



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J.R. "JOEY" HOPKINS  
SECRETARY

March 6, 2024

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 Bridge 142 on SR 2027  
over Martin Creek in Buncombe County, Division 13, **TIP: B-6016.**

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) 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/PermIssued/\\_General\\_Conditions\\_and\\_Certifications/](https://xfer.services.ncdot.gov/pdea/PermIssued/_General_Conditions_and_Certifications/)

# PROJECT COMMITMENTS

T.I.P Project No. B-6016  
Replacement of Bridge No. 142 on SR 2027  
over Martin Creek  
Buncombe County  
WBS Element 48211.1.1

## COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

The project is not likely to affect any properties or archaeological sites listed or eligible for listing on the National Register of Historic Places. NCDOT will complete section 106 Tribal consultation following completion of the design.

*Completed October 2022.*

All activities will follow NCDOT best management practices for erosion control.

## COMMITMENTS FROM PERMITTING

### **NCDOT Division 11 Construction**

404 Special Condition #2: In accordance with the concurrence letter from the U.S. Fish and Wildlife Service, dated January 31, 2024, NCDOT shall adhere to the following five (5) conservation measures:

- a. Tree clearing will take place from October 16th to March 31st.
- b. Should two years elapse between suitable bat roosting structure surveys and work impacts on said structure(s), new surveys shall be completed to ensure absence of roosting bats.
- c. Temporary lighting for nighttime construction will not be necessary between April 1st and October 15th.
- d. No additional permanent lighting will be added to the roadway.
- e. In the event that blasting will occur during the bat active season, the pup season (May 15th-July 31st) will be avoided to the maximum extent possible. Blast mats or overburden material will be incorporated as appropriate.

404 Special Condition #3: Condition numbers 1-7 of the North Carolina Wildlife Resources Commission letter dated December 15, 2023, are hereby incorporated as special conditions of this permit.

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

Action ID.: **SAW-2023-02434 STIP B-6016** County: **Buncombe**

**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 No. 142 over Martin Creek on SR 2027 in Buncombe County, North Carolina.**

Description of project area and activity: **In order to replace the bridge, 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
<b>Site 1 (Martin Creek)</b>	<b><u>RGP 50</u></b>						<b>12' (bank stabilization)</b>
<b>Site 2a (Martin Creek)</b>	<b><u>RGP 50</u></b>						<b>23' (bank stabilization)</b>
<b>Site 2b (Martin Creek)</b>	<b><u>RGP 50</u></b>					<b>87' (dewater)</b>	
<b>Site 2c (Martin Creek)</b>	<b><u>RGP 50</u></b>						<b>20' (bank stabilization)</b>
<b>Impact Totals</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0'</b>	<b>87'</b>	<b>55'</b>
Total Loss of waters of the U.S. (wetlands and/or open waters in ac)			<b>0</b>	Total Loss of waters of the U.S. (streams in lf)			<b>0</b>
Required Wetland Mitigation (ac)			<b>0</b>	Required Stream Mitigation (lf)			<b>0</b>

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 Wetland and Surface Water Impacts Permit Drawing(s) (Permit Plans), Sheets 1-4, in the application dated December 13, 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 from the U.S. Fish and Wildlife Service, dated January 31, 2024, NCDOT shall adhere to the following five (5) conservation measures:
  - a. Tree clearing will take place from October 16th to March 31st.
  - b. Should two years elapse between suitable bat roosting structure surveys and work impacts on said structure(s), new surveys shall be completed to ensure absence of roosting bats.
  - c. Temporary lighting for nighttime construction will not be necessary between April 1st and October 15th.
  - d. No additional permanent lighting will be added to the roadway.
  - e. In the event that blasting will occur during the bat active season, the pup season (May 15th-July 31st) will be avoided to the maximum extent possible. Blast mats or overburden material will be incorporated as appropriate.
3. Condition numbers 1-7 of the North Carolina Wildlife Resources Commission letter dated December 15, 2023, are hereby incorporated as special conditions of this permit.
4. 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](mailto:loretta.a.beckwith@usace.army.mil) or 828-230-0483.

USACE Regulatory Official: Monte Matthews

*Monte Matthews* 2024.02.14  
07:12:56 -05'00'

Date: **February 14, 2024**

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

Copy furnished:

NCDOT, Ms. Erin Cheely

Action ID Number: SAW-2023-02434     STIP B-6016

County: Buncombe

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

Project Name: NCDOT / Bridge No. 142 / B-6016 / Buncombe Co. / Div 13

Regional General Permit OR Nationwide Permit: RGP 50

Date Verification Issued: February 14, 2024

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



## ☒ North Carolina Wildlife Resources Commission ☒

---

Cameron Ingram, Executive Director

December 15, 2023

Lori Beckwith  
U.S. Army Corps of Engineers, Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801

Kevin Mitchell  
NCDEQ, DWR  
2090 U.S. Hwy. 70  
Swannanoa, N.C. 28778

SUBJECT:      Comments on Application for Replacement of Bridge 142 on SR 2027 (Martins Creek Road) over Martin Creek, Buncombe County (**B-6016**)  
                         **DWR 20231703 ver.1**

Dear Ms. Beckwith and Mr. Mitchell,

The North Carolina Department of Transportation (NCDOT) applied for a permit for the subject project. North Carolina Wildlife Resources Commission's (NCWRC) comments are offered to help conserve the wildlife resources affected by the project and to promote wildlife-based recreation in accordance with applicable provisions of the state and federal Environmental Policy Acts (G.S. 113A-1 through 113-10; 1 NCAC 25 and 42 U.S.C. 4332(2)(c), respectively), the Clean Water Act of 1977 (33 U.S.C. 466 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).


Yancey timber bridge 142 over Martin Creek is being replaced with a cored slab bridge. Martin Creek is classified as WS-II Tr HQW. As the NCWRC's noted in its scoping comments to central NCDOT, Rainbow Trout (*Oncorhynchus mykiss*) and Brown Trout (*Salmo trutta*) are expected in the project area. Therefore, the trout moratorium for stream and buffer disturbance should be followed with this project.

In addition to trout, there are records for Hellbender (*Cryptobranchus alleganiensis alleganiensis*) in the Ivy Creek watershed. They are not expected near the bridge, though habitat conditions may be suitable. This amphibian is prone to mortality from instream work due to its limited mobility. While this project will have limited impact on the creek, the NCWRC would nonetheless appreciate notification of the construction schedule, preferably two months in advance or near the contract let date, so that NCWRC biologists can attempt to relocate any at-risk animals as needed and as schedules allow.

The NCWRC requests that the following conditions be included in authorizations to help conserve trout and other aquatic resources affected by the project:

1. The October 15 to April 15 trout moratorium should be followed since construction has a reasonable potential to cause inadvertent sedimentation in trout spawning habitat downstream of the bridge.
2. Applicable measures from the current *NCDOT Erosion and Sediment Control Design and Construction Manual* should be adhered to. Design Standards for Sensitive Waters (15A NCAC 04B .0124) are recommended where practical in the project's erosion control because a watershed with sensitive species will be affected.
3. In accordance with standard GC conditions, matting used in riparian areas should not contain nylon mesh because it entangles and kills wildlife. Coir matting should be used on disturbed stream banks that are steep or susceptible to high water. Matting should be anchored with wooden stakes according to NCDOT specifications.
4. Heavy equipment needs to be well-maintained and concrete pouring needs to be closely monitored to avoid and quickly mitigate fuel, fluid, or wet concrete losses in or near streams.
5. Removal of vegetation in riparian areas and wetlands should be minimized.
6. Sandbags, rock berms, cofferdams, or other adequately designed diversion structures should be used where excavation or extended stream disturbance has the potential for downstream sedimentation.
7. The natural dimension, pattern, and profiles of streams and the grades of wetlands should be restored where temporarily impacted. Streambed material replaced below culverts should be compacted to the proper invert depth to help resist the development of an outlet perch

Thank you for the opportunity to review and provide recommendations on this project. Please contact me at [david.mchenry@ncwildlife.org](mailto:david.mchenry@ncwildlife.org) or (828) 476-1966 if you have any questions about these comments.

Cordially, 

Dave McHenry, NCWRC Western DOT Coordinator

cc: Karina Clough, NCDOT Division 13 Environmental Specialist II  
Yates Allen, NCDOT Division 13 Environmental Specialist II  
Lori Williams, NCWRC Wildlife Diversity Biologist



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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



January 31, 2024

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 Bridge No. 142 on SR 2027 over Martin Creek in Buncombe County (WBS 48211.1.1, TIP No. B-6016, Service Log #24-154)

Dear Erin Cheely:

On December 6, 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 subsequent correspondence 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) proposes to replace Bridge No. 142 on SR 2027 over Martin Creek in Buncombe County. The existing bridge is a single-span structure with steel beams, creosote timber deck, guard rails and concrete end walls. The overall length of the structure is 21 feet. Percussive activities such as pile driving, jackhammering, and a small amount of blasting may occur during the life of the project. 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 two years elapse between suitable bat roosting structure surveys and work impacts on said structure(s), new surveys shall be completed to ensure absence of roosting bats.
3. Temporary lighting for nighttime construction will not be necessary between April 1 and October 15.
4. No additional permanent lighting will be added to the roadway.
5. In the event that blasting will occur during the bat active season, the pup season (May 15-July 31) will be avoided to the maximum extent possible. Blast mats or overburden material will be incorporated as appropriate.

### **Federally Listed Species**

The information provided states that "No Effect" (NE) determinations have been made for rock gnome lichen (*Gymnoderma lineare*) and mountain sweet pitcher-plant (*Sarracenia rubra* ssp. *jonesii*). 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). 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 little brown bat (*Myotis lucifugus*) and tricolored bat (*Perimyotis subflavus*).

A potentially suitable bridge roost and suitable roosting, commuting, and foraging habitat for gray bat, northern long-eared bat, little brown bat, and tricolored bat occurs within the action area. No culverts meeting NCDOT’s Standard Operating Procedures for Preliminary Bat Habitat Assessments were identified meeting the criteria of greater than 3 feet wide and 60 feet in length. The bridge was surveyed for bats and signs of bat use on May 15, 2019 and results were negative.

The completed structure survey 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 measures above, we do not believe any response to project noise and vibration by bats that are already tree-roosting in the area is expected to rise to the level of harm (as defined at 50 CFR 17.3). Therefore, 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 are provided 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](mailto:holland_youngman@fws.gov) if you have any questions. In any future correspondence concerning this project, please reference our Service Log #24-154.

Sincerely,

*- - original signed - -*

Janet Mizzi  
Field Supervisor

Electronic CC:

Yates Allen, NCDOT, Division 13, Environmental Specialist  
Karina Clough, NCDOT, Division 13, Environmental Specialist

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

RICHARD E. ROGERS, JR.

Director



January 8, 2024  
 Buncombe County  
 NCDWR Project No. 20231703  
 NCDOT TIP Project: B-6016  
 Replace Bridge #142 on SR 2027

### APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

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

Dear Mr. Turchy:

You have our approval, in accordance with the conditions listed below, for the following impacts to replace Bridge No. 142 on SR 2027 (Martins Creek Road) over Martins Creek in Buncombe County.

#### Stream Impacts in the Frech Broad River Basin

Site	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)
1- Outfall 18" RCP III	12		12
2a-Outfall 15" RCP-IV	23		23
2b-Temp dewatering-Temp Access Fill		87	87
2c- Bridge Excavation-Bank Stabilization	20		20
<b>Totals</b>	<b>55</b>	<b>87</b>	<b>142</b>

**Total Stream Impacts: 142 linear feet**

The project shall be constructed in accordance with your renewal application dated December 13, 2023. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 4135. This certification corresponds to the General Permit 50 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit. No other impacts are approved, including incidental impacts. [15A NCAC 02H .0506(b)] The permittee shall report to DWR any noncompliance with, 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.

Should your project change, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to perennial streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the General Certification 4135, and any additional conditions listed below.

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

#### **Project Specific Conditions**

1. The permittee will need to adhere to all appropriate in-water work moratoria prescribed by the NC Wildlife Resources Commission as provided in the Application Comments issued on December 15, 2023. No in-water work is permitted between October 15 and April 15 of any year, without prior approval from the NC Division of Water Resources and the NC Wildlife Resources Commission. In-stream work and land disturbance within the 25-foot buffer zone area prohibited during the trout-spawning season of October 15 through April 15 to protect egg and fry stages of trout.
2. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15A NCAC 02H .0506(b)(2)]
3. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
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 NCS0000250, please refer to the most recent version of the North Carolina Department of Transportation Stormwater Best Management Practices Toolbox manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
5. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from the NCDWR first. [15A NCAC 02H.0506(b)(2)]
6. 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)]
7. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams, shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)].
8. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]



9. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]
10. For all streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species. [15A NCAC 02H.0506(b)(2)]
11. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species. [15A NCAC 02H.0506(b)(2)]

### **General Conditions**

1. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
2. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
3. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
4. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
5. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
6. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
7. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
8. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. [15A NCAC 02H.0506(b)(3)]
9. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
10. Discharging hydroseed mixtures and washing out hydro seeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
11. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that



further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]

12. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
13. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
14. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification. [15A NCAC 02H.0501 and .0502]
15. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
16. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
17. Upon completion of the project (including any impacts at associated borrow or waste sites), NCDOT project engineer (or appointee) shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
18. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3) and (c)(3)]
19. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards [15A NCAC 02H.0506(b)(3) and (c)(3)]:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
20. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)].
21. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 {b)(3) and (c)(3) and 15A NCAC 02B.0200]



22. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NC DOT Sediment and Erosion Control Manual*. All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
23. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

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


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

A party filing a Petition must serve a copy of the Petition on:  
 William F. Lane, General Counsel  
 Department of Environmental Quality  
 1601 Mail Service Center  
 Raleigh, NC 27699-1601

If the party filing the Petition is not the permittee, then the party must also serve the recipient of the Certification in accordance with N.C.G.S 150B-23(a).

This letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. If you have any questions, please contact Ryan Conchilla at [ryan.conchilla@deq.nc.gov](mailto:ryan.conchilla@deq.nc.gov).

Sincerely,

DocuSigned by:  
  
 Richard E. Rogers, Jr., Director  
 Division of Water Resources

Electronic copy only distribution:

Lori Beckwith, US Army Corps of Engineers, Asheville Field Office  
 Erin Cheely, NCDOT, EAU  
 David McHenry, NCWRC Western DOT Coordinator





## North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN  
FOR NCDOT PROJECTS

(Version 3.00; Released August 2021)

<b>WBS Element:</b> 48209.3.1		<b>TIP/Proj No:</b> B-6016		<b>County(ies):</b> Buncombe		<b>Page</b> 1 <b>of</b> 2	
<b>General Project Information</b>							
<b>WBS Element:</b>		48209.3.1		<b>TIP Number:</b>		B-6016	
<b>NCDOT Contact:</b>		Yates Allen (Division Environmental Officer)		<b>Project Type:</b>		Bridge Replacement	
<b>Address:</b>		NCDOT Highway Division 13 55 Orange Street Asheville, NC 28801		<b>Contractor / Designer:</b>		TGS Engineers (David B. Petty, PE)	
<b>Phone:</b>		828-250-3002		<b>Address:</b>		706 Hillsborough Street Suite 200 Raleigh NC, 27603	
<b>Email:</b>		yallen@ncdot.gov		<b>Phone:</b>		919-773-8887 ext. 104	
<b>City/Town:</b>		Barnardsville		<b>County(ies):</b>		Buncombe	
<b>River Basin(s):</b>		French Broad		<b>CAMA County?</b>		No	
<b>Wetlands within Project Limits?</b>		No					
<b>Project Description</b>							
<b>Project Length (lin. miles or feet):</b>		0.076 miles		<b>Surrounding Land Use:</b>		wooded, farmland, low density residential	
		<b>Proposed Project</b>		<b>Existing Site</b>			
<b>Project Built-Up Area (ac.)</b>		0.2		ac.		0.2	
<b>Typical Cross Section Description:</b>		Two 10' paved travel lanes with 3' graded shoulders (7' to guardrail, 3' paved).		Two 9' paved travel lanes with 0.5' paved shoulders.			
<b>Annual Avg Daily Traffic (veh/hr/day):</b>		Design/Future: 200		Year: 2023		Existing: 200	
<b>General Project Narrative:</b> <b>(Description of Minimization of Water Quality Impacts)</b>		NCDOT STIP B-6016 involves the replacement of Bridge #110142 over Martin Creek on SR 2027 (Martin Creek Rd.) in Buncombe County, NC east of Barnardsville. Proposed 55' long by 27' wide (21" cored slab units) single span bridge to replace existing 21' long by 25' wide (timber floor on I-beams) single span bridge. The proposed grade will be about 1' above existing ground within the vicinity of the bridge and roughly matching existing ground approximately 70 ft northeast of the bridge and 80 ft southwest of the bridge.  The existing bridge has openings below the bridge rail that discharge directly to Martin Creek. The proposed bridge will have no direct discharge into the river. Stormwater runoff from the bridge is to flow to a grated inlet located just outside of the approach slab in the southwest quadrant and will be diffused with a riprap pad at the proposed pipe outlet in the southeast quadrant. All proposed stormwater runoff is discharged as far away from the stream and at the lowest velocities as practicable.					



## North Carolina Department of Transportation

Highway Stormwater Program  
STORMWATER MANAGEMENT PLAN

(Version 3.00; Released August 2021)

FOR NCDOT PROJECTS

WBS Element: 48209.3.1

TIP/Proj No.: B-6016

County(ies): Buncombe

Page 2 of 2

## General Project Information

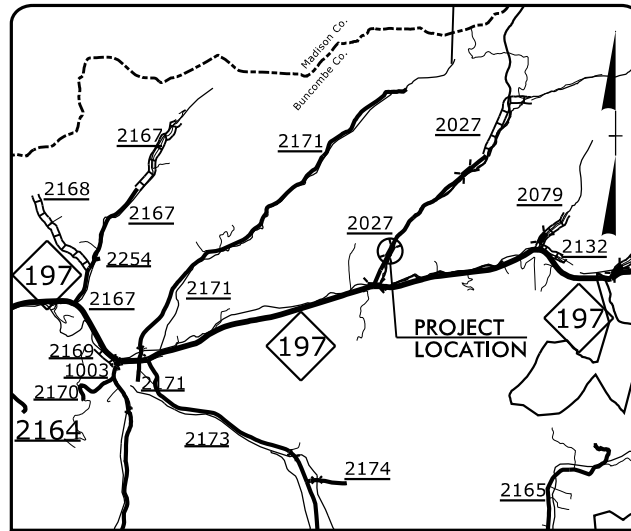
## Waterbody Information

Surface Water Body (1):	Martin Creek	NCDWR Stream Index No.:	6-96-3-5
NCDWR Surface Water Classification for Water Body	Primary Classification:	Water Supply II (WS-II)	
	Supplemental Classification:	Trout Waters (Tr)	(HQW)
Other Stream Classification:	None		
Impairments:	None		
Aquatic T&E Species?	No	Comments:	
NRTR Stream ID:	no NRTR	Buffer Rules in Effect:	N/A
Project Includes Bridge Spanning Water Body?	Yes	Deck Drains Discharge Over 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?	
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?	
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: B-6016***

**CONTRACT: C204406**

See Sheet 1A For Index of Sheets



## VICINITY MAP

# STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS

***BUNCOMBE COUNTY***

**LOCATION: BRIDGE #100142 OVER MARTIN CREEK  
ON SR 2027 (MARTINS CREEK RD)**

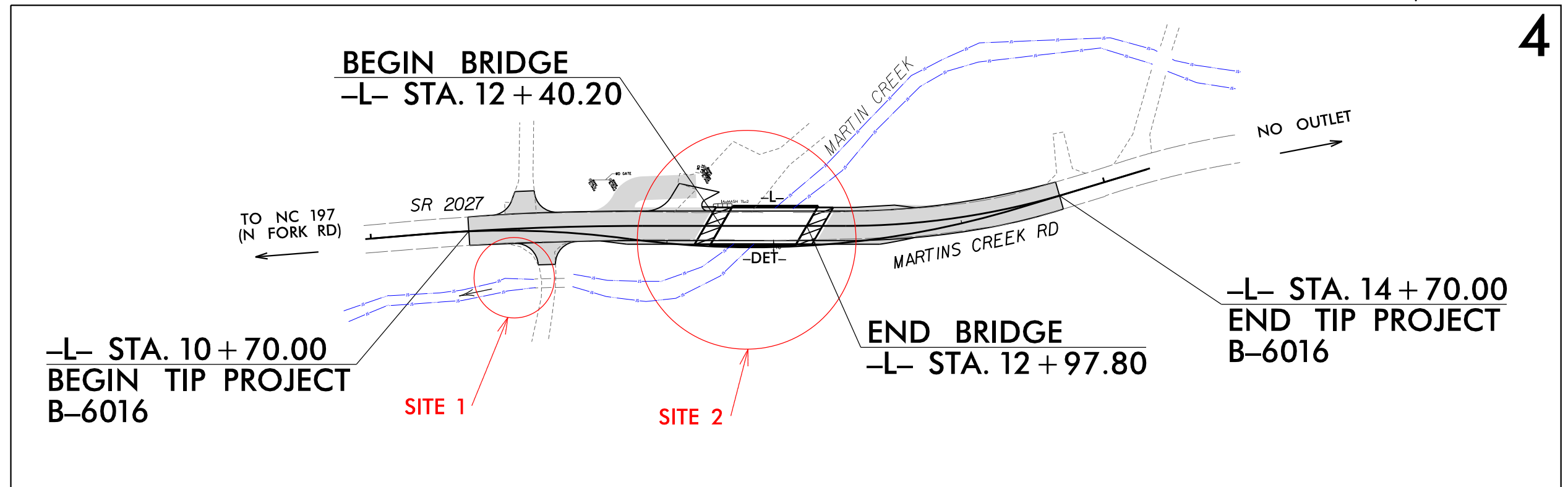
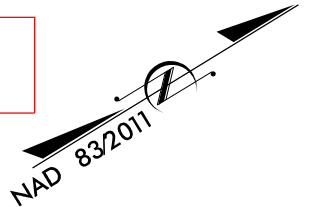
***TYPE OF WORK: GRADING, DRAINAGE, PAVING AND STRUCTURE***

## WETLAND AND SURFACE WATER IMPACTS PERMIT

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-6016	1	
STATE PROJ. NO.	F. A. PROJ. NO.	DESCRIPTION	
48209.3.1	BRZ-1781(001)	PE	
48209.3.1	BRZ-1781(001)	R/W & UTIL.	
48209.3.1	BRZ-1781(001)	CONST.	

PERMIT DRAWINGS  
SUBMITTAL A-009  
DATE: FEBRUARY 10, 2023

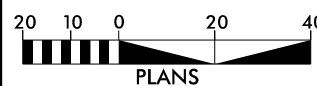
PERMIT DRAWING  
SHEET 1 OF 4



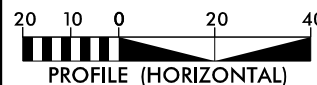
**CLEARING ON THIS PROJECT SHALL BE PERFORMED  
TO THE LIMITS ESTABLISHED BY METHOD II.  
THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES**

**DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED**

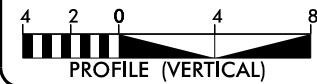
## GRAPHIC SCALES



## PLANS



### PROFILE (HORIZONTAL)



### PROFILE (VERTICAL)

## DESIGN DATA

ADT 2021 = 200  
T = 6 % \*  
V = 45 MPH  
\* TTST = 3% DUAL = 3%

FUNC CLASS = LOCAL,  
RURAL

### SUB-REGIONAL TIER

### PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT B-6016 #100142	=0.065 MILES
LENGTH STRUCTURE TIP PROJECT B-6016 #100142	=0.011 MILES
<b>TOTAL LENGTH TIP PROJECT B-6016 #100142</b>	<b>=0.076 MILES</b>

**NCDOT CONTACT: JESS EARLEY, PE**

PLANS PREPARED BY:

**TGS ENGINEERS**  
201 W. MARION ST  
SHELBY, NC 28150  
PH (704) 476-0003  
CORP. LICENSE NO.: C-0275

PLANS PREPARED FOR:

NCDOT  
PRIORITY PROJECTS UNIT  
1020 Birch Ridge Dr.  
Raleigh, NC 27610

**JIMMY TERRY, PE**  
*PROJECT ENGINEER*

**DAVID HAMRICK, EIT**  
*PROJECT DESIGN ENGINEER*

2018 STANDARD SPECIFICATIONS

---

**HYDRAULICS ENGINEER**

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

**ROADWAY DESIGN  
ENGINEER**

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



**RIGHT OF WAY DATE:**  
DEC. 21, 2021

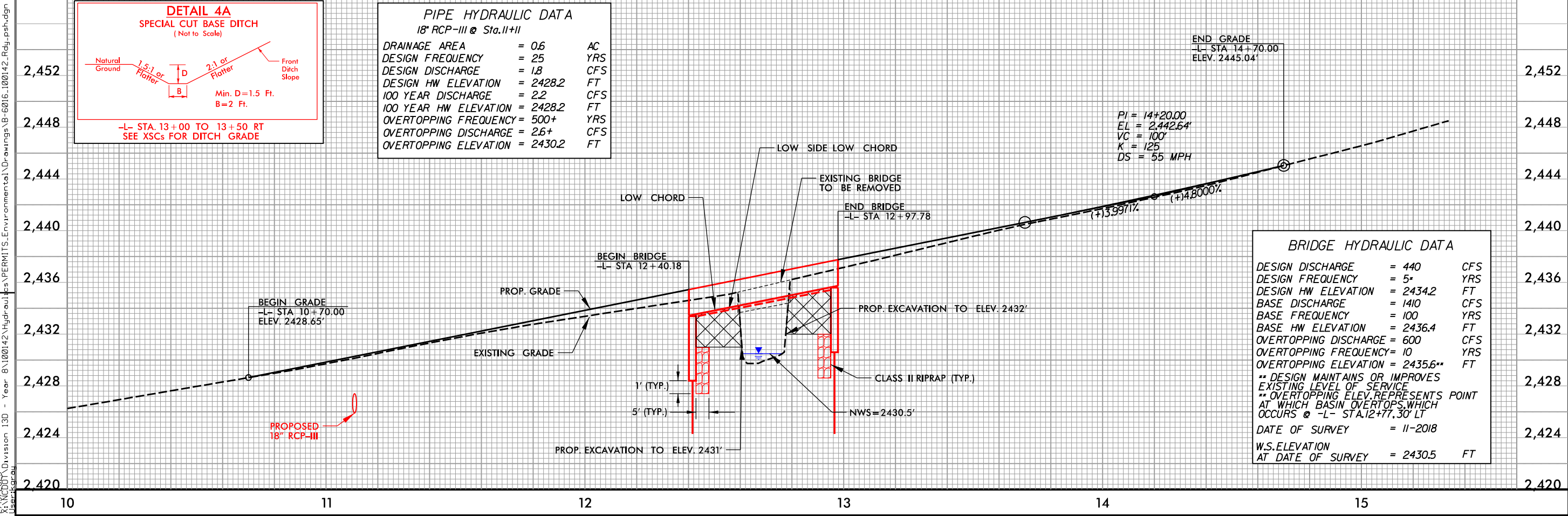
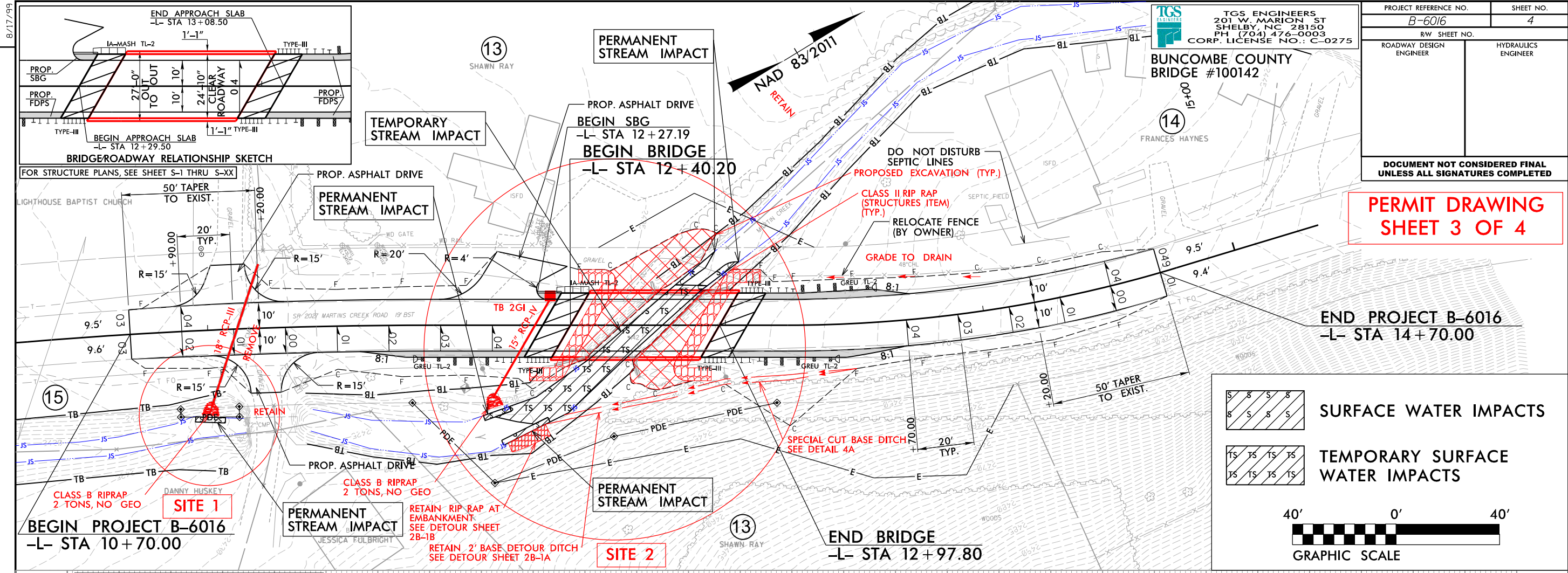
**LETTING DATE:**  
DEC. 21, 2021



8/17/99

2/13/2023 X:\NCOR\Division 130 - Year 8\100142\Hydraulics\PERMITS\Drawings\B-6016\_100142\_Rdy.psh.dgn User: greg

REVISIONS



## 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	-L- 10+93 to 11+06 RT	Bank Stabilization						< 0.01		12		
2	-L- 12+06 to 12+35 RT	Bank Stabilization						< 0.01		23		
2**	-L- 12+11 to 12+93 LT & RT	Temp Dewatering / Temp Access Fill							0.02		87	
2	-L- 12+81 to 13+05 LT	Bank Stabilization						< 0.01		20		
TOTALS*:								< 0.01	0.02	55	87	0

\*Rounded totals are sum of actual impacts

NOTES:

\*\*Temporary impacts for a temporary pipe detour to maintain traffic, which substantially reduces impacts relative to the alternative construction method of staged construction.

NC DEPARTMENT OF TRANSPORTATION

## DIVISION OF HIGHWAYS

2/13/2023

# Buncombe County

B-6016

WBS # 48209.3.1

SHEET

4

O1

O1

4