



Pre-Construction Notification (PCN) Form

For Nationwide Permits and Regional General Permits
(along with corresponding Water Quality Certifications)

April 13, 2022 Ver 4.3

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

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

Below is a link to the online help file.

<https://edocs.deq.nc.gov/WaterResources/0/edoc/624704/PCN%20Help%20File%202018-1-30.pdf>

A. Processing Information

Pre-Filing Meeting Date Request was submitted on: *

6/3/2022

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

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

Henderson

Is this a NCDMS Project *

Yes No

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

Is this project a public transportation project? *

Yes No

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

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

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

Has this PCN previously been submitted? *

- Yes
- No

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

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

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

- Yes
- No

Nationwide Permit (NWP) Number: 27 - Restoration

NWP Numbers (for multiple NWPS):

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

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

check all that apply

- 401 Water Quality Certification - Regular
- Non-404 Jurisdictional General Permit
- Individual 401 Water Quality Certification
- 401 Water Quality Certification - Express
- Riparian Buffer Authorization

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

*

For the record only for DWR 401 Certification: Yes No

For the record only for Corps Permit: Yes No

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

- Yes
- No

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

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

Yes No

Acceptance Letter Attachment

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

FILE TYPE MUST BE PDF

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

Yes No

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

Yes No

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

B. Applicant Information

1a. Who is the Primary Contact? *

Jennings Environmental, PLLC - David Brown

1b. Primary Contact Email: *

david@jenningsenv.com

1c. Primary Contact Phone: *

(xxx)xxx-xxxx

(828)384-1890

1d. Who is applying for the permit? *

Owner

(Check all that apply)

Applicant (other than owner)

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

Yes No

2. Owner Information

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

Henderson County Habitat for Humanity, Inc

2b. Deed book and page no.:

2c. Contact Person:

(for Corporations)

Linda Saturno

2d. Address *

Street Address

1111 Keith Street

Address Line 2

City

Hendersonville

State / Province / Region

North Carolina

Postal / Zip Code

28792

Country

USA

2e. Telephone Number: *

(xxx)xxx-xxxx

(828)694-0340

2f. Fax Number:

(xxx)xxx-xxxx

2g. Email Address: *

lsaturno@habitat-hvl.org

3. Applicant Information (if different from owner)

3a. Name: *

David Brown

3b. Business Name:

(if applicable)

Jennings Environmental, PLLC

3c. Address *

Street Address

7 Samuel Ashe Drive

Address Line 2

City

Asheville

Postal / Zip Code

28805

State / Province / Region

North Carolina

Country

USA

3d. Telephone Number: *

(828)384-1890

(xxx)xxx-xxxx

3e. Fax Number:

(xxx)xxx-xxxx

3f. Email Address: *

david@jenningsenv.com

4. Agent/Consultant (if applicable)

4a. Name: *

David Brown

4b. Business Name:

(if applicable)

Jennings Environmental, PLLC

4c. Address *

Street Address

7 Samuel Ashe Drive

Address Line 2

City

Asheville

Postal / Zip Code

28805

State / Province / Region

North Carolina

Country

USA

4d. Telephone Number: *

(838)384-1890

(xxx)xxx-xxxx

4e. Fax Number:

(xxx)xxx-xxxx

4f. Email Address: *

david@jenningsenv.com

C. Project Information and Prior Project History

1. Project Information

1a. Name of project: *

Dodd Meadows - Bat Fork Restoration

1b. Subdivision name:

(if appropriate)

Dodd Meadows

1c. Nearest municipality / town: *

East Flat Rock

2. Project Identification

2a. Property Identification Number:

(tax PIN or parcel ID)

PINs 9587-26-6690 and
9587-26-7755**2b. Property size:**

(in acres)

15.09

2c. Project Address**Street Address**

East of Volunteer Way Drive

Address Line 2**City**

East Flat Rock

State / Province / Region

North Carolina

Postal / Zip Code

28726

Country

USA

2d. Site coordinates in decimal degrees

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

Latitude: *

35.28806

ex: 34.208504

Longitude: *

-82.40964

-77.796371

3. Surface Waters

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

Bat Fork and UTs Bat Fork

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

C

Surface Water Lookup

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

French Broad

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

06010105 - Upper French Broad

River Basin Lookup

4. Project Description and History

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

The property is developed residential and undeveloped wooded tracts. The land use in the vicinity of the property is residential, commercial, agricultural, and undeveloped forested tracts. The project site consists of an approximate 8-acre riparian corridor along Bat Fork from the bridge over Bat Fork on Old Spartanburg Road upstream for 1,800 lf. Bat Fork has been historically ditched. The existing stream banks at the project site are incised, eroding, and undercut. The drainage area at the project site is approximately 1.83 square miles. See attached existing conditions photographs and USGS stream stats report.

4b. Have Corps permits or DWR certifications been obtained for this project (including all prior phases) in the past? * Yes No Unknown**If yes, please give the DWR Certification number or the Corps Action ID (exp. SAW-0000-00000).**

SAW-2011-01147

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

0.076

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

(intermittent and perennial)

2,092

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

The objectives of the restoration activities is to stabilize the stream bank and bed, establish a native riparian buffer, construct flood benches, and to prevent additional soil loss to downstream surface waters. The proposed stream restoration project will restore 1,792 lf of Bat Fork, 247 lf of three UTs of Bat Fork, and 0.076 acres of adjoining wetlands. This will improve the natural ecology of the stream and buffer.

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

The streams and wetlands will be restored using natural channel and bank design techniques. The work will provide a more sustainable riparian ecosystem with natural buffers. Channel dimension, pattern, and profile will be constructed to a tolerable morphology and held in place with multiple in-stream and bank structures. The channel will be stabilized with constructed riffles, boulder and/or log steps, boulder and/or log vanes, and an adjacent floodplain area. A native herbaceous and woody buffer will be planted in the riparian area to promote long-term stability, soil strength, and water quality benefits. Mature native trees along the stream bank will be preserved, when feasible. Disturbed and restored areas of the stream buffer will be replanted using a combination of native riparian seed mix, live stakes, and/or bare root seedlings. Work will be completed using tracked excavators and dump trucks by a qualified stream restoration contractor. Equipment will be well maintained, cleaned prior to mobilization, and checked daily for leaks of petroleum products. Fueling operations shall be performed in an area away from all surface waters. See attached plan sheets for additional details.

5. Jurisdictional Determinations

5a. Have the wetlands or streams been delineated on the property or proposed impact areas? * Yes No Unknown**Comments:**

A field survey of the project area was conducted to locate streams and wetlands. The purpose of the survey was to make an effective analysis of the presence of waters and wetlands within the project area in order determine proposed impacts to these aquatic features. Jennings Environmental is not requesting the Corps make a jurisdiction determination of the aquatic features in the project area. See the attached stream and wetland map.

5b. If the Corps made a jurisdictional determination, what type of determination was made? * Preliminary Approved Not Verified Unknown N/A

Corps AID Number:

Example: SAW-2017-99999

SAW-2011-01147

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

Name (if known):

Agency/Consultant

Company:

Other:

5d. List the dates of the Corp jurisdiction determination or State determination if a determination was made by the Corps or DWR.

The Corps issued JDs associated with past residential development on PIN 9587-26-6690.

6. Future Project Plans**6a. Is this a phased project? *** Yes No

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

D. Proposed Impacts Inventory

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

- | | | |
|--|---|----------------------------------|
| <input checked="" type="checkbox"/> Wetlands | <input checked="" type="checkbox"/> Streams-tributaries | <input type="checkbox"/> Buffers |
| <input type="checkbox"/> Open Waters | <input type="checkbox"/> Pond Construction | |

2. Wetland Impacts

If there are wetland impacts proposed on the site, then complete this question for each wetland area impacted.

"W." will be used in the table below to represent the word "wetland".

2a. Site #* (?)	2a1 Reason* (?)	2b. Impact type* (?)	2c. Type of W.*	2d. W. name*	2e. Forested*	2f. Type of Jurisdiction* (?)	2g. Impact area*
W1	Grading	P	NON-NCWAM TYPES	W1	No	Corps	0.057 (acres)
W2	Grading	P	NON-NCWAM TYPES	W2	No	Corps	0.019 (acres)

2g. Total Temporary Wetland Impact

0.000

2g. Total Permanent Wetland Impact

0.076

2g. Total Wetland Impact

0.076

2i. Comments:

Wetlands W1 and W2 will be impacted in order to create floodplain benches. The final grades will allow Bat Fork to reconnect with its floodplain and will enhance wetland hydrology. The impacts will not result in a loss a waters.

3. Stream Impacts

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

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

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

S1	Stream Restoration	Permanent	Other	Bat Fork	Perennial	Corps	15 Average (feet)	1,792 (linear feet)
S2	Stream Restoration	Permanent	Other	UT1	Perennial	Corps	3 Average (feet)	99 (linear feet)
S3	Stream Restoration	Permanent	Other	UT2	Perennial	Corps	3 Average (feet)	47 (linear feet)
S4	Stream Restoration	Permanent	Other	UT3	Perennial	Corps	3 Average (feet)	101 (linear feet)

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

3i. Total jurisdictional ditch impact in square feet:

0

3i. Total permanent stream impacts:

2,039

3i. Total temporary stream impacts:

0

3i. Total stream and ditch impacts:

248

3j. Comments:

E. Impact Justification and Mitigation

1. Avoidance and Minimization

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

As this project is an aquatic restoration project, it is impossible to completely avoid impacts to waters. However, considerations were made to minimize disturbance to the extent necessary to provide appropriate functional uplift to aquatic resources.

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

Appropriately sized equipment will be utilized to minimize soil compaction and access grading. Scheduling and staging of equipment and materials will be timed to minimize time spent working in the active stream channel. Ground/soil disturbance will be minimized to the extent possible.

Most of the new channel will be built offline from the existing channel and will be stabilized before turning the water into the new channel sections. Work will be conducted in several sections of existing channel and will utilize a pump or pipe around system in order divert flows away from active work areas. Also, construction impacts will be minimized by limiting in-channel work to low-flow conditions and working from the stream banks where possible.

Graded stream banks will be stabilized by using a native seed mix, straw mulch, and biodegradable erosion control matting. Areas will be stabilized within 3 working days of bank grading completion. Following construction activities, the site will be planted with native riparian vegetation to establish a natural stream buffer. Erosion control matting that incorporates plastic mesh and/or plastic twine will not be used within stream channel(s) or along stream banks.

Any discharge associated with the proposed impacts would consist of suitable clean fill material (no trash, asphalt, etc.). The fill material would also be free of pollutants in toxic amounts. Proper sediment and erosion control devices would be installed prior to and during construction. Downstream turbidity levels will likely increase during construction, but would subside upon completion of in-stream work. An erosion and sediment control plan will be submitted to NC DEMLR for review and approval prior to construction.

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

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

Yes No

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

The project objective is to construct a more natural functioning stream reach to replace the degraded and unstable stream reach. The project will result in permanent impacts to waters, but these impacts will not result in a permanent loss of waters that require compensatory mitigation.

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

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

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

1. Diffuse Flow Plan

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

Yes No

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

If no, explain why:

The project is located in the French Broad Basin.

2. Stormwater Management Plan

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

Yes No

2b. Does this project meet the requirements for low density projects as defined in 15A NCAC 02H .1003(2)? *

Yes No

To look up low density requirement click here [15A NCAC 02H .1003\(2\)](#).

Comments:

Stream restoration project. No impervious area(s) are proposed as part of this project.

G. Supplementary Information

1. Environmental Documentation

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

Yes No

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

Yes No

Comments: *

Project is below thresholds for requiring an environmental document.

2. Violations (DWR Requirement)

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

Yes No

3. Cumulative Impacts (DWR Requirement)

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

Yes No

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

Project will not result in change in site or adjacent land uses.

4. Sewage Disposal (DWR Requirement)

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

Yes No N/A

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

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

Yes No

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

Yes No

5d. Is another Federal agency involved? *

Yes No Unknown

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

Yes No

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

Yes No

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

Yes No

Link to the NLEB SLOPES document: http://saw-reg.usace.army.mil/NLEB/1-30-17-signed_NLEB-SLOPES&apps.pdf

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

Yes No

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

Yes No

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

Jennings Environmental reviewed the latest versions of NC Natural Heritage Program data on element occurrences for listed species and USFWS online interactive mapping and species occurrence datasets (ipac, county species lists, etc.) to determine the likelihood for the presence of federally listed species and/or their critical in the project area.

No listed federally endangered/threatened species were located in/near project site and no suitable habitat exists based upon information submitted to date, except for northern long-eared bat (*Myotis septentrionalis*) and gray bat (*Myotis grisescens*). The project is not located near any known occurrences of hibernacula or maternity roost sites for these listed bat species. No tree clearing/cutting or structure demolition will be conducted in the project area between April 15 and September 31 to minimize potential impacts to maternity roost trees and structures for these federally listed bat species.

6. Essential Fish Habitat (Corps Requirement)

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

Yes No

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

NOAA EFH Mapper

7. Historic or Prehistoric Cultural Resources (Corps Requirement)

Link to the State Historic Preservation Office Historic Properties Map (does not include archaeological data:

<http://gis.ncdcr.gov/hpoweb/>

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

Yes

No

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

Jennings Environmental has reviewed NCDRCR maps and online data. There are no known historic resources identified in the project area.

8. Flood Zone Designation (Corps Requirement)

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

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

Yes

No

8b. If yes, explain how project meets FEMA requirements:

A no-rise certification has been submitted to Henderson County for review and approval.

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

NCFRIS

Miscellaneous

Comments

- Supporting Attachments:
- Agent Authorization Form
- Permit Design Drawings/Plans
- Existing Condition Photographs
- USGS StreamStats
- Soil Map
- Stream and Wetlands Map
- 401 Pre-filing Meeting Request
- Parcel Maps

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

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

401 Pre-filing Meeting Request.pdf	101.28KB
5007 BAT FORK DODD MEADOWS STREAM RESTORATION PE...	9.1MB
Bat Fork Stream and Wetland Map 2022-10-4 Final.pdf	1.37MB
Dodd Meadows - Bat Fork Restoration Soil Report.pdf	1.08MB
Dodd Meadows Bat Fork Tax Parcel Maps.pdf	5.63MB
Dodd Meadows-Bat Fork Restoration Agent Authorization.pdf	27.1KB
Dodd Meadows-Bat Fork Restoration Photos.pdf	1.8MB
StreamStats Dodd Meadows Bat Fork Creek.pdf	327.33KB

[File must be PDF or KMZ](#)

Signature

*

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

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

Full Name: *

David Brown

Signature *A handwritten signature in black ink that reads "DAVID BROWN". The letters are slightly slanted and connected, with a cursive-like style.**Date**

10/12/2022