

July 8, 2022

**Regulatory Division** 

Action ID: SAW-2009-01346

North Carolina Department of Transportation (NCDOT) Division 14 Attn: Ms. Wanda Austin 253 Webster Road Sylva, North Carolina 28779

Dear Ms. Austin:

Enclosed is a Department of the Army permit to the A-0009C project which involves improvements along US 129, NC 143, and NC 28 from Robbinsville to Stecoah in Graham County Specific impacts include the impact to 8,478 linear feet of streams, 1.14 acre of wetlands and 0.12 acres of open waters. The Corps is issuing this permit in response to your written request of December 15, 2021, and the ensuing administrative record.

Any deviation in the authorized work will likely require modification of this permit. If a change in the authorized work is necessary, you should promptly submit revised plans to the Corps showing the proposed changes. You may not undertake the proposed changes until the Corps notifies you that your permit has been modified.

Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant conditions require that:

a. You must complete construction before December 31, 2027.

b. You must notify this office in advance as to when you intend to commence and complete work.

c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

d. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined in the U.S. Army Corps of Engineers, Wilmington District, Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.

You should address all questions regarding this authorization to Crystal Amschler at the Asheville Regulatory Field Office, telephone (828) 271-7980 extension 4231.

FOR THE CHIEF, REGULATORY DIVISION

Monte Dave. 20-Matthew 11:09:08-04'00'

Date: 2022.07.08

Monte Matthews Lead Project Manager

Enclosures

Electronic or hard copy furnished as appropriate:

Project Development and Environmental Analysis Unit, Attn: Mr. Michael Turchy 1548 Mail Service Center Raleigh, NC 27699-1598

Mr. Todd Bowers Wetlands Protection Section – Region IV Water Management Division U.S. Environmental Protection Agency 61 Forsyth Street, SW Atlanta, Georgia 30303

Mr. Clarence Coleman FHWA – NC Division 310 New Bern Avenue, Suite 410 Raleigh, NC 27601

Ms. Amy S. Chapman **Transportation Permitting Unit** NC Division of Water Quality 1617 Mail Service Center Raleigh, NC 27699-1617

Mr. Dave McHenry NC Wildlife Resources Commission 20830 Great Smoky Mountains Expressway Waynesville, NC 28786

US Fish and Wildlife Service Asheville Ecological Services Field Office Attn: Ms. Holland Youngman 160 Zillicoa Street Asheville, NC 28801-1082

Ms. Renee Gledhill-Early Environmental Review Coordinator NC State Historic Preservation Office 4617 Mail Service Center Raleigh, NC 27699-4617

Cherokee Nation Ms. Elizabeth Toombs Secretary of Natural Resources Post Office Box 948 Tahleguah, OK 74465-0948

United Keetoowah Band of Cherokee Indians in Oklahoma Acee Watt PO Box 746 Tahleguah, OK 74465

Eastern Band of Cherokee Indians Mr. Stephen Yerka Post Office Box 455 Cherokee, North Carolina 28719

Eastern Band of Cherokee Indians (EBCI) Water Quality Office (WQO) P.O. Box 1925 Cherokee, NC 28719

Forest Service National Forests in North Carolina Ms. Allyson Conner Land Management Planner/NCDOT Liaison 160A Zillicoa Street Asheville, NC 28801

#### **DEPARTMENT OF THE ARMY PERMIT**

#### Permittee NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIVISION 14 ATTN: MS. WANDA AUSTIN

#### Permit No. **SAW-2009-01346, STIP A-0009C**

#### Issuing Office <u>CESAW-RG-A</u>

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The A0009C Project involves improvements along US 129, NC 143, and NC 28 from Robbinsville to Stecoah in Graham County, North Carolina. Specific impacts include the impact to 8,478 linear feet of streams, 1.14 acre of wetlands and 0.12 acres of open waters.

Project Location: The A0009C Project involves improvements along US 129, NC 143, and NC 28 from Robbinsville to Stecoah in Graham County, North Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on <u>December 31, 2027.</u> If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If conditioned water quality certifications have been issued for your project, you must comply with the conditions specified in the certifications as special conditions to this permit. For your convenience, copies of all certifications are attached if it contains such conditions.

ENG FORM 1721, Nov 86

EDITION OF SEP 82 IS OBSOLETE.

(33 CFR 325 (Appendix A))

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit,

Special Conditions:

# SEE ATTACHED SPECIAL CONDITIONS

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

ENG FORM 1721, Nov 86

EDITION OF SEP 82 IS OBSOLETE.

(33 CFR 325 (Appendix A))

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit, Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

DocuSigned by: Wanda Qustin

07/07/2022

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(PERMITTEE) NC DEPARTMENT OF TRANSPORTATION ATTN: MS. WANDA AUSTIN

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

FOR THE DISTRICT COMMANDER

FOR (DISTRICT COMMANDER) BENJAMIN A. BENNETT, COLONEL

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

3

(DATE)

(DATE)

(DATE)

#### NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: North Carolina Department of	File Number: SAW-2009-0134	6	Date: July 8, 2022			
Transportation (NCDOT)						
Attached is:		See Sect	ion below			
INITIAL PROFFERED PERMIT (Standard Permit or	Letter of permission)	А				
PROFFERED PERMIT (Standard Permit or Letter of	permission)	В				
PERMIT DENIAL		С				
APPROVED JURISDICTIONAL DETERMINATION	D					
PRELIMINARY JURISDICTIONAL DETERMINAT	TION		E			
		1 0 1				

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <u>http://www.usace.army.mil/inet/functions/cw/cecwo/reg</u> or

Corps regulations at 33 CFR Part 331.

#### A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

#### SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMA'	TION:
If you have questions regarding this decision and/or the	If you only have questions regarding the appeal process you may
appeal process you may contact:	also contact:
	Mr. Philip Shannin, Administrative Appeal Review Officer
District Engineer, Wilmington Regulatory Division,	CESAD-PDO
Attn: Ms. Crystal Amschler	U.S. Army Corps of Engineers, South Atlantic Division
USACE	60 Forsyth Street, Room 10M15
151 Patton Avenue, Room 208	Atlanta, Georgia 30303-8801
Asheville, NC 28801	Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

notice of any site investigation, and will have the opportunit	y to participate in an site investig	Sutions.
	Date:	Telephone number:
Signature of appellant or agent.		

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Ms. Crystal Amschler, 69 Darlington Avenue, Wilmington, North Carolina 28403

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Philip Shannin, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801 Phone: (404) 562-5137

1. **Work Limits:** All work authorized by this permit shall be performed in strict compliance with the attached permit plans dated 12/13/2021, which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the US Army Corps of Engineers prior to any active construction in waters or wetlands.

2. **Unauthorized Dredge or Fill:** Except as authorized by this permit or any U.S. Army Corps of Engineers approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, or shall any activities take place that cause the degradation of waters or wetlands. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and waste activities connected with this project. In addition, except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within, into, or out of waters or wetlands or to reduce the reach of waters or wetlands

3. **Permit Distribution:** The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit 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 permit. A copy of this permit, including all conditions, drawings and attachments shall be available at the project site during the construction and maintenance of this project.

4. **Pre-Construction Meeting:** The Permittee shall schedule and attend a preconstruction meeting between its representatives, the contractors' representatives, and the U.S. Army Corps of Engineers, Asheville Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all the terms and conditions contained with this Department of Army Permit. The Permittee shall provide the Corps, Asheville Field Office, NCDOT Project Manager, with a copy of the final permit plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction meeting for a time frame when the Corps, NCDCM, and NCDWQ Project Managers can attend. The Permittee shall invite the Corps, NCDCM, and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample

opportunity to schedule and participate in the required meeting. The thirty (30) day requirement can be waived with the concurrence of the Corps.

5. **Notification of Construction Commencement and Completion:** The Permittee shall notify the U.S. Army Corps of Engineers in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

**6. Reporting Address:** All reports, documentation, and correspondence required by the conditions of this permit shall be submitted to the following: U.S. Army Corps of Engineers, Wilmington District Asheville Regulatory Field Office, Attn: Crystal Amschler 151 Patton Avenue, Room 208 or Crystal.C.Amschler@usace.army.mil. The Permittee shall reference the following permit number, SAW-2009-01346, on all submittals.

7. **Permit Revocation:** The Permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.

8. **Reporting Violations:** Violation of these permit conditions or violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act shall be reported to the Corps in writing and by telephone at: 828-271-7980 ext. 4231 within 24 hours of the Permittee's discovery of the violation.

9. **Clean Fill:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, construction debris, metal and plastic products, and concrete block with exposed reinforcement bars. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source.

10. **Water Contamination:** All mechanized equipment shall be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the Permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-3300 or (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act shall be followed.

11. Maintain Flows and Circulation Patterns of Waters: Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters and/or wetlands.

12. **Endangered Species Act:** The Permittee shall implement all necessary measures to ensure the authorized activity does not kill, injure, capture, harass, or otherwise harm any federally-listed threatened or endangered species. While accomplishing the authorized work, if the Permittee discovers or observes an injured or dead threatened or endangered species, the U.S. Army Corps of Engineers, Wilmington District Asheville Regulatory Field Office, Attn: Crystal Amschler, 151 Patton Avenue, Room 208 or Crystal.C.Amschler@usace.army.mil will be immediately notified to initiate the required Federal coordination.

In order to avoid and minimize effects to Indiana bat (*Myotis sodalis*) NCDOT will comply with the following measures:

- NCDOT will only remove the trees required for this project during October 15 to April 15, avoiding impacts to potentially roosting bats.
- NCDOT will add no additional permanent lighting to the project area and will limit temporary lighting and night work to the single area needed for the wildlife passage/Appalachian Trail land bridge, to be completed over a few nights between November and March.
- NCDOT will perform the demolition of man-made structures only during the winter or after confirming the absence of roosting bats.
- Per the EBCI Office of Natural Resources, on any tract held in trust by the EBCI and where trees will be cut, evaluation for Indiana Bat, Northern Long Bat, and Small Whorled Pogonia presence and habitat shall be performed both pre- and post harvest.
- Per the EBCI Office of Natural Resources, on any tract held in trust by the EBCI NCDOT will only remove trees during October 15 to April 15, with minimal night-time lighting as needed to achieve the work. If work is not taking place, all lighting should be shut down.

# 13. Culverts:

1) Unless otherwise requested in the application and depicted on the approved permit plans, culverts greater than 48 inches in diameter shall be buried at least one foot below the bed of the stream or, if prior approval given, set at the current stream bed elevation. Culverts 48 inches in diameter and less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain existing channel slope. Culverts shall be designed and constructed in a manner that minimizes destabilization and head cutting.

2) Measures shall be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening shall be such as to pass the average historical low flow and spring flow without adversely

altering flow velocity. Spring flow should be determined from gauge data, if available. In the absence of such data, bankfull flow can be used as a comparable level.

3) The Permittee shall implement all reasonable and practicable measures to ensure that equipment, structures, fill pads, work, and operations associated with this project do not adversely affect upstream and/or downstream reaches. Adverse effects include, but are not limited to, channel instability, flooding, and/or stream bank erosion. The Permittee shall routinely monitor for these effects, cease all work when detected, take initial corrective measures to correct actively eroding areas, and notify this office immediately. Permanent corrective measures may require additional authorization by the U.S. Army Corps of Engineers.

4) Culverts placed within wetlands must be installed in a manner that does not restrict the flows and circulation patterns of waters of the United States. Culverts placed across wetland fills purely for the purposes of equalizing surface water shall not be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

### 14. Sediment and Erosion Control:

1) During the clearing phase of the project, heavy equipment shall not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of non-erodible materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

2) No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit. This includes, but is not limited to, sediment control fences and other barriers intended to catch sediment losses.

3) The Permittee shall remove all sediment and erosion control measures placed in waters and/or wetlands, and shall restore natural grades on those areas, prior to project completion.

4) The Permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to ensure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to ensure compliance with the appropriate turbidity water quality standards. This shall include, but is not limited to, the immediate installation of silt fencing or similar

appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project shall remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A, Article 4). Adequate sedimentation and erosion control measures shall be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures shall be inspected and maintained regularly, especially following rainfall events. All fill material shall be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

15. **Temporary Fills:** Within thirty (30) days of the date of completing the authorized work, the Permittee shall remove all temporary fills in waters of the United States and restore the affected areas to pre-construction contours and elevations. The affected areas shall be re-vegetated with native, non-invasive vegetation as necessary to minimize erosion and ensure site stability.

16. **Aquatic Life Movement:** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area. All discharges of dredged or fill material within waters of the United States shall be designed and constructed to maintain low flows to sustain the movement of aquatic species.

17. Borrow and Waste: To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent waters and wetlands, except as authorized by this permit, the Permittee shall require its contractors and/or agents to identify all areas to be used as borrow and/or waste sites associated with this project. The Permittee shall provide the U.S. Army Corps of Engineers with appropriate maps indicating the locations of proposed borrow and/or waste sites as soon as such information is available. The Permittee shall submit to the Corps site-specific information needed to ensure that borrow and/or waste sites comply with all applicable Federal requirements, to include compliance with the Endangered Species Act and the National Historic Preservation Act, such as surveys or correspondence with agencies (e.g., the USFWS, the NC-HPO, etc.). The required information shall also include the location of all aquatic features, if any, out to a distance of 400 feet beyond the nearest boundary of the site. The Permittee shall not approve any borrow and/or waste sites before receiving written confirmation from the Corps that the proposed site meets all Federal requirements, whether or not waters of the U.S., including wetlands, are located in the proposed borrow and/or waste site. All delineations of aquatic sites on borrow and/or waste sites shall be verified by the U.S. Army Corps of Engineers and shown on the approved reclamation plans. The Permittee shall ensure that all borrow and/or waste sites comply with Special Condition 2 of this permit. Additionally, the Permittee shall produce and maintain documentation of all borrow and waste sites associated with this project. This documentation will include data regarding soils, vegetation, hydrology, any delineation(s) of aquatic sites, and any jurisdictional determinations made by the Corps to clearly demonstrate compliance with Special

Condition 2. All information will be available to the U.S. Army Corps of Engineers upon request. The Permittee shall require its contractors to complete and execute reclamation plans for each borrow and/or waste site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the U.S. Army Corps of Engineers within 30 days of the completion of the reclamation work.

18. **Compensatory Mitigation:** In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit. NOTE: Two (2) separate Compensatory Mitigation Responsibility Transfer Forms are attached to this permit..

19. **Compliance Inspection:** A representative of the Corps of Engineers will periodically and randomly inspect the work for compliance with these conditions. Deviations from these procedures may result in an administrative financial penalty and/or directive to cease work until the problem is resolved to the satisfaction of the Corps.

20. **NCDWR and EBCI 401 Cert**: In accordance with 33 U.S.C. 1341(d), all conditions of the North Carolina Division of Water Resources 401 Water Quality Certification No. 3845 Dated February 22, 2022, are hereby incorporated as special conditions of this permit, as are the conditions of the EBCI 401 Water Quality Certification Grant With Special Conditions dated 10/25/2021 for portions of the project that cross Tribal land.

21. **Prohibitions on Concrete:** The permittee shall take measures to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with any water in or entering into waters of the United States. Water inside coffer dams or casings that has been in contact with concrete shall only be returned to waters of the United States when it no longer poses a threat to aquatic organisms (concrete is set and cured).

22. **Historic Properties Programmatic Agreement (PA):** The Permittee shall fully implement the Section 106 Programmatic Agreement (PA) between the North Carolina Department of Transportation, the Advisory County on Historic Preservation, North Carolina State Historic Preservation Officer, the US Forest Service, the Federal Highways administration, and the Eastern Band of Cherokee Indians that was executed in March of 2021. This PA is attached to the permit.

23. **Discovery of Previously Unknown Remains and Artifacts:** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required

coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

24. **Trout:** Per the NC Wildlife Resources Commission's letter dated February 4, 2022, and the EBCI letter, as well as a follow up email from the EBCI dated 12/14/2021, NCDOT is prohibited from doing any in-stream work and land disturbance within the 25-foot trout buffer from January 1 to April 15 to protect the egg and fry stages of Rainbow Trout. Additionally, Design Standards in Sensitive Watersheds shall be implemented with this project.

25. **WRC and EBCI other recommended environmental conditions:** The following condition(s) received from the Eastern Band of Cherokee Indians, are hereby incorporated as special conditions of this permit:

- The pristine wetland referenced in EBCIs letter and Sweetwater Creek will be avoided.
- The logging road at Bowman Lane should not be accessed by equipment at any time, following the EBCI 401 special condition
- Applicable measures from the current NCDOT Erosion and Sediment Control Design and Construction Manual should be adhered to. Tall fescue and straw mulch must not be used in riparian areas (Note, there also is prescriptive seeding that may prohibit tall fescue or sericea lespedeza on USFS property in the special use authorization). Matting needed 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 and securely anchored with wooden stakes according to NCDOT specifications.
- Herbaceous vegetation should be planted on all bare soil within 15 days of ground disturbing activities to provide long term erosion control.
- Disturbed soils in steep slopes and riparian areas should be stabilized with heavy fiber matting in addition to seeding. Matting should be secured in place with staples, stakes, or wherever possible, live stakes of native trees. Discharging hydro-seed mixtures and washing out hydro-seeders and other equipment in or adjacent to surface waters is prohibited.
- Heavy equipment should be utilized from the stream bank and not in the channel whenever feasible. All mechanized equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Uncured concrete must not contact the stream because this can kill fish.
- All work within the stream should be completed in the dry with the use of temporary diversion structures. Materials used for flow diversions should be removed from the stream bed after completing the construction work.
- Native material or rip rap backfill (whichever is specified by plans/details) should be compacted in streams to the appropriate elevation immediately downstream of culvert replacements and extensions to help prevent outlet scour.

- Riprap placed for bank stabilization should be limited to the stream bank below the high-water mark and vegetation should be used above. Rip rap should not be placed in the stream channel in a manner that obstructs aquatic life passage.
- Rip rap specified in plans should be embedded into (aka "keyed-in") the soil of channel relocations wherever possible to expedite/promote surface flow and aquatic organism passage. Native streambed materials should be used as topdressing on culvert inlet/outlet benches where embedment is not possible. High flow barrels that are backfilled with rip rap should be similarly treated to promote wildlife passage.
- Removal of vegetation in riparian areas and wetlands should be minimized. Banks on stream relocations and abandoned roadways need to be reforested. This minimally should include impact site 23 in Section A and impact sites 11, 17, and 19 in Section C.

Highway – – Stormwate				No	orth Carolina Highwa STORMW	a Departme ay Stormw ATER MAN	ent of Transportatio ater Program IAGEMENT PLAN	n					
WRS Floment:	gust 2021) 22572 1 13	TIP/Proi No:	A-0009CA	2	F Co	Untv(ies)	Graham				Page	1	of 6
WBS Liement.	2372.1.13	TIF/FIOJ NO.	A-000307	<u>۲</u>	0.0	unty(ies).	Granan				Fage		0 0
					Genera	al Project	nformation					1_	
WBS Element:		32572.1.13		TIP Num	ber: A-0	009CA		Project	t Type:	Roadway Widening		Date:	11/1/2021
NCDOT Contact:		Josh Deyton, PE					Contractor / Desig	ner:	TGS Eng	ineers / Ben Henegar, F	ЪЕ		
	Address:	253 Webster Rd						Address:	706 Hills	borough St Suite 200			
		Sylva, NC 28779							Raleigh,	NC 27603			
	Phone:	828-586-2141						Phone:	919-773-	8887 Ext. 123			
	Email:	ibdevton@ncdot.o	νοι					Email:	bhenega	@tasenaineers.com			
City/Town:	-		Boł	bbinsville NC			County(ies):	Grah	nam				
Biver Basin(s)		l ittla Tar	nnaesaa				CAMA County?	N	0				
Wotlande within Proje	oct Limite?	Yes	111003000				CAMA County:	, IN	0				
wettands within Froje	Ct Linits:	100			D								
<b>.</b>		0.751			Pr	OJECT DESC	Forested Agricultu	ro Durol Dooir	dential				
Project Length (lin. m	iles or feet):	3.751	Miles	Surro	unding Land	Use:	Forested, Agricultu		Jential				
				Proposed	d Project					Existing S	Site		
Project Built-Upon Ar	ea (ac.)		27.8		ac.				15.2	ac.			
Typical Cross Section	Description:	1.) Three 12.0' pa	aved lanes, 2	2.5' curb and gu	tter, 5.0' side	walks (LT &	& RT) - 0.3 Miles	1.) Three 12.	.0' paved l	anes, 2.5' curb and gutte	er, 5.0' sid	lwalk (LT) -	0.3 Miles
		2.) Three 12.0' pa	aved lanes, 1	10.0' shoulders (	(8.0' paved / 3	2.0' grasse	d), grassed side	2.) Two 12.0	paved lar	es, 8.0' grassed should	ers, grass	ed side slop	bes ranging from
		slopes ranging fro	om 4:1 to 2:1	- 3.45 Miles				4:1 to 2:1 - 3.	45 Miles				
Annual Avg Daily Trat	fic (veh/hr/day):	Design/Future	e:	8800		Year	2045	Existing:		6300		Yea	ar: 2019
General Project	t Narrative:	STIP project A-00	09C is part of	of Corridor K of	the Appalach	nian Develo	pment Highway Syst	tem (ADHS) ar	nd improve	es the existing alignment	ts of US 1	29, NC 143	, and NC 28
(Description of Minin	nization of Water	between US 129 south of Robbinsville and the existing four-lane section of NC 28 in Stecoah in Graham County, NC. The project improves roadway shoulde										y shoulders	and adding
Quality Im	pacts)	passing / climbing lanes for the length of the project. A-0009C is broken into three projects (A-0009CA, A-0009CB, & A-0009CC).											
		A-0009CA include <u>Project minimum I</u> >2:1 fill slopes. >1.5:1 cut slopes >Expressway gutt >Alignment shifts Maximizing shou >Providing adequ. >Stabilizing emba >Providing adequ. Utilizing natural f >Retaining and ex Dry detention basi	es US 129 ar measures in where possi- ter and shoul to avoid relo and either si ulder section ate ground c ankments and ate energy d features and ktending exis ins are prope	nd NC 143 in Ro iclude: ible. Ider berm gutter ocations and avo symmetrical or as by the second second cover. d drainage ditch dissipation. d drainage pathw sting culverts wh iosed to the max	obbinsville an oid / minimize isymmetrical n nes. vays - Existin nere practicat kimum extent	d extends f	o SR 1223 (Beech C width. etland, and historic r fit a best-fit alignme pathways were utiliz ize in-stream work. adjacent to Tulula C	Creek Rd) alon esource impac ant to avoid / m and to the maxi	g NC 143. :ts. inimize im mum exter e Town of	pacts and reduce earthv nt practicable. Robbinsville.	vork.		

Highway			North Carolina Departm	ent of Transportatio	n						
Stormwater			Highway Stormw	vater Program							
(Version 3.00: Beleased August 2021)									Ornabie		
WBS Element: 32572.1.13	TIP/Proi No.:	A-0009CA	County(ies):	Graham			Page	2	of 6		
			General Project	Information							
			Waterbody Int	formation							
Surface Water Body (1):		Tulula	Creek	NCDWR Stream In	dex No.:		2-190-2-(0.5)				
			Primary Classification:	Water Supply I	II (WS-III)						
NCDWR Surface water Classification to	or water Body		Supplemental Classification:	Trout Water	rs (Tr)						
Other Stream Classification:											
Impairments:	No	ne									
Aquatic T&E Species?	No	Comments				-		-			
NRTR Stream ID:	Talula Creek, SE				1	Buffer Rules in Effect:			N/A		
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	uffer?	N/A	Dissipator Pads Provided	in Buffer?				
Deck Drains Discharge Over Water Bod	y?	N/A	(If yes, provide justification in	the General Project	Narrative)	(If yes, describe in the G	eneral Project N	larrative; if	no, justify in the		
(If yes, provide justification in the	General Project N	arrative)									
			<u> </u>		. N.						
Surface water Body (2):		I ulula	A Creek NCDWR Stream Index No.:				2-190-2-(14)				
NCDWR Surface Water Classification fo	r Water Body		Primary Classification:	Water Supply III (WS-III)					_		
			Supplemental Classification:	I rout water	rs (Tr)	Gritical Area (GA)			_		
Other Stream Classification:											
Impairments:	No	ne									
Aquatic T&E Species?	No	Comments									
NRTR Stream ID:	Talula Creek	1	-		1	Buffer Rules in Effect:			N/A		
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	uffer?	N/A	Dissipator Pads Provided	in Buffer?		N/A		
Deck Drains Discharge Over Water Bod	<u>y?</u>	N/A	(If yes, provide justification in	the General Project	Narrative)	(If yes, describe in the G	eneral Project Na	arrative; if	no, justity in the		
(If yes, provide justification in the	General Project N	arrative)				den		Tative)			
Surface Water Pady (2)		Sweetwa	tor Crock	NCDW/P Stream In	day No.		2 100 2 (0 5)				
Surface water Body (3).		Sweetwa	Brimary Classification:	Water Supply I			2-190-3-(0.5)				
NCDWR Surface Water Classification fo	or Water Body		Supplemental Classification:	Trout Water	re (Tr)				-		
			Supplemental classification.		3(11)				-		
Other Stream Classification:	No	ne									
Impairments:	No	ne									
Aquatic T&E Species?	No	Comments									
NRTR Stream ID:	Sweetwater Cree	k, SG, SI, SJ, SK	(, SO, SM, SN, SR. SS. ST. SU. S	SV, SW, SX		Buffer Rules in Effect:			N/A		
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	uffer?	N/A	Dissipator Pads Provided in Buffer?					
Deck Drains Discharge Over Water Bod	y?	N/A	(If yes, provide justification in	(If yes, describe in the General Project Narrative; if no, justify in the							
(If yes, provide justification in the	General Project N	arrative)				Gen	eral Project Na	rative)			

Highway – – Stormwate	CCT REM			North Carolina Departm Highway Stormw STORMWATER MAN	ent of Transportatio ater Program	n				
(Version 3.00; Released A	August 2021)			FOR NCDOT	PROJECTS					
WBS Element:	32572.1.13	TIP No.:	A-0009CA	County(ies):	Graham			Page	3	of 6
				Additional Waterbo	dy Information					
Surface Water Body	(4).		Slav Bac	on Branch	NCDWR Stream In	dex No ·		2-190-3-7		
Surface Water Douy	(*)•		Oldy Dao	Primary Classification:	Water Supply			210007		1
NCDWR Surface Wat	ter Classification fo	r Water Body		Supplemental Classification:	None					
Other Streem Cleasif	fication	Ne								
Impairmente:	incation.	No								
Aquatio T&E Species	e.2	No	Commonte					<u> </u>		
NRTR Stream ID:	5.	Slav Bacon Branc	h				Buffer Bules in Effect:	I		N/A
Project Includes Brid	dae Snanning Water	Body2	No	Deck Drains Discharge Over B	uffor?	NI/A	Dissipator Pade Provided i	in Buffer?		
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(If yes provid	de justification in the	<b>y :</b> General Project Na	arrative)	(, <b></b> , <b>.</b>			Gene	eral Project Narr	ative)	-, ,
(11 )00, provid			andavoj					-		
Surface Water Body	(5)		Pignen	Branch	NCDWR Stream In	dex No ·	1	2-190-3-5-1		
oundee water body	(0).		rigpen	Primary Classification:	Water Supply	II (WS-III)		2 100 0 0 1		
NCDWR Surface Wat	ter Classification fo	r Water Body		Supplemental Classification:	None					
				oupplemental olussification.	None	•				
Other Stream Classif	fication	No	ופ							
Impairments:		No	10 10							
Aquatic T&F Species	e?	No	Comments							
NRTR Stream ID:	5.	Pigpen Branch	Commenta				Buffer Bules in Effect:			N/A
Project Includes Brid	dae Snanning Water	Body2	No	Deck Drains Discharge Over Bu	uffer?	N/A	Dissinator Pads Provided i	in Ruffer?		
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Surface Water Body ( NCDWR Surface Water Other Stream Classif Impairments: Aquatic T&E Species NRTR Stream ID: Project Includes Brid Deck Drains Discharg (If yes, provid Surface Water Body ( NCDWR Surface Water Other Stream Classif Impairments: Aquatic T&E Species NRTR Stream ID: Project Includes Brid	(6): ter Classification fo ification: s? dge Spanning Water rge Over Water Bod de justification in the ( (7): ter Classification fo ification: s? dge Spanning Water	r Water Body r Water Body r Water Body r Nor Nor Harwood Branch r Body? y? General Project Na r Water Body r Water Body r Water Corek r Nor Beech Creek r Body?	Internative) Harwoon Harwoon Harwoon Harwoon NC N/A Arrative) Beech ne Comments: No N/A	Branch Primary Classification: Supplemental Classification: Deck Drains Discharge Over Bu (If yes, provide justification in Creek Primary Classification: Supplemental Classification: Deck Drains Discharge Over Bu	NCDWR Stream Ir Water Supply None Infer? the General Project NCDWR Stream Ir Water Supply None	Idex No.: II (WS-III) N/A Narrative) Idex No.: II (WS-III) N/A	Buffer Rules in Effect: Dissipator Pads Provided (If yes, describe in the Ge Gene Buffer Rules in Effect: Dissipator Pads Provided	2-190-3-5 in Buffer? eneral Project Narr 2-190-3-3 2-190-3-3 in Buffer?	ative)	N/A N/A N/A D, justify in the
Surface Water Body ( NCDWR Surface Water Other Stream Classif Impairments: Aquatic T&E Species NRTR Stream ID: Project Includes Brid Deck Drains Discharg (If yes, provid Surface Water Body ( NCDWR Surface Water Other Stream Classif Impairments: Aquatic T&E Species NRTR Stream ID: Project Includes Brid Deck Drains Discharg	(6): ter Classification fo ification: s? dge Spanning Water rge Over Water Bod de justification in the ( (7): ter Classification fo ification: s? dge Spanning Water ge Over Water Bod	r Water Body  r Water Body  r Water Body  No  No  Harwood Branch  r Body?  y?  General Project Na  r Water Body  r Water Body  r Water Coek  r Body?  y?	Internative) Harwoon Harwoon Harwoon Harwoon NC N/A Arrative) Beech Pe Comments: No N/A	Branch      Primary Classification:      Supplemental Classification:      Deck Drains Discharge Over Bu     (If yes, provide justification in      Creek      Primary Classification:      Supplemental Classification:      Deck Drains Discharge Over Bu     (If yes, provide justification in	NCDWR Stream Ir Water Supply None Infer? the General Project NCDWR Stream Ir Water Supply None Infer? the General Project	Il (WS-III)	Buffer Rules in Effect: Dissipator Pads Provided (If yes, describe in the Ge Gene Buffer Rules in Effect: Dissipator Pads Provided (If yes, describe in the Ge	2-190-3-5 in Buffer? eneral Project Narr 2-190-3-3 in Buffer? in Buffer? eneral Project Narr	ative) arrative; if no ative) arrative; if no	N/A N/A N/A N/A N/A N/A N/A N/A N/A

(Version	North Carolina Department of Transportation       Highway Stormwater Program         STORMWATER MANAGEMENT PLAN       STORMWATER MANAGEMENT PLAN         Version 3.00; Released August 2021)       FOR NCDOT PROJECTS																		
				W	BS Element:	: 32572.1.13	TIP/Proj No.:	A-0009CA		County(ies):	Graham					Page	4	of	6
		Swale																	
Sheet			Location			Surface Water	Base Width	Front Slope	Back Slope	Drainage Area	Recommended Treatm't Length	Actual Length	Longitudinal Slope	Q2	V2	Q10	V10	Rock Checks	BMP Associated w/
No.	Line	Station	(LT,RT,CL)	Latitude	Longitude	Body	(ft)	(H:1)	(H:1)	(ac)	(ft)	(ft)	(%)	(cfs)	(fps)	(cfs)	(fps)	Used	<b>Buffer Rules?</b>
*5	L	13+50	RT	35.32448	-83.801377	(2)Tulula Creek	0.0	2.0	8.0	2.3	230	250	1.00%	8.4	1.9	11.1	2.1	No	No
6	L	20+05	RT	35.325256	-83.799471	(2)Tulula Creek	0.0	4.0	4.0	0.7	66	195	2.00%	1.3	1.7	1.7	1.8	No	No
6	L	22+00	RT	35.325367	-83.798856	(2)Tulula Creek	0.0	4.0	4.0	0.2	23	200	2.00%	0.5	1.3	0.7	1.4	No	No
6	L	24+00	RT	35.32535	-83.798205	(2)Tulula Creek	0.0	4.0	4.0	0.4	39	200	2.35%	0.9	1.6	1.2	1.7	No	No
*6	L	27+20	LT	35.325326	-83.797108	(2)Tulula Creek	0.0	4.0	2.0	0.9	87	180	1.22%	2.4	1.7	3.2	1.9	No	No
*6	L	27+50	RT	35.325114	-83.797092	(2)Tulula Creek	0.0	4.0	2.0	0.4	40	200	1.09%	1.0	1.3	1.4	1.4	No	No
*7**	L	31+50	RI	35.324785	-83.795813	(3)Sweetwater Creek	0.0	4.0	2.0	1.3	130	100	0.57%	2.6	1.3	3.4	1.4	No	No
7/0		34+10	RI	35.324569	-83.794977	(3)Sweetwater Creek	0.0	4.0	2.0	2.6	260	140	0.59%	3.6	1.4	4.8	1.0	INO NIS	NO No
//8		44+40		35.323713	-83.791691	(3)Sweetwater Creek	0.0	4.0	4.0	0.8	76	140	2.29%	1.2	1./	1.0 5.1	1.9	NO No	No
0 8**		40+70	11	35 323602	-83 790276	(3)Sweetwater Creek	0.0	4.0	4.0	4.0	480	190	1.52%	4.3	2.0	5.7	2.1	No	No
*8**		40+30 51+30		35 323362	-83 789401	(3)Sweetwater Creek	0.0	4.0	4.0	4.5	180	70	0.43%	29	1.2	3.8	1.3	No	No
*11		83+00	11	35 325405	-83 779683	(3)Sweetwater Creek	0.0	4.0	2.0	0.4	39	250	0.40%	11	11	1.4	1.0	No	No
*11	Ē	87+50	LT	35.325285	-83,778144	(3)Sweetwater Creek	0.0	4.0	2.0	0.8	83	200	0.81%	1.9	1.4	2.5	1.5	No	No
*10/11	L	81+50	BT	35.325214	-83,780168	(3)Sweetwater Creek	0.0	4.0	2.0	0.9	86	350	2.31%	1.7	2.0	2.3	2.2	No	No
*12	L	103+50	LT	35.326326	-83.773467	(3)Sweetwater Creek	0.0	4.0	2.0	0.2	20	50	4.00%	0.6	1.9	0.7	2.0	No	No
*12	L	105+50	LT	35.326801	-83.773135	(3)Sweetwater Creek	0.0	4.0	2.0	0.3	26	100	3.66%	0.7	1.9	0.9	2.0	No	No
*12	L	107+00	LT	35.327158	-83.772884	(3)Sweetwater Creek	0.0	4.0	2.0	0.4	37	150	2.58%	1.0	1.8	1.3	1.9	No	No
*12	L	108+00	LT	35.327418	-83.772714	(4)Slay Bacon Branch	0.0	4.0	2.0	0.4	40	100	1.73%	0.8	1.5	1.1	1.6	No	No
*12/13	L	109+00	LT	35.327648	-83.772556	(4)Slay Bacon Branch	2.0	4.0	2.0	1.1	113	150	1.78%	3.0	2.0	4.0	2.2	No	No
*13	L	120+20	LT	35.330022	-83.770150	(3)Sweetwater Creek	0.0	4.0	2.0	0.4	39	330	1.60%	0.7	1.4	0.9	1.5	No	No
*13	L	120+50	RT	35.32988	-83.769960	(3)Sweetwater Creek	0.0	4.0	2.0	1.5	150	300	1.79%	2.4	2.0	3.2	2.1	No	No
*13/14	L	127+50	RT	35.330506	-83.767746	(3)Sweetwater Creek	0.0	4.0	2.0	4.0	400	400	0.51%	4.8	1.5	6.4	1.6	No	No
*14	L	127+00	LT	35.330669	-83.768006	(3)Sweetwater Creek	0.0	4.0	2.0	0.1	11	100	0.68%	0.3	0.8	0.4	0.9	No	No
*14	L	128+00	LT	35.330793	-83.767699	(3)Sweetwater Creek	0.0	4.0	2.0	0.1	11	100	0.77%	0.3	0.9	0.4	0.9	No	No
*14	L	129+50		35.330936	-83./6/227	(3)Sweetwater Creek	0.0	4.0	2.0	0.1	12	120	1.03%	0.3	1.0	0.4	1.1	No	No
*14		132+00		35.331157	-83.766432	(3)Sweetwater Creek	0.0	4.0	2.0	0.1	13	150	2.72%	0.4	1.4	0.5	1.6	INO No	NO
*15		142,50		35.330883	-03./00005	(3)Sweetwater Creek	0.0	4.0	2.0	0.4	41	200	2.71%	0.8	1.8	0.2	1.9	No	No
*15		145+50		25 222227	-03.702742	(6) Harwood Branch	0.0	4.0	2.0	0.1	50	200	0.65%	0.2	1.0	0.3	1.1	No	No
*15**		150+50	BT	35 332764	-83 760540	(3)Sweetwater Creek	2.0	4.0	2.0	29	290	150	0.65%	4.9	1.0	6.5	1.1	No	No
*16		152+00	BT	35 332916	-83 760071	(3)Sweetwater Creek	0.0	4.0	2.0	0.2	18	100	0.00%	0.5	0.9	0.5	1.7	No	No
*16	L	153+00	BT	35.333017	-83,759760	(3)Sweetwater Creek	0.0	4.0	2.0	0.5	47	230	0.61%	1.3	1.1	1.7	1.2	No	No
*16	L	155+30	BT	35.333248	-83,759042	(3)Sweetwater Creek	0.0	4.0	2.0	0.4	36	170	0.71%	1.0	1.1	1.3	1.2	No	No
*16	L	158+00	RT	35.333528	-83.758205	(3)Sweetwater Creek	0.0	4.0	2.0	0.5	50	200	1.32%	0.6	1.3	0.8	1.3	No	No
*16	L	160+50	RT	35.333777	-83.757430	(3)Sweetwater Creek	0.0	4.0	2.0	0.7	70	100	1.48%	0.8	1.4	1.1	1.5	No	No
16	L	162+85	RT	35.334049	-83.756688	(3)Sweetwater Creek	0.0	3.0	6.0	0.4	35	100	1.10%	0.4	1.0	0.6	1.1	No	No
*16	L	163+50	RT	35.334153	-83.756511	(3)Sweetwater Creek	0.0	4.0	2.0	1.5	146	200	2.39%	1.8	2.0	2.3	2.2	No	No
										A	Additional Commen	nts							

Where slope (and drainage area/discharge) vary, maximum applicable velocity is entered. \*Side slopes average together to meet the minimum recommended 3:1 side slope for purposes of swale criteria. \*\*Provided length exceeds the recommended length for the portion of the contributing drainage area within NCDOT right of way.

(Versior	North Carolina Department of Transportation          Ighway       North Carolina Department of Transportation         Ighway       Highway Stormwater Program         Stormwater       Stormwater Program         stor 3.00; Released August 2021)       FOR NCDOT PROJECTS																		
			WBS Element:         32572.1.13         TIP No.: A-0009CA         County(ies):         Graham         Page         5         of												6				
											Swales								
Sheet No.	Line	Station	Location (LT,RT,CL)	Latitude	Longitude	Surface Water Body	Base Width (ft)	Front Slope (H:1)	Back Slope (H:1)	Drainage Area (ac)	Recommended Treatm't Length (ft)	Actual Length (ft)	Longitudinal Slope (%)	Q2 (cfs)	V2 (fps)	Q10 (cfs)	V10 (fps)	Rock Checks Used	BMP Associated w/ Buffer Rules?
*17	L	171+40	RT	35.335685	-83.754553	(3)Sweetwater Creek	0.0	4.0	2.0	1.6	160	220	0.86%	1.9	1.4	2.5	1.5	No	No
18**	L	181+05	RT	35.337919	-83.752797	(3)Sweetwater Creek	0.0	4.0	4.0	3.7	370	155	1.29%	4.4	1.9	5.9	2.1	No	No
18	L	183+15	RI	35.338415	-83.752436	(3)Sweetwater Creek	0.0	4.0	4.0	2.2	220	285	1.79%	2.6	1.9	3.5	2.1	No	No
*10	L	194+50	RI	35.340369	-83.749737	(3)Sweetwater Creek	0.0	4.0	2.0	0.7	70	200	0.32%	1.4	0.9	1.9	1.0	NO	NO
19	L	199+50	RI	35.340803	-83.748162	(7)Beech Greek	0.0	4.0	2.0	1.5	154	200	1.26%	2.5	1.8	3.3	1.9	INO	INO
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	Additional Comments																		
Where	Where slope (and drainage area/discharge) vary, maximum applicable velocity is entered.																		
*Side s	lopes av ded leng	erage togeth h exceeds t	he recomme	he minimum i ended length f	recommended or the portion	d 3:1 side slope for pu of the contributing dra	rposes of swale cr ainage area within	iteria. NCDOT righ	nt of way.										

(Version	North Carolina Department of Transportation       Highway Stormwater Program       STORMWATER MANAGEMENT PLAN       Version 3.00; Released August 2021)												
		WBS Element: 32572.1.13     TIP/Proj No.: A-0009CA     County(ies): Graham     Page     6											
	Other Toolbox Best Management Practices												
Sheet	Line	Station	Location	Latituda	Longitudo	Surface Water Body		Drainage Area	New Built-Upon Area	Volume Treated	Precipitation Depth Treated over NBUA	BMP Associated	
4	Line	14+90	(LI,RI,CL)	35 32464	-83 800938	(2)Tulula Creek	Dry Detention Basin	(ac)	(ac)	(ac-it)	29.44	No	
5	Y1	23+55	BT	35.321093	-83.802197	(1)Tulula Creek	Dry Detention Basin	2.0	0.3	0.076	3.20	No	
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10.00	DT Dree	pinitation Dea	th Troated av	or Total Impar		I0 Inchos	Add	attional Comments					
L 19+90 Y1 23+5	5 RT - Pre	ecipitation Dep	an Treated over	ver Total Imperv	rvous Area = 0.	69 Inches							







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									ACTS SU	MMARY					
						WE		PACTS			SL	JRFACE WA	TER IMPACTS		
									Hand			Existing	Existing	Existing	
				NCSAM /	Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Channel	Natural
Site	Station	Structure	NRTR	NCWAM	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Map ID	Rating	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Permanent	Temp.	Design
					(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	Mitigable (ft)	Non-Mitigable (ft)	(ft)	(ft)
1	-Y1- 18+58 to 19+12 LT	60" RCP	SE	Low						< 0.01	< 0.01	39		20	
1	-Y1- 19+32 to 19+53 RT	60" RCP	SE	Low						< 0.01		24			
1	-Y1- 19+63 to 19+96 RT	Rip-rap at Embankment	Tulula Creek							< 0.01	< 0.01		12	20	
2	-Y1A- 12+01 to 12+04 LT	Rip-rap at Embankment	Tulula Creek							< 0.01	< 0.01		30		
3	-L- 16+26 to 16+57 RT	Rip-rap at Embankment	Tulula Creek							< 0.01	< 0.01		26	15	
4	-L- 44+66 to 45+04 LT	Pipe Outlet Channel	Sweetwater Creek							< 0.01	< 0.01		18	20	
4	-L- 44+91 to 44+98 LT	Pipe Outlet Channel	SG							< 0.01		18			
4	-L- 44+74 to 44+99 RT	Fill in Wetland	WG	Low	< 0.01										
5	-L- 45+71 to 45+97 LT	3@12'x9' RCBC Extension	Sweetwater Creek							< 0.01		15			
5	-L- 45+32 to 45+89 LT	Culvert Outlet Channel	Sweetwater Creek							0.02	0.01		48	10	
5	-L- 46+76 to 47+23 RT	3@12'x9' RCBC Extension	Sweetwater Creek							0.02		44			
5	-L- 47+23 to 47+72 RT	Culvert Inlet Channel	Sweetwater Creek							0.03			48		
5	-L- 47+68 to 48+71 RT	Bank Stabilization	Sweetwater Creek							0.03	< 0.01		93	10	
6	-L- 56+49 to 56+65 RT	Exist. 54" CSP (Lined) & Prop. 54" WSP	SI							< 0.01		18			
6	-L- 56+03 to 56+60 RT	Pipe Outlet Channel	SI							< 0.01	< 0.01		56	8	
6	-L- 57+64 to 57+77 LT	Exist. 54" CSP (Lined) & Prop. 54" WSP	SI							< 0.01		14			
6	-L- 57+70 to 59+23 LT	Pipe Inlet Channel	SI							0.01	< 0.01		91	50	
7	-L- 65+14 to 65+26 LT	Pipe Outlet Channel	SJ							< 0.01	< 0.01	45		11	
8	-L- 66+90 to 66+99 LT	30" CMP	SK								< 0.01			3	
8	-L- 66+27 to 66+61 LT	Pipe Outlet Channel	SI							< 0.01	< 0.01	13		20	
9	-L- 106+92 to 107+09 RT	Standard Base Ditch	Sweetwater Creek								< 0.01			20	
9	-L- 108+47 to 108+68 LT	1@7'x8' RCBC	Slay Bacon Branch							< 0.01		18			
9	-L- 108+60 to 108+82 LT	Culvert Inlet Channel	Slay Bacon Branch							< 0.01			22		
9	-L- 108+76 to 109+39 LT	Impacts to Stream	Slay Bacon Branch								0.02			91	
9	-L- 107+62 to 107+93 RT	Culvert Outlet Channel	Slay Bacon Branch							< 0.01			29		
9	-L- 107+52 to 107+89 RT	Culvert Outlet Channel	Sweetwater Creek								< 0.01			37	
•	SHEET TOTALS*:				< 0.01					0.17	0.06	248	473	335	

\*Rounded totals are sum of actual impacts

\*\*Notes:

## NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 12/7/2021 GRAHAM A-0009CA 32572.1.13

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						WE <sup>T</sup>		PACTS			SI	JRFACE WA	TER IMPACTS		
				NCSAM /	Permanent	Temp	Excavation	Mechanized	Hand Clearing	Permanent	Temp	Existing	Existing	Existing Channel	Natural
Site	Station	Structure	NBTB	NCWAM	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Map ID	Rating	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Permanent	Temp.	Design
	· · · ·			Ū	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	Mitigable (ft)	Non-Mitigable (ft)	(ft)	(ft)
10	-L- 113+08 to 113 +30 RT	Culvert Outlet Channel	Sweetwater Creek							< 0.01	< 0.01		50	10	
10	-L- 113+76 to 114+18 LT	3@11'x9' RCBC Extension	Sweetwater Creek							0.01		35			
10	-L- 113+93 to 114+55 LT	Culvert Inlet Channel	Sweetwater Creek							< 0.01	< 0.01		32	10	
11	-L- 127+91 to 128+01 RT	24" Side Drain	SO								< 0.01			10	
12	-L- 128+93 to 129+27 LT	Pipe Outlet Channel	Sweetwater Creek							< 0.01	< 0.01		12	18	
12	-L- 129+24 to 129+40 RT	54" RCP	SO								< 0.01			16	
12	-L- 129+39 to 129+47 RT	54" RCP	SM								< 0.01			20	
12	-L- 129+47 to 129+97 RT	54" RCP	SN								< 0.01			53	
13	-L- 133+98 to 134+41 LT	Pipe Outlet Channel	WN	High	< 0.01		0.01	0.03							
13	-L- 134+18 to 134+44 LT	Pipe Outlet Channel	Pigpen Branch							< 0.01	< 0.01	39		10	
13	-L- 134+39 to 134+45 LT	66" WSP	Pigpen Branch							< 0.01		10			
13	-L- 134+85 to 135+09 RT	66" WSP	Pigpen Branch							< 0.01		32			
13	-L- 135+09 to 135+42 RT	Pipe Inlet Channel	Pigpen Branch							< 0.01	< 0.01		42	10	
13	-L- 133+81 to 135+83 RT	Pipe Inlet Channel	WO	High	0.07		< 0.01	0.02	0.03						
14	-L- 136+92 to 139+49 LT	Impacts to Wetland	WP	Low	0.02			0.01	0.01						
15	-L- 144+78 to 144+90 LT	Pipe Outlet Channel	Hardwood Branch							< 0.01	< 0.01		32	10	
15	-L- 144+78 to 144+85 LT	2 @ 66" CAP	Hardwood Branch							< 0.01		3			
15	-L- 144+74 to 144+82 RT	2 @ 66" CAP	Hardwood Branch							< 0.01		11			
15	-L- 144+74 to 144+82 RT	Pipe Inlet Channel	Hardwood Branch							< 0.01	< 0.01		27	16	
16	-L- 146+90 to 149+48 LT	Impacts to Wetland	WR	High	0.09			< 0.01	0.06						
17	-L- 160+27 to 160+38 LT	Pipe Outlet Channel	SR							< 0.01	< 0.01	24		11	
17	-L- 160+34 to 160+38 LT	60" CSP	SR							< 0.01		18			
17	-L- 160+31 to 160+38 RT	60" RCP	SR							< 0.01		6			
17	-L- 160+17 to 160+35 RT	Pipe Inlet Channel	SR							< 0.01	< 0.01	38		5	
17	-L- 160+33 to 160+56 RT	Pipe Inlet Channel	SS							< 0.01	< 0.01	24		11	
SHEET	TOTALS*:				0.18		0.02	0.07	0.10	0.07	0.03	240	195	210	

\*Rounded totals are sum of actual impacts

\*\*Notes:

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 12/7/2021 GRAHAM A-0009CA 32572.1.13

SHEET

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OF

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					WETI AN					MARY					
						WE <sup>-</sup>		ACTS			SI	JRFACE WAT	ER IMPACTS		
									Hand			Existing	Existing	Existing	
				NCSAM /	Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Channel	Natural
Site	Station	Structure	NRTR	NCWAM	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Map ID	Rating	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Permanent	Temp.	Design
					(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	Mitigable (ft)	Non-Mitigable (ft)	(ft)	(ft)
18	-L- 161+64 to 161+94 LT	Impacts to Wetland	WV	High	< 0.01				< 0.01						
19	-L- 163+03 to 163+17 LT	Pipe Outlet Channel	ST							< 0.01	< 0.01	18		14	
19	-L- 163+08 to 163+19 LT	36" CSP	ST							< 0.01		25			
19	-L- 162+90 to 163+13 RT	Pipe Inlet Channel	ST							< 0.01	< 0.01	41		9	
19	-L- 163+11 to 164+09 RT	Pipe Inlet Channel	SU							< 0.01	< 0.01	23		87	
20	-L- 167+07 to 167+31 LT	Pipe Outlet Channel	SV							< 0.01	< 0.01	25		13	
20	-L- 167+28 to 167+40 LT	48" CSP	SV							< 0.01		23			
20	-L- 167+66 to 167+74 RT	48" RCP	SV								< 0.01			8	
21	-L- 167+02 to 167+73 LT	Bank Stabilization	Sweetwater Creek							< 0.01			62		
21	-L- 168+52 to 169+30 LT	Culvert Outlet Channel	Sweetwater Creek							0.02	0.10		64	105	
21	-L- 169+30 to 169+40 LT	1 @ 14' x 10' RCBC	Sweetwater Creek							< 0.01		10			
21	-L- 169+82 to 169+92 LT	1 @ 14' x 10' RCBC	Sweetwater Creek							< 0.01		10			
21	-L- 169+92 to 170+73 LT	Culvet Inlet Channel	Sweetwater Creek							< 0.01	0.03		68	10	
21	-L- 169+84 to 169+99 LT	Impacts to Wetland	WY	Medium				< 0.01							
21	-L- 169+76 to 169+84 LT	Impacts to Stream	SW								< 0.01			11	
22	-L- 177+41 to 177+62 LT	Pipe Outlet Channel	SX							< 0.01	< 0.01	21		11	
22	-L- 177+54 to 177+74 LT	48" CSP	SX							< 0.01		25			
23	-L- 194+28 to 194+81 LT	Culvert Outlet Channel	Beech Creek							0.03	< 0.01		27	14	
23	-L- 194+32 to 194+82 LT	2@12'x8' RCBC	Beech Creek							< 0.01		6			
23	-L- 194+59 to 195+12 RT	Impacts to Wetland	WAB	Medium	0.02										
23	-L- 195+06 to 195+54 RT	2 @ 12'x8' RCBC	Beech Creek							< 0.01		6			
23	-L- 195+10 to 196+20 RT	Culvert Inlet Channel	Beech Creek							0.02	0.02		66	62	
23	-L- 195+59 to 199+10 RT	Impacts to Wetland	WAD	High	0.07	0.11	< 0.01	< 0.01	0.05						
24	-L- 204+48 to 205+55 LT	Impacts to Wetland	WAE	Medium					0.02						
SHEET	TOTALS*:			-	0.09	0.11	< 0.01	< 0.01	0.07	0.13	0.16	233	287	344	
PROJE	CT TOTALS*:				0.28	0.11	0.03	0.07	0.17	0.36	0.26	721	955	889	

\*Rounded totals are sum of actual impacts

\*\*Notes:

## NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 12/7/2021 GRAHAM A-0009CA 32572.1.13

SHEET

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OF

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Highway Stormwater Heratus (Version 3.00; Released August 2021)		North Caro Higi STORM	lina Departme hway Stormwa /WATER MAN FOR NCDOT PI	nt of Transportatio ater Program AGEMENT PLAN ROJECTS	n					
WBS Element: 32572.1.14	TIP/Proj No: A-0009CB	Graham				Page	1	of 4		
		nformation								
WBS Element:	32572.1.14	TIP Number:	A-0009CB		Project	Type:	Roadway Widenin	a	Date:	11/1/2021
NCDOT Contact:	Josh B. Devton, PE			Contractor / Desig	ner:	TGS Engin	eers / David B. Pett	v. PE		
Address:	253 Webster Rd				Address:	706 Hillsbo	rough St - Suite 20	0		
	Sylva, NC 28779					Raleigh, N				
Phone: Email:	828-586-2141				Phone: Email:	919-773-88 dpetty@tas				
City/Town:	Robbins	wille NC		County(ies):	Graha	am				
River Basin(s):				CAMA County?	No					
Wetlands within Project Limits?	Yes			CAMA County :	110	·			ļ	
Wellands within Troject Linits !			Droigot Doog	vintion						
Project Longth (lin miles or fact)	2.01 Miles	Surrounding	Froject Desc	Forested Agricultur	e Rural Reside	ential				
Project Length (IIn. Miles of feet):	3.91 Miles	Surrounding La	and Use:	r oresteu, Ayricultu		unua		0.14		
				10.5	Existing	g Site				
Project Built-Upon Area (ac.)	30.4	ad alde also se	1) Two 10	16.0	ac	C.	01	have been seen as a second		
Typical Cross Section Description:	<ol> <li>Three 12' paved lanes, 10' sho ranging from 4:1 to 2:1 - 3.4 Miles</li> <li>Four 12' paved lanes, 10'-12' s slopes ranging from 4:1 to 2:1 - 0.5</li> </ol>	ulders (8' paved / 2' g shoulders (8'/10' pave 5 Miles	grassed), grass ed / 2' grassed)	ed side slopes	1.) Two 12' pa side slopes rai	ulders, 2' to s	<ol> <li>2' to 8' grassed shoulders, grasse</li> </ol>			
Annual Avg Daily Traffic (veh/hr/day):	Design/Future:	8800	Year <sup>.</sup>	2045	Existing		6590		Yea	ar: 2022
(Description of Minimization of Water Quality Impacts)	between US 129 south of Robbins: passing & climbing lanes for the le A-0009CB improves NC 143, an un <u>Project minimization measures inc</u> >2:1 fill slopes. >1.5:1 cut slopes where possible. >Expressway gutter and shoulder I >Alignment shifts to avoid relocation >Alignment shifts and either symm >Overall maintain existing alignme >Maximizing shoulder section. >Providing adequate ground cover >Stabilizing embankments and dra >Minimizing culvert slopes. >Removing existing perched outlet >Providing adequate energy dissip >Utilizing natural features and drai >Retaining and extending existing	ville and the existing ngth of the project. <i>A</i> rban arterial, from SF <u>lude:</u> berm gutter to reduce ons and avoid / minin etrical or asymmetric int to minimize cumul : inage ditches. ts. bation. nage pathways - Exis culverts where practi	four-lane section A-0009C is brok R 1223 (Beech in e cross-section nize stream, we cal widening to lative impacts to sting drainage p icable to minim	on of NC 28 east of 5 ten into three projec Creek Rd) to 0.5 mil width. ttland, and historic ro fit a best-fit alignme o resources.	Stecoah in Graf ts (A-0009CA, / es north of the / esource impact: nt to avoid / mir ed to the maxim	nam County A-0009CB & Appalachia s. nimize impa	r, NC. The project i & A-0009CC). n Trail. acts and reduce earl	mproves roa	adway shoul	ders and adds

Highway – – – Stormweiter (Version 3.00; Released August 2021)			North Carolina Departme Highway Stormw STORMWATER MAN FOR NCDOT F	ent of Transportation ater Program NAGEMENT PLAN PROJECTS	on				AND THE REPORT OF
WBS Element: 32572.1.14	TIP/Proj No.:	A-0009CB	County(ies):	Graham			Page	2	of 4
			General Project I	Information					
			Waterbody Inf	ormation		-			
Surface Water Body (1):		Sweetwa	ter Creek	NCDWR Stream In	idex No.:		2-190-3-(0.5)		
NCDWR Surface Water Classification fo	or Water Body		Primary Classification:	Water Supply I	III (WS-III)				4
			Supplemental Classification:	Trout Water	rs (Tr)				4
Other Stream Classification: No		ie							
Impairments:	Nor	ne					L		<u> </u>
Aquatic T&E Species?	No	Comments:				•			
NRTR Stream ID:	Sweetwater Creek SAT, SAY, SAX	k, SY, SZ, SAA,	SAB, SAC, SAD, SAE, SAF, SAG,	SAJ, SAH, SAK, SA	AM, SED,	Buffer Rules in Effect:			N/A
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	Iffer?	N/A	Dissipator Pads Provided i	in Buffer?		N/A
Deck Drains Discharge Over Water Bod	у?	N/A	(If yes, provide justification in	the General Project	Narrative)	(If yes, describe in the Ge	neral Project N	arrative; if no	), justify in the
(If yes, provide justification in the	General Project Na	irrative)			Gene	ral Project Narr	rative)		
Surface Water Body (2):		Stillhous	e Branch	NCDWR Stream In	idex No.:		2-190-3-1		
NCDWR Surface Water Classification fo	r Water Body		Primary Classification:	Water Supply I	III (WS-III)		ļ		
	· · · · · · · · · · · · · · · · · · ·		Supplemental Classification:	None	•		ļ		
Other Stream Classification:	Nor	ne							
Impairments:	Nor	ne							
Aquatic T&E Species?	No	Comments:							
NRTR Stream ID:	Stillhouse Branch					Buffer Rules in Effect:			N/A
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	iffer?	N/A	Dissipator Pads Provided	in Buffer?		N/A
Deck Drains Discharge Over Water Bod (If yes, provide justification in the	<b>y?</b> General Project Na	N/A rrative)	(If yes, provide justification in	the General Project	(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)				

(Version	hway Storm 3.00; Rele	Water PROBLEM	2021)							North Caroli Hight STORMV	na Department of <sup>*</sup> way Stormwater P VATER MANAGEM FOR NCDOT PROJECT	Transportatio rogram ENT PLAN rs	on						
				W	BS Element:	32572.1.14	TIP/Proj No.:	A-0009CB		County(ies):	Graham					Page	3	of	4
											Swale								
Sheet No.	Line	Station	Location (LT,RT,CL)	Latitude	Longitude	Surface Water Body	Base Width (ft)	Front Slope (H:1)	Back Slope (H:1)	Drainage Area (ac)	Recommended Treatm't Length (ft)	Actual Length (ft)	Longitudinal Slope (%)	Q2 (cfs)	V2 (fps)	Q10 (cfs)	V10 (fps)	Rock Checks Used	BMP Associated w/ Buffer Rules?
20/21*	L	219+00	LT	35.34265	-83.74207	(1)Sweetwater Creek	0.0	4.0	2.0	0.5	45	250	1.59%	1.4	1.8	1.8	1.9	No	No
21	L	223+00	LT	35.34331	-83.74099	(1)Sweetwater Creek	0.0	4.0	3.0	0.5	45	300	1.67%	1.4	1.8	1.8	1.9	No	No
21**	L	227+16	RT	35.34396	-83.73984	(1)Sweetwater Creek	0.0	3.0	5.0	2.8	280	34	0.76%	2.9	1.6	3.9	1.7	No	No
23*	L	264+00	RT	35.35176	-83.73235	(1)Sweetwater Creek	0.0	4.0	2.0	0.7	72	300	2.15%	1.2	1.9	1.5	2.0	No	No
24	L	272+50	LT	35.35408	-83.73187	(1)Sweetwater Creek	0.0	4.0	3.0	0.4	40	200	2.63%	1.0	1.7	1.4	1.8	No	No
																		<b></b>	
			-															<b></b>	-
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											1								
										4	Additional Comme	nts							
Where	slope (ar	nd drainage	area/dischar	ge) vary, ma	ximum applica	able velocity is entered													
*4:1 & : **Provi	2:1 side s ded lengt	h exceeds t	age together the recomme	to meet the r nded length t	ninimum reco for the portion	mmended 3:1 side slop of the contributing dra	pe for purposes of inage area within N	swale criteria	a. of way.										

Highway – – –		North Carolina Departme	nt of Transportation		State OF NOTEH CARDIN				
Stormwater		Highway Stormwa	ter Program						
PROGRAM					The second second				
(Version 2.00) Delegand August 2024)									
(Version 3.00; Released August 2021)			Craham						
<b>WB3 Element.</b> 52572.1.14	TIP/PTOJ NO	A-0009CB County(les).	Granam	Fage 4	01 4				
		Bridge to Culvert Avoidan	ce and Minimization						
		Proposed Structu	re Summary						
Sheet No. & Station Sheet No.:	17 of 33	Station: -Y4- 12+13.1	Number of Barrels:	1	4.4.11				
Drainage Area (ac or sq mi):	(4) Oursesturates	1.09 Sq. Miles	Barrel Width/Diameter (ft):	20-1	11"				
Surface water Body:	(1)Sweetwater		Barrel Height (π):	0-1					
Culvert Type:	Aluminum Box	Culvert with Concrete Headwalls	Culvert Length (it)	43 -	+/-				
(Bridge to Culvert)				mustic Life Descent					
Su Existing Average Stream Slope (%):	eam Slope	3 00 %	Fish allu/of A						
Proposed Culvert Slope (%):		3.90 %	Existing Low Flow Channel Dimensions	5 It. wide by T It. deep					
Cu	Ivert Burial	0.30 //	in the Stream:						
Proposed Culvert Burial Depth (ft):		1	-						
Existing Streambed Material:	sand gravel ar	ud cobbles	Proposed Low Flow Dimensions	5 ft wide by 1 ft deep					
	oana, gravor a		Through the Culvert:						
Proposed Sills/Baffles:	Sills are proport	sed at the inlet and outlet with two							
	baffles spaced	evenly every 13' along the culvert. Lo	W Existing Low Flow Valasities in the						
	flow channel w	ill be 5' wide and 1' height to match	Christing Low Flow velocities in the	3.8					
	existing conduction	ons.	Stream (It/s): Proposed Low Flow Velocities Through						
	J		the Culvert (ff/s):	3.8	3				
			Alternating Law Flaw Sills/Bofflag	Thoro are low flow aille c	nd hofflog that do n				
			Alternating Low Flow Sills/Barries.	alternate because this is stream.	Iternate because this is a straight stretch of tream.				
		Culvert/Stream	Alignment						
Stream Patterns Upstream and Downstream	Culvert is in a r	elatively straight stretch of stream wit	h no notable changes in slope in this vicinity						
of the Culvert that Could Affect Fish									
Passage and Bank Stability:									
Pad Forma Impacted by Culvert (riffles	Culvert is a riff	a saction of stream							
pools, glides, etc.):									
Low Flow Floodplain Bench Required?	Yes								
(provide justification)									
Bends at Inlet/Outlet?	No								
(describe culvert alignment with stream)									
Stream Realignment Necessary? (provide	No								
iustification)									
Pank Stabilization	Close II riprop	to be installed on banks 35' unstream	and 30' downstream						
Bank Stabilization:	Class II hprap i	to be installed on ballks 55 upstream							
	1	Outlet Velo	cities						
Natural Stream Channel 2-yr Velocity (ft/s):		7.2	Natural Stream Channel 10-yr Velocity (	it/s):	8.3				
Proposed Culvert 2-yr Outlet Velocity (ft/s):		6.7	Proposed Culvert 10-yr Outlet Velocity (	ft/s):	7.6				
		Roadway Geometric	Considerations						
Evaluate/Describe Roadway Geometric Con	straints:								
The culvert shape was selected to work with lo	w available cove	r (due to low roadway grade). Howev	ver, because a low flow channel with sills and	native material are propos	ed to match existing				
conditions, this still provides ideal culvert desig	n.								














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	WETLAND AND SURACE WATER IMPACTS SUMMARY														
							PACTS		SURFACE WATER IMPACTS						
									Hand		Existing Existing Existing				
				NCSAM /	Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Channel	Natural
Site	Station	Structure	NRTR	NCWAM	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Map ID	Rating	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Permanent	Temp.	Design
					(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	Mitigable (ft)	Non-Mitigable (ft)	(ft)	(ft)
2	-L- 212+81 to 212+84 RT	42" RCP Inlet	SY							< 0.01	< 0.01	4		14	
2	-L- 212+82 to 212+86 LT	42" RCP Outlet	SY							< 0.01		15			
2	-L- 212+64 to 213+02 LT	Bank Stabilization	Sweetwater Creek							< 0.01	< 0.01		17	20	
3	-L- 216+08 to 216+20 RT	48" RCP Inlet	SZ								< 0.01			22	
3	-L- 215+19 to 215+48 LT	48" RCP Outlet	SZ							< 0.01	< 0.01	16		16	
4	-L- 222+54 to 222+60 LT	24" RCP Outlet	SAA							< 0.01	< 0.01	12	8	6	
5	-L- 227+06 to 227+30 LT	Impacts to Wetland	WAI	Medium					< 0.01						
6	-L- 235+11 to 238+59 RT	Impacts to Wetland	WAJ	Medium	0.06				< 0.01						
6	-L- 234+88 to 235+07 LT	Impacts to Wetland	WAJ	Medium	0.01				< 0.01						
7	-L- 239+49 to 239+59 RT	48" RCP Inlet	SAB							< 0.01	< 0.01	6	15	17	
7	-L- 239+34 to 239+68 LT	Bank Stabilization	Sweetwater Creek								< 0.01		13	21	
8	-L- 245+41 to 245+57 RT	Construction Easement	SAC	Low							< 0.01			27	
8	-L- 245+32 to 245+68 LT	Bank Stabilization	Sweetwater Creek							< 0.01	< 0.01		17	20	
9	-L- 249+92 to 250+04 RT	Culvert Inlet	SAD								< 0.01			30	
9	-L- 250+32 to 251+49 RT	Roadway	SAE							< 0.01		89			
9	-L- 250+03 to 250+10 LT	Culvert Outlet	SAD							< 0.01		20			
9	-L- 249+91 to 250+13 LT	Bank Stabilization	Sweetwater Creek							< 0.01	< 0.01		14	7	
10	-L- 262+06 to 263+84 RT	Impacts to Wetland	WAN	High			0.03								
10	-L- 261+89 to 262+10 LT	Bank Stabilization	Sweetwater Creek								< 0.01			21	
11	-L- 267+27 to 267+79 LT	Bank Stabilization	Sweetwater Creek							< 0.01			58		
12	-L- 270+76 to 275+17 RT	Impacts to Wetland	WAO	High	0.08										
12	-L- 270+81 to 270+86 RT	36" CSP BDO Inlet	SAF							< 0.01	< 0.01	14		5	
12	-L- 270+69 to 270+80 LT	Pipe Outlet	SAF							< 0.01	< 0.01	10		6	
12	-L- 270+52 to 270+83 LT	Impacts to Wetland	WAO	High	< 0.01				< 0.01						
13	-L- 275+25 to 275+63 RT	Pipe Inlet Channel	SAG							< 0.01	< 0.01	41		55	
	SHEET TOTALS*:				0.15					0.03	0.03	227	142	287	

\*Rounded totals are sum of actual impacts

\*\*Notes:

Site 1 removed per 4C meeting discussion on 11/18/2021.

## NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 11/23/2021 GRAHAM A-0009CB 32572.1.14

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	WETLAND AND SURACE WATER IMPACTS SUMMARY														
						TLAND IMP	ACTS		SURFACE WATER IMPACTS						
									Hand		Existing	Existing			
				NCSAM /	Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Channel	Natural
Site	Station	Structure	NRTR	NCWAM	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Map ID	Rating	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Permanent	Temp.	Design
					(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	Mitigable (ft)	Non-Mitigable (ft)	(ft)	(ft)
13	-L- 275+70 to 275+80 LT	Outlet Channel/Bank Stab.	SAG							< 0.01	< 0.01	2	12	10	
14	-L- 279+03 to 279+68 RT	Culverts	Sweetwater Creek							0.02	< 0.01	53	68	9	
14	-L- 279+28 to 279+71 RT	Culverts/Bank Stabilization	SAJ	Low						< 0.01	< 0.01		22	26	
14	-L- 277+76 to 278+72 LT	Culvert Outlet	Sweetwater Creek							0.01	< 0.01	34	37	33	
15	-L- 278+67 to 280+98 LT	36" / Channel Change	SAH							< 0.01	< 0.01	127		25	
15	-L- 280+46 to 282+30 LT	Impacts to Wetland	WAQ	High	0.04		0.02		< 0.01						
16	-L- 289+61 to 289+84 LT	30" Inlet	SAK							< 0.01	< 0.01	24		22	
16	-L- 288+01 to 288+52 RT	30" Outlet	SAK							< 0.01	< 0.01	29	10	10	
17	-L- 312+47 to 312+63 LT	36" WSP Inlet	SAM								< 0.01			31	
17	-L- 310+75 to 311+97 RT	36" CSP Outlet	SAM							< 0.01	< 0.01	93		50	
18	-L- 316+10 to 316+15 LT	48" CSP BDO Inlet	Stillhouse Branch							< 0.01	< 0.01	14		28	
18	-L- 316+00 to 316+07 RT	60" Outlet / Bank Stab.	Stillhouse Branch							< 0.01	< 0.01	10	20	10	
19	-L- 324+11 to 324+14 LT	36" RCP	SED							< 0.01				3	
19	-L- 323+75 to 324+14 LT	Impacts to Wetland	WAX	Low	< 0.01	0.01	< 0.01								
19	-L- 323+69 to 324+00 RT	Bank Stabilization	SAT							< 0.01	< 0.01		12	23	
20	-L- 327+77 to 328+29 RT	18" CSP Outlet	SAT							< 0.01	< 0.01	51		14	
21	-L- 329+08 to 330+42 LT	Impacts to Wetland	WAY	Medium	0.04										
21	-L- 330+71 to 332+12 LT	Impacts to Wetland	WAZ	Medium	0.02										
21	-L- 329+70 to 329+82 LT	48" CSP BDO Inlet	Sweetwater Creek							< 0.01	< 0.01	12		20	
21	-L- 328+85 to 329+14 RT	48" Outlet/Channel Change	Sweetwater Creek							< 0.01	< 0.01	32		18	
22	-L- 333+80 to 333+85 LT	36" Inlet/Channel Change	SAY							< 0.01		26			
22	-L- 333+49 to 333+72 RT	36" CSP Outlet	SAY							< 0.01	< 0.01	35	12	11	
23	-L- 339+36 to 339+44 LT	42" Inlet Stabilization	SAX								< 0.01			11	
23	-L- 339+72 to 339+89 RT	Bank Stabilization	SAX							< 0.01	< 0.01		16	11	
SHEET TOTALS*:					0.10	0.01	0.03		< 0.01	0.07	0.03	542	209	365	
PROJECT TOTALS*:						0.01	0.06	0.00	0.02	0.10	0.06	769	351	652	

\*Rounded totals are sum of actual impacts

\*\*Notes:

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 11/23/2021 GRAHAM A-0009CB 32572.1.14

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Highway – – Stormwate	CT AM	North Carolina Department of Transportation Highway Stormwater Program STORMWATER MANAGEMENT PLAN												
(Version 3 00: Released Au	ugust 2021)		310						$\sim$					
WBS Element:	32572.1.15	TIP/Proi No: A-0009CC	}	County(ies):	Graham	raham Dano 1 of								
			0		Information			-	-g-					
			G		Information	1	_ I							
WBS Element:		32572.1.15	1	Project	Туре:	Roadway Widening	Date:	11/1/2021						
NCDOT Contact:		Josh B. Deyton, PE			Contractor / Desig	ner:	TGS Engine	ers / David B. Petty, PE						
	Address:	253 Webster Rd				Address:	706 Hillsbor	ough St Suite 200						
		Sylva, NC 28779					Raleigh, NC	27603						
	Phone:	828-586-2141				Phone:	919-773-888	37 Ext. 104						
	Email:	ibdevton@ncdot.gov				Email:	dpettv@tase	engineers.com						
City/Town:		Rot	obinsville NC		County(ies):	Grah	am							
River Basin(s):		Little Tennessee			CAMA County?	No	) )							
Wotlands within Proi	oct Limite?	Yes			CANA County :	110	,							
wedands within Froj	ect Linits :	100		Ducie of Dece	ulution.									
Buda da a da		4 40 10		Project Desc	Ecrected Agricultur	Purel Posid	ontial							
Project Length (lin. n	niles or feet):	4.10 Miles	Surrounding	Land Use:	Forested, Agricultur		endal							
			Proposed Project	ct				Existing Site						
Project Built-Upon A	rea (ac.)	29.0		ac.			15.5	ac.						
Typical Cross Sectio	n Description:	1.) -L-: Three 12' paved lanes,	10' shoulders (8' paved	d / 2' grassed), g	rassed side slopes	1.) -L-: Two 1	2' paved lan	es, 0 to 12' paved shoulde	ers, 2' to 8' grass	ed shoulders,				
		ranging from 4:1 to 2:1 - 1.1 M	liles			grassed side s	slopes rangir	ng from 4:1 to 2:1 - 1.1 Mil	les					
		2.) -Y2-: Three 12' paved lane	s, 10' shoulders (8' pav	ed / 2' grassed),	grassed side slopes	2.) -Y2-: 1wo	12' paved lar	nes, 2' to 8' grassed shoul	ders, grassed si	sed side slopes ranging				
		ranging from 4:1 to 2:1 - 2.1 M	liles	Aultines Detherm		from 4:1 to 2:1								
		3.) - Y2-: Three 12 paved lane	s,curb&gutter with 10" N	viultiuse Path, gra	assed side slopes									
	fie (veh/hr/dev)		liles	×	00.45	<b>E</b> 1 11	1	0500	× 1	0000				
Annual Avg Dally Tra	(ven/nr/uay):	Design/Future:	8800	Year	2045	Existing:	1.1	6590	Yei	ar: 2022				
General Proje	ct Narrative:	STIP project A-0009C is part of	bi Corridor K of the App	balachian Develo	pment Highway Syst	em (ADHS) an	a improves u	NO. The resident imments of	US 129, NC 143					
		Project minimization measures >2:1 fill slopes. >1.5:1 cut slopes where possi >Expressway gutter and shoul >Alignment shifts to avoid relo >Alignment shifts and either sy >Overall maintain existing alig >Maximizing shoulder section. >Providing adequate ground c >Stabilizing embankments and >Minimizing culvert slopes. >Removing existing perched c >Providing adequate energy d >Utilizing natural features and >Retaining and extending exis >Site 17: As mentioned during	s include: <u>s include:</u> ble. Ider berm gutter to redu ymmetrical or asymmet ymmetrical or asymmet ymmetrical or asymmet ymmetrical or asymmet ymmetrical or asymmetric ymmetrical or asymmetric sover. d drainage ditches. butlets. Issipation. drainage pathways - E sting culverts where pra- g 4B meeting, floodplain	(d). ADT listed a lice cross-section nimize stream, w trical widening to nulative impacts to situative impacts to situative impacts to nulative im	n width. etland, and historic re fit a best-fit alignme to resources. pathways were utiliza nize in-stream work. been added along this	esource impact nt to avoid / min ed to the maxin s stream to low	s. nimize impac	ts and reduce earthwork. practicable. and dissipate energy.						

North Carolina Department of Transportation     Highway – – –     Stormwater     Stormwater Program     STORMWATER MANAGEMENT PLAN     Stormwater Program     Stormwater Program													
(Version 3.00; Released August 2021)			FOR NCDOT I	PROJECTS					_				
WBS Element: 32572.1.15	TIP/Proj No.:	A-0009CC	County(ies):	Graham		Page	2	of 4	4				
			General Project	Information									
	1		Waterbody Inf	formation									
Surface Water Body (1):		Cody	Branch	NCDWR Stream Index No.:		2-130-1							
NCDWR Surface Water Classification fo	r Water Body		Primary Classification:	Class C									
	-		Supplemental Classification:	None									
Other Stream Classification:	No	ne											
Impairments:	No	ne											
Aquatic T&E Species?	No	Comments			-								
NRTR Stream ID:	SBB				Buffer Rules in Effect:		N/A						
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	uffer? N/A	Dissipator Pads Provided	in Buffer?		N/A					
Deck Drains Discharge Over Water Bod	y?	N/A	(If yes, provide justification in	the General Project Narrative)	(If yes, describe in the General Project Narrative; if no, justify in the								
(If yes, provide justification in the	General Project N	arrative)			Gen	eral Project Nar	rative)						
Surface Water Body (2):		Carver	Branch	NCDWR Stream Index No.:		2-130-3-1							
NCDWR Surface Water Classification fo	r Water Body		Primary Classification:	Class C									
	-		Supplemental Classification:	None									
Other Stream Classification:	No	ne											
Impairments:	No	ne											
Aquatic T&E Species?	No	Comments											
NRTR Stream ID:	Carver Branch, S	BC, SBG, SBD,	SFT, SFP, SFH, SFM, SFN, SBJ,	SBN, SBP, SBO	Buffer Rules in Effect:			N/A					
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	uffer? <mark>N/A</mark>	Dissipator Pads Provided	in Buffer?		N/A					
Deck Drains Discharge Over Water Bod	y?	N/A	(If yes, provide justification in	the General Project Narrative)	(If yes, describe in the General Project Narrative; if no, justify in the								
(If yes, provide justification in the	General Project N	arrative)			Gen	eral Project Nar	rative)						
	1												
Surface Water Body (3):		Johnson (	Sap Branch	NCDWR Stream Index No.:		2-131-2		-					
NCDWR Surface Water Classification fo	r Water Bodv		Primary Classification:	Class C									
			Supplemental Classification:	None									
Other Stream Classification:	No	ne											
Impairments:	None												
Aquatic T&E Species?	No	Comments											
NRTR Stream ID:	Johnson Gap Bra	nch. SEY. SEX			Buffer Rules in Effect:			N/A					
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	uffer? N/A	Dissipator Pads Provided	N/A							
Deck Drains Discharge Over Water Bod	v?	N/A	(If yes, provide justification in	the General Project Narrative)	(If yes, describe in the General Project Narrative; if no, justify in the								
(If ves. provide justification in the General Project Narrative)													

Highway Stormwater Process (Version 3.00; Released August 2021)	North Carolina Department of Transportation Highway Stormwater Program   StormWater Program STORMWATER MANAGEMENT PLAN   Version 3.00; Released August 2021) FOR NCDOT PROJECTS														
WBS Element: 32572.1.15	TIP No.:	A-0009CC	County(ies):	Graham			Page 3								
			Additional Waterbo	dy Information											
Surface Water Body (4):		Edwards	s Branch	NCDWR Stream Ir	idex No.:		2-130-3								
NCDWR Surface Water Classification fo	water Body		Primary Classification:	Class	С										
NCDWR Sullace Water Glassification to	T Water Body		Supplemental Classification:	None	,										
Other Stream Classification:	Nor	ie													
Impairments:	Non														
Aquatic 1&E Species?	NO	Comments:							N1/A						
NRIR Stream ID:	Edwards Branch,	SBV	Dask Dusing Discharge Over De		NI/A	Discinctor Dada Dravidad in Buffar2									
Project includes Bridge Spanning water	r Body r		(If yes, provide justification in	the General Project	Narrative)	(If ves, describe in the General Project Narrative; if no justify in the									
(If yos, provide justification in the (	<b>y r</b> Conoral Project Na	IN/A	(ii yes, provide justilieddori ii	the General Project	Nanative)	General Project Narrative)									
(il yes, provide justification in the c	Seneral Project Na	ilaive)						,							
Surface Water Body (5):		Stecoal	h Creek	NCDWR Stream Ir	dex No.:	2-130									
			Primary Classification:	Class	С										
NCDWR Surface Water Classification fo	r Water Body		Supplemental Classification:	Trout Wate	rs (Tr)										
Other Stream Classification:	Other Stream Classification: None														
Impairments:	Nor	ie													
Aquatic T&E Species?	No	Comments:													
NRTR Stream ID:	Stecoah Creek, St	CB, SCD, SDT				Buffer Rules in Effect:		N/A							
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	Iffer?	N/A	Dissipator Pads Provided in Buffer? N/A									
Deck Drains Discharge Over Water Bod (If yes, provide justification in the	<b>y?</b> General Project Na	N/A rrative)	(If yes, provide justification in	o, justify in	1 the										

(Version	North Carolina Department of Transportation   Image: Constraint of Transportation     Highway Stormwater Program   STORMWATER MANAGEMENT PLAN     rersion 3.00; Released August 2021)   FOR NCDOT PROJECTS																		
		WBS Element: 32572.1.15 TIP/Proj No.: A-0009CC									County(ies): Graham							of	4
		Swale																	
Sheet No.	Line	Station	Location (LT,RT,CL)	Latitude	Longitude	Surface Water Body	Base Width (ft)	Front Slope (H:1)	Back Slope (H:1)	Drainage Area (ac)	Recommended Treatm't Length (ft)	Actual Length (ft)	Longitudinal Slope (%)	Q2 (cfs)	V2 (fps)	Q10 (cfs)	V10 (fps)	Rock Checks Used	BMP Associated w/ Buffer Rules?
47*	Y2	132+00	LT	35.37163	-83.68043	(5)Stecoah Creek	5.0	3.0	3.0	9.9	990	246	0.40%	15.0	1.2	20.3	2.0	No	No
																		NO	
										A	dditional Comme	nts							
*Provid	Provided length exceeds the recommended length for the portion of the contributing drainage area within NCDOT right of way.																		



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	WETLAND AND SURACE WATER IMPACTS SUMMARY														
						WE	TLAND IMP	ACTS		SURFACE WATER IMPACTS					
									Hand			Existing	Existing	Existing	
				NCSAM /	Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Channel	Natural
Site	Station	Structure	NRTR	NCWAM	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Map ID	Rating	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Permanent	Temp.	Design
					(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	Mitigable (ft)	Non-Mitigable (ft)	(ft)	(ft)
1	-L- 419+21 to 419+65 LT	24" CSP/Berm Ditch	SBB							< 0.01	< 0.01	38		54	
1	-L- 419+21 to 419+44 LT	Impacts to Wetland	WBB	Medium			< 0.01		< 0.01						
2	-L- 458+23 to 458+31 LT	36" CMP Inlet	SBC								< 0.01			69	
2	-L- 458+27 to 458+53 RT	36" CMP Outlet	SBC							< 0.01	< 0.01	18		17	
3	-L- 467+36 to 467+47 LT	36" CMP Inlet	Carver Branch	Low							< 0.01			16	
3	-L- 468+02 to 468+28 RT	36" CMP Outlet	Carver Branch	Low						< 0.01	< 0.01	12		20	
4	-Y2- 13+50 to 13+73 RT	36" CMP Inlet	Johnson Gap Branch								< 0.01			27	
4	-Y2- 12+79 to 13+07 LT	36" CMP Outlet	Johnson Gap Branch							< 0.01	< 0.01		12	24	
4	-Y2- 13+06 to 13+24 LT	36" CMP Outlet	SEY								< 0.01			18	
4	-Y2- 12+60 to 12+84 LT	36" CMP Outlet	SEZ								< 0.01			24	
5	-Y2- 14+46 to 15+25 RT	36" RCP Outlet	Johnson Gap Branch								< 0.01			83	
6	-Y2- 23+52 to 23+92 RT	Roadway	SBG							< 0.01		43			
7	-Y2- 26+08 to 27+35 LT	Roadway	WBV	Low	< 0.01			< 0.01	0.02						
8	-Y2- 27+79 to 28+01 RT	48" CSP Inlet	Carver Branch	Low						< 0.01	< 0.01	22		21	
8	-Y2- 27+32 to 27+47 LT	42" & 54" Outlet Channel	Carver Branch	Low						< 0.01	< 0.01	47		11	
9	-Y2- 35+91 to 36+06 RT	48" RCP Inlet	SBC							< 0.01	< 0.01	50	8	19	
9	-Y2- 35+16 to 35+53 LT	48" CSP Outlet	SBC							< 0.01	< 0.01	14		14	
10	-Y2- 44+52 to 45+01 LT	54" CAAP Outlet Channel	SBD							< 0.01	< 0.01		23	26	
11	-Y2- 46+92 to 47+00 RT	Channel Change	SFT							< 0.01	< 0.01	4		16	
11	-Y2- 46+67 to 49+75 RT	Channel Change	SFP	Medium						0.04	< 0.01	288		29	
11	-Y2- 49+06 to 49+87 RT	48" CSP Inlet	SFH							< 0.01	< 0.01	37	20	38	
11	-Y2- 50+88 to 53+14 LT	42" CSP / Channel Change	SFH							0.03	< 0.01	240		16	
12	-Y2- 57+08 to 59+56 RT	Roadway/Toe Protection	SFM							< 0.01		191			
12	-Y2- 60+02 to 60+23 LT	24" CMP Outlet	SFM							< 0.01	< 0.01	16		8	
13	-Y2- 59+10 to 59+95 LT	Roadway Fill	SFN							< 0.01	< 0.01	72		15	
14	-Y2- 66+30 to 66+49 LT	6'x6'x RCBC Inlet	Carver Branch	Low							< 0.01			19	
	SHEET TOTALS*:				< 0.01					0.11	0.05	1092	63	584	

\*Rounded totals are sum of actual impacts

\*\*Notes:

## NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 11/1/2021 GRAHAM A-0009CC 32572.1.15

OF

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WETLAND AND SURACE WATER IMPACTS SUMMARY															
					WETLAND IMPACTS				SURFACE WATER IMPACTS						
									Hand			Existing	Existing	Existing	
				NCSAM /	Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Channel	Natural
Site	Station	Structure	NRTR	NCWAM	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Map ID	Rating	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Permanent	Temp.	Design
					(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	Mitigable (ft)	Non-Mitigable (ft)	(ft)	(ft)
14	-Y2- 67+12 to 67+69 RT	6'x6' RCBC Outlet	Carver Branch	Low						0.01	< 0.01	84		20	
15	-Y2- 68+25 to 68+35 LT	Stream Restoration	SBJ								< 0.01			20	
15	-Y2- 67+66 to 67+91 RT	66" CAAP	SBJ							< 0.01		67			
16	-Y2- 75+85 to 76+04 LT	42" RCP Inlet	SBN								< 0.01			22	
17	-Y2- 75+67 to 75+89 RT	Construction Easement	SBP								< 0.01			21	
17	-Y2- 75+89 to 80+17 RT	Floodplain Bench	SBO							< 0.01	0.02		6	419	
17	-Y2- 79+70 to 80+15 RT	Floodplain Bench	Carver Branch	Low							< 0.01			50	
18	-Y3- 11+91 to 12+04 LT	18" RCP Outlet Ditch	Edwards Branch								< 0.01			16	
19	-Y2- 97+95 to 99+45 LT	30" RCP & Channel Change	SBV							< 0.01	< 0.01	67	77	42	
20	-Y2- 98+02 to 99+22 RT	2@6'x6' RCBC	Carver Branch	Low						< 0.01	< 0.01		50	20	
21	-Y2- 99+73 to 99+85 LT	1@12'x5' RCBC Inlet	Edwards Branch							< 0.01	< 0.01	30	24	3	
21	-Y2- 99+89 to 99+94 RT	1@12'x5' RCBC Outlet	Edwards Branch							< 0.01			10		
21	-Y2- 99+71 to 100+13 RT	Floodplain Bench Const.	Carver Branch	Low						< 0.01	< 0.01		23	20	
22	-Y2- 109+70 to 112+01 LT&RT	Roadway/Channel Change	SCB							0.01	< 0.01	209		12	
22	-Y2- 109+60 to 111+38 LT	Roadway/Channel Change	WBR	Medium	0.07		< 0.01		0.01						
22	-Y2- 109+73 to 112+43 RT	Bank Stabilization	Stecoah Creek							< 0.01	< 0.01		31	20	
23	-Y2- 119+92 to 122+49 LT	Rock Fill in Pond	PH							0.06	0.06				
24	-Y2- 123+32 to 125+51 LT	Channel Change	SCD							0.02	< 0.01	226		66	
25	-Y2- 122+95 to 126+55 RT	Floodplain Bench Const.	Stecoah Creek								0.04			361	
26	-Y2- 128+02 to 128+66 RT	Bank Stabilization	Stecoah Creek							0.01	0.01		31	31	
26	-Y2- 128+93 to 130+43 LT	3@10'x9' RCBC Outlet	Stecoah Creek							0.04	0.03	35	54	65	
27	-Y2- 141+09 to 141+21 RT	60" CAAP Inlet	SDT							0.01	< 0.01	43	9	16	
27	-Y2- 141+25 to 141+97 LT	60" CAAP Outlet	SDT							0.02	< 0.01	91		11	
SHEET	TOTALS*:				0.07		< 0.01		0.01	0.22	0.20	852	315	1235	
PROJECT TOTALS*:					0.07	0.00	0.01	0.01	0.04	0.33	0.25	1944	378	1819	

\*Rounded totals are sum of actual impacts

\*\*Notes:

## NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 11/1/2021 GRAHAM A-0009CC 32572.1.15

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ROY COOPER Governor ELIZABETH S. BISER Secretary S. DANIEL SMITH Director



February 22, 2022

Ms. Wanda Austin, Division 14 Engineer NCDOT, Division 14 253 Webster Road Sylva, NC 28779

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to NC 129 and NC 143 in Graham County, Federal Aid Project No. APD-074(178), TIP A-0009C. NCDWR Project No.20201371

Dear Ms. Austin:

Attached hereto is a copy of Certification No. WQC004651 issued to The North Carolina Department of Transportation (NCDOT) dated February 22, 2022.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

-DocuSigned by: Amy Chapman

S. Daniel Smith, Director Division of Water Resources

Electronic copy only distribution:

Crystal Amschler, US Army Corps of Engineers, Asheville Field Office Patrick Breedlove, Environmental Specialist Division 14 Amanetta Somerville, US Environmental Protection Agency Holland Youngman, US Fish and Wildlife Service Dave McHenry, NC Wildlife Resources Commission Beth Harmon, Division of Mitigation Services File Copy



## 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS

**THIS CERTIFICATION** is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact 1.11 acres of jurisdictional wetlands, 8,209 linear feet of jurisdictional streams, and 0.12 acre of open water in Graham County. The project shall be constructed pursuant to the application dated received December 17, 2021. The authorized impacts are as described below:

Stream Impacts in the Little Tennessee River Basin										
Site	Permanent	Temporary	Permanent	Temporary	Total	Stream				
	Fill in	Fill in	Fill in	Fill in	Stream	Impacts				
	Intermittent	Intermittent	Perennial	Perennial	Impact	Requiring				
	Stream	Stream	Stream	Stream	(linear feet)	Mitigation				
	(linear feet)	(linear feet)	(linear feet)	(linear feet)	· · · · ·	C				
S1	39				39					
S2		20			20					
S3	24				24					
S4			12		12					
S5				20	20					
S6			30		30					
S7			26		26					
S8				15	15					
S9			18		18					
S10				20	20					
S11	18				18					
S12			15		15					
S13			48		48					
S14				10	10					
S15			44		44					
S16			48		48					
S17			93		93					
S18				10	10					
S19			18		18					
S20			56		56					
S21				8	8					
S22			14		14					
S23			91		91					
S24				50	50					
S25	45				45					
S26		11			11					
S27		3			3					
S28			13		13					
S29				20	20					
S30				20	20					
S31			18		18					
S32			22		22					
S33				91	91					
S34			29		29					
S35				37	37					
S36			50		50					
S37				10	10					
S38			35		35					
S39			32		32					
S40				10	10					
S41		10			10					

Site	Permanent Fill in Intermittent Stream (linear feet)	Temporary Fill in Intermittent Stream (linear feet)	Permanent Fill in Perennial Stream (linear feet)	Temporary Fill in Perennial Stream (linear feet)	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation
\$42	(inicul reet)	(initial feet)	12	(initial feet)	12	
\$43			12	18	12	
<u>\$43</u>		16		10	16	
S44 S45		10		20	20	
S43		52		20	52	
S40		35	20		33	
547			39	10	39	
S48			10	10	10	
<u> </u>			10		10	
<u>\$50</u>			32		32	
<u>\$51</u>			42	10	42	
<u>\$52</u>				10	10	
<u>\$53</u>			32		32	
<u>\$54</u>				10	10	
\$55			3		3	
S56			11		11	
S57			27		27	
S58				16	16	
S59			24		24	
S60				11	11	
S61			18		18	
S62			6		6	
S63			38		38	
S64				5	5	
S65	24				24	
S66		11			11	
S67			18		18	
S68				14	14	
S69			25		25	
S70			41		41	
S71				9	9	
S72			23		23	
S73				87	87	
S74	25				25	
S75		13			13	
S76	23				23	
S77		8			8	
S78			62		62	
S79			64		64	
S80				105	105	
S81			10		10	
S82			10		10	
S83			68		68	
S84				10	10	
\$85		11		-	11	
			21		21	
				11	11	
			25		25	
			27		27	
502			21	14	14	
S91			6	17	6	
<u> </u>			6		6	
S92 \$03			66		66	
575			00		00	

Site	Permanent Fill in Intermittent Stream (linear feet)	Temporary Fill in Intermittent Stream (linear feet)	Permanent Fill in Perennial Stream (linear feet)	Temporary Fill in Perennial Stream (linear feet)	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation
\$94	(initial feet)	(initial feet)	(inical leet)	62	62	
<u> </u>			4	02	<u> </u>	
<u> </u>			т	14	14	
<u> </u>			15	17	15	
<u> </u>			13		17	
<u> </u>			1,	20	20	
S100				22	22	
S100			16		16	
S102					16	
S103			12		12	
S104			8		8	
S105			-	6	6	
S106			6		6	
S107			15		15	
S108				17	17	
S109			13		13	
S110				21	21	
S111		27			27	
S112			17		17	
S113				20	20	
S114				30	30	
S115			89		89	
S116			20		20	
S117			14		14	
S118				7	7	
S119				21	21	
S120			58		58	
S121			14		14	
S122				5	5	
S123			10		10	
S124				6	6	
S125			41		41	
S126				55	55	
S127			2		2	
S128			12		12	
S129				10	10	
S130			53		53	
S131			68		68	
S132				9	9	
S133			22		22	
<u>\$134</u>				26	26	
S135			34		34	
S136			37		37	
<u>\$137</u>	107			33	33	
<u>\$138</u>	127	~~			127	
<u>\$139</u>		25	2.1		25	
<u>S140</u>			24		24	
<u>S141</u>			20	22	22	
<u>S142</u>			29		29	
<u>S143</u>			10	10	10	
<u>S144</u>				10	10	
S145				31	31	
Site	Permanent Fill in Intermittent Stream	Temporary Fill in Intermittent Stream	Permanent Fill in Perennial Stream	Temporary Fill in Perennial Stream	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation
-----------------------	--	--	---	---	--	--
	(linear feet)	(linear feet)	(linear feet)	(linear feet)		
S146			93		93	
S147				50	50	
S148			14		14	
S149				28	28	
S150			10		10	
S151			20		20	
<u>\$152</u>				10	10	
<u>\$153</u>		3			3	
<u>S154</u>			12		12	
<u>\$155</u>	20			23	23	
<u>S169</u>	38	5.4			38	
<u>S170</u>		54			54	
<u>S171</u>			10	69	69	
<u>S172</u>			18	17	18	
<u>S173</u>				17	17	
S174			10	16	16	
S1/5			12	20	12	
S1/6				20	20	
<u>S1//</u>			10	27	27	
S1/8			12	24	12	
S1/9		10		24	24	
S180		18			18	
S181		24		02	24	
S182	12			83	83	
S183	43		22		43	
S184			22	21	22	
S185			47	21	21	
S180 S187			47	11	4/	
S18/			50	11	50	
S100 S180			30		<u> </u>	
S189 S100			0	10	0	
S190 S101			14	19	19	
\$191 \$102			14	14	14	
S192 S103			23	14	23	
\$193 \$194			23	26	25	
<u>S105</u>	4			20	<u> </u>	
S195	+	16			16	
S197		10	288		288	
S198			200	16	16	
S199			37	10	37	
<u>\$177</u> \$200			20		20	
<u>\$200</u>	<u> </u>	<u> </u>	20	38	38	<u> </u>
<u>\$201</u>			240		240	
<u>\$202</u>			210	16	16	
\$203 \$204			191	10	191	
\$205			16		16	
\$206			10	8	8	
S207	72			Ŭ	72	
S208	.2	15			15	
<u>S200</u>	<u> </u>	15		19	19	
5207	1			17	17	1

Site	Permanent Fill in	Temporary Fill in	Permanent Fill in	Temporary Fill in	Total Stream	Stream Impacts
	Intermittent	Intermittent	Perennial	Perennial	Impact	Requiring
	Stream	Stream	Stream	Stream	(linear feet)	Mitigation
	(linear feet)	(linear feet)	(linear feet)	(linear feet)		
S210			84		84	
S211				20	20	
S212				20	20	
S213			67		67	
S214				22	22	
S215		21			21	
S216	6				6	
S217		419			419	
S218				50	50	
S219				16	16	
S220			67		67	
S221			77		77	
S222				42	42	
S223			50		50	
S224				20	20	
S225			30		30	
S226			24		24	
S227				3	3	
S228			10		10	
S229			23		23	
S230				20	20	
S231			209		209	
S232				12	12	
S233			31		31	
S234				20	20	
S235			226		226	
S236				66	66	
S237				361	361	
S238			31		31	
S239				31	31	
S240			35		35	
S241			54		54	
S242				65	65	
S243			43		43	
S244			9		9	
S245				16	16	
S246			91		91	
S247				11	11	
Total	488	778	4,446	2,497	8,209	

Total Stream Impact for Project: 4,934 linear feet of permanent and 3,275 feet of temporary.

Site	Permanent Fill (acres)	Temporary Fill (acres)	Total Wetland Impact (acres)	Impacts Requiring Mitigation
W1(A4)	.010		.010	(acres)
W2(A13)	.010		.010	.010
W3(A13)	.010		.010	.010
W4(A13)		.030	.030	.030
W5(A13)	.070		.070	.070
W6(A13)	.010		.010	.010

#### Wetland Impacts in the Little Tennessee River Basin

W7(A13)		.020	.020	.020
W8(A13)		.030	.030	.030
W9(A14)	.020		.020	.020
W10(A14)		.010	.010	.010
W11(A14)		.010	.010	.010
W12(A16)	.090		.090	.090
W13(A18)	.010		.010	.010
W14(A21)		.010	.010	.010
W15(A23)	.020		.020	.020
W16(A23)	.070		.070	.070
W17(A23)		.110	.110	.110
W18(A23)	.010		.010	.010
W19(A23)		.010	.010	.010
W20(A23		.050	.050	.050
W21(A24)		.020	.020	.020
W22(B5)		.010	.010	.010
W23(B6)	.060		.060	.060
W24(B6)		.010	.010	.010
W25(B6)	.010		.010	.010
W26(B6)		.010	.010	.010
W27(B10)	.030		.030	.030
W28(B12)	.080		.080	.080
W29(B12)		.010	.010	.010
W29(B12)		.010	.010	.010
W30(B15)	.040		.040	.040
W31(B15)	.020		.020	.020
W32(B15)		.010	.010	.010
W33(B19)	.010		.010	.010
W33(B19)		.010	.010	.010
W34(B19)	.010		.010	.010
W37(C1)	.010		.010	.010
W38(C1)		.010	.010	.010
W39(C7)	.010		.010	.010
W40(C7)		.010	.010	.010
W41(C7)		.020	.020	.020
W42(C22)	.070		.070	.070
W43(C22)	.010		.010	.010
W44(C22)		.010	.010	.010
Total	0.69	0.42	1.11	1.11

otai	weuand	Impact Io	r Project: 0.0	by acres of	permanent and	0.42 acres of	temporary

Site	Fill (acres)	Total Impact (acres)
O1	0.12	0.12
Total	0.12	0.12

#### **Total Open Water Impact for Project: 0.12 acres.**

The application provides adequate assurance that the discharge of fill material into the waters of the Little Tennessee River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received December 17, 2021. Should your project change, you are required to 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 any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed 0.1 acre or 300 linear feet, respectively, additional compensatory

mitigation may be required as described in 15A NCAC 2H .0506 (c). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

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

#### **Project Specific Conditions**

- 1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a preconstruction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
- 2. The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission. No in-water work is permitted between January 1 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 are prohibited during the troutspawning season of January 1 through April 15 to protect the egg and fry stages of trout.

- 3. Prior to commencing ground disturbing activities, an acceptable monitoring and mitigation plan for the presence of sulfide-bearing rock must be approved by the NCDWR.
- 4. The permittee shall use Design Standards in Sensitive Watersheds (15A NCAC 4B.0124[a]-[e]) in areas draining to Trout waters.
- 5. Compensatory mitigation for impacts to 1.11 acres riverine wetlands is required. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Division of Mitigation Services (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. DMS has indicated in a letter dated February 10, 2022, that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with DMS's Mitigation Banking Instrument signed July 28, 2010.
- 6. Channel relocations at sites 11, 17, and 19 of Section C shall be completed and stabilized, and approved on site by NCDWR staff, prior to diverting water into the new channel. Stream banks shall be matted with coir-fiber matting. Vegetation used for bank stabilization shall be limited to native riparian vegetation and should include establishment of a vegetated buffer on both sides of the relocated channel to the maximum extent practical. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested. Once the stream has been turned into the new channel, it may be necessary to relocate stranded fish to the new channel to prevent fish kills. [15A NCAC 02H .0506(b)(3)]

#### **General Conditions**

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

- 2. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
- 3. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S. or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
- The dimension, pattern, and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
- 5. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 6. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 7. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
- 9. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. [15A NCAC 02H.0506(b)(3)]
- 10. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
- 11. Discharging hydroseed mixtures and washing out hydro seeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
- 12. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
- 13. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
- 14. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 15. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification. [15A NCAC 02H.0501 and .0502]

- 16. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
- 17. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
- 18. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
- 19. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0506(b)(2)]
- 20. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 21. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards [15A NCAC 02H.0506(b)(3) 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.
- 22. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)]

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings 6714 Mail Service Center Raleigh, NC 27699-6714 Telephone: (919)-431-3000, Facsimile: (919)-431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Bill F. Lane, General Counsel Department of Environmental Quality 1601 Mail Service Center

This the 22nd day of February 2022

#### DIVISION OF WATER RESOURCES

-DocuSigned by:

Amy Chapman

9C9886312DCD474...

S. Daniel Smith, Director

WQC No. WQC004651

ROY COOPER Governor ELIZABETH S. BISER Secretary S. DANIEL SMITH Director		NORTH CAROLINA Environmental Quality	
	NCDWR Project No.: _		County:

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date of Issuance of 401 Water Quality Certification:

#### **Certificate of Completion**

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, **or** the project engineer. It is not necessary to send certificates from all of these.

#### Applicant's Certification

I, \_\_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Agent's Certification

I, \_\_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date:\_\_\_\_\_

Engineer's	<b>Certification</b>
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\_\_\_\_\_ Partial \_\_\_\_\_ Final

I, \_\_\_\_\_\_, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _	 Registration No
Date	





Eastern Band of Cherokee Indians (EBCI) Water Quality Office (WQO) Mailing address: P.O. Box 1925 Cherokee, NC 28719 Phone (828) 359-6772

Physical address: Water Quality Office 2000 Old #4 Road Cherokee, NC 29719

# 401 Water Quality Certification Grant with Special Condition

Applicant: NC Department of Transportation

Issued: 10/25/2021

Pursuant to CWA Section 401 (33 U.S.C. 1251, 1341), the Eastern Band of Cherokee Indians (EBCI) is required to certify whether the activity described below will not violate applicable water quality standards. Accordingly, The EBCI Water Quality Office (WQO) requires reasonable assurance that the activity will not violate provisions of EBCI Water Quality Standards, Administrative Procedure Act, Cherokee Code, Chapter 150, provisions of EBCI Fish & Game Regulations and Guidelines, and other EBCI water protection provisions, law or regulations.

The Eastern Band of Cherokee Indians Water Quality Office (WQO) issues this letter to serve as notification of water quality certification as required for the road construction/upgrades to NC 143 from SR 1223 to 0.5 miles north of the Appalachian Trail, Graham County NC.

Based on information submitted as part of the application for a 401 Water Quality Certification, followed by a Technical Review, the EBCI Water Quality Office and EBCI Fish & Game Office has concluded that special conditions are required. The logging road at Bowman Lane should not be accessed by equipment at any time. This logging road is located in a wetland that contains waters with macroinvertebrates, indicating pristine habitat, and must not be compromised.

Therefore, the EBCI WQO is issuing this grant with special condition of 401 Certification, also subject to the 401 General Conditions attached. This certification is issued to the NC DOT for the road construction/upgrades to NC 143 from SR 1223 to 0.5 miles north of the Appalachian Trail, Graham County NC.

I, Aaron Ducker grant with special and general conditions CWA 401 Water Quality Certification to the NC DOT for road construction.

Signed

Aaron Ducker

Cc: Mr. Michael Bolt, Water Quality Supervisor

EBCI Water Quality Office (828) 359-6772

# **EBCI 401 CERTIFICATION GENERAL CONDITIONS.**

- 1. Measures shall be taken to prevent or control spills of fuels, lubricants or other toxic materials used in construction from entering the watercourse.
- 2. All dredged material shall be removed to an upland location and/or graded on adjacent areas (so long as such areas are not regulated wetlands), to obtain original streamside elevations, i.e. overbank flooding shall not be artificially obstructed.
- 3. In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.
- 4. To the maximum extent practicable, all instream work under this certification shall be performed during low flow.
- 5. Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such instream work is unavoidable, then it shall be performed in such a manner and duration as to minimize suspension of sediments and disturbance to substrates and bank or riparian vegetation.
- 6. Any fill or riprap including refuse fill, shall be of such composition that it will not adversely affect the biological, chemical or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- 7. If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.
- 8. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.
- 9. Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the EBCI Water Quality Section shall be notified immediately by calling 828-359-6772.
- \* EBCI Water Quality Standards are incorporated as Section 113E of the Cherokee Code.

EBCI Water Quality Office (828) 359-6772

# U.S. ARMY CORPS OF ENGINEERS Wilmington District Compensatory Mitigation Responsibility Transfer Form

#### Permittee: North Carolina Department of Transportation (NCDOT) Project Name: A009C US 129, NC 143, and NC 28 Improvement Project

Action ID: <u>SAW-2009-01346</u> County: Graham

**Instructions to Permittee:** The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

**Instructions to Sponsor:** The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

#### Permitted Impacts and Compensatory Mitigation Requirements

Permitted Impacts Requiring Mitigation*:			8-digit HUC an	d Basin: 06010202, Little	Tennessee River	Basin
Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
		1,944	0.09			

\*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

#### **Compensatory Mitigation Requirements:**

8-digit HUC and Basin: 06010202, Little Tennessee River Basin

Stream Mitigation (credits)				Wetland Mitigation (	credits)	
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
		3,335	0.17			

#### Mitigation Site Debited: NC DMS

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

#### Section to be completed by the Mitigation Sponsor

**Statement of Mitigation Liability Acceptance**: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name:\_

Name of Sponsor's Authorized Representative:\_

Signature of Sponsor's Authorized Representative

Date of Signature

# USACE Wilmington District Compensatory Mitigation Responsibility Transfer Form, Page 2

#### Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to
  the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina
  Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance
  and a new version of this form must be completed and included in the USACE administrative records for both the permit
  and the Bank/ILF Instrument.

#### **Comments/Additional Conditions:**

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil). Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager:	Crystal Amschler
USACE Field Office:	Asheville Regulatory Field Office
	US Army Corps of Engineers
	151 Patton Avenue, Room 208
	Asheville, NC 28801-5006

Email:

# Crystal Amschler Digitally signed by Crystal Amschler Date: 2022.06.30 19:32:19-04'00'

**USACE Project Manager Signature** 

Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <a href="http://ribits.usace.army.mil">http://ribits.usace.army.mil</a>.

Page 2 of 2

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 the Customer Satisfaction Survey located at our website at <a href="http://regulatory.usacesurvey.com/">http://regulatory.usacesurvey.com/</a> to complete the survey online.

# U.S. ARMY CORPS OF ENGINEERS Wilmington District Compensatory Mitigation Responsibility Transfer Form

#### Permittee: North Carolina Department of Transportation (NCDOT) Project Name: A009C US 129, NC 143, and NC 28 Improvement Project

Action ID: <u>SAW-2009-01346</u> County: Graham

**Instructions to Permittee:** The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

**Instructions to Sponsor:** The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

#### Permitted Impacts and Compensatory Mitigation Requirements

Permitted Impacts Requiring Mitigation*:			8-digit HUC and Basin: 06010204, Little Tennessee River Basin			Basin
Stream Impacts (linear feet)		Wetland Impacts (acres)				
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
		1,490	0.697			

\*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

#### **Compensatory Mitigation Requirements:**

8-digit HUC and Basin: 06010204, Little Tennessee River Basin

Stream Mitigation (credits)		Wetland Mitigation (credits)				
Warm	Cool	Cold	<b>Riparian Riverine</b>	Riparian Non-Riverine	Non-Riparian	Coastal
		2,917	1.32			

#### Mitigation Site Debited: NC DMS

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

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Mitigation Sponsor Name:\_

Name of Sponsor's Authorized Representative:\_

Signature of Sponsor's Authorized Representative

**Date of Signature** 

# USACE Wilmington District Compensatory Mitigation Responsibility Transfer Form, Page 2

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#### **Comments/Additional Conditions:**

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil). Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager:	Crystal Amschler
USACE Field Office:	Asheville Regulatory Field Office
	US Army Corps of Engineers
	151 Patton Avenue, Room 208
	Asheville, NC 28801-5006

Email:



**USACE Project Manager Signature** 

Click here to enter a date. Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <u>http://ribits.usace.army.mil</u>.

Page 2 of 2

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WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the North Carolina Department of Transportation (NCDOT), proposes to improve the mobility and reliability of US 129, NC 143, and of NC 28 from the existing four-lane section in Robbinsville to Stecoah as part of the Appalachian Development Highway System (the Undertaking) in Graham County; and

WHEREAS, the FHWA has prepared an Environmental Assessment (EA) and intends to prepare a Finding of No Significant Impact (FONSI) for the project and has consulted with the Advisory Council on Historic Preservation (ACHP) on the practicality of developing a Programmatic Agreement (PA) to ensure compliance with Section 106 of the National Historic Preservation Act of 1966, as amended 54 U.S.C. §§ 300101-307108; and

WHEREAS, to address the known effects to historic properties and possible future effects on cultural resources, the FHWA will establish, in consultation with the consulting parties in the Section 106 process, the A-0009C Cultural Resources Task Force (CR Task Force); and

WHEREAS, the A-0009C CR Task Force will manage a phased-decision making process that responds to and plans for the challenging environment in which the Undertaking's effects are thoroughly considered; and

WHEREAS, identification of historic properties within the Undertaking's Area of Potential Effects (APE) has been carried out in accordance with the Advisory Council on Historic Preservation's (ACHP) regulations (36 CFR Part 800) for implementing Section 106 of the National Historic Preservation Act, as amended 54 U.S.C. §§ 300101-307108; and

WHEREAS, the Undertaking includes improvements to the nationally significant Appalachian National Scenic Trail (ANST), aka A.T., a property determined eligible for inclusion in the National Register of Historic Places (NRHP), and proposes to provide a long-term approach to provide safe passage for hikers that is consistent with ANST experiential and aesthetic values and wildlife across NC 143; and,

WHEREAS, this PA does not abrogate the rights, responsibilities, and obligations of the United States Forest Service (USFS) and the National Park Service (NPS) to manage the ANST pursuant to the

National Trails System Act (NTSA), 16 U.S.C. Sections 1241-1251 and 36 CFR Parts 1-7 and other relevant authorities; and

WHEREAS, the Undertaking is in proximity to resources associated with the Trail of Tears National Historic Trail, a route administered by the NPS in coordination with other federal land managers and advice from the federally recognized Tribes, and other Trail of Tears research, that follows and remembers the 1838 forced removal of more than 16,000 Cherokee Indian people from their homelands in Tennessee, Alabama, North Carolina, and Georgia by the United States government; and

WHEREAS, the FHWA has consulted with the North Carolina State Historic Preservation Officer (SHPO) and the ACHP to develop this PA pursuant to Section 14(b)(3) of 36 CFR Part 800; and

WHEREAS, the NCDOT and USFS have participated in the consultation and been invited as signatories to this PA; and

WHEREAS, the USFS will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives; and

WHEREAS, this PA does not authorize the specific work projects or activities that involve the transfer of funds, services, or property of the USFS. These specific work projects or activities will require execution of separate agreements, be contingent upon the availability of appropriated funds, and be independently authorized by appropriate statutory authority. The negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations; and

WHEREAS, this PA in no way restricts the USFS from participating in similar activities with other public or private agencies, organizations, and individuals; and

WHEREAS, nothing in this PA may be interpreted to imply that the USFS endorses any product, service, or policy of the Signatory or Concurring parties; and

WHEREAS, the Eastern Band of Cherokee Indians (EBCI) has Tribal lands within and adjacent to the Undertaking, participated in the consultation, and been invited as a signatory to this PA; and

WHEREAS, the Cherokee Nation (CN), the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB), the Muscogee (Creek) Nation (MCN), and the Catawba Nation have participated in the consultation and been invited to concur in this PA; and

WHEREAS, the Appalachian Trail Conservancy (ATC), the United States Army Corps of Engineers, (USACE), NPS, Stecoah Valley Cultural Arts Center, Graham County Historical Association, and Junaluska Memorial & Museum have participated in the consultation and been invited to concur in this PA; and

WHEREAS, this PA is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person; and

WHEREAS, by signing this PA, each Signatory or Concurring Party affirms that its provisions are appropriate means to avoid, minimize, or mitigate effects on historic properties in the event the Undertaking obtains all required approvals and is implemented;

NOW, THEREFORE, FHWA, SHPO, USFS, EBCI, and NCDOT agree that the Undertaking shall be administered in accordance with the following principles and stipulations to satisfy FHWA's Section 106 responsibilities for these actions.

# PRINCIPLES

The signatories to this PA shall adhere to the following principles for the Undertaking and implementation of the A-0009C CR Task Force:

- 1. FHWA and NCDOT commit to plan, design, and implement the Undertaking in accordance with the best practices and Context Sensitive Solutions available at the time to avoid and minimize impacts to historic properties.
- 2. The signatories agree to meet the review timelines outlined in each of the stipulations. Should any party fail to respond by the deadline(s) stipulated, their failure to comment will constitute acceptance.
- 3. It is important that the signatory and concurring parties stay informed of the progress of the Undertaking and that they are especially informed of any information and/or circumstances, planned or unanticipated, that may invoke this PA and the Section 106 of the National Historic Preservation Act. NCDOT will monitor the Undertaking and the affected environment and inform the A-0009C CR Task Force of construction progress, minor design changes, and unanticipated information, events or conditions requiring additional studies. Monitoring and communications must be timely so that A-0009C CR Task Force may review and assess if the information, circumstances or event has any implications for the resources governed by this PA and Section 106 and then determine what, if any, management actions need to be modified and if they need to consult with the signatory and concurring parties. This shared communication and collaboration is critical to the intent and ability to avoid or minimize the adverse impacts to inadvertently discovered historic properties during the lifetime of this Undertaking
- 4. FHWA and NCDOT will seek, discuss, and consider the views of the Signatory and Concurring Parties to this PA concerning design and construction options throughout the planning and construction of the Undertaking.
- 5. Given the potential for changes in the environment and historic properties, FHWA and NCDOT will identify and evaluate any properties that are or may be eligible for listing in the NRHP.
- 6. FHWA and NCDOT will take into account direct, indirect, and cumulative effects on historic properties pursuant to 36 CFR 800.5(a)(l) and shall consider measures to improve existing conditions affecting historic properties.
- 7. Reasonableness of cost shall not be the only determining factor when selecting measures to avoid, minimize, or mitigate adverse effects to historic properties.
- 8. FHWA and NCDOT will to the greatest extent possible, avoid and minimize impacts associated with the Undertaking on sites associated with the forced removal of Cherokees from this area.
- 9. FHWA has an Emergency Relief Program that establishes protocols for coordination with NCDOT and other Federal and state agencies to deal with declared emergencies. FHWA and NCDOT will comply with 23 CFR 668 and 36 CFR 800.12, and other applicable environmental laws, when a disaster and/or emergency is declared by the appropriate authority.
- 10. NCDOT, with oversight by FHWA, will provide overall project management to ensure that the provisions of this PA are met throughout the life of the Undertaking. The responsibility of the

NCDOT management will be NCDOT's Division 14 Division Engineer (or his/her designee) and they are responsible with coordinating and reporting to the A-0009C CR Task Force.

- 11. The A-0009C CR Task Force's overall purpose is to assist in the management and the coordination and implementation of this PA and ensure the identification, evaluation, and effects assessment for any historic properties associated with the Undertaking. The task force will also ensure consistent, pro-active, and transparent communications between the signatories and concurring parties to this PA, as well as other consulting parties, as needed.
  - a. Membership: The A-0009C CR Task Force is comprised of representatives or their designee from the PA signatory organizations that have the responsibility and authority to make decisions and take or assign actions on behalf of their organization. Each representative or their designee shall involve and work with others within their respective organization who have subject matter expertise on an as-needed basis. The representatives are as follows:
    - FHWA, Preconstruction and Environment Director (Co-Chair)
    - NCSHPO, Environmental Review Coordinator
    - USFS, National Forests in North Carolina Archeologist and Tribal Liaison
    - NPS, National Trails Office, Cultural Resources Specialist
    - EBCI, Tribal Historic Preservation Officer (Co-Chair)
    - NCDOT, Division Engineer (Co-Chair)
  - b. Roles and Responsibilities: The A-0009C CR Task Force will operate in a manner that is transparent, encourages curiosity, and makes timely, informed decisions, with a focus on identifying, understanding, and addressing interests of stakeholders and fostering a collaborative approach. Members will obtain and share all relevant information and conduct reviews and assessments, so decisions are timely and transparent. The A-0009C CR Task Force's scope of decision-making responsibility includes reviewing proposed changes to the design plans, construction details, and mitigation strategies for possible effects on historic properties ; assessing or re-assessing effects; developing proper and compliant resolutions should effects be found to be adverse; and facilitating those resolutions.

The A-0009C CR Task Force will communicate consistently, pro-actively, and transparently using a variety of effective methods such as:

- Meetings regular and special meetings (in person, via web meeting, or teleconference) with team members and decision-makers to share information, update the status of activities, resolve problems and plan for future actions or measures.
- One-On-One communication between individuals (in person, telephone, or email) regarding the details of the work,
- Document Sharing and Control secure electronic document storage that allows team members to upload, access and store project data, progress meeting minutes, draft text, and drawings
- Monitoring and Reporting -- provide an annual status update to the signatories and concurring parties on the implementation of the Undertaking and progress made on fulfilling the Stipulations to this PA

Decisions of the A-0009C CR Task Force will be made through written concurrence (meeting minutes, effects consultation letters, emails, and reports) and distributed to other stakeholders within five (5) business days of the decision. The NCDOT Co-Chair will be

responsible for the development and distribution of draft minutes and provide others the opportunity to review and comment prior to them being finalized.

A-0009C CR Task Force members will hold themselves and each other accountable to the responsibilities and stipulations of this PA and ensure the implementation of the agreed upon measures to avoid, minimize, or mitigate adverse effects to historic properties.

Within 90 days of executing this agreement, the A-0009C CR Task Force will develop operating procedures to specify how they will effectively carry out their roles and responsibilities. The Task Force will provide these procedures to the signatories and concurring parties to this agreement.

#### STIPULATIONS

FHWA and NCDOT will ensure that the following measures are carried out:

# I. Additional Consultation

Although Undertaking-related decisions will be made in consultation with the Interagency NEPA/Section 404 Merger Team, consultation regarding historic properties will be made within the framework of this PA and in accord with Section 106 of the National Historic Preservation Act. FHWA and NCDOT will ensure that appropriate communication and coordination will occur as needed to address situations that may occur with resources that involve other resource agencies.

The following situations require further consultation pursuant to this PA (and may require amendment to this PA) and shall require notification to the A-0009C CR Task Force:

- change in the eligibility or integrity of historic properties; or
- determination of new historic properties; or
- proposed changes to the design plans, construction details, and mitigation strategies in the vicinity of historic properties.

# II. Additional Studies and Evaluations Outside the Original APE's

If after the signature of this PA there are unanticipated requirements NCDOT shall provide the A-0009C CR Task Force with information concerning the proposed changes. These could include, but are not limited to, additional detour limits, expanded construction or slope stake limits, staging areas, additional permanent easements, or any other work outside the APE's for either historic architecture or archaeology. In the notification NCDOT will provide specific locational data, an assessment of how such changes may affect historic properties, and any measures proposed to conduct further investigations or modify specific improvements contained in this PA. If after thirty (30) days of confirmed receipt of proposed changes and NCDOT's recommendations, no comments are received from the A-0009C CR Task Force, the NCDOT may assume the non-responding party has no objections.

# III. Coordinated Design and Aesthetics of Land Bridge, Walls, and Fences

Along the length of the Undertaking, the appearance of land bridge, other structures, retaining walls, or fences (including wildlife fencing) adjacent to historic properties will be coordinated with the A-0009C CR Task Force and distributed to signatories, concurring parties, and relevant stakeholders (historic

property owners, municipal governmental staff, contractors). NCDOT will provide the A-0009C CR Task Force with renderings that illustrate aesthetic choices for the materials, textures, colors, and species of proposed plantings applied to the land bridge, other structures, retaining walls, or fences and request comments and preferences. If after thirty (30) days of confirmed receipt of proposed changes and NCDOT's recommendations, no comments are received from the A-0009C CR Task Force, the NCDOT may assume the non-responding party has no objections.

# **IV. Tree Preservation and Landscaping**

- a. To increase the awareness of tree preservation along the length of the Undertaking, NCDOT will instruct the construction contractor to install temporary plastic fencing and tree preservation signage along the boundaries of historic properties with trees greater than 6" in diameter. If NCDOT plans to remove trees within the boundary of a historic property, NCDOT will survey the trees and minimize the construction footprint to decrease impacts to the greatest extent possible. However, if trees require removal or will be damaged by root disturbances, then said trees will be replaced with balled and/or burlaped trees guaranteed to survive three (3) years.
- b. At the signing of this PA, NCDOT only shows tree removal and replacement of trees at the John and Mattie Colvard House (GH0238) and tree protection measures and landscape restoration at the Cheoah Historic District (GH0347) as denoted in the Historic Architecture Effects Consultation form in Appendix A. Images illustrating the projected impacts in these areas are included with the Historic Architecture Effects Consultation form.

#### V. Preservation of Existing Stone Walls

At the John and Ruby Cody House (GH0261) the existing stone walls that line the driveway will be marked with temporary protective fencing during construction to prevent accidental harm. This commitment is noted on the Historic Architecture Effects Consultation form in Appendix A and images illustrating the projected impacts in this area is included with the Historic Architecture Effects Consultation form.

# VI. Appalachian National Scenic Trail

The current at-grade crossing for hikers at NC 143 will be replaced by a land bridge which will separate hikers and wildlife from vehicular traffic. This will require relocating sections of the ANST to align with the land bridge and right-of-way acquisition. NCDOT, USFS, and ATC shall enter into a separate agreement for the design, construction, and maintenance of the relocation of the ANST.

a. **Relocation of ANST Crossing at NC 143:** The ANST will require relocation on both sides of the new structure to orient with the crossing. A preliminary route has been identified, subject to final review and approval by USFS and ATC. An image showing the relocated trail study corridor is included as Appendix C. NCDOT will be responsible for construction of the land bridge and relocation of the ANST including construction of a new connecting spur trail from the existing parking area. NCDOT will fund construction of the trail relocation and engage a trail building organization acceptable to the NCDOT, USFS, and ATC.

NCDOT will design and erect a sign and/or an informational kiosk at the crossing in consultation with the USFS, NPS, and ATC upon opening of the land bridge to pedestrian traffic. The design

and aesthetics of the land bridge will be reviewed by the Signatory and Concurring Parties prior to construction. The land bridge will be maintained by NCDOT Division 14 and the relocated trail will be maintained by USFS, NPS, and ATC.

- b. Land Acquisition for the Land Bridge and ANST Relocation: The land bridge and the ANST relocation route crosses/encroaches upon a parcel currently in private ownership. NCDOT will follow 49 CFR Code of Federal Regulations as well as NC General Statutes. The current plan indicates the private parcel will be acquired by NCDOT. NCDOT will convey any portion thereof not needed for the land bridge to the USFS. Should this plan change, NCDOT will consult with USFS, NPS, and ATC. NCDOT will survey the proposed ANST route across this parcel for impacts to historic properties.
- c. **Hikers During Construction:** The ANST is normally open 24 hours a day, 365 days a year and will require a Work Zone Pedestrian Plan prior to initiation of construction in the vicinity of the ANST. During construction, the contractor shall maintain a safe pedestrian route and environment for ANST hikers, including wayfaring signs warning of construction ahead, a clearly marked route for hikers through or around the construction site, and when appropriate, flaggers to aid hikers in the construction zone. At the discretion of the contractor, and under the supervision of the NCDOT, flaggers will assure hikers do not pass through the construction site when there is potential danger. The construction contractor shall endeavor to minimize stoppage of hikers and regulate construction for hikers while ensuring safe passage.
- d. **Trailhead Parking and ANST Access:** The current trailhead parking on the east side of NC 143 will be retained after construction for parking and access to the eastern side of the land bridge. NCDOT shall coordinate with the USFS, NPS, and ATC on any measures needed to protect these features and associated amenities during construction. The NCDOT will repair and restore any damage to these areas from construction activities. After construction NCDOT will maintain the pavement, striping, and curbs, while the USFS would maintain the grass, vegetation at the trailhead, signs, and other associated amenities.
- e. **Appalachian Trail Signs:** NCDOT will provide funding for the manufacture of new trail signs for the ANST. These signs will be manufactured, installed, and maintained by the ATC in consultation with the NPS and USFS on the new land bridge and relocated sections of trail.

# VII. Tribal Coordination

The requirements to consult with federally recognized Tribes in the Section 106 review process are derived from the specific language of Section 101(d)(6)(B) of the National Historic Preservation Act. They are also based on the unique legal relationship between federally recognized Indian tribes and the federal government embodied in the U.S. Constitution, treaties, court decisions, federal statutes, and executive orders.

FHWA shall ensure that consultation provides Tribes a reasonable opportunity to identify concerns about historic properties; continue to advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance to them; articulate their views on the Undertaking's effects on such properties; and participate in the resolution of adverse effects. Accordingly, the regulations require that FHWA make a reasonable and good-faith effort to identify Tribes that may attach religious and cultural significance to historic properties that may be affected by the undertaking. FHWA shall ensure that consultation under the Section 106 review process is respectful of tribal sovereignty in conducting consultations and recognizes the government-to-government relationship that exists between the federal government and federally recognized Indian Tribes.

#### **VIII. Archaeological Resources**

The A-0009C undertaking has the potential to affect multiple archaeological sites identified within the archaeological APE defined here as the maximum limits of ground disturbing activities associated with the project including both temporary and permanent easements. As outlined in the Principles Section of this PA, the signatories agree to plan, design, and implement the Undertaking to avoid and minimize impacts to historic properties while acknowledging that adverse effects may result as the project's design and APE are refined. Refinements to the APE that occur through the design process will be the determining factor in the need for further archaeological NRHP evaluations and effects findings for the archaeological sites detailed within Appendix B of this PA. Archaeological site NRHP evaluations will be coupled with a recommendation as to whether or not the site(s) warrants preservation in place to assist FHWA in determining the applicability of 23 CFR 774 Section 4(f) requirements. Sites that through consultation as described below and in keeping with Stipulation VII's Tribal Coordination requirements, are ultimately determined to require data recovery investigations will be subjected to those investigations prior to any construction activities occurring within the site limits. Data recovery investigations will be completed within the portions of the site(s) contained within the undertakings refined APE after Right of Way acquisition. Sites that are determined eligible for the NRHP and warrant preservation in place will require FHWA and NCDOT to continue to seek alternatives or modifications to the undertaking that could avoid or minimize effects.

- **a.** Sites 31GH34, 31GH78, 31GH92, 31GH94, 31GH599, 31GH664, 31GH673, 31GH691, and 31GH716 have been determined eligible for the NRHP under Criterion D and do not warrant preservation in place. NCDOT and FHWA will continue to seek alternatives or modifications to the undertaking that could avoid or minimize effects to these sites. If through ongoing consultation, any of these sites are determined to be adversely affected by the undertaking and data recovery is determined to be the best course of action to mitigate the adverse effects, NCDOT will develop Data Recovery Plans (DRPs) for these nine sites through consultation with the SHPO and the THPOs (or their designee) of the EBCI, CN, UKB, MCN, Catawba Nation, and the A-0009C CR Task Force.
- b. Refinements to the design plans and APE may require that other sites be subjected to additional investigation to determine their respective NRHP eligibility. This currently includes but is not limited to sites 31GH35, 31GH45, 31GH625, 31GH703, 31GH723, 31GH729 and/or 31GH731. If Sites 31GH35, 31GH45, 31GH625, 31GH703, 31GH723, 31GH729 and/or 31GH731, and any other sites are determined eligible for the NRHP under Criterion D through further testing within the Undertaking's APE and they are determined through continued consultation to not warrant preservation in place, NCDOT and FHWA will continue to seek alternatives or modifications to the undertaking that could avoid, or minimize effects to these sites. If through ongoing consultation, any of these sites are determined to be adversely affected by the undertaking and data recovery is determined to be the best course of action to mitigate the adverse effects, NCDOT, in consultation with the SHPO and the THPOs (or their designee) of the EBCI, CN, UKB, MCN, the Catawba Nation and the A-0009C CR Task Force will develop, separate DRPs for those sites as determined appropriate.
- **c.** Site 31GH46 has been determined eligible for the NRHP under Criterion D and under Criterion A. NCDOT and FHWA will continue to seek alternatives or modifications to the undertaking that could avoid or minimize effects to this site.
- d. NCDOT will ensure that any required DRPs are implemented after the highway Right-Of-Way is acquired and prior to construction activities within the site's location.
- e. Upon completion of the Data Recovery field efforts, NCDOT will prepare and forward a Management Summary to the SHPO and the THPOs (or their designee) of the EBCI, CN, UKB,

MCN, Catawba Nation and the A-0009C CR Task Force detailing the results of the Data Recovery efforts for each eligible site as completed.

- f. Upon receipt of the Management Summary, the SHPO and the THPOs (or their designee) of the EBCI, CN, UKB, MCN, Catawba Nation and the A-0009C CR Task Force will respond within thirty (30) days to the recommendations contained within the Management Summary.
- g. Upon acceptance of the recommendations contained in the Management Summary, the SHPO and the THPOs (or their designee) of the EBCI, CN, UKB, MCN, and Catawba Nation and the A-0009C CR Task Force will issue NCDOT documentation that the Data Recovery field investigations have been completed.
- h. The analysis and report preparation, detailing each eligible site's investigations, will be completed by NCDOT, or their consultant(s), within eighteen (18) months after completion of the fieldwork.
- i. Some parcels within the APE (totaling approximately 59.02 acres) could not be accessed for survey due to a lack of landowner permission or their uncertain legal status. Some locations within the archaeological APE could not be adequately tested. Survey of those areas (including use of heavy equipment as appropriate to remove pavement or fill) is recommended if they are determined to be impacted by the Undertaking.
- j. Sites 31GH696 and 31GH705 have been determined eligible under Criterion A and cannot be subjected to any ground disturbing activities.

#### IX. Trail of Tears National Historic Trail

The Trail of Tears routes have historical, cultural, and religious significance for many Tribal nations and the Unicoi Turnpike follows a traditional, prehistoric transportation route through the southern Appalachians. The A-0009C CR Task Force will coordinate with the USFS Unicoi Turnpike and Trail of Tears Heritage Corridor Coordinator (Coordinator) to ensure that the Undertaking does not significantly impact the sites and routes in the heritage corridor. The corridor will include the Trail of Tears National Historic Trail along with resources, sites and routes associated with the removal of the Cherokee obtained from the Riggs 1998 study. Any concerns received from the Coordinator will be reviewed by the A-0009C CR Task Force and if additional studies or evaluations are required, they will follow the guidelines set forth in Stipulation I.

# X. Reporting

On or before each anniversary of the fully signed PA, the A-0009C CR Task Force will provide an annual status update to the Signatories and Concurring Parties on the implementation of the Undertaking and progress made on fulfilling the Stipulations to this PA. This status update will occur, whether or not any activity occurred on the Undertaking. If important milestones have occurred on the Undertaking and/or implementation of the PA, NCDOT shall provide the status updates at shorter intervals based on deliverable actions. The reporting requirement will cease when the PA terminates as per Stipulation XIV.

# **XI. Dispute Resolution**

Should any of the Signatory or Consulting Party(ies) object within thirty (30) days after receipt to any plans or documentation provided for review pursuant to this PA, the FHWA shall consult with the objecting party(ies) to resolve the objection. If the FHWA or objecting party(ies) determines that the objection cannot be resolved, the FHWA will forward all documentation relevant to the dispute to the ACHP. Within thirty (30) days after receipt of all pertinent documentation, the ACHP will either:

- Provide the FHWA with recommendations which the FHWA will take into account in reaching a final decision regarding the dispute, or
- Notify the FHWA that it will comment pursuant to 36 CFR Section 800.7(c) and proceed to comment.
- Any ACHP comment provided in response to such a request will be taken into account by the FHWA, in accordance with 36 CFR Section 800.7 (c) (4) with reference to the subject of the dispute.

Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute. FHWA's responsibility to carry out all the actions under this PA that are not the subject of the dispute will remain unchanged.

# **XII. Post-Review Discoveries**

In accordance with 36 CFR 800.13(a), if NCDOT identifies additional cultural resource(s) during construction, all work will be halted within the limits of the resource(s) and the FHWA and the SHPO will be contacted. The NCDOT and FHWA will inform the A-0009C Task Force and will initiate the appropriate agency and/or Tribal coordination required for a determination of eligibility or recovery effort. If after consultation, additional mitigation is determined necessary, the NCDOT, in consultation with the Task Force and concurring parties, will develop and implement appropriate protection/mitigation measures for the resource(s). Inadvertent or accidental discovery of human remains will be handled in accordance with North Carolina General Statutes 65 and 70 and follow the EBCI protocols for human remains provided in Appendix D.

# XIII. Amendments

Should any of the Signatory parties believe that any of the terms of this PA cannot be carried out or that an amendment to the terms must be made, that party(ies) shall immediately consult with the other party(ies) to develop an amendment. The amendment will be effective on the date a copy is signed by all of the original signatories. If the signatories cannot agree to appropriate terms to amend the PA, any signatory may terminate the agreement in accordance with Stipulation XIV, below. Environmental conditions will be monitored for any changes prior to permitting of subsequent phases and the A-0009C CR Task Force may provide for any amendments that may result from environmental changes and need for permits at those times.

# **XIV.** Termination

Any Signatory may terminate this PA by providing notice to the other party(ies), provided that the party(ies) will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination of this PA will require compliance with 36 CFR 800. This PA may be terminated by the execution of a subsequent PA that explicitly terminates or supersedes its terms.

In the event that FHWA and NCDOT are unable to proceed with the Undertaking as currently proposed, FHWA shall reinitiate Section 106 consultation in accordance with 36 CFR Part 800 regarding other alternatives for the Undertaking.

# XV. Duration

Unless terminated pursuant to Stipulation XIV above, this PA will be in effect until FHWA, in consultation with the other Signatory and Concurring Party(ies), determines that all of its terms have

satisfactorily been fulfilled, or if NCDOT is unable or decides not to construct the Undertaking, or after fifteen (15) years, whichever is soonest.

#### EXECUTION

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

#### AGREE:

# U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, NORTH CAROLINA DIVISION

By: CLARENCE W COLEMAN Digitally signed by CLARENCE W COLEMAN	Date	3/3/2021
for John Sullivan, PE, Division Administrator	-	
NORTH DocuSigned by: B. Ramona M. Bartos EB6C48E19A51446 Ramona Bartos, Deputy State Historic Preservation Officer	_Date	2/26/2021
U.S. FOR DocuSigned by: UTHERN REGION B. James Melonas James Melonas, Forest Supervisor for the National Forests in North	_ Date Carolir	3/2/2021 na
EASTER Docusigned by: B Unif Kichard Swid 5869762EFE41489 The Honorable Principal Chief Richard Sneed	_Date	3/2/2021
STATE C Docusigned by: WA, DEPARTMENT OF TRANSPORTA B. Clinis M. Wirner	TION Date	2/25/2021

Chris M. Werner, P.E., Technical Services Administrator

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**Cherokee Nation:** 

By:\_\_\_\_\_Date

Chad Harsha, Secretary of Natural Resources

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

The United Keetoowah Band of Cherokee Indians in Oklahoma:

By:\_\_\_\_\_ Date \_\_\_\_\_

The Honorable Joe Bunch, Chief

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

Muscogee (Creek) Nation:

By:\_\_\_\_\_Date

The Honorable David Hill, Principal Chief

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**Catawba Nation:** 

By:\_\_\_\_\_ Date

The Honorable William Harris, Principal Chief

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**Appalachian Trail Conservancy:** 

By:\_\_\_\_\_Date

Morgan Sommerville, Director

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**United States Army Corps of Engineers:** 

By: \_\_\_\_\_ Date

Benjamin A. Bennett, Colonel, U.S. Army District Commander

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**National Park Service:** 

By: \_\_\_\_\_ Date

Margaret Frisbie, Cultural Resources Specialist, National Trails

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**National Park Service:** 

By:

Date

Wendy K. Janssen, Superintendent, Appalachian National Scenic Trail

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**Stecoah Valley Cultural Arts Center:** 

By:\_\_\_\_\_ Date

Beth Fields, Executive Director

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

**Graham County Historical Association:** 

By:\_\_\_\_\_ Date \_\_\_\_\_

Ed Satterfield, President
## PROGRAMMATIC AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER, THE UNITED STATES FOREST SERVICE, EASTERN BAND OF CHEROKEE INDIANS, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO US 129, NC 143, AND NC 28 FROM ROBBINSVILLE TO STECOAH PART OF THE APPALACHIAN HIGHWAY DEVELOPMENT SYSTEM GRAHAM COUNTY, NORTH CAROLINA STIP PROJECT A-0009C FEDERAL AID PROJECT APD-0074(178)

Execution of this PA by FHWA, SHPO, USFS, EBCI, and NCDOT, its subsequent filing with the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking, and that FHWA has taken into account the effect of the Undertaking on the historic properties, archaeological sites, and traditional cultural properties.

**CONCUR:** 

Junaluska Memorial & Museum:

By:\_\_\_\_\_ Date

- Appendix A Historic Architecture Effects Consultation Form (2020) and Plan Sheets
- Appendix B List of Archaeological Sites
- Appendix C Relocation of Appalachian National Scenic Trail
- Appendix D EBCI Guidelines for Human Remains

*Federal Aid #:* APD-0074(178) *TIP*#: A-0009C

County: Graham

## **CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS**

Project Description: Appalachian Highway Development System: Corridor K Improvements from Robbinsville to Stecoah

On June 1 and July 30, 2020 representatives of the

 $\boxtimes$ North Carolina Department of Transportation (NCDOT)

Federal Highway Administration (FHWA)

 $\boxtimes$ North Carolina State Historic Preservation Office (HPO)

 $\overline{\boxtimes}$ Other: USACE, USFS, Elizabeth Toombs (Cherokee Nation), Stephen Yerka (EBCI),

NPS, AT Conservancy

Reviewed the subject project and agreed on the effects findings listed within the table attached to this signature page.

Signed:

-Docusigned by: Mary Pope Furr	8/19/2020
Representative, NCDOT	Date
DocuSigned by:	
Clarene N. Obleman . B.	8/19/2020
E932DEEC5B6240F	
FHWA, for the Division Administrator, or other Federal Agency	Date
DocuSigned by:	
Rence Gedhill-Earley	8/19/2020
C26A1556A275464	
Representative, HPO	Date

DocuSign Envelope ID: 5AC01EAC-6C32-499A-B564-51DF17B3A251

*Federal Aid #*: APD-0074(178) *T* 

*TIP*#: A-0009C

County: Graham

lg Reasons	<ul> <li>3-lane section with guardrail along US 129 could require tree removal with historic boundary. NCDOT will survey trees and minimize design to decrea impacts and removed trees will be replaced with balled/burlaped trees guart to survive 3 years</li> </ul>	I Original project APE reduced after surveys due to elimination of several proposed alignments.	I Original project APE reduced after surveys due to elimination of several proposed alignments.	I Original project APE reduced after surveys due to elimination of several proposed alignments.	I Original project APE reduced after surveys due to elimination of several proposed alignments.	No construction activities within historic property boundary and will not in setting or viewshed	Intersection improvements at US 129 and East Main Street will not require construction activities within historic property boundary and will not impac setting or viewshed	No construction activities within historic property boundary and will not in setting or viewshed
Effect Findin	No adverse effe <i>De minimis</i> 4(f)	Outside revised APE	Outside revised APE	Outside revised APE	Outside revised APE	No effect	No effect	No effect
Alternative	Improve existing	Improve existing	Improve existing	Improve existing	Improve existing	Improve existing	Improve existing	Improve existing
<b>Property and Status</b>	John and Mattie Colvard House (GH0238) – DE Criterion C	Frank and Lenora Colvard House (GH0235) – DE Criterion C	Colvard Motor Company (GH0236) – DE Criteria A&C	Colvard House (GH0240) – DE Criterion C	J. Boyd Crisp House (GH0242) – DE Criterion C	The Hut (GH0204) – DE Criteria A&C	Robbinsville First Baptist Church (GH0203) – DE Criterion C	Robbinsville Downtown Historic District (GH0230) – DE Criteria A&C

A-0009 Historic Architecture Effects, June/July 2020 Page 2 of 5

Improve     No effect     No construction activities with setting or viewshed	ction activities within historic property boundary and will not impact lewshed
Improve         No effect         No construction activities with setting or viewshed           existing         setting or viewshed	ction activities within historic property boundary and will not impact iewshed
Improve         No effect         No construction activities with setting or viewshed	ction activities within historic property boundary and will not impact iewshed
ImproveNo adverse effectClimbing lanes in both directionsexisting 4-laneDe minimis 4(f)walls, and fences on both sides ocross sectionnetaining walls, and fences on both sides oretaining walls at the crest of Stewith combinedpedestrian andAT will be relocated onto a newwildlifea wildlife crossing. The proposedcrossing landbridge	tes in both directions result in 4-lane section with guardrail, tiered retaining nces on both sides of road at AT crossing of NC 143 [1146'of tiered lls at the crest of Stecoah Gap with a maximum height of 63' and average ]. ROW impacts to USFS land 3.27 acres and 0.23 acres impacted at trail. clocated onto a new structure over NC 143 that includes dense plantings an ossing. The proposed land bridge is 220' wide and 78' long. Visualization ics to walls and bridge to be reviewed with HPO, NPS, and USFS.
bridge will be relocated onto a new s visitors and less impact to hist and bridge to be reviewed wit	cated onto a new structure over NC 143. Fewer visual impacts to tra less impact to historic setting. Visualizations and aesthetics to walls to be reviewed with HPO, NPS, and USFS.
2-lane cross[2000" retaining wall at the crsection withaverage height of 10", height of to USFSpedestrian143]. ROW impacts to USFS	ning wall at the crest of Stecoah Gap with a maximum height of 30' ght of 10', height of 3' at trail, and only guardrail on east side of NC impacts to USFS land 1.29 acres and .25 acres impacted at trail. Tra
ImproveNo adverse effectClimbing lanes reduced in lenexistingDe minimis 4(f)guardrail and retaining walls of	mes reduced in length therefore at trail there is a 2-lane section with id retaining walls on one side of road at AT crossing of NC 143
section with12', height of 6' at trail, and apedestrianaverage height of 3']. ROW iibridgeimpacted at trail. AT will be rimpacts for visitors to the trail	of 6' at trail, and a wall on east side of NC 145 150' long with ght of 3']. ROW impacts to USFS land 2.33 acres and .20 acres trail. AT will be relocated onto a new structure over NC 143. Visu visitors to the trail and setting impacts to the historic trail.
existing existing walls on both sides of training walls on both sides of training walls on both sides of training wall at the crest of Stecoah Gi section with the section with	alls on both sides of road at AT crossing of NC 143 [1600' retaining strest of Stecoah Gap with a maximum height of 30', average height of 6' at trail, and a wall on east side of NC 143-150' long with
Improve Adverse effect Climbing lanes in both directi	mes in both directions result in 4-lane section with guardrail and

A-0009 Historic Architecture Effects, June/July 2020 Page 4 of 5 FHWA Intends to use the HPO's concurrence as a basis for a "de minimis" finding for the following properties, pursuant to Section 4(f): John and Mattie Colvard House Patton Gwynn Denton House

Cody House

Cheoah Historic District John A. Cody House

Randolph-Stewart House

Appalachian National Scenic Trail (2-lane cross section with pedestrian bridge and 4-lane section with combined pedestrian and wildlife crossing land bridge)

A Programmatic Agreement between the Parties will be developed to include the Environmental Commitments agreed upon to avoid adverse effects to the historic properties.



































DocuSign Envelope ID: 5AC01EAC-6C32-499A-B564-51DF17B3A251

State Site #	2019-2020 Fidd# Component(s)		Known Unplowed Subsurface Deposits?	Known Surface Cultural Features?	Known Subsurface Cultural I Features? D	] Prior Eligibility etermination**	Eligibility Recommendation for Current Alternatives <sup>66</sup>					2015	2020 Wor	AnO k		
		Alternative						Sho	vel Tests		-	F	Us	Artifacts		
	31°0	Bill Cris S.2 SW-1A IF - S IF - D Prov	0.7				-	Total P.	Positive econtact/ P Ouelle H	ositive istoric <u>Pr</u>	x Artifact Den ST c/Onollo Hi	ity per etoric	T	ithics Ceramics Daub e* TIIe STPe* TIIe	Historic To STPe* TTIe STPe	tal * TTIe
31 GH663	FS-10 Precontact: nondiagnostic lithic	X X X X	No	No	No	N/A	Not Eligible	13	2		2		6	0 TAG DATE TAG DATE 0	3	0
31 GH669	FS-16 Precontact: nondiagnostic lithic; Postcontact: 20th century	ХХХ	No	No	No	N/A	Not Eligible	×	-	4	1	14	-		21 22	0
31GH659	FS-6 Precontact: Late Archaic; Qualla phase; Postcontact: 20th century	ХХХ	No	No	No	N/A	Not Eligible	135	32		13		2 40	16 29 2	11 69	29
31GH660	FS-7 Precontact: Late Archaic; Postcontact: 20th century	х	No	No	No	N/A	Not Eligible	56	19	13	17	_	73		31 104	0
31GH655	FS-2 Precontact: nondiagnostic lithic; Postcontact: 20th century	ХХХ	No	No	No	N/A	Not Eligible	29	2	2	1	3	2		5 7	0
31 GH666	FS-13 Precontact: nondiagnostic lithic; Postcontact: late 19th (?) 20th century	Х	No	Yes	No	N/A	Not Eligible	Ξ	~	2	Ξ	10	57		22 79	0
31GH665	FS-12 Postcontact: late 19th to early 21st centuries (Randolph	Х	No	Yes	Yes	N/A	Not Eligible	N/A	N/A	N/A	I V/N	A/A			V/N	N/A
31GH654	FS-1 Precontact: nondiagnostic lithic	XX	No	No	No	N/A	Not Elizible	90	27		13		50		50	0
31GH656	FS-3 Precontact: Middle Archaic	ХХ	No	No	No	N/A	Not Eligible	15	3		4		1 9	87	6	87
31GH673	FS-21 Precontact: Early Archaic, Middle Archaic, Late Archaic/Early Woodland, nondiagnostic ceramic; Postcontact: 20th century	ХХ	Yes	Yes	No	N/A	3ligible (Crit. D)	28	14	-	45	_	3 113	3 366 1	1 1 114	368
31GH667	FS-14 Postcontact: 20th century	X X X	No	Yes	No	N/A	Not Elizible	12		_		5			5	0
31GH670	FS-17 Precontact: nondiagnostic lithic; Postcontact: 20th century	X X	No	No	No	N/A	Not Eligible	60	16	- II	5	, eo	38		21 59	0
31GH682	FS-30 Precontact: nondiagnostic lithic; Postcontact: 20th century	Х	No	No	No	N/A	Not Eligible	57	40	14	10	3	3 146	5 102	21 5 167	107
31GH681	FS-29 Precontact: nondiagnostic lithic	×	No	No	No	N/A	Not Elizible	6	4		4		13		13	0
31 GH664	FS-11 Precontact: Early Archaic, Middle Archaic, Late Archaic; Postcontact: Iate 19th to mid-20th century	X X	Yes	No	No	I V/N	iligible (Crit. D)	113	11	72	38	21	3 295	9 892	355 222 654	1114
31GH657	FS-4 Precontact: nondiagnostic lithic	ХХ	No	No	No	N/A	Not Eligible	15	3		4		11		Ξ	0
31GH671 31GH658	FS-18 Precontact: nondiagnostic lithic FS_5 Precontact: 1 ate Archaic Middle Woodland (2):	XX	No	No	No	N/A	Not Eligible Not Eligible	8	1	<u>;</u>	1	=	185	8 133 1 6	30 1 778	0
0.00110-10	Postcontact 20th century		21	<b>e</b> 1	041		Maiguratora	6	F	2		:	4	0 1 1111	1	(er
31GH672	FS-20 Precontact: nondiagnostic lithic; Postcontact: 20th century	ХХ	No	No	No	N/A	Not Eligible	54	26	3	14	2	95		5 100	0
31GH237	FS-19 Precontact: Middle Archaic; Postcontact: 20th century	ХХ	No	No	No	Unassessed	Not Eligible	63	32	23	10	16	101		60 161	0
31GH675	FS-23 Precontact: nondiagnostic lithic	ХХ	No	No	No	N/A	Not Eligible	8	3		3		9		9	0
31 GH668	FS-15 Precontact: nondiagnostic lithic; Postcontact: late 19th (?) - 20th century	ХХ	No	Yes	No	N/A	Not Eligible	33	3	4	1	2	3		6 9	0
31GH676	FS-24 Precontact: nondiagnostic lithic	ХХ	No	No	No	N/A	Not Eligible	%	3		_		3		3	0
31GH674	FS-22 Precontact: nondiagnostic lithic; Postcontact: 20th century	X X	No	Yes	No	N/A	Not Eligible	15	-	4	1	3	1		7 8	0
31GH680	FS-28 Precontact: nondiagnostic lithic; Postcontact: 20th century	ХХ	No	No	No	N/A	Not Eligible	4	1	П	1	3	-		4 5	0
31GH683	FS-31 Precontact: nondiagnostic lithic; Postcontact: 20th century	х	No	Yes	No	N/A	Not Eligible	12	-		-		-		-	0
31GH685	FS-33 Postcontact: mid-20th century (?)	XX	No:	Yes	No.	N/A	Not Eligible	13		. 3		7			12 12	0
31 GH686 31 GH696	FS-54 Postconfact: mid-20th century FS-55 Oualla phase: Postcontact: Early 19th century ?	××	N N	Yes	No No	N/A	Not Eligible 3ligible (Crit. A)	5 N/A	N/A	N/A	N/A	I V/A			T N/N	0 N/A
31GH718	FS-65 Precontact: Woodland; Postcontact: 20th century	Х	No	No	No	N/A	Not Eligible	15	8	_	21	_	1 37	39 6 7	1 44	46
31GH731	FS-79 Postcontact; 19th-20th century?	ХХ	No	Yes	No	N/A	Unassessed	N/A	N/A	N/A	N/A	A/A	N/A	A N/A N/A N/A N/A N/A	N/A N/A N/A	N/A
31GH703	FS-47 Precontact: nondiagnostic lithic; Postcontact: mid- 19th tomid-20th century	ХХ	No	Yes	No	N/A	sligible (Crit. D)	21	3	17	3	28	1 9		152 241 161	241
31GH704	FS-48 Postcontact: mid-19th to 20th century	х х	No	No	No	N/A	Not Eligible	14		6		3	0		21 21	0
31GH715	FS-60 Precontact: nondiagnostic lithic; Postcontact: early to mid-20th century	ХХ	No	No	No	N/A	Not Eligible	Π	-	33	-	=	-		21 22	0
31GH719	FS-66 Precontact: nondiagnostic lithic	ХХХ	No	No	No	N/A	Not Eligible	18	9		1		9		9	0
31GH721	FS-68 Precontact: nondiagnostic lithic; Postcontact: 20th century	х х	No	Yes	No	N/A	Not Eligible	10	3	4	1	٢	4		16 20	0
31GH720	FS-67 Precontact: nondiagnostic lithic	ХХХ	No	No	No	N/A	Not Eligible	17	5		1		5		5	0
31GH702	FS-46 Precontact: Archaic to Mississippian/Qualla; Postcontact: 20th century	ххх	Yes	No.	No	N/A	Not Eligible	88	47	19	31	26	1 314	4 177	132 54 446	231
31GH691	FS-40 Precontact: Archaic to Woodland; Postcontact: 20th	ХХХ	Yes	No	Yes	N/A I	iligible (Crit. D)	181	127	12	105	14	5 123	2 838 5 8	36 2 1273	848
31GH688	FS-36 Precontact: non-diagnostic lithic; Postcontact: late	ХХХ	No	Yes	No	N/A	Not Eligible	06	9	24	-	13	9		107 113	0
	19th to 20th century						I.									

Table 1. Archaeological Sites within the 2019–2020 STIP A-0009C Alternatives (proceeding east to west).

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onent(s)		Unplowed Subsurface Deposits?	Surface Cultural Features?	Subsurface Cultural Features?	Prior Eligibility Determination**	Recommendation for Current Alternatives **					2019-2	020 Work On	Å		
I	Alternative					•	Shc	vel Tests Positive	W	v Artifact Densit	v ner			Artifacts	
	Cr Cr B.1E S.2 SW-1A IE.S IE.R Ro	lsp ad					Total P Exceveled	recontact/ P	ositive istoric Pre-	ST /Onalla Hist	orie	Lithics STPc*	Ceramics	Daub Histo STPe* TI STPe*	ric Total TIIs STPe* TIIs
alla phase	X X X	No	No	No	N/A	Not Eligible	16	4		2		5			5 0
tcontact: 20th century	х х х	No	Yes	No	N/A	Not Eligible	88	14	3	5		30		5	35 0
nic; Postcontact: 20th	х х х	No	No	No	N/A	Not Eligible	16	4	_	1		4		2	6 0
ic;	X X X	No	No.	No	N/A	Not Eligible	15	3 .		3		9			6 0
ic; Postcontact: 20th	X X X X X X	Yes	No	Yes	Not Eligible Eligible (Crit. D)	Not Eligible Eligible (Crit. D)	No additional e 466	200	201 <u>9-2020; p</u> 29	evious work is 86 2	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	e text. 1747	40 292 36	109	2 2148 78
hic; Postcontact: 20th	ХХХ	No	No	No	Not Eligible	Not Eligible	No additional e	cavations in	2019-2020; p	evious work is	discussed in the	e text.			
Postcontact: 20th	ХХХ	No	No	No	N/A	Not Eligible	32	11	11	2 7		21		39	60 09
hic; Postcontact: 20th Middle to Late	X X X X X	Yes	No	Yes	N/A Eligible (Crit. D)	Not Eligible Eligible (Crit. D)	345	167	43	17 3	8 2	55 558	45 54 4	8 265	43 0 877 49
thic; Postcontact: 20th	ХХХ	No	No	No	N/A	Not Eligible	12	-	-	-		-		6	8 0
	ХХХ	No	No	No	Not Eligible	Not Eligible	No additional e	cavations in	2019-2020; p	evious work is	discussed in the	e text.			
p	X X X V V	No	No	No	N/A Mot Flicible	Not Eligible	53	22		13	-	103	33 4 7		107 40
ic; Postcontact: 20th	× × × ×	No	No	No	Unassessed	Not Eligible	r 80								0 0
lithic	ХХХ	No	No	No	N/A	Not Eligible	%	-		-		-			1 0
c lithic; Postcontact: 20th	х х х	No	No	No	Unassessed	Not Eligible	48	12	1	3		24	0	0 1	25 0
c lithic; Postcontact: 20th	ХХХ	No	No	No	Not Eligible	Not Eligible	No additional e	cavations in	2019–2020; p	evious work is	discussed in the	e text.			
ic lithic aic, Late Archaic,	X X X X X X	No	No No	No	N/A Unassessed	Not Eligible Not Eligible	34 77	15 25	-	8 16 1	-	40 79	26 1 2	0	40 0 81 28
c lithic; Postcontact: late	х х х	No	No	No	Not Eligible	Not Eligible	No additional e	cavations in	2019-2020; p	evious work is	discussed in the	text.			
ic lithic; Postcontact: 20th	ХХХ	No	No	No	Not Eligible	Not Eligible	No additional e	cavations in	2019–2020; p	evious work is	discussed in the	e text.			
; Postcontact: 20th century	ХХХ	No	Yes	No	Not Eligible	Not Eligible	No additional e	cavations in	2019–2020; p	evious work is	discussed in the	e text.			
ic lithic	X X X	No	No	No	N/A	Not Eligible	32	8		3		11			11 0
c lithic	X X X V V	No	No	No	N/A	Not Eligible Not Eligible	10	1				- r			1 0
to Early Woodland; Qualla	X X X	Yes	No	Yes	Unassessed	Eligible (Crit. D)	203	87	2	25 1	9	202	184 147 681	15 30 2	2 366 897
: lithic	ХХХ	No	No	No	N/A	Not Eligible	29	6	0	32		11			77 0
lithic	X X X	No :	No	No.	Not Eligible	Not Eligible	No additional e	cavations in	2019-2020; p	evious work is	discussed in the	e text.			
: lithic - 19th to 20th centuries		N0 Vec	No	N0 Yee	Fliaible (Crit D)	Flicible (Crit D)	No additional e No additional e	cevations in	2019-2020; p	evious work is	discussed in the	e text.			
c lithic; Postcontact: 20th	X X X	No	Yes	No	N/A	Not Eligible	16	3	4	1 8		3		23	26 0
c lithic	X X X	No	No	No	N/A	Not Eligible	6	2		4		5			5 0
c lithic (possible mound)	ХХХ	No	Unknown	No	Unassessed	Unassessed	No access perm	ission during	2019–2020 w	urk.					
c lithic		°N;	No S	No ;	Unassessed	Unassessed	No access perm	ission during	2019-2020 w	ork		0020		20	1000
uc, Early to Late Woodland, ase; Postcontact: 20th	x	Yes	No	Yes	Unassessed	Eligible (Crit. D and poss. Crit. A)	274	193	15	106		2580	1449	26 25	4080 0
c lithic and ceramic 'oodland or Oualla phase)	Х	No	No	Yes	N/A	Unassessed	10	4		4	-	×	132 4 7		12 139
ic lithic	Х Х	No	No	No	N/A	Not Eligible	5	_		1		-			1 0
haic, Woodland; Qualla to 20th century	Х	No	No	No	Unassessed	Unassessed	60	15	5	4 2	0 1	32	5 6	46	3 83 9
21st century (Old Mother	Х	N/A	Yes	Yes	Eligible (Crit. A)	Eligible (Crit. A)									N/A N/A
ic lithic and ceramic ase); Postcontact: 20th	х	No	Yes	No	N/A	Not Eligible	40	ę	4	1		5	-		14 0
oodland; Qualla phase; v	Х	No	No	No	N/A	Eligible (Crit. D)	46	25	5	27 27	2	96	112 59 133	4	4 159 249
	Х	No	No	No	N/A	Unassessed	16	5		3	-	9	8 5 9		11 17

Table 1. Archaeological Sites within the 2019–2020 STIP A-0009C Alternatives (proceeding east to west).

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Table 1.	

Postcontact: 20th century \* Includes all shovel tests within 15 m of positive tests; counts include surface or metal detector artifacts if present. \*\*Eligibility daterminations and recommendations apply only to investigated portion of sites.





## Eastern Band of Cherokee Indian Treatment Guidelines for Human Remains and Funerary Objects (Survey, Excavation, Laboratory/Analysis, and Curation Guidelines)

It is the wish of the EBCI that whenever possible, human interments be left *in situ*, unstudied, and protected from current and future disturbance. However, when these parameters cannot be met, the following guidance shall apply:

Archeological Surveys: The EBCI requests that in the event human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered, no photographs of such items be taken. Detailed drawings are permissible, however.

Excavations: The EBCI requests that in the event human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered, no photographs of such items be taken. Detailed drawings are permissible, however. Also, if after consultation with the SHPO and culturally affiliated, federally recognized tribes, the lead agency determines that the excavation of these items is required, the EBCI requests that only the lead archaeologist and a physical anthropologist participate in the removal of these items. The EBCI also requests that, in the case of full excavation of human remains, the entire burial matrix be removed and curated for future reburial. Lastly, EBCI requests to be sent the proposals and research designs that will be provided to the SHPO and State Archaeologist for review and approval prior to the initiation of any excavation activities.

Laboratory Treatment/Analysis: The EBCI requests that any human remains, funerary objects, sacred objects, and/or objects of cultural patrimony not be unnecessarily washed or cleaned, and that only dry brushing be consistently used. Again, we request that no photographs be taken of such objects for documentation or curation purposes, however detailed drawings are acceptable. Furthermore, in terms of human remains, we require that no destructive analyses be permitted, and we would like to have discussions and agreements about the kind of analyses, if any, that will be permitted.

Curation: The EBCI requests that in all cases where it is remotely feasible, that human remains, associated funerary objects, and the burial matrix be stored together. Furthermore, we ask that these types of objects, as well as sacred objects and objects of cultural patrimony, be removed from public viewing or public handling and that researchers not automatically be granted access to such items. Research requests should be submitted to the EBCI Cultural Resources office in the event someone wishes to study such items.

Avoidance/Preservation in Place/Excavation/Reburial: Remember, our preference is always avoidance/preservation in place. Unless there are very good reasons as to why this is not possible, we will not immediately enter into discussions of excavation, removal, study, reburial, etc. That being said, if remains must be moved, it is always our preference that they be out of the ground for only as long as it takes to move them to their new resting place, which should be as close to the original resting place as possible (within line of sight). Sometimes, we do allow minimal study of the remains, especially if it can be done with the remains *in situ*. If longer study is needed, we prefer a field lab to sending them off some distance to be studied in a lab. The bottom line is that the less time they are exposed to the air, the better it is for the people involved and the Tribe. If reburial is not typically problematic, especially if there is ample fill dirt between the individual and the foreign capping material.