STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

August 6, 2025

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 6 and 33, and corresponding Water Quality Certification 4260** under the Expedited Processing Provisions for Hurricane Helene Response for Geotechnical Survey Activities for the following projects within the **19W North** Repair Project in Yancey County, Division 13, adjacent or over the Cane River:

- 19W North near the previous location at bridge 93,
- Bridge 93 on SR 1343 (Murphytown Road),
- Bridge 124 on SR 1413 (Bent Creek Road)

WBS 18313.1100999

Dear Madams:

The North Carolina Department of Transportation (NCDOT) proposes the replacement of the aforereferenced bridges as the result of damage caused by Hurricane Helene in late September 2024.

This application is for the in-water geotechnical investigations required for the design of the structures.

Notification Required:
A PCN is required due to the biological conclusions other than No Effect.

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

Impact/Boring Summary

Location	Impact Description	NWP 6 Impact	NWP 33 Impact
93	The rebuilding of Bridges 93 and 124 will require geotechnical investigations for bridge piers. Access for the in-water borings will depend on water depths. If the water is less than 3 feet, the borings may be accessed by driving into the water to the boring location. If water depths are deeper than 3 feet, a temporary work pad will be required. The impact quantities for the Nationwide 33 request include these quantities. If a workpad is required, the workpad will be removed after the completion of the in-water boring activity. Drilling fluids will be contained or not anticipated. At no time will they come in contact with the water.	4 Borings, 0.4 sq. ft.	Temporary Work pad: 4,500 sq. ft.
124		4 Borings, 0.4 sq. ft.	Temporary Work pad: 0.04 sq. ft.
US 19W Roadway at previous location of Bridge 93	Geotechnical investigations are needed to determine the type of stabilization that is required at the sharp bend in the road and river at this location. Borings will likely be performed with a land-based rig adjacent to the existing road/water's edge where water is shallow. A temporary 15-foot-wide causeway or pad is needed to access the boring location, primarily to facility a safe slope for the equipment to operate. This pad is anticipated to be in the water for 2 weeks.	6 Borings 0.4 sq. ft.	No Temporary Work pad required.

Endangered Species Act
Protected Species listed from IPaC 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	Yes	n/a	Likely to Adversely Affect	See attached
Appalachian elktoe/ Critical Habitat	Yes	n/a	Likely to Adversely Affect	See attached
Small whorled pogonia	Yes	6/11/2025	No Effect	n/a
Bog turtle	No	n/a	Not Required	n/a
Virgina spiraea	Yes	6/11/2025	No Effect	n/a
Eastern hellbender P*	-	-	Not Required	n/a
Monarch butterfly P*	-	n/a	Not Required	n/a

P*=Due to the recent listings of the 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
Information Attached

106 Topic	Findings
Historic Architecture	Effects Determination Required
Archaeology	No Survey Required

Tribal Coordination
Tribal Coordination Letters (included as part of this application package) were sent to the following:

Tribe	Letter Sent	Response Received
Cherokee Nation	3/25/2025	Yes/attached
Eastern Band of Cherokee Indians	3/25/2025	No
Muscogee (Creek) Nation	3/25/2025	No
United Keetoowah Band of Cherokee Indians	3/25/2025	No
Catawba Indian Nation	3/35/2025	No

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

Sincerely,

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:

US 19W North - Helene Restoration

WBS # *

18313.1100999

(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: 6 - Survey Activities

Nationwide Permit (NWP) Number: 33 - Temporary Construction

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

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

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
- [x] Applicant (other than owner)

(Check all that apply)

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

State / Province / Region

NC

Postal / Zip Code

27699

Country

US

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

State / Province / Region

NC

Postal / Zip Code

27699

Country

US

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: *

US 19W North Section Helene Restoration

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town: *

Burnsville

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

State / Province / Region

Postal / Zip Code

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: *

36.0252

ex: 34.208504

Longitude: *

-82.3271

-77.796371

3. Surface Waters

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

Cane River

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

WS-II; Tr

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. *

060101080306

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.

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)

2000

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.

This is not a phased project, however there will be future applications for reconstruction of the bridges once these geotechnical investigations are complete and incorporated into the design.

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	Bridge 93 - Geotechnical Boring	Temporary	Other	Cane River	Perennial	Both	90 Average (feet)	1 (linear feet)
S2	Bridge 93 - Temporary Work Pad	Temporary	Workpad/Causeway	Cane River	Perennial	Both	90 Average (feet)	15 (linear feet)
S3	Bridge 124 - Geotechnical Boring	Temporary	Other	Cane River	Perennial	Both	90 Average (feet)	1 (linear feet)
S4	Bridge 124 - Temporary Work Pad	Temporary	Workpad/Causeway	Cane River	Perennial	Both	90 Average (feet)	15 (linear feet)
S5	US 19 - Geotechnical Boring	Temporary	Other	Cane River	Perennial	Both	90 Average (feet)	1 (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:

0

3i. Total temporary stream impacts:

33

3i. Total stream and ditch impacts:

33

3j. Comments:

See cover letter for detailed breakdown of 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:

impacts are not considered a loss of waters.

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

5g(1). If yes, have you inspected the bridge for signs of bat use such as staining, guano, bats, etc.? Representative photos of signs of bat use can be found in the NLEB SLOPES, Appendix F, pages 3-7.

( ) Yes (●) No

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

If you answered "Yes" to 5g(1), did you discover any signs of bat use? *

( ) Yes ( ) No (●) Unknown

***** If yes, please show the location of the bridge on the permit drawings/project plans.**

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? *

Attached USFWS Concurrence.

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/hpoweb/

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

○ Yes ◉ No

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

See attached Section 106 documents.

8. Flood Zone Designation (Corps Requirement)

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

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

◉ Yes ○ No

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

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

Helene US 19W North 2025-08-06 NWP 6 and 33 Application.pdf 25.98MB

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: *

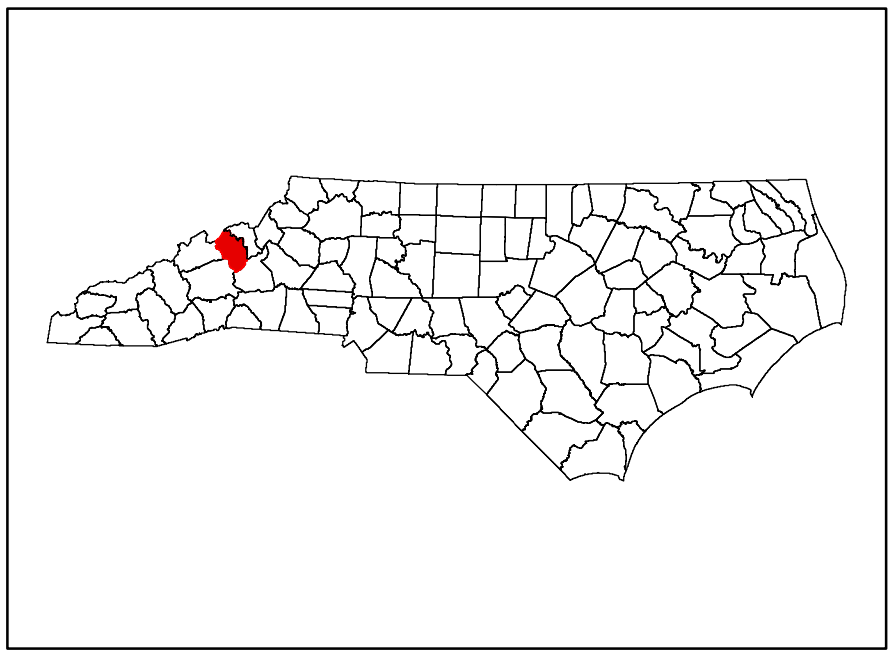
Michael Turchy

Signature *

Date

8/6/2025

Permit Drawings



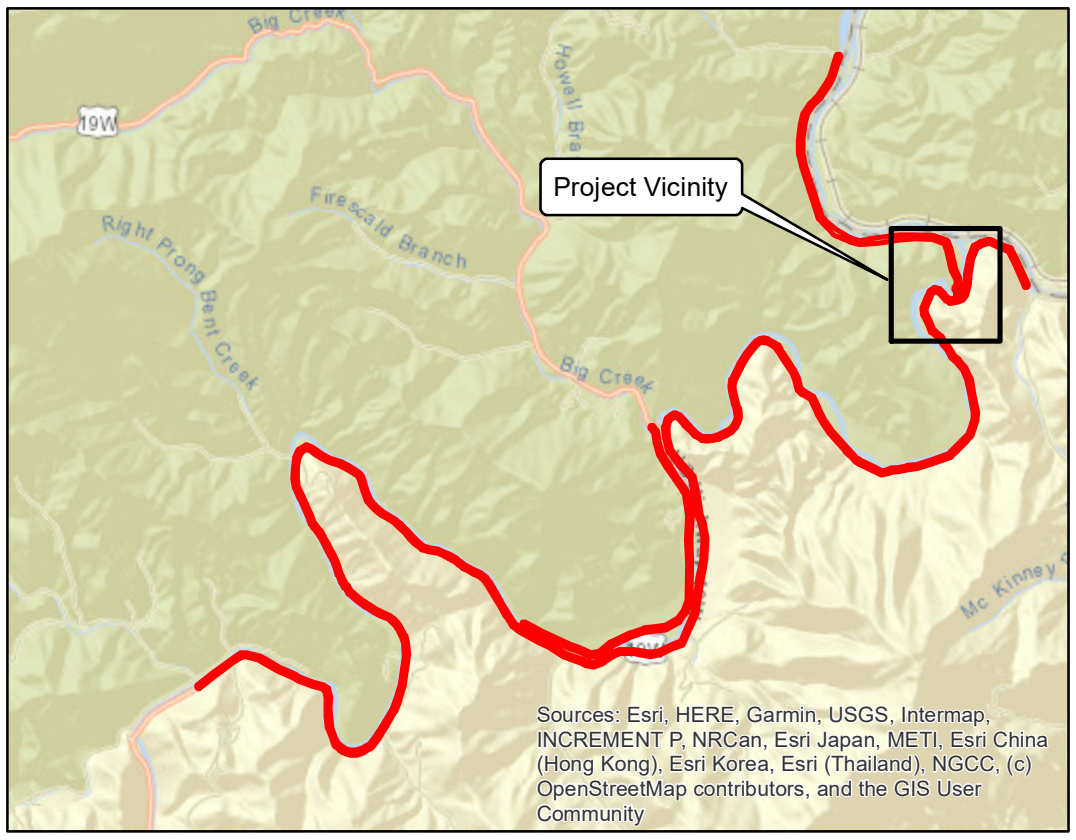
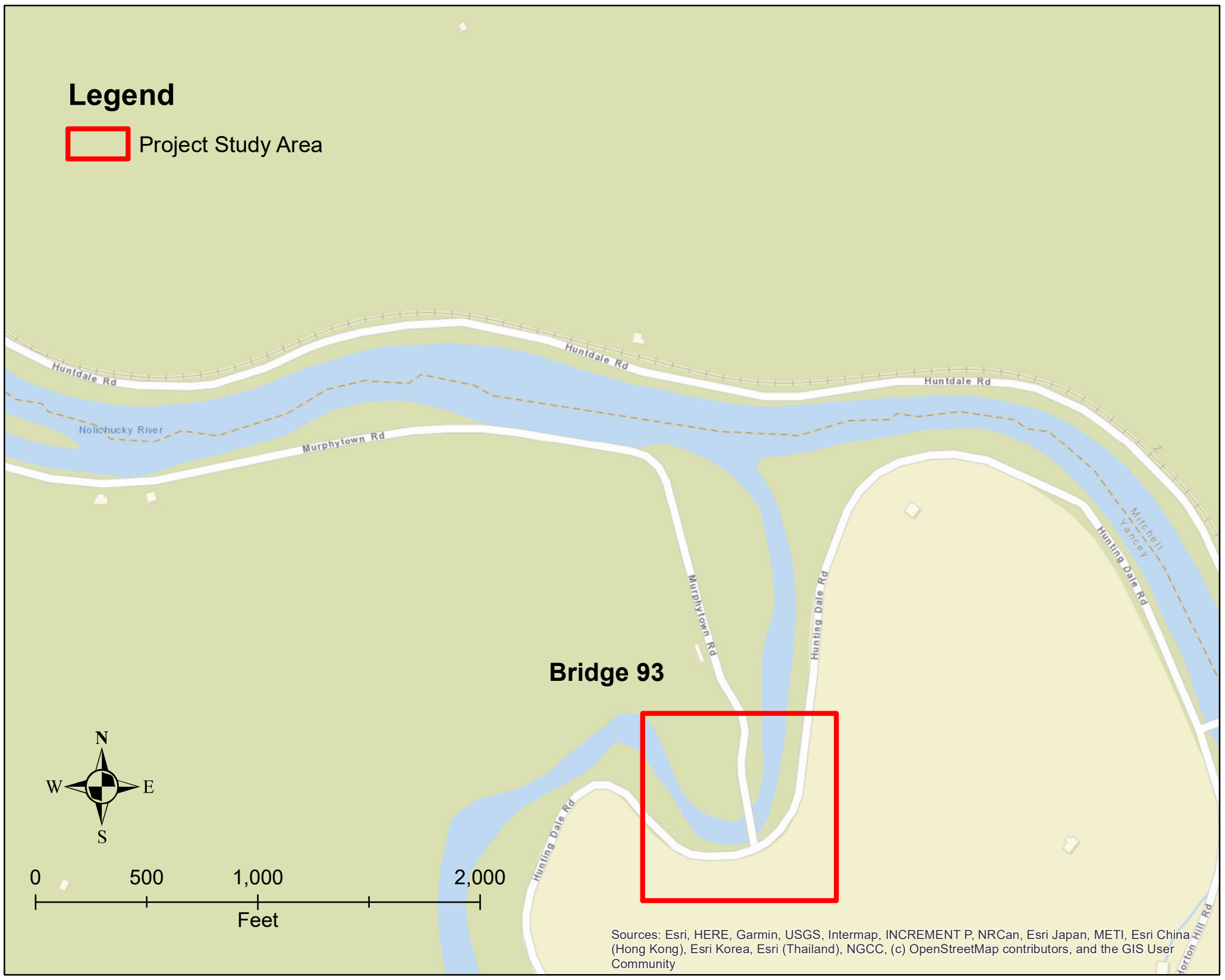
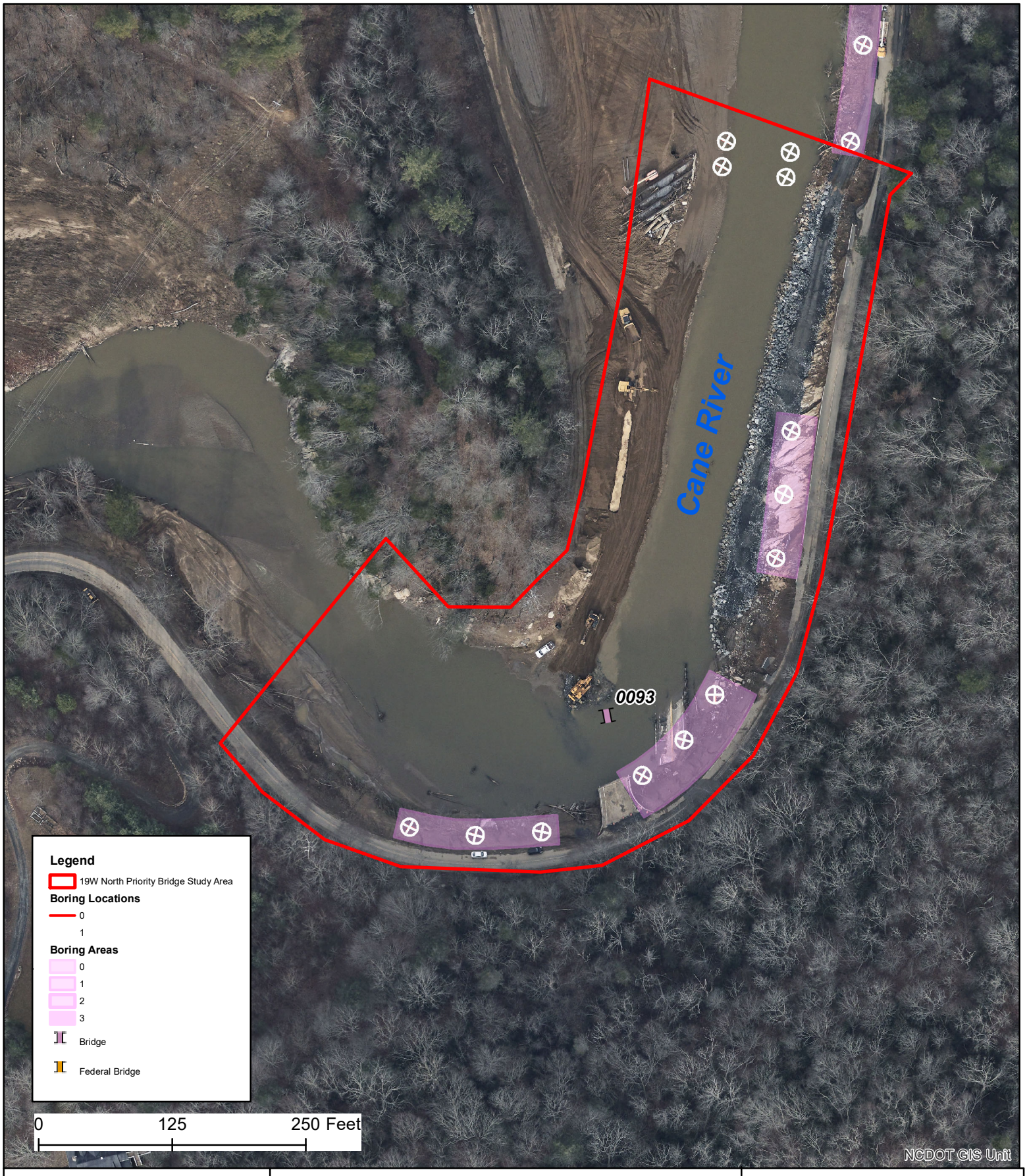


Figure 1
Vicinity Map

Bridge 93 on SR 1343 (Murphytown Road)
Burnsville, Yancey County, NC

June, 2025





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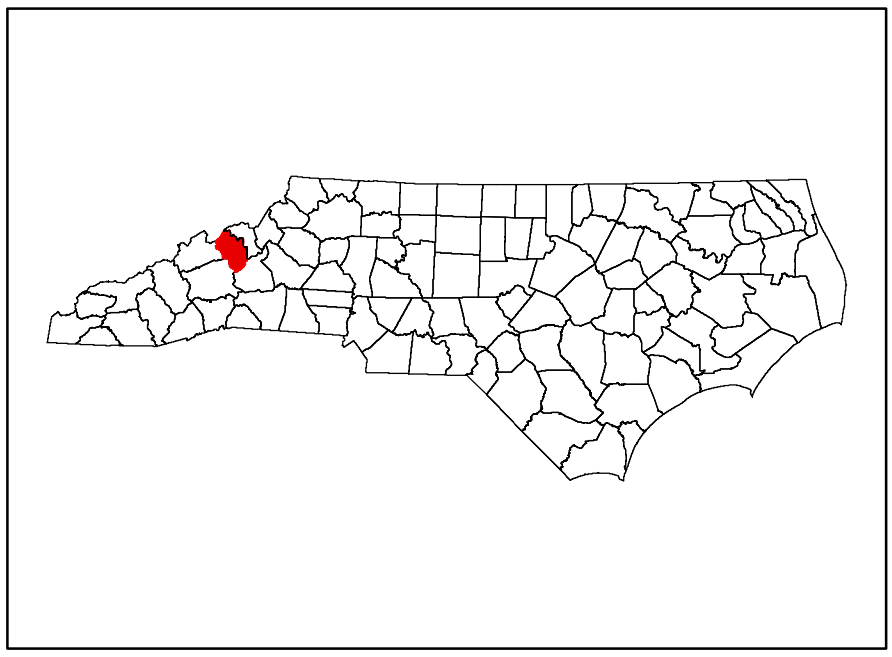
Sources:
NCDOT, NC OneMap, ESRI

April 2025

Helene Permanent Repairs
19W North Repair Project in Yancey County, Division 13,

Bridge 093 over the Cane River
WBS 18313.1100999



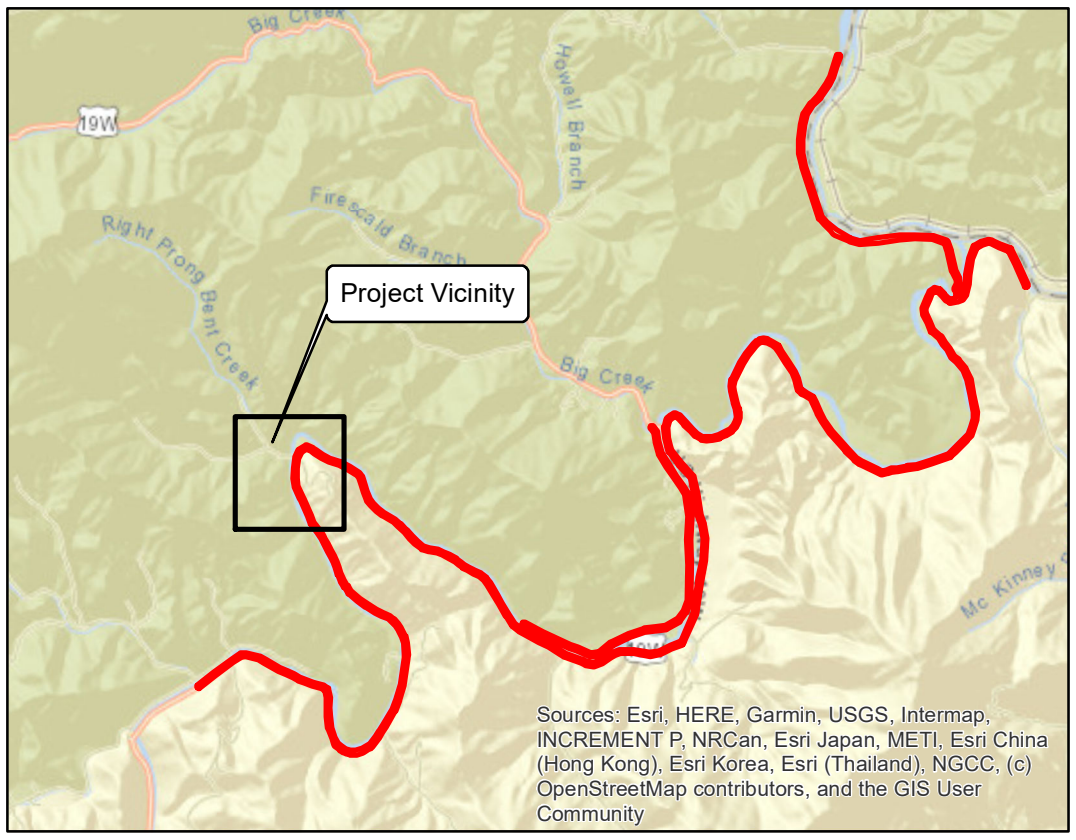
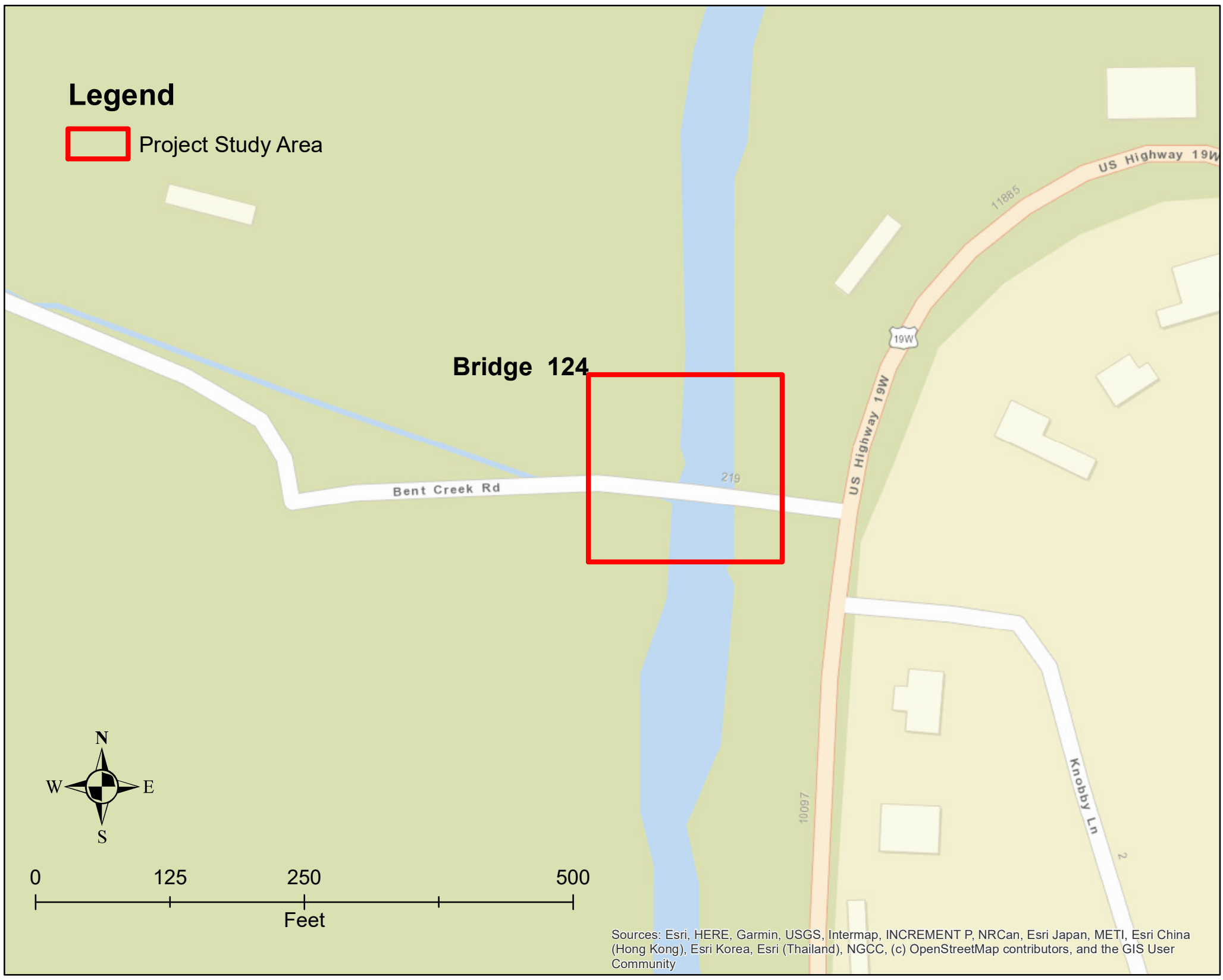


Figure 1
Vicinity Map

Bridge 124 on SR 1413 (Bent Creek Road)
Burnsville, Yancey County, NC

June, 2025



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NCDOT, NC OneMap, ESRI

April 2025

Helene Permanent Repairs
19W North Repair Project in Yancey County, Division 13

Bridge 124 over the Cane River
WBS 18313.1100999

ESA Consultation

Biological Opinions and Informal Consultations – Batch Format

Replace Bridge 093, Bridge 124, and Bridge 138 Destroyed by Tropical Storm Helene in Yancey County, North Carolina

Service Log #25-195 through 25-197

US 19W North: Three Bridges: 93, 124, 138
Gray bat = NLAA
NLEB = LAA
App Elktoe/Critical Hab = LAA
Small whorled pogonia, virginia spiraea = NE

Prepared by:

U.S. Fish and Wildlife Service
Asheville Ecological Services Office
160 Zillicoa Street
Asheville, North Carolina 28801

GARY PEEPLES Digitally signed by GARY PEEPLES
Date: 2025.08.01 08:32:11 -04'00'

Gary Peeples
Acting Field Supervisor
Asheville Ecological Services Field Office
Asheville, North Carolina

Table of Contents

Consultation History

- **December 2, 2024**: Discussion between U.S. Fish and Wildlife Service (Service) and North Carolina Department of Transportation (NCDOT) regarding consultation batching processes and applicable avoidance and minimization and conservations measures for projects related to Tropical Storm (TS) Helene damage.
- **December 3-6, 2024**: Email correspondence between the Service and NCDOT discussing aspects of batching process and need for a virtual discussion.
- **December 11, 2024**: Virtual meeting between NCDOT and the Service to discuss batching process and avoidance and minimization and conservations measures.
- **December 30-31, 2024**: Service asked NCDOT questions about project impact estimates and NCDOT provided responses.
- **January 2, 2025**: Phone discussion between NCDOT and the Service regarding aquatic impact area estimates.
- **January 7, 2025**: NCDOT provided needed information on aquatic impact area estimates.
- **July 18, 2025**: NCDOT submitted batched request for informal and formal consultation to the Service.
- **July 22, 2025**: Service requested clarifying information on project impacts.
- **July 29, 2025**: NCDOT provided responses to Service's questions.

Background

On September 27, 2024, TS Helene moved across a large swath of Western North Carolina (WNC). Extreme rainfall and high winds resulted in catastrophic damage across much of the region. Record flooding occurred in several watersheds, destroying thousands of transportation sites as well as homes and entire communities. Widespread landslides and tree fall contributed to the damage. In the wake of this disastrous event, the North Carolina Department of Transportation (NCDOT) is tasked with responding to, repairing, and, to the extent possible, replacing the transportation infrastructure destroyed by TS Helene. The following informal and formal consultations are presented in batched format to streamline and expedite review of one group of many similar projects. The format utilized in this consultation is intended for TS Helene-related projects and is tailored to the unique challenges and constraints precipitated by this event. Biological determinations presented below are based on the best available scientific data at the time of this document and incorporate the expertise of WNC's Service and partner resource agency biologists.

Projects

The table below represents the projects reviewed in this batch of TS Helene-related projects. Work will involve the replacement of damaged or wholly destroyed crossing structures, which may include minimal tree clearing, grading, demolition, and in-water geotechnical work and construction. Construction activities are anticipated to occur from 2025 to late 2026, though the exact schedule depends on many different factors. Additional description of the project-associated activities is provided in Section 2 of this document.

Table 1. Batched Consultation Projects – Crossing Structures

Structure Number	Waterbody	County	Location	Status	Service Log No.
000093	Cane River	Yancey	36.0252, -82.3271	Bridge destroyed, no original structure remaining.	25-195
990124	Cane River	Yancey	36.0129, -82.3813	Bridge destroyed, no original structure remaining.	25-196
990138	Bent Creek	Yancey	36.0129, -82.3823	Bridge and approach roadway damaged and closed.	25-197

Informal Consultation

The NCDOT assessed each project location addressed in this document for the presence of suitable habitat for listed species and for the potential effects of project work on listed species with suitable habitat present. The following table outlines the project locations and associated "May Affect, Not Likely to Adversely Affect" (NLAA) determinations.

Table 2. Species NE Determinations

Structure Number	Waterbody	Service Log No.	NLAA Species
000093	Cane River	25-195	**NLAA:** Gray bat (*Myotis grisescens*), small whorled pogonia (*Isotria medeoloides*), Virginia spiraea (*Spiraea virginiana*). **Rationale:** Gray bat = absence of suitable roosting habitat; Plants = negative botanical surveys.
990124	Cane River	25-196	**NLAA:** Gray bat, small whorled pogonia, Virginia spiraea. **Rationale:** Gray bat = absence of suitable roosting habitat; Plants = negative botanical surveys.
990138	Bent Creek	25-197	**NLAA:** Gray bat, small whorled pogonia, Virginia spiraea. **Rationale:** Gray bat = absence of suitable roosting habitat; Plants = negative botanical surveys.

We believe the requirements under section 7 of the Endangered Species Act (ESA) are fulfilled for the species addressed above in relation to the designated projects. However, obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) this proposed action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the proposed action.

On December 13, 2024, eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*) was proposed for listing as endangered under the ESA. A species proposed for listing is one that the Service has determined, based on the best available scientific and commercial data, may warrant listing as either endangered or threatened. This proposal is a formal step in the process of providing federal protection to species facing potential extinction across all or a significant portion of their range. Species proposed for listing are not afforded protection under the ESA; however, as soon as a listing becomes effective, the protections set forth in the ESA will apply. NCDOT has chosen not to conference on eastern hellbender but will consider the species and coordinate with partner resource agencies as project actions move forward.

Biological Opinion

1. Introduction

A biological opinion (Opinion) is the document that states the opinion of the Service in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (ESA), as to whether a Federal action is likely to jeopardize the continued existence of species proposed or listed as endangered or threatened; or result in the destruction or adverse modification of proposed or designated critical habitat.

This document transmits the Service's Opinion and is based on our review of the proposal to replace several crossing structures (Table 1) and the effects on the federally endangered Appalachian elktoe (*Alasmidonta raveneliana*) and northern long-eared bat (*Myotis septentrionalis*). This Opinion is based on information provided in the assessment submitted to the Service by the NCDOT, field investigations, correspondence between NCDOT and the Service, communications with experts on the affected species, and other sources of information as cited. The Federal Highway Administration is the lead Federal action agency for these projects, with consultation authority delegated to the NCDOT.

2. Proposed Action

As defined in the Service's section 7 regulations (50 CFR 402.02), "*action*" means "*all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas*." The "*action area*" is defined as "*all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action*." The direct and indirect effects of the actions and activities must be considered in conjunction with the effects of other past and present Federal, state, or private activities, as well as the cumulative effects of reasonably certain future state or private activities within the action areas.

2.1 Action Areas

The project action areas are all areas of construction and include any portions of the project waterbodies, as indicated in Table 1, that may be affected by direct or indirect effects. The action areas are comprised of the:

1.) Project construction limits including all project related work such as tree-clearing and grading.
2.) Limits of sedimentation effect, anticipated to extend 100 meters (m) (328 feet (ft)) upstream from each bridge and 400 m (1,314 ft) downstream from each crossing structure in each respective river.

Table 3. Projects that are Likely to Adversely Affect (LAA) Listed Species

Structure Number	Waterbody	County	Location	Service Log No.	Taxa Determination
000093	Cane River	25-195	36.0252, -82.3271	25-195	Plants: NLAA Bats: LAA Aquatics: LAA

990124	Cane River	25-196	36.0129, -82.3813	25-196	Plants: NLAA Bats: LAA Aquatics: LAA
990138	Bent Creek	25-197	36.0129, -82.3823	25-197	Plants: NLAA Bats: LAA Aquatics: LAA

Figure 1. Projects that are Likely to Adversely Affect (LAA) Listed Species

2.2 Project Description

The widespread infrastructure failure of numerous NCDOT bridges and roadways due to TS Helene necessitates an expedited design build repair/replacement process and batched consultation response. Consequently, specific details regarding the proposed project designs in Tables 1-3 and associated action area impact details are not yet finalized. However, project activities and estimated impacts, based on the established practices of NCDOT's crossing structure replacement work, are available. At the time of this consultation, it is anticipated that most replacement bridges will be constructed using concrete box beam or cored slab designs, with the exception of smaller timber-decked bridges. The general and expected elements of these crossing structure replacement projects are described below. The current estimated timeline for completion of these projects is winter of 2026.

In-water impacts

Considering the range in structure and waterbody sizes analyzed in this review, and basing amounts on past similarly-sized structure and waterbody NCDOT crossing structure projects in WNC, the estimate of combined temporary and permanent in-water impacts for these projects range from 0.01 – 0.35 acres (or 4,356 – 15,246 square feet) per structure. Some structure replacements will fall in the lower portion of that range of in-water impacts while some will fall in the higher range. These impacts may be in the form of work pad causeways; geotechnical borings and boring transportation equipment within the channel such as a barge or amphibious drill rig; bent removal and/or placement; and placement of stream-bank stabilization materials and/or retaining wall construction.

Tree Clearing, Access Roads, and Demolition

The maximum estimate for tree clearing per structure replacement location is 0.10 acre. That amount will likely be less at most locations, given the variability in site conditions and the extreme scour (and resulting loss of riparian vegetation) during TS Helene flooding. The season during which clearing will occur is not known for each location but is assumed to occur during any time of year, including summer months. Clearing and grading will occur to allow for access roads and general construction functionality.

Where damaged structures or portions of damaged structures remain in place, demolition will occur. The details of demolition activities and seasonality of demolition will vary by project, with an assumption that these activities will occur during any time of year, including summer months.

2.3 Avoidance and Minimization and Conservation Measures

NCDOT will employ the following agency standards, guidelines, and best practices to avoid and minimize project mediated activities that could negatively impact listed/proposed species or their habitat.

2.3.1 Avoidance and minimization measures (AMMs)

General (regardless of species): The following General AMMs will be implemented on all projects to minimize impacts to listed/proposed species and habitat:

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 (BMP) 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.

Aquatics- General AMMs will minimize impacts to listed aquatic species and **to the maximum extent possible** the following AMMs will be incorporated into project work – though implementation of all aquatic AMMs below cannot be guaranteed at the time of this consultation, given the scale, scope, and timeline constraints addressed previously:

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

Aquatic AMM Equipment – 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 aquatic species.

Aquatic AMM Deck Drains – Deck drains that empty directly to the waterbody below will not be implemented on new bridge designs. Surface water drainage transport will be designed to incorporate improved treatment prior to drainage entering the waterbody.

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

Bats - General AMMs will minimize impacts to listed bats. **To the maximum extent possible,** the following AMMs will also be incorporated into project work – though implementation of all bat AMMs below cannot be guaranteed at the time of this consultation, given the scale, scope, and timeline constraints addressed previously:

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 shieled 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.

2.3.2 Conservation Measures (CMs)
CMs represent actions, pledged in the project description, that the action agency will implement to further the recovery of the species under review. The beneficial effects of CMs are considered in making determinations of whether the projects will jeopardize the species under consideration in this document.

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, aService 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 projects 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 fund) in support of the recovery of federally protected bat species.

*Contributions made will be based on a 2:1 ratio 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

3. Status of the Species

This section summarizes best available data about the biology and current condition of the Appalachian elktoe and northern long-eared bat throughout their ranges that are relevant to formulating an opinion about the actions. More in-depth species information such as species status assessments can be found at the species-specific pages at the Service's Environmental Conservation Online System (ECOS): ecos.fws.gov/ecp/

3.1 Appalachian Elktoe

Scientific Name: *Alasmidonta raveneliana*
Status: Endangered
Date of Listing: November 23, 1994
Critical Habitat: Designated in 2002

3.1.1 Description and Life History

The Appalachian elktoe is a freshwater mussel endemic to the Blue Ridge Physiographic Province of WNC. This species exists in several small populations in the Upper Tennessee River system of North Carolina and Tennessee, inhabiting relatively shallow medium-sized creeks and rivers with cool, well-oxygenated, and moderate- to fast-flowing water.

Lea (1834) described the Appalachian elktoe from the French Broad River (FBR) system in North Carolina. Its shell is thin but not fragile, oblong, and somewhat kidney-shaped, with a sharply rounded anterior margin and a broadly rounded posterior margin. The periostracum (outer shell) of the Appalachian elktoe varies in color from dark brown to yellowish-brown in color. Rays may be prominent in some individuals, usually on the posterior slope, and nearly obscure in other specimens. The reproductive cycle of the Appalachian elktoe is similar to that of other native freshwater mussels. Males release sperm into the water column, which is then taken in by the female through their siphons during feeding and respiration. Females retain the fertilized eggs in their gills until the larvae (glochidia) fully develop, after which they are released into the water and attach to appropriate species of fish hosts.Juveniles then detach from their fish host and sink to the stream bottom where they may continue to develop, provided suitable substrate and water conditions are present (Service 2002).

3.1.2 Status and Distribution

The Appalachian elktoe is known only from the mountain streams of WNC and eastern Tennessee. It is found in gravelly substrates often mixed with cobble and boulders, in cracks of bedrock, and in relatively silt-free, coarse sandy substrates (Service 1996).

Although the complete historic range of the Appalachian elktoe is unknown, available information suggests that the species once lived in most of the rivers and larger creeks of the upper Tennessee River system in North Carolina, with the possible exception of the Hiwassee and Watauga River systems. In Tennessee, the species is known only from its present range in the main stem of the Nolichucky River. At the time of listing, two known populations of the Appalachian elktoe existed: the Nolichucky River, including its tributaries (the Cane River and the North Toe River); and the Little Tennessee River and its tributaries. The record in the Cane River was represented by one specimen found just above its confluence with the North Toe River (Service 1996). Since listing, the Appalachian elktoe has been found in additional areas. These occurrences include extensions of the known ranges in the Nolichucky River (North Toe River, South Toe River, and Cane River) and the Little Tennessee River (Tuckasegee River and Cheoah River) as well as a rediscovery in the FBR basin (Pigeon River, Little River, Mills River, and the main stem of the FBR). Many of these newly discovered populations are relatively small in number and range.

The Appalachian elktoe has experienced declines in two populations across its range. A sudden die-off in the Little Tennessee River, (once considered the largest and most secure population), occurred from 2005 – 2015. Surveys in 2017, 2018 and 2019 produced very low numbers, indicating a remnant population only a tiny fraction of its previous size. The species has also declined in the lower portion of the Nolichucky River. Appalachian elktoe were once common in all three tributaries of the Nolichucky River: North Toe, South Toe, and Cane Rivers. In 2008, most of the Appalachian elktoe in the Cane River died off, coinciding with a failure at a wastewater treatment plant on the river. Beginning in 2013, the Appalachian elktoe population in the lower South Toe River declined steeply which coincided with a major highway construction project and only occurred downstream of receiving streams in the project footprint. Appalachian elktoe are still present in the North and South Toe Rivers, but at reduced densities. It appears the North Toe population is limited by urban runoff and mining effects to the river. The other populations of Appalachian elktoe appear to be stable (Tuckasegee, Cheoah, and Pigeon Rivers) or expanding (FBR). Prior to 2004, the FBR population appeared to be confined to two tributary streams (Little River and Mills River), but over the last few years the known range of Appalachian elktoe in the main stem of the FBR has expanded and it now appears to be well established, albeit at low density, over a broad area. At the time of this document, impacts to Appalachian elktoe from TS Helene in September of 2024 remain largely unknown. Extreme flooding and scour in many of the rivers occupied by the species is believed to have resulted in reduced abundance in several locations, while other areas likely lost fewer individuals.

3.1.3 Threats

The decline of the Appalachian elktoe throughout its historic range has been attributed to a variety of factors, including sedimentation, point and nonpoint-source pollution, and habitat modification (impoundments, channelization etc.). The low numbers of individuals and the restricted range of most of the surviving populations make them extremely vulnerable to extirpation from a single catastrophic event or activity. Catastrophic events may consist of natural events, such as flooding or drought, as well as human influenced events, such as toxic spills associated with highways or railroads.

Natural flooding events combined with alteration of watersheds can lead to large fluctuations in abundance observed in Appalachian elktoe populations. Record catastrophic flooding in the range of Appalachian elktoe occurred during TS Helene during late September 2024. Many areas inhabited by Appalachian elktoe were severely damaged by erosive flooding, bedload scour, and bank failures. Observations immediately after the flooding in October 2024 revealed that despite severe flooding,

certain portions of Appalachian elktoe occurrences in North Carolina, such as the upper Pigeon River, were relatively intact. Those observations indicate that the species is likely to remain in most of the affected areas, though individual numbers were likely greatly reduced in many inhabited locations. Portions of the FBR basin experienced catastrophic flooding in late summer 2021 due to the remnants of Tropical Storm Fred. The flooding likely resulted in loss of Appalachian elktoe individuals within populations in the hardest-hit portions of the Pigeon, Mills and French Broad Rivers.

Siltation resulting from improper erosion control of various types of land use, including agriculture, forestry, road construction, and development, has been recognized as a major contributing factor to the degradation of mussel populations (Service 1996). Siltation degrades substrate and water quality, increasing potential exposure to other pollutants, and direct smothering of mussels (Ellis 1936). The abrasive action of sediment on mussel shells has been shown to cause erosion of the outer shell, which allows acids to reach and corrode underlying layers (Harman 1974).

Sewage treatment effluent has been documented to significantly affect the diversity and abundance of mussel fauna (Goudreau *et al*. 1988). Goudreau *et al*. found that recovery of mussel populations might not occur for up to 2 river miles (3.22 kilometers) below points of chlorinated sewage effluent. Most of the water bodies where Appalachian elktoe still exist have relatively few point source discharges within the watershed and are rated as having "good" to "excellent" water quality by the North Carolina Division of Water Resources.

The introduction of exotic species, such as the Asian clam (*Corbicula fluminea*) and zebra mussel (*Dreissena polymorpha*), pose significant threats to native freshwater mussels. Competitive interactions for space, food, and oxygen between these species and native mussels, possibly at the juvenile stages (Neves and Widlak 1987) are the main concerns. At the time the Appalachian elktoe was listed, the Asian clam was not known from the stretch of the Little Tennessee River that it occupies; however, it has been observed in the Little Tennessee River in recent years and as mentioned earlier, may be a contributing factor to the decline of that population. When the Appalachian elktoe was listed, it was speculated that, due to its restricted distribution, it "may not be able to withstand vigorous competition" (Service 1996).

3.4 Northern long-eared Bat

Scientific Name: *Myotis septentrionalis*
Status: Endangered
Date of Listing: April 1, 2015 as Threatened; November 30, 2022 as Endangered
Critical Habitat: None designated

3.4.1 Description and Life History

The northern long-eared bat is a wide-ranging species, found in 37 states and eight provinces in North America. The species typically overwinters in caves and mines and spends the remainder of the year in forested habitats. As its name suggests, the northern long-eared bat is distinguished by its long ears, particularly as compared to other bats in the genus *Myotis*.

Northern long-eared bats are a forest bat species that roosts in a variety of forest types and structures. Along with trees, the species has also been documented roosting in buildings, artificial roosts, and bridges. During the active season, northern long-eared bats typically roost singly or in maternity colonies underneath bark or, more often, in cavities or crevices of both live trees and snags (Service 2023). Males' and non-reproductive females' summer roost sites may also include cooler locations, such as caves and mines (Service 2023). According to approximately 2,000 bridge surveys conducted throughout WNC

from 2000-2023, northern long-eared bats have been recorded roosting in WNC bridges at a usage rate of 0.2%, with use documented May through October (NCDOT 2023a). With one exception, all bridge roost records in North Carolina are associated with a water crossing. There are no records of northern long-eared bats roosting in culverts in North Carolina, though they have been documented using culverts in other states. Northern long-eared bats will overwinter in caves or mines and have been documented using railroad tunnels, storm sewers, and bunkers. Length of hibernation varies depending on location. They may hibernate singly or in small groups and can be found hibernating in open areas but typically prefer caves with deep crevices, cracks, and bore holes that protect from drafts. They typically hibernate from September or October to March or April. More than 780 hibernacula have been documented within the northern long-eared bat range.

Prior to hibernation between mid-August and mid-November, bat activity will increase during the evenings at the entrance of a hibernaculum (fall swarming). Suitable fall swarming habitat is similar to roosting, foraging, and commuting habitat selected during the summer and is most typically within 4-5 miles of a hibernaculum (Service 2023). Likewise, in the spring they emerge from and stage near hibernacula before moving to maternity areas typically in early April to mid-May; however, they may leave as early as March. Northern long-eared bats also roost in trees near hibernacula during spring staging, and Thalken et al. (2018) found that roost trees were situated within 1.2 miles (2km) of hibernacula during spring staging and the early maternity season. The species migrates relatively short distances between maternity areas and hibernacula.

Northern long-eared bats are more likely to forage under the canopy on forested hillsides and ridges (Nagorsen and Brigham 1993) rather than along riparian areas (Brack and Whitaker 2001; LaVal et al. 1977). Because of this, alternative water sources like seasonal woodland pools may be an important source of drinking water for these bats (rather than just streams and ponds; Francl 2008). Mature forests may be an important habitat type for foraging (Service 2015). Northern long-eared bats have a diverse diet including moths, beetles, flies, leafhoppers, caddisflies, and arachnids (Service 2020a), which they catch while in flight or by gleaning insects off vegetation (Ratcliffe and Dawson 2003).

3.4.2 Status and Distribution

The species' range includes all or portions of 37 eastern and mid-western states and the District of Columbia in the U.S. The northern long-eared bat's range also includes eight Canadian provinces. In WNC, the species range includes all or portions of 26 counties in the western portion of the state.

Prior to the emergence of white-nose syndrome (WNS), northern long-eared bat was abundant and widespread throughout much of its range with 737 occupied hibernacula, a maximum count of 38,181 individuals and its range being spread across >1.2 billion acres in 29 states and 3 Canadian provinces. Numbers vary temporally and spatially, but abundance and occurrence on the landscape were stable (Cheng et al. 2022, p. 204; Wiens et al. 2022, p. 233). Currently, declining trends in abundance and occurrence are evident across much of northern long-eared bat's summer range. Range-wide summer occupancy declined by 80% from 2010–2019. Data collected from mobile acoustic transects found a 79% decline in range-wide relative abundance from 2009–2019 and summer mist-net captures declined by 43–77% compared to pre-WNS capture rates.

There are approximately 169 element occurrences for northern long-eared bat in NC, based on N.C. Natural Heritage Program records, 19 of which are considered historical. The number of bats found at each occurrence ranges from one to more than 80. There have been 22 documented hibernacula, all in caves or mines; however, northern long-eared bats have not been observed using hibernacula in North

Carolina since 2014 (NCWRC personal communication September 2022). The Service estimates that there has been an occupancy drop of 85% and a 24% loss of winter colony sites across the Southeast Representation Unit (RPU) overall since 2006 when white-nose syndrome was first documented (Service 2022a).

3.4.3 Threats

The primary factor influencing the viability of the northern long-eared bat range-wide population is WNS. Other primary factors that influence the decline in northern long-eared bat numbers include wind energy mortality, effects from climate change, and habitat loss.

4. Environmental Baseline

The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process [50 CFR §402.02].

The project action areas contain the existing crossing structures and the roadway approaches, along with the existing utilities and surrounding riparian areas in which project work will occur. Past impacts include the original construction and placement of the crossing structures within waterbodies to facilitate transportation in the surrounding locations. Because this document addresses several projects, more detailed information regarding other human activities at each location is not included for the purposes of this consultation review.

4.1 Appalachian Elktoe Within the Action Areas

Flooding and scour from TS Helene impacted all waterbodies included in this consultation. Bridge 124 and Bridge 093 are within designated critical habitat for Appalachian elktoe, and Bridge 138 is approximately 250 feet upstream from critical habitat. Post-storm in-water surveys have not been conducted at this time, given all the constraints already addressed, though discussions regarding site conditions as observed by the Service's Asheville Field Office aquatics recovery lead and/or aquatic biologists with NCWRC and NCDOT's Biological Surveys Group have occurred. The potential for individual Appalachian elktoe to still occur within the action areas remains. At the time of this consultation, those individual numbers are believed to be reduced from pre-Helene conditions but are not believed to be zero. One Appalachian elktoe within each action area is estimated based on pre-TS Helene estimates and anticipated storm losses.

4.2 Northern Long-eared Bat Within the Action Areas

Structures

Yancey County Bridges 093 and 124 were completely destroyed. Bridge 138 is a small timber bridge that was heavily damaged but portions of the structure remain in place. The remaining portions of the structure do not provide suitable bat roosting habitat. Therefore, potential presence of northern long-eared bat in crossing structures is not a concern for these projects.

Trees

Northern long-eared bats roost in trees during the warmer months. All projects involve tree clearing, but no project anticipates clearing more than 0.1 acres. Given the minimal amount of riparian vegetation and trees remaining within the action areas, it is unlikely that a high number of bats would be utilizing the

small amount of available habitat. Based on that rationale, an estimated one individual of northern long-eared bat could be present in trees within the action area per crossing structure location.

5. Effects of the Action

Under section 7(a)(2) of the ESA, "effects of the action" refers to the consequences, both direct and indirect, of an action on the species or critical habitat. The effects of the proposed action are added to the environmental baseline to determine the future baseline, which serves as the basis for the determination in this Opinion. Should the effects of the Federal action result in a situation that would jeopardize the continued existence of the species, we may propose reasonable and prudent alternatives that the Federal agency can take to avoid a violation of section 7(a)(2).

5.1 Appalachian Elktoe

5.1.1 Proximity of the Action, Nature of the Effect, and Disturbance Duration

Based on the description of the action and the species' biology, stressors to the Appalachian elktoe have been identified and are outlined below. The proximity of these actions will be within the waters occupied by Appalachian elktoe [within the action area] and duration of disturbance is expected during the construction phase of project work.

5.1.2 Effects Analysis

Direct Impacts – Direct effects are caused by the action and occur at the same time and place (50 CFR 402.02).

In-water Work

In-water work, such as the placement of causeways, geotechnical borings, demolition of remnant structures (if any), and placement of hard materials for new bents/structures or for bank stabilization, is likely to occur at the project locations. Installation of a temporary causeway may result in adverse effects to Appalachian elktoe and their fish host species due to the potential to bury individuals and harm fish host individuals or disrupt passage or other behavior while they are in place. Causeways also constrict river flows, which could potentially modify the hydrology and physical habitat conditions upstream and downstream of the respective fill areas. Rock causeway material may be washed away during extremely high flow events, which may kill, crush, or bury individuals, or otherwise degrade mussel habitat downstream of the footprint. Causeways increase the risk of stream bed and bank scour. The habitat downstream of causeways may experience higher velocities until removal. Temporary causeways may also act as physical and high-velocity barriers to fish movement. Demolition and construction may result in the loss of materials in the waterbody. While this isn't expected, given the implementation of BMPs, it is still possible. Materials that aren't effectively contained during demolition or construction could serve to crush or bury aquatic species. Similarly, the placement of hard materials within the waterbody may result in crushing or burying Appalachian elktoe.

Alteration of Flows and Channel Stability

The initial construction of a crossing structure is known to cause changes in the flow of the stream and corresponding erosive processes that can alter the adjacent habitat. Channel instability occurs when scour results in degradation or when sediment deposition leads to aggradation (Rosgen 1996). Since most structures are being replaced in the same locations, any alteration of flows and channel stability associated with the new structures are anticipated to be minor and localized. That said, altering the existing in-water structures has the potential to create flow instability which could impact downstream habitat.

Turbidity and Sedimentation
Increases in turbidity and sedimentation within the action area during geotechnical exploration, demolition, and construction are expected. This can occur from in-water work and from the erosion of bare soil in and surrounding the construction zone, especially during heavy rain events. Sediment accumulations of less than one inch have been shown to cause high mortality in most mussel species (Ellis 1936). Adverse effects to mussels resulting from the accumulation of sediments include smothering, disruption of feeding and breeding activity, alteration of habitat, or some combination. Sediment and erosion control (SEC) devices, when properly designed and maintained, are expected to greatly reduce influxes of turbidity; however, heavy rain events can exceed SEC capacity, resulting in sediment releases which degrade mussel habitat in the vicinity.

In summary, the in-water work, flow and channel stability alteration, and turbidity and sedimentation within the action areas are likely to adversely affect Appalachian elktoe and take is expected. Take may occur in the form of killing, wounding, or harming individuals of the species.

Accidental Spills
The inadvertent spill or discharge of toxic pollutants, such as diesel fuel, hydraulic oil, and uncured concrete into action area waterbodies could occur during geotechnical exploration, demolition, and construction activities and result in mortality of Appalachian elktoe. The type, timing, amount, and proximity to the river of any accidental spills would determine the magnitude of effect to Appalachian elktoe, but may result in death, disrupt feeding or reproductive behaviors, influence animals to expend energy relocating to more favorable habitats, or otherwise reduce fitness. Significant spills resulting from negligent operation are possible, but unlikely to occur. Adhering to measures outlined in the AMMs and CMs will minimize the potential for accidental spills to occur.

Indirect Impacts – Indirect effects are defined as those that are caused by the proposed action and are later in time but are still reasonably certain to occur (50 CFR 402.02).

Operational Effects
Because these projects are limited to the replacement of damaged or destroyed crossing structures and their approaches, which will not result in changes to traffic volumes, any operational effects above the existing baseline conditions are not expected to occur; or, if they do occur, are expected to be minimal.

5.2 Northern Long-eared Bat

5.2.1 Proximity of the Action, Nature of the Effect, and Disturbance Duration for Bats

Based on the description of the action and the species' biology, stressors to northern long-eared bat have been identified and are shared below. The proximity of these actions will be within the entire action area of each project, including the waterways, riparian zone, and any existing forested areas. Duration of disturbance is expected primarily during the construction phase of project work.

5.2.2 Effects Analysis for Bats

Replacement structures: Due to the constraints associated with the TS Helene response, such as the high volume of projects and timeline unknowns, the exact designs of replacement crossing structures are not known at the time of this document. However, according to information provided by NCDOT, most replacement bridge structures are expected to be either cored slab or box beam bridges. Such precast concrete bridges may provide suitable bat roosting habitat depending on factors such as spacing between beams/girders, arrangement above any bents, and other design elements that could result in potential roosting crevices. Generally, concrete is a favorable material for roosting due to its thermal stability.

Direct Impacts – Direct effects are caused by the action and occur at the same time and place (50 CFR 402.02).

Structure Work
The previous Bridge 093 and Bridge 124 structures are completely gone. While portions of timber Bridge 138 remain, it does not offer suitable bat roosting conditions. Therefore, there are no concerns regarding structure work, as previous structures are either wholly gone or are considered unsuitable.

Tree Removal
The removal of suitable roost trees, if conducted while northern long-eared bats are present, could result in causing bats to flush, which would expose them to risk of predation and would cause increased energy expenditure and create the need for bats to find alternative roost locations. It could also result in physical wounding or death. Given the presence of alternative forested habitat near the action areas, bats could likely find trees for roosting. Harm would be expected in the increased exposure to predation from flushing and from the potential for wounding or killing when trees are felled. Additionally, while adults may be able to flush, any non-volant pups would be left behind and would likely perish. In summary, these activities, should they occur while bats are present, are likely to adversely affect northern long-eared bat in the form of harm.

Indirect Impacts – Indirect effects are defined as those caused by the proposed action and are later in time but reasonably certain to occur (50 CFR 402.02).

If bats were utilizing structures or trees within the action areas as roost sites prior to demolition/clearing/construction and return to those roost sites to find the habitat gone or altered, the bats may then have to expend extra energy in finding alternative roosting areas. While this could occur, it is considered unlikely to result in adverse effects given that replacement structures are expected to offer suitable roosting features, and alternative forested habitat is available near the action areas.

Operational Effects
Because these projects are limited to the replacement of damaged or destroyed crossing structures and their approaches, which will not result in changes to traffic volumes, any operational effects above the existing baseline conditions are not expected to occur; or, if they do occur, are expected to be minimal.

5.3 Cumulative Effects

Cumulative effects are defined as "those effects of future state or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation" (50 CFR 402.02). Future federal actions unrelated to the proposed action are not considered because they require separate consultation pursuant to Section 7 of the ESA.

These structure replacements are not expected to induce land development or substantially change the function of the roadways. Any potential effects are anticipated to be localized and consistent with baseline land use patterns. Many private landowners and local governments are recovering from TS Helene and rebuilding homes/businesses and infrastructure. Therefore, there will likely be increased construction in WNC Counties for an undefined period of time. Some of this work will be conducted during seasons when bats are active on the landscape, potentially increasing exposure to construction-related stressors. However, other effects from these private actions cannot be determined at this time.

6. Conclusion and Jeopardy Determination

After reviewing the current status of Appalachian elktoe and northern long-eared bat, the environmental baselines for the action areas, the effects analyses and cumulative effects, the Service's biological opinions are shared below.

6.1 Appalachian elktoe

It is the Service's biological opinion that the proposed actions are not likely to jeopardize the continued existence of the Appalachian elktoe. This opinion is based on the following factors: Effects of the actions occur as a result the planned repair or replacement of Yancey County Bridges 093, 124, and 138. The species occurs in approximately 162 river miles in WNC and Eastern Tennessee (as understood pre-Helene); thus, impacts are likely to be limited to about 0.2% of the range-wide occupied habitat. Crossing structure construction activities are likely to negatively affect Appalachian elktoe within the action areas, but the incorporated conservation measures are expected to reduce impacts, notably, relocation efforts that could remove and relocate individual mussels prior to work taking place. Designated critical habitat for this species is present at Yancey Bridge 093 and 124 locations. Based on knowledge of the action area and surrounding portions of the project waters, the projects will not result in adverse modification (that is, "…no direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of listed species" (50 CFR §402.02)) to Appalachian elktoe designated critical habitat.

6.2 Northern Long-eared Bat

It is the Service's biological opinion that the proposed actions are not likely to jeopardize the continued existence of northern long-eared bat. This opinion is based on the following factors: Effects from these actions stem from the replacement of the following crossing structures and/or associated tree clearing: Yancey County Bridges 093, 124, and 138. These action areas comprise only a small amount of active season habitat within the overall range of the species. No changes in the long-term viability of northern long-eared bat are expected because, given the low numbers of the species which could be expected to occur at each crossing structure location (that is, an estimate of one northern long-eared bat per forested area within each action area), and the occurrence range-wide of northern long-eared bat in 37 states – only a miniscule percentage of the overall population may be affected. Tree clearing associated with crossing structure construction activities is likely to negatively affect northern long-eared bat within the action areas but the incorporated conservation measures are expected to reduce impacts.

7. Incidental Take Statement

Section 9 of the Endangered Species ESA and Federal regulations pursuant to section 4(d) of the Endangered Species Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take "*means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct*" (16 U.S.C §1532). Harm is further defined by the Service as "*an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering*" (50 CFR 17.3). Incidental taking "*means any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity*" (50 CFR 17.3). Harass is defined by the Service as "*an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering*" (50 CFR 17.3). Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to, and not intended as part of, the agency action is not considered to be

prohibited under the Endangered Species Act, provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

7.1 Amount of Take for Appalachian Elktoe

The Service anticipates incidental take of the Appalachian elktoe may occur as a result of the geotechnical exploration activities and construction of Yancey County Bridges 093 and 124 and the demolition and construction activities of Yancey County Bridge 139. Specifically, take of the species may occur as a result of 1) riverbed disturbance in the form of bent removal, geotechnical investigation such as drilling and in-water drill rig equipment, and causeway construction, operation, and removal, 2) the resulting river instability, scour, sediment movement, and turbidity produced from those activities, and 3) geotechnical investigation and construction activities around the crossings. During these activities, individual mussels may be crushed; harmed by increases in turbidity and scour, sediment movement, or other water quality degradation; or dislocated because of physical changes in their habitat. These impacts are expected to occur primarily within the structure construction footprints, with the potential for more minor impacts to occur 100 meters upstream and 400 meters downstream of the current structure locations.

Incidental take of Appalachian elktoe is difficult to measure or detect given that 1) mussels are small, aquatic, cryptic, and generally difficult to observe, 2) finding dead or injured mussels during or following project implementation is unlikely, 3) some incidental take is in the form of non-lethal harm and not directly observable; and 4) losses may be masked by seasonal fluctuations in numbers or other causes. Given this, the estimated amount of riverbed disturbance in acres or square feet is used as a surrogate measure of take for this Opinion. Additionally, as discussed in the Environmental Baseline, no more than one Appalachian elktoe is estimated to be present within the construction footprint immediately surrounding the structures and, to the best of situational abilities, efforts will be made to relocate individuals if found prior to construction in an effort to reduce mortality.

Therefore, the incidental take permitted by the Opinion would be exceeded if either of the following occurs:

1. The construction footprint (placement of permanent fill, causeways, and associated actions) exceeds 0.35 acres (15,226 square feet) at any crossing structure construction location.
2. Take of greater than one Appalachian elktoe is observed.

Exceedance of take as defined above will represent new information that was not considered in this Opinion and shall result in reinitiation of this consultation. The incidental take of Appalachian elktoe is expected to be in the form of harm, wounding, or death.

7.2 Amount of Take for Northern Long-eared Bat

The Service anticipates incidental take of northern long-eared may result from the tree clearing associated with construction of Yancey County Bridges 093, 124, and 138. Specifically, take may occur as a result of clearing suitable roost trees during times of year that the species could be tree-roosting within the action area, which may similarly result in flushing, wounding, or direct mortality during clearing activities.

Incidental take of bats is difficult to measure or detect given that 1) the animals are small, cryptic, and generally difficult to observe, 2) finding dead or injured bats during or following project implementation is unlikely, and 3) some incidental take is in the form of non-lethal harm and not directly observable. Given this, the maximum estimated tree clearing is used as a surrogate measure of take for this Opinion. Additionally, as discussed in the Environmental Baseline, no more than 1 individual of northern long-

eared bat is estimated to be present within the action areas of each crossing structure.

Therefore, the incidental take permitted by the Opinion would be exceeded if tree clearing amount exceeds 0.10 acre at a single structure location for the crossing structures listed at the beginning of section 7.2.

Exceedance of take as defined above will represent new information that was not considered in this Opinion and shall result in reinitiation of this consultation. The incidental take of northern long-eared bat is expected to be in the form of harm, wounding, or death.

7.3 Reasonable and Prudent Measures

The Service believes the following reasonable and prudent measure(s) are necessary and appropriate to minimize take of Appalachian elktoe and northern long-eared bat. These non-discretionary measures reduce the level of take associated with project activities and include only actions that occur within the action area.

1. 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.
2. NCDOT shall minimize the area of disturbance within the action areas to only the area necessary for the safe and successful implementation of the proposed actions.
3. NCDOT shall monitor and document any take numbers and the surrogate measures of take and report those to the Service in a batched format.

7.4 Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, the Applicant must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting and/or monitoring requirements. 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)). These terms and conditions are nondiscretionary.

1. NCDOT shall adhere to all measures as listed in the Avoidance and Minimization and Conservation Measures section as summarized in this Opinion.
2. The NCDOT will immediately inform the Service if the amount or extent of incidental take in the incidental take statement is exceeded.
3. 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 NDOT 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 year ending December 31:
        i. Acreage of in-water impacts, if LAA for Appalachian elktoe.
        ii. Acreage and dates of tree removal (if any), if LAA for bats.
        iii. List of implemented AMMs and BMPs [as listed in Section 2.3].

8. Conservation Recommendations

Section 7(a)(l) of the Endangered Species ESA directs Federal agencies to use their authorities to further the purposes of the Endangered Species ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

- **Eastern Hellbender**: Proximity to eastern hellbender occurrence records was noted for the structures addressed in this document. Ahead of work at these locations, coordinate with the NCWRC and the Service to survey for/relocate any hellbenders 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 these crossing structures. 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 and well as periodic floodwater passage.

For the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, we request notification of the implementation of any conservation recommendations.

9. Reinitiation Notice

This concludes formal consultation on the action(s) outlined in the consultation request dated December 12, 2024. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

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Tribal Coordination

From:	Clough, Karina A
To:	Elizabeth Toombs; russtown@ebci-nsn.gov; syerka@ebci-nsn.gov; Roger Cain; section106@muscogeenation.com
Cc:	Wilkerson, Matt T; Archual, Adam J.; Thomas, John T.; jmsanderson; Allen, Yates
Subject:	Tribal Coordination Request: US 19W North Project No. 18313.1100999
Date:	Tuesday, March 25, 2025 11:18:39 AM
Attachments:	NCDOT Proj. 999_Cherokee.pdf NCDOT Proj. 999_EBCI.pdf NCDOT Proj. 999_Muscogee.pdf NCDOT Proj. 999_UKBCI.pdf

Dear Sir/Madam,

This email is to request your review and comments on the proposed project to restore the Hurricane Helene-damaged section of US 19W, Huntsdale Road, and Murphytown Road along the Cane River, Nolichucky River, and the North Toe River in Yancey County. The repair area extends approximately 6 miles on US 19W from Piney Hill Road to Huntdale Road; approximately 2 mile of Will Higgins Road between its southern and north intersections with US 19W; approximately 4 miles of Huntdale Road from US 19W to the North Toe River Bridge; and approximately 2 miles of Murphytown Road from Huntdale Road to the end of state maintenance (Project No. 18313.1100999). This project also includes the replacement of seven bridges along the described roadway corridors. The Federal Highway Administration (FHWA) is the lead federal agency. Attached to this email is a letter requesting information about the project site.

With this email, NCDOT is requesting your consultation on the above project. Please review the attached information and provide comments within 30 days. If you have any questions regarding this request, do not hesitate to contact me.

This request for consultation is being sent to the following:

- Stephen Yerka (Eastern Band of Cherokee Indians (EBCI) Tribal Historic Preservation Office)
- Roger Cain (United Keetoowah Band of Cherokee Indians in Oklahoma (UKB) THPO)
- Muscogee (Creek)Nation
- Elizabeth Toombs (Cherokee Nation THPO)
- Wenonah George Haire (Catawba Indian Nation) – via mail

Sincerely,

Karina Clough
Division PDEA Engineer
Division 13
North Carolina Department of Transportation

828-250-3038 office
kaclough@ncdot.gov

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Bryan Warner
Deputy Principal Chief
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April 24, 2025

Karina Clough
North Carolina Department of Transportation
Division 13 Office
55 Orange Street
Asheville, NC 28801-2340

Re: 18313.1100999, US 19W North

Dear Karina Clough:

The Cherokee Nation (Nation) is in receipt of your correspondence about **18313.1100999**, 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

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

Historic Architecture & Landscapes

24-11-0014

HISTORIC ARCHICTECTURE AND LANDSCAPES
EFFECTS REQUIRED 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:	No TIP	***County***:	Yancey
WBS No.:	49082.2.13	***Document Type***:	CE
Fed. Aid No:	To Be Assigned	***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 13 proposes to repair/restore various sections of US 19 West from north of Lewisburg to the Nolichucky River/ North Toe River at the Yancey County and Mitchell County line.

Included in the proposed project will be three (3) intersecting secondary roads, which will be repaired/restored to their pre-existing conditions.

SR 1444 (Will Higgins Road)
SR 1417/SR 1304 (Huntdale Road)
SR 1343 (Murphytown Road)

Additionally, seven (7) bridges/structures require significant repair or replacement.

Yancey Bridge 124 on SR 1413 (Bent Creek Road) over Cane River (const. 1978)
Yancey Bridge 138 on SR 1413 (Bent Creek Road) over Bent Creek (const. 1963)
Yancey Bridge 178 on SR 1444 (Will Higgins Road) over Cane River (const. 1979)
Yancey Bridge 218 on SR 1444 (Will Higgins Road) over Big Creek (const. 1957)
Yancey Bridge 58 on US 19 W over Cane River (const. 1996)
Yancey Bridge 93 on SR 1343 (Murphytown Road) over Cane River (const. 1977)
Mitchell Bridge 143 on SR 1304 (Huntdale Road) over North Toe River (const. 2009)

All proposed activities, at this time, are anticipated to occur within NCDOT's existing ROW (or at least where the ROW once existed). For the US 19 West corridor, the existing ROW is approximately 60 feet wide whereas along the three (3) secondary roads, the existing ROW appears to range between 20 to 60 feet. As submitted, NCDOT's intent is to conduct all work within existing ROW and restore to previous function without the need for easements; however, deteriorating field conditions could require the acquisition of ROW or easements. Although Preliminary Design Plans are not available at this time, an Area of Potential Effects (APE) was generated to facilitate the environmental review, by buffering each road to its corresponding ROW width.

SUMMARY OF HISTORIC ARCHICTECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

An NCDOT architectural historian reviewed the known historic properties in proximity to the APE using HPOWeb, Yancey County GIS, survey site files from the HPO Western Office, and NCDOT's 2023 Historic Bridge Inventory. The intent was to "flag" specific properties or districts that should be avoided or will require plan review with NCDOT and HPO to determine if they will have an effect on the property. In addition, the NCDOT architectural historian commits to visiting the APE in January 2025 to assess the condition of the known properties as some may have been damaged immediately after Hurricane Helene. The five (5) known historic properties are listed below and marked on the HPOWeb maps included in this form. None of the damaged bridges were previously determined eligible for the National Register as a part of NCDOT's current Historic Bridge Inventory.

1. YC0217 Phillips & Son Texaco Station (Determined Eligible, 2013) US 19 W
2. YC0171 Swinging Walk Bridge (surveyed only) Cane River
3. ML0053 Robert Griffith House (Study List, 1987) SR 1304
4. ML no ## Toe River Free Will Baptist Church (surveyed only) SR 1304
5. ML no ## Phin Peterson Store (surveyed only) SR 1304

SUPPORT DOCUMENTATION

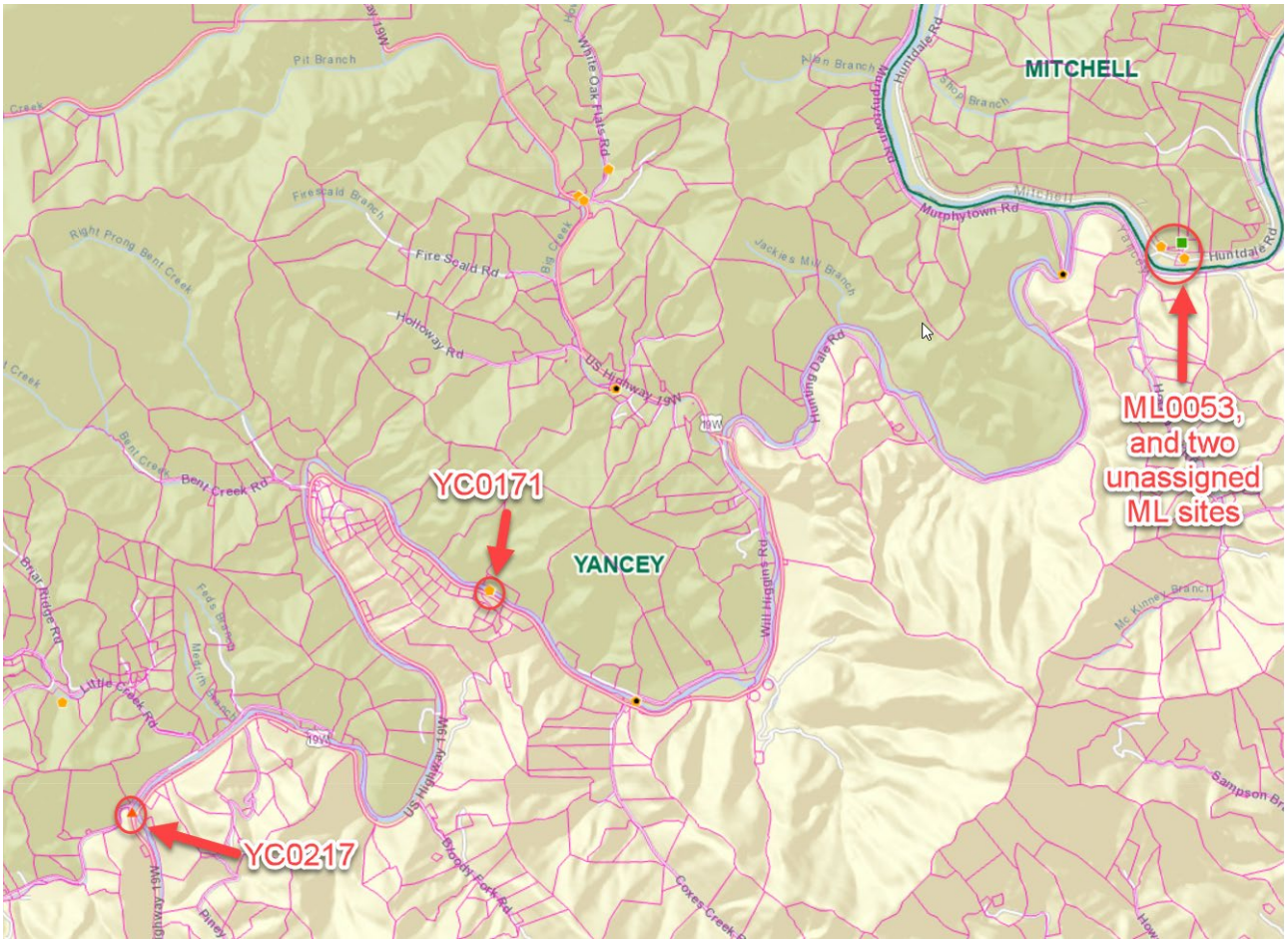
☒Map(s) ☐Previous Survey Info. ☐Photos ☐Correspondence ☐Design Plans

FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- **EFFECTS REQUIRED**

Mary Pope Furr **1/2/2025**

NCDOT Architectural Historian Date



Known Historic Resources- source HPOWeb

Archaeology

Project Tracking No.

24-11-0014

N O 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:	**No TIP**	*County:*	Yancey
WBS No:	49082.2.13	*Document:*	Federal CE
Federal Aid No:		*Funding:*	☐ State ☒ Federal
Federal Permit Required?	☒ Yes ☐ No	*Permit Type:*	

Project Description: *In response to the aftermath of Hurricane Helene, NCDOT's Division 13 Proposes to repair/restore various sections of US 19 West from north of Lewisburg to the e Nolichucky River/ North Toe River at the Yancey County and Mitchell County line.*

SR 1444 (Will Higgins Road)
SR 1417/SR 1304 (Huntdale Road)
SR 1343 (Murphytown Road)

Additionally, seven (7) bridges/structures require significant repair or replacement.
Yancey Bridge 124 on SR 1413 (Bent Creek Road) over Cane River (const. 1978)
Yancey Bridge 138 on SR 1413 (Bent Creek Road) over Bent Creek (const. 1963)
Yancey Bridge 178 on SR 1444 (Will Higgins Road) over Cane River (const. 1979)
Yancey Bridge 218 on SR 1444 (Will Higgins Road) over Big Creek (const. 1957)
Yancey Bridge 58 on US 19 W over Cane River (const. 1996)
Yancey Bridge 93 on SR 1343 (Murphytown Road) over Cane River (const. 1977)
Mitchell Bridge 143 on SR 1304 (Huntdale Road) over North Toe River (const. 2009)

All proposed activities, at this time, are anticipated to occur within NCDOT's existing ROW (or at least where the ROW once existed). For the US 19 West corridor, the existing ROW is approximately 60 feet wide whereas along the three (3) secondary roads, the existing ROW appears to range between 20 to 60 feet. As submitted, NCDOT's intent is to conduct all work within existing ROW and restore to previous function without the need for easements; however, deteriorating field conditions could require the acquisition of ROW or easements. Although Preliminary Design Plans are not available at this time, an Area of Potential Effects (APE) was generated to facilitate the environmental review, by buffering each road to its corresponding ROW width.

SUMMARY OF CULTURAL RESOURCES REVIEW

Permitting and funding information was reviewed for determining the level of archaeological input required by state and federal laws. Based on the submitted "request for cultural resources review" form, the project is federally funded and will utilize a federal document type and federal permits. As such, Section 106 of the National Historic Preservation Act will apply and the Federal Highway Administration (FHwA) will serve as the lead federal agency. Next, construction design and other data was examined (when applicable) to define the character and extent of potential impacts to the ground surfaces embracing the project locale. The archaeological APE encompasses all areas of potential ground disturbing activity and subsumes the entire project study area.

Once an APE was outlined, a map review and site file search was conducted utilizing on-line resources provided to the NCDOT by the Office of State Archaeology (OSA) on Thursday, January 9, 2025. Many archaeological sites have been recorded in the general vicinity of the project's APE. Most of these locations are prehistoric sites in floodplain topographical contexts. This would include sites YN2 and YN3, located immediately east of the project study area. However, utilizing aerial photographs and other map applications, the damage by the flooding was severe in the location of the proposed improvements. It appears that any archaeological sites within the floodplains would have been scoured and eradicated by the monumental flooding. As such, the project APE has no potential of containing intact and significant archaeological sites.

It should also be noted that the severe flooding caused major damage to a number of cemeteries in the general vicnity of the project area. Chief among these is the Whitson Cemetery, located at 11814 US Highway 19W in Ramseytown. Impacts to this cemetery were intense with one coffin being swept down river to Unicoi, Tennessee. In dealing with impacts to the existing right-of-way in the location of the Whitson Cemetery, or any other local cemeteries along the improvement route, great care should be taken so as not to disturb any human remains. In working with these cemetery resources, FEMA archaeologists or representatives may be contacted for additional resource information.

Examination of National Register of Historic Places (NRHP), State Study Listed (SL), Locally Designated (LD), Determined Eligible (DE), and Surveyed Site (SS) properties employing resources available on the NCSHPO website is important in establishing the location of noteworthy historic occupations related to a perspective construction impact area. A cross-check of these mapped resources concluded that fivr properties are located within or adjacent to the project APE. These include: Phillips and Texaco Station US19W, Swinging Walk Bridge Cane River, Robert Griffith House on SR1304, Toe Free Will Baptist Church on SR1304 and the Phin Peterson Store on SR1304. None of these NRHP listed properties have the potential of containing contributing archaeological components.

In addition, historic maps of Yancey County were appraised to identify former structure locations, land use patterns, cemeteries, or other confirmation of historic occupation in the project vicinity. Archaeological/historical reference materials were inspected as well. In general, the cultural background review established that both previously recorded archaeological sites and cemeteries are located adjacent to the APE. Based on cultural-historical factors alone, the APE is considered to have a moderate potential for the documentation of archaeological resources. Yet, the damage caused by the flooding would have damaged or destroyed any such resources, minimizing any intact archaeological site potential.

Further, topographic, geologic, flood boundary, and NRCS soil survey maps were referenced to evaluate pedeological, geomorphological, hydrological, and other environmental determinants that may have resulted in past occupation at this location. Aerial and on-ground photographs (NCDOT Spatial Data Viewer) and the Google Street View map application (when amenable) were also examined/utilized for additional assessment of disturbances, both natural and human induced, which compromise the integrity of archaeological sites. Environmental/impact factors do not suggest a heightened potential for archaeological resource recovery.

(This project falls within a North Carolina County in which the following federally recognized tribes have expressed an interest: Cherokee Nation of Oklahoma, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians, the Catawba Nation, and the Muscogee (Creek) Nation. 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.)

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 project study area corridor is unlikely to contain significant, intact, and preserved archaeological deposits. The potential of the APE to contain buried cultural features or components is remote, based largely on the recent, intense flooding episodes. The Whitson Cemetery may contain disturbed and redeposited human remains, gravestones, or other funerary regalia in the current APE. Avoidance of this resource is recommended. In dealing with this cemetery location, or any other disturbed cemetery locations within the APE, it is recommended that FEMA be contacted to help navigate any possible issues. As currently proposed as a federally funded project utilizing federal permits and document type, no further consultation is advocated. A finding of "no archaeological survey required" is considered appropriate.

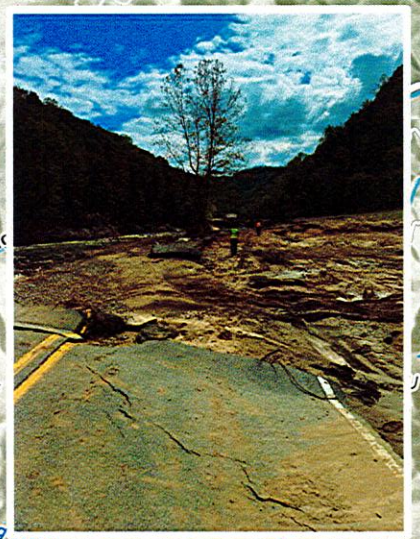
SUPPORT DOCUMENTATION

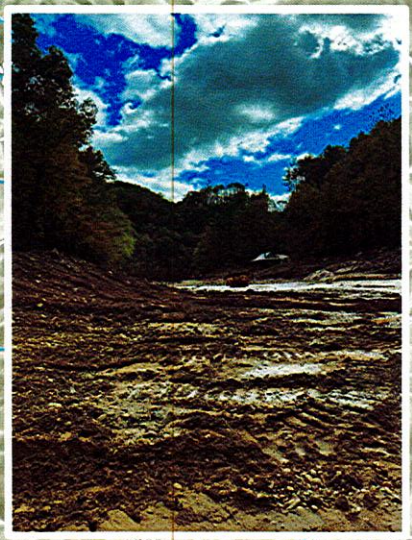
See attached: ☒ Map(s) ☐ Previous Survey Info ☐ Photos ☐ Correspondence
Other:

FINDING BY NCDOT ARCHAEOLOGIST: *NO ARCHAEOLOGY SURVEY REQUIRED*

Scott Halvorsen Scott Halvorsen 01/14/2025

NCDOT ARCHAEOLOGIST II Date





Bridge No. 138
Bridge No. 124
Bridge No. 58
Bridge No. 218
Bridge No. 178
Bridge No. 93
Bridge No.r143le

- Road is under repair by multiple contractors to establish one lane of travel. Sections of the roads are inaccessible.
- Recommended Contract: CMGC or Progressive Design Build.

Legend

- Affected Area
- Stream
- Bridge
- County Boundary

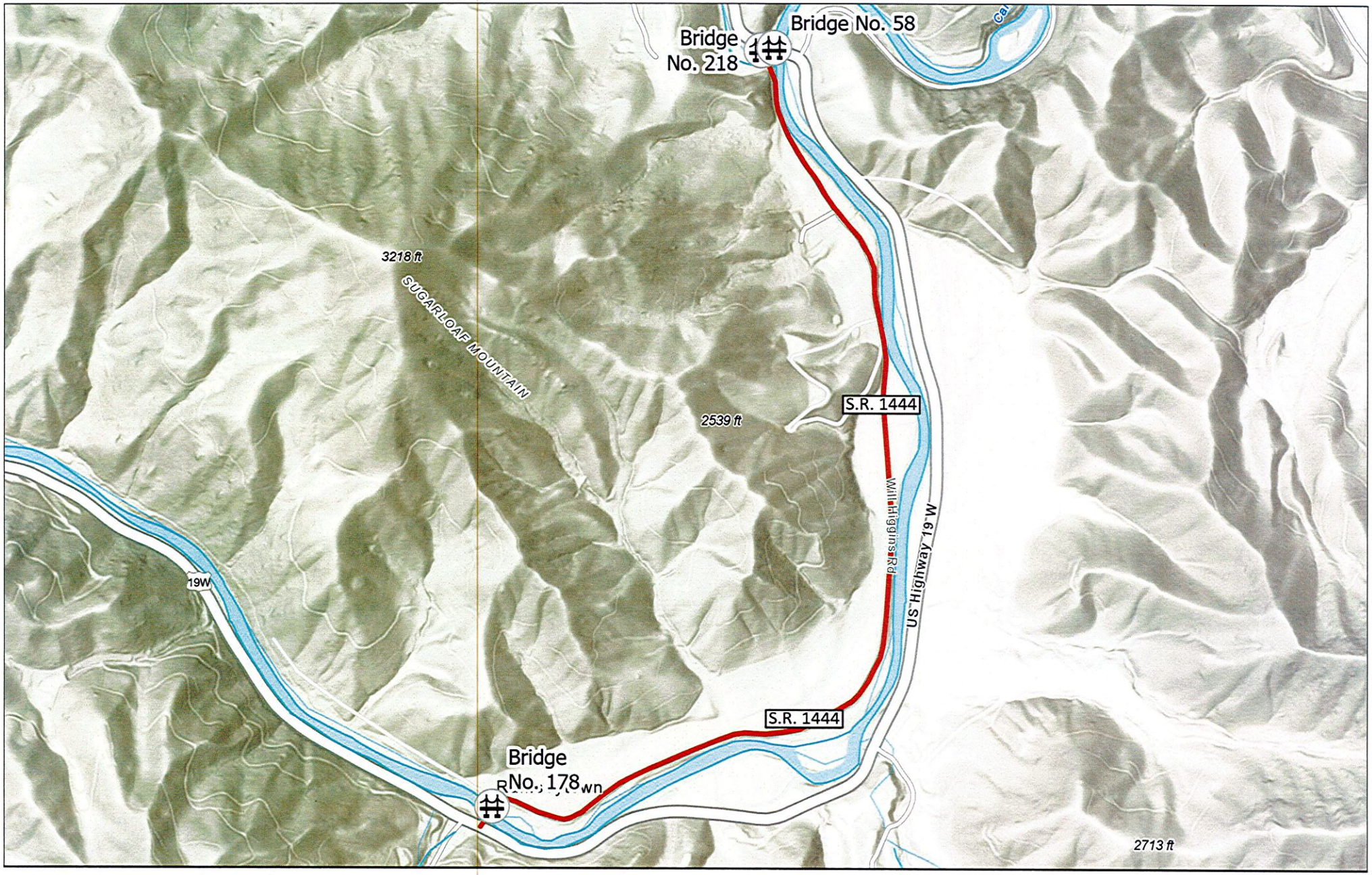
N

0 0.5 1 Miles

U.S. 19 W / Will Higgins Road / Murphytown Road / Huntdale Road - 13.47 Miles

From SR 1386, Piney Hill Road (35°59'56.8"N 82°23'08.5"W), to SR 1343 Murphytown Road (36°01'29.5"N 82°19'37.6"W)

Source: Google Maps, ESRI ArcGIS Basemaps. 2024



Legend

- Affected Bridges
- Will Higgins Rd Affected Area
- County Boundary
- Stream

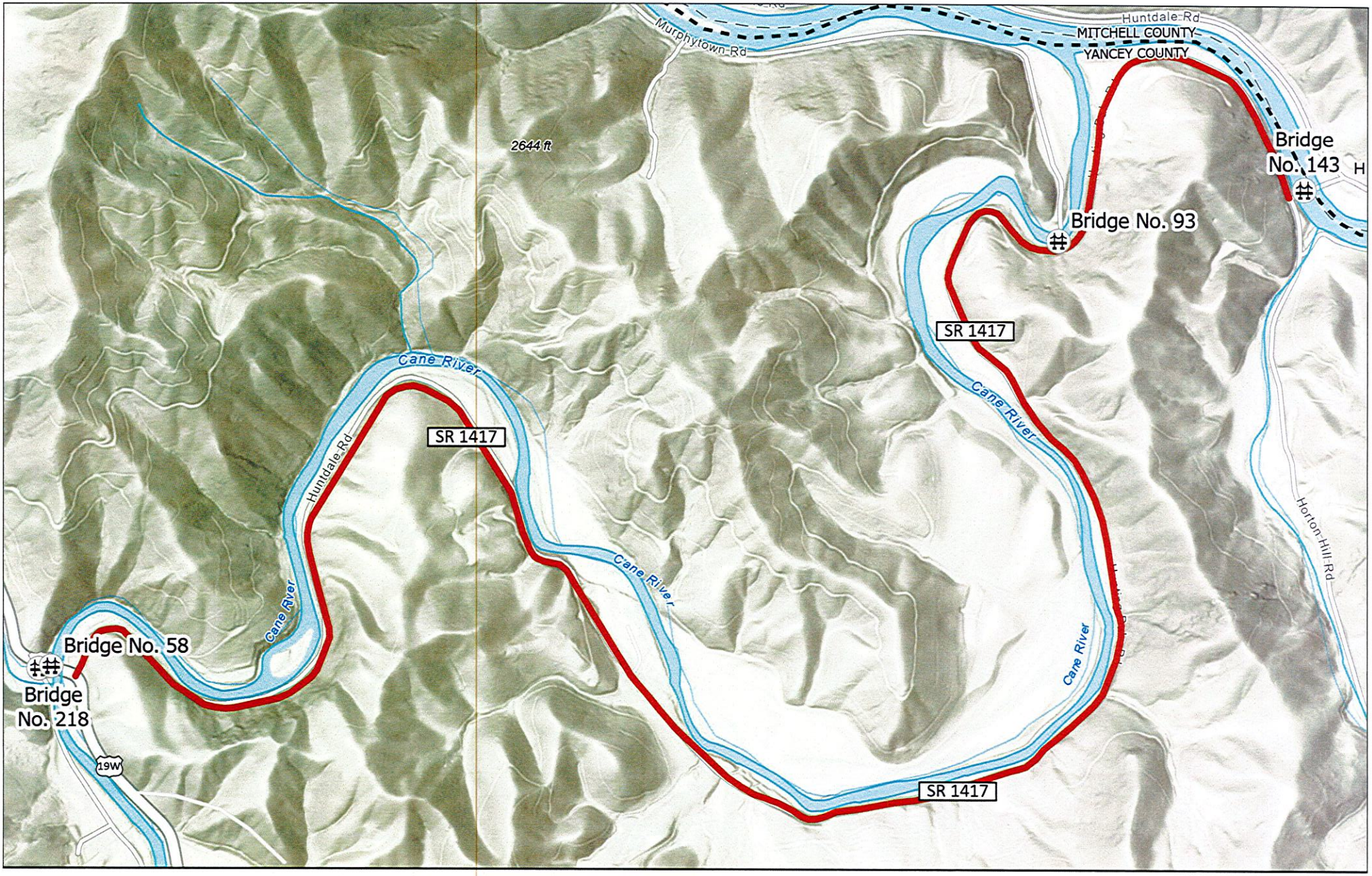
N

0 0.15 0.3 Miles

Will Higgins Road (SR 1444) - 1.51 Miles

From US 19W (36°00'00.9"N 82°21'28.7"W)
to US 19W (36°00'56.9"N 82°21'06.5"W)

Source: Google Maps, ESRI ArcGIS Basemaps. 2024



Legend

- Huntdale Road Affected Area
- Stream
- Bridge
- County Boundary

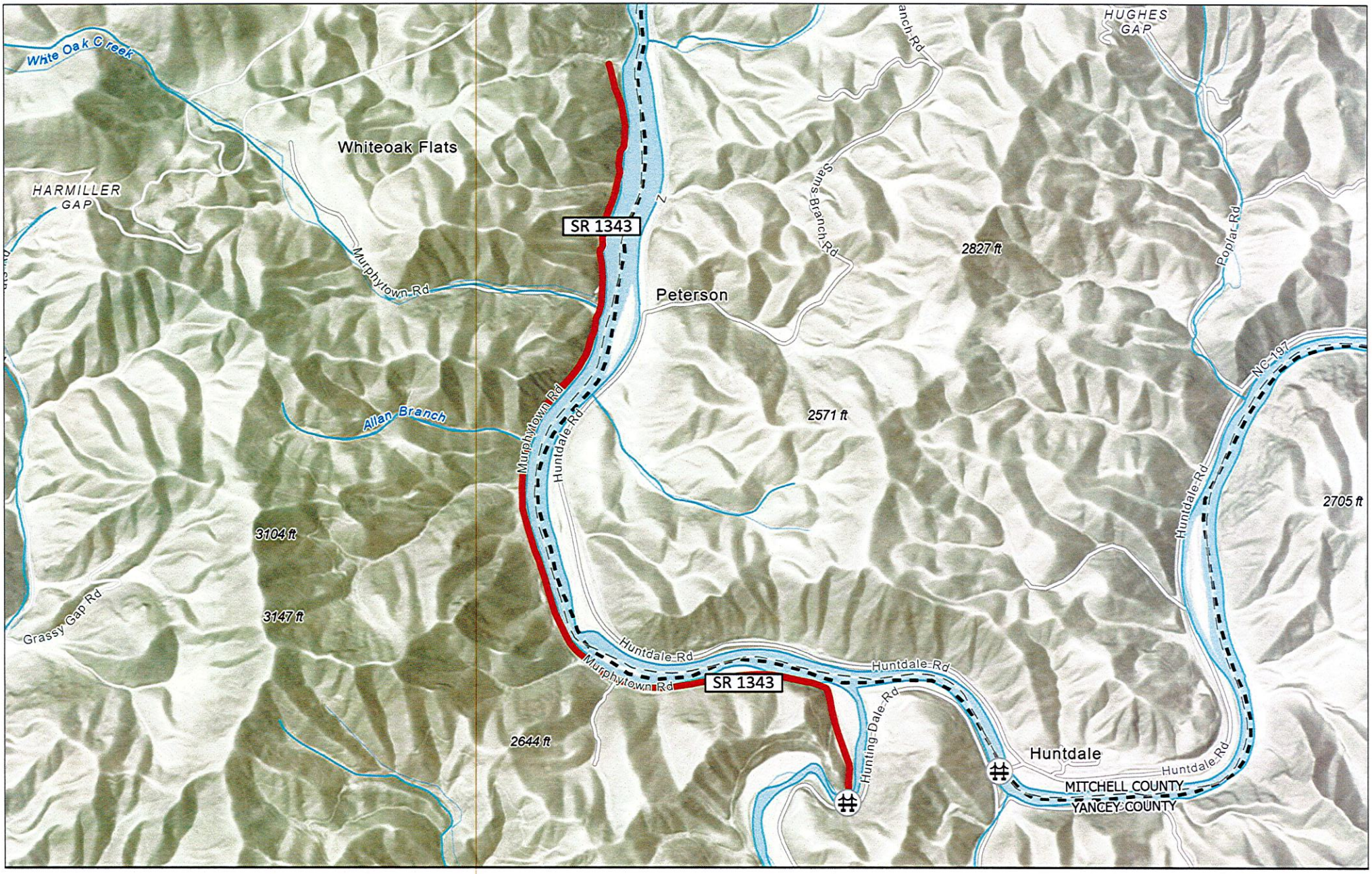
N

0 0.15 0.3 Miles

Huntdale Road (SR 1417) - 3.66 Miles

From US 19W (36°00'56.1"N 82°21'03.1"W)
to SR 1340, Horton Hill Road
(36°01'33.7"N 82°19'17.9"W)

Source: Google Maps, ESRI ArcGIS Basemaps. 2024



Legend

- Murphytown Road Affected Area
- Stream
- Bridge
- County Boundary

N

0 0.25 0.5 Miles

Murphytown (SR 1343) - 2.26 Miles

From SR 1417, Huntdale Road
(36°01'29.5"N 82°19'37.6"W)
to EOM

Source: Google Maps, ESRI ArcGIS Basemaps. 2024

NEPA Document

Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	**Hurricane Helene Repairs to US 19W North**
WBS Element	**18313.1100999**
Federal Project No.	N/A

A. Project Description:

The proposed action includes the initial emergency repairs to approximately 6 miles of US 19W from Piney Hill Road (SR 1386) to Will Higgins Road (SR 1444) and approximately 8 miles of secondary roads, including about 2 miles of Will Higgins Road, about 4 miles of Huntdale Road (SR 1417), and about 2 miles of Murphytown Road (SR 1343) in Yancey County. Seven bridges will be repaired or replaced by this project. Also included in this action are geotechnical investigations and other engineering investigations needed to continue the emergency reconstruction and finalize the design of the permanent repairs.

In the immediate aftermath of the storm, NCDOT reestablished connectivity within the project area to facilitate access for property owners, emergency vehicles, utility companies, and other necessary services. NCDOT utilized available resources and recovered materials that were quickly accessible, often from within the adjacent waterway, to rebuild roadways on their pre-storm alignments as closely as possible.

The Murphytown Road bridge (Bridge No. 9900093) over the Cane River was destroyed by the storm. To reestablish connectivity to the Murphytown Road residents, NCDOT and their contractors installed a temporary causeway across the Cane River south of the Cane River's confluence with the North Toe River.

Geotechnical investigations will include high ground and in-water borings as necessary to inform roadway embankment and slope repair design and construction. Roadway borings will be collected from the existing roadway and completed before side slope borings are scheduled because sufficient information may be gained from the roadway borings. Toe of slope borings may require access through the water depending on the location. Geotechnical borings may also be required at the seven bridge bent locations. Access to in-water borings will vary based on water depth, flow conditions, embankment steepness, and river bottom conditions. Borings in shallow water (less than 3 feet) may occur from vehicles traversing from the riverbank and into the river. A barge may be used to access in-water borings in water greater than three feet deep. No dewatering or temporary fill is planned for in-water borings.

B. Description of Need and Purpose:

The need for the proposed action is for emergency repairs to the slopes, pavement, and other infrastructure associated with US 19W North as well as geotechnical investigations to develop designs for the permanent repairs for the corridor.

C. Categorical Exclusion Action Classification:

Type I(A) - Ground Disturbing Action

D. Proposed Improvements:

Type I actions:

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

24. Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

E. Special Project Information:

Natural Environment
The French Broad River (FBR)/Cane River Aquatic Habitat and FBR/North Toe River-Nolichucky River Aquatic Habitat are listed as Natural Areas by the Natural Heritage Program (NHP). The NCNHP Natural Areas are terrestrial and aquatic areas that are of special biodiversity significance and indicate action areas for the conservation of North Carolina biodiversity. Temporary impacts to the FBR/Cane River and FBR/North Toe River-Nolichucky River Aquatic Habitat are anticipated to result from the proposed action because of temporary geotechnical investigation activities within the Cane River. (See project file.)

The Cane River, which runs adjacent to the proposed project limits on US 19W is listed as Class C; Tr (Trout) by North Carolina Division of Water Resources (DWR). The Nolichucky River, which runs adjacent to Murphytown Road in the proposed project limits, is listed as Class B by DWR. The North Toe River, which runs adjacent to Huntdale Road in the proposed project limits, is listed as Class B; Tr by DWR.

Threatened & Endangered Species
As of March 2025, there are nine listed or proposed species under the Endangered Species Act (ESA) jurisdiction within the vicinity project according to the US Fish and Wildlife Service (USFWS) Information and Planning Consultation (IPaC) database. USFWS identified the main stem of the Cane River as critical habitat for Appalachian elktoe. (See project file.)

Table 1. Federally Protected Species

Scientific Name	Common Name	Federal Status	Biological Conclusion
Myotis grisenscens	Gray bat	E	Unresolved
Myotis septentrionalis	Northern long-eared bat	E	Unresolved
Glyptemys muhlenbergii	Bog turtle	SAT	Not required
Cryptobranchus alleganiensis	Eastern hellbender	PE	Not required
Alasmidonta raveneliana	Appalachian elktoe	E	Unresolved
Danaus plexippus	Monarch butterfly	PT	Not required

Isotria medeoloides	Small whorled pogonia	T	Unresolved
Spiraea virginiana	Virginia spiraea	T	Unresolved
Gymnoderma lineare	Rock gnome lichen	E	No Effect
PE – Proposed Endangered, T – Threatened, SAT - Threatened based on Similarity of Appearance, PT – Proposed Threatened, E- Endangered			

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 ESA, except that federal action agencies must ensure their actions do not jeopardize the species' existence. These agencies may also consult with the USFWS to obtain a conference opinion, which will automatically convert to a biological opinion upon the final listing decision.

Monarch Butterfly

A proposal to list the monarch butterfly as threatened and designate Critical Habitat was published in the Federal Register on December 12, 2024. A 90-day comment period will occur from December 12, 2024, to March 12, 2025. Monarch butterflies are found across North America and are one of the few migratory insects. The eastern population of the species ranges as far north as southern Canada in the summer and travel up to 2,800 miles between summer breeding habitat and winter habitat in the mountains of central Mexico. Upon listing, USFWS is expected to provide habitat descriptions and an area of influence/distribution range for the monarch butterfly. When this information is provided, it will help to inform NCDOT's determinations on habitat that could be impacted by NCDOT actions.

Cultural Resources

NCDOT/FHWA initiated tribal coordination with the Catawba Indian Nation, the Cherokee Nation, the Eastern Band of Cherokee Indians, the Muscogee (Creek) Nation, and the United Keetoowah Band of Cherokee Indians on March 25, 2025. The Cherokee Nation replied on April 24, 2025 (see project file).

NCDOT/FHWA and the NC Historic Preservation Office are in coordination regarding this project. No effects to historic resources are anticipated as a result of this proposed action.

Public and Stakeholder Involvement

NCDOT hosted a Local Officials' Information Meeting (LOIM) and a Public Meeting for four Hurricane Helene Repair Projects in Yancey and Mitchell Counties, including this project, on March 31, 2025, at the Burnsville Town Center. Eight local officials and 162 individuals signed in at the two meetings. The meetings introduced local officials and the public to the permanent repair projects. Detailed designs were not presented and NCDOT indicated designs would be presented at a future public meeting. There was no formal comment period but comments were encouraged. Twenty-six comments were received as of March 31, 2025, via the project website and in-person at the meeting. Comments focused on stormwater runoff, private roads and bridges repairs, and emergency access to property.

NCDOT circulated Start of Study Notification to agency representatives on March 10, 2025. Responses were received from NC Wildlife Resources Commission (NCWRC), NC Division of Water Resources (DWR), NC Department of Natural and Cultural Resources (DNCR) Division of Land and Water Stewardship, US Environmental Protection Agency (EPA), and US Fish and Wildlife Service (FWS). Responses are included in the project file.

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.

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: NCDOT ATLAS Screening, April 2025)	☒	☐
2	Does the project result in effects subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)? (Source: NCDOT ATLAS Screening, April 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)	☐	☒
4			
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: NCDOT ATLAS Screening, April 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: No Archeological Survey Required, January 14, 2025; Historic Architecture Coordination ongoing)	☐	☒
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: NCDOT ATLAS Screening, April 2025)	☒	☐
9	Is the project located in anadromous fish spawning waters? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
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: NCDOT ATLAS Screening, April 2025; NC 2022 303(d) List, June 2025)	☒	☐
11	Does the project impact waters of the United States in any of the designated mountain trout streams? (Source: NCDOT ATLAS Screening, April 2025; NCWRC Scoping Letter, March 2025)	☒	☐

12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit? (Source: N/A)	☐	☒
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
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: No Archeological Survey Required, January 14, 2025; Historic Architecture Coordination ongoing)	☐	☒
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.? (Source: GeoEnvironmental Phase I Report, April 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 FRIS, May 2025)	☐	☒
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: NCDOT ATLAS Screening, April 2025)	☐	☒
18	Does the project require a U.S. Coast Guard (USCG) permit? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
19	Does the project involve Coastal Barrier Resources Act (CBRA) resources? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
20	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
21	Does the project impact federal lands (e.g., U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
22	Does the project involve any changes in access control to the interstate (modification or construction of an interchange)? (Source: N/A)	☐	☒
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness? (Source: Direct and Indirect Screening Tool, Dec. 2024)	☐	☒
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)? (Source: N/A)	☐	☒
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: NCDOT ATLAS Screening, April 2025)	☐	☒
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
28	Does the project "use" Section 4(f) property, and/or result in a *de minimis* determination? (Source: NCDOT ATLAS Screening, April 2025)	☐	☒
29	Is the project considered a Type I under the NCDOT Noise Policy? (Source: N/A)	☐	☒
30	Does the project impact VAD-enrolled property, or prime or important farmland soil, as defined by the Farmland Protection Policy Act (FPPA)? (Source: Direct and Indirect Screening Tool, Dec. 2024)	☐	☒

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.')

Questions 1 & 8: ESA Section 7 Coordination between NCDOT, FHWA and USFWS is ongoing. Repair and reconstruction activities are currently being considered under formal consultation with USFWS.

Question 10: The Nolichucky River is listed in the North Carolina 2022 303(d) List for exceeding criteria for turbidity from the river's source to the North Carolina-Tennessee State Line. This portion of the Nolichucky River is adjacent to Murphytown Road in the project limits.

Question 11: The NCWRC (March 18, 2025) noted that the Cane River in the project area is a cool-water habitat that was severely degraded and aggraded by floodwater from Hurricane Helene. Habitat in this part of the river is not suitable for trout populations year-round. The trout moratorium should not apply to the repair work.

H. Categorical Exclusion Approval:

STIP Project No.	**Hurricane Helene Repairs to US 19W North**
WBS Element	18313.1100999
Federal Project No.	N/A

Prepared By:

6/2/2025
Date

Signed by:
Anya Grahn-Federmack
0BFBC150B82D4E5...
Anya Grahn-Federmack
GFT

Prepared For: Chris Deyton, PE, Highway Division 13

Reviewed By:

6/2/2025
Date

Signed by:
Marissa Cox
78BFB0F950D342E...
Marissa Cox, EPU, Western Regional Team Lead
North Carolina Department of Transportation

☐ **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.

6/2/2025
Date

DocuSigned by:
CA084B4A0412432...
John Jamison, PWS, EPU Head
North Carolina Department of Transportation

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

6/16/2025
Date

DocuSigned by:
E932DEEC5B6240F...
for Yolonda K. Jordan, Division Administrator
Federal Highway Administration

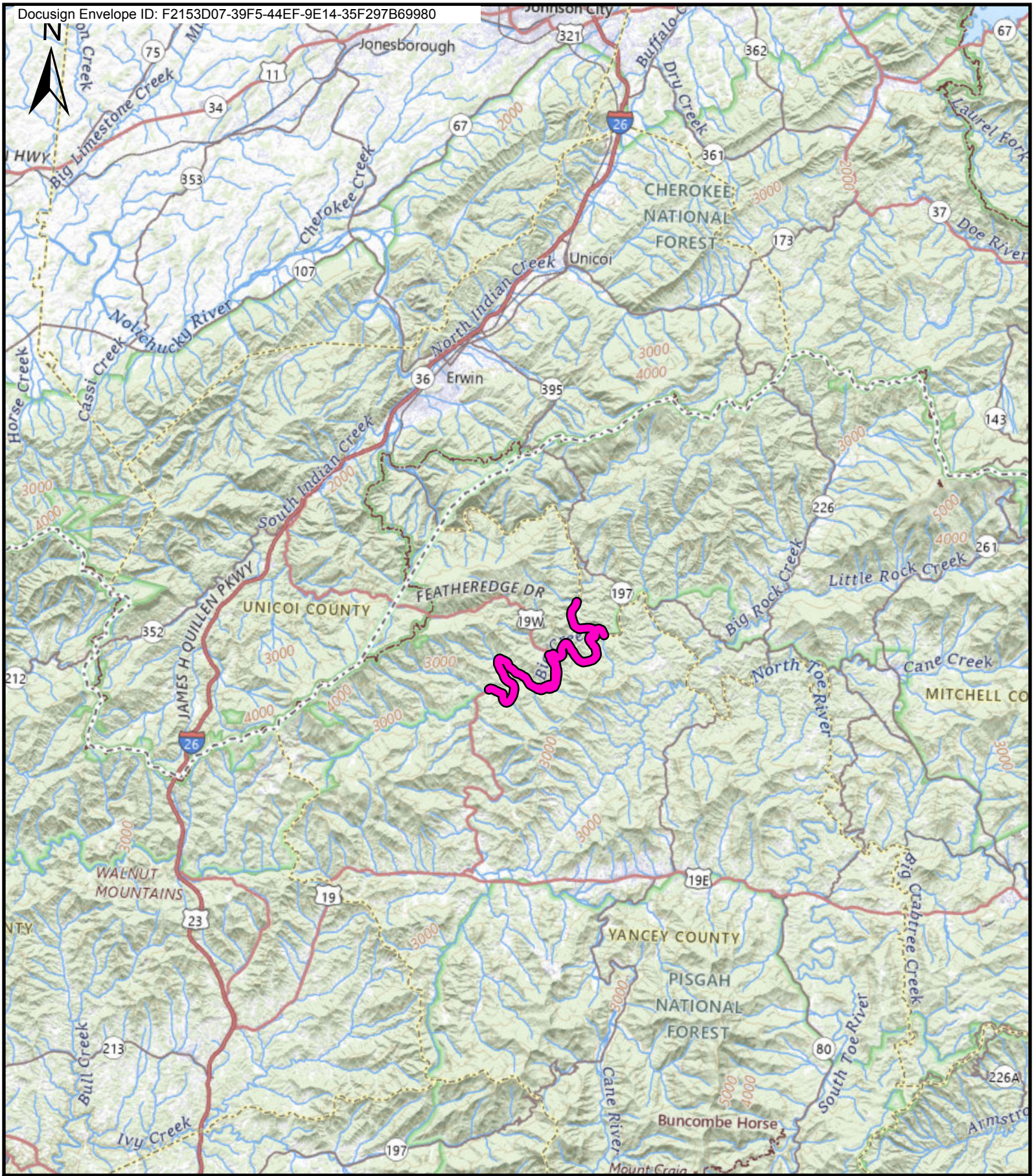
I. Project Commitments (attach as Green Sheet to CE Form):

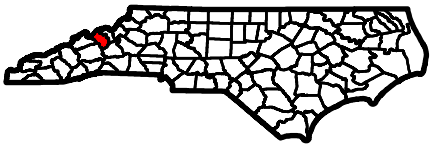
NCDOT PROJECT COMMITMENTS

STIP Project No. **Hurricane Helene Repairs to US 19W North**
Yancey County
Federal Aid Project No. N/A
WBS Element 18313.1100999

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

None





Project Limits

0 10,000 20,000 Feet

0 2.5 5 Miles

Figure 1. Project Vicinity Map
NCDOT Project No. 18313.1100999
Repairs to U.S. 19W North:
Piney Hill Road (SR 1386) to Will Higgins Road
(SR 1444)
Yancey County

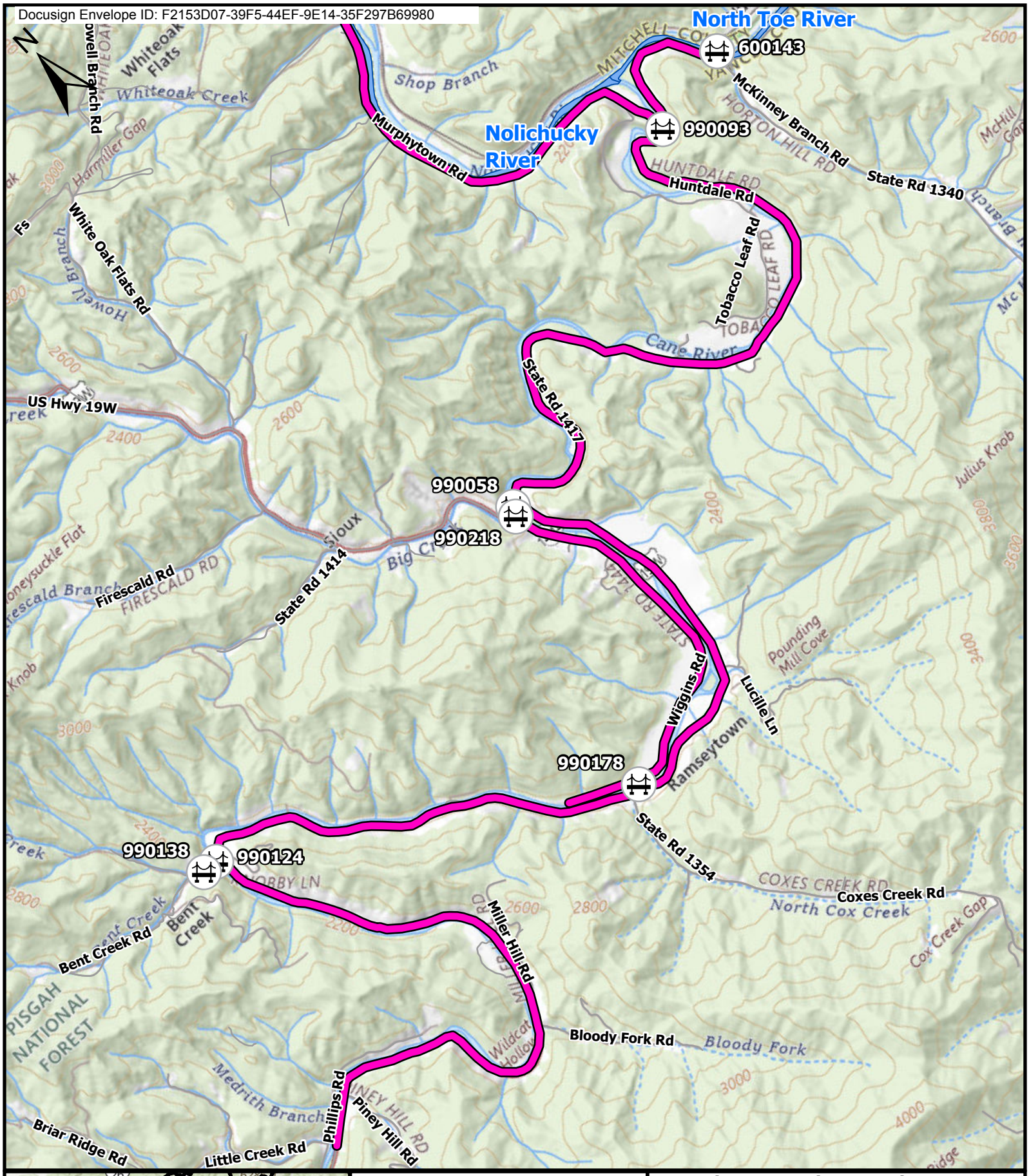
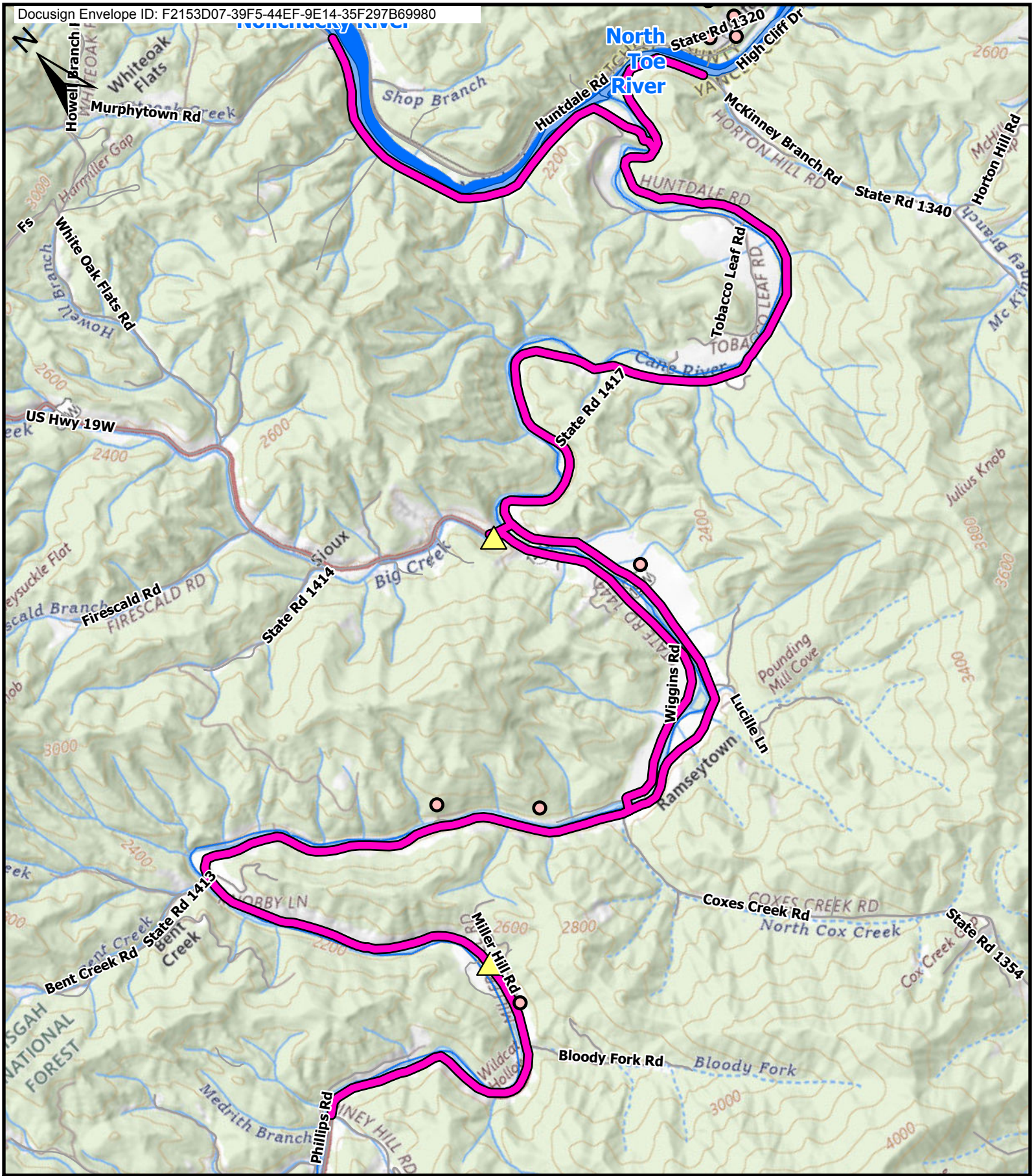
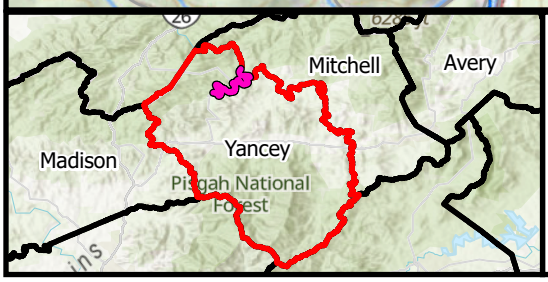


Figure 2. Project Location Map
NCDOT Project No. 18313.1100999
Repairs to U.S. 19W North:
Piney Hill Road (SR 1386) to Will Higgins Road (SR 1444)
Yancey County





Geoenvironmental Sites of Concern
Potential Historic Resources
Project Limits
Rivers & Streams

0 1,000 2,000 Feet
0 0.25 0.5 Miles

Figure 3. Environmental Features Map
NCDOT Project No. 18313.1100999
Repairs to U.S. 19W North:
Piney Hill Road (SR 1386) to Will Higgins Road (SR 1444)
Yancey County