STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

October 16, 2026

DANIEL H. JOHNSON
SECRETARY

U. S. Army Corps of Engineers
Water Resources Development Act (WRDA)
Transportation Permitting Branch

NC Division of Water Resources
Transportation Permitting Branch

ATTN: NCDOT Coordinator

NCDOT Coordinator

Subject: Application for: **Section 404 Permit and 401 Water Quality Certification** as the result of **Hurricane Helene** for the **Repair of 0.4 mile of SR 1605 (Middle Fork Road)** in **Henderson County**, Division 14, WBS DF18314.2045384.

Dear NCDOT Coordinators:

The North Carolina Department of Transportation (NCDOT) proposes the following project as the result of damage caused by Hurricane Helene in September 2024: Repairs to approximately 0.4 mile of SR 1605 (Middle Fork Road).

This project proposes to repair several sections of roadway that parallel Middle Fork Hickory Creek which were severely damaged during Hurricane Helene. Middle Fork Hickory Creek will be relocated to its pre-storm location where possible.

Descriptions of the impact areas are found in the following tables.

Approvals Requested:

404 Nationwide Permit 3. Notification required due to:
- greater than 0.008 acre of impacts other than temporary dewatering in a Designated Trout Watershed.

401 General Certification 8562. Written authorization for a Certificate of Coverage is required due to stream impacts greater than 150 lf.

FHWA is the lead federal agency for this project.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

Telephone: (919) 707-6000
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH NC 27610

Proposed Activities in Streams:

Impact Site	Permanent Fill	Bank Stabilization	Temporary Impacts	Permit Proposed/ Impact Description
Site 1 Middle Fork Hickory Creek	--	49 lf (0.017 ac)	108 lf (0.042 ac)	Middle Fork Hickory Creek is proposed to be relocated to its pre-storm location. Temporary stream impacts are required for dewatering/construction access. Approximately 354 linear feet of Middle Fork Hickory Creek are being relocated to its pre-storm location within the valley.
Site 2 UT to Middle Fork Hickory Creek	32 lf (0.002 ac)	--	11 lf (0.001 ac)	Impacts at Site 2 are due to the need for new roadway embankment stabilization. Surface water appears to have traveled along the roadside from a failed pipe to form this channel. No mitigation is proposed.
Site 3 UT to Middle Fork Hickory Creek	--	12 lf (0.001 ac)	9 lf (0.001 ac)	Bank stabilization will be required to stabilize the banks near the repaired outfall.
Site 4 (Lower) UT to Middle Fork Hickory Creek	--	--	22 lf (0.002 ac)	The previous pipe that was lost during the storm is being replaced with a 54" RCP. Approximately 83 linear feet of this UT is being relocated to its pre-storm location.
Site 4 (Upper) UT to Middle Fork Hickory Creek	--	24 lf (0.004 ac)	11 lf (0.002 ac)	The existing pipe is being replaced with a 54" RCP. Bank stabilization is proposed at the new outfall. Temporary dewatering will be needed for construction.
Site 5 (Emergency Detour) UT to Middle Fork Hickory Creek	--	--	80 lf (0.006 ac)	The emergency detour will be removed, including the approximately 60' long pipe that was placed within the UT. Proposed temporary impacts include the length of the pipe, and necessary dewatering for removal access.
Totals:	**32 lf (0.002 ac)**	**85 lf (0.022 ac)**	**241 lf (0.03 ac)**	

The information above is provided in accordance with the "U.S. Army Corps of Engineers, Wilmington District's Information for Hurricane Helene Recovery and Repair Work Conducted by the North Carolina Department of Transportation in Waters of the U.S." dated February 10, 2025.

Endangered Species Act
Protected Species listed from IPaC[1] as of the date of this application:

Common Name	Habitat Present	Survey Dates	Proposed Biological Conclusion	FWS Concurrence Remarks
Gray bat	Yes	n/a	May Affect, Likely to Adversely Affect	USFWS Concurrence of PBO Use: Service Log No. 25-183 (06/05/2025)
Northern long-eared bat	Yes	n/a	May Affect, Likely to Adversely Affect	
Tricolored bat	Yes	n/a	May Affect, Likely to Adversely Affect	
Small whorled pogonia	Yes	6/4/2025	No Effect	n/a
White irisette	Yes	6/4/2025	No Effect	n/a
Rock gnome lichen	No	n/a	No Effect	n/a
Bog Turtle[2]	n/a	n/a	n/a	n/a
Monarch butterfly (Proposed)[3]	n/a	n/a	n/a	n/a

1 IPaC – Information for Planning and Consultation (US Fish and Wildlife Service)
2 Similarity of Appearance (Threatened); A species that is threatened due to similarity of appearance with another listed species and is listed for its protection.
3 Due to the recent listings of Eastern hellbender and monarch butterfly within the proposed action area, NCDOT does not have complete information at this time. It is anticipated that construction will be complete by the timeframes proposed for full listing, should the species be formally listed.

Historic Resources Summary (documentation included)

106 Topic	Findings	
Historic Architecture	No Historic Properties Affected	
Archaeology	No Surveys Required	
Tribal Coordination	**Tribe**	**Response**
Tribal Coordination Letters were sent to the following Tribes on January 16, 2025:	Catawba Indian Nation	No response received
	Eastern Band of Cherokee Indians	No response received
	Muscogee (Creek) Nation	No response received
	Cherokee Nation	03/7/2025
	United Keetoowah Band of Cherokee Indians in Oklahoma	No response received

If you have any questions or need additional information, please contact Michael Turchy, at maturchy@ncdot.gov or (919) 707-6157.

Sincerely,

Digitally signed by Michael Turchy

Michael A. Turchy
Environmental Coordination and Permitting Group Leader

ePCN

U.S. Army Corps of Engineers (USACE)

NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)

For use of this form, see 33 CFR 330; the proponent agency is CECW-CO-R.

Form Approved - OMB No. 0710-0003
Expires: 2027-10-31

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.

Principal Purpose Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.

Routine Uses This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of the agency coordination process.

Disclosure Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can

The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (*see sample drawings and/or instructions*) and be submitted to the district engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
		10/16/2026	

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (*agent is not required*)
First – Robert Middle – Last – Crowther	First – Middle – Last –
Company – NCDOT	Company –
Company Title –	E-mail Address –
E-mail Address – recrowther@ncdot.gov	
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
Address – 1598 Mail Service Center	Address –
City – Raleigh State – NC ZIP – 27699 Country – US	City – State – ZIP – Country –
7. APPLICANT'S PHONE NOs. with AREA CODE	10. AGENT'S PHONE NOs. with AREA CODE
a. Business b. c. Fax	a. b. c. Fax
+19197076112	

STATEMENT OF AUTHORIZATION

11. I hereby authorize, to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.

SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME or TITLE (*see instructions*)

NCDOT / Helene / Middle Fork Road (SR 1605) / Henderson / Div 14 / WBS DF18314.2045384

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

13. NAME OF WATERBODY, IF KNOWN (*if applicable*)

Middle Fork Hickory Creek

14. PROPOSED ACTIVITY STREET ADDRESS (*if applicable*)

Address: 82 Middle Fork Rd

City: Hendersonville State: NC Zip: 28792

15. LOCATION OF PROPOSED ACTIVITY (*see instructions*)

Latitude: 35.463447 °N Longitude: -82.305917 °W

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (*see instructions*)

Section – Township – Range –

County – Henderson County Project Area – 2.5 Acres State Tax Parcel ID –

17. DIRECTIONS TO THE SITE

18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE

NWP 14 Linear Transportation Projects

19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY (*see instructions*)

Project DF18314.2045384 is an emergency design project along SR 1605 (Middle Fork Road/ Tom Falls Road) due to significant damage from Hurricane Helene. Middle Fork Hickory Creek will be relocated to the pre-Helene stream course. Bank stabilization measures will be utilized to help protect the roadway and prevent further erosion of the adjacent areas. Grouted rock fill will be used along a portion of the roadway where the stream and roadway are in close proximity to one another. Surface water impacts have been avoided and minimized to the greatest extent practicable during project design.
The nature of the activity includes installation of roadway stabilization along Middle Fork Road and relocation of the stream to pre-Helene conditions.

20. DESCRIPTION OF PROPOSED MITIGATION MEASURES (*see instructions*)

Sediment and erosion control devices will be employed to reduce sedimentation impacts during construction. No additional mitigation is proposed.

21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY (*Describe the reason or purpose of the project, see instructions*)

The purpose of the project is to repair damage to the roadway facility from Hurricane Helene.

22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY (*see instructions*)

See Appendix B

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.

25. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. (*see instructions*)

26. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and/or the loss of greater than 3/100-acre of stream bed and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) and/or paragraph (d) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity.

The stream located at impact site 2 appears to have been created due to the loss of the pipe at impact site 3 during Hurricane Helene. This water flowed down hill along the side of Middle Fork Road and crossed over, creating this feature. NCDOT is not proposing mitigation for this impact.

27. Is any portion of the nationwide permit activity already complete? ☐ Yes ☑ No

If Yes, describe the completed work:

28. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (*see instructions*)

Gray bat,Monarch butterfly,Northern Long-Eared Bat,Rock gnome lichen,Small whorled pogonia,Tricolored bat,White irisette
ADDITIONAL AFFECTED SPECIES:
Bog Turtle - SAT
See attached cover letter for additional Section 7 documentation.

29. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (*see instructions*)

See attached Section 106 documentation.

30. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river":

31. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project? ☐ Yes ☑ No

If "yes", please provide the date your request was submitted to the Corps district:

32. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (*see instructions*)

33. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Robert Crowther	10/16/2026		
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has been filled out and signed, the authorized agent.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

Instructions for Preparing a

Department of the Army

Nationwide Permit (NWP) Pre-Construction Notification (PCN)

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant's Telephone Number(s). Please provide the telephone number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by the applicant, if an agent is to be employed.

Block 12. Proposed Nationwide Permit Activity Name or Title. Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

Block 13. Name of Waterbody. Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Activity Street Address. If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

Block 15. Location of Proposed Activity. Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use. List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

Block 19. Description of the Proposed Nationwide Permit Activity. Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g.,a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

Block 20. Description of Proposed Mitigation Measures. Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

Block 21. Purpose of Nationwide Permit Activity. Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity. For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands and/or of Greater Than 3/100-Acre of Stream Bed When Pre-Construction Notification is Required. Paragraphs (c) and (d) of NWP general condition 23 require compensatory mitigation at a minimum one-for-one replacement ratio for all wetland losses that exceed 1/10-acre and/or for all losses of stream bed that exceed 3/100-acre, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre and/or for losses of stream bed that exceed 3/100-acre, or provide an explanation of why the district engineer should not require wetland and/or stream compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete? Describe any work that has already been completed for the NWP activity.

Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity. If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River. If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit http://www.rivers.gov/.

Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408. If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

Block 30. Other Information Required For Nationwide Permit Pre Construction Notifications. The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

* NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
* NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
* NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre project conditions.
* NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre construction notification.
* NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
* NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
* NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
* NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

Block 31. Signature of Applicant or Agent. The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient

drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

ADDITIONAL INFORMATION AND REQUIREMENTS

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.

Appendix B. Aquatic Resource Inventory:

Aquatic Resource Name	*State*	*Cowardin System*	*Cowardin Class*	*HGM Class*	*Local Waterway Name*	*Measurement Type*	*Measurement Amount*	*Measurement Units*	*Waters Type*	*Latitude*	*Longitude*
Middle Fork Hickory Creek	North Carolina	RIVERINE	R3-RIVERINE, UPPER PERENNIAL			Linear	500	FOOT	DELIN.CONC	35.463332	-82.30567
UT to Middle Fork Hickory Creek (SA)	North Carolina	RIVERINE	R3-RIVERINE, UPPER PERENNIAL			Linear	70	FOOT	DELIN.CONC	35.4619539	-82.3071915
UT to Middle Fork Hickory Creek (SB)	North Carolina	RIVERINE	R3-RIVERINE, UPPER PERENNIAL			Linear	290	FOOT	DELIN.CONC	35.4624873	-82.3074719
UT to Middle Fork Hickory Creek (SC)	North Carolina	RIVERINE	R3-RIVERINE, UPPER PERENNIAL			Linear	340	FOOT	DELIN.CONC	35.4631884	-82.3074713

Appendix C. Impact Inventory:

Water Name	*Impact Name*	*Activity*	*Type of Material Being Discharged*	*Resource Type*	*Permanent Loss (Y/N)*	*Impact Duration*	*Amount Type*	*Proposed Length*	*Proposed Width*	*Proposed Amount*	*Amount Units*
Middle Fork Hickory Creek	Site 1 - Reestablishment	Discharge of fill material	Rock	River/Stream	No	Permanent	Fill Area	37	20	0.016988	Acres
Middle Fork Hickory Creek	Site 1 - Bank Stabilization	Discharge of fill material	Rock	River/Stream	No	Permanent	Fill Area	49	15	0.016873	Acres
Middle Fork Hickory Creek	Site 1 - Stream Transition	Discharge of fill material	Rock	River/Stream	No	Temporary	Fill Area	71	15	0.024449	Acres
UT to Middle Fork Hickory Creek (SA)	Site 2 - Embankment Stabilization	Discharge of fill material	Rock	River/Stream	Yes	Permanent	Fill Area	32	3	0.002204	Acres
UT to Middle Fork Hickory Creek (SA)	Site 2 - Temporary Dewatering	Discharge of fill material	Rock	River/Stream	No	Temporary	Fill Area	11	3	0.000758	Acres
UT to Middle Fork Hickory Creek (SB)	Site 3 - Bank Stabilization	Discharge of fill material	Rock	River/Stream	No	Permanent	Fill Area	12	4	0.001102	Acres
UT to Middle Fork Hickory Creek (SB)	Site 3 - Temporary Dewatering	Discharge of fill material	Rock	River/Stream	No	Temporary	Fill Area	9	4	0.000826	Acres
UT to Middle Fork Hickory Creek (SC)	Site 4 - Lower Pipe	Discharge of fill material	Pipe	River/Stream	No	Temporary	Fill Area	13	4	0.001194	Acres
UT to Middle Fork Hickory Creek (SC)	Site 4 - Lower Pipe Temp Dewatering	Discharge of fill material	Rock	River/Stream	No	Temporary	Fill Area	9	4	0.000826	Acres
UT to Middle Fork Hickory Creek (SC)	Site 4 - Upper Pipe Temp Dewatering	Discharge of fill material	Rock	River/Stream	No	Temporary	Fill Area	11	8	0.00202	Acres
UT to Middle Fork Hickory Creek (SC)	Site 4 - Upper Pipe Bank Stab	Discharge of fill material	Rock	River/Stream	No	Permanent	Fill Area	24	8	0.004408	Acres
UT to Middle Fork Hickory Creek (SB)	Emergency Detour Removal	Discharge of fill material	Rock	River/Stream	No	Temporary	Fill Area	80	4	0.007346	Acres

Provide any additional information you may have about the proposed quantity of wetlands, streams, or other types of waters directly affected by the proposed activity. This level of detail is helpful to better understand the type of impacts that are proposed for your project.

Middle Fork Hickory Creek is planned to be relocated to its pre-Helene course in order to rebuild the roadway. Bank stabilization in necessary to reform the banks and protect the roadway. Rock and earthen materials be used to realign the channel.

Appendix H. Supporting Information:

Document Type	*Document Created Date (YYYY-MM-DD)*	*Document Label*	*Information Source/Citation*	*Uploaded file name*
Historic Properties Cultural Resources Information	2026-10-15	Tribal Coordination	NCDOT	Middle Fork - 2025-01-16 Tribal Letter Distribution and CN Response.pdf
Historic Properties Cultural Resources Information	2026-10-15	No Archaeological Survey Required Form	NCDOT	Middle Fork - 2025-02-26 No Archaeological Survey Required Form.pdf
Threatened Endangered Species Report	2026-10-15	Section 7 Plant Survey Memo	NCDOT	Middle Fork - 2025-06-27 Plant Survey Memo.pdf
Historic Properties Cultural Resources Information	2026-10-15	No Historic Properties Affected	NCDOT	Middle Fork - 2025-10-20 No Historic Properties Affected Form.pdf
Maps Plans Plots or Plats	2026-10-15	Permit Impact Drawings	NCDOT	Middle Fork - 2026-08-05 Permit Drawings.pdf
Other Information	2026-10-16	Permit Cover Letter and Impact Descriptions	NCDOT	Middle Fork - 2026-10-16 Application Cover Letter.pdf

U.S. Army Corps of Engineers (USACE)

PERMIT INFORMATION SHEET

PERMIT FORM TYPE	DATE RECEIVED
ENG 6082	10/16/2026

TYPE OF PERMIT YOU'RE REQUESTING

☐ Standard ☐ Letter Of Permission ☑ General Permit

APPLICABLE STATUTORY AUTHORITY

☑ Section 404 Clean Water Act ☐ Section 10 Rivers and Harbors Act

☐ Section 103 of the Marine Protection, Research, and Sanctuaries Act

DO YOU PROPOSE COMPENSATORY MITIGATIONS?

No

COASTAL DISTRICT

WOULD THE PROJECT OCCUR IN THE TERRITORIAL SEAS OR OCEAN WATERS?

No

DESCRIBE THE ACTIVITY'S RELATIONSHIP TO THE BASELINE FROM WHICH THE TERRITORIAL SEA IS MEASURED

SECTION 408 USACE CIVIL WORKS PROJECTS

WILL THE PROPOSED ACTIVITY REQUIRES PERMISSION FROM THE USACE PURSUANT TO 33 U.S.C. 408 BECAUSE IT WILL ALTER OR TEMPORARILY OR PERMANENTLY OCCUPY OR USE A U.S. ARMY CORPS OF ENGINEERS FEDERALLY AUTHORIZED CIVIL WORKS PROJECT?

☐ Yes ☑ No ☐ I'm not sure

IF YES, HAVE YOU SUBMITTED A WRITTEN REQUEST FOR SECTION 408 PERMISSION FROM THE USACE DISTRICT HAVING JURISDICTION OVER THAT PROJECT?

☐ Yes ☑ No

GENERAL PERMIT INFORMATION

WILL THE PROPOSED ACTIVITY RESULT IN A LOSS TO WETLANDS OR WATERS THAT EXCEEDS NATIONAL OR DISTRICT THRESHOLDS?

Yes

U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT – PARTNER APPENDIX

For use of this form, see 33 CFR 325. The proponent agency is CECW-COR.

AUTHORITIES: The Department of Army Corps of Engineers (Corps) and partner entities have established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and its partners. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. This supplemental information is provided to the partner entity along with the standard regulatory forms.

PARTNER INFORMATION

ORGANIZATION:	**PARTNER ID:**	**NAME AND CODE:**
NC Division of Water Resources (DWR)		**Form Name**: NATIONWIDE/GENERAL/INDIVIDUAL PERMIT - DWR 401 Application Form NC Division of Water Resources Application Information **Form Code**: NCDWR 401

In North Carolina, many activities covered by Nationwide and Regional General Permits, as well as Individual Permits, also require a 401 Water Quality Certification from the Division of Water Resources. To streamline the application process for both the U.S. Army Corps of Engineers (USACE) and the North Carolina Division of Environmental Quality (NCDEQ) - Division of Water Resources (DWR), we have collaborated on this joint application form.

This joint application form serves to fulfill reporting requirements for both agencies under Sections 401 and 404 of the Clean Water Act, and Section 10 of the Rivers and Harbor Act of 1899, for specific activities permitted through Nationwide Permits (NWPs), Regional General Permits (RGPs), and Individual Permits. The RRS is now the preferred method for submitting application information for these permits.

For questions, please contact the USACE at (910) 251-4633.

The Wilmington District and the North Carolina Department of Environmental Quality (NCDEQ) have collaborated to develop a Joint Permit Application (JPA) within the Regulatory Request System (RRS) for use with Nationwide Permits (NWP) and Regional General Permits (RGP), as well as, Individual Permits. This system functions similarly to previous versions of the Pre-Construction Notification form (also known as e-PCN). The RRS is an online platform that enables applicants to electronically upload and submit all required information to the reviewing agencies.

The RRS JPA fulfills the application and reporting requirements for both the U.S. Army Corps of Engineers (USACE) and NCDEQ for activities authorized under Sections 401 and 404 of the Clean Water Act, as well as Section 10 of the Rivers and Harbors Act of 1899.

Projects that fall within the North Carolina Division of Coastal Manangement (NCDCM) review area, will need to coordinate their application with NCDCM directly. To learn more, visit the [NCDCM website](https://www.deq.nc.gov/about/divisions/division-coastal-management).

USACE/NCDWR Joint Application Form for Nationwide Permits, Regional General Permits, and Individual Permits (along with corresponding Water Quality Certifications)

PLEASE NOTE: THE SYSTEM IS STILL UNDER DEVELOPMENT, AND DATA CURRENTLY DOES NOT TRANSMIT ELECTRONICALLY TO NCDEQ'S DIVISION OF WATER RESOURCES (DWR). UNTIL FURTHER NOTICE, APPLICANTS MUST SUBMIT COMPLETED RRS JPA DOCUMENTS THROUGH [NCDEQ'S "PROJECT SUBMITTAL INTERIM FORM" WEBSITE](https://edocs.deq.nc.gov/Forms/Supplemental-Information-Form).
[Additional Instructions](https://edocs.deq.nc.gov/WaterResources/Browse.aspx?dbid=0&startid=3890140)

SUPPLEMENTAL INFORMATION COLLECTED

ADDITIONAL CONTACT INFORMATION - Property Owner

- Is the owner the same as the applicant?
  - Yes

- Provide Primary Property Owner information
    - Please see the JPA_ContactReport.xlsx to review the provided contact data.

- Provide Additional Property Owner information
    - Please see the JPA_ContactReport.xlsx to review the provided contact data.

PROCESSING INFORMATION -

- Does the project involve maintenance dredging funded by the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund OR involve the distribution or transmission of energy or fuel (including natural gas, diesel, petroleum, or electricity)?
    - No

- Is this project connected with (American Rescue Plan Act) ARPA funding or S.L. 2023-134 (earmark)?
    - No

- Please select:
    - Not Applicable (Question not presented)

- Please provide the DWI ARPA Funding Project Number (ie: SRP-W-ARP-1234 or SRP-W-134-1234):
  *The DWI Funding Project number can be located on the "Letter of Intent to Fund" (LOIF) or "Offer and Acceptance Letter". If you do not know your DWI project #, please contact your DWI project manager or fund recipient (e.g., LGU).
    - Not Applicable (Question not presented)

- Is this a NC Division of Mitigation Services (NCDMS) Project? Note - Select Yes only if NCDMS is the applicant/co-applicant.
    - No

- Is this project a public transportation project?
    - Yes

- Is this a NC Department of Transportation (NCDOT) project?
    - Yes

- (NCDOT only) T.I.P. (Transportation Improvement Program) or state project number:
    - Not Applicable (Question not presented)

- (NCDOT only) WBS #
    - DF18314.2045384

- Application for NC Division of Water Resources (DWR) Certification.
  Type(s) of approval sought from the DWR? (Select all that apply)
    - 401 Water Quality Certification

- Is this a modification OR new project with existing ID?
    - No

- Please provide the DWR ID number.
    - Not Applicable (Question not presented)

- Is the project located in any of NC's twenty coastal counties?
    - No

- Is the project located within a NC Division of Coastal Management (DCM) Area of Environmental Concern (AEC)?
    - Not Applicable (Question not presented)

- Is the project located in a designated trout watershed? [Learn more about Trout](https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Trout.aspx)
    - Yes

- If yes, attach a copy of existing correspondence from the Wildlife Resource Commission Office.
    - Not Applicable (Question not presented)

WATERS DETAILS -

- Name of nearest waterbody? [Surface Water Lookup](https://experience.arcgis.com/experience/7073e9122ab74588b8c48ded34c3df55/)
    - Middle Fork Hickory Creek

- Does the proposed activity impact perennial or intermittent streams?
    - Yes

- Please ensure that the Aquatic Resource Inventory section includes all perennial and intermittent streams and be sure to identify them with appropriate Cowardin codes.
  (Click the Aquatic Resources Inventory in the menu on the left to navigate to that section.)

  Note: Use the Cowardin Code "R2 or R3" for perennial. Use Cowardin Code "R4" for intermittent.
  If no code provided, waters will be assumed to be perennial.
    - Not Applicable (Question not presented)

NON-JD IMPACT DETAILS - NOTE: Questions only appear in this section when 'Non-404 Jurisdictional Waters Permit' has been included among the Type(s) of approval sought from the DWR.

- Will the project result in impacts to Non-404 JD waters?
    - Not Applicable (Question not presented)

- Please ensure that the associated Non-404 Jurisdictional Waters have been entered in the Aquatic Resource Inventory section of the Permit Application. Use the Aquatic Resource Type of "DELIN.NOJD-404".
  (Click the "Aquatic Resources Inventory" option in the menu on the left to navigate to that section.)

    - Not Applicable (Question not presented)

BUFFER IMPACTS AND MITIGATION SUMMARY - Additional impacts and mitigation not previously covered in this application: Buffers

- Will project occur in an area subject to state riparian buffer regulations?
    - No

- Will project result in any impacts within a protected riparian buffer?
    - Not Applicable (Question not presented)

- Which protected basin(s) is the project located within?
    - Not Applicable (Question not presented)

- Other Protected Basin
    - Not Applicable (Question not presented)

- Are the buffer regulations implemented by a delegated local government?
    - Not Applicable (Question not presented)

- Please specify which local government.
    - Not Applicable (Question not presented)

- Impact Details
    - Please see the JPA_DynamicTableReport.xlsx to review the provided data.

- Total Temporary Buffer Impacts
    - Not Applicable (Question not presented)

- Total Permanent Buffer Impacts
    - Not Applicable (Question not presented)

- Total Combined Buffer Impacts
    - Not Applicable (Question not presented)

- Will the project result in an impact within a protected riparian buffer that requires buffer mitigation?
    - Not Applicable (Question not presented)

- If yes, you must fill out this entire section - please contact DWR for more information.
  Identify the square feet of impact to each zone of the riparian buffer that requires mitigation. Calculate the amount of mitigation required in the table below.
    - Please see the JPA_DynamicTableReport.xlsx to review the provided data.

- How is buffer mitigation proposed to be met?
    - Not Applicable (Question not presented)

- If payment to mitigation bank or NCDMS, attach a valid statement of availability or DMS acceptance letter. OR Attach mitigation plan for review.
    - Not Applicable (Question not presented)

STORMWATER MANAGEMENT PLAN -

- Does this project disturb >1 acre of land?
    - Yes

- Is this an NCDOT project subject to compliance with NCDOT's Individual NPDES permit NCS000250?
    - Yes

- Is this project subject to review and approval under a state post-construction stormwater program (DEMLR) or state-approved local government stormwater program?
    - Not Applicable (Question not presented)

- What entity has reviewed/is reviewing the Stormwater Management Plan?
    - Not Applicable (Question not presented)

- What is the Stormwater Management Plan status?
    - Not Applicable (Question not presented)

- Does this project meet the requirements for low density projects as defined in 15A NCAC 02H.1003(2)? For details on how Low Density Projects are characterized, click the help icon.
    - Not Applicable (Question not presented)

- For low density projects, submit documentation including built-upon area (BUA) delineation, percent BUA calculations, stormwater drainage plan, and designs for vegetated conveyances.
    - Not Applicable (Question not presented)

- For all High Density projects submit a Stormwater Management Plan that includes stormwater control measures for water quality treatment.
    - Not Applicable (Question not presented)

STORMWATER MANAGEMENT IN BUFFERED BASINS - All stormwater generated from high ground within regulated buffer basins must be in compliance with the stormwater management requirements of the applicable buffer rules.

NOTE: Questions only appear in this section when 'Will project occur in an area subject to state riparian buffer regulations?' is answered Yes.

- Does the project comply with the stormwater management requirements of the applicable buffer rules?
    - Not Applicable (Question not presented)

- Please explain why the project does not comply.
    - Not Applicable (Question not presented)

ENVIRONMENTAL DOCUMENTATION -

- Is an environmental document required under NCEPA (01 NCAC 25 .0100)?
    - Yes

- Has the document review been finalized by the State Clearing House?
    - Yes

- Comments
    - Not Applicable (Question not presented)

- Attach a copy of the SEPA final approval document.
    - Middle Fork - 2025-08-25 CE.pdf File(s) Uploaded

VIOLATIONS -

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

- No

- Please explain.
  - Not Applicable (Question not presented)

CUMULATIVE IMPACTS -

- Will this project (based on past and reasonably anticipated future impacts) result in additional development?
  - No

- Provide a qualitative or quantitative cumulative impact analysis in accordance with the most recent DWR policy. [Learn more about Cumulative Impact Policy](https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Policies_Guides_Manuals/CumulativeImpactPolicy.pdf)
  - Not Applicable (Question not presented)

- If not, provide a short narrative description.
  - The project is not adding additional roadway capacity or creating new access locations. This is to rebuild the roadway following Hurricane Helene damage.

PLEASE NOTE: THE SYSTEM IS STILL UNDER DEVELOPMENT, AND DATA CURRENTLY DOES NOT TRANSMIT ELECTRONICALLY TO NCDEQ'S DIVISION OF WATER RESOURCES (DWR). UNTIL FURTHER NOTICE, APPLICANTS MUST SUBMIT COMPLETED RRS JPA DOCUMENTS THROUGH [NCDEQ'S "PROJECT SUBMITTAL INTERIM FORM" WEBSITE](https://edocs.deq.nc.gov/Forms/Supplemental-Information-Form).
[Additional Instructions](https://edocs.deq.nc.gov/WaterResources/Browse.aspx?dbid=0&startid=3890140)

Project Submittal Interim Form

Updated March 16, 2026

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

Project Type: *

- ○ For the Record Only (Courtesy Copy)
- ○ Modification/New Project with Existing ID
- ○ Other Agency Comments
- ○ Re-Issuance\Renewal Request
- ◉ New Project
- ○ More Information Response
- ○ Pre-Application Submittal
- ○ Stream or Buffer Appeal

*** If this is a GP reissuance/renewal please reference the date of the plans and PCN that were originally verified.**

New Project - Please check the new project type if you are trying to submit a new project that needs an official approval decision.

Pre-Application Submittal – Please check the pre-application submittal if you just want feedback on your submittal and do not have the expectation that your submittal will be considered a complete application requiring a formal decision.

Modification/New Project With An Existing ID - Please check this box if you are submitting for a new phase of an existing project, a modification to an existing project or for any additional impacts to an existing project for an official approval decision.

More Information Response - Please check this type if you are responding to a request for information from staff and you have and ID# and version for this response.

Other Agency Comments - Please check this if you are submitting comments on an existing project.

Re-issuance\Renewal Request – Please check this if you are submitting for a re-issuance\renewal prior to expiration date for the corresponding 401/404. If submitting after the expiration date or if modification needed use Modification\New Project with Existing ID option.

Submittal Type: *

401 Application - Certificate of Coverage

Is buffer approval also required? *

○ Yes ◉ No

Project Contact Information

Name:

Robert Crowther

Who is submitting the information?

Email Address: *

recrowther@ncdot.gov

Project Information

Project Name: *

NCDOT / Helene / Middle Fork Road (SR 1605) / Henderson / Div 14 / WBS DF18314.2045384

Is this a public transportation project? *

(●) Yes ( ) No

Is this a DOT project? *

(●) Yes ( ) No

TIP#:

WBS#:

WBS
DF18314.2045384

(Applies to DOT projects only)

Project Status

If you selected "Re-Issuance/Renewal Request" or "Modification/New Project with Existing ID" for your project type at the top of this form, please enter the current status of your project.

(●) Pre-let ( ) Under Construction
( ) Utility Relocation Underway ( ) In-Field Adjustment

Only choose "In-Field Adjustment" if directed to do so by 401 staff

Is this application for a project associated with emergency response/repairs from Hurricane Helene impacts to your project or property? *

(●) Yes ( ) No

Is the project located within a NC DCM Area of Environmental Concern (AEC)? *

( ) Yes (●) No ( ) Unknown

Does this project involve maintenance dredging funded by the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund, electric generation projects located at an existing or former electric generating facility, or involve the distribution or transmission of energy or fuel, including natural gas, diesel, petroleum, or electricity? *

( ) Yes (●) No

Is this project connected with ARPA funding or S.L. 2023-134 (earmark)? *

( ) ARPA ( ) S.L. 2023-134 (earmark) (●) No

Is this application being filed jointly with another party involved with this project? *

( ) Yes (●) No

County (ies) *

Henderson

Please upload all files that need to be submited.

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

Generated_Crowther_54387_63928_0_Appx_C_Impacts.pdf	70.8KB
Generated_Crowther_54387_63928_0_Appx_H_Supporting_Files.pdf	50.52KB
Generated_Crowther_54387_63928_0_ENG_6082_PCN.pdf	546.38KB
Generated_Crowther_54387_63928_0_NCDWR 401_JPA_Report.pdf	91.54KB
Generated_Crowther_54387_63928_0_Permit_Additional_Info.pdf	215.79KB
Middle Fork - 2025-01-16 Tribal Letter Distribution and CN Response.pdf	1.43MB
Middle Fork - 2025-02-26 No Archaeological Survey Required Form.pdf	18.08MB
Middle Fork - 2025-06-27 Plant Survey Memo.pdf	1.08MB
Middle Fork - 2025-08-25 CE.pdf	3.74MB
Middle Fork - 2025-10-20 No Historic Properties Affected Form.pdf	382.11KB
Middle Fork - 2026-08-05 Permit Drawings.pdf	4.24MB
Middle Fork - 2026-10-16 Application Cover Letter.pdf	298.03KB
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Only pdf or kmz files are accepted.

Describe the attachments or add comments:

*

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

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

Signature: *

Robert Crowther

Submittal Date: 10/16/2026

Permit Drawings

North Carolina Department of Transportation

Highway Stormwater Program

STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS

(Version 3.03; Released June 1, 2026)

General Project Information

WBS Element:	Middle Fork Site 1 CMGC	**TIP Number:**	DF18314.2045384	**Project Type:**	Other	**Date:**	7/16/2026
NCDOT Contact:	Barry Mosteller			**Contractor / Designer:**	Allison Drake, PE		
Address:	253 Webster Road Sylva, NC 28779			**Address:**	1520 South Blvd Ste 200 Charlotte, NC 28203		
Phone:	828-331-5200			**Phone:**	704-940-4726		
Email:	bdmosteller@ncdot.gov			**Email:**	Allison.Drake@rsandh.com		
City/Town:	Hendersonville		**County(ies):**	Henderson			
River Basin(s):	Broad		**CAMA County?**	No			
Wetlands within Project Limits?							

Project Description

Project Length (lin. miles or feet):	0.4 miles	**Surrounding Land Use:**	Rural				
	Proposed Project			**Existing Site**			
Project Built-Upon Area (ac.)	1.1	ac.		1.1	ac.		
Typical Cross Section Description:	2-lane shoulder and expressway gutter			2-lane shoulder			
Annual Avg Daily Traffic (veh/hr/day):	Design/Future:	780	Year: 2045	Existing:	610	Year:	2025

General Project Narrative: (Description of Minimization of Water Quality Impacts)

Project DF18314.2045384 is an emergency design along SR 1605 (Middle Fork Road/ Tom Falls Road) due to significant damage from Hurricane Helene. Hickory Creek will be relocated to the pre-Helene location. Bank stabilization measures will be utilized to help protect the roadway and prevent further erosion of the adjacent areas. Surface water impacts have been avoided and minimized to the greatest extent practicable during project design.

North Carolina Department of Transportation

Highway Stormwater Program

STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS

(Version 3.03; Released June 1, 2026)

WBS Element: Middle Fork Site 1 C **TIP/Proj No.:** DF18314.2045384 **County(ies):** Henderson

General Project Information

Waterbody Information

Surface Water Body (1):	Middle Fork Hickory Creek		**NCDWR Stream Index No.:**	9-14-1-(2)		
NCDWR Surface Water Classification for Water Body		**Primary Classification:**	Class C			
		Supplemental Classification:	Trout Waters (Tr)			
Other Stream Classification:	None					
Impairments:	None					
Aquatic T&E Species Habitat?	No	Comments:				
NRTR Stream ID:	Middle Fork Hickory Creek			**Buffer Rules in Effect:**	N/A	
Project Includes Bridge Spanning Water Body?	No	**Deck Drains Discharge Over Buffer?**	N/A	**Dissipator Pads Provided in Buffer?**	No	
Deck Drains Discharge Over Water Body?	N/A	(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)		
(If yes, provide justification in the General Project Narrative)						

Surface Water Body (2):			**NCDWR Stream Index No.:**			
NCDWR Surface Water Classification for Water Body		**Primary Classification:**				
		Supplemental Classification:				
Other Stream Classification:						
Impairments:						
Aquatic T&E Species Habitat?		Comments:				
NRTR Stream ID:				**Buffer Rules in Effect:**		
Project Includes Bridge Spanning Water Body?		**Deck Drains Discharge Over Buffer?**		**Dissipator Pads Provided in Buffer?**		
Deck Drains Discharge Over Water Body?		(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)		
(If yes, provide justification in the General Project Narrative)						

Surface Water Body (3):			**NCDWR Stream Index No.:**			
NCDWR Surface Water Classification for Water Body		**Primary Classification:**				
		Supplemental Classification:				
Other Stream Classification:						
Impairments:						
Aquatic T&E Species Habitat?		Comments:				
NRTR Stream ID:				**Buffer Rules in Effect:**		
Project Includes Bridge Spanning Water Body?		**Deck Drains Discharge Over Buffer?**		**Dissipator Pads Provided in Buffer?**		
Deck Drains Discharge Over Water Body?		(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)		
(If yes, provide justification in the General Project Narrative)						

09/08/99

WBS PROJECT:DF18314.2045384

CONTRACT:

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

HENDERSON COUNTY

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	DF18314.2045384	1	

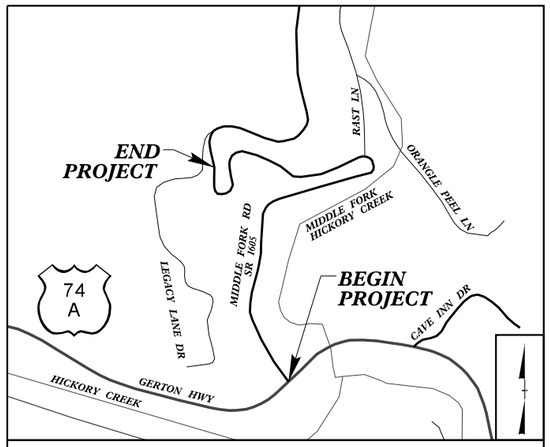
STATE PROJ. NO.	F. A. PROJ. NO.	DESCRIPTION
DF18314.2045384		PE, RW, UTIL., CONST.

LOCATION: EMERGENCY DESIGN FOR SR 1605 (MIDDLE FORK ROAD)
TYPE OF WORK: GRADING, PAVING, DRAINAGE & RETAINING WALLS

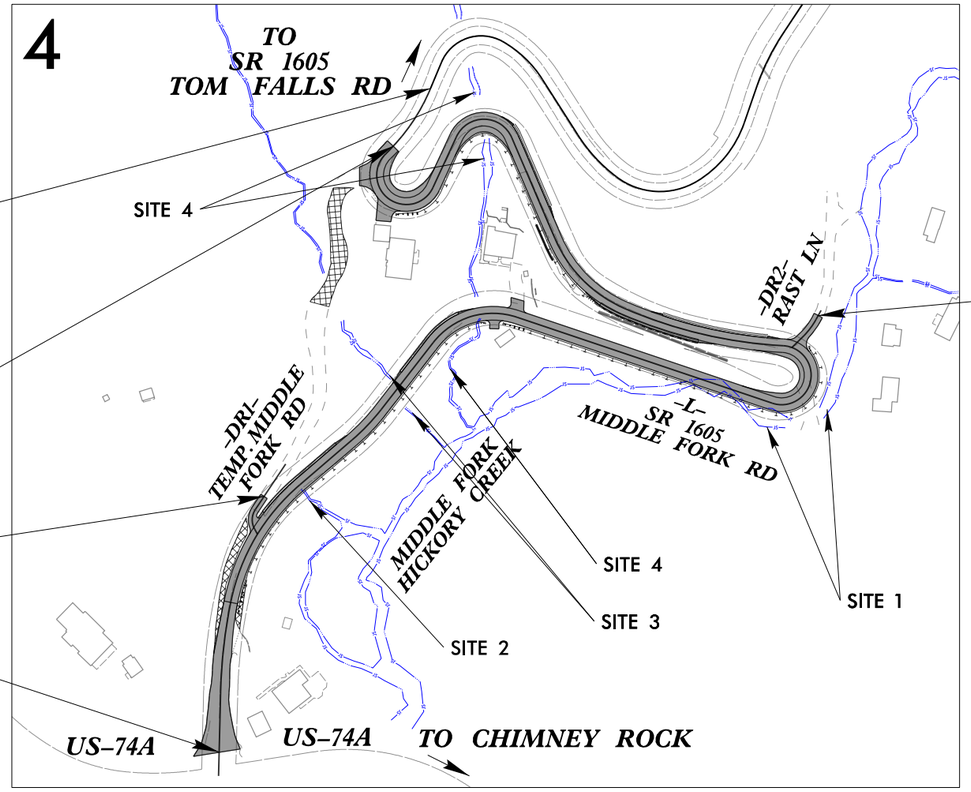


WETLAND AND SURFACE WATER IMPACTS PERMIT

PERMIT DRAWING
SHEET 1 OF 4



VICINITY MAP N.T.S



SITE 1/WBS DF18314.2045384
-L- STA. 31+86.48 =
WBS DF18314.2045383
-L- STA. 31+79.43
N 639987.9458
E 1015184.5723

END PROJECT
END CONSTRUCTION
SITE 1/WBS DF18314.2045384
-L- STA. 30+95.00

END CONSTRUCTION
-DR1- STA. 10+56.00

BEGIN PROJECT
BEGIN CONSTRUCTION
SITE 1/WBS DF18314.2045384
-L- STA. 10+31.17

END CONSTRUCTION
-DR2- STA. 10+55.00

NAD 83/NA 2011

A DESIGN EXCEPTION IS NEEDED FOR DESIGN SPEED, LANE WIDTH, SHOULDER WIDTH, AND HORIZONTAL CURVE RADIUS.
THERE IS NO CONTROL OF ACCESS ON THIS PROJECT.
THIS PROJECT IS NOT WITHIN MUNICIPAL BOUNDARIES.
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

GRAPHIC SCALES

50 25 0 50 100
PLANS

50 25 0 50 100
PROFILE (HORIZONTAL)

10 5 0 10 20
PROFILE (VERTICAL)

DESIGN DATA
ADT 2025 = 610
ADT 2045 = 780

V = 30 MPH

FUNC CLASS = LOCAL
SUBREGIONAL TIER

PROJECT LENGTH

LENGTH ROADWAY PROJECT = 0.395 MILES

TOTAL LENGTH PROJECT = 0.395 MILES

PREPARED IN THE OFFICE OF:
RS&H
1520 SOUTH BOULEVARD, SUITE 200
CHARLOTTE, NC 28203
NC FIRM LICENSE No: F-0493
FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

2024 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:
SEPTEMBER 10, 2026

LETTING DATE:
SEPTEMBER 30, 2026

ALLISON DRAKE, PE
PROJECT ENGINEER

JENNIFER STARNES, PE
PROJECT DESIGN ENGINEER

BARRY MOSTELLER
NCDOT CONTACT

HYDRAULICS ENGINEER

SIGNATURE: P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: P.E.

STATE OF NORTH CAROLINA • DEPARTMENT OF TRANSPORTATION •

22-JUL-2026 10:53
X:\P\0034734004_Middle Fork\Design\Hydraulics\PERMITS_Environmental\Site 1CMGC\PSH\MiddleFork_prm_tsh_Site1.dgn
$$$$USERNAME$$$$

5/14/99

PROJECT REFERENCE NO.	SHEET NO.
DF18314.2045384	04
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

RS&H
1520 SOUTH BOULEVARD, SUITE 200
CHARLOTTE, NC 28203
NC FIRM LICENSE No: F-0493

PERMIT DRAWING SHEET 2 OF 4

NAD 83/ NA 2011

-L- PT Sta. 31+86.48 = WBSI8314.2045383
-L- POT Sta. 31+79.43

-L- PT Sta. 28+70.61

END PROJECT SITE 1/DF18314.2045384
END CONSTRUCTION
-L- STA. 30+95.00

-L- PRC Sta. 30+81.28

END EXPRESSWAY GUTTER (RT)
-L- STA. 27+90.00

-L- PC Sta. 27+78.43

BEGIN EXPRESSWAY GUTTER (RT)
-L- STA. 26+75.00

-L- PRC Sta. 22+83.76

-L- PT Sta. 26+32.92

END PROP. CONCRETE BARRIER RAIL WITH MOMENT SLAB (LT)
-L- STA. 25+30.00

-L- PCC Sta. 25+00.17

END EXPRESSWAY GUTTER (RT)
-L- STA. 24+50.00

BEGIN PROP. CONCRETE BARRIER RAIL WITH MOMENT SLAB (LT)
-L- STA. 23+95.00

BEGIN EXPRESSWAY GUTTER (RT)
-L- STA. 23+05.00

-DR2- POT Sta. 10+00.00 =
-L- STA. 22+72.00

END CONSTRUCTION
-DR2- STA. 10+55.00

-DR2- POT Sta. 10+62.67

-DR2- PT Sta. 10+49.11

LOW POINT
-DR2- STA. 10+38.30
ELEV. 1839.71'

-DR2- PC Sta. 10+22.45

-L- PC Sta. 29+44.11

END RETAINING WALL
-L- STA. 26+60.00, 15.00 LT

BEGIN RETAINING WALL
-L- STA. 26+10.00, 15.00 LT

END SHOULDER BERM GUTTER (LT)
-L- STA. 17+20.00

IMPACTS IN THIS AREA ACCOUNTED FOR IN PREVIOUS PERMIT

-L- PC Sta. 16+71.87

TEMPORARY CONSTRUCTION EASEMENT PREVIOUSLY ACQUIRED

BEGIN SHOULDER BERM GUTTER (LT)
-L- STA. 16+15.00

END SHOULDER BERM GUTTER (LT)
-L- STA. 14+85.00

-DR1- POT Sta. 11+07.22

DO NOT DISTURB WALL

-L- PT Sta. 17+95.42

PRE-HELENE STREAMBED

-L- PT Sta. 15+59.88

TEMPORARY CONSTRUCTION EASEMENT PREVIOUSLY ACQUIRED

-L- PC Sta. 15+04.02

CHANNEL RELOCATION TO TIE TO PRE HELENE STREAM BED AT DIRECTION OF NCDOT

-L- PC Sta. 21+50.69

END CONSTRUCTION
-DR1- STA. 10+56.00

-DR1- PT Sta. 10+35.29

-DR1- PC Sta. 10+07.52

-DR1- POT Sta. 10+00.00=
-L- POC Sta. 13+27.01

END RESURFACING
BEGIN GRADE
-L- STA. 12+30.00

-L- PT Sta. 14+13.21

BEGIN SHOULDER BERM GUTTER (LT)
-L- STA. 13+55.00

-L- PCC Sta. 12+31.50

-L- PC Sta. 11+12.04

-L- POT Sta. 10+00.00

BEGIN PROJECT SITE1/DF18314.2045384
BEGIN CONSTRUCTION
-L- STA. 10+24.96

SITE 4 (TEMPORARY SURFACE WATER IMPACT)

SITE 4 (SURFACE WATER IMPACT)

SITE 4 (TEMPORARY SURFACE WATER IMPACT)

SITE 1 (TEMPORARY SURFACE WATER IMPACT)

SITE 1 (TEMPORARY SURFACE WATER IMPACT)

SITE 4 (TEMPORARY SURFACE WATER IMPACT)

SITE 3 (TEMPORARY SURFACE WATER IMPACT)

SITE 3 (SURFACE WATER IMPACT)

SITE 2 (TEMPORARY SURFACE WATER IMPACT)

SITE 2 (SURFACE WATER IMPACT)

SITE 1 (SURFACE WATER IMPACT)

SURFACE WATER IMPACTS
TEMPORARY SURFACE WATER IMPACTS

50' 0' 50'

NOTE: EXISTING PIPES THAT ARE DETERMINED TO BE STRUCTURALLY ADEQUATE AND SALVAGEABLE MAY BE RETAINED IN LIEU OF REPLACEMENT, SUBJECT TO THE DISCRETION OF THE ENGINEER.

ROCK PLATING
GROUTED ROCK FILL
FLOODPLAIN BENCH

04-AUG-2026 13:49
I:\CMGC\PSH\MiddleFork_prm_psh_04_Stel.dgn
$$$$USERNAME$$$$

5/14/99

PROJECT REFERENCE NO.	SHEET NO.
DF18314.2045384	04
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

RS&H
1520 SOUTH BOULEVARD, SUITE 200
CHARLOTTE, NC 28203
NC FIRM LICENSE No: F-0493

PERMIT DRAWING SHEET 3 OF 4

-L- PT Sta. 31+86.48 = WBS18314.2045383
-L- POT Sta. 31+79.43

-L- PT Sta. 28+70.61

SITE 4 (TEMPORARY SURFACE WATER IMPACT)

END PROJECT SITE I/DF18314.2045384
END CONSTRUCTION
-L- STA. 30+95.00

-L- PRC Sta. 30+81.28

SITE 4 (SURFACE WATER IMPACT)

IMPACTS IN THIS AREA ACCOUNTED FOR IN PREVIOUS PERMIT

END SHOULDER BERM GUTTER (LT)
-L- STA. 17+20.00

-L- PC Sta. 16+71.87

TEMPORARY CONSTRUCTION EASEMENT PREVIOUSLY ACQUIRED

BEGIN SHOULDER BERM GUTTER (LT)
-L- STA. 16+15.00

END SHOULDER BERM GUTTER (LT)
-L- STA. 14+85.00

SITE 4 (TEMPORARY SURFACE WATER IMPACT)

-DR1- POT Sta. 11+07.22

END CONSTRUCTION
-DR1- STA. 10+56.00

-DR1- PT Sta. 10+35.29

-DR1- PC Sta. 10+07.52

-DR1- POT Sta. 10+00.00 = -L- POC Sta. 13+27.01

END RESURFACING
BEGIN GRADE
-L- STA. 12+30.00

BEGIN PROJECT SITE1/DF18314.2045384
BEGIN CONSTRUCTION
-L- STA. 10+24.96

-L- POT Sta. 10+00.00

END EXPRESSWAY GUTTER (RT)
-L- STA. 27+90.00

-L- PC Sta. 27+78.43

BEGIN EXPRESSWAY GUTTER (RT)
-L- STA. 26+75.00

-L- PRC Sta. 22+83.76

-L- PT Sta. 26+32.92

END PROP. CONCRETE BARRIER RAIL WITH MOMENT SLAB (LT)
-L- STA. 25+30.00

-L- PCC Sta. 25+00.17

END EXPRESSWAY GUTTER (RT)
-L- STA. 24+50.00

BEGIN PROP. CONCRETE BARRIER RAIL WITH MOMENT SLAB (LT)
-L- STA. 23+95.00

BEGIN EXPRESSWAY GUTTER (RT)
-L- STA. 23+05.00

DO NOT DISTURB WALL

-L- PT Sta. 17+95.42

PRE-HELENE STREAMBED

SITE 1 (TEMPORARY SURFACE WATER IMPACT)

-L- PT Sta. 15+59.88

TEMPORARY CONSTRUCTION EASEMENT PREVIOUSLY ACQUIRED

-L- PC Sta. 15+04.02

-L- PT Sta. 14+13.21

BEGIN SHOULDER BERM GUTTER (LT)
-L- STA. 13+55.00

-L- PCC Sta. 12+31.50

SITE 2 (TEMPORARY SURFACE WATER IMPACT)

-L- PC Sta. 11+12.04

SITE 2 (SURFACE WATER IMPACT)

SITE 4 (TEMPORARY SURFACE WATER IMPACT)

SITE 3 (TEMPORARY SURFACE WATER IMPACT)

SITE 3 (SURFACE WATER IMPACT)

-DR2- POT Sta. 10+90.00 = -L- STA. 22+72.00

END CONSTRUCTION
-DR2- STA. 10+55.00

-DR2- POT Sta. 10+62.67

-DR2- PT Sta. 10+49.11

LOW POINT
-DR2- STA. 10+38.30
ELEV. 1839.71'

-DR2- PC Sta. 10+22.45

SITE 1 (TEMPORARY SURFACE WATER IMPACT)

-L- PC Sta. 21+50.69

CHANNEL RELOCATION TO TIE TO PRE-HELENE STREAM BED AT DIRECTION OF NCDOT

SITE 1 (SURFACE WATER IMPACT)

NAD 83/NA 2011

SURFACE WATER IMPACTS

TEMPORARY SURFACE WATER IMPACTS

50' 0' 50'

NOTE: EXISTING PIPES THAT ARE DETERMINED TO BE STRUCTURALLY ADEQUATE AND SALVAGEABLE MAY BE RETAINED IN LIEU OF REPLACEMENT, SUBJECT TO THE DISCRETION OF THE ENGINEER.

ROCK PLATING
GROUTED ROCK FILL
FLOODPLAIN BENCH

04-AUG-2026 14:06
Environments\DGC\PSH\MiddleFork_prm_psh_04_with con_Sitel.dgn
$$$$USERNAME$$$$

WETLAND AND SURACE WATER IMPACTS SUMMARY

Site No.	Station (From/To)	Stream Name	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 Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-L- 18+27 to 18+45 RT	Middle Fork Hickory Creek	Middle Fork Hickory Creek Reestablishment							0.017		37	
1	-L- 21+95 to 22+35 RT	Middle Fork Hickory Creek	Bank Stabilization						0.017		49		
1	-L- 21+95 to 22+35 RT	Middle Fork Hickory Creek	Stream Transition							0.025		71	
2	-L- 14+14 RT	UT to Middle Fork Hickory Creek	Embankment Stabilization						0.002	0.001	32	11	
3	-L- 16+00 LT & RT	UT to Middle Fork Hickory Creek	Bank Stabilization						0.001	0.001	12	9	
4	-L- 17+44 LT	UT to Middle Fork Hickory Creek	Proposed 54" RCP							0.001		9	
4	-L- 16+62 to 17+46 LT	UT to Middle Fork Hickory Creek	UT to Middle Fork Hickory Creek Reestablishment							0.001		13	
4	-L- 28+30 RT	UT to Middle Fork Hickory Creek	Proposed 54" RCP							0.002		11	
4	-L- 27+65 LT & -L- 16+60 RT	UT to Middle Fork Hickory Creek	Bank Stabilization						0.004		24		
TOTALS*:				**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.022**	**0.046**	**117**	**161**	**0**

*Rounded totals are sum of actual impacts

NOTES:

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
8/4/2026
Henderson County
Middle Fork Site 1 CMGC

ESA Consultation

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Asheville Field Office
160 Zillicoa Street Suite B
Asheville, North Carolina 28801

July 7, 2025

Subject: Review Response for Transportation Project(s) Covered by the Western North Carolina Bat Programmatic Biological Opinion

Greetings:

The U.S. Fish and Wildlife Service, Asheville Ecological Services Field Office, has reviewed the project(s) submitted on May 15, 2025 for coverage under the Western North Carolina (WNC) Bat Programmatic Biological Opinion (PBO), issued April 1, 2025. Based on the submitted materials and any supplemental information provided, we confirm the project(s) meet the criteria for coverage under this PBO in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543) (ESA), thus concluding formal consultation for the project(s).

This correspondence conveys our review for listed/proposed bats covered by the WNC Bat PBO only. The lead federal agency (Federal Highway Administration or North Carolina Department of Transportation as their designee, or U.S. Army Corps of Engineers) remains responsible for ensuring that any other listed or proposed species and/or designated critical habitat that occurs within the project action area are addressed in accordance with section 7 of the ESA. For other listed species potentially occurring in the action area, if suitable habitat is absent from the action area, “No Effect” determinations are appropriate. For plants, in instances where suitable habitat is present and botanical surveys conducted during the optimal survey window and within the past one or two years (depending on the species) have negative results, we would concur with a biological determination of “may affect, not likely to adversely affect”.

Review and concurrence under the WNC Bat PBO are considered complete for the following project(s):

Project Title	NCDOT STIP/ID #	USFWS Log #
Widen US 321 from US 70 to SR 1933	U-4700	25-179
Widen US 21 from SR 2136 to Holly Point Drive, and from Northcross Center Ct. to SR 2147	U-5771/U-5767	25-180
Bearwallow Mountain Rd./US74A in-kind repairs	DF18314.2045120 W03290	25-181
US74A Gerton from Bearwallow Mtn Rd to US64/74A/NC9	18314.1045999CMGC	25-182
US74A/Middle Fork Rd./ Tom Falls Rd. repairs	DF18314.2045207 W03292	25-183
Bald Rock Rd. – Gilliam Mtn Rd./Sugarloaf Mtn Rd. repairs	DF18314.2045060 W03289	25-184

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

NC9 from 74A to Buncombe Co. line repairs	18314.1045035 W0920	25-185
NC88 landslide repair	28DE NC88 landslide	25-186

We appreciate the opportunity for review and comment.

Sincerely,

U.S. Fish and Wildlife Service, Asheville Field Office

Archaeology

Project Tracking No.

25-02-0007

NO ARCHAEOLOGICAL SURVEY REQUIRED FORM

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Team.

PROJECT INFORMATION

Project No:	**SR 1605 & SR 1606**	*County:*	**Henderson**
WBS No:	**DF18314.2045207**	*Document:*	**Federal CE**
Federal Aid No:	**Not Known**	*Funding:*	☐ State ☒ Federal
Federal Permit Required?	☒ Yes ☐ No	*Permit Type:*	**FHWA, USACE, & FEMA**

Project Description:

The project calls for the repairs at multiple locations to SR 1605 (Toms Falls Road/Middle Fork Road/High Falls Road) and SR 1606 (Middle Fork Road) in Henderson County, which was damaged during Hurricane Helene. The archaeological Area of Potential Effects (APE) for the project consists of ten segments along each of the roads north of US 74 Alt (Gerton Highway) (Figure 1).

- *Starting at the southern end at the intersection with US 74 Alt and SR 1605, the first segment is approximately 2,680 feet (816.86 m) long following SR 1605 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2a).*
- *The second segment starts at 25 feet (7.62 m) to the north from the end of the previous segment. It is approximately 225 feet (68.58 m) long following SR 1605 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2a).*
- *The third segment starts at 400 feet (121.92 m) to the north from the end of the previous segment. It is approximately 430 feet (131.06 m) long following SR and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2b).*
- *The fourth segment starts at 60 feet (18.29 m) to the north from the end of the previous segment. It is approximately 2,150 feet (655.32 m) long following SR 1605 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2c).*
- *The fifth segment starts at 220 feet (67.07 m) to the north from the end of the previous segment. It is approximately 400 feet long (121.92 m) following SR 1605 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2d).*
- *The sixth starts at 310 feet (94.49 m) to the north from the end of the previous segment. It is approximately 370 feet (112.78 m) long following SR 1605 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2d).*
- *The seventh segment starts at 410 feet (124.97 m) to the north from the end of the previous segment. It is approximately 1,730 feet (527.30 m) long following SR 1605 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2e).*
- *The eighth segment starts 150 feet (45.72 m) to the north from the end of the previous segment. It is approximately 1,320 feet (402.37 m) long following SR 1605 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2f). Work will also include the replacement of Bridge No. 215 over Toms Fork.*
- *The ninth segment starts 2,430 feet (740.66 m) northwest of the SR 1606 and SR 1605 intersection. It is approximately 800 feet (243.84 m) long following SR 1606 and 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2g).*
- *The tenth and final segment starts 975 feet (297.18 m) northwest from the end of the previous segment. It is approximately 680 feet (207.26 m) long following SR 1606, but it also extends an*

additional 220 feet (67.06 m) along a private drive at the northern end. The segment is 200 feet (60.96 m) wide extending 100 feet (30.48 m) to either side of the centerline (Figure 2h).

In all, the ten APE segments encompass approximately 47 acres.

This project is federally funded. As a result, this archaeological review was conducted in accordance with Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance (36 CFR Part 800).

SUMMARY OF CULTURAL RESOURCES REVIEW

Brief description of review activities, results of review, and conclusions:

The SR 1605 and SR 1606 Helene Recovery Project is located west of Rutherfordton and southeast of Asheville in Henderson County, North Carolina, and plotted in the northern half of the Bat Cave USGS 7.5' topographic quadrangle (Figure 1).

A site file search was conducted using data from the Office of State Archaeology (OSA) on February 24, 2025. No sites are reported within a mile of the project's APE. According to the North Carolina State Historic Preservation Office (SHPO) online database (HPOWEB 2025), there are no known eligible, listed, or determined eligible historic architectural resources within the APE that may yield intact archaeological deposits. Topographic maps, USDA soil survey maps, aerial photographs (NC One Map), historic maps (North Carolina maps website), Google Street View application, and damage inspection photos were further examined for information on environmental and cultural variables that may have contributed to precontact or historic settlement within the project limits and to assess the level of ground disturbance.

The segments of SR 1605 and SR 1606 under review for repair run roughly north to south or northwest to southeast from US 74 Alt in the south (Figures 2a–h). The locations are drained by Middle Fork Hickory Creek, Toms Fork, and their tributaries, which run alongside the roads. These waterways are part of the Broad drainage basin. The APE segments are situated on steep hillsides that slope into the waterways. While the area is rural and mostly forested, ground disturbance is severe from Hurricane Helene. This disaster has caused landslides and washouts with portions of the roads collapsing into the waterways (Figures 3–14). The damage inspection photos show soil along with pavement, trees, and structures removed from the project area. In addition, much of the right-of-way was previously disturbed from road cuts to the hillsides. Intact and significant archaeological deposits are not likely to be encountered due to existing ground disturbances.

The USDA soil survey map for Henderson County identifies five soil types within the project limits (USDA NRCS 2025) (see Figures 2a–h). The soil types are well drained to somewhat excessively drained on steep hillsides with a slope of 15 percent or more. These include the Ashe stony sandy loam (AhG), Edneyvillle fine sandy loam (EdF), Hayesville loam (HyE), Porters stony loam (PoF), and Tusquitee stony loam (TuE; TuF). Typically, these soils with 15 percent or more slope do not require subsurface testing since intact archaeological deposits are unlikely to be present. In addition, these soils also have been severely disturbed during recent flooding. Overall, the storm has removed soil and rocks along the landforms within the project limits and has greatly reduced the occurrence of intact soils.

A review of the archaeological site files shows no previous surveys or sites within the APE. In general, this section of Henderson County needs further archaeological work, but the current project will not provide any new data due to the destruction caused by Hurricane Helene.

Most early maps prior to the 20th century show few details concerning the project area. The 1889 USGS Saluda topographic map is one of the first in which the project area can be plotted (Figure 15). This map shows a road like that of US 74 Alt, but the waterways and roads alongside them are not depicted. However, the 1907 USGS Saluda topographic map does illustrate these features along with several structures on either side of the roads and creek (Figure 16). Later maps such as the 1938 *North Carolina State Highway Map for*

Henderson County show few changes other than minor road realignments (NCSHPWC 1938) (Figure 17). Although historic resources are present in the general area, all are likely typically for early 20th century occupations and will provide no new information.

Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:

The defined archaeological APE for the repairs to SR 1605 and SR 1606 in Henderson County will not impact intact and significant archaeological deposits. This is due to disturbance caused by Hurricane Helene and steep hillsides within the project area. As long as repair work occurs within the defined APE, no further archaeological investigations are recommended. If repairs affect undisturbed subsurface areas beyond the defined APE, further archaeological consultation will be necessary.

This project falls within North Carolina Counties in which the Catawba Nation, the Eastern Band of Cherokee Indians, the Cherokee Nation, the United Keetoowah Band of Cherokee Indians, and Muscogee (Creek) Nation have expressed an interest. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.

SUPPORT DOCUMENTATION

See attached: ☒ Map(s) ☐ Previous Survey Info ☐ Photos ☐ Correspondence
Other:

FINDING BY NCDOT ARCHAEOLOGIST: *NO ARCHAEOLOGY SURVEY REQUIRED*

C. Damon Jones — February 26, 2025

C. Damon Jones — Date
NCDOT ARCHAEOLOGIST II

REFERENCES CITED

HPOWEB

2025 North Carolina State Historic Preservation Office GIS Web Service. https://nc.maps.arcgis.com/apps/webappviewer/index.html?id=79ea671ebdcc45639f0860257d5f5ed7. Accessed February 24, 2025.

North Carolina State Highway and Public Works Commission (NCSHPWC)

1938 *North Carolina State Highway Map for Henderson County*. North Carolina State Highway and Public Works Commission, Raleigh.

United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS)

2025 Henderson County Soil Survey. Available online at http://websoilsurvey.nrcs.usda.gov/app/. Accessed February 24, 2025.

United States Geological Survey (USGS)

1889 Saluda, North Carolina-South Carolina 30 minute quadrangle map.

1907 Saluda, North Carolina-South Carolina 30 minute quadrangle map.

2016 Cliffield Mountain, North Carolina 7.5 minute quadrangle map.

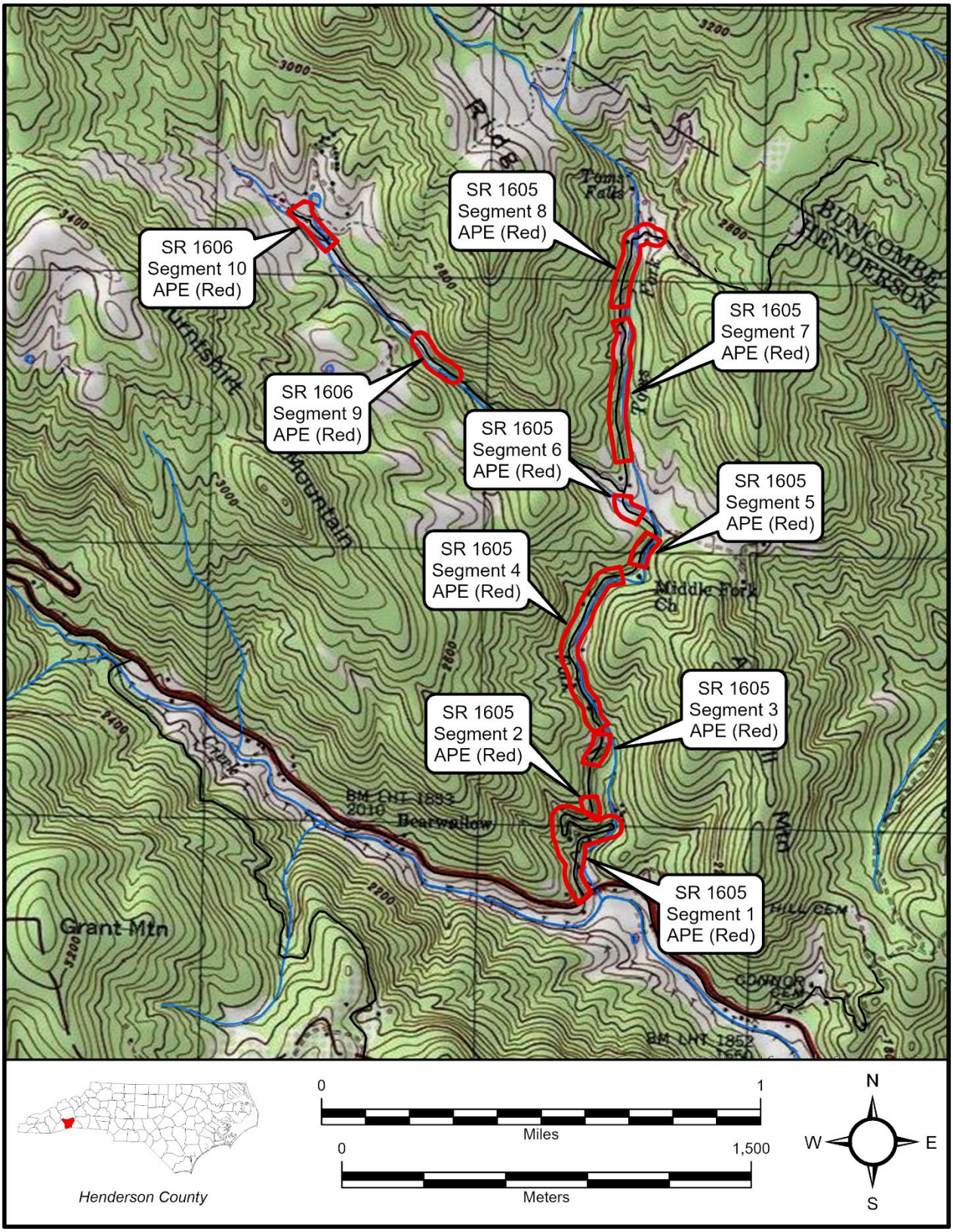


Figure 1. Topographic Setting of the Project Area, Bat Cave (2016), NC USGS 7′5 Topographic Quadrangle.

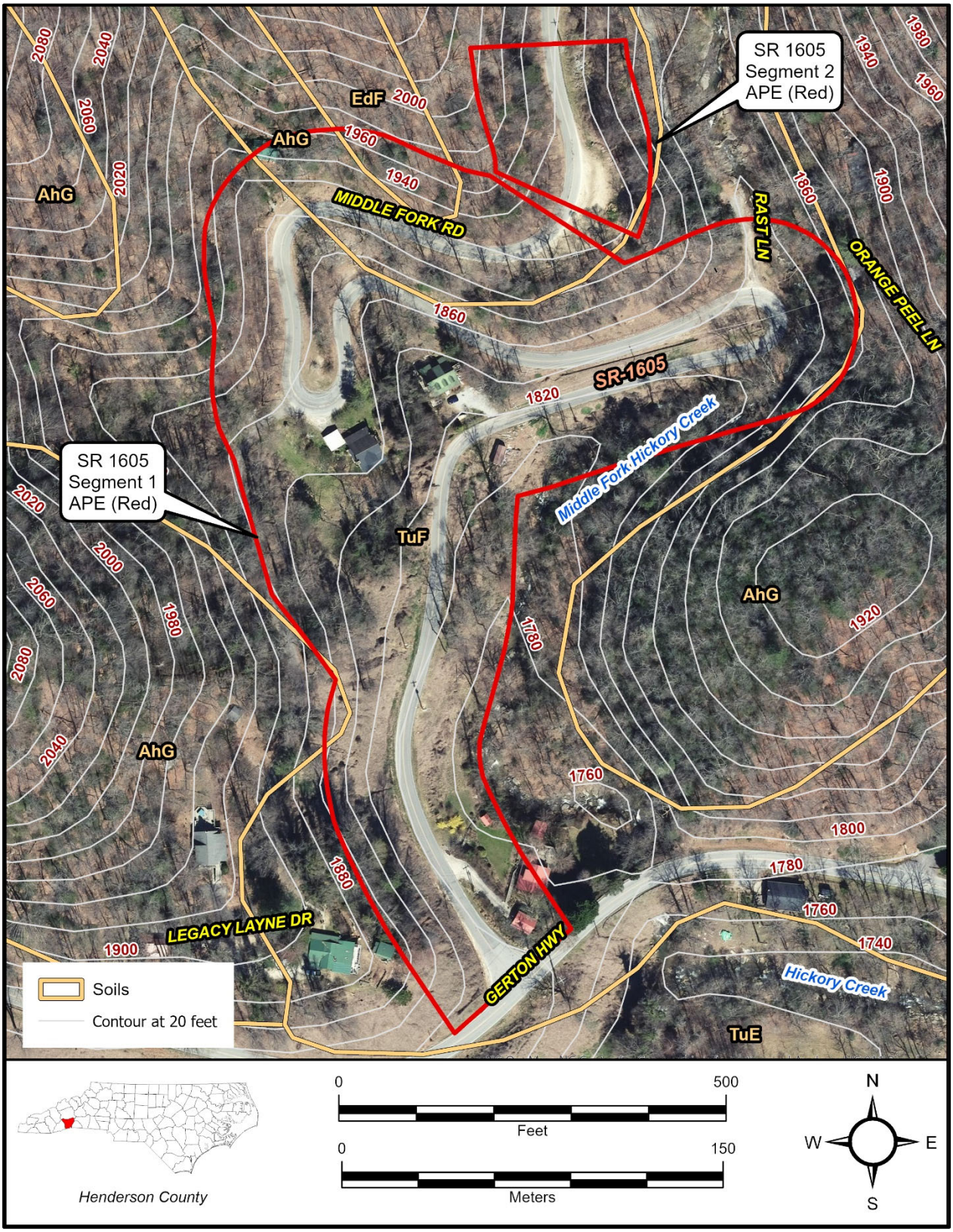


Figure 2a. Aerial photograph of the APE at Segments 1 and 2 showing landforms and soils.

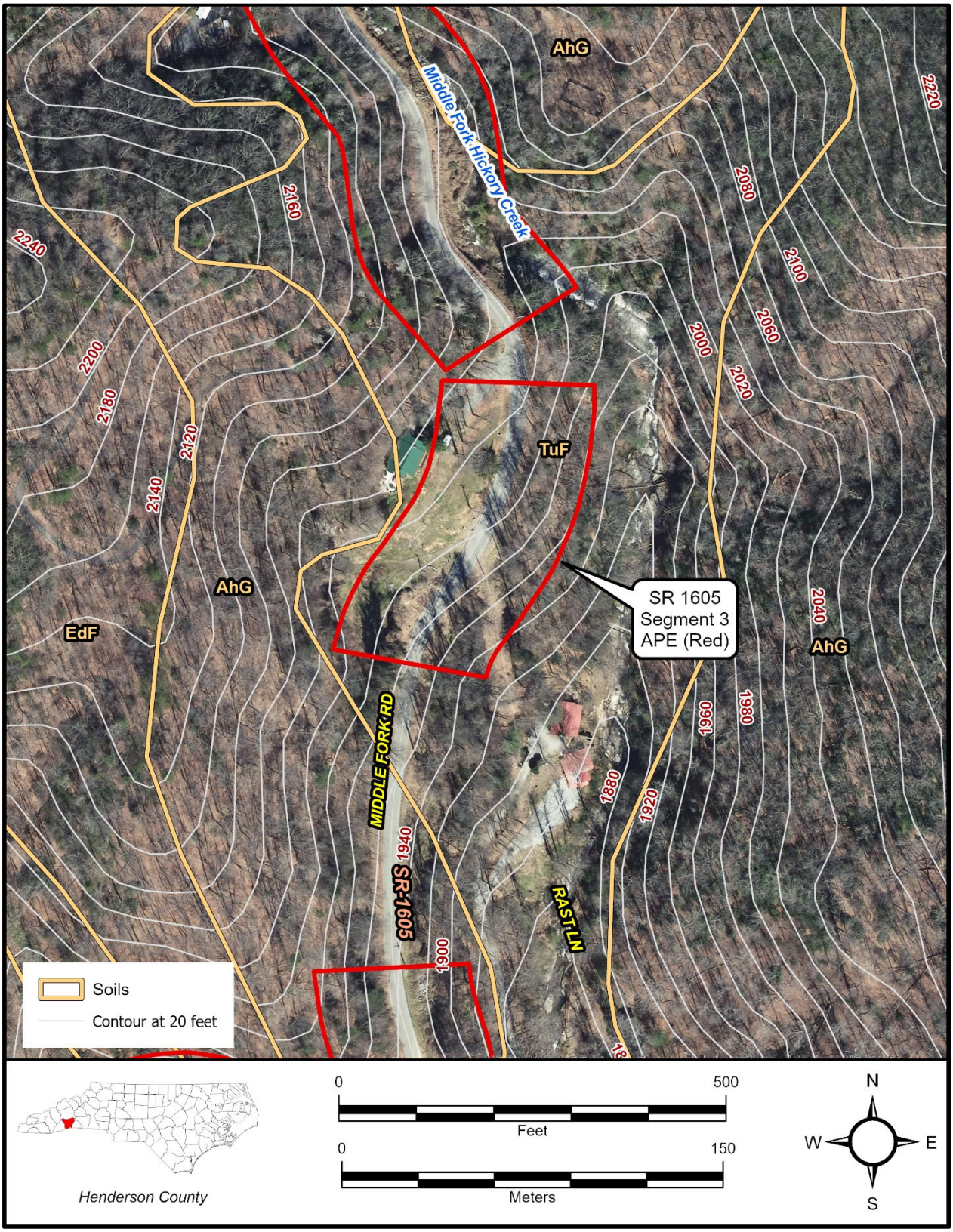


Figure 2b. Aerial photograph of the APE at Segment 3 showing landforms and soils.

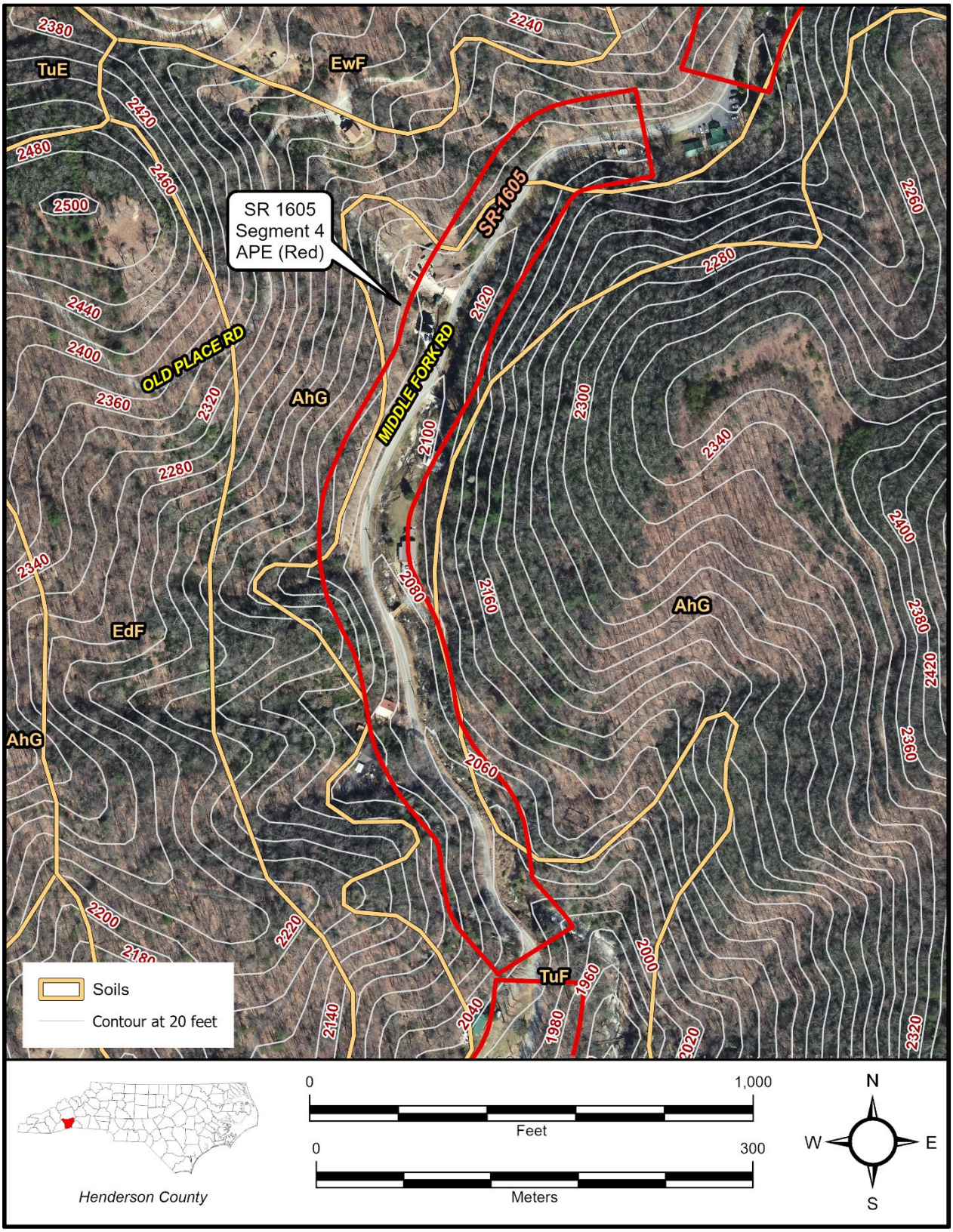


Figure 2c. Aerial photograph of the APE at Segment 4 showing landforms and soils.

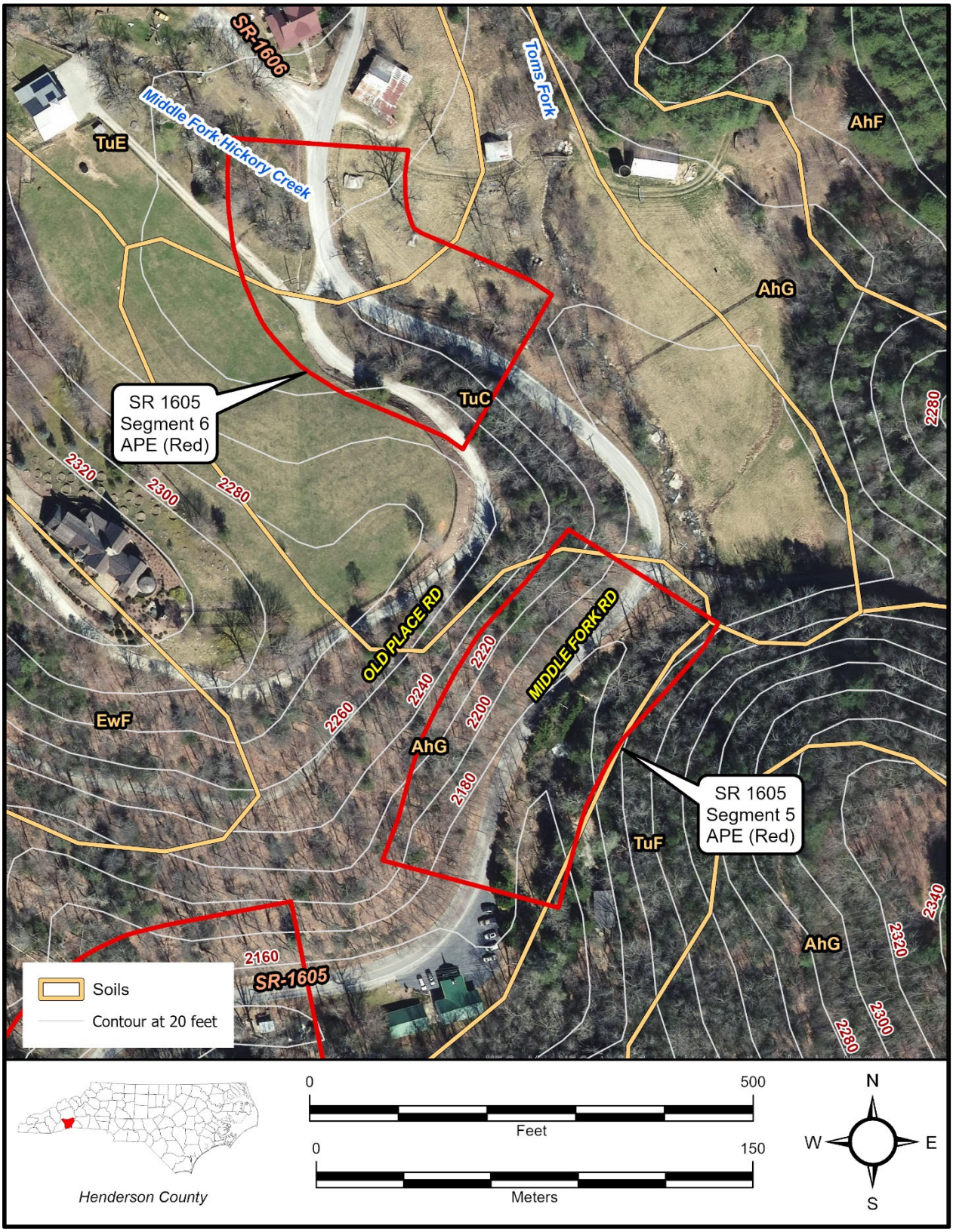


Figure 2d. Aerial photograph of the APE at Segments 5 and 6 showing landforms and soils.

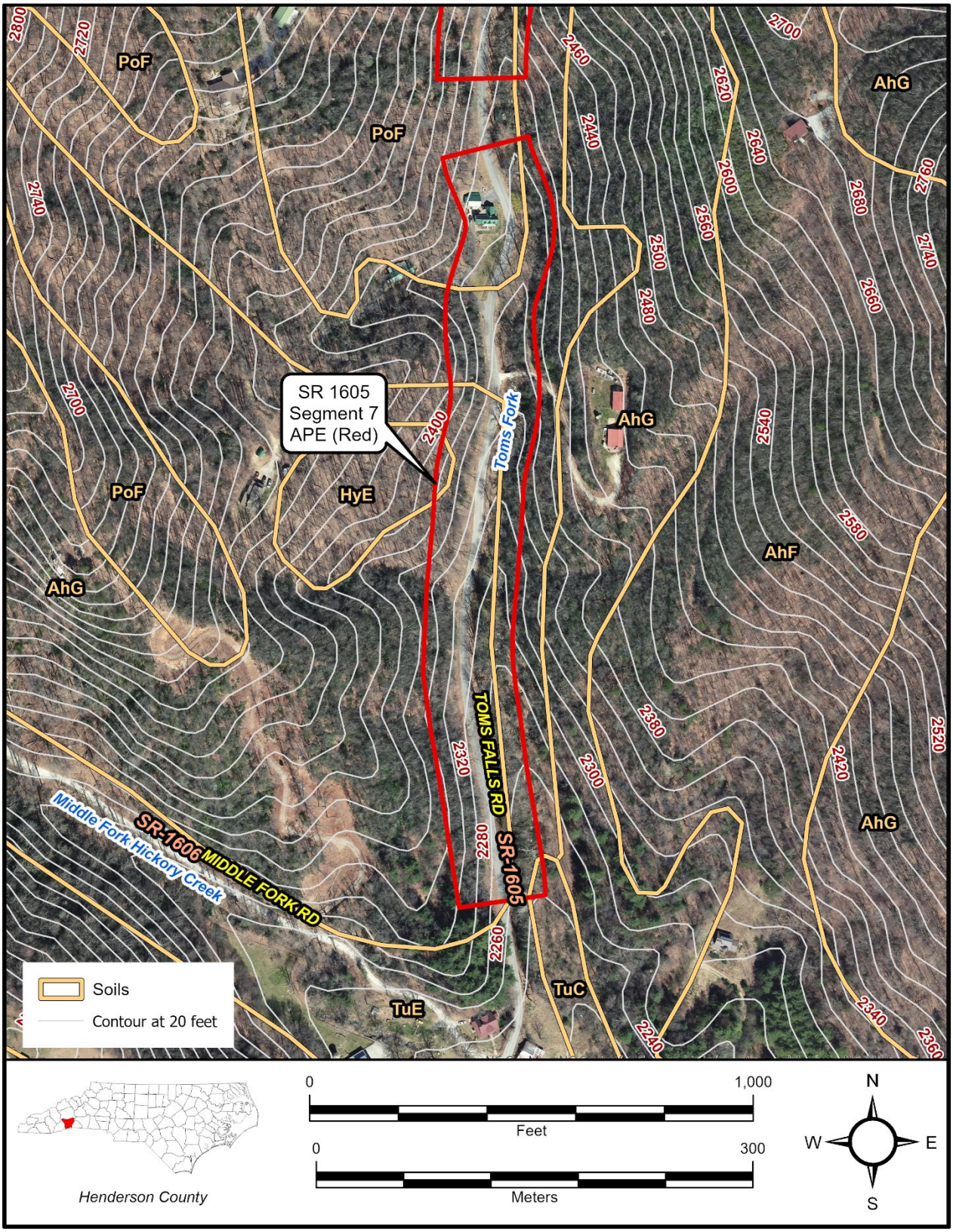


Figure 2e. Aerial photograph of the APE at Segment 7 showing landforms and soils.

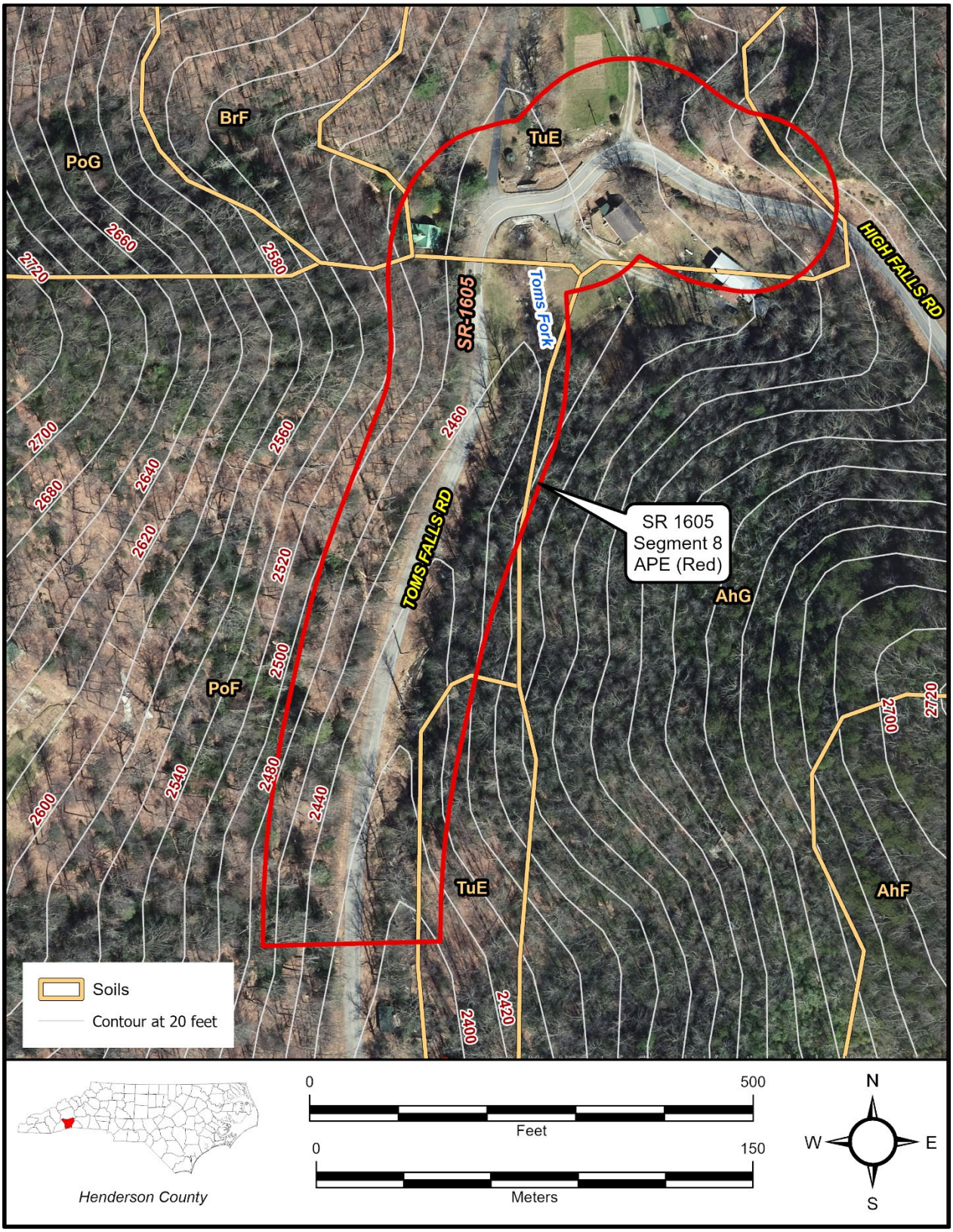


Figure 2f. Aerial photograph of the APE at Segment 8 showing landforms and soils.

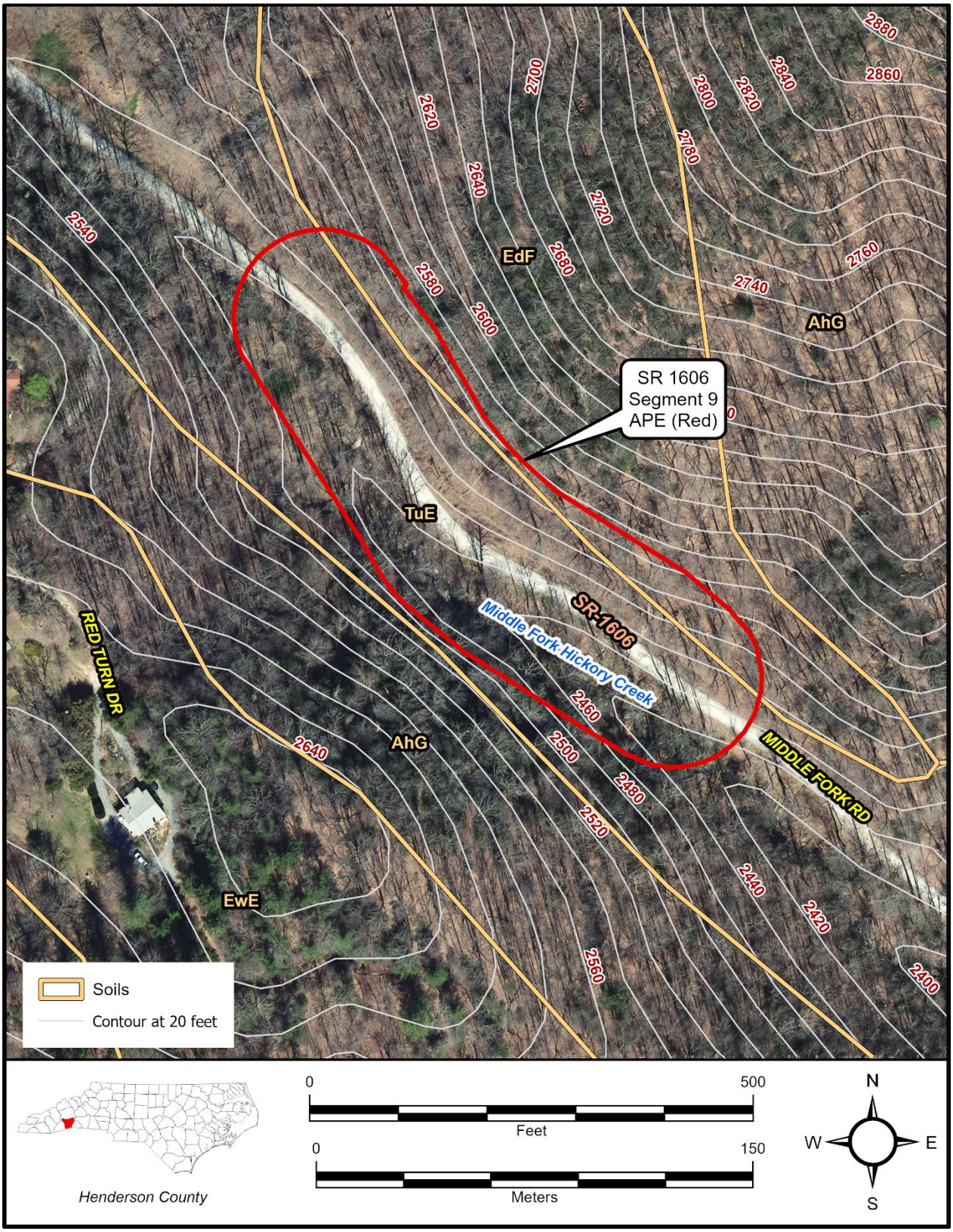


Figure 2g. Aerial photograph of the APE at Segment 9 showing landforms and soils.

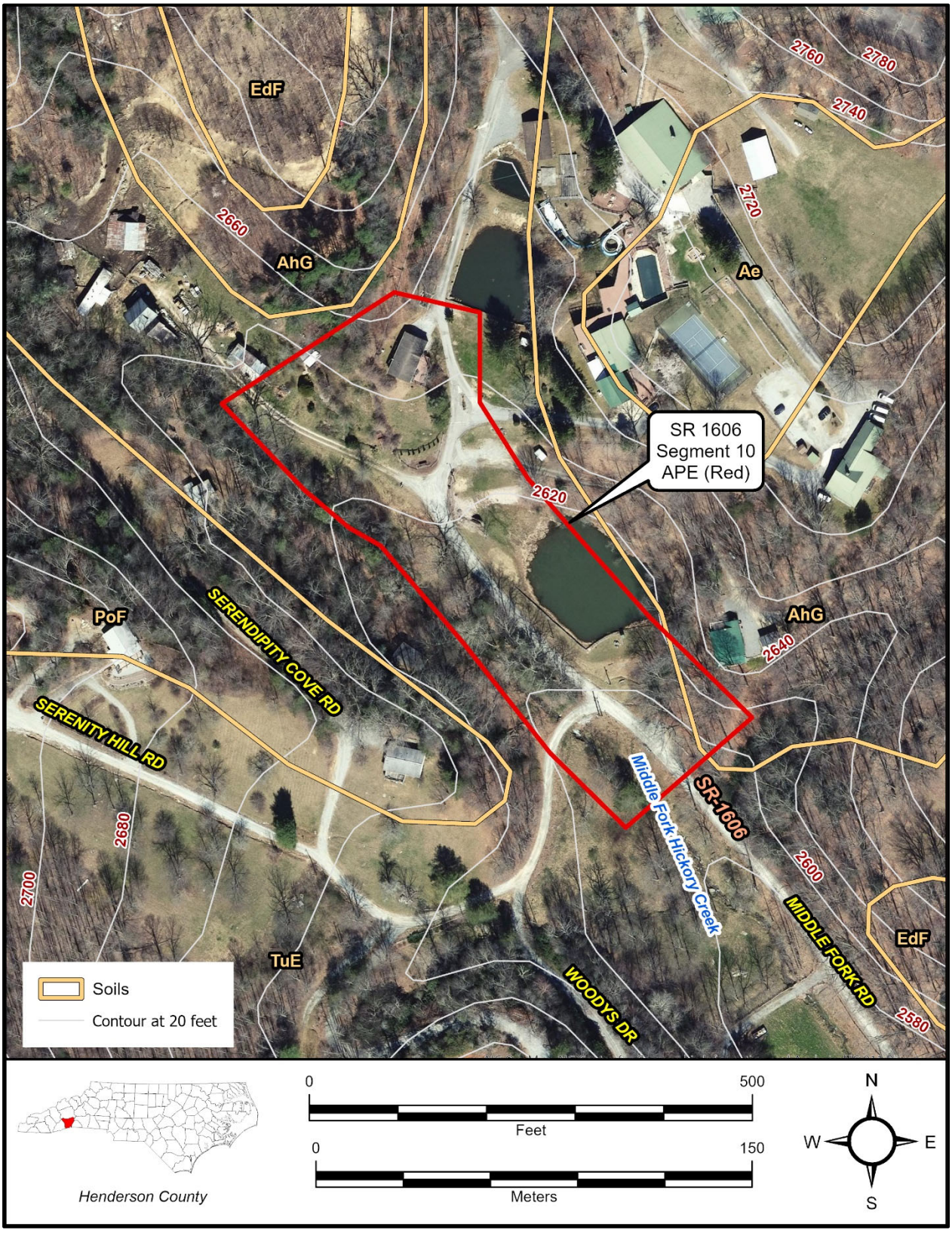


Figure 2h. Aerial photograph of the APE at Segment 10 showing landforms and soils.



Figure 3. Damage to SR 1605 along Segment 1.



Figure 4. Landslide along Segment 1 of SR 1605.



Figure 5. Damage to SR 1605 along Segment 2.



Figure 6. Damage to SR 1605 along Segment 3.



Figure 6. Damage to SR 1605 along Segment 4.



Figure 7. Damage to SR 1605 along Segment 4.



Figure 8. Damage to SR 1605 along Segment 5.



Figure 9. Damage to SR 1605 along Segment 6.



Figure 10. Damage to SR 1605 along Segment 7.



Figure 11. Damage to SR 1605 along Segment 7.



Figure 12. Damage to SR 1605 along Segment 8.



Figure 13. Damage to SR 1605 and Bridge No. 215 along Segment 8.



Figure 14. Damage to SR 1606 along Segment 10.

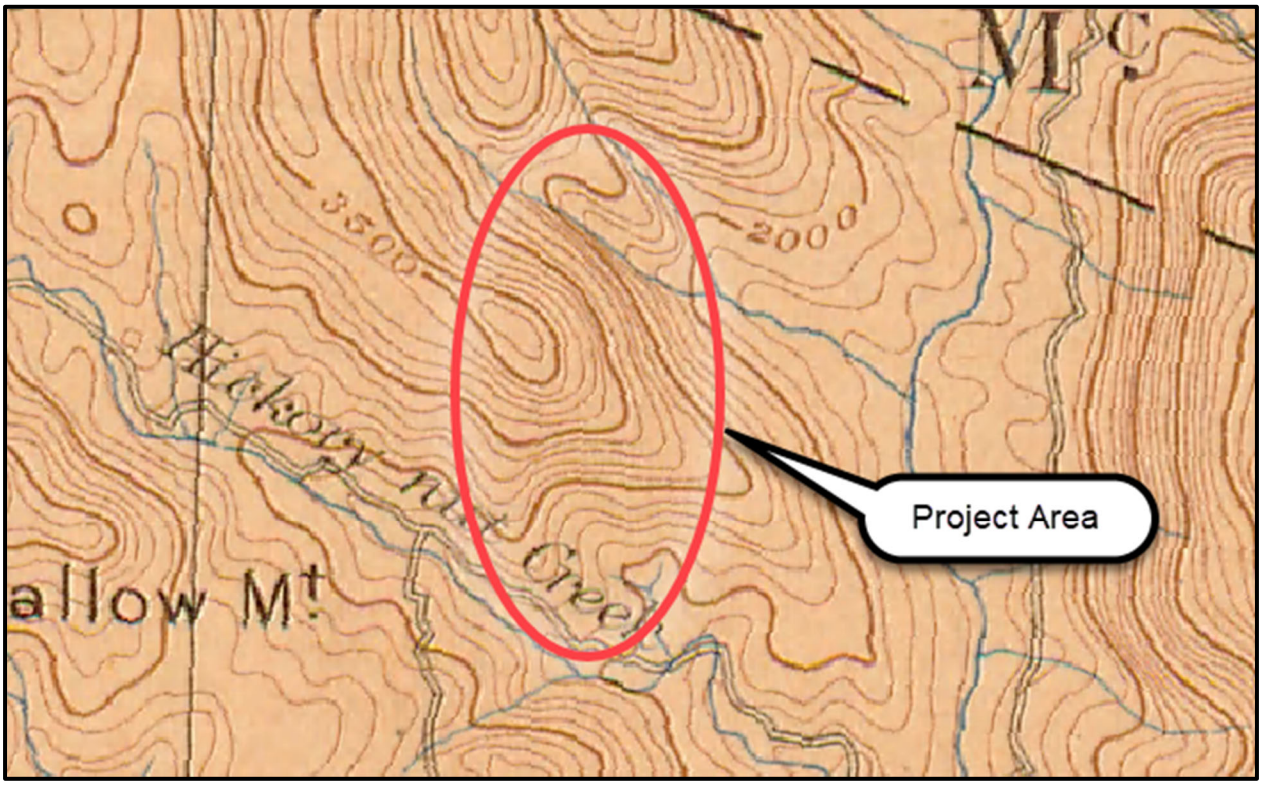


Figure 15. The 1889 USGS Saluda topographic map showing the location of the project area.

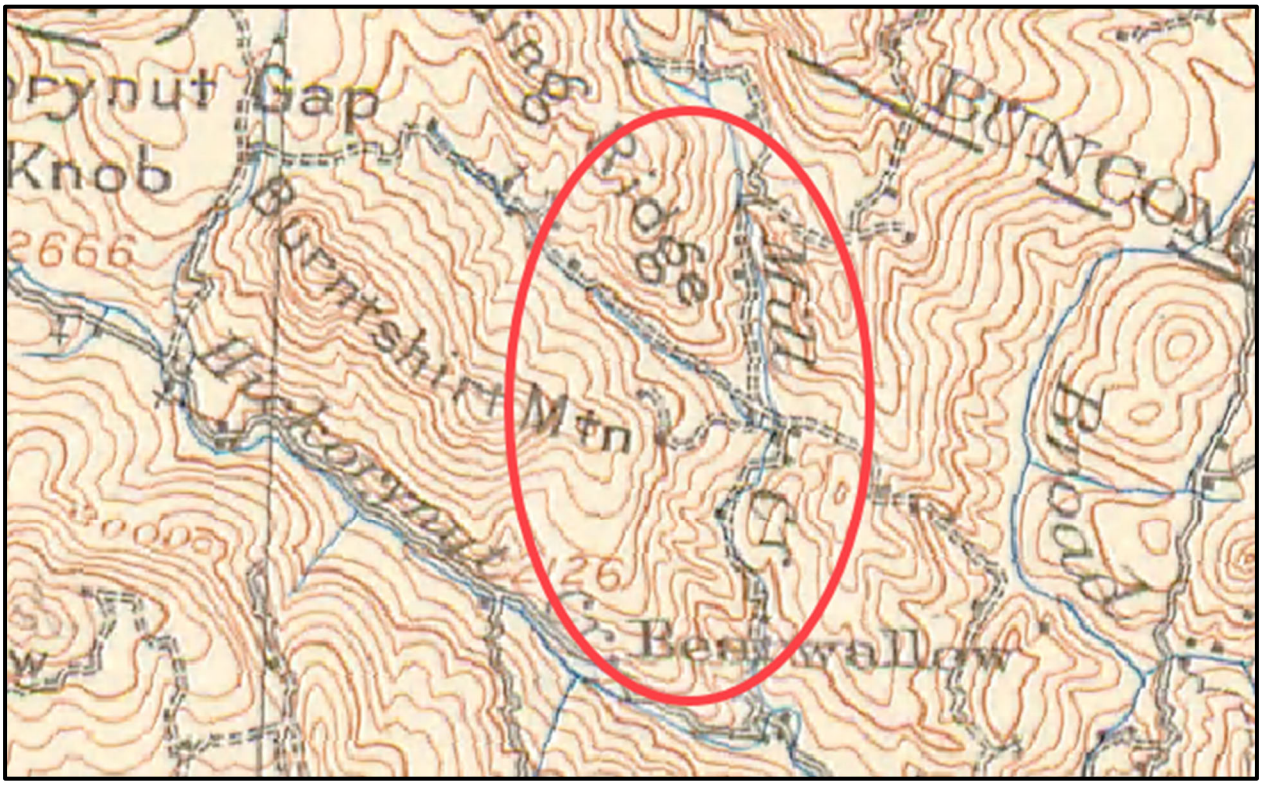


Figure 16. The 1907 USGS Saluda topographic map showing the location of the project area.

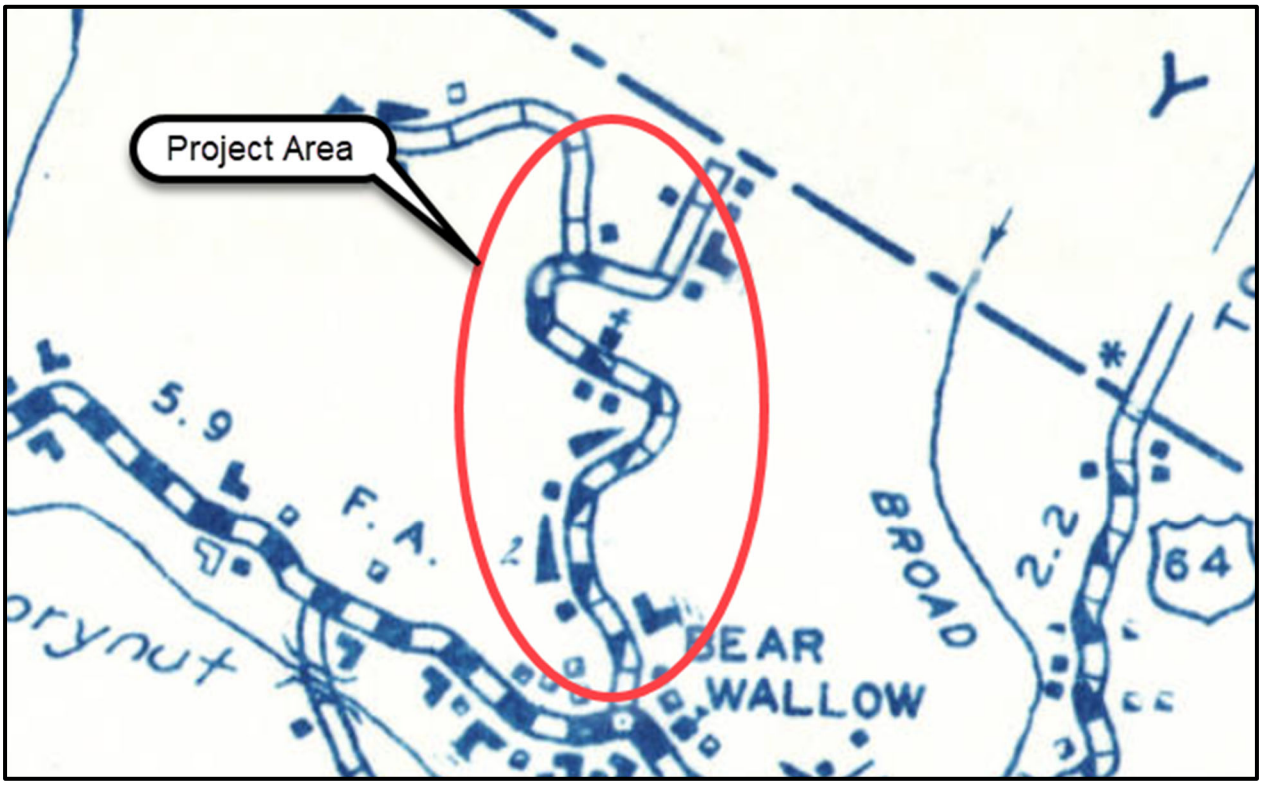


Figure 17. The 1938 *North Carolina State Highway Map for Henderson County* showing the location of the project area.

Historic Architecture & Landscapes



HISTORIC ARCHITECTURE AND LANDSCAPES NO HISTORIC PROPERTIES AFFECTED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

Project No:		***County***:	Henderson
WBS No.:	DF18314.2045207	***Document Type***:	CE
Fed. Aid No:		***Funding***:	☐ State ☒ Federal
Federal Permit(s):	☒ Yes ☐ No	***Permit Type(s)***:	USACE

Project Description:
In response to the aftermath of Hurricane Helene, NCDOT's Division 14 proposes to repair/restore damaged sections of SR 1605 (Toms Falls Road/Middle Fork Road/High Falls Road) and SR 1606 (Middle Fork Road) from US 74A. The project is approximately XX miles of highway with travel lanes that have been destroyed, damaged, or compromised by flooding. The extreme volume of flooding deposited new terrain and reformed or replaced many of the landforms and structures along the route. Repair, temporary roadway shoring, and permanent road reconstruction are required throughout the project's length.

Description of review activities, field surveys, results, and conclusions:
An NCDOT architectural historian reviewed the known historic properties in proximity to the APE using HPOWeb, Henderson a County GIS, survey site files from the HPO Western Office, and NCDOT's 2023 Historic Bridge Inventory. In addition, the NCDOT architectural historian visited the APE in March 2025 to assess the condition of the known properties. Four properties were assessed for eligibility:

1. HN1240 WA Pryor House
2. HN1238 Pryor Farm
3. HN1177 Huntley Log House
4. NH1218 Middle Fork Baptist Church

While those studies were underway with a consulting firm, the project manager requested an effects meeting to discuss the potential impacts of the road and bridge repair to the four resources. An effects meeting with HPO and FHWA was held on 5/22/2025 to review the plans and their effects on the four potential historic properties. It was determined at the meeting that the proposed repairs would have no adverse effect on any property. An effects form was signed for only the schoolhouse. It can be found in the project files. After the meeting NCDOT received the HPO's response to the eligibility recommendations and concurred that the Pryor Farm (HN1238) included the WA Pryor House (HN1240) and Huntley Log House (HN1177) and is eligible for the National Register with a boundary encompassing all of the contributing resources. They also concurred that Middle Fork Baptist Church (HN1218) is not eligible for the National Register.

SUPPORT DOCUMENTATION

☐Map(s) ☐Previous Survey Info. ☐Photos ☒Correspondence ☐Design Plans

FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes – **NO HISTORIC PROPERTIES AFFECTED**

Mary Pope Furr	**10/20/2025**
NCDOT Architectural Historian	Date

North Carolina Department of Natural and Cultural Resources

State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Josh Stein
Secretary Pamela B. Cashwell

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

August 27, 2025

MEMORANDUM

TO: Jennifer F. Martin Jennifer@mdmhc.com
PO Box 1399
Durham, NC 27702

FROM: Renee Gledhill-Earley
Environmental Review Coordinator

SUBJECT: Hurricane WBS# DF18314.2045207, PA#s 25-02-0007 - Hurricane Helene- Repair damaged sections of SR 1606 (Middle Fork Rd), Henderson County, ER 25-2166

Thank you for your August 7, 2025, memorandum transmitting the Historic Structures Survey Report (HSSR) for the above-referenced undertaking. We have reviewed the report, accepted it as final, and offer the following comments.

We concur that the Pryor Farm (HN1238) is eligible for listing in the National Register of Historic Places (NRHP) under Criteria A and C and that the Middle Fork Baptist Church (HN1218) is not eligible for listing under any Criteria.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@dncr.nc.gov. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Mary Pope Furr, NCDOT mpfurr@ncdot.gov

Tribal Coordination

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

January 16, 2025

Elizabeth Toombs
Tribal Historic Preservation Officer
PO BOX 948
Tahlequah OK 74465

Dear Ms. Toombs,

The North Carolina Department of Transportation is starting the project development, environmental, and engineering studies to repair Middle Fork Road/Toms Falls Road from US 74 to west of Mountain Cove Road in Henderson County. The Federal Highway Administration (FHWA) is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) and a Permit is anticipated under the Section 404 Process with the USACE. The project vicinity map is attached. The coordinates of this project are approximately 35.472872, -82.304838.

We would appreciate any information you might have that would be helpful in evaluating potential environmental impacts of the project including recommendation of alternatives to be studied. Your comments may be used in the preparation of a NEPA Environmental Document.

In accordance with Section 106 of the NHPA, we also request that you inform us of any historic properties of traditional religious or cultural importance that you are aware of that may be affected by the proposed project. Be assured that, in accordance with confidentiality and disclosure stipulations in Section 304 of the NHPA, we will maintain strict confidentiality about certain types of information regarding historic properties.

Please respond by February 14, 2025 so that your comments can be used in the scoping of this project. If you have any questions concerning this project, or would like any additional information, please contact me at bdmosteller@ncdot.gov.

Thank you,

Barry Mosteller
NCDOT Division 14, Design Construction Engineer

cc: Matt Wilkerson, NCDOT Archaeology Team Leader

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION 14
253 WEBSTER ROAD
SYLVA, NC 28779

Telephone: (828) 331-5200
Fax: (828) 331-5201
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
253 WEBSTER ROAD
SYLVA, NC 28779

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

January 16, 2025

Russell Townsend
Tribal Historic Preservation Officer
2077 Governors Island Road
Bryson City NC 28713

Dear Mr. Townsend,

The North Carolina Department of Transportation is starting the project development, environmental, and engineering studies to repair Middle Fork Road/Toms Falls Road from US 74 to west of Mountain Cove Road in Henderson County. The Federal Highway Administration (FHWA) is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) and a Permit is anticipated under the Section 404 Process with the USACE. The project vicinity map is attached. The coordinates of this project are approximately 35.472872, -82.304838.

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Thank you,

Barry Mosteller
NCDOT Division 14, Design Construction Engineer

cc: Matt Wilkerson, NCDOT Archaeology Team Leader

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

January 16, 2025

Section 106 Coordinator
PO BOX 580
Okmulgee OK 74447

To Whom it May Concern,

The North Carolina Department of Transportation is starting the project development, environmental, and engineering studies to repair Middle Fork Road/Toms Falls Road from US 74 to west of Mountain Cove Road in Henderson County. The Federal Highway Administration (FHWA) is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) and a Permit is anticipated under the Section 404 Process with the USACE. The project vicinity map is attached. The coordinates of this project are approximately 35.472872, -82.304838.

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Please respond by February 14, 2025 so that your comments can be used in the scoping of this project. If you have any questions concerning this project, or would like any additional information, please contact me at bdmosteller@ncdot.gov.

Thank you,

Barry Mosteller
NCDOT Division 14, Design Construction Engineer

cc: Matt Wilkerson, NCDOT Archaeology Team Leader

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION 14
253 WEBSTER ROAD
SYLVA, NC 28779

Telephone: (828) 331-5200
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SYLVA, NC 28779

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

January 16, 2025

Roger Cain
Section 106 Coordinator
PO BOX 746
Tahlequah OK 74465

Dear Mr. Cain,

The North Carolina Department of Transportation is starting the project development, environmental, and engineering studies to repair Middle Fork Road/Toms Falls Road from US 74 to west of Mountain Cove Road in Henderson County. The Federal Highway Administration (FHWA) is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) and a Permit is anticipated under the Section 404 Process with the USACE. The project vicinity map is attached. The coordinates of this project are approximately 35.472872, -82.304838.

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In accordance with Section 106 of the NHPA, we also request that you inform us of any historic properties of traditional religious or cultural importance that you are aware of that may be affected by the proposed project. Be assured that, in accordance with confidentiality and disclosure stipulations in Section 304 of the NHPA, we will maintain strict confidentiality about certain types of information regarding historic properties.

Please respond by February 14, 2025 so that your comments can be used in the scoping of this project. If you have any questions concerning this project, or would like any additional information, please contact me at bdmosteller@ncdot.gov.

Thank you,

Barry Mosteller
NCDOT Division 14, Design Construction Engineer

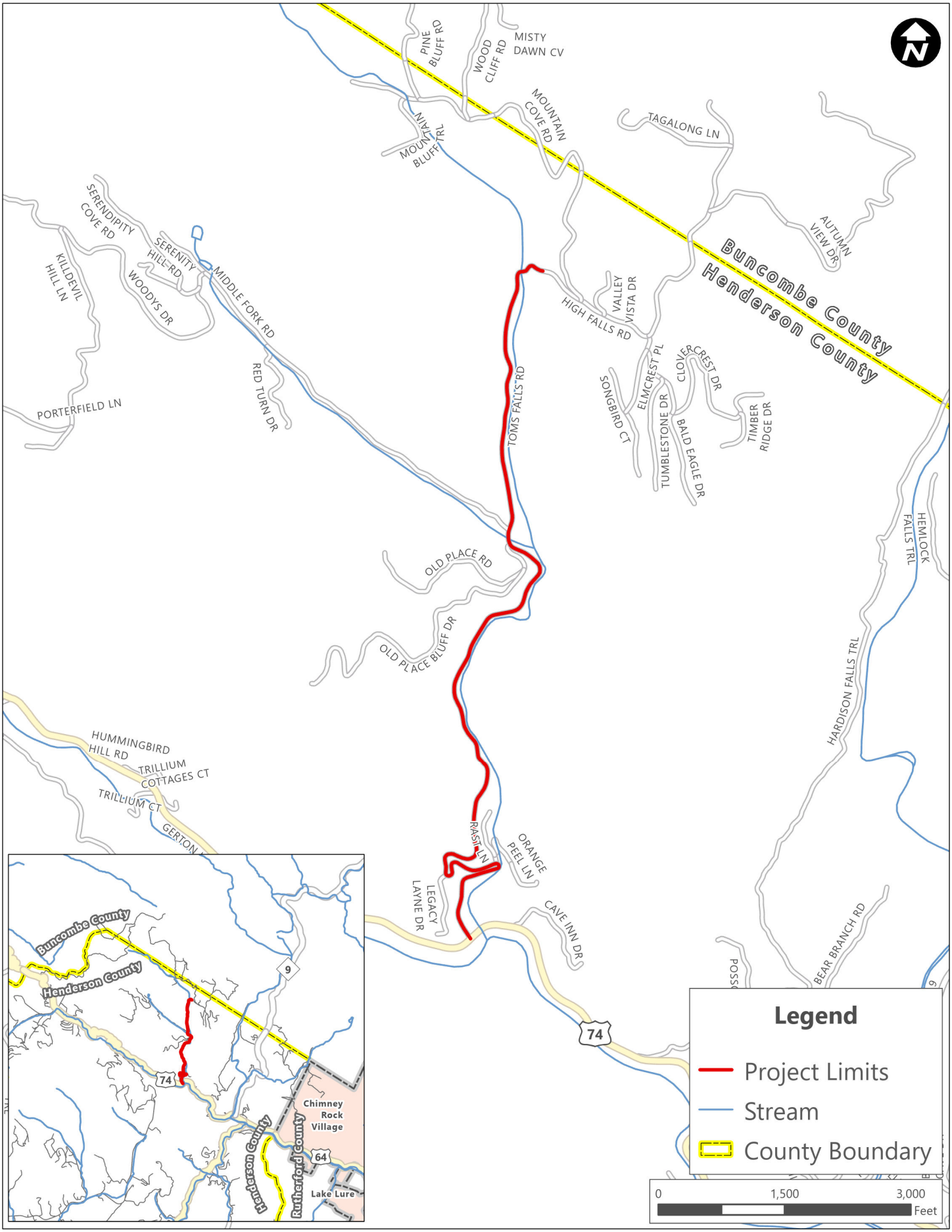
cc: Matt Wilkerson, NCDOT Archaeology Team Leader

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253 WEBSTER ROAD
SYLVA, NC 28779



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	RS&H	Henderson County	**Middle Fork Road / Toms Falls Road** Repair Middle Fork Road / Toms Falls Road from US 74 to west of Mountain Cove Road	Emergency Repair Division 14 January 2025	**Project Vicinity Map**

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CHEROKEE NATION®
P.O. Box 948 • Tahlequah, OK 74465-0948
918-453-5000 • www.cherokee.org

Chuck Hoskin Jr.
Principal Chief
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ᏅᎩᏫᏳᏍᏗ

Bryan Warner
Deputy Principal Chief
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ᏔᎵᏁ ᎠᏓᎧᏁ ᏅᎩᏫᏳᏍᏗ

March 7, 2025

Barry Mosteller
North Carolina Department of Transportation
Highway Division 14
253 Webster Road
Sylva, NC 28779

Re: Middle Fork Road Emergency Repairs

Dear Barry Mosteller:

The Cherokee Nation (Nation) is in receipt of your correspondence about the **Middle Fork Road Emergency Repairs**, and appreciates the opportunity to provide comment upon this project. This communication is intended for government-to-government consultation with a sovereign federally recognized Tribal Nation. Information received in consultation will be deemed confidential unless explicit consent is provided by the Nation.

The Nation maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office (Office) reviewed this project, cross referenced the project's legal description against our information, and found no instances where this project intersects or adjoins such resources. Thus, the Nation does not foresee this project imparting impacts to Cherokee cultural resources at this time.

However, the Nation requests that the North Carolina Department of Transportation (NCDOT) halt all project activities immediately and re-contact our Office for further consultation if items of cultural significance are discovered during the course of this project. Additionally, the Nation requests that the NCDOT conduct appropriate inquiries with other pertinent Historic Preservation Offices regarding historic and prehistoric resources not included in the Nation's databases or records.

If you require additional information or have any questions, please contact me at your convenience. Thank you for your time and attention to this matter.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer
Cherokee Nation Tribal Historic Preservation Office
elizabeth-toombs@cherokee.org
918.453.5389

NEPA Document

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	N/A
WBS Element	DF18314.2045487, DF18314.2045382, DF18314.2045381, DF18314.2045380, DF18314.2045379, DF18314.2045417, DF18314.2045378, DF18314.2045377
Federal Project No.	N/A

A. Project Description:

The Middle Fork Road/Toms Falls Road Hurricane Helene Permanent Repair Work project proposes repairing approximately two miles of Middle Fork Road/Toms Falls Road from US 74 to west of Mountain Cove Road in Henderson County (see attached Vicinity Map). Middle Fork Road/Toms Falls Road is currently a two-lane roadway with no paved shoulder.

The project is located in an unincorporated portion of northeast Henderson County, NCDOT Division 14, approximately 1.5 miles northwest of the Bat Cave community. The roadway is along a north-south corridor paralleling NC 9 connecting residents in the area to US 74. The project area is primarily rural with scattered residential development, hotels/lodges, a church, and some agricultural land use.

B. Description of Need and Purpose:

The purpose of the project is to repair damage caused by Hurricane Helene in September 2024 and restore the project corridor to its previous condition to the greatest extent practicable. Damage to the project corridor includes washed out structures, shoulders and sections of the roadway as well as extensive debris piles (including rocks and downed trees). Where feasible, the roadway will also be brought up to current NCDOT design standards. The project will utilize federal funding from the Federal Emergency Management Agency (FEMA).

C. Categorical Exclusion Action Classification:

Type I(A) - Ground Disturbing Action

D. Proposed Improvements:

9. The project includes the repair and reconstruction of a roadway, and its associated structures following the damage caused by Hurricane Helene in September 2024 (declared a federal disaster on September 28, 2024). The project will restore the project corridor to its previous condition and, where feasible, bring it up to current NCDOT design standards.

E. Special Project Information

1. Middle Fork Road and Toms Falls Road in the project limits will be reduced to a single lane during construction with no signed off-site detour and no long-term closures. This will allow access during construction while still expediting the construction as much as possible. There was a public information session to inform residents of the construction plans on June 26, 2025.

2. An alternative analysis memorandum was completed regarding the switchback at the southern end of the project. The memorandum is attached.

3. Biological conclusions for protected species in the study area are shown in the table below.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

ESA Federally Protected Species in the Study Area (IPaC: March 27, 2025)

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
Myotis grisescens	Gray Bat	E	Yes	LAA
Myotis septentrionalis	Northern Long-Eared Bat	T	Yes	LAA
Perimyotis subflavus	Tricolored Bat	PE	Yes	LAA
Glyptemys muhlenbergii	Bog Turtle	SAT	No	Not Required
Danaus plexippus	Monarch Butterfly	PT	Undetermined	Not Required
Isotria medeoloides	Small Whorled Pogonia	T	Yes	No Effect
Sisyrinchium dichotomum	White Irisette	E	Yes	No Effect
Gymnoderma lineare	Rock Gnome Lichen	E	No	No Effect

E – Endangered; T – Threatened; SAT - Threatened due to similarity of appearance; PT – Proposed Threatened; PE – Proposed Endangered; LAA – Likely to Adversely Affect

The U.S. Fish and Wildlife Service (USFWS), in partnership with the Federal Highway Administration (FHWA), U.S. Army Corps of Engineers (USACE), and NCDOT, has issued a combined Programmatic Biological Opinion (PBO) and Programmatic Conference Opinion (PCO) for the following bat species: Indiana bat (Myotis sodalis, MYSO), gray bat (M. grisescens, MYGR), northern long-eared bat (M. septentrionalis, MYSE), tricolored bat (Perimyotis subflavus, PESU), and little brown bat (M. lucifugus, MYLU). Per current design and construction plans, the project is eligible for PBO use and NCDOT can adhere to the appropriate CMs. The proposed biological conclusion for bats is LAA. The PBO will ensure compliance with Section 7 of the Endangered Species Act for five years (effective through April 1, 2030) for all NCDOT projects with a federal nexus in Divisions 9-14, which includes Henderson County, where DF18314.2045207 is located. See the attached letter from the USFWS noting the project meets the criteria for coverage under the PBO.

The Monarch Butterfly was proposed for federal listing in December 2024. However, no restrictions will take effect until the proposal is finalized, which is expected in late 2025 or early 2026. Until then, proposed species do not receive protection under the Endangered Species Act (ESA), except that federal action agencies must ensure their actions do not jeopardize the species' existence. These agencies may also consult with the U.S. Fish and Wildlife Service (USFWS) to obtain a conference opinion, which will automatically convert to a biological opinion upon the final listing decision.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

F. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)

For proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22, 23, 24, 25, 26, 27, 28, &/or 30; &/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B), answer the project impact threshold questions (below) and questions 8–31.

- If any question 1-7 is checked "Yes" then NCDOT certification for FHWA approval is required.
- If any question 1-30 is checked "Yes" then additional information will be required for those questions in Section G.

Source documents should be cited for each question as appropriate. If no source is needed or available, denote as "n/a". Please note that some "no" answers should have a corresponding email/memo/report cited for that NCDOT discipline. Project reports or memos/emails should be linked to their location on the project's Precon site; other publications (e.g. the STIP) can be linked directly. Example: (Source: NCDOT HE-0001 NRTR [HE-0001_NRTR.pdf, 2022])

PROJECT IMPACT THRESHOLDS (FHWA signature required if any of the questions 1-7 are marked "Yes.")		Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) in which a "likely to adversely affect determination" has been made? (Source: IPaC [Stream Characteristics and T&E, 2025])	☐	☒
2	Does the project result in effects subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)? (Source: IPaC [Stream Characteristics and T&E, 2025])	☐	☒
3	Does the project generate substantial controversy or public opposition, regarding human and/or natural environment concerns, following appropriate public involvement? (Source: n/a)	☐	☒
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition? (Source: n/a)	☐	☒
6	Does the project require an Individual Section 4(f) approval? (Source: Middle Fork DIST [DIST, 2025])	☐	☒
7	Does the project result in adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or result in an adverse effect on a National Historic Landmark (NHL)? (Source: Historic Architecture and Landscapes Assessment of Effects Form [Effects Form, 2025])	☐	☒
Other Considerations		Yes	No
8	Is an Endangered Species Act (ESA) determination unresolved or resolved utilizing a Section 7 programmatic agreement? Include in Section G any utilization of a Section 7 Programmatic Agreement. (Source: IPaC [Stream Characteristics and T&E, 2025])	☐	☒
9	Is the project located in anadromous fish spawning waters? (Source: NC DENR Online GIS tool [https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=5c0c6a1a3c5b4d56bd3974bb05b99961])	☐	☒
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)? (Source: NC DEQ Online GIS tool [https://data-ncdenr.opendata.arcgis.com/search?bbox=-83.09467844966254%2C%2032.616480254015755%2C%20-76.8324714184142%2C%2037.92275629821958&collection=Dataset])	☐	☒
11	Does the project impact waters of the United States in any of the designated mountain trout streams? (Source: NCPAWS [https://www.ncpaws.org/ncwrcmaps/FishingAreas#])	☐	☒

12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit? (Source: n/a – NWP will apply)	☐	☒
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility? (Source: n/a)	☐	☒
14	Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects findings other than a No Effect, including archaeological remains? No matter the effect finding, list any commitments (conditions) in Section I made in association with the effect finding detailed in Section G. (Source: Historic Architecture and Landscapes Assessment of Effects Form [Effects Form, 2025])	☒	☐
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.? (Source: [GE Phase 1, 2025])	☐	☒
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A? (Source: NC Effective Floodplains)	☐	☒
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)? (Source: NC DEQ [https://www.deq.nc.gov/about/divisions/coastal-management/about-coastal-management/cama-counties])	☐	☒
18	Does the project require a U.S. Coast Guard (USCG) permit?	☐	☒
19	Does the project involve Coastal Barrier Resources Act (CBRA) resources? (Source: Coastal Barrier Resources System Mapper [https://fwsprimary.wim.usgs.gov/CBRSMapper-v2/])	☐	☒
20	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River? (Source: National Wild and Scenic Rivers System [https://www.rivers.gov/north-carolina])	☐	☒
21	Does the project impact federal lands (e.g., U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands? (Source: Vicinity Map (attached), 2025)	☐	☒
22	Does the project involve any changes in access control to the interstate (modification or construction of an interchange)? (Source: Middle Fork DIST [DIST, 2025])	☐	☒
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness? (Source: Middle Fork DIST [DIST, 2025])	☐	☒
24	Will maintenance of traffic or detours cause substantial disruption? (Source: n/a)	☐	☒
25	Is the project inconsistent with the NCDOT's federally approved 4-year STIP or NCDOT's BMIP, and where applicable, the Metropolitan Planning Organization's (MPO) Transportation Improvement Program (TIP)?	☐	☒
26	Does the project require the acquisition of lands under the protection of the Land and Water Conservation Fund, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, Dedicated Nature Preserves, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property? (Source: n/a)	☐	☒
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)? (Source: n/a)	☐	☒
28	Does the project "use" Section 4(f) property, and/or result in a *de minimis* determination? (Source: Middle Fork DIST [DIST, 2025])	☐	☒
29	Is the project considered a Type I under the NCDOT Noise Policy? (Source: NCDOT Traffic Noise Manual [2022 Traffic Noise Manual, 2022])	☐	☒
30	Does the project impact VAD-enrolled property, or prime or important farmland soil, as defined by the Farmland Protection Policy Act (FPPA)? (Source: Middle Fork DIST [DIST, 2025])	☐	☒

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

G. Additional documentation as required from Section F; documentation should address the context and intensity (or severity) of the impact. (Required for all questions marked 'Yes.')

14. The projects Area of Potential Effects (APE) includes four potential historic properties, but none have been previously assessed for eligibility using the National Register of Historic Places (NRHP) criteria. These properties are the WA Pryor House, Pryor Farm, Huntley Log House, and Middle Fork Baptist Church. In order to expedite delivery of the project, FHWA, NCDOT, and the NC Historic Preservation Office agreed to consider all four properties as eligible for the sole purpose of advancing the emergency repairs. Effects meetings with the State Historic Preservation Office (SHPO) were held on April 24, and May 22, 2025. The effects determination for all four properties was No Adverse Effect. NRHP eligibility evaluations are underway and treating these four properties as eligible for project DF18314.2045207 does not extend to any future undertaking. The Effects Form dated May 22, 2025 is attached for reference.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

H. Categorical Exclusion Approval:

STIP Project No.	N/A
WBS Element	DF18314.2045487, DF18314.2045382, DF18314.2045381, DF18314.2045380, DF18314.2045379, DF18314.2045417, DF18314.2045378, DF18314.2045377
Federal Project No.	N/A

Prepared By:

8/25/2025
Date

Signed by: Jenny Noonkester
A9C53818F8754E3...
Jenny Noonkester, AICP
RS&H

Prepared For: NCDOT Division 14

Reviewed By:

8/25/2025
Date

DocuSigned by: Patrick Breedlove
A2DAC8979C7943D...
Patrick Breedlove, PDEA Engineer
North Carolina Department of Transportation Division 14

☑ **Approved**

- If NO grey boxes are checked in Section F, NCDOT approves the Type I or Type II Categorical Exclusion.

☐ **Certified**

- If ANY grey boxes are checked in Section F, NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.

8/25/2025
Date

DocuSigned by: Barry Mosteller
E0FB0CDBC4E64EE...
Barry D. Mosteller, Senior Project Manager
North Carolina Department of Transportation Division 14

FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

Date

for Yolonda K. Jordan, Division Administrator
Federal Highway Administration

Note: Prior to ROW or Construction authorization, a consultation may be required (please see Section VIII of the NCDOT-FHWA CE Programmatic Agreement for more details). Upload final documentation to ATLAS workbench and add commitments to the green sheet and Commitments dashboard.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

I. Project Commitments (attach as Green Sheet to CE Form):

NCDOT PROJECT COMMITMENTS

Middle Fork Road/Toms Falls Road Hurricane Helene Permanent Repair Work
Henderson County
Federal Aid Project No. N/A
WBS Element DF18314.2045487, DF18314.2045382, DF18314.2045381, DF18314.2045380, DF18314.2045379, DF18314.2045417, DF18314.2045378, DF18314.2045377

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

NCDOT Environmental Analysis Unit – Historic Architecture
The NCDOT Historic Architecture group will perform National Register of Historic Places (NRHP) eligibility determinations for the four potential historic properties in the projects Area of Potential Effects (APE): WA Pryor House (HN1240), Pryor Farm (HN1238), Huntley Log House (HN1177), and Middle Fork Baptist Church (HN1218).

NCDOT Environmental Analysis Unit – Biological Surveys

In accordance with the combined PBO and PCO, signed by USFWS on April 1, 2025, the amount of tree clearing needed for project construction (including utility relocation) will be shown on the right-of-way plans and provided to the agencies during permitting.

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN – Division 14

Avoidance and Minimization and Conservation Measures (USFWS Programmatic Biological Opinion, 2025)

General Measures

General AMM1. NCDOT will ensure all operators, employees, and contractors working in areas of suitable habitat for federally listed/proposed species are aware of all NCDOT environmental commitments, including all applicable AMMs and all associated NCDOT guidance documents.

General AMM2. Best Management practices (GBMP) and sediment and erosion control (SEC) measures will be utilized to prevent non-point source pollution, control storm water runoff, and minimize sediment damage to avoid and reduce overall water quality degradation.

General AMM3. Areas of disturbance, such as tree clearing, grubbing, and grading, will be limited to the maximum extent possible.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

Aquatic Measures
Aquatic AMM Structure – To the maximum extent possible, structure will be built in the same location as the previous structure, will minimal impact [bents] to water resource, built to today's improved highway and hydraulic standards.

Aquatic AMM Equipment – To the maximum extent possible, heavy machinery will not be utilized within the waterbody. Additionally, staging and storage areas for equipment and materials will be managed in such a way to ensure that potential spills and leaks do not have access to the waterbody.

Aquatic AMM Temporary and Permanent Fill – Any temporary fill (i.e. causeways) or permanent (i.e. bents/piers) fill in excess of what was previously present will be avoided and minimized to the maximum extent possible.

Aquatic AMM Abutments – Existing abutments will be completely removed unless removal results in destabilizing of banks or increases the adverse effect to listed/proposed aquatic species

Aquatic AMM Deck Drains – Deck drains that empty directly to the waterbody below will not be implemented on new bridge designs.

Aquatic AMM Erosion Control Matting – Coir fiber matting will be utilized instead of plastic or other synthetic matting.

Bat Measures
Bat AMM Noise – Percussive activities will occur only after the tree clearing within the action area has been completed, helping to reduce the exposure of any tree-roosting bats within the action area to high decibel noise.

Bat AMM Lighting – No new lighting will be added to the action area. Any lighting needed for night work will be directed at the work area and shielded from surrounding waters/landscape, only on when needed, no brighter than necessary, and blue light emissions will be limited.

Bat AMM Riparian Planting – Disturbed riparian areas will be replanted with native, fast-growing tree and shrub species where feasible, with the understanding that plantings likely cannot be done in utility/drainage/construction easements.

Conservation Measures
Aquatic CM: Aquatics Contribution – For individual bridge projects that are LAA aquatic Species, the NCDOT will contribute $10,000 for each project structure to the N.C. Nongame Aquatic Species Fund.

Aquatic CM: Relocation – For projects that are LAA aquatic species, prior to project construction, the Service Asheville Field Office NCDOT liaison and the NC Wildlife Resources Commission NCDOT liaison will be contacted to discuss the potential for aquatic species relocation, if applicable and practicable.

Bat CM – Tree Clearing Bat Fund Contribution: For individual bridge projecst that are likely to adversely affect bat species during tree removal, the NCDOT will contribute a payment* to the N.C. Nongame Terrestrial Species Fund (or other Service-approved Fun) in support of the recovery of federally protected bat species.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

Bat CM Structure Removal Bat Fund Contribution: For individual bridge projects that are LAA bat species during structure removal, the NCDOT will contribute a payment** to the N.C. Nongame Terrestrial Species Fund (or other Service-approved Fund) in support of the recovery of federally listed bat species.

*Contributions made will be based on a 2:1 ration multiplier specified for the non-volant pup season (May 15-July 31). This ratio offers the most protective coverage as time of year clearing will occur is unknown. The amount will be determined using the United States Department of Agriculture Farm Real Estate Value for North Carolina for 2024 ($5,190/acre). https://www.nass.usda.gov/Publications/Todays_Reports/reports/land0824.pdf If tree clearing is unknown, an assumed clearing acreage of 0.1 acre will be used based on estimates from previous clearing work at bridges (NCDOT 2015). The formula is calculated as follows: $5,190 x 0.1 ac = 519 x 2 (critical life stage multiplier) = $1,038 contribution

**Structures with documented bat use are generally larger than the average bridge, with a median size of 0.10 acre (length x width) (KYTC 2019). Therefore 0.10 acre per bridge is used to calculate the amount of suitable bat habitat lost for projects involving structure impacts. However, the displacement affects to bats that must find a new roost while a new structure is being constructed are considered temporary in nature because the new structure will be replaced with a similar structure that will provide adequate roosting habitat again. Therefore, the ratio multiplier was reduced to 1.5:1 vs 2:1 used in the tree clearing contribution explained above. If the structure is demolished after March15 when bats return to the landscape, a payment will be required, if not, no payment is required. The formula is calculated as follows: $5,190 X 0.1 ac – 519 x 1.5 (temporary affect multiplier) = $779 contribution/structure

Reasonable and Prudent Measures
NCDOT shall ensure that the contractor(s) understands and follows the measures listed in the “Conservation Measures”, “Reasonable and Prudent Measures”, and “Terms and Conditions” sections of this Opinion.

NCDOT shall minimize the area of disturbance within he action areas to only the area necessary for the safe and successful implementation of the proposed actions.

NCDOT shall monitor and document any take numbers and the surrogate measures of take and report those to the Service in a batched format.

Terms and Conditions
NCDOT shall adhere to all measures as listed in the Avoidance and Minimization and Conservation Measures section as summarized in this Opinion.

The NCDOT will immediately inform the Service if the amount of extent of incidental take in the incidental take statement is exceeded.

When incidental take is anticipated, the Terms and Conditions must include provisions for monitoring project activities to determine the actual project effects on listed fish or wildlife species (50 CFR §402.14(i)(3)). In order to monitor the impact of incidental take, the NCDOT must report the action impacts on the species to the Service according to the following: a. The NCDOT will submit a report each year not later than September 30 identifying, per individual project (via Service Log # and NCDOT identifiers), the following for the preceding calendar yar ending December 31:

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

i. Acreage of in-water impacts, if LAA for Appalachian elktoe.
ii. Acreage and dates of tree removal (if any), if LAA for bats (excepting gray bat).
iii. Dates of structure removal (if any), if LAA for bats.
iv. List of implemented AMMs and BMPs [as listed in Section 2.3].

Conservation Recommendations

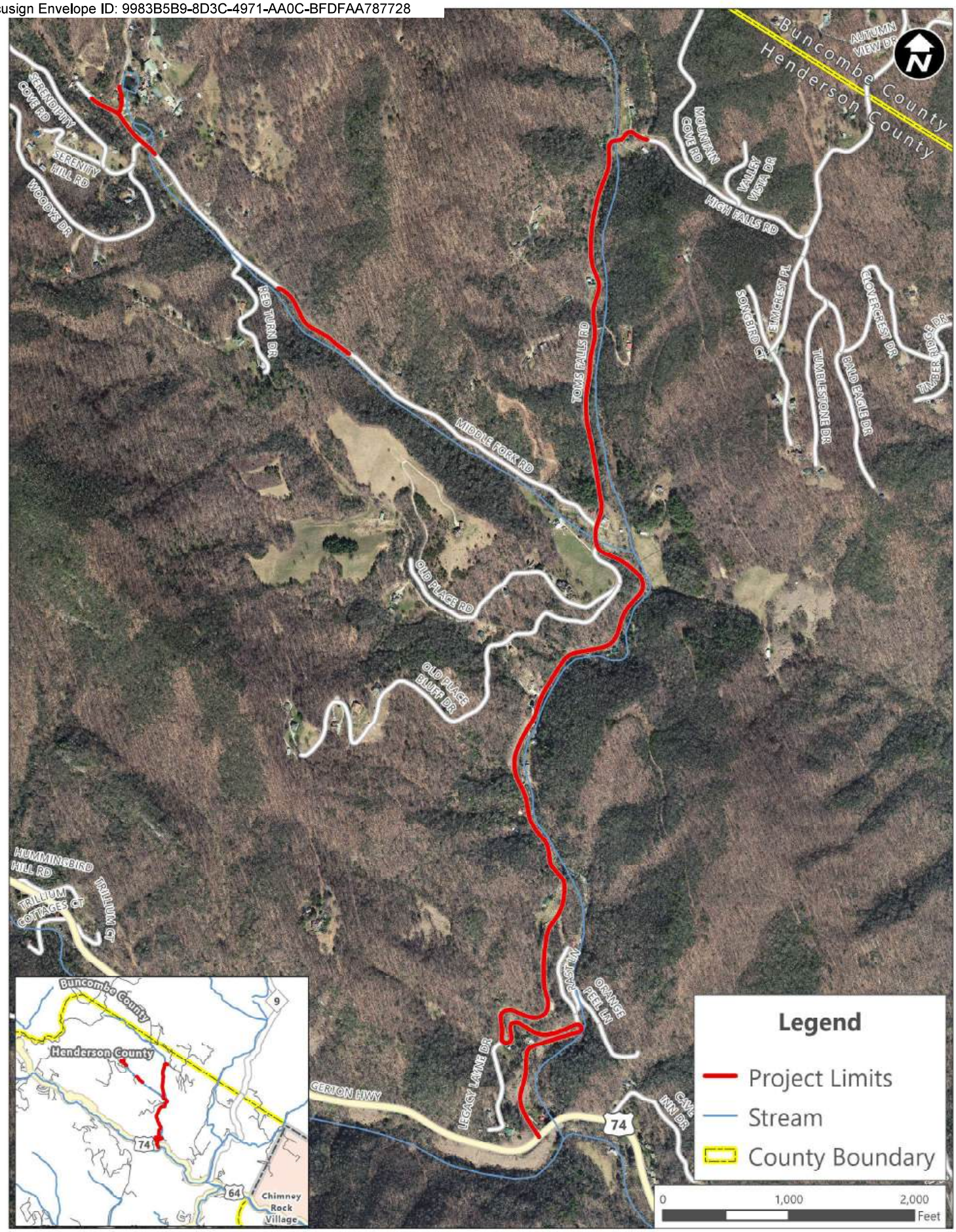
Eastern Hellbender: Proximity to eastern hellbender occurrence records was noted for the following crossing structures: Henderson County structure 186, Haywood County structure 163, and Transylvania County structure 066. Ahead of work at these locations, coordinate with the NCWRC and the Service to survey for/relocate any hellbender that may be within the action area and vulnerable to impacts from project work.

State Species of Concern: Close proximity to several aquatic species with North Carolina designations was noted for crossing structures: 024, 109, 186, and 198 in Henderson County: 002, 006, 042, 046, 163, and 266 in Haywood County; and 164 in Transylvania County. While these species are not currently afforded legal protection under the ESA, we recommend the most protective sediment and erosion control measures possible be used in waters occupied by these species, and we encourage you to coordinate any relocation efforts of such species with the NCWRC.

Refueling and Materials Storage: Refuel construction equipment outside the 100-year floodplain or at least 200 feet from all water bodies (whichever distance is greater) and protected with secondary containment. Store hazardous materials, fuel lubricating oils, or other chemicals outside the 100-year floodplain or at least 200 feet from all water bodies (whichever distance is greater).

Provide Terrestrial Wildlife Passage: Where riparian corridors suitable for wildlife movement occur adjacent to a project, a spanning structure that also spans a portion of the floodplain and provides or maintains a riprap-free level path underneath for wildlife passage would provide a safer roadway and facilitate wildlife passage. A 10-foot strip may be ideal, though smaller widths can also be beneficial. Alternatively, a “wildlife path” can be constructed with a top-dressing of finer stone (such as smaller aggregate or on-site alluvial material) to fill riprap voids if full bank plating is required. If a multi-barrel culvert is used, the low flow barrel(s) should accommodate the entire stream width and the other barrel should have sills to the floodplain level and be back-filled to provide dry, riprap-free wildlife passage as well as periodic floodwater passage.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728



	RS&H	Henderson County	**Middle Fork Road / Toms Falls Road** **Hurricane Helene Permanent Repair Work** Repair Middle Fork Road / Toms Falls Road from US 74 to west of Mountain Cove Road	Emergency Repair Division 14 June 2025	**Project Vicinity Map**

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

Project Tracking No. (Internal Use)

25-02-0007

HISTORIC ARCHITECTURE AND LANDSCAPES ASSESSMENT OF EFFECTS FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

Project No:		***County***:	Henderson
WBS No.:	DF18314.2045207	***Document Type***:	Federal CE
Fed. Aid No:		***Funding***:	☐ State ☒ Federal
Federal Permit(s):	☒ Yes ☐ No	***Permit Type(s)***:	USACE

Project Description:
In response to the aftermath of Hurricane Helene, NCDOT's Division 14 proposes to repair/restore damaged sections of SR 1605 (Toms Falls Road/Middle Fork Road/High Falls Road) and SR 1606 (Middle Fork Road) from US 74A. The project is approximately 3 miles of roadway with travel lanes that have been destroyed, damaged, or compromised by flooding. The extreme volume of flooding deposited new terrain and reformed or replaced many of the landforms and structures along the route. Repair, temporary roadway shoring, and permanent road reconstruction are required throughout the project's length.

No formal design was available at the time of the screening review; therefore the Area of Potential Effects (APE) width was created to allow flexibility to study a range of potential, successful roadway solutions. The width is 500 feet which allows 250 feet to either side of the recent centerline.

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusion
A North Carolina Department of Transportation (NCDOT) architectural historian reviewed the known historic properties in proximity to the APE using HPOWeb, Henderson and County GIS, survey site files from the HPO Western Office, and NCDOT's 2023 Historic Bridge Inventory. in February 2025. In March 3-5, 2025, the architectural historian conducted a site visit and determined that there were potential historic properties in the APE for the project (listed below). None have been previously assessed for eligibility using the National Register of Historic Places (NRHP) criteria.

1. HN1240 WA Pryor House
2. HN1238 Pryor Farm
3. HN1177 Huntley Log House
4. HN1218 Middle Fork Baptist Church

In order to expedite overall project delivery of DF18314. 2045207, the Federal Highway Administration (FHWA) North Carolina Division, NCDOT, and North Carolina Historic Preservation Office (NC-HPO) have mutually agreed to the four unassessed properties as NRHP-eligible for the sole purpose of advancing the emergency project to assess the potential effects of

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

the project under Section 106 of the National Historic Preservation Act (NHPA).

NRHP eligibility evaluations are underway and treating these four properties as eligible for project DF18314. 2045207 does not extend to any future undertaking.

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

ASSESSMENT OF EFFECTS

Property Name:	WA Pryor House and Pryor Farm	***Status***:	unassessed
Survey Site No.:	HN1240 and HN1238	***PIN***:	0614643188

Effects

☐ No Effect ☒ No Adverse Effect ☐ Adverse Effect

Explanation of Effects Determination:

The existing ROW is 45'. Rebuild roadway to match pre-hurricane conditions (two lane section with 9' lanes and 2' shoulders). Install guardrail 2' from edge of pavement along east side of alignment. Since the stream has shifted closer to roadway an 85' long channel relocation is proposed to restore stream to its previous location and an 18" pipe with riprap outfall is proposed. Permanent Drainage Easement and Temporary Construction Easement are proposed for the construction of the roadway slopes, stream relocation, and riprap pad.

Further north(?) along the road, there are two additional 18" pipes with riprap outfalls as well as a power pole relocation with guy wire. The existing ROW is 45', Permanent Drainage Easement, Permanent Utility Easement, and ROW are proposed for the construction of the roadway slopes, pole relocation/guy wire, and riprap pads.

List of Environmental Commitments:



Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

Property Name:	Huntley Log House	***Status***:	unassessed
Survey Site No.:	HN1177	***PIN***:	0614546097

Effects

☐ No Effect ☒ No Adverse Effect ☐ Adverse Effect

Explanation of Effects Determination:

The existing ROW is 45'. Rebuild roadway to match pre-hurricane conditions (two lane section with 9' lanes and 2' shoulders). There are no proposed temporary or permanent ROW or easements on the property.

List of Environmental Commitments:



Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

Property Name:	Middle Fork Baptist Church	***Status***:	unassessed
Survey Site No.:	HN1218	***PIN***:	0614620940

Effects

☐ No Effect ☒ No Adverse Effect ☐ Adverse Effect

Explanation of Effects Determination:
There are no proposed construction activities within the parcel- only repaving the existing roadway which had minimal damage as a result of the storm.

List of Environmental Commitments:



SUPPORT DOCUMENTATION

FHWA Intends to use the State Historic Preservation Office's concurrence as a basis for a "de minimis" finding for the following properties, pursuant to Section 4(f):

☒Map(s) ☐Previous Survey Info. ☒Photos ☐Correspondence ☒Design Plans

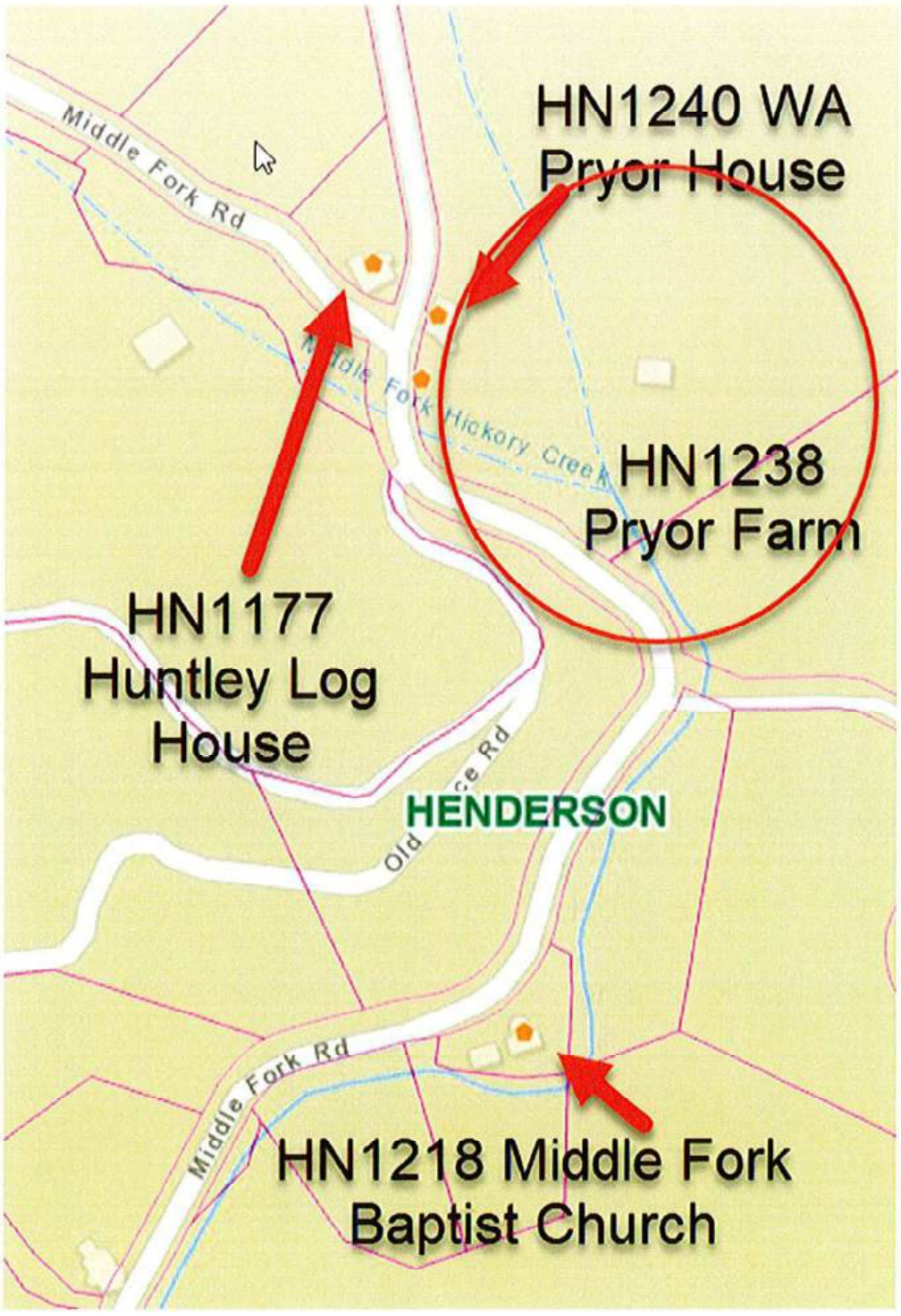
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FINDING BY NCDOT AND STATE HISTORIC PRESERVATION OFFICE

Historic Architecture and Landscapes – ASSESSMENT OF EFFECTS

Mary Pope Furr	5/22/2025
NCDOT Architectural Historian	Date
Renee Gledhill-Earley	5/22/2025
State Historic Preservation Office Representative	Date
	5/22/2025
Federal Agency Representative	Date

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728



Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA767728

PROJECT REFERENCE NO.	SHEET NO.
DF18314.2045382/ DF18314.2045381	7
RW SHEET NO.	

ROADWAY DESIGN ENGINEER — NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 042357 — ENGINEER: MILTON C. DAVIS

HYDRAULICS ENGINEER — NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 049764 — ENGINEER: ALEXANDER R. VINSON

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

RS&H — 1520 SOUTH BOULEVARD, SUITE 200, CHARLOTTE, NC 28203, NC FIRM LICENSE No: F-0493

NAD 83/NA 2011

MATCHLINE -L- STA. 61+00.00 SEE SHEET 6

MATCHLINE -L- STA. 71+00.00 SEE SHEET 8

END CONSTRUCTION SITE 3
BEGIN CONSTRUCTION SITE 4
-L- STA.65+00.00

INSTALL 56 SY CONCRETE IN ROADWAY DITCH SEE DETAIL B AND C

-DRW1- POT Sta. 10+00.00=
-L- POC 61+60.80

END SINGLE FACE CONCRETE BARRIER -L- STA.62+70.00

BEGIN SINGLE FACE CONCRETE BARRIER -L- STA.61+80.00

N 14° 51' 27.3" E

-L- PC Sta. 66+64.51

N 31° 28' 39.1" E

-L- PT Sta. 68+27.39

END PROP.RET.WALL RW03H -L- STA.64+40.00,16.00' RT

-L- PC Sta. 62+64.57

BEGIN PROP.RET.WALL RW03H -L- STA.62+62.62,28.01' RT

-L- PT Sta. 64+09.61

S 55° 05' 03.9" E

-L- PT Sta. 62+29.84

-DRW1- PC Sta. 10+49.90

-L- PC Sta. 61+55.99

END PROP.RET.WALL RW03F -L- STA.61+54.46,16.00' RT

-DRW1- PT Sta. 10+99.25

N 80° 35' 45.7" E

END GRADE SITE 4
BEGIN RESURFACING
-L- STA.69+50.00

-L- PC Sta. 70+02.42

END CONSTRUCTION SITE 4
BEGIN CONSTRUCTION SITE 5
-L- STA.70+82.50

SEE SHEET 15

SEE SHEET 2B-5

SEE SHEET 2B-6

DETAIL E
RIP RAP LINED CHANNEL CHANGE
(Not to Scale)

Natural Ground — Proposed Fill Slope — Natural Ground — Exist. Channel

Min. D= 1.5 Ft.
B= 14 Ft.

EST 43 TONS OF CLASS I RIP RAP KEYED IN EST 61 SY GEOTEXTILE

FROM STA. 66+50 TO STA. 67+40 RT

DETAIL B
CONCRETE LINED DITCH
(Not to Scale)

Natural Ground — 7:1 or FLATTER — Front Ditch Slope (Roadway Fill or Natural Ground) — 4" Concrete Ditch w/ Welded Wire Fabric

Type of Liner= 4" Concrete Ditch w/Welded Wire Fabric

Min. D= 1.0 Ft.
d= 0.75 Ft.

FROM -L- 63+85 TO 65+00 LT

DETAIL C
4" CONCRETE DITCH
w/WELDED WIRE FABRIC
(Not to Scale)

2" — 2" 2" — 2" — Welded Wire Fabric

FROM -L- 63+85 TO 65+00 LT

-L- CURVE DATA

PI Sta 61+93.13	PI Sta 63+37.60
Δ = 15° 06' 46.9" (LT)	Δ = 16° 37' 11.8" (RT)
D = 20° 27' 46.0"	D = 11° 27' 33.0"
L = 73.86'	L = 145.04'
T = 37.14'	T = 73.03'
R = 280.00'	R = 500.00'
SE = 04	SE = 05
RO = 36	RO = 70
*DS = 15 MPH	*DS = 30 MPH
PI Sta 67+51.33	PI Sta 71+19.91
Δ = 49° 07' 06.6" (RT)	Δ = 66° 15' 54.7" (LT)
D = 30° 09' 20.4"	D = 31° 49' 51.6"
L = 162.88'	L = 208.18'
T = 86.83'	T = 117.49'
R = 190.00'	R = 180.00'
SE = 06	SE = N/A
RO = 78	RO = N/A
*DS = 25 MPH	

*NOTE: DESIGN EXCEPTION REQUIRED FOR DESIGN SPEED

-DRW1- CURVE DATA

PI Sta 10+78.75
Δ = 74° 24' 35.0" (RT)
D = 150° 46' 42.1"
L = 49.35'
T = 28.85'
R = 38.00'
SE = N/A
RO = N/A

NOTE: EXISITNG PIPES THAT ARE DETERMINED TO BE STRUCTURALLY ADEQUATE AND SALVAGEABLE MAY BE RETAINED IN LIEU OF REPLACEMENT, SUBJECT TO THE DISCRETION OF THE ENGINEER.

8/17/99

D:\MAY 2025\DF18314.2045382 Middle Fork Rdy psh7_Site 3-4.dgn
$$$$USERNAME$$$$

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA767728

PROJECT REFERENCE NO.	SHEET NO.
DF1831420453.80 / DF1831420453.79 / DF1831420454.17	8
R/W SHEET NO.	

ROADWAY DESIGN ENGINEER — NORTH CAROLINA PROFESSIONAL SEAL 042357 ENGINEER ALISON C. MCCALE

HYDRAULICS ENGINEER — NORTH CAROLINA PROFESSIONAL SEAL 049764 ENGINEER ALEXANDER R. WILKINSON

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

RS&H — 1520 SOUTH BOULEVARD, SUITE 200 CHARLOTTE, NC 28203 — NC FIRM LICENSE No: F-0493

NAD 83/NA 2011

-L- CURVE DATA

PI Sta 73+87.43	PI Sta 76+69.39	PI Sta 79+09.75
Δ = 30° 12' 18.7" (RT)	Δ = 94° 28' 03.4" (LT)	Δ = 19° 21' 44.4" (LT)
D = 15° 54' 55.8"	D = 52° 05' 13.5"	D = 22° 55' 05.9"
L = 189.78'	L = 181.36'	L = 84.48'
T = 97.15'	T = 118.93'	T = 42.65'
R = 360.00'	R = 110.00'	R = 250.00'
SE = 06	SE = N/A	SE = N/A
RO = 90'	RO = N/A	RO = N/A
* DS = 35 MPH		

PI Sta 81+14.37	PI Sta 82+59.06	PI Sta 84+28.31
Δ = 64° 22' 41.4" (RT)	Δ = 25° 07' 11.9" (RT)	Δ = 28° 59' 15.9" (LT)
D = 42° 26' 28.7"	D = 16° 22' 12.8"	D = 25° 27' 53.2"
L = 151.69'	L = 153.45'	L = 113.83'
T = 84.98'	T = 77.98'	T = 58.16'
R = 135.00'	R = 350.00'	R = 225.00'
SE = 05	SE = N/A	SE = N/A
RO = 45'	RO = N/A	RO = N/A
* DS = 15 MPH		

-Y1- CURVE DATA

PI Sta 59+08.45	PI Sta 60+63.11
Δ = 37° 31' 25.6" (RT)	Δ = 30° 22' 54.3" (LT)
D = 63° 39' 43.1"	D = 33° 42' 12.2"
L = 58.94'	L = 90.14'
T = 30.57'	T = 46.16'
R = 90.00'	R = 170.00'
SE = N/A	SE = N/A
RO = N/A	RO = N/A

* NOTE: DESIGN EXCEPTION REQUIRED FOR DESIGN SPEED

MATCHLINE -L- STA. 71+00.00 SEE SHEET 7

MATCHLINE -L- STA. 86+00.00 SEE SHEET 9

-L- PT Sta. 72+10.60
END RESURFACING
BEGIN GRADE SITE 5
-L- POT STA.72+15.00

-L- PC Sta. 72+90.27

N 14° 19' 51.0" E

-L- PT Sta. 74+80.06

N 44° 32' 09.7" E

-L- PC Sta. 75+50.46

END CONSTRUCTION SITE 5
-L- POC STA.75+75.00

-L- PT Sta. 79+51.59

-L- PC Sta. 78+67.10

BEGIN GRADE SITE 6
-L- POC STA.79+00.00

BEGIN CONSTRUCTION SITE 6
-L- POT STA.77+73.62

-L- PT Sta. 77+31.82

N 69° 17' 38.2" W

CHANNEL RELOCATION
SEE DETAIL 'A'

-L- PC Sta. 80+29.39

S 75° 03' 08.3" E

-Y1- PC Sta. 58+77.88

-Y1- PT Sta. 59+36.82

-Y1- PC Sta. 60+16.95

-Y1- PT Sta. 61+07.10

S 67° 54' 37.0" E

-L- POC Sta. 81+81.08

-Y1- POT Sta. 61+34.94=
-L- POC Sta. 83+05.29

-L- PT Sta. 83+34.53

-L- PC Sta. 83+70.14

N 20° 12' 15.1" E

END CONSTRUCTION SITE 6
-L- POC STA.82+50.00
-L- PT Sta. 84+83.98

BEGIN CONSTRUCTION SITE 7
-L- STA.85+00.00

N 8° 47' 00.8" W

RETAIN EXISTING 112"X75" CMAP

DETAIL A
CHANNEL CHANGE
(Not to Scale)

Natural Ground — 2:1 — D — 2:1 — Natural Ground
Proposed Fill Slope
Exist. Channel
B

Min. D = 2 Ft.
B = 7 Ft.

FROM STA. 79+65 TO STA. 80+50 RT

NOTE: EXISITNG PIPES THAT ARE DETERMINED TO BE STRUCTURALLY ADEQUATE AND SALVAGEABLE MAY BE RETAINED IN LIEU OF REPLACEMENT, SUBJECT TO THE DISCRETION OF THE ENGINEER.

FOR -L- PROFILE SEE SHEET 16 & 17

28 — COBB, STEVEN STEWART/HUBBARD, JENNIFER LYN Deed Book/Page 001505/00319

29 — COBB, STEVEN STEWART/HUBBARD, JENNIFER LYN Deed Book/Page 001505/00319

30 — HEMLOCK LLC, A LOUISIANA LIMITED LIABILITY COMPANY Deed Book/Page 001397/00295

32 — FRIEDWALD, ERIC/FRIEDWALD, MINDI Deed Book/Page 001422/00106

OATES, C LEMUEL/OATES, SANDRA Deed Book/Page 001133/00696

HEMLOCK LLC Deed Book/Page 003572/00100

BLANTON, CONSTANCE M Deed Book/Page 001414/00246

MARCHBANKS, ALEX/MCGEE, AMANDA Deed Book/Page 004065/00222

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PROJECT REFERENCE NO.	SHEET NO.
DF1831420454I7	9
R/W SHEET NO.	

ROADWAY DESIGN ENGINEER — NORTH CAROLINA PROFESSIONAL SEAL 042357 ENGINEER WILSON C. OAKLEY

HYDRAULICS ENGINEER — NORTH CAROLINA PROFESSIONAL SEAL 049764 ENGINEER ALEXANDER R. WILKINSON

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

RS&H 1520 SOUTH BOULEVARD, SUITE 200 CHARLOTTE, NC 28203 NC FIRM LICENSE No: F-0493

8/17/99

-L- CURVE DATA

PI Sta 88+72.61	PI Sta 92+68.84	PI Sta 95+30.99	PI Sta 96+62.15
Δ = 2° 56' 16.1" (LT)	Δ = 23° 14' 38.2" (RT)	Δ = 10° 25' 43.8" (LT)	Δ = 12° 33' 01.9" (RT)
D = 1° 09' 27.0"	D = 6° 21' 58.3"	D = 6° 21' 58.3"	D = 12° 43' 56.6"
L = 253.81'	L = 365.12'	L = 163.82'	L = 98.57'
T = 126.93'	T = 185.10'	T = 82.13'	T = 49.48'
R = 4,950.00'	R = 900.00'	R = 900.00'	R = 450.00'
SE = 04	SE = 06	SE = 04	SE = 04
RO = 72	RO = 108	RO = 56	RO = 48
	*DS = 50 MPH	*DS = 30 MPH	*DS = 20 MPH

* NOTE: DESIGN EXCEPTION REQUIRED FOR DESIGN SPEED

NAD 83/NA 2011

MATCH LINE -L- STA 86+00.00 SEE SHEET 8

MATCH LINE -L- STA 97+50.00 SEE SHEET 10

INSTALL 19 SY CONCRETE IN EXISTING DITCH SEE DETAIL B AND C

N 11° 43' 16.9" W

N 8° 47' 00.8" W

N 13° 38' 39.4" E

-L- PC Sta. 87+45.67

-L- PT Sta. 89+99.48

-L- PC Sta. 90+83.74

-L- PRC Sta. 94+48.85

-L- PRC Sta. 96+12.67

-L- PT Sta. 97+11.24

BEGIN EXIST RETAINING WALL REPAIRS -L- STA 94+63.27

END EXIST RETAINING WALL REPAIRS -L- STA 97+17.10

EST 2 TON CL B RIP RAP
EST 7 SY GEOTEXTILE

EST 5 TON CL B RIP RAP
EST 14 SY GEOTEXTILE

18" RCP-V

24" CSP

REMOVE

-L- +26.00 25.00' RT EX. R/W

-L- +38.00 52.00' RT 26.00' RT EX. R/W

-L- +99.48 52.00' RT

-L- +50.00 52.00' RT EX. R/W

-L- +00.00 61.00' RT EX. R/W

-L- +61.00 28.00' LT EX. R/W

-L- +72.00 76.00' LT EX. R/W

-L- +25.00 42.00' RT

-L- +79.00 31.00' RT

-L- +12.67 27.00' RT

-L- +55.00 47.00' RT 27.00' RT EX. R/W

-L- +78.00 27.00' RT EX. R/W

-L- +25.00 28.00' RT EX. R/W

HPB

BsH

32 — FRIEDWALD, ERIC/FRIEDWALD, MINDI Deed Book/Page 001422/00106

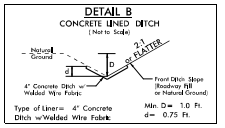
34 — COLLEY, PATRICIA HUNTLEY/LANNING, WILLIAM MACK Deed Book/Page 001003/00599

35 — HALL, JENNIFER LYDA Deed Book/Page 001288/00058

36 — BEARCY, JULIE LYDA/BEARCY, BILLY MILO III/LYDA, DAVID EUGENE Deed Book/Page 001688/00700

RAINEY, MICHAEL L/RAINEY, SANDRA Q Deed Book/Page 001411/00339

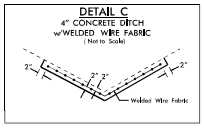
DETAIL B
CONCRETE LINED DITCH
(Not to Scale)



Type of Liner= 4" Concrete Ditch w/Welded Wire Fabric
Min. D= 1.0 Ft.
d= 0.75 Ft.

FROM -L- 89+44 TO 90+00 LT

DETAIL C
4" CONCRETE DITCH w/WELDED WIRE FABRIC
(Not to Scale)



FROM -L- 89+44 TO 90+00 LT

NOTE: EXISITNG PIPES THAT ARE DETERMINED TO BE STRUCTURALLY ADEQUATE AND SALVAGEABLE MAY BE RETAINED IN LIEU OF REPLACEMENT, SUBJECT TO THE DISCRETION OF THE ENGINEER.

FOR -L- PROFILE SEE SHEET 17

SEE SHEET XX FOR RETAINING WALL REPAIR DETAIL

12-MAY-2025 15:34
R:\Projects\DF1831420454I7_Middle Fork_Rdy_psh\9_Site 7.dgn
$$$$USERNAME$$$$

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RS&H

TO: Barry Mosteller, Senior Project Manager, NCDOT Division 14
FROM: RS&H Project Team
DATE: June 30, 2025

SUBJECT: Middle Fork Road/Toms Falls Road Hurricane Helene Permanent Repair Work
Site 1 Alternative Analysis

This memorandum documents the design alternatives evaluated for permanent repairs to Site 1 as well as the selected alternative.

Introduction

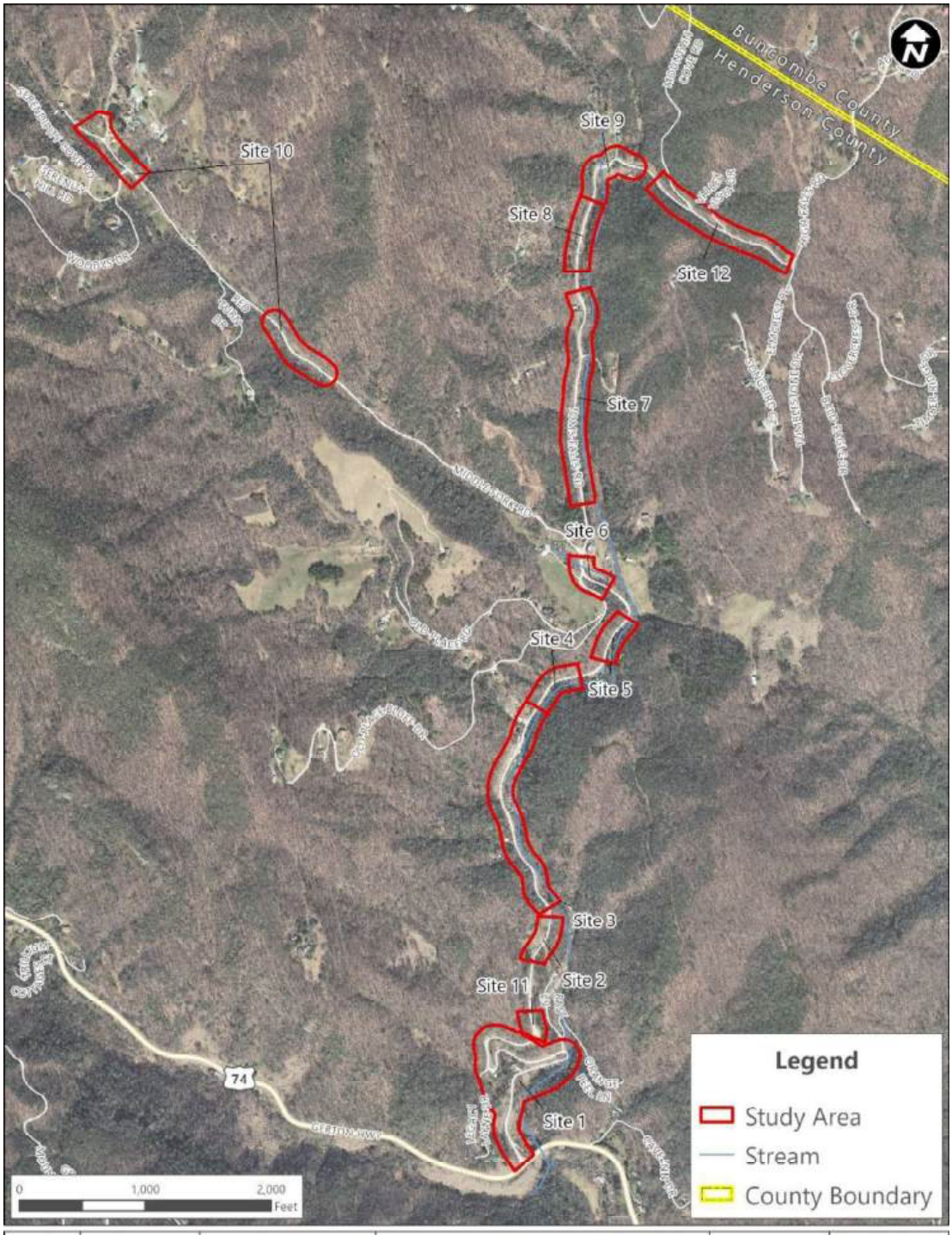
This project proposes repairing approximately two miles of Middle Fork Road/Toms Falls Road from US 74 to west of Mountain Cove Road in Henderson County (see ***Figure 1***). The project is located in an unincorporated portion of northeast Henderson County, approximately 1.5 miles northwest of the Bat Cave community. The roadway is along a north-south corridor paralleling NC 9 connecting residents in the area to US 74 Alt. The project area is primarily rural with scattered residential development, hotels/lodges, a church, and some agricultural land use.

Middle Fork Road/Toms Falls Road was a two-lane roadway with no paved shoulder. The purpose of the Middle Fork Road project is to repair damage caused by Hurricane Helene in September 2024 and restore the project corridor to its previous condition to the best extent practicable. Where feasible, the roadway will also be brought up to current NCDOT design standards. Damage to the project corridor includes washed out structures, shoulders and sections of the roadway as well as extensive debris piles (including rocks and downed trees). Federal funding from the Federal Emergency Management Agency (FEMA) will be utilized to repair the damaged roadway and structures.

The project contains eleven (11) repair sites (see ***Figure 1***). Site 1 is located at the southern end of the project corridor and was the location of a switchback before Hurricane Helene washed out much of the roadway. The project team evaluated three design alternatives to repair the roadway at this location. These alternatives are described below.

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Figure 1. Study Area Map

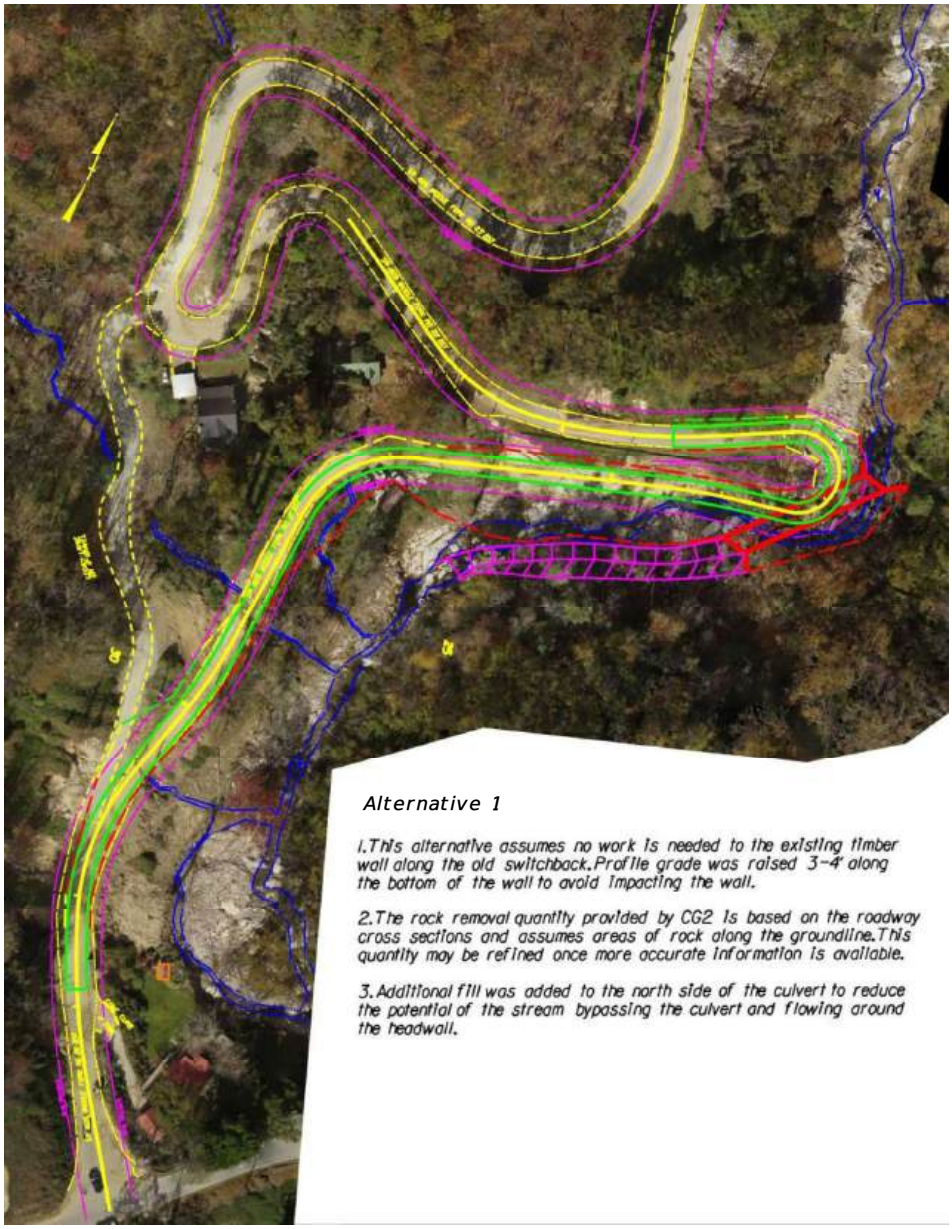


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Design Alternatives

Alternative 1 proposes to rebuild Middle Fork Road in its existing location and construct a 140′ x 20′ x 6′ culvert. A retaining wall in lieu of a culvert was also evaluated for this alternative but was deemed not feasible due to constructability concerns. Outside of the culvert, the stream would be relocated back to its pre-storm location. This alternative would maintain and repair the existing timber wall along the existing switchback but would require the profile to be raised approximately 3-4 feet along the bottom of the wall. Additionally, the slope will be repaired where there was a slope failure at the top of the existing switchback. Driveways and access to properties would be restored to pre-storm locations.

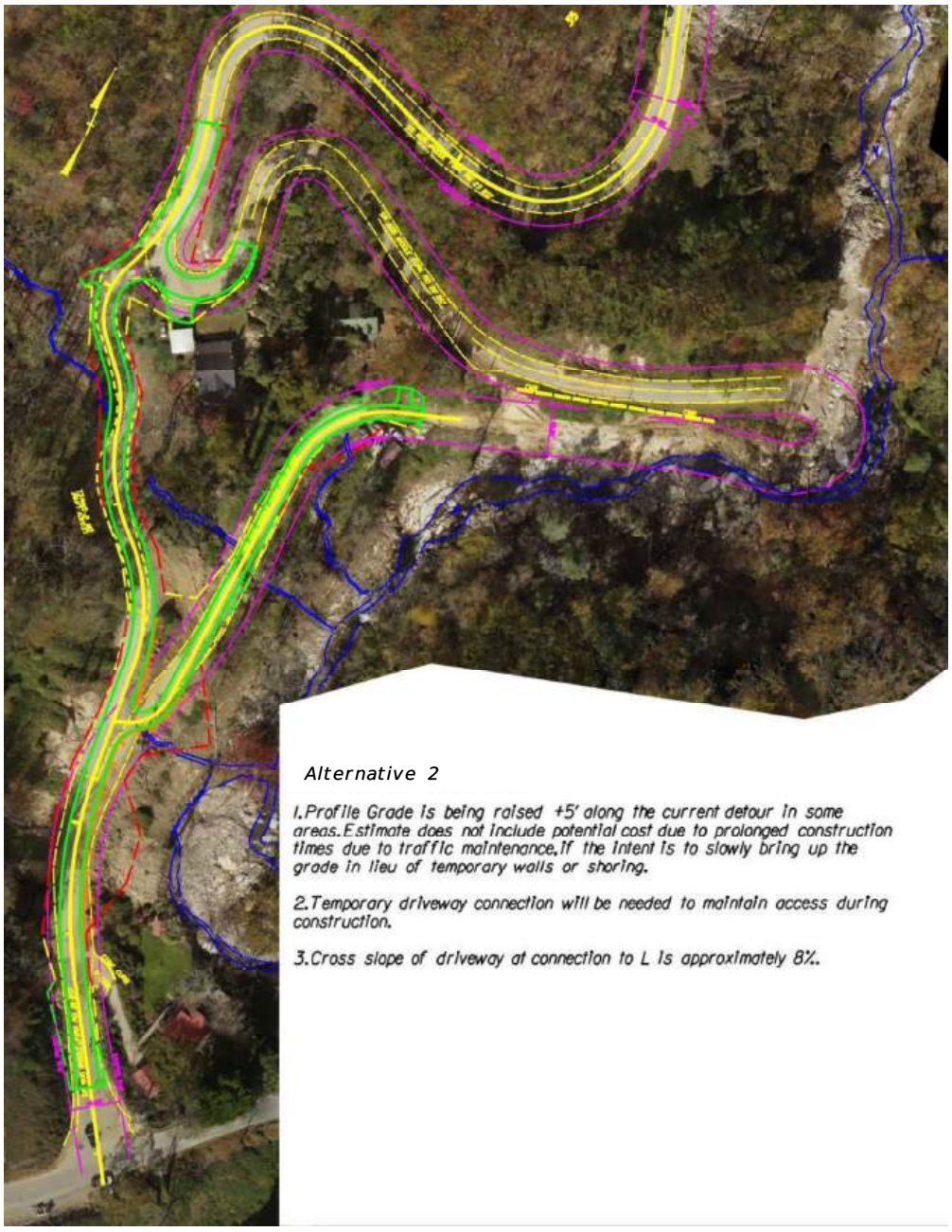
Figure 2. Alternative 1: Culvert



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Alternative 2 proposes a new location alignment in the location of the existing detour. This alternative would replace the need for the existing switchback and instead build a new connection while maintaining existing driveway accesses and timber retaining wall along the existing switchback. Additionally, this alternative would raise the profile grade (up to 5′ in some areas) along the existing detour. The resulting steep profile grades would be difficult to navigate, especially in winter conditions, and would be challenging to maintain during construction.

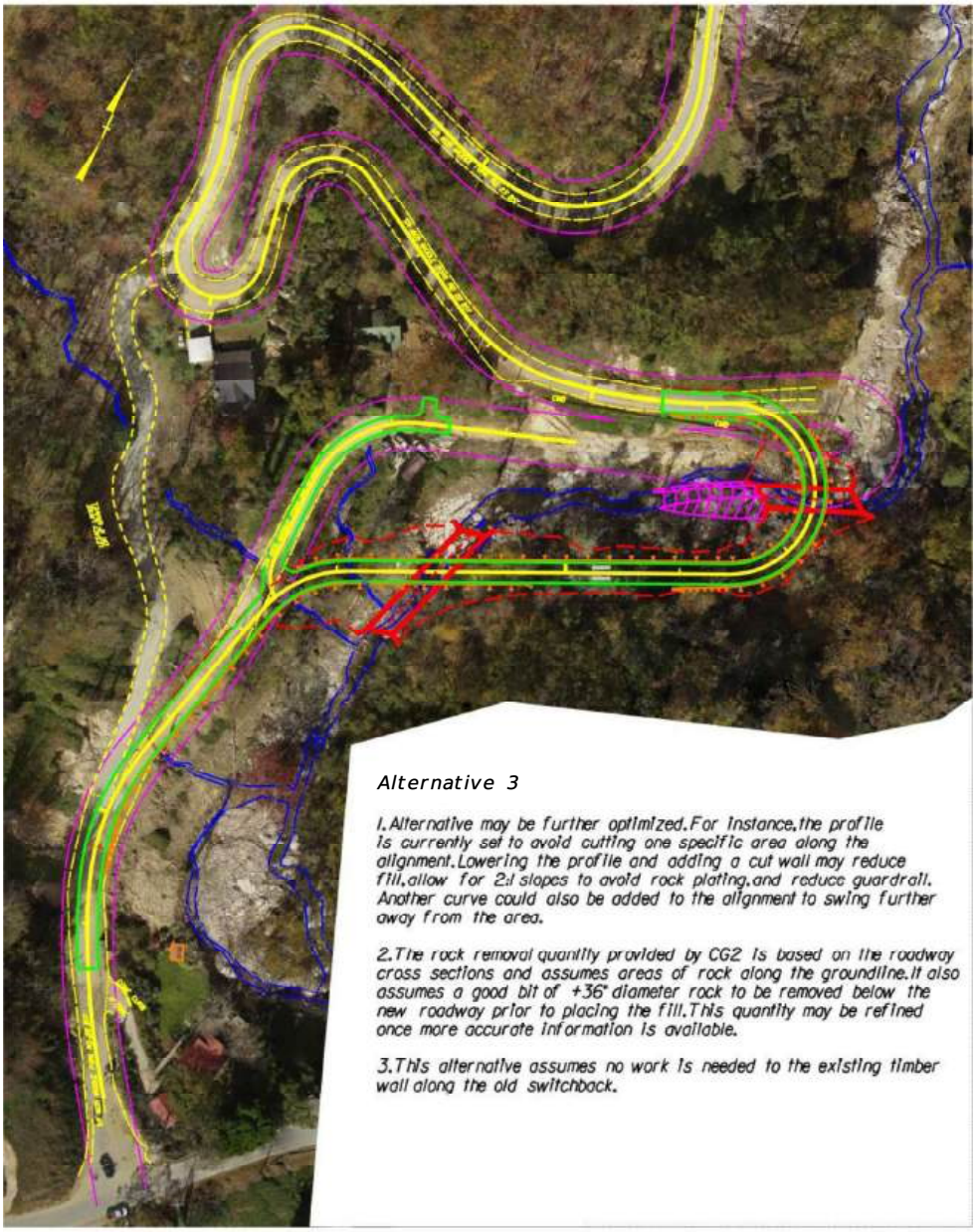
Figure 3. Alternative 2: Switchback Bypass



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Alternative 3 proposes to construct a new location alignment from the bottom of the existing switchback to the south side of the stream, and includes two new culverts. The proposed culverts are 84′ and 119′ long and are both 2@10′x8′. The goal of this alternative is to construct a new alignment in order to optimize the vertical grade and horizontal geometry of the proposed roadway. It was noted that although the proposed vertical grade and horizontal geometry make this a strong alternative, it may be difficult to obtain FEMA funds for this alternative since it is not proposing to replace the roadway to its existing condition.

Figure 4. Alternative 3: New Location Switchback



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Middle Fork Road/Toms Falls Road Site 1 Alternative Comparison Table

Feature		Alternative 1: Culvert	Alternative 2: Switchback Bypass	Alternative 3: New Location Switchback
Design Description		Alignment along the previous existing switchback location, utilizing a culvert (140′ x 20′ x 6′) and stream relocation	Alignment along the existing detour, raising the profile resulting in steep vertical grades	Alignment along new location, utilizing two culverts at stream crossings. Culverts are 84′ and 119′ long, 2@10′x8′.
Impacts	Total No. of Impacted Parcels	7 (2 permanent)	8 (5 permanent)	4 (3 permanent)
	Construction Cost	$4,200,000	$2,450,000	$5,000,000
	Stream Impacts (Linear Feet)	487	0	452
Notes		- Replacing roadway to existing condition - Rebuild driveway and property access to pre-storm conditions	- Steep grades would pose maintenance issues, especially during winter months with snow and ice present - Concerns that upper and lower access driveways as well as existing retaining wall would need to be maintained by NCDOT	- Does not fit desired solution to replace the roadway to its previous condition - New culverts would be difficult to construct

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Conclusion

The project team chose to move forward with Alternative 1: Culvert. This decision was based mainly on the constructability benefits of this alternative since the other known impacts of each alternative were generally comparable.

NCDOT found that the grades of the relocated route in Alternative 2 (Switchback Bypass) were too steep and would pose issues during construction, especially during the winter months with snow and ice in the area. There were also maintenance concerns since the upper and lower access driveways and the existing retaining wall would ultimately need to be maintained by NCDOT. In regard to Alternative 3 (New Location Switchback), the project team felt that this alternative did not fit the desired solution as it was not replacing the roadway to its existing condition. Additionally, the new culverts would be difficult to construct.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Asheville Field Office
160 Zillicoa Street Suite B
Asheville, North Carolina 28801

July 7, 2025

Subject: Review Response for Transportation Project(s) Covered by the Western North Carolina Bat Programmatic Biological Opinion

Greetings:

The U.S. Fish and Wildlife Service, Asheville Ecological Services Field Office, has reviewed the project(s) submitted on May 15, 2025 for coverage under the Western North Carolina (WNC) Bat Programmatic Biological Opinion (PBO), issued April 1, 2025. Based on the submitted materials and any supplemental information provided, we confirm the project(s) meet the criteria for coverage under this PBO in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543) (ESA), thus concluding formal consultation for the project(s).

This correspondence conveys our review for listed/proposed bats covered by the WNC Bat PBO only. The lead federal agency (Federal Highway Administration or North Carolina Department of Transportation as their designee, or U.S. Army Corps of Engineers) remains responsible for ensuring that any other listed or proposed species and/or designated critical habitat that occurs within the project action area are addressed in accordance with section 7 of the ESA. For other listed species potentially occurring in the action area, if suitable habitat is absent from the action area, “No Effect” determinations are appropriate. For plants, in instances where suitable habitat is present and botanical surveys conducted during the optimal survey window and within the past one or two years (depending on the species) have negative results, we would concur with a biological determination of “may affect, not likely to adversely affect”.

Review and concurrence under the WNC Bat PBO are considered complete for the following project(s):

Project Title	NCDOT STIP/ID #	USFWS Log #
Widen US 321 from US 70 to SR 1933	U-4700	25-179
Widen US 21 from SR 2136 to Holly Point Drive, and from Northcross Center Ct. to SR 2147	U-5771/U-5767	25-180
Bearwallow Mountain Rd./US74A in-kind repairs	DF18314.2045120 W03290	25-181
US74A Gerton from Bearwallow Mtn Rd to US64/74A/NC9	18314.1045999CMGC	25-182
US74A/Middle Fork Rd./ Tom Falls Rd. repairs	DF18314.2045207 W03292	25-183
Bald Rock Rd. – Gilliam Mtn Rd./Sugarloaf Mtn Rd. repairs	DF18314.2045060 W03289	25-184

Docusign Envelope ID: 9983B5B9-8D3C-4971-AA0C-BFDFAA787728

NC9 from 74A to Buncombe Co. line repairs	18314.1045035 W0920	25-185
NC88 landslide repair	28DE NC88 landslide	25-186

We appreciate the opportunity for review and comment.

Sincerely,

U.S. Fish and Wildlife Service, Asheville Field Office