

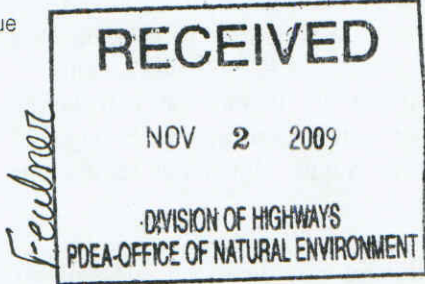


North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary



October 26, 2009  
Ashe County  
NCDWQ Project No. 20090367, v.2  
Hwy 221 Bridge Replacement  
TIP No. B-1037

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

Dr. Greg Thorpe, P.E.,  
NCDOT PDEA-NEU  
1598 Mail Service Center  
Raleigh, NC 27699-1598

Dear Dr. Thorpe:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of replacing bridge no. 39 over South Fork of the New River on US 221 in Ashe County, Federal Aid Project: BRSTP-0221(20).

**Stream Impacts in the New River Basin**

Site No.	Stream name	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)
1	UT1 to South Fork of New River	185	21	206	185
2	UT1 to South Fork of New River	0	32	32	0
2	South Fork of New River	0	120	120	0
2	UT 2 to South Fork of New River	0	67	67	0
3	UT2 to South Fork of New River	0	24	24	0
<b>Total</b>	<b>NA</b>	<b>185</b>	<b>264</b>	<b>449</b>	<b>185</b>

**Total Stream Impacts for Project: 449 linear feet.**



The project shall be constructed in accordance with your application dated March 30, 2009 and received by the Division of Water Quality April 6, 2009. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3701 and 3688. This certification corresponds to the Nationwide Permits 23 and 33, respectively. 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.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWQ 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 streams (now or in the future) exceed 150 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 attached certification.

**Condition(s) of Certification:**

1. The permittee shall use /Design Standards in Sensitive Watersheds/[15A NCAC 4B.0124(a)-(e)] in areas draining to ORW waters. However, due to the size of the project, NC DOT shall not be required to meet 15A NCAC 4B .0124(a) regarding the maximum amount of uncovered acres.
2. A specified appropriate mix of herbaceous vegetation shall be planted on all bare soil as soon as possible following the completion of permanent or temporary ground disturbing activities to provide long-term erosion control. Supplemental seeding may be needed to assure a satisfactory vegetative establishment. Tall fescue shall not be used in establishment of temporary or permanent groundcover within riparian areas\*. For the establishment of permanent herbaceous cover, erosion control matting shall be used in conjunction with appropriate seeding on disturbed soils within the riparian area and on disturbed steep slopes with the following exception: Erosion control matting is not necessary if the area is contained by perimeter erosion control devices, such as silt fence, temporary sediment ditches, basins, etc. Matting should be secured in place with staples, stakes, or, wherever possible, live stakes of native trees. Erosion control matting placed in riparian buffer areas shall not contain a nylon mesh grid, which can impinge and entrap small animals. For the establishment of temporary groundcover within riparian areas, hydro seeding, along with wood or cellulose based hydro mulch applied from a fertilizer and limestone free tank, is allowable at the appropriate rate in conjunction with the erosion control measures. Discharging hydro seed mixtures and wood or cellulose mulch into surface waters is prohibited.

\*Riparian areas are defined as a distance 25 feet landward from top of stream bank.

3. 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.
4. Compensatory mitigation for 185 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated February 24, 2009 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation

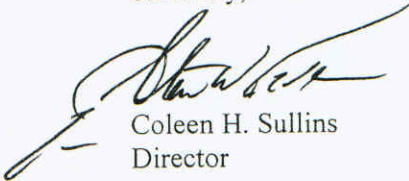


- requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.
5. Bridge deck drains should not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of Stormwater Best Management Practices.
  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.
  7. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the 401 Water Quality Certification.
  8. 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 NCDWQ first.
  9. All pile driving or drilling activities shall be enclosed in turbidity curtains to the maximum extent practicable.
  10. The post-construction removal of any temporary bridge or pipe structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species.
  11. For projects impacting waters classified by the NC Environmental Management Commission as Trout (Tr), High Quality Waters (HQW), or Water Supply I or II (WSI, WSII) stormwater shall be directed to vegetated buffer areas, grass-lined ditches or other means appropriate to the site for the purpose of pre-treating storm water runoff prior to discharging directly into streams. Mowing of existing vegetated buffers is strongly discouraged.
  12. NCDOT shall design, construct, and operate and maintain hazardous spill catch basins (HSCBs) at stream crossing within the ORW watershed. The HSCBs shall be located as described in the plans dated 1-13-09 at approximate Station numbers 20+70 to 21+81.
  13. 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.
  14. 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.
  15. 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.
  16. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
  17. 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.

18. 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.
19. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
20. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
21. 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.
22. 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.
23. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
24. 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.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699. This certification and its conditions are final and binding unless you ask for a hearing. This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact Amy Euliss at (336)771-4959.

Sincerely,



Coleen H. Sullins  
Director

Cc: Monte Matthews, US Army Corps of Engineers, Raleigh Field Office  
Heath Slaughter, Division 11 Environmental Officer  
Beth Harmon, EEP  
Marla Chambers, NC Wildlife Resources Commission  
Troy Wilson, USFWS, Asheville Office  
Wetlands, 401 Transportation Unit  
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