

PROJECT SPECIAL PROVISION

(10-18-95)

Z-1

PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

<u>PERMIT</u>	<u>AUTHORITY GRANTING THE PERMIT</u>
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
Water Quality (401)	Division of Environmental Management, DENR State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the *Standard Specifications* and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.

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DEPARTMENT OF THE ARMY PERMIT

Permittee: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Permit No: SAW-2001-20061

Issuing Office: USAED, WILMINGTON

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 the office acting under the authority of the commanding officer.

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

Project Description: The North Carolina Department of Transportation (NCDOT) has identified this project as TIP U-3812, which involves the widening and improving of NC 88 (West Main Street) between NC 194 and US 221 Business (South Main Street) at Jefferson in Ashe County, North Carolina. Specifically, the project includes widening and/or improving the existing road by: 1) realignment of the NC 88 and NC 194 intersection, 2) realignment of the S-curve between Locust Grove Drive and Lawson Lane, 3) construction of a center turn lane between Lawson Lane and US 221-Business, 4) upgrade the facility to current standards with 12-foot lanes, 5) create a pedestrian crossing for McFarland Publishing Company, and 6) resurface the entire length of the project. The project would permanently impact 623 linear feet of streams and 0.19-acre of wetlands. Additional temporary impacts are also proposed to 0.01 acre of water to facilitate the project. All impacts are to occur in the New River Basin (Hydrologic Cataloging Unit 05050001).

To mitigate for all unavoidable permanent impacts to jurisdictional features, the applicant has proposed payment into the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount to provide 1,246 linear feet of restoration equivalent cold water stream channel and 0.38 acre of riparian wetland restoration equivalent in the New River Basin (Hydrologic Cataloging Unit 05050001). By letter dated April 21, 2011, the NCEEP has agreed to provide the stream restoration stated above.

Project Location: The project, known as TIP U-3812, is a 1.5 mile proposal along the existing NC 88 (West Main Street) between NC 194 and US 221 Business (South Main Street) at Jefferson in Ashe County, North Carolina. It crosses three unnamed tributaries of Little Buffalo Creek, two unnamed tributaries of Naked Creek, and two jurisdictional wetlands. Little Buffalo Creek and Naked Creek are tributaries to the New River. The approximate center of project is at 36.4209° N., -81.4849° W). The site is located within the New River Basin, Hydrologic Unit 05050001.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2016. 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 Conditions 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 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 a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
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.

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 33CFR 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 measure 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.



(PERMITTEE) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

10/31/2011
(DATE)

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

(DISTRICT Commander) STEVEN A. BAKER, COLONEL

(DATE)

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)

(Date)

SPECIAL CONDITIONS
ACTION ID. SAW-2001-20061
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION U-3812

Failure to institute and carry out the details of the following special conditions below (listed as a-x) will result in a directive to cease all ongoing and permitted work within waters of the United States, including wetlands, associated with the permitted project, or such other remedies and/or fines as the U.S. Army Corps of Engineers District Commander or his authorized representatives may seek.

a) The North Carolina Division of Water Quality (DWQ) permit/certification number WQC003862 was issued for this project on July 20, 2011. Special conditions were issued associated with this water quality permit/certification and a copy of these conditions is attached as Exhibit A. These referenced conditions are hereby incorporated as special conditions of this permit.

b) All work authorized by this permit must be performed in strict compliance with the attached plans which were received on May 12, 2011. These plans are a part of this permit and identified as Exhibit B. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.

* c) The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Raleigh Regulatory 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 of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the USACE, Raleigh Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final 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 methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the USACE and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps 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.

d) Except as authorized by this permit or any USACE 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. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

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- e) 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 or wetlands.
- * f) Compensatory mitigation for the unavoidable impacts to 623 linear feet of stream and 0.19 acre of riparian wetland impact associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated April 21, 2011, from William D. Gilmore, EEP Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010, between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 1,246 linear feet of restoration equivalent cold water stream channel and 0.38-acre of riparian wetland restoration equivalent in the New River basin (Hydrologic Cataloging Unit 05050001) in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration.
- g) All mechanized equipment will 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 1 (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.
- h) The permittee shall advise the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.
- i) Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.
- j) 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, shall be available at the project site during construction and maintenance of this project

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k) The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. 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 must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4). Also, "Design Standards for Sensitive Watersheds" shall be used in Little Buffalo Creek and its unnamed tributaries.

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

m) During the clearing phase of the project, heavy equipment must 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-erodable materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

n) No fill or excavation for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless it is included on the plan drawings and specifically authorized by this permit.

o) 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.

p) Violations of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the permittee's discovery of the violation.

* q) The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Raleigh Regulatory Field Office prior to any active construction in waters or wetlands.

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- r) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.
- s) The permittee shall take measures to prevent live or fresh concrete from coming into contact with any surface waters until the concrete has hardened.
- t) Measures will 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 should 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 should 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.
- u) Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter or 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 the existing channel slope. The bottom of the culvert must be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions. Destabilizing the channel and head cutting upstream should be considered in the placement of the culvert. A waiver from the depth specifications in this condition may be requested in writing. The waiver will be issued if it can be demonstrated that the proposal would result in the least impacts to the aquatic environment.
- v) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands.

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w) NCDOT shall abide by all commitments identified in the Concurrence Form for Assessment of Effects, dated September 9, 2011, signed by the North Carolina State Historic Preservation Officer, NCDOT, and FHWA. A copy of this form is attached and identified as Exhibit C. These commitments allow for a 'no adverse effect with commitments' finding on the Joseph Neal House, deemed eligible for listing in the National Register of Historic Places. The referenced commitments are described in detail on page 2 of Exhibit C, within the 'Reasons' column of the table.

x) If the permittee discovers any previously unknown historic or archaeological sites while accomplishing the authorized work, he shall immediately stop work and notify the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager who will initiate the required State/Federal coordination.

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

Applicant: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION		File Number: 200120061	Date: 28 OCTOBER 2011
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
XX	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

http://www.usace.army.mil/CECW/Pages/reg_materials.aspx 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 division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

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 INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
 Monte Matthews
 3331 Heritage Trade Drive, Suite 105
 Wake Forest, NC 27587

If you only have questions regarding the appeal process you may also contact:
 Jason Steele
 Administrative Appeals Review Officer
 60 Forsyth Street, SW (Room 9M10)
 Atlanta, GA 30303-8801
 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.

Date:

Telephone number:

 Signature of appellant or agent.



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

July 20, 2011

Dr. Greg Thorpe, PhD., Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with
ADDITIONAL CONDITIONS for Proposed improvements to NC 88 (West Main Street) from NC 194 to
US 221 Business (South Main Street) in Ashe County, Federal Aid Project No. STP-0088(6), State Project
No. 81711501, TIP U-3812.
NCDWQ Project No. 20110464
Certification No. WQC003862

Dear Dr. Thorpe:

Attached hereto is a copy of Certification No. WQC003862 issued to The North Carolina Department of
Transportation (NCDOT) dated July 20, 2011.

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

Sincerely,

Coleen H. Sullins
Director

Attachments

- cc: Monte Matthews, US Army Corps of Engineers, Raleigh Field Office
- Mike Pettyjohn, PE, Division 11 Engineer
- Heath Slaughter, Division 11 Environmental Officer
- Chris Militscher, Environmental Protection Agency (electronic copy only)
- Marla Chambers, NC Wildlife Resources Commission (electronic copy only)
- Beth Harmon, Ecosystem Enhancement Program
- Wetlands/401 Transportation Permitting Unit
- File Copy

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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 Quality (NCDWQ) Regulations in 15 NCAC 2H .0500 This certification authorizes the NCDOT to impact 0.19 acres of jurisdictional wetlands and 733 linear feet of jurisdictional streams in Ashe County. The project shall be constructed pursuant to the application dated received May 16, 2011 with additional information received May 31, 2011 and June 6, 2011 . The authorized impacts are as described below:

Stream Impacts in the New River Basin

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1	0	0	86	15	101	0
2	0	0	67	15	82	0
4	0	0	470	80	550	470
Total	0	0	623	110	733	470

Total Stream Impact for Project: 733 linear feet

Wetland Impacts in the New River Basin

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Area under Bridge (ac)	Total Wetland Impact (ac)
3	0.04	0	0.01	0.01	0	0	0.06
4	0.09	0	0.04	0	0	0	0.13
Total	0.13	0	.05	0.01	0	0	0.19

Total Wetland Impact for Project: 0.19 acres.

The application provides adequate assurance that the discharge of fill material into the waters of the New 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 May 16, 2011 with additional information received May 31, 2011 and June 6, 2011. Should your project change, you are required to notify the NCDWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). 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:

1. At sites 1, 2, and 3 pipe burial is not required. At site 4, placement of the culvert shall be placed below the elevation of the streambed by one foot to allow low flow passage of water and aquatic life. Also three concrete sills with alternating four-foot long notches shall be installed as detailed in the permit application. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to

or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.

2. Channel relocations shall be completed and stabilized, and approved on site by DWQ 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.

*

3. Compensatory mitigation for 470 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated April 21, 2011 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the North Carolina Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument signed July 28, 2010.
4. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
5. For the 110 linear feet of streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species.
6. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species.
7. 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.
8. 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.
9. 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.
10. 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.

*

11. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
12. 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.
13. 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.
14. 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.
15. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
16. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
17. 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.
18. 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.
19. 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.

20. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
- * 21. 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 NCDWQ when all work included in the 401 Certification has been completed.
22. 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.
23. 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:
 - 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.
24. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.
25. Two copies of the final construction drawings shall be furnished to NCDWQ Central Office prior to the pre-construction meeting. The permittee shall provide written verification that the final construction drawings comply with the permit drawings contained in the application dated received May 16, 2011. Any deviations from the approved drawings are not authorized unless approved by the NC Division of Water Quality.

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 or CAMA 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:

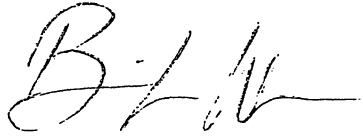
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919)-733-2698, Facsimile: (919)-733-3478

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

Ms. Mary Penny Thompson, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

This the 20th day of July 2011

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read 'C. Sullins', written over a horizontal line.

for Coleen H. Sullins
Director

WQC No. WQC003862

EXHIBIT B

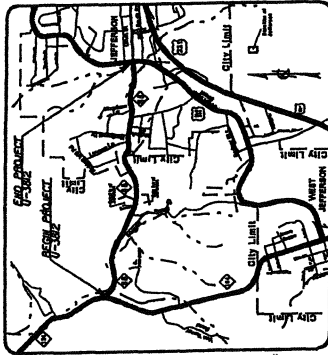
STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS ASHE COUNTY

WETLAND AND STREAM IMPACTS

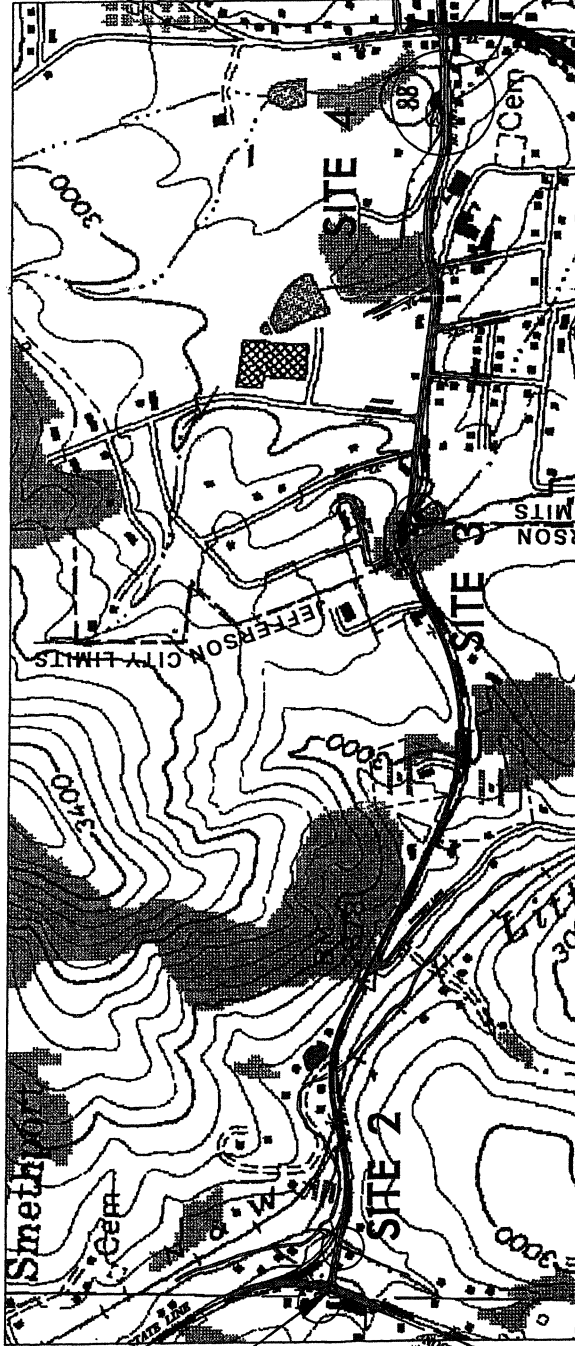
RECEIVED

MAY 18 2011

Regulatory Branch



VICINITY MAP



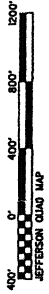
BEGIN PROJECT U-3812
-L- POT Sta. 10+00.00 =
-Y- POC Sta. 14+23

SITE 1

SITE 2

CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.

A PORTION OF THIS PROJECT IS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF JEFFERSON.



Permit Drawing Sheet 1 of 14

STATE PROJECT NUMBER IN N.C.	U-3812
PROJECT NUMBER	1
DATE	
SCALE	
DESIGNER	
CHECKER	
APPROVER	



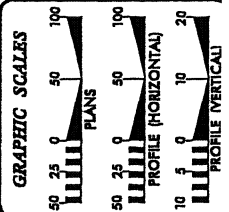
PROJECT U-3812
-L- POT STA. 86+00

248

TO HIGHWAY 22

TO WEST

TO WEST



DESIGN DATA

ADT 2009	= 8,700
ADT 2030	= 13,300
DIV	= 12 %
D	= 60 %
T	= 6 %
V	= 50 MPH (Rural)
V	= 35 MPH (Urban)
• TST 1% DUAL 5%	

PROJECT LENGTH

LENGTH ROADWAY STATE PROJECT U-3812	= 1.492 MILES
LENGTH ROADWAY F.A. PROJECT STR-88 (2)	= 1.492 MILES
TOTAL ROADWAY LENGTH STATE PROJECT U-3812	= 1.492 MILES

RIGHT OF WAY DATE: November 12, 2009

LETTING DATE: December 20, 2011

Prepared in the Office of:
DIVISION OF HIGHWAYS
1606 Birch Ridge Dr., Raleigh, NC, 27619

PROJECT ENGINEER: J.S. GOODNIGHT, PE

PROJECT DESIGNER: S.D. KENDALL, PE

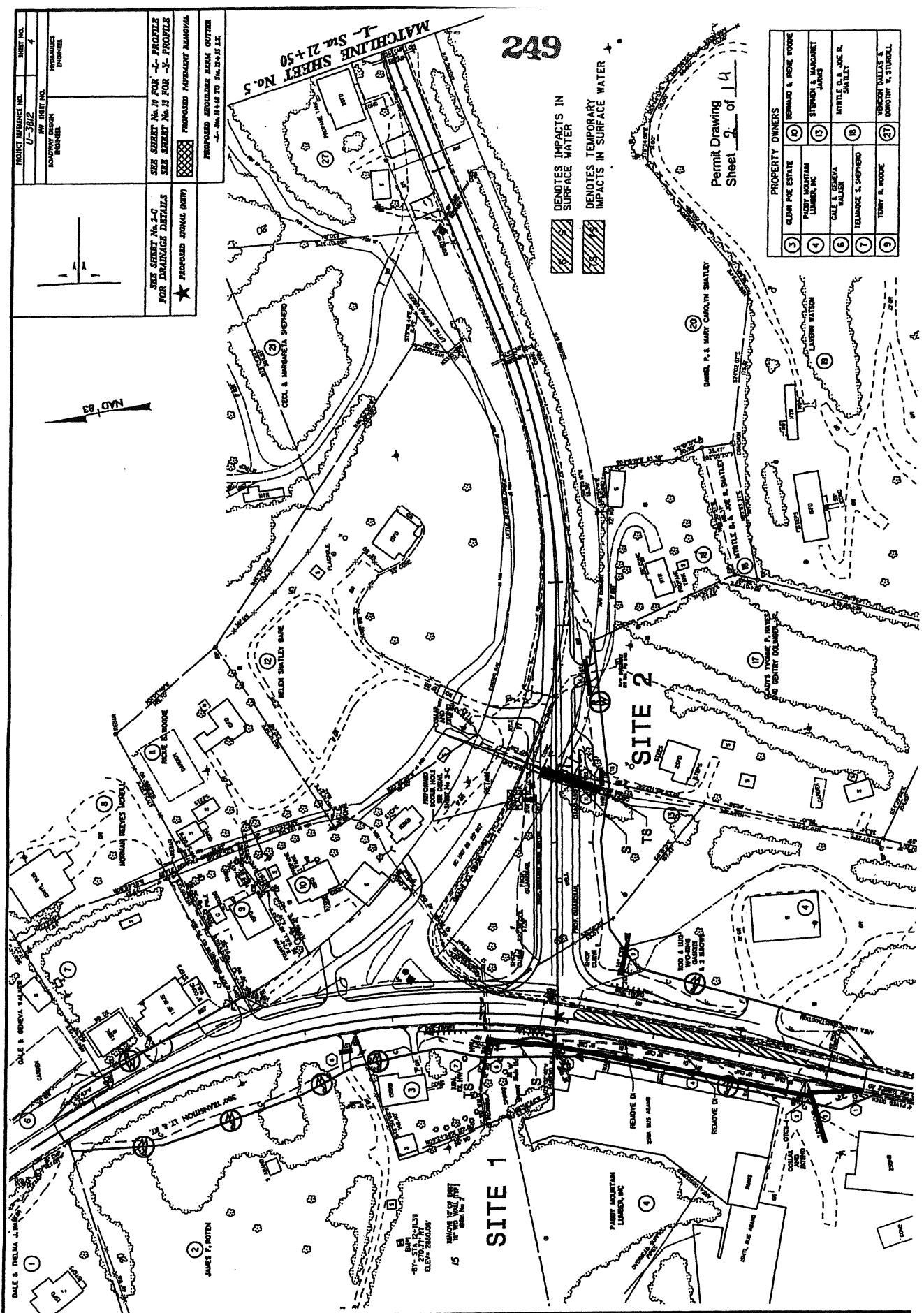
HYDRAULICS ENGINEER

ROADWAY DESIGN ENGINEER

STATE HIGHWAY DESIGN INSTITUTE

DIVISION OF HIGHWAYS
STATE OF NORTH CAROLINA





PROJECT REFERENCE NO. U-3812	SHEET NO. 4
PLANNING DESIGN NUMBER	HYDRAULICS NUMBER
SEE SHEET No. 1-C FOR PROFILE SEE SHEET No. 2-D FOR PROFILE	SEE SHEET No. 1-C FOR PROFILE SEE SHEET No. 2-D FOR PROFILE
★ PROPOSED STORAGE (RTV)	PROPOSED PAVEMENT REMOVAL
PROPOSED SURVEILLANCE MARK CENTER	-J- Sta. 14+48 TO Sta. 12+45.52

PROPERTY OWNERS	
1	CLARK PINE ESTATE
2	BERNARD & IRIDE WOOD
3	PAULY MOUNTAIN LUMBER, INC.
4	STEPHEN S. WARDWELL
5	DALE & GENEVA WALKER
6	WATKINS & JOE R. SHATLEY
7	TELMAGE & SHEPARD
8	TERRY R. WOOD
9	WESLEY WALKER & DONALD W. STUBBINS

REVISED: JUNE 08, 2010 BY: S. MEADOWS

1. Removed abandoned building from Parcel No. 002.

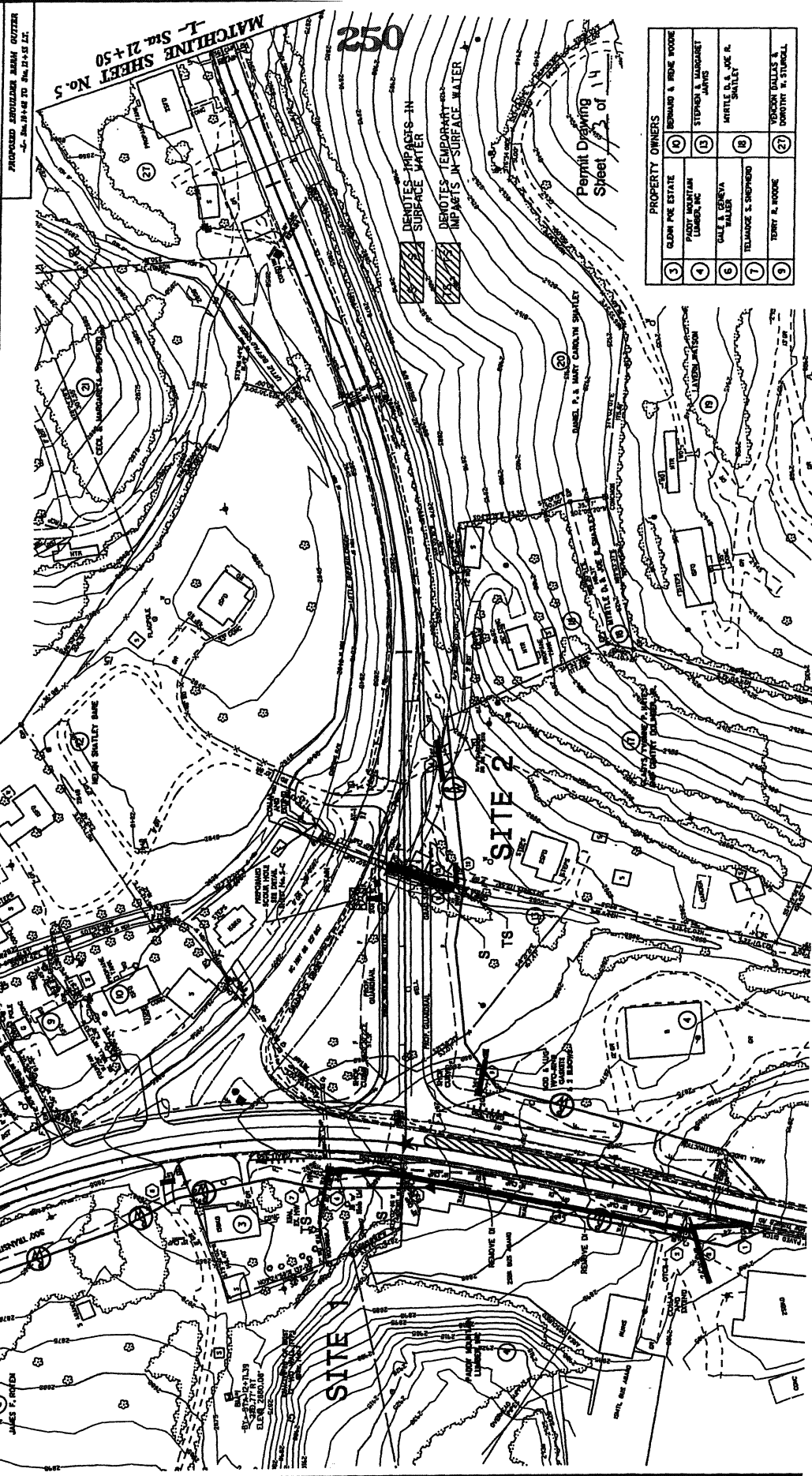
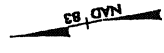
2. Changed name from Glenn & Irene Poe, to Glenn Poe Estate on Parcel No. 003.

3. Changed name from Telmage & Shepard, to Telmage S. Shepard on Parcel No. 007.

4. Changed 2SR BUS to 1SR BUS and Changed 2SR BUS to 1SR BUS on Parcel No. 007.

5. Changed name and DBFG info from Gladys Yvonne F. Hayes, DB 188 PG 570 to Gladys Yvonne F. Hayes and Cearty Dohinger, Jr. DB 308 PG 381 Parcel No. 017.

PROJECT REFERENCE NO. U-3512	SHEET NO. 4
DATE OF SHEET NO. 4 APPROVED FOR PERMIT	DATE OF SHEET NO. 4 APPROVED FOR PERMIT
SEE SHEET No. 2-C FOR DAMAGE DETAILS	SEE SHEET No. 13 FOR -K- PROFILES
★ PROPOSED SIGNAL (NBT)	PROPOSED PAVEMENT REMOVAL
SEE SHEET No. 13 FOR -L- PROFILES	PROPOSED SURVEILLANCE BARRI
	SEE SHEET No. 13 FOR -M- PROFILES



PROPERTY OWNERS	
(1) GLEN PINE ESTATE	(10) BERNARD & IRON WOODS
(2) PADDY MOUNTAIN LIMBS, INC.	(11) STEPHEN A. MARGARET JAMES
(3) GALE M. BENEVA WALLER	(12) BRITTE D.A. JOE R. SHATLEY
(4) TERENCE S. SHEPHERD	(13) TERRY R. WOODS
(5) TERRY R. WOODS	(14) VICKIE DALLIS & DONALD R. STURCELL

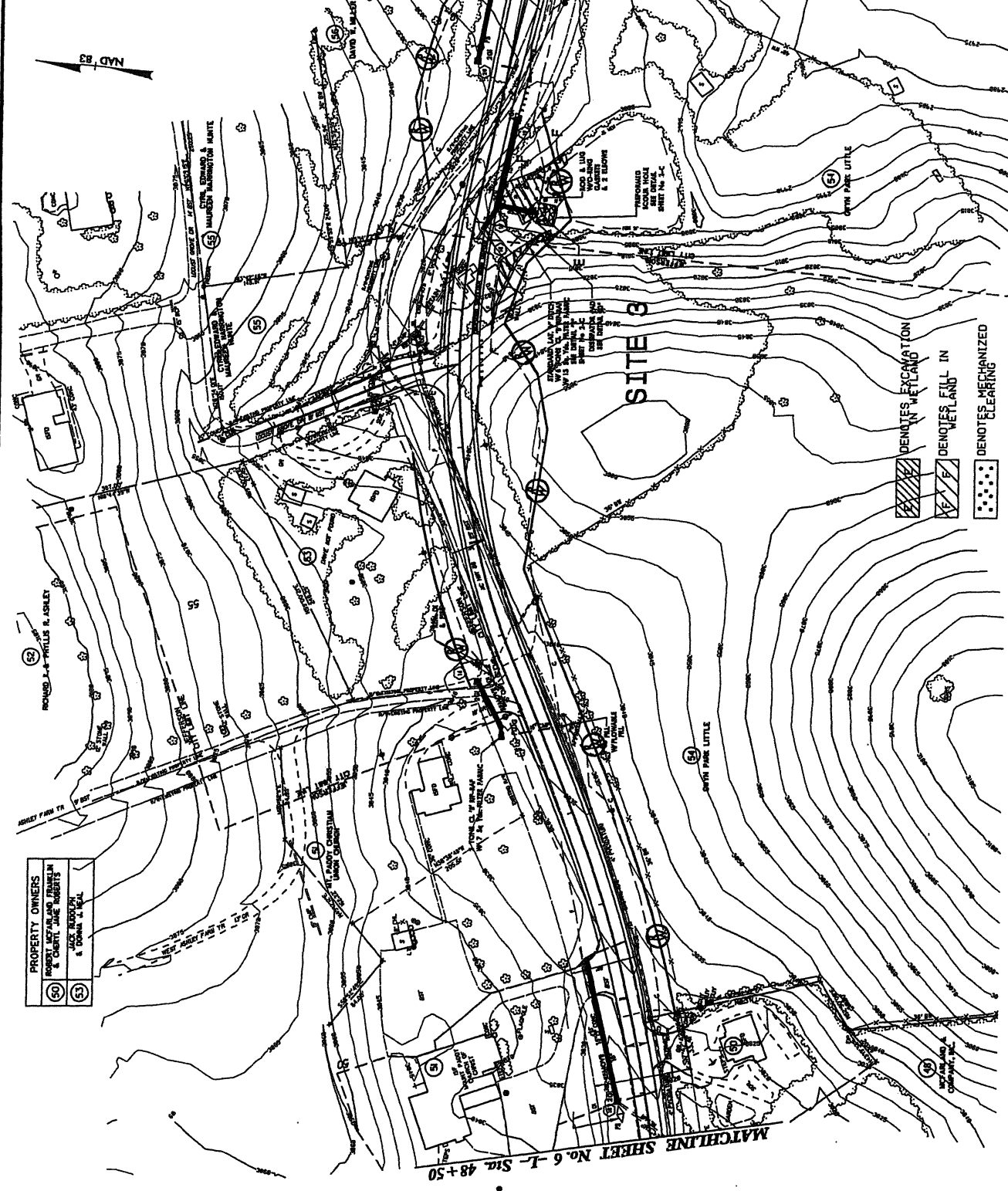
LETTER DATED JUNE 08, 2010 BY S. MEADOWS

R/W REVISION:

1. Removed abandoned building from Parcel No. 002.
2. Changed name from Glenn A. Ione Poe, to Glenn Poe Estate on Parcel No. 003.
3. Changed name from Tolmidge S. Shepherd, to Tolmidge S. Shepherd on Parcel No. 007.
4. Changed 2SRK BUS to 15K0 and Changed 2SF BUS to 15F BUS on Parcel No. 007.
5. Changed name and DBFG info from Gladys Yvonne F. Hayes, DB 188 PG 570 to Gladys Yvonne F. Hayes and Emory Dohinger, Jr. DB 308 PG 341 Parcel No. 017.

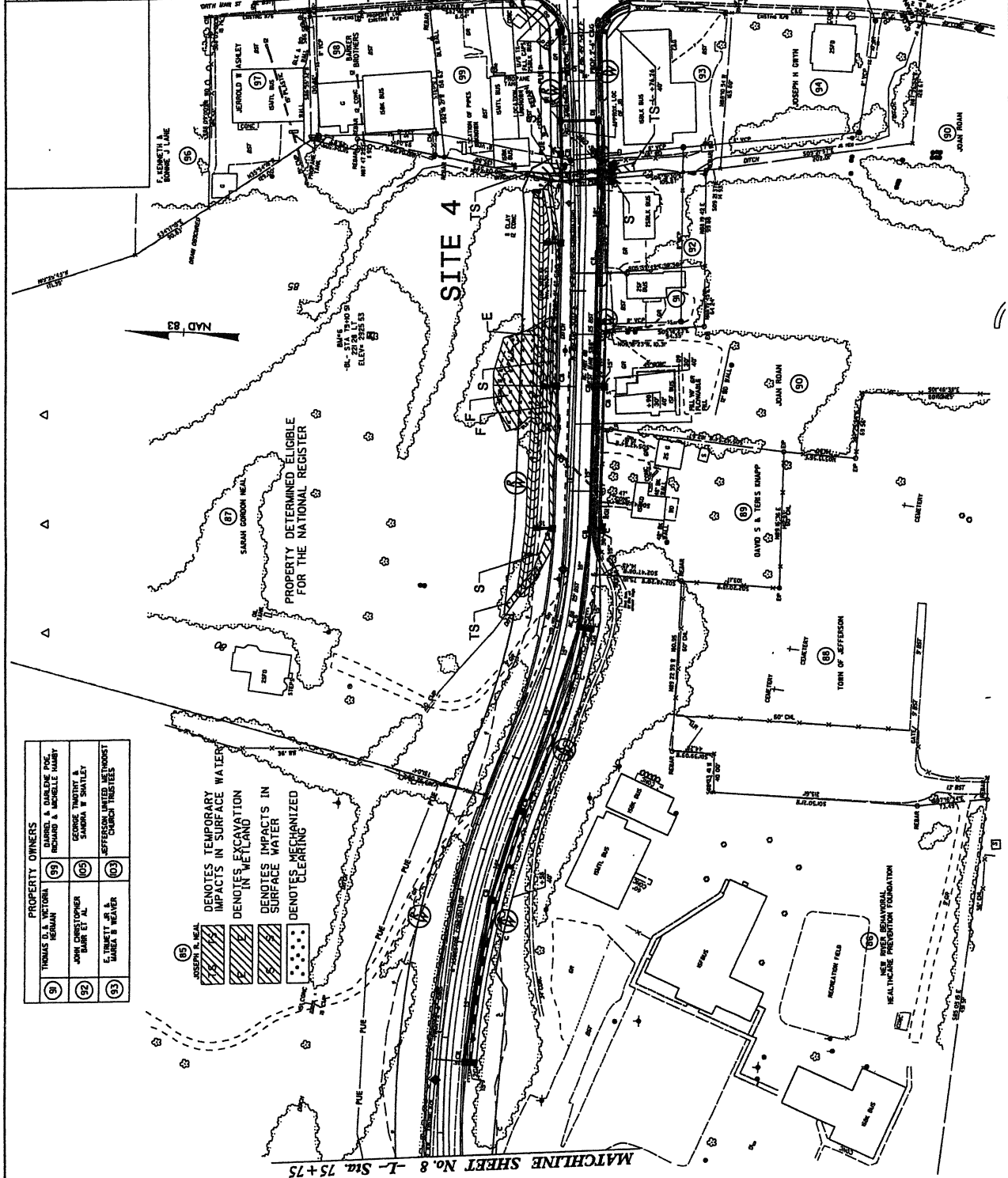
8/17/99

PROJECT: BRANSON INC.	SHEET NO. 7
DATE: 11-18-72	
DESIGNER: PROBABILE ENGINEERS	
OWNER: ROADWAY DESIGN ENGINEER	
SEE SHEET No. 13 FOR -L- PROFILES	
SEE SHEET No. 14 FOR -VIA- PROFILES	
PROPOSED PAVEMENT REMOVAL	
SEE SHEET No. 3-C FOR DAMAGE DETAILS	
PROP. SHOULDER BERM GUTTER	
-L- Sta. 57+17 to Sta. 59+53 RT.	



PROJECT REFERENCE NO.	SHEET NO.
U-2612	9
ROADWAY DESIGN	HYDRAULICS
ENGINEER	ENGINEER

SEE SHEET No 12 FOR -L- PROFILE
PROPOSED CONC SIDEWALK



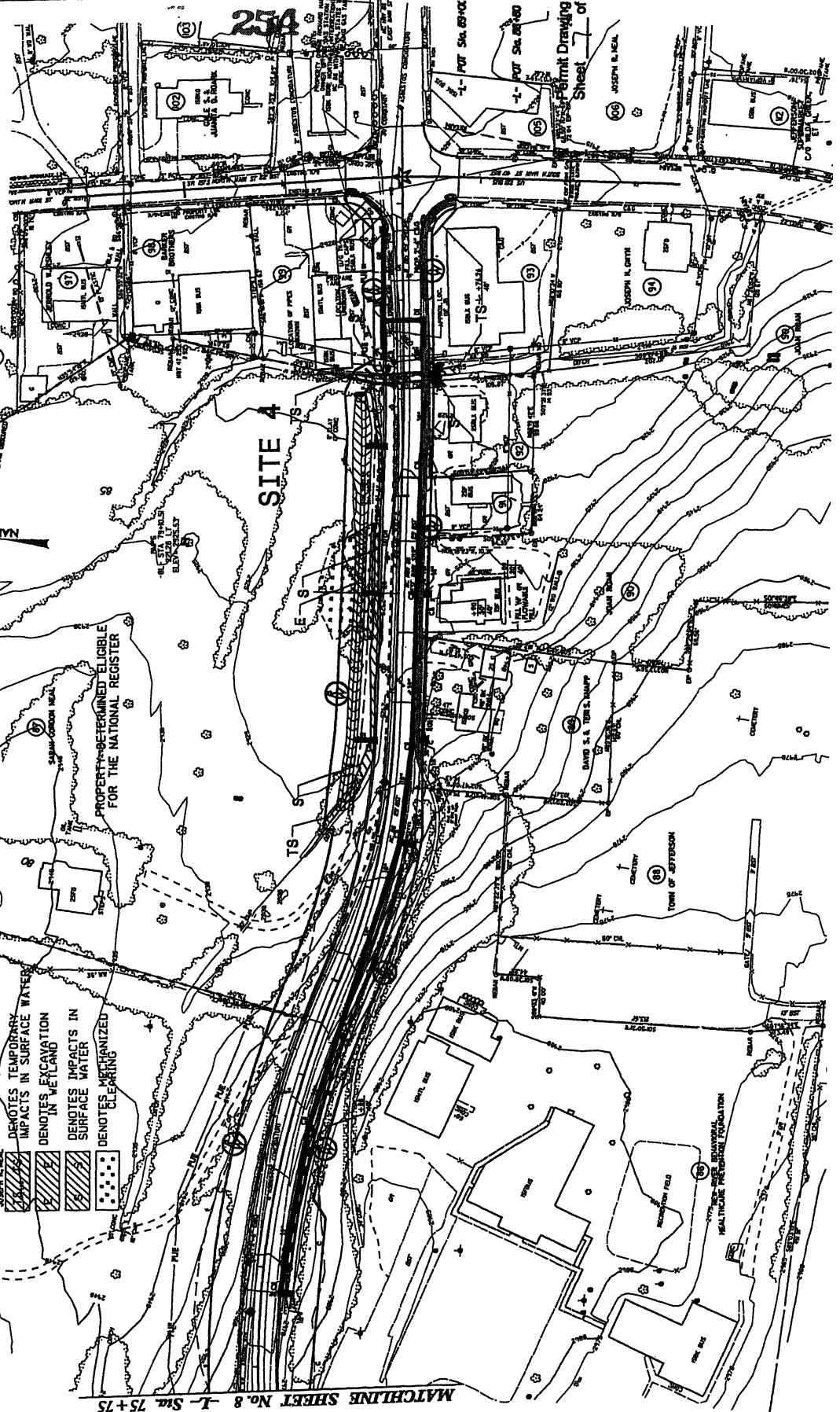
PROPERTY OWNERS	
01	THOMAS D.A. VICTORIA FORBANK
02	JOHN CHRISTOPHER BARR ET AL.
03	E. WAINET AL. & GARDEN W. WEAVER
04	DAVID & DARLENE INC. RICHARD & MICHELLE HANBY
05	GEORGE TIMOTHY & SANDRA W. SHATLEY
06	JEFFERSON UNITED METHODIST CHURCH TRUSTEES

- 01 DENOTES TEMPORARY IMPACTS IN SURFACE WATER
- 02 DENOTES EXCAVATION IN WETLAND
- 03 DENOTES IMPACTS IN SURFACE WATER
- 04 DENOTES MECHANIZED CLEARING

MATCHLINE SHEET No. 8 -L- Sta. 75+75

LETTER DATED JUNE 08, 2010 BY: S. MEADOWS
 1. Changed name and DPEC info from John Christopher Barr, DB 297 PG 2281, and DB 254 PG 1250 to John Christopher Barr, et al, DB 405 PG 1039, Parcel No. 092.

PROJECT DRAWING NO.	254
SHEET NO.	9
DATE	U-3/12
DESIGNED BY	HYDRAULIC ENGINEER
DRAWN BY	ENGINEER



PROPERTY OWNERS	
30	THOMAS D. & VICTORIA REBMAN
31	DARREL & DARLENE FOX RICHARD & NICHELLE HANBY
32	JIMMY SCHUMAKER DAVID E. WILSON
33	G. WILSON, JR. & A. WILSON TAMARA & HEATHER
34	PROPERTY-DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER
35	PROPERTY-DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER
36	PROPERTY-DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER
37	PROPERTY-DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER
38	PROPERTY-DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER
39	PROPERTY-DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER
40	PROPERTY-DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER

30 DENOTES TEMPORARY IMPACTS IN SURFACE WATER
 31 DENOTES EXCAVATION IN WETLAND
 32 DENOTES IMPACTS IN SURFACE WATER
 33 DENOTES MECHANIZED CLEANING

8/17/99

RMV REVISION:
 1. Changed name and DBPC info from John Christopher Barr, et al. DA 405 PG 1039, Parcel No. 092, DA 254 PG 1250 and DBPC info from John Christopher Barr, et al. DA 297 PG 2281, and DA 254 PG 1250 and DBPC info from John Christopher Barr, et al. DA 405 PG 1039, Parcel No. 092. LETTER DATED JUNE 05, 2010 BY: S. MEADOWS

MATCHLINE SHEET No. 8 - L - Sta. 75+75
 SEE SHEET No. 10 - R - PROFILE PROPOSED CONC. SIDEWALK
 MATCHLINE SHEET No. 10 - R - PROFILE PROPOSED CONC. SIDEWALK
 MATCHLINE SHEET No. 10 - R - PROFILE PROPOSED CONC. SIDEWALK

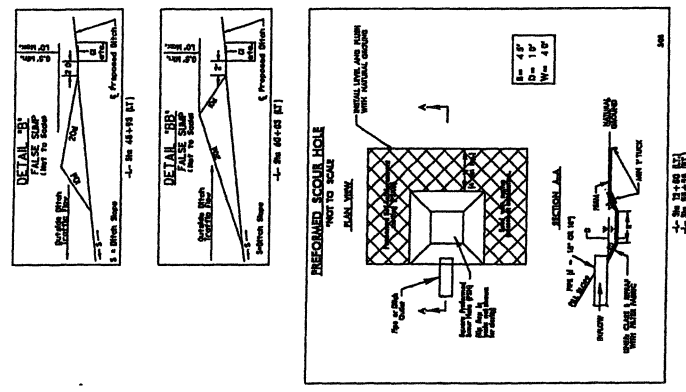
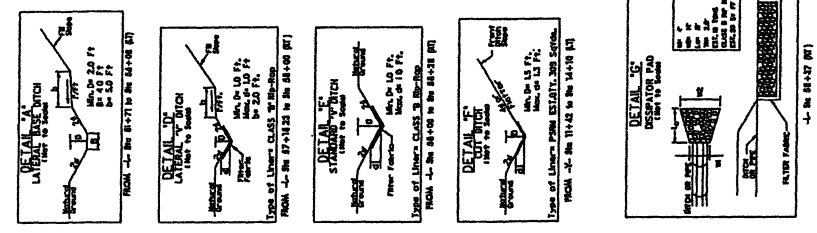
STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS
DRAINAGE DITCH DETAILS

PROJECT REFERENCE NO. U-3812
SHEET NO. 2-C
HYDRAULIC ENGINEER

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

INCOMPLETE PLANS
DO NOT USE FOR CONSTRUCTION

255

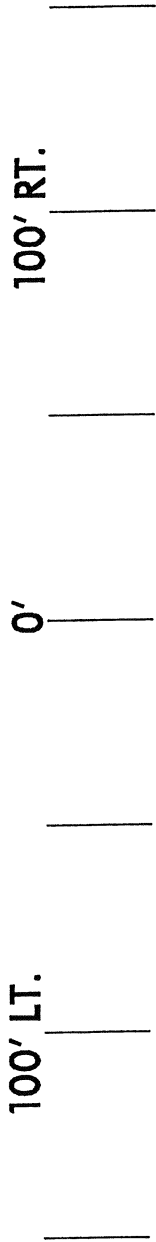


Permit Drawing
Sheet 2 of 14

PROFILE ALONG THE STRUCTURE

100' LT.

100' RT.



2 @ 60" CSP

☉ STA. 12 + 79.00 -L-

GRADE PT. ELEV. = 2862.18'

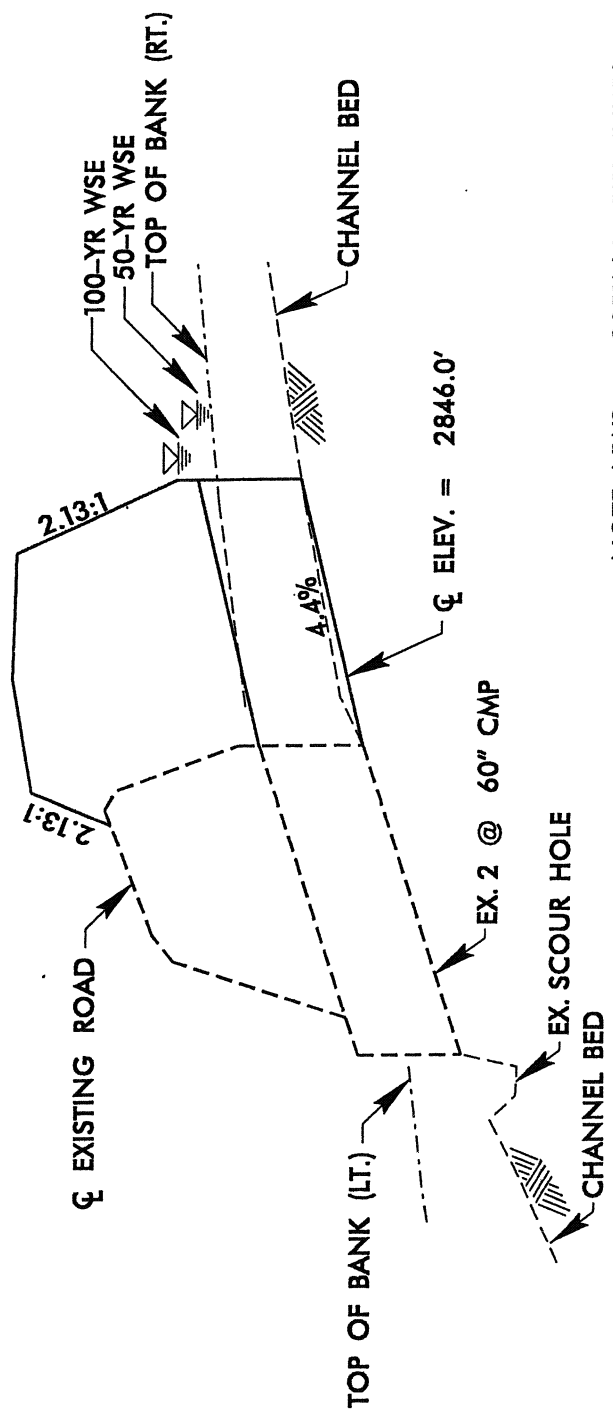
SKEW = 110 DEGREES

2870

2860

2850

2840

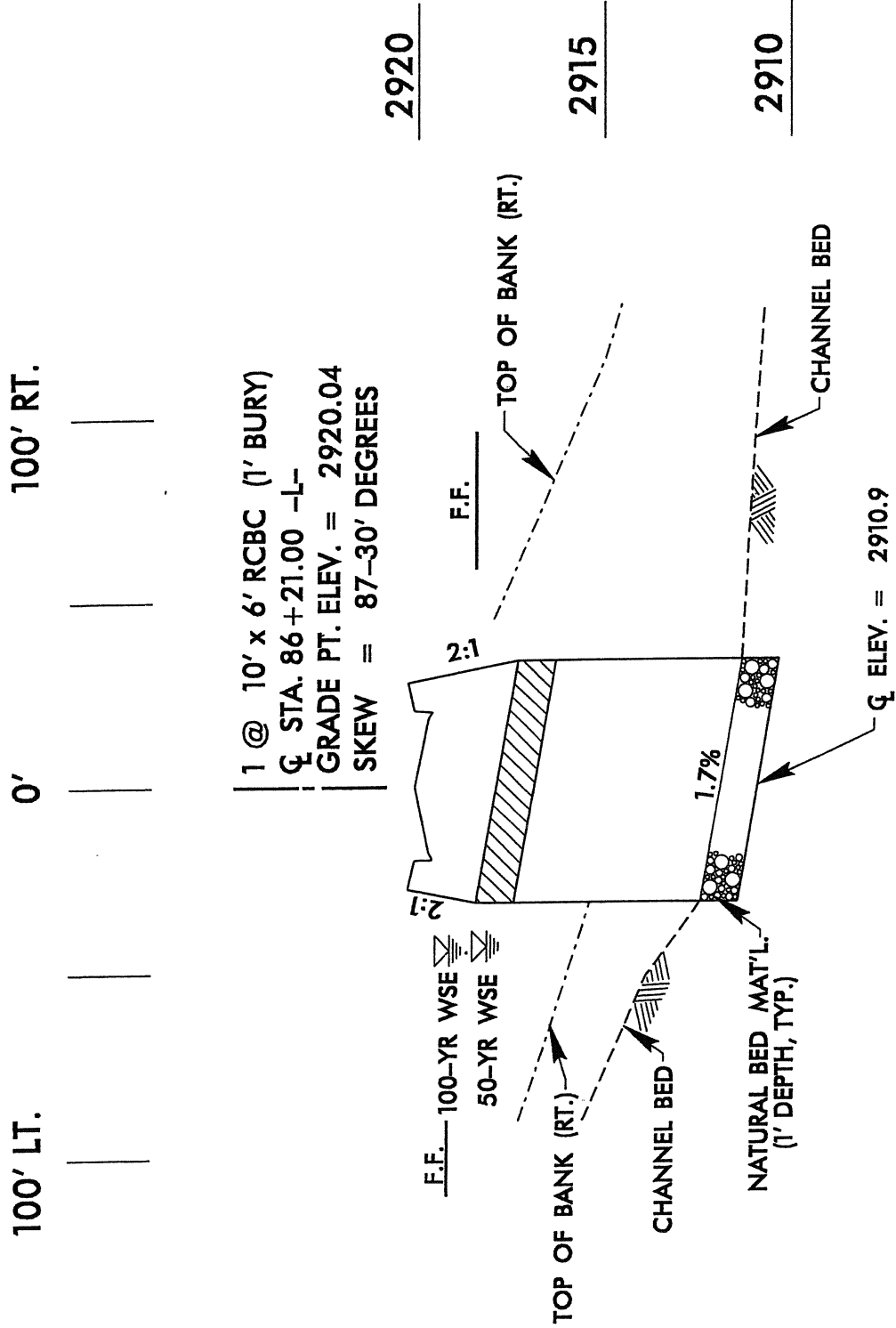


NOTE: NWS = 2851' (@ PIPE INLET)

256

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ASHE COUNTY
 WBS: 34977.1.1 (U3812)
 NC 88 (WEST MAIN ST.) FROM
 NC 194 TO US 221 IN JEFFERSON
 SHEET 9 OF 14

PROFILE ALONG THE STRUCTURE



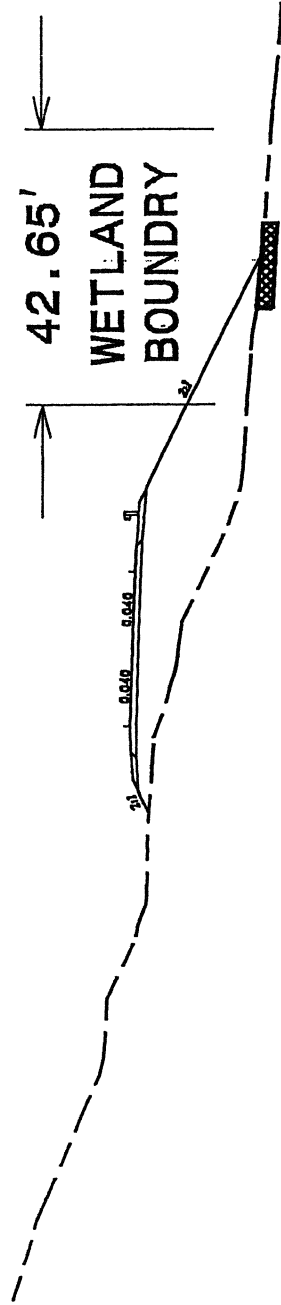
257

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ASHE COUNTY
 WBS:34977.11 (U3812)
 NC 88 (WEST MAIN ST.) FROM
 NC 194 TO US 221 IN JEFFERSON
 SHEET 10 OF 14

NOTE: NWS = 2918' (@ BOX INLET)

STA. 58+58.12 -L- (RT)

SITE 3



258

N C DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ASHE COUNTY

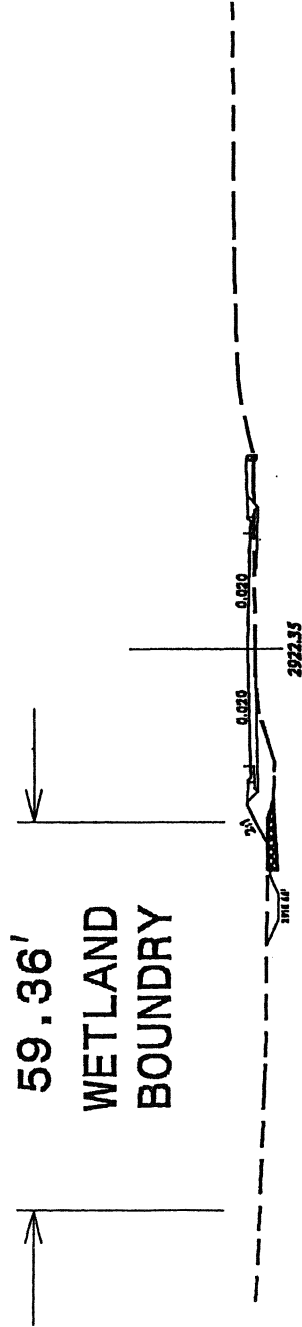
WBS-34977 L1 (U3812)

NC 88 (WEST MAIN ST) FROM
NC 194 TO US 221 IN JEFFERSON

SHEET // OF /4

STA. 84+00 -L- (LT)

SITE 4



259

N C DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ASHE COUNTY

WBS:34977.11 (U3812)

NC 88 (WEST MAIN ST) FROM
NC 194 TO US 211 IN JEFFERSON

SHEET 12 OF 14

PROPERTY OWNERS

<u>Site</u>	<u>Last Name</u>	<u>First Name</u>	<u>Address</u>	<u>City/Town</u>	<u>State</u>	<u>Zip Code</u>
1	Poe	Glenn & Ilene	PO Box 254	West Jefferson	NC	28694
1	Paddy Mountain Lumber, INC		PO Box 708	Jefferson	NC	28640
2	Jarvis	Stephen & Margaret	255 Azalea Lane	Wilkesboro	NC	28697
3	Little	Gwyn Park	14635 Hearthstone Meadows Drive	Houston	TX	77095
4	Neal	Sarah Gordon	PO Box 1441	Jefferson	NC	28640
4	Hamby	Darrel & Darlene Poe, Richard & Michelle	PO Box 790	Jefferson	NC	28640
4	Barr	John Christopher	362 Ridge Road	West Jefferson	NC	28694
4	Weaver	E Truett Jr. & Maree B	PO Box 428	Jefferson	NC	28640

260

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

ASHE COUNTY
WBS - 34977 1.1 (U-3812)

SHEET 13 of 14 9/2/2010

WETLAND PERMIT IMPACT SUMMARY

Site No	Station (From/To)	Structure Size / Type	WETLAND IMPACTS						SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW Impacts (ac)	Temp SW Impacts (ac)	Existing Channel Impacts (ft)	Existing Channel Impacts Temp (ft)	Natural Stream Design (ft)	
1	14+12 to 14+89 -Y-	24"/36" RCP							<0.01	<0.01	86	15	
2	12+78 -L- (RT)	2 @ 60" CSP							0.01	<0.01	67	15	
3	58+75 -L- (RT)	PSH *	0.04		0.01	0.01							
4	81+53 to 86+20 -L-	** 10' x 6" RCBC	0.09		0.04				0.06	0.01	470	80	
TOTALS:			0.13		0.05	0.01			0.07	0.01	623	110	

* PERFORMED SCOUR HOLE

** RELOCATE CHANNEL AND REPLACE 30" AND 60" CMP'S
WETLANDS CONSIDERED A COMPLETE TAKE FOR BOTH SITE 3 & SITE 4
AREA OUTSIDE OF RIGHT-OF-WAY CONSIDERED "PERMANENT FILL IN WETLANDS" FOR BOTH SITE 3 & SITE 4

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

ASHE COUNTY
WBS - 34977 1 1 (U-3812)

SHEET 14 of 14 10/1/2010

EXHIBIT C (PAGE 1 OF 2)
262

Federal Aid #: STP-88(2)

TIP#: U-3812

County: Ashe

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: Widen NC 88 from US 221 Business to NC 194


On September 9, 2011* representatives of the

- North Carolina Department of Transportation (NCDOT)
- Federal Highway Administration (FHWA)
- North Carolina State Historic Preservation Office (HPO)
- Other

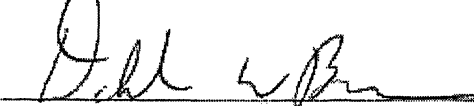
*This form consolidates effects findings determined on June 27, 2006, July 11, 2006, July 21, 2008, July 14, 2009, and September 9, 2011.

reviewed the subject project and agreed on the effects findings listed within the table on the reverse of this signature page.

Signed:




Representative, NCDOT 9-12-11
Date



FHWA, for the Division Administrator, or other Federal Agency 9-12-11
Date

Representative, HPO Date



State Historic Preservation Officer 9.14.11
Date

EXHIBIT C (PAGE 2 OF 2)

Federal Aid #: STP-88(2)

TIP#: U-3812

County: Ashe

Property and Status	Alternative	Effect Finding	Reasons
Joseph Benjamin Neal House (DOE)		No Adverse Effect with commitments	<p>Minimal impact of property will be achieved by:</p> <ol style="list-style-type: none"> 1) realigning driveway to maintain existing access; 2) refraining from a significant reduction of historic vegetation; 3) finishing the retaining wall across NC 88 from the property with a simulated rock surface treatment and black vinyl chain-link fence, and eliminating the companion Jersey barrier; and 4) confining any permanent utility easements and construction west of the new drainage ditch to the proposed ROW (that is, outside the historic property boundary).

Initiated: NCDOT VEP FHWA DR HPO BR

FHWA intends to use the SHPO's concurrence as a basis for a "de minimis" finding for the following properties, pursuant to Section 4(f):
the Joseph Benjamin Neal House.