



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

July 29, 2025

J.R. "JOEY" HOPKINS
SECRETARY

U. S. Army Corps of Engineers
Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, NC 28805

NC Division of Water Resources
Transportation Permitting Branch
2090 U.S. 70 Highway
Swannanoa, NC 28778-8211

ATTN: Ms. Lori Beckwith,
NCDOT Coordinator

Ms. Amy Annino,
NCDOT Coordinator

Subject: **Application for Section 404 Nationwide Permit 3 & Written 401 Water Quality Certification under the Expedited Processing Provisions for Hurricane Helene Response**
for the Replacement of Structure 173 over Middle Creek on SR 1159 (Rock Creek Road) in Yancey County, Division 13, WBS DF18313.2100031.PR.

Dear Madams:

The North Carolina Department of Transportation (NCDOT) proposes the replacement of Structure No. 173 conveying Middle Creek as the result of damage caused by Hurricane Helene in late September 2024.

Brief Damage Summary:

The dual, corrugated metal pipe arches were heavily damaged and not repairable.

Temporary/ emergency structure:

A temporary emergency 102" steel culvert detour structure is currently in-use for this facility, 49 feet in length.

Proposed Replacement:

Dual 142" x 91" corrugated metal pipe arches, 66 lf in length, are proposed to replace the pre-existing dual, 112"x 75" corrugated metal pipe arches, that were 70 feet in length.

Based on estimates of the previous location of the pipes, despite the shorter length of the new pipes, the skew appears to be slightly different. Therefore, NCDOT is accounting for 10 lf of permanent impact.

Due to the in-kind nature of this replacement, NCDOT is not proposing mitigation for this replacement.

Avoidance and Minimization:

- The new structure will provide a larger hydraulic opening.
- All proposed stormwater runoff is discharged as far away from the stream and at the lowest velocities practicable.

Lead Federal Agency:

FEMA 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	Impact Category	Permanent Fill	Bank Stabilization	Temporary Impacts	Permit Proposed/ Impact Description
Site 1 Middle Creek	Maintenance Exemption	--	--	--	--
	Non-Notifying	--	--	--	--
	Notification Required (Not After the fact)	10 lf (<0.01 ac)	---	--	NWP 3: The new pipes will result in 10 of permanent impact
		--	--	103 lf (0.06 ac)	NWP 3: -Temporary de-watering for the installation of the new pipes, and -Temporary impacts for the removal of the temporary detour pipe.
	Notification Required (After the fact)	--	--	49 lf	A temporary 102” steel pipe was used to provide emergency access after Helene.
	Totals:	10 lf (<0.01 ac)	--	152 lf (0.06 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 IPaC¹ as of the date of this application:

Common Name	Habitat Present	Survey Dates	Proposed Biological Conclusion	FWS Concurrence Remarks
Gray bat Northern long-eared bat Tricolored bat	No	n/a	No Effect	n/a
Bog turtle (Similarity of Appearance) ³	n/a	n/a	Not Required	n/a
Eastern Hellbender (Proposed) ²	n/a	n/a	n/a	n/a
Monarch butterfly (Proposed) ²	n/a	n/a	n/a	n/a
Small whorled pogonia	No	May 2025	No Effect	n/a
Virginia spiraea	No	May 2025	No Effect	n/a
Rock Gnome Lichen	No	n/a	No Effect	n/a

1 IPaC – Information for Planning and Consultation (US Fish and Wildlife Service)

2 Due to the recent listings of 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.

3 Similarity of Appearance (Threatened); A species that is threatened due to similarity of appearance with another listed species and is listed for its protection.

Historic Resources

Information Attached

106 Topic	Findings
Historic Architecture	The included NCDOT 106 Programmatic Agreement (PA) checklist was completed for this project. The checklist determined the project is exempt from further Section 106 review in accordance with NCDOT's Section 106 PA.
Archaeology	
Tribal Coordination	The PA checklist exempts the project from tribal coordination.

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



Pre-Construction Notification (PCN) Form

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

December 4, 2023 Ver 4.3

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

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

Below is a link to the online help file.

<https://edocs.deq.nc.gov/WaterResources/DocView.aspx?dbid=0&id=2196924>

A. Processing Information

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

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

☒ Yes ☐ No

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

☐ ARPA ☐ S.L. 2023-134 (earmark) ☒ No

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

Yancey

Is this a NCDMS Project? *

☐ Yes ☒ No

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

DO NOT CHECK YES, UNLESS YOU ARE DMS OR CO-APPLICANT.

Is this project a public transportation project? *

☒ Yes ☐ No

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

Is this a NCDOT Project? *

☒ Yes ☐ No

(NCDOT only) T.I.P. or state project number:

Replacement of Structure 173

WBS # *

DF18313.2100031.PR.

(for NCDOT use only)

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

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

Has this PCN previously been submitted? *

☐ Yes
☒ No

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

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

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

☐ Yes ☒ No

Nationwide Permit (NWP) Number:

03 - Maintenance

NWP Numbers (for multiple NWPS):

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

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

check all that apply

- ☒ 401 Water Quality Certification - Regular
☐ Non-404 Jurisdictional General Permit
☐ Individual 401 Water Quality Certification

- ☐ 401 Water Quality Certification - Express
☐ Riparian Buffer Authorization

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

*

For the record only for DWR 401 Certification:

☐ Yes ☒ No

For the record only for Corps Permit:

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

Acceptance Letter Attachment

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

FILE TYPE MUST BE PDF

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

☐ Yes ☒ No

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

☒ Yes ☐ No

You must submit a copy to the appropriate Wildlife Resources Commission Office.

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

B. Applicant Information



1a. Who is the Primary Contact? *

Michael Turchy

1b. Primary Contact Email: *

maturchy@ncdot.gov

1c. Primary Contact Phone: *

(xxx)xxx-xxxx

(919)707-6157

1d. Who is applying for the permit? *

☐ Owner

(Check all that apply)

☒ Applicant (other than owner)

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

☐ Yes ☒ No

2. Owner Information

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

NCDOT

2b. Deed book and page no.:

2c. Contact Person:

(for Corporations)

2d. Address *

Street Address

1598 Mail Service Center

Address Line 2

City

Raleigh

Postal / Zip Code

27699

State / Province / Region

NC

Country

United States

2e. Telephone Number: *

(xxx)xxx-xxxx

(919)707-6157

2f. Fax Number:

(xxx)xxx-xxxx

2g. Email Address: *

maturchy@ncdot.gov

3. Applicant Information (if different from owner)

3a. Name: *

Michael Turchy

3b. Business Name:

(if applicable)

3c. Address *

Street Address

1598 Mail Service Center

Address Line 2

City

Raleigh

Postal / Zip Code

27699

State / Province / Region

NC

Country

United States

3d. Telephone Number: *

(919)707-6157

(xxx)xxx-xxxx

3e. Fax Number:

(xxx)xxx-xxxx

3f. Email Address: *

maturchy@ncdot.gov

C. Project Information and Prior Project History

1. Project Information

1a. Name of project: *

Replacement of Structure 173 over Middle Creek

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town: *

Celo

2. Project Identification

2a. Property Identification Number:

(tax PIN or parcel ID)

2b. Property size:

(in acres)

2c. Project Address

Street Address

Address Line 2

City

Postal / Zip Code

State / Province / Region

Country

2d. Site coordinates in decimal degrees

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

Latitude: *

35.79130

ex: 34.208504

Longitude: *

-82.21214

-77.796371

3. Surface Waters

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

Middle Creek

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

C; Tr; ORW

[Surface Water Lookup](#)

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

French Broad

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

060101080203

[River Basin Lookup](#)

4. Project Description and History

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

Transportation facility damaged by Hurricane Helene. Land Use: Rural residential, forested.

4b. Have Corps permits or DWR certifications been obtained for this project (including all prior phases) in the past? *

☐ Yes ☒ No ☐ Unknown

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

0

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

(intermittent and perennial)

200

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

Re-establish the transportation facility damaged by Hurricane Helene.

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

See cover letter.

5. Jurisdictional Determinations

5a. Have the wetlands or streams been delineated on the property or proposed impact areas? *

☐ Yes ☒ No ☐ Unknown

Comments:

5b. If the Corps made a jurisdictional determination, what type of determination was made? *

☐ Preliminary ☐ Approved ☒ Not Verified ☐ Unknown ☐ N/A

Corps AID Number:

Example: SAW-2017-99999

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

Name (if known):

Agency/Consultant Company:

Other:

6. Future Project Plans

6a. Is this a phased project? *

☐ Yes ☒ No

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

D. Proposed Impacts Inventory

1. Impacts Summary

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

☐ Wetlands ☒ Streams-tributaries ☐ Buffers

☐ Open Waters ☐ Pond Construction

3. Stream Impacts

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

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

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

S1	Culvert Installation	Permanent	Culvert	Middle Creek	Perennial	Both	10 Average (feet)	10 (linear feet)
S2	Culvert Installation	Temporary	Dewatering	Middle Creek	Perennial	Both	10 Average (feet)	103 (linear feet)

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

3i. Total jurisdictional ditch impact in square feet:

0

3i. Total permanent stream impacts:

10

3i. Total temporary stream impacts:

103

3i. Total stream and ditch impacts:

113

3j. Comments:

See cover letter for emergency, after-the-fact impacts.

E. Impact Justification and Mitigation

1. Avoidance and Minimization

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

See cover letter

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

See cover letter.

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

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

☐ Yes ☒ No

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

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

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

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

1. Diffuse Flow Plan

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

☐ Yes ☒ No

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

If no, explain why:

2. Stormwater Management Plan

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

☒ Yes ☐ No

Comments:

G. Supplementary Information

1. Environmental Documentation

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

☒ Yes ☐ No

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

☒ Yes ☐ No

1c. If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) *

☒ Yes ☐ No

2. Violations (DWR Requirement)

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

☐ Yes ☒ No

3. Cumulative Impacts (DWR Requirement)

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

☐ Yes ☒ No

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

4. Sewage Disposal (DWR Requirement)

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

☐ Yes ☐ No ☒ N/A

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

5c. If yes, indicate the USFWS Field Office you have contacted.

Asheville

5d. Is another Federal agency involved? *

☒ Yes ☐ No ☐ Unknown

What Federal Agency is involved?

FEMA

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

IPaC

6. Essential Fish Habitat (Corps Requirement)

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

☐ Yes ☒ No

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

EFH Mapping

7. Historic or Prehistoric Cultural Resources (Corps Requirement)

Link to the State Historic Preservation Office Historic Properties Map (does not include archaeological data: <http://gis.ncdcr.gov/hpweb/>)

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

☐ Yes ☒ No

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

See cover letter.

8. Flood Zone Designation (Corps Requirement)

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

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

☐ Yes ☒ No

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

FEMA Mapping

Miscellaneous

Comments

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

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

Yancey 173 - Application Components.pdf

2.5MB

[File must be PDF or KMZ](#)

Signature

*

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

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

Full Name: *

Michael Turchy



Signature *



Michael Turchy

Date

7/29/2025

Permit Drawings

		<div>North Carolina Department of Transportation</div> <div>Highway Stormwater Program</div> <div>STORMWATER MANAGEMENT PLAN</div> <div>FOR NCDOT PROJECTS</div>									
(Version 3.02; Released April 23, 2024)											
WBS Element: N/A		TIP/Proj No: DF18313.2100031.PR		County(ies): Yancey			Page 1 of 2				
General Project Information											
WBS Element:		N/A		TIP Number:		DF18313.2100031.PR		Project Type: Other		Date: 6/30/2025	
NCDOT Contact:		Yates Allen (Division Environmental Officer)				Contractor / Designer:		TGS Engineers (Rusty Lassiter)			
		Address: NCDOT Highway Division 13 55 Orange Street Asheville NC, 28801						Address: 706 Hillsborough Street Suite 200 Raleigh NC, 27603			
		Phone: 828-250-3002						Phone: 919-773-8887 ext. 121			
		Email: yallen@ncdot.gov						Email: rlassiter@tgsengineers.com			
City/Town:		Celo				County(ies):		Yancey			
River Basin(s):		French Broad				CAMA County?		No			
Wetlands within Project Limits?		No									
Project Description											
Project Length (lin. miles or feet):		0.076 miles		Surrounding Land Use:		Rural: wooded, low-density residential, Pisgah National Forest					
		Proposed Project						Existing Site			
Project Built-Upon Area (ac.)		0.2		ac.		0.2		ac.			
Typical Cross Section Description:		Two 10' paved lanes with 3' paved shoulders.						Two 9' paved lanes w/ 0.5' paved shoulders.			
Annual Avg Daily Traffic (veh/hr/day):		Design/Future: 430		Year: 2045		Existing: 350		Year: 2025			
General Project Narrative: (Description of Minimization of Water Quality Impacts)		<p>NCDOT Project DF18313.2100031.PR involves the emergency replacement of Structure #990173 over Middle Creek on SR-1159 (Rock Creek Rd) in Yancey County, NC. The pipes were heavily damaged during Hurricane Helene in September 2024. Proposed 2@142"x91" corrugated metal pipe arches to replace pre-existing 2@112"x75" corrugated metal pipe arches. All proposed stormwater runoff is discharged as far away from the stream and at the lowest velocities practicable.</p> <p>The temporary 102" steel tank culvert detour upstream of the proposed pipes is to be removed and returned to natural conditions.</p> <p>All impacts to the project have been minimized to the maximum extent practicable.</p>									

		<div>North Carolina Department of Transportation</div> <div>Highway Stormwater Program</div> <div>STORMWATER MANAGEMENT PLAN</div> <div>FOR NCDOT PROJECTS</div>					
(Version 3.02; Released April 23, 2024)							
WBS Element: N/A		TIP/Proj No.: DF18313.2100031.PR		County(ies): Yancey		Page 2 of 2	
General Project Information							
Waterbody Information							
Surface Water Body (1):		Middle Creek		NCDWR Stream Index No.:		7-2-52-18	
NCDWR Surface Water Classification for Water Body		Primary Classification:		Class C			
		Supplemental Classification:		Trout Waters (Tr) Waters (ORW)			
Other Stream Classification:		None					
Impairments:		None					
Aquatic T&E Species?		No		Comments:			
NRTR Stream ID:		Middle Creek		Buffer Rules in Effect:		N/A	
Project Includes Bridge Spanning Water Body?		No		Deck Drains Discharge Over Buffer?		N/A	
Deck Drains Discharge Over Water Body?		No		(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 Surface Water Classification for Water Body		Primary Classification:					
		Supplemental Classification:					
Other Stream Classification:							
Impairments:							
Aquatic T&E Species?				Comments:			
NRTR Stream ID:				Buffer Rules in Effect:			
Project Includes Bridge Spanning Water Body?				Deck Drains Discharge Over 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 Surface Water Classification for Water Body		Primary Classification:					
		Supplemental Classification:					
Other Stream Classification:							
Impairments:							
Aquatic T&E Species?				Comments:			
NRTR Stream ID:				Buffer Rules in Effect:			
Project Includes Bridge Spanning Water Body?				Deck Drains Discharge Over 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)							

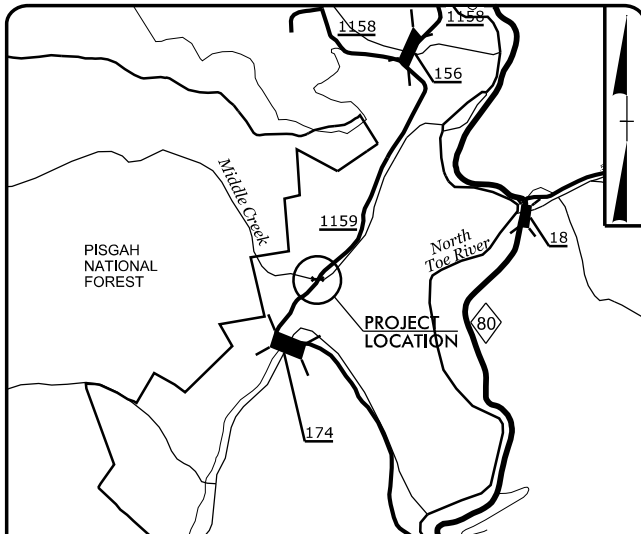
7/21/2025
X:\NCDOT\LEDB Div 13 Group 14\Yancey 990173\Hydraulics\PERMITS_Environmental\Drawings\173_prm_tsh.dgn
User:rtashter

09/08/99

PROJECT: DF18313.2100031.PR

CONTRACT: C205030

See Sheet 1A For Index of Sheets



VICINITY MAP (NTS)

RIGHT OF WAY PLANS

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

YANCEY COUNTY

LOCATION: REPLACEMENT OF STRUCTURE #990173
ON SR 1159 (ROCK CREEK RD) OVER
MIDDLE CREEK

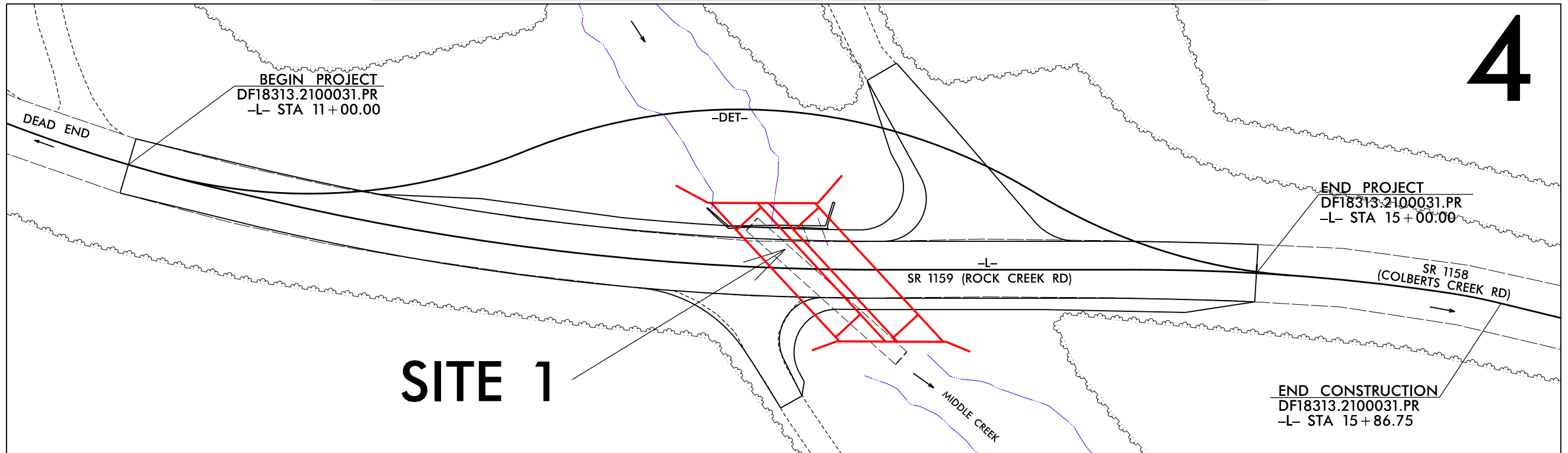
TYPE OF WORK: GRADING, DRAINAGE,
PAVING, & STRUCTURE

2025.07.21

WETLAND AND SURFACE WATER IMPACTS PERMIT

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	DF18313.2100031.PR	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
DF18313.2100031.PR		PE	
DF18313.2100031.PR		R/W	
DF18313.2100031.PR		UTIL.	
DF18313.2100031.PR		CONST.	

PERMIT DRAWING
SHEET 1 OF 5



SITE 1

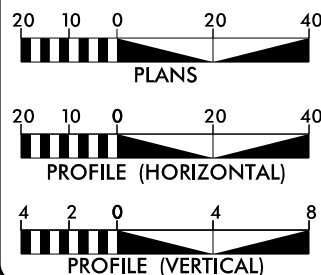
THIS IS NOT A CONTROLLED ACCESS PROJECT.

CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY NATIONAL FOREST SERVICE LANDS PROJECT SPECIAL PROVISION.

THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

GRAPHIC SCALES



DESIGN DATA

ADT 2025 = 350
ADT 2045 = 430
V = 40 MPH
TTST = 3% DUAL = 3%
FUNC CLASS = LOCAL
SUBREGIONAL TIER

PROJECT LENGTH

LENGTH OF ROADWAY PROJECT DF18313.2100031.PR = 0.076 MILES
TOTAL LENGTH OF PROJECT DF18313.2100031.PR = 0.076 MILES

PLANS PREPARED BY:

TCS
TCS ENGINEERS
201 W. WARREN ST
SHELBY, NC 28150
PH (704) 476-0003
CORP. LICENSE NO. C-0276

BURNS
R.E. BURNS & SONS CO
P.O. BOX 7168
STATESVILLE, NC 28687
PH (704) 924-8658

2024 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:
MAR. 18, 2025

LETTING DATE:
MAR. 18, 2025

PLANS PREPARED FOR:

NCDOT
ALTERNATIVE DELIVERY UNIT
1020 BIRCH RIDGE DR
RALEIGH, NC 27610

JIMMY L. TERRY, PE
PROJECT ENGINEER

KATELYN S. ALMOND
PROJECT DESIGN ENGINEER

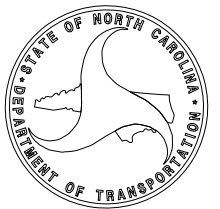
SOLOMON MENGESHA
NCDOT CONTACT

HYDRAULICS ENGINEER

SIGNATURE: _____ P.E.

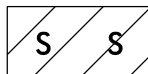
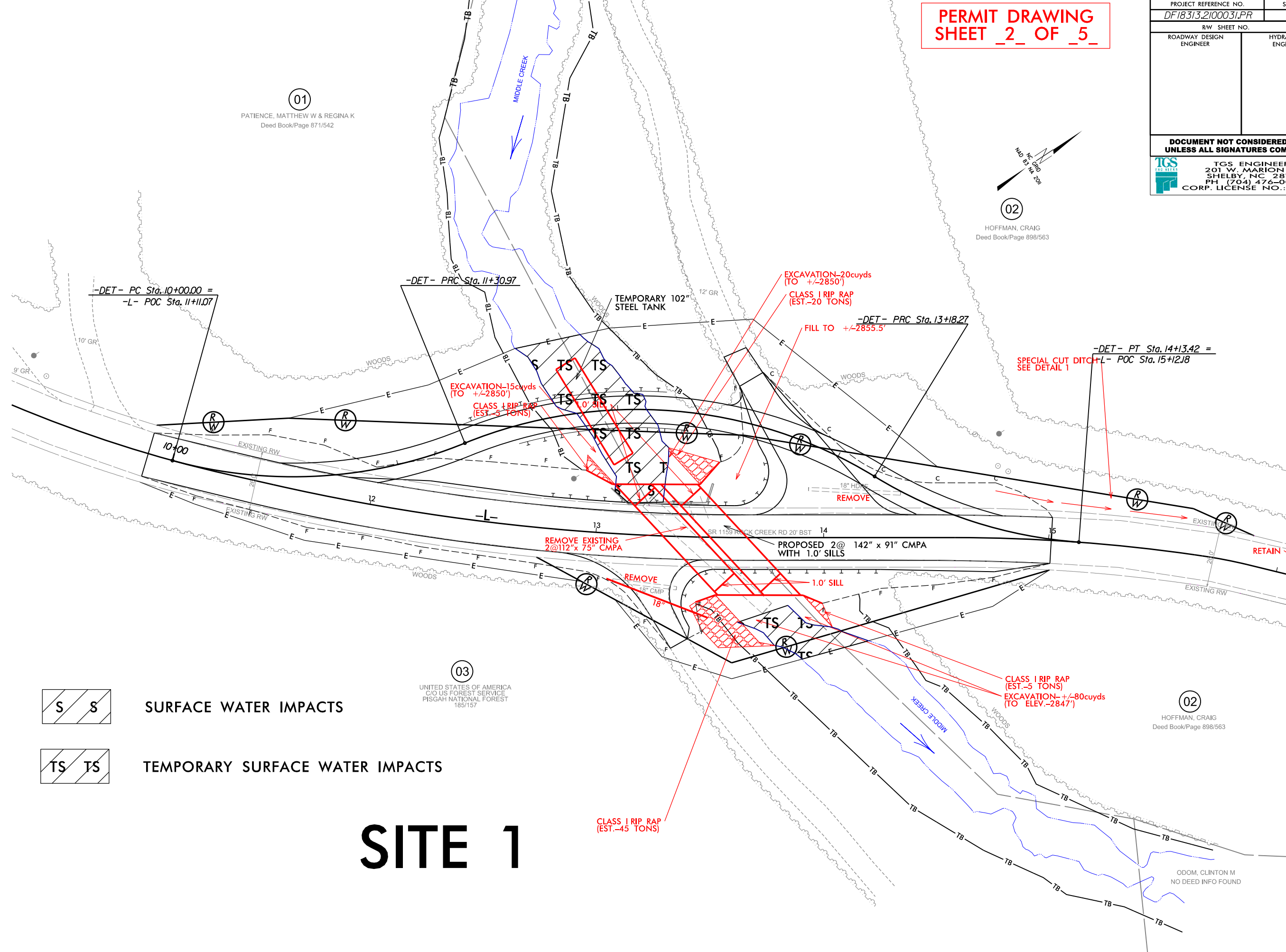
ROADWAY DESIGN
ENGINEER

SIGNATURE: _____ P.E.



8/17/99
7/2/2025
X:\CADD\EDB Div 13 Group 14\Yancey 990173\Hydraulics\PERMITS\Environmental\Drawings\173_prm_psh.dgn
User: c:\ossat

REVISIONS



SURFACE WATER IMPACTS

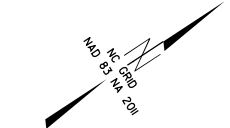


TEMPORARY SURFACE WATER IMPACTS

SITE 1

PERMIT DRAWING
SHEET _2_ OF _5_

PROJECT REFERENCE NO. DF18313.2100031.PR	SHEET NO. 4
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	
TGS ENGINEERS 201 W. MARION ST SHELBY, NC 28150 PH (704) 476-0003 CORP. LICENSE NO.: C-0275	



02
HOFFMAN, CRAIG
Deed Book/Page 898/563

02
HOFFMAN, CRAIG
Deed Book/Page 898/563

ODOM, CLINTON M
NO DEED INFO FOUND

03
UNITED STATES OF AMERICA
C/O US FOREST SERVICE
PISGAH NATIONAL FOREST
185/157

CULVERT HYDRAULIC DATA (2@ 142"x91" CMPA)		
DESIGN DISCHARGE	= 520	CFS
DESIGN FREQUENCY	= 25	YRS
DESIGN HW ELEVATION	= 2853.8	FT
BASE DISCHARGE	= 810	CFS
BASE FREQUENCY	= 100	YRS
BASE HW ELEVATION	= 2855.5	FT
OVERTOPPING DISCHARGE	= 920	CFS
OVERTOPPING FREQUENCY	= 100+	YRS
OVERTOPPING ELEVATION	= 2856.0	FT



TGS ENGINEERS
201 W. MARION ST
SHELBY, NC 28150
PH (704) 476-0003
CORP. LICENSE NO.: C-0275

FOR -L- PLAN, SEE SHEET NO. 4

POINT	NORTH	EAST	ELEV.	DESCRIPTION
BM1	758411.782	1047626.774	2852.84	RR SPIKE IN 12" DOUBLE POPLAR

$PI = 14+40.00$
 $EL = 2,851.93'$
 $VC = 120'$
 $K = 28$
 $DS = 25 \text{ MPH}$

END GRADE
-L- STA. 15+00.00
ELEV = 2,850.40

SITE 1

100YR WSEL-2855.5'

25YR WSEL-2853.8'

10'

REMOVE EXISTING 112"x75" CMP
(SECOND PIPE WASHED AWAY
DURING HURRICANE HELENE)

2@142"x 91" CMPA

UPSTREAM FACE
INLET INV.-2848.7

-DET-

FOR -DET- PLAN, SEE SHEET NO. 2B-1

CULVERT HYDRAULIC DATA (102" STEEL TANK CULVERT)		
DESIGN DISCHARGE	= 135	CFS
DESIGN FREQUENCY	= 2	YRS
DESIGN HW ELEVATION	= 2856.2	FT
BASE DISCHARGE	= N/A	CFS
BASE FREQUENCY	= N/A	YRS
BASE HW ELEVATION	= N/A	FT
OVERTOPPING DISCHARGE	= N/A	CFS
OVERTOPPING FREQUENCY	= N/A	YRS
OVERTOPPING ELEVATION	= N/A	FT

SITE 1

BEGIN GRADE
-DET- STA.10+71.46
FLV = 2.868.55

10YR WSEL-2859.2'
5YR WSEL-2857.9'

PROPOSED 102"
STEEL TANK CULVERT
(BURY 1.0')

$PI = 13+00.00$
 $EL = 2,853.48'$
 $VC = 100'$
 $K = 35$
 $DS = 25 \text{ MPH}$

END GRADE
-DET - STA.13+57.08
ELEV = 2.85134

WETLAND AND SURACE WATER IMPACTS SUMMARY													
Site No.	Station (From/To)	Structure Size / Type	Stream Name	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- 13+00 to 14+00 LT & RT	Temporary Dewatering/ 2@ 142"x 91" CMPA	Middle Creek						0.004	0.060	10	103	
TOTALS*:				0.000	0.000	0.000	0.000	0.000	0.004	0.060	10	103	0

NOTES:

1. No wetlands were identified within the study area.

1. No wetlands were identified within the study area.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
7/21/2025
Yancey County
DF18313.2100031.PR
Bridge 990173
SHEET 5 OF 5

Section 106 Checklist

Cultural Resources Programmatic Agreement Screening Checklist for Section 106

Project TIP: FA: WBS: DF18313.2100031

Project Name: repair/replace Pipe 173 **County:** Yancey

Project Description: Repair/replace Pipe 173 over Middle Creek on Rock Creek Road due to damages incurred by Hurricane Helene

Funding Source: anticipated federal reimbursement **Lead Federal Agency:** FHWA/FEMA

Permits Anticipated: none anticipated

Instructions:

NCDOT Project Managers, Project Engineers, or the Division Environmental Staff shall complete the following checklist based upon knowledge of the project site and adjacent parcels. Webservices (<https://www.ncdcr.gov/about/history/division-historical-resources/gis-maps-and-data>) should be reviewed for NRHP Eligible or Listed Buildings, Districts, Objects, Sites, or Structures. Before checking “Unable to Determine”, efforts should be made to acquire any available information. If the answer to any question is “Yes” or “Unable to Determine”, the undertaking is subject to further historic preservation review by NCDOT Cultural Resources staff. If answers to all the questions are “No”, the undertaking will be considered to have *Little Potential to Cause Effects – Exempt Activities* and excluded from further historic preservation review, until differing information is discovered. Please reference “Appendix A *Exempt Activities Under Section 106*” of the Programmatic Agreement for Transportation Program in North Carolina prior to completion.

	Yes	No	Unable to Determine
A. Would this activity have the potential to cause effects on historic properties, assuming historic properties are present? See list in Appendix A.		X	
B. Is this project directly related to other actions with individually insignificant, but cumulatively significant environmental effects?		X	
C. Are you aware of any concerns raised by the owner of a historic property or public controversy for this undertaking?		X	
D. Locations of cemeteries have been found on the webservices? (https://www.ncdcr.gov/about/history/division-historical-resources/gis-maps-and-data)		X	

By my signature, I certify that I have completed a site visit or am familiar with the specifics of the project and to the best of my knowledge answers to the questions above are correct. I also understand that no further environmental analysis is required at this time, as all of the answers are “No”.

Christine Farrell

Christine Farrell

11/6/2024

Name (print)

Signature

Date

NEPA Document

Type I or II Categorical Exclusion Action Classification Form

STIP/Project No. Pipe 173, Div 13, Yancey County

WBS/DF Element DF18313.2100031

Federal Project No. _____

A. Project Description:

The North Carolina Department of Transportation (NCDOT) intends to re-establish Pipe 173 over Middle Creek on Rock Creek Road in Yancey County, North Carolina (Division 13). See vicinity map.

B. Description of Need and Purpose:

The Purpose of the project is to replace a structure damaged by floodwaters associated with Hurricane Helene which made landfall in Florida on September 26, 2024. The repair/replacement work is needed to restore essential traffic in Western North Carolina.

C. Categorical Exclusion Action Classification:

Type I(A) - Ground Disturbing Action

D. Proposed Improvements:

9. The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

a) Emergency repairs under 23 U.S.C. 125; and

b) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

i) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

ii) Is commenced within a 2-year period beginning on the date of the declaration.

and/or

28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e)(1-6).

E. Special Project Information:

NCDOT conducted a desktop GIS analysis for potential natural and human environment features in early November 2024. The study area was defined as a 200-foot buffer around the location. NCDOT is utilizing an Emergency Express Design-Build contracting process to expedite this process. The repair/replacement work is anticipated to occur within the current NCDOT right-of-way (ROW). If additional ROW is required, or if the final design results in potential impacts outside of the study area, NCDOT will re-evaluate and document any additional effects. NCDOT is conducting ongoing federal

and state agency coordination to determine the most expedient processes for accomplishing NEPA compliance while adhering to emergency relief protocols.

NCDOT is providing comprehensive public outreach to our western NC communities in lieu of site-specific outreach. As site-specific information becomes available, NCDOT will use its various outreach platforms to inform the public.

A Direct and Indirect Screening Tool (DIST) was used to assess potential impacts to the local community, farm lands, and pedestrian accommodations (see project site). The location is surrounded by protected farmland. Should any additional ROW or permanent easements be needed after design is available, the preliminary screening process should be initiated with Community Studies.

The NCDOT 106 PA checklist was completed for this project (see project site). The checklist determined the project is exempt from further Section 106 review in accordance with NCDOT's Section 106 PA. The PA also exempts the project from any further tribal coordination.

The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool was reviewed on November 1, 2024. USFWS lists the following species below as federally protected with potential to be found within the project study area as of this date:

Species Name	Scientific Name	ESA Status	Biological Conclusion	Habitat Present
Gray bat	<i>Myotis grisescens</i>	Endangered	No Effect	No
Northern Long-eared bat	<i>Myotis septentrionalis</i>	Endangered	No Effect	No
Tricolored bat	<i>Perimyotis subflavus</i>	Proposed Endangered	No Effect	No
Appalachian Elktoe	<i>Alasmodonta raveneliana</i>	Endangered	No Effect	No
Small whorled pogonia	<i>Isotria medeoloides</i>	Threatened	No Effect	No
Rock gnome lichen	<i>Gymnoderma lineare</i>	Endangered	No Effect	No
Virginia spiraea	<i>Spiraea virginiana</i>	Threatened	No Effect	No

F. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)				
<p>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 (ground disturbing), 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.</p> <ul style="list-style-type: none"> <i>If any question 1-7 is checked “Yes” then NCDOT certification for FHWA approval is required.</i> <i>If any question 1-31 is checked “Yes” then additional information will be required for those questions in Section G.</i> 				
<p>PROJECT IMPACT THRESHOLDS (FHWA signature required if any of the questions 1-7 are marked “Yes”.)</p>			Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.</p>				
<p>Other Considerations</p>			Yes	No
8	Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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)? https://data-ncdenr.opendata.arcgis.com/datasets/surface-water-classifications/explore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11	Does the project impact Waters of the United States in any of the designated mountain trout streams? https://data-ncdenr.opendata.arcgis.com/datasets/surface-water-classifications/explore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area? https://www.rivers.gov/carp/map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29	Is the project considered a Type I under the NCDOT Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. Additional Documentation as Required from Section F (ONLY for questions marked 'Yes'):

8. NCDOT and our federal partners, USACE and FHWA, completed consultation with USFWS in August 2024 to develop a Programmatic Section 7 Agreement for federally listed bat species in western NC (Divisions 9-14) after initiating the formal consultation process on 5/16/24. Per 50 CFR 402.12 issuance of a Programmatic Biological Opinion (PBO) was required on or before 09/30/24. Following recent and ongoing discussions with all parties, USFWS is expected to issue the PBO in February 2025. Once the PBO is issued, if Section 7 for this project has not been completed, it may need to be evaluated under the terms and conditions of the agreement.

10. The project is located within a C;Tr,ORW stream. NCDOT anticipates incorporating Design Standards for Sensitive Watersheds per 15A NCAC 04B .0124. If a USACE 404 permit is required for the project, additional information related to stream impacts will be addressed there.

11. Middle Creek is a designated trout water per NCDWR Surfacewater Classification system. If a USACE 404 permit is required for this project, it may include requirements related to trout moratoriums.

21. The project is located within Pisgah National Forest, Appalachian Ranger District. Additional ROW needs are not currently anticipated. If additional ROW is required USFS coordination will occur.

25. This project is an emergency relief project due to Hurricane Helene impacts. Per 40 CFR § 93.126, it is exempt from the requirement to determine conformity because it does not involve substantial functional, locational or capacity changes (23 CFR 450.218(g)).

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

NCDOT PROJECT COMMITMENTS

WBS/DF DF18313.2100031

Re-establishment of Pipe 173 over Middle Creek on Rock Creek Road
Yancey County

Federal Aid Project No. **Federal Aid Number**

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

NCDOT and our federal partners, USACE and FHWA, completed consultation with USFWS in August 2024 to develop a Programmatic Section 7 Agreement for federally listed bat species in western NC (Divisions 9-14) after initiating the formal consultation process on 5/16/24. Per 50 CFR 402.12 issuance of a Programmatic Biological Opinion (PBO) was required on or before 09/30/24. Following recent and ongoing discussions with all parties, USFWS is expected to issue the PBO in February 2025. Once the PBO is issued, if Section 7 for this project has not been completed, it may need to be evaluated under the terms and conditions of the agreement.

Eastern Hellbender

The Eastern Hellbender 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.

In the meantime, NCDOT construction or division environmental offices may voluntarily coordinate with the North Carolina Wildlife Resources Commission (NCWRC) to assess and potentially relocate hellbenders from project sites in western North Carolina. It is recommended that they contact the NCWRC liaison at least two months before construction begins.

David McHenry

Email: david.mchenry@ncwildlife.org

Phone: (828) 476-1966

Monarch Butterfly

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.

The project is located within a C;Tr,ORW stream. NCDOT anticipates incorporating Design Standards for Sensitive Watersheds per 15A NCAC 04B .0124. If a USACE 404 permit is required for the project, additional information related to stream impacts will be addressed there.

Middle Creek is a designated trout water per NCDWR Surfacewater Classification system. If a USACE 404 permit is required for this project, it may include requirements related to trout moratoriums.

I. Categorical Exclusion Approval:

STIP/Project No. Pipe 173, Div 13, Yancey County

WBS/DF Element DF18313.2100031

Federal Project No. _____

Prepared By:

01/07/2025

Date



Christine Farrell, NEPA Program Consultant
Environmental Policy Unit, NCDOT

Prepared For:

NCDOT Division 13

Reviewed By:

2/10/2025

Date



Marissa Cox, Western Regional Team Lead
Environmental Policy Unit, NCDOT



Approved

- If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.



Certified

- If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
- If classified as Type III Categorical Exclusion.

2/10/2025

Date



John Jamison, Environmental Policy Unit Manager
North Carolina Department of Transportation

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 VII of the NCDOT-FHWA CE Programmatic Agreement for more details).



Pipe Number	Division	County	Location Description	Latitude	Longitude
990173	13	Yancey	SR 1159 (Rock Creek Rd) from 500ft N of Pipe #990173 to 800ft S of the Pipe	35.7913118	-82.2120003