, 2023, we received your request to initiate informal consultation and section 7 concurrence on effects the subject project may have on federally listed species and conference procedures for effects the subject project may have on federally proposed species. We have reviewed the information you submitted along with a prior scoping letter issued from this office for the subject project on July 21, 2021, and the following is provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 - 667e); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 - 1543) (Act).

Project Description

According to the information provided, the North Carolina Department of Transportation (NCDOT) Division 11 proposes to replace Bridges 122 and 126 over Toms Creek on US 52 in Surry County. Each existing bridge is a three-span structure with concrete beams, deck, end walls, and guard rails. The overall length of each bridge is 188 and 165 feet, respectively. No culverts ≥ 3 feet in diameter and 60 feet in length are present within the action area. Tree clearing will occur in the area surrounding the project bridges. Guardrail installation will occur and blasting and pile driving are unlikely but may occur. Night work may occur. The project is scheduled to Let in January of 2024. The Federal Highway Administration (FHWA) is the federal lead for this project for section 7 purposes, with authority delegated to NCDOT.

NCDOT has agreed to implement the following conservation measures for the project:

1. Tree clearing will take place from October 16 to March 31.
2. Should demolition occur during the bat active season (March 15 – November 15 for the purposes of this commitment), bridge structures will be surveyed within two weeks of demolition to ensure absence of bats.
4. Should night work occur, temporary lighting will be configured to only illuminate the active work areas and not the surrounding landscape.
6. Permanent lighting will not be added to the roadway or bridges.

Federally Listed Species

The information provided states that a “No Effect” (NE) determination was made for Schweinitz’s sunflower (*Helianthus schweinitzii*). In instances of suitable habitat being absent from the action area, we

would agree that NE determinations are appropriate. In instances where suitable habitat is present and botanical surveys conducted during the optimal survey window and within the past 1 or 2 years (depending on the species) have negative results, we would concur with a biological determination of “may affect, not likely to adversely affect” (NLAA). We acknowledge that the request for consultation did not include this species. This information is provided for the sake of the administrative record.

The correspondence received from NCDOT requests consultation on gray bat (*Myotis grisescens*) and northern long-eared bat (*Myotis septentrionalis*) and requests conference for the tricolored bat (*Perimyotis subflavus*) and little brown bat (*Myotis lucifugus*).

Suitable bridge roosts and suitable commuting and foraging habitat for gray bat, northern long-eared bat, little brown bat, and tricolored bat occur within the action area. Bridge surveys for bats and signs of bat use on June 29, 2022 revealed one roosting big brown bat (*Eptesicus fuscus*) on Bridge 122 and old staining and guano on Bridges 122 and 126. Surveys from previous years have similarly revealed small numbers of big brown bats and/or guano.

The completed structure surveys and proposed conservation measures minimize effects to bats potentially occurring within the action area. However, effects from construction noise to unknown tree roosts within the action area but outside the construction limits, while minimized, are not avoided. Bats that are present in proximity to transportation corridors are expected to be tolerant of baseline noise and vibration levels (or have already modified their behaviors to avoid them). How temporary increases in noise and vibration from construction activities effect bats within existing transportation corridors has not been well studied to our knowledge, though one study found that bats habituated rapidly to traffic noise (Luo et al. 2014). Given the information available and conservation measure commitments, we concur with the NCDOT that the project is NLAA gray bat and northern long-eared bat. With the implementation of conservation measures, we believe the project is consistent with the *Interim Consultation Framework for the Northern Long-eared Bat* (Service, March 6, 2023).

On September 14, 2022, the U.S. Fish and Wildlife Service (Service) published a proposal in the Federal Register to list the tricolored bat as endangered under the Act. As a result, NCDOT has requested a conference for the tricolored bat as the project may be on-going after the effective date of any final listing rule, if one is published. Little brown bat is considered an at-risk species. At-risk species are not legally protected under the Act and are not subject to any of its provisions, including section 7, unless they are formally proposed or listed as endangered or threatened. While lead federal agencies are not prohibited from jeopardizing the continued existence of an at-risk species unless the species becomes listed, the prohibition against jeopardy and taking a listed species under section 9 of the Act applies as soon as a listing becomes effective, regardless of the stage of completion of the proposed action. NCDOT has requested a conference for the little brown bat, as the project may be on-going after a potential proposal for listing and effective date of any final listing rule, if one is published. Based on the information provided, the analysis above, and the commitments to minimize project impacts, we have determined that the proposed project will not jeopardize the continued existence of the tricolored bat or little brown bat. Additionally, we would concur with the NCDOT’s determination that the project is NLAA the tricolored bat and the little brown bat should the species become listed

Conservation Recommendations

Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. General recommendations for the benefit of fish and wildlife resources were provided in our letter on July 21, 2021 and remain valid. We offer additional recommendations here:

- **Provide Terrestrial Wildlife Passage:** Where riparian corridors suitable for wildlife movement occur adjacent to a project, a spanning structure that also spans a portion of the floodplain and provides or maintains a riprap-free level path underneath for wildlife passage would provide a safer roadway and facilitate wildlife passage. A 10-foot strip may be ideal, though smaller widths can also be beneficial. Alternatively, a “wildlife path” can be constructed with a top-dressing of finer stone (such as smaller aggregate or on-site alluvial material) to fill riprap voids if full bank plating is required. If a multi-barrel culvert is used, the low flow barrel(s) should accommodate the entire stream width and the other barrel should have sills to the floodplain level and be back-filled to provide dry, riprap-free wildlife passage and well as periodic floodwater passage.
- **Riparian Replanting:** Because the removal of forested riparian habitat can affect the quality and suitability of foraging and commuting habitat for bats and the water quality for aquatic organisms, we recommend replanting the riparian zone with native, fast-growing trees and shrubs that would serve to stabilize the stream bank, filter runoff and reduce erosion and sedimentation, block light pollution, and generally improve the quality of the habitat for bats and aquatic species. Examples of potential native tree species to plant include: Sycamore, tulip poplar, black cherry and river birch. Planting with established (e.g. containerized) young trees can increase the survival rate of plantings and contribute to faster improvement of riparian habitat.
- **Noise Considerations for Bats:** If suitable roost trees are present near high-decibel activity (81 – 162 dBA) and would experience noise above background levels (41 – 70 dBA), avoid conducting those high-decibel activities during the bat maternity season (May 15 – August 15). Alternatively, activity could avoid the pup season (June 1 and July 31). To minimize noise levels, incorporate sound-dampening devices such as noise shrouds for pile driving.

Reinitiation Notice

We believe the requirements under section 7 of the Act are fulfilled for the federally listed species discussed above. However, obligations under section 7 must be reconsidered if: (1) new information reveals impacts of this proposed action may affect listed species or critical habitat in a manner not previously considered, (2) this proposed action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed, or critical habitat is determined that may be affected by the proposed action.

We appreciate the opportunity to provide these comments. Please contact Ms. Holland Youngman of our staff at holland_youngman@fws.gov if you have any questions. In any future correspondence concerning this project, please reference our Service Log #21-331.

Sincerely,

-- original signed --

Janet Mizzi
Field Supervisor

Electronic CC:
Kevin Hining, NCDOT Division 11, Environmental Supervisor

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

RICHARD E. ROGERS, JR.

Director

NORTH CAROLINA
Environmental Quality

November 30, 2023

DWR # 20231550
Surry County

Mr. Michael A. Turchy, Environmental Coordination and Permitting Group Leader
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, NC 27699-1598

Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION WITH ADDITIONAL CONDITIONS
Replace Bridges 122 and 126 on US 52 (B-5527)
Toms Creek [Yadkin-Pee Dee River Basin, 03040101, C]

Dear Mr. Turchy:

You have our approval for the impacts listed below for the purpose described in your application dated November 15, 2023, and received by the Division of Water Resources (Division) on November 15, 2023. These impacts are covered by the attached Water Quality General Certification Number 4135 and the conditions listed below. This certification is associated with the use of General Permit Number 201902350 once it is issued to you by the U.S. Army Corps of Engineers. Please note that you should get any other federal, state, or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

The Division has determined that the proposed project will comply with water quality requirements provided that you adhere to the conditions listed in the enclosed certification and to the additional conditions itemized below.

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

Stream Impacts in the Yadkin-Pee Dee River Basin

| Site | Permanent Fill in Intermittent Stream (linear ft) | Temporary Fill in Intermittent Stream (linear ft) | Permanent Fill in Perennial Stream (linear ft) | Temporary Fill in Perennial Stream (linear ft) | Total Stream Impact (linear ft) | Stream Impacts Requiring Mitigation (linear ft) |
|--------------|---|---|--|--|---------------------------------|---|
| S1 | | | 64 | | 64 | - |
| Total | | | 64 | 0 | 64 | - |

Total Stream Impact for Project: 64 linear feet of permanent.

This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions.
[15A NCAC 02H .0507(d)(2)].



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

If you are unable to comply with any of the conditions of the attached Water Quality General Certification or with the additional conditions itemized below, you must notify the Asheville Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Asheville Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

Condition(s) of Certification:

Project Specific Conditions

1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand potential issues at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
2. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0506(b)(2)]
3. 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)]
4. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS000250, please refer to the most recent version of the *North Carolina Department of Transportation Stormwater Best Management Practices Toolbox* manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(2)]

General Conditions

1. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
2. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
3. 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)]
4. 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)]



5. 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)]
6. 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)]
7. 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)]
8. 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)]
9. 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)]
10. 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)]
11. 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)]
12. 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]
13. 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)]
14. 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)]
15. 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]
16. 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.
17. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]



18. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer 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]
19. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0506(b)(2)]
20. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3)]
21. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards [15A NCAC 02H.0506(b)(3)]:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
22. 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)]

This approval and its conditions are final and binding unless contested. [G.S. 143-215.5] This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

One (1) copy of the Petition must also be served to the North Carolina Department of Environmental Quality:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601



This letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Kevin Mitchell at 828-296-4650 or kevin.mitchell@deq.nc.gov if you have any questions or concerns.

Sincerely,
Signed by:


4F4DD2F21EA846E...

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

cc: Lori Beckwith, US Army Corps of Engineers Asheville Regulatory Field Office (via email)
Dave McHenry, NC Wildlife Resources Commission (via email)
Holland Youngman, US Fish and Wildlife Service (via email)
Erin Cheely, NC Department of Transportation (via email)

File Copy



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



North Carolina Department of Transportation

Highway Stormwater Program
STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS



(Version 3.00; Released August 2021)

WBS Element: 55027.1.FS1 TIP/Proj No: B-5527 County(ies): Surry Page 1 of 2

General Project Information

| | | | | | | | |
|---------------------------------|----------------|------------------------|---|---------------|--|-------|-----------|
| WBS Element: | 55027.1.FS1 | TIP Number: | B-5527 | Project Type: | Bridge Replacement | Date: | 8/23/2023 |
| NCDOT Contact: | David Stutts | Contractor / Designer: | Kimi Schmidt, PE; A. Morton Thomas & Associates | | | | |
| Address: | | | | Address: | 900 Ridgefield Drive Suite 325 Raleigh, NC 27608 | | |
| Phone: | | | | Phone: | 667-206-2287 | | |
| Email: | | | | Email: | kschmidt@amtengineering.com | | |
| City/Town: | Pilot Mountain | | | County(ies): | Surry | | |
| River Basin(s): | Yadkin-Pee Dee | | | CAMA County? | No | | |
| Wetlands within Project Limits? | No | | | | | | |

Project Description

| | | | |
|--|---|-----------------------|-----------------------------|
| Project Length (lin. miles or feet): | .408 miles | Surrounding Land Use: | Rural, Agriculture |
| Proposed Project | | Existing Site | |
| Project Built-Upon Area (ac.) | 3.7 ac. | 2.8 ac. | |
| Typical Cross Section Description: | The northbound bridge replacement is three (3) spans: 1@75', 1@80', and 1@75' on 45" prestressed concrete girder with 4' deep end caps. The southbound bridge replacement is three (3) spans: 1@65', 1@80', and 1@65' on 45" prestressed concrete girder with 4' deep end caps. | | |
| Annual Avg Daily Traffic (veh/hr/day): | Design/Future: 39,000 | Year: 2045 | Existing: 30,670 Year: 2020 |

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

Project Number 55027.1.FS1 involves the replacement of the northbound and southbound bridges along US 52 over Toms Creek; bridge 850122 and 850126 respectively. The total project length is 0.408 miles. The project is located within a 29.7 square mile drainage area to Toms Creek in the Yadkin-Pee Dee river basin. The drainage design within the project maintains existing flow patterns. All pipe outfalls are outside of the jurisdictional stream and channel. Based on the SELDM Catalog, minimum measurements are needed to treat stormwater runoff. Minimum measurements are implemented throughout the project design and include utilizing natural features and drainage pathways, stabilizing embankments and drainage ditches, and minimizing direct discharge from bridges. Natural features and drainage pathways are utilized by maintaining the existing flow patterns. Embankments and drainage ditches will be stabilized to prevent erosion. Direct discharge is minimized from bridges as the northbound bridge does not contain deck drains and the southbound bridge has deck drains that do not drain over the stream channel.



North Carolina Department of Transportation

Highway Stormwater Program
STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS



(Version 3.00; Released August 2021)

WBS Element: 55027.1.FS1 TIP/Proj No.: B-5527 County(ies): Surry Page 2 of 2

General Project Information

Waterbody Information

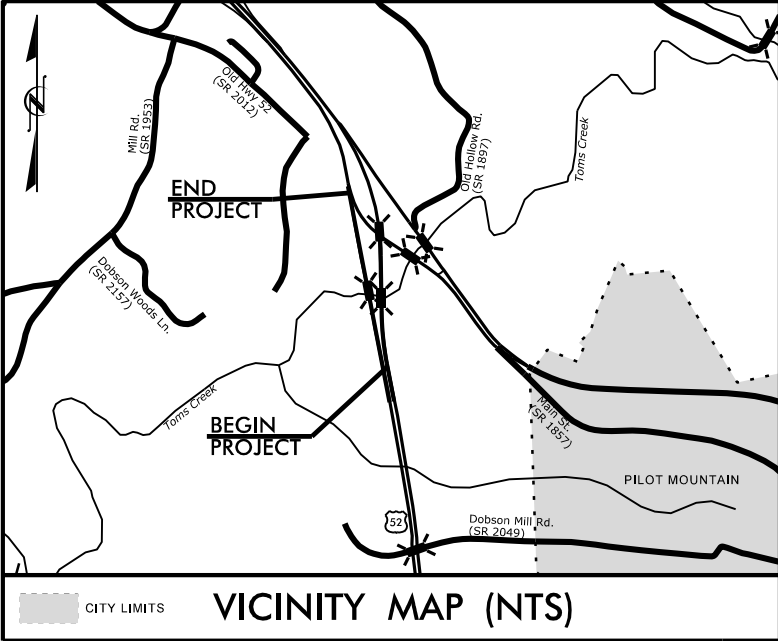
| | | | | | |
|--|------------------------------|--|-------------------------|--|--|
| Surface Water Body (1): | Toms Creek | | NCDWR Stream Index No.: | 12-72-14-(4) | |
| NCDWR Surface Water Classification for Water Body | Primary Classification: | Class C | | | |
| | Supplemental Classification: | None | | | |
| Other Stream Classification: | None | | | | |
| Impairments: | None | | | | |
| Aquatic T&E Species? | No | Comments: | | | |
| NRTR Stream ID: | | | Buffer Rules in Effect: | N/A | |
| Project Includes Bridge Spanning Water Body? | Yes | Deck Drains Discharge Over Buffer? | N/A | Dissipator Pads Provided in Buffer? | |
| Deck Drains Discharge Over Water Body? | No | (If yes, provide justification in the General Project Narrative) | | (If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative) | |
| (If yes, provide justification in the General Project Narrative) | | | | | |

09/08/99
10/9/2023
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TIP PROJECT: B-5527

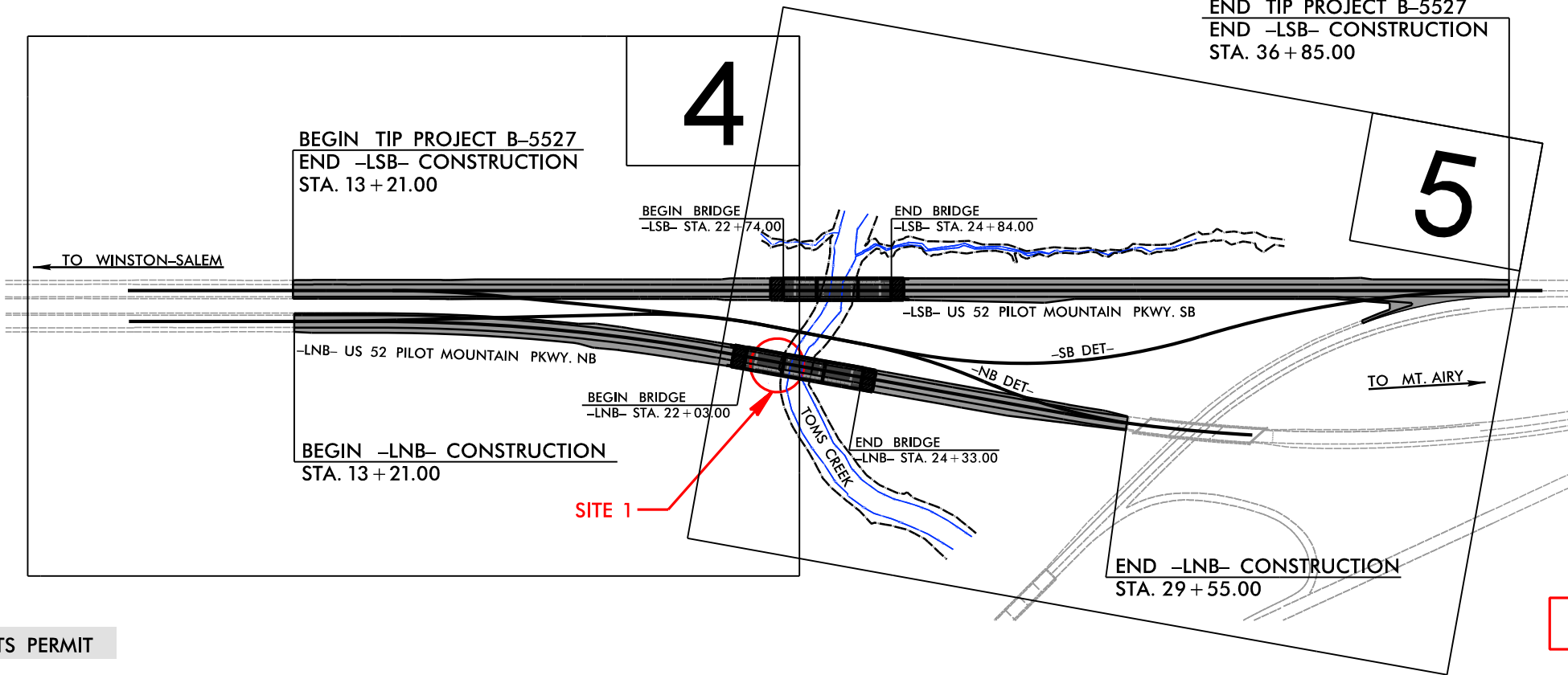
CONTRACT: C204208

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



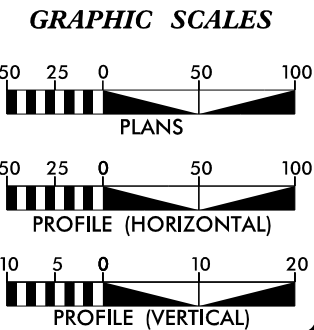
RELE.

PERMIT DRAWINGS
10-10-2023



WETLAND AND SURFACE WATER IMPACTS PERMIT

- NOTES:
1. THIS IS A CONTROLLED-ACCESS PROJECT WITH ACCESS BEING LIMITED TO INTERCHANGES.
 2. THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.



DESIGN DATA

ADT 2020 = 30,670
ADT 2045 = 39,000
K = 9 %
D = 50 %
T = 19 % *
V = 70 MPH
* TTST = 13% DUAL = 6%
TIER = STATEWIDE
FUNC CLASS = INTERSTATE

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT B-5527 = 0.408 MI.
LENGTH STRUCTURE TIP PROJECT B-5527 = 0.040 MI.
TOTAL LENGTH TIP PROJECT B-5527 = 0.448 MI.

NOTE: -LSB- ALIGNMENT USED TO DETERMINE LENGTH OF PROJECT.

AMT
2024 STANDARD SPECIFICATIONS

Prepared for the North Carolina Department of Transportation in the Office of:
A. MORTON THOMAS AND ASSOCIATES, INC.
900 RIDGEFIELD DRIVE, SUITE 325 • RALEIGH, NC 27609
(919) 855-9989 • NC LICENSE NO. F-1049
WWW.AMTENGINEERING.COM

MATTHEW A. DOUGLAS, PE
PROJECT ENGINEER

JP HAINLINE, EI
PROJECT DESIGN ENGINEER

DAVID STUTTS, PE
NCDOT CONTACT

RIGHT OF WAY DATE:
JUNE 15, 2023

LETTING DATE:
APRIL 16, 2024

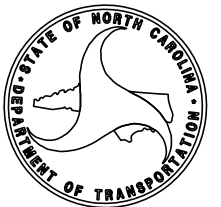
HYDRAULICS ENGINEER

NORTH CAROLINA PROFESSIONAL ENGINEER
SEAL 53931
KIM C. SCHMIDT P.E.

SIGNATURE: _____
ROADWAY DESIGN ENGINEER

NORTH CAROLINA PROFESSIONAL ENGINEER
SEAL 38649
MATTHEW A. DOUGLAS P.E.

SIGNATURE: _____

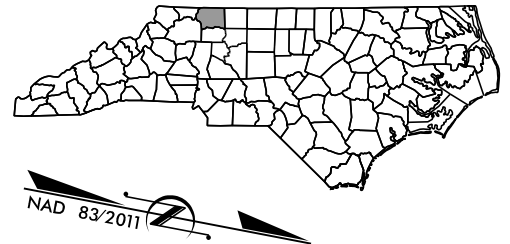


STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS
SURRY COUNTY

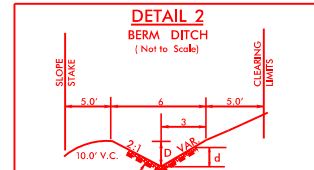
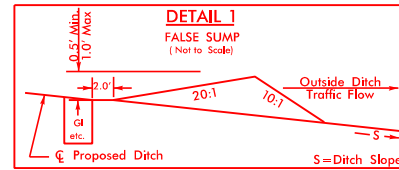
LOCATION: BRIDGES 122 AND 126 OVER TOMS CREEK
ON US 52 NB AND SB

TYPE OF WORK: GRADING, DRAINAGE, PAVING, & STRUCTURES

| STATE | STATE PROJECT REFERENCE NO. | SHEET NO. | TOTAL SHEETS |
|-----------------|-----------------------------|-------------|--------------|
| N.C. | B-5527 | 1 | 179 |
| STATE PROJ. NO. | F.A. PROJ. NO. | DESCRIPTION | |
| 55027.1.FS1 | BRSTP-0052(49) | PE | |
| 55027.2.1 | | ROW | |
| 55027.2.1 | | UTIL | |
| 55027.3.1 | | CONSTR. | |
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| PROJECT REFERENCE NO. | SHEET NO. |
| B-5527 | 4 |
| R/W SHEET NO. | |
| ROADWAY DESIGN ENGINEER | HYDRAULICS ENGINEER |
| <p align="center">DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</p> | |

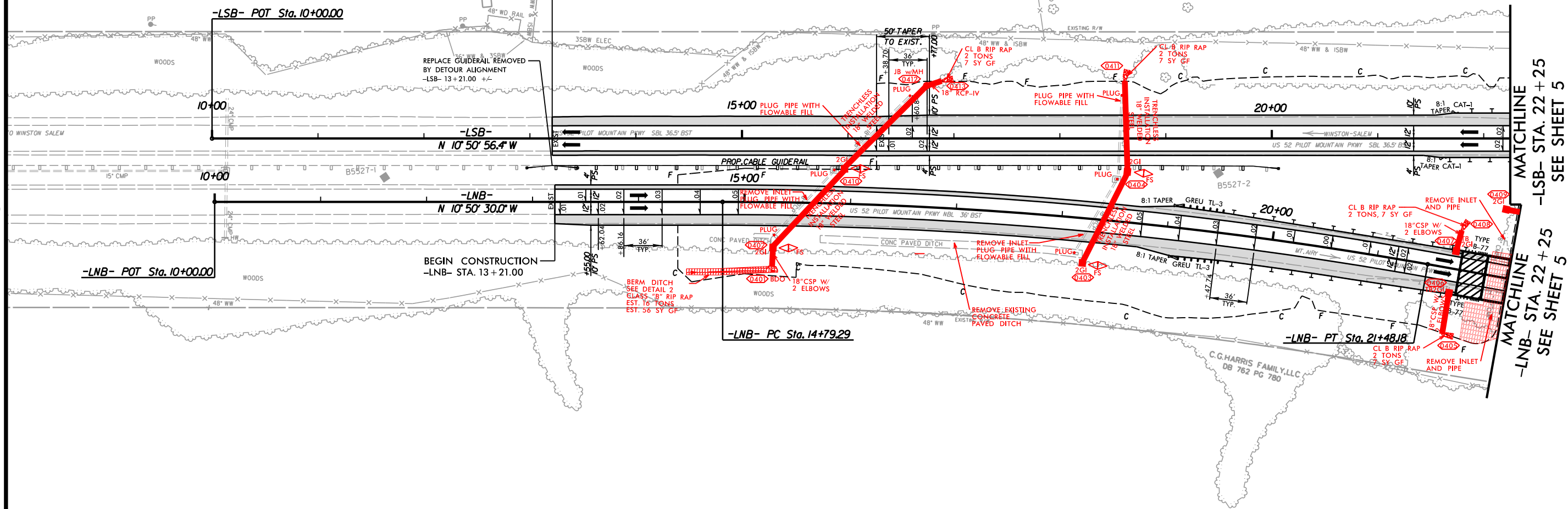


FROM STA. 15+32 TO STA. 15+50 - LNB - RT
FROM STA. 18+28 TO STA. 18+46 - LNB - RT
FROM STA. 16+00 TO STA. 16+18 - LNB - LT
FROM STA. 18+64 TO STA. 18+82 - LNB - LT

FROM STA. 14+50 TO STA. 15+25 - LNB - RT

BEGIN TIP PROJECT B-5527
BEGIN CONSTRUCTION
-LSB- STA. 13 + 21.00

LESLIE G. BENNETT
WENDI G. BENNETT
DB 1066 PG 233
PB 20 PG 64

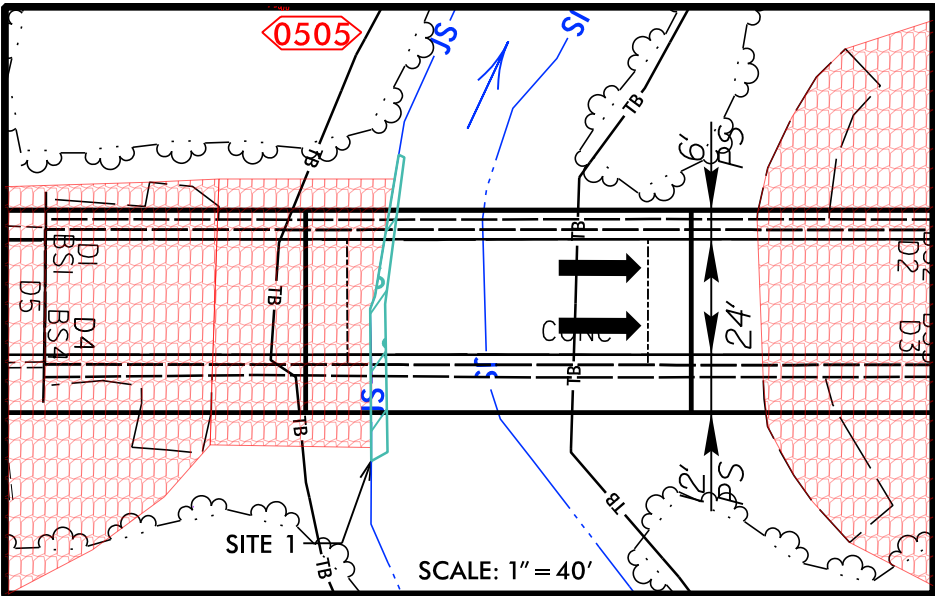


-LNB- STA. 22 + 25
SEE SHEET 5

FOR -LNB- PROFILE SEE SHEET 6
FOR -LSB- PROFILE SEE SHEET 7

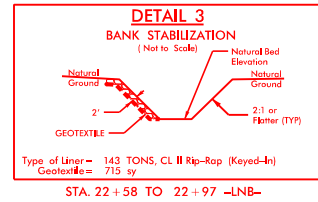
FOR TEMPORARY ALIGNMENTS SEE SHEETS 2B-1 THRU 2B-4.
FOR CROSS-SECTION LAYOUT SEE SHEET 2B-5.
FOR BRIDGE SKETCH SEE SHEET 5.

10/9/2023
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Project


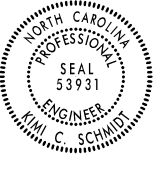


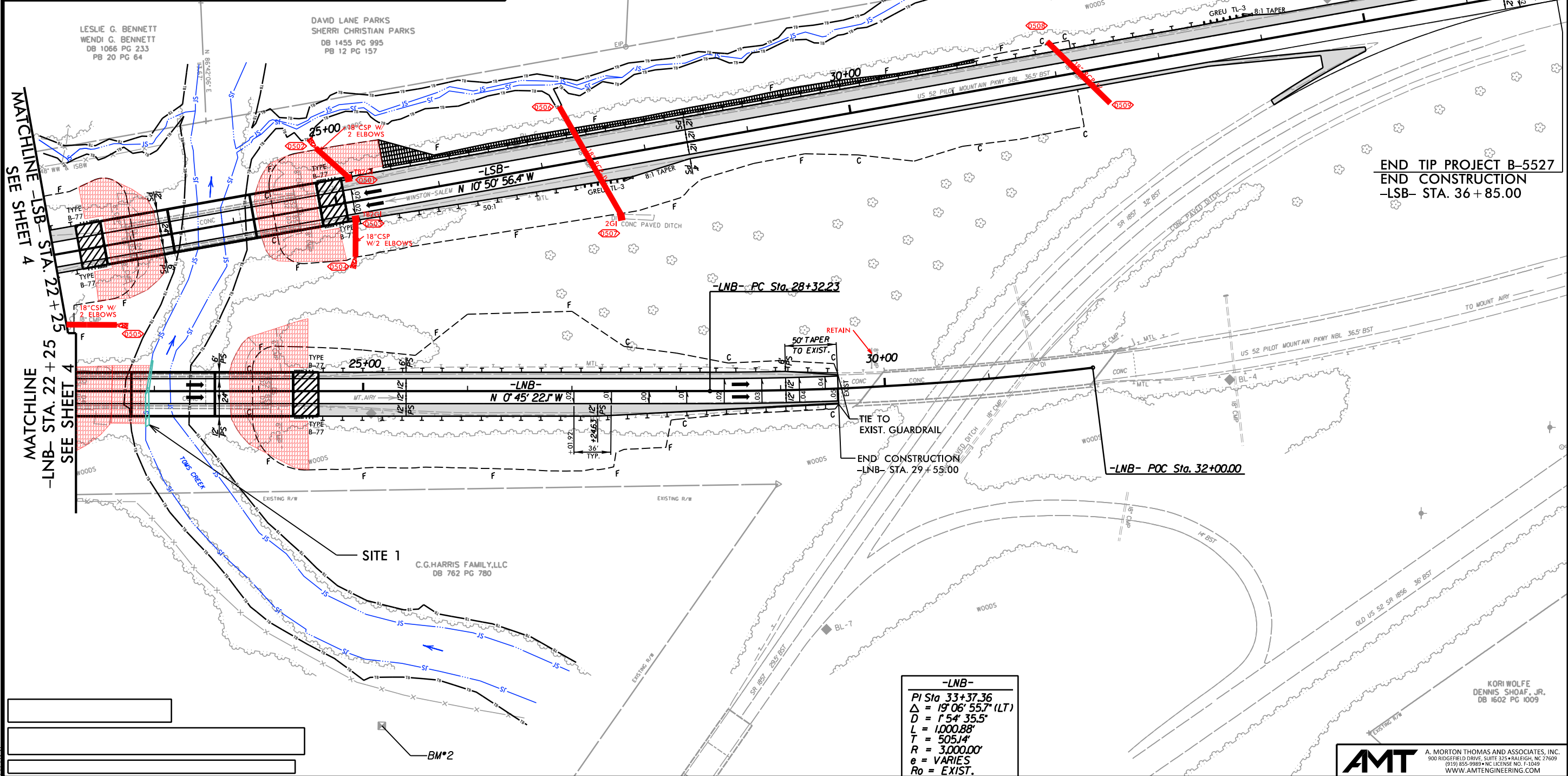
PERMIT DRAWING
SHEET 3 OF 8

 SURFACE WATER IMPACTS



NAD 83/2011

| PROJECT REFERENCE NO. | | SHEET NO. |
|---|--|---|
| B-5527 | | 5 |
| RW SHEET NO. | | HYDRAULICS ENGINEER |
| ROADWAY DESIGN ENGINEER | | |
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| DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED | | |

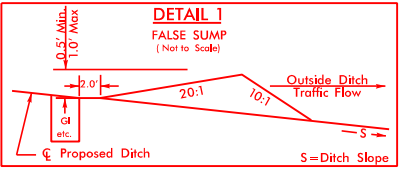


-LNB-
PI Sta 18+14.60
 $\Delta = 10^{\circ} 05' 07.9" (RT)$
 $D = 1^{\circ} 30' 28.0"$
 $L = 668.90'$
 $T = 335.31'$
 $R = 3,800.00'$
 $e = 5.0\%$
 $R_o = 180'$

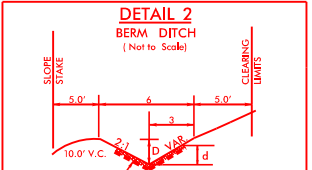
PERMIT DRAWING
SHEET 4 OF 8

NAD 83/2011

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| PROJECT REFERENCE NO. | SHEET NO. |
| B-5527 | 4 |
| R/W SHEET NO. | |
| ROADWAY DESIGN ENGINEER | HYDRAULICS ENGINEER |
| DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED | |



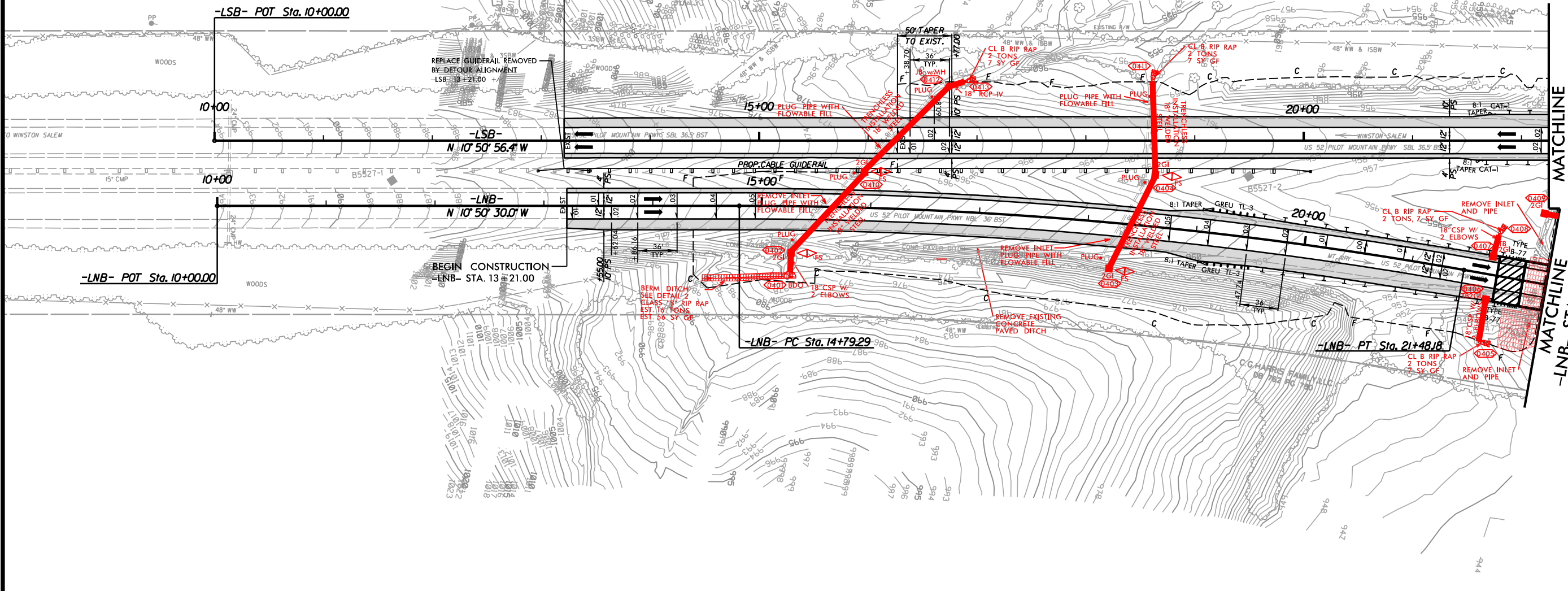
FROM STA. 15+32 TO STA. 15+50 - LNB - RT
FROM STA. 18+28 TO STA. 18+46 - LNB - RT
FROM STA. 16+00 TO STA. 16+18 - LNB - LT
FROM STA. 18+64 TO STA. 18+82 - LNB - LT



Type of Liner = Class "B" Rip-Rap
FROM STA. 14+50 TO STA. 15+25 - LNB - RT

BEGIN TIP PROJECT B-5527
BEGIN CONSTRUCTION
-LSB- STA. 13+21.00

LESLIE G. BENNETT
WENDI G. BENNETT
DB 1066 PG 233
PB 20 PG 64



MATCHLINE
-LSB- STA. 22+25
SEE SHEET 5

MATCHLINE
-LNB- STA. 22+25
SEE SHEET 5

FOR -LNB- PROFILE SEE SHEET 6
FOR -LSB- PROFILE SEE SHEET 7

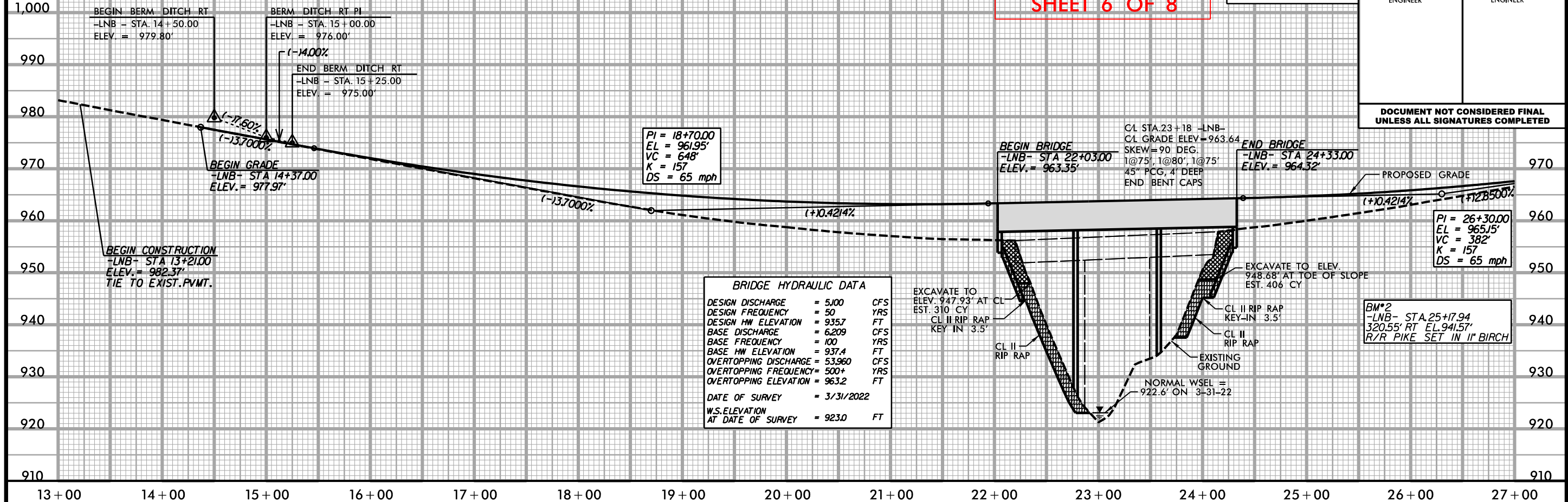
FOR TEMPORARY ALIGNMENTS SEE SHEETS 2B-1 THRU 2B-4.
FOR CROSS-SECTION LAYOUT SEE SHEET 2B-5.
FOR BRIDGE SKETCH SEE SHEET 5.

5/28/99

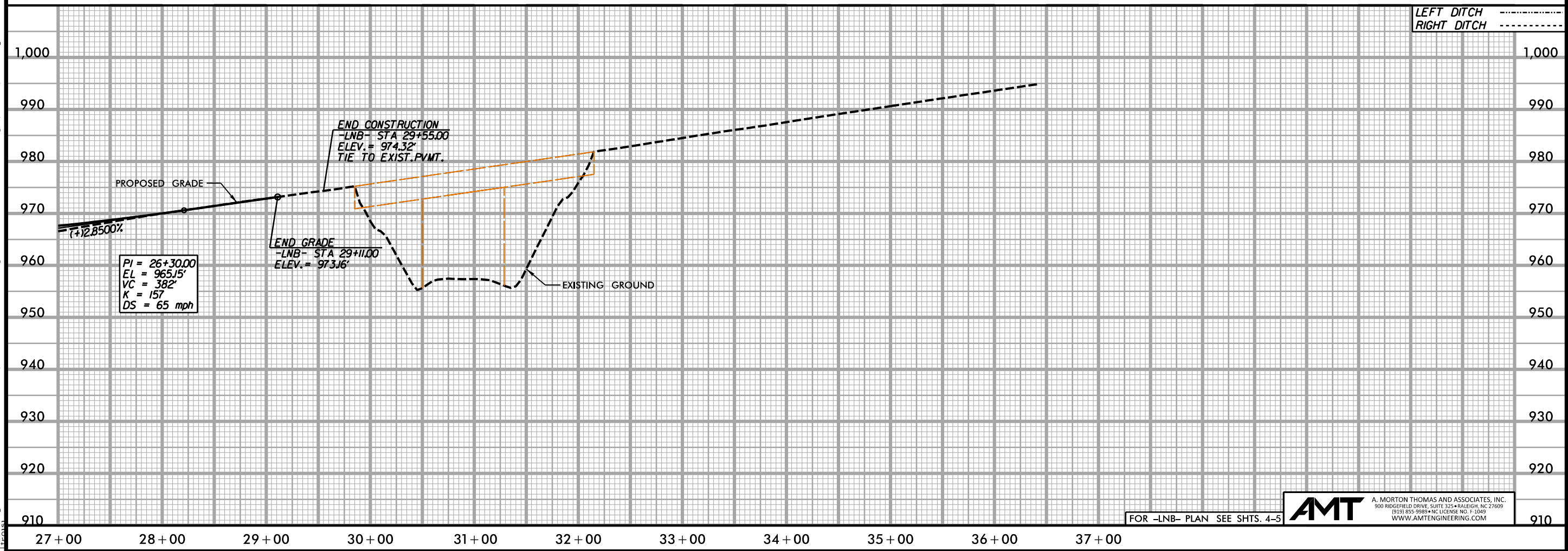
PERMIT DRAWING
SHEET 6 OF 8

-LNB-

| PROJECT REFERENCE NO. | | SHEET NO. |
|--|------------------------|-----------|
| B-5527 | | 6 |
| ROADWAY DESIGN ENGINEER | HYDRAULICS ENGINEER | |
| DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED | | |



10/9/2023
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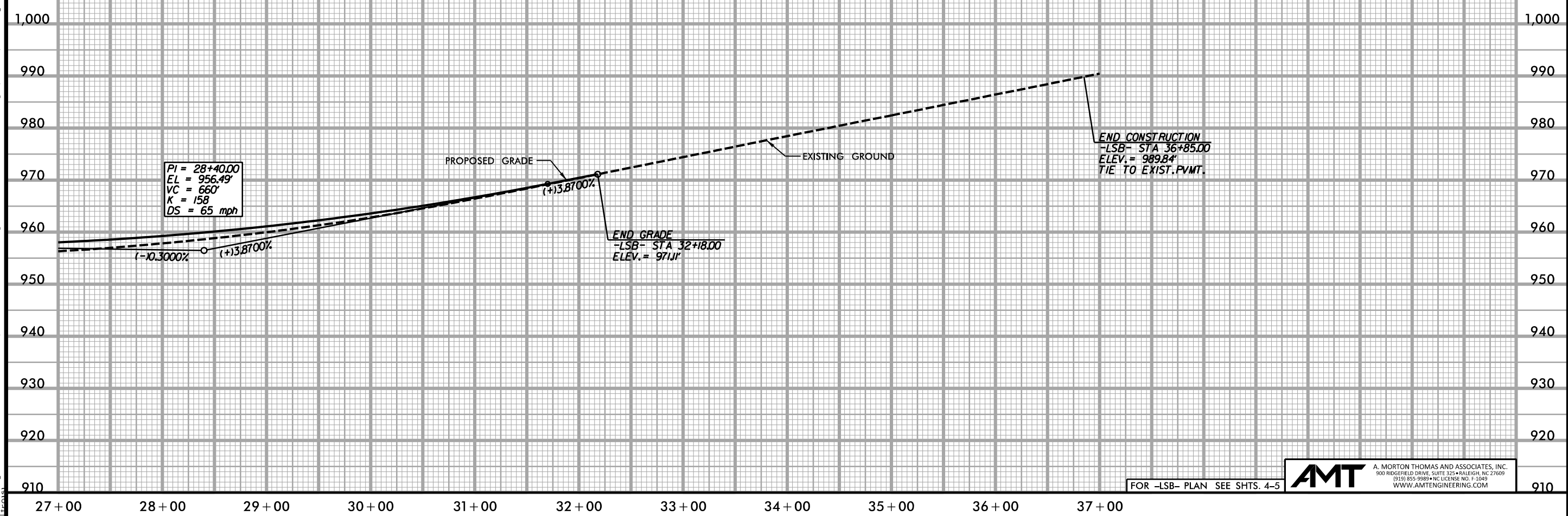
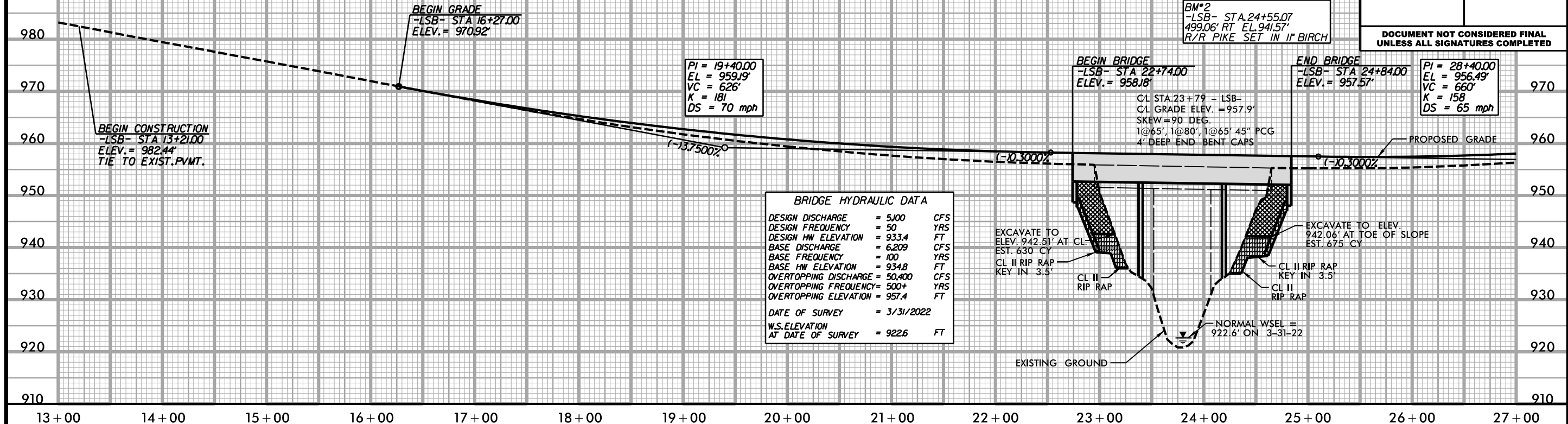


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PERMIT DRAWING
SHEET 7 OF 8

—LSB—

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| WETLAND AND SURFACE 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 | -LNB- STA. 22+75/23+00 | N. Bound Bank Stabilization | | | | | | < 0.01 | | 64 | | |
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| TOTALS*: | | | | | | | | < 0.01 | | 64 | 0 | 0 |

NOTES:

SHEET 8 OF 8