



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

November 17, 2023

MEMORANDUM TO: Christina Bruinsma, L.G.,
NCDOT Geotechnical Unit

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

SUBJECT: Geotechnical Environmental Permits for the Replacement of Bridge 134
on NC 700 over Dan River in Rockingham County, Division 7,
TIP: B-5729.

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 | Nationwide Permit 6 | March 14, 2026 |
| NC Division of Water Resources Section 401 Water Quality Certification | General Certification No. 4242 [NWP 6] | March 14, 2026 |

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) or accompanying drawings is required.

The General Conditions and Certifications for Nationwide and Regional Permits can be referenced at:
https://xfer.services.ncdot.gov/pdea/PermlIssued/General_Conditions_and_Certifications/

ec: Division Environmental Officer

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. **SAW-2016-01816** County: **Rockingham County** U.S.G.S. Quad: **Southeast Eden**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: **North Carolina Department of Transportation**

ATTN: Michael Turchy

Environmental Analysis Assistant Unit, ECAP

Address: **1598 Mail Service Center**

Raleigh, NC, 27699-1598

Telephone Number: **(919)707-6157**

Size (acres) **N/A**

Nearest Town **Eden**

Nearest Waterway **Dan River**

River Basin **Roanoke**

USGS HUC **03010103** Coordinates Latitude: **36.49846**; Longitude: **-79.68142**

Location description: **The site is located along NC 700 over Dan River at NCDOT Bridge 134 in Rockingham County, North Carolina.**

Description of projects area and activity: **TIP B-5729; Geotech investigation boring, impacting 0.01 acre of river open water and bottom .**

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

Authorization: Nationwide Permit Number: **NWP 6 Survey Activities**

SEE ATTACHED NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated November 15, 2023. 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 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 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.

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 Corps of Engineers regulatory program, please contact **Eric Alsmeyer at (919) 817-1570 or Eric.C.Alsmeier@usace.army.mil.**

Corps Regulatory Official: Monte Matthews 2023.11.17 10:28:03 -05'00' Date: **November 17, 2023**
Expiration Date of Verification: **March 14, 2026**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

SAW-2016-01816

SPECIAL CONDITIONS

1. **Tri-colored bat** - No tree clearing will occur within 150 feet of a known maternity roost tree May 1 - July 31 in order to protect non-volant young. Winter roost trees are not considered maternity roost trees. NCDOT will cross-reference information given by USFWS on the locations of maternity roosts (as they are discovered) to stay in compliance with this condition.

2. **NLEB** - The Wilmington District, Federal Highway Administration, U.S. Fish and Wildlife Service (USFWS), and the North Carolina Department of Transportation (NCDOT) have conducted programmatic Section 7(a)(2) consultation for the Northern long-eared bat (NLEB) for NCDOT projects located in Divisions 1-8. The result of this programmatic consultation is a Programmatic Biological Opinion (PBO) issued by the USFWS titled, "Programmatic Biological Opinion – Revised, NCDOT Program Effects on the Northern Long-eared Bat in Divisions 1-8", dated December 15, 2022. This PBO contains agreed upon conservation measures which would minimize take of NLEB. As noted in the PBO, applicability of these conservation measures varies depending on the location of the project. The USFWS has documented that no reasonable and prudent measures, nor terms and conditions, are necessary or appropriate to minimize the amount or extent of incidental take of NLEB caused by the Action; therefore, the incidental take statement does not provide reasonable and prudent measures for this species. Department of the Army (DA) authorization under general permit or standard permit (Individual Permit) is conditional upon the permittee's compliance with applicable, agreed upon conservations measures of the PBO, which is incorporated by reference in this verification letter. Failure to comply with the applicable conservation measures, where a take of the NLEB occurs, would constitute an unauthorized take by the permittee, and would also constitute permittee non-compliance with this verification letter. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO and the ESA. All PBOs can be found on our website at: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>.

Action ID Number: SAW-2016-01816

County: Rockingham County

Permittee:

Project Name: NCDOT / B5729 / Bridge 134 / NC 700 / Dan River / Rockingham County / Division 7

Date Verification Issued: November 17, 2023

Project Manager: Eric Alsmeyer

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: Eric Alsmeyer
Raleigh Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587
919.554.4884, Ext. 23

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 Corps 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

4

**HYDRAULICS
ENGINEER**

DO NOT USE FOR R/W ACQUISITION

 **moffatt & nichol** 4700 FALLS OF NEUSE ROAD, SUITE 300
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STA. -L- 23 + 00.00

PAVEMENT REMOVAL

FOR -L- PROFILE SEE SHEET 6

