STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 21, 2006

U. S. Army Corps of Engineers
Regulatory Field Office
151 Patton Avenue Room 208
Asheville, NC 28801-5006

ATTENTION: Mr. Steve Lund
Cc: Mr. David Baker
NCDOT Coordinator

Dear Sir:

SUBJECT: **Nationwide Permit 23 and 33 Permit Application** for the proposed replacement of Bridge No. 24 on US 19 over the Oconaluftee River in Swain County. Federal Aid Project No. BRSTP-19(11), TIP B-4696.

Please find enclosed a copy of the Categorical Exclusion, pre-construction notification (PCN), permit drawings and design plans for the above referenced project. NCDOT proposes to replace Bridge No. 24 using phased construction, on existing alignment, with a 200-foot, two span bridge. There will be 0.001 acre of permanent impact to surface waters due to the new bents, and 0.18 acre of temporary impact to surface waters will be required for temporary work pads. There are no jurisdictional wetlands within the project area.

Impacts to Waters of the United States

The water resource impacted for this project is the Oconaluftee River. The North Carolina Department of Environment and Natural Resources classifies the Oconaluftee River as "C" with a secondary classification of Tr. The Oconaluftee River is located in Hydrological Cataloguing Unit 06010203 of the Little Tennessee River Basin.

The Oconaluftee River has been labeled a High Quality Water Resource, therefore High Quality Sedimentation and Erosion Control measures will be used on this project. Due to the presence of trout, in-stream construction is prohibited during the trout-spawning period of October 15 through April 15 to avoid impacts on trout reproduction.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

Permanent Impacts: There will be 0.001 acre of permanent stream impacts to accommodate the new bridge bents.

Temporary Impacts: There will be 0.18 acre of temporary impacts to accommodate construction of the new bridge via temporary work pads. The pads will consist of Class A and Class II rip rap (shown on sheet 3 of the permit drawings), and will be completely removed once they are no longer needed. These pads are necessary to construct a bent and to hoist the large beams into their proper location.

Utilities: Water lines in the area will be reattached to the new bridge. There will be no utility impacts for this project.

Bridge Demolition

Bridge No. 24 was built in 1958. The structure consists of 5 spans totaling 236.92 feet in length. The existing bridge is composed of a reinforced concrete deck and girders with a substructure composed of reinforced concrete posts. Best Management Practices for Bridge Demolition and Removal will be implemented.

Federally Protected Species

Plants and animals with federal classifications of Endangered, Threatened, Proposed Endangered, and Proposed Threatened are protected under provisions of Section 7 and Section 9 of the Endangered Species Act of 1973, as amended. As of March 8, 2006, the Fish and Wildlife Service (FWS) lists 13 federally protected species for Swain County (Table 1).

Table 1. Federally-Protected Species for Swain County.

Common Name	Scientific Name	Status	Habitat/ Last Survey Date	Biological Conclusion
Carolina northern flying squirrel	*Glaucomys sabrinus coloratus*	E	No	No Effect
Eastern cougar	*Puma concolor couguar*	E	No	No Effect
Indiana bat	*Myotis sodalis*	E	No	No Effect
Spotfin chub	*Cyprinella (=Hybopsis) monacha*	T	No	No Effect
Appalachian elktoe	*Alasmidonta raveneliana*	E	Yes-10/2004	No Effect
Little-wing pearlymussel	*Pegias fabula*	E	Yes-10/2004	No Effect
Noonday globe	*Patera clarki nantahala*	T	No	No Effect
Spruce-fir moss spider	*Microhexura montivaga*	E	No	No Effect
Virginia spirea	*Spiraea virginiana*	T	Yes- 6/29/2006	No Effect
Rock Gnome Lichen	*Gymnoderma lineare*	E	No	No Effect
†Gray Bat	*Myotis grisescens*	E	No	No Effect
Bald Eagle	*Haliaeetus leucocephalus*	T	No	No Effect
Bog Turtle	*Myotis grisescens*	T (S/A)	No	No Effect

KEY:

Status	Definition
E = Endangered -	A taxon "in danger of extinction throughout all or a significant portion of its range."
T = Threatened -	A taxon "likely to become endangered within the foreseeable future throughout all or a significant portion of its range."
T (S/A)	A taxon that is threatened due to similarity of appearance with another listed species and is therefore listed for its protection.

Avoidance & Minimization

The construction of this project has minimized the extent of the built-upon area by using the existing alignment for the widening. Traffic will be maintained onsite using phased construction on the new bridge. The existing structure will carry traffic until enough of the new bridge is constructed to accommodate the traffic. Best management practices (BMP's) will be utilized to minimize water quality impacts. In compliance with 15A NCAC 02B.0104(m) we have incorporated the use of BMP's in the design of the project.

The structure chosen to replace Bridge No. 24 will only have one set of bents, thus resulting an increased hydraulic capacity, and a reduced likelihood of obstruction.

Mitigation

Permanent surface water impacts for this project are from bridge bents. Therefore, mitigation will not be necessary.

Regulatory Approvals

Section 404 Permit: It is anticipated that the temporary impacts from the installation of work pads in the Oconaluftee River will be authorized under Section 404 Nationwide Permit. We are, therefore, requesting the issuance of a Nationwide Permit 33 authorizing the temporary dewatering of the Oconaluftee River. All other aspects of this project are being processed by the Federal Highway Administration as a "Categorical Exclusion" in accordance with 23 CFR § 771.115(b). The NCDOT requests that these activities be authorized by a Nationwide Permit 23 (FR number 10, pages 2020-2095; January 15, 2002).

Section 401 Permit: We anticipate that 401 General Certification number 3403 and 3366 will apply to this project. The NCDOT will adhere to all general conditions of aforementioned certifications, and therefore are not requesting writing concurrence from the DWQ. In accordance with 15A NCAC 2H, Section .0500(a) we are providing two copies of this application to the North Carolina Department of Environmental and Natural Resources, Division of Water Quality, for their review. With the exception of one property owner, this project occurs on tribal land, thus requiring a section 401 permit.

We also anticipate that comments from the North Carolina Wildlife Resources Commission (NCWRC) will be requested prior to authorization by the Corps of Engineers. By copy of this letter and attachment, NCDOT hereby requests NCWRC review. NCDOT requests that NCWRC forward their comments to the Corps of Engineers and NCDOT.

TVA: This project is located within the jurisdiction of the Tennessee Valley Authority (TVA). Therefore, an approval under Section 26a of the TVA Act will be required.

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Michael Turchy at maturchy@dot.state.nc.us or (919) 715-1468.

Sincerely,

E. L. Fuller

for Gregory J. Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis Branch

W/attachment

Mr. John Hennessy, NCDWQ (2 Copies)
Ms. Marella Buncick, USFWS
Ms. Marla Chambers, NCWRC
Mr. Harold Draper, TVA
Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. J. B. Setzer, P.E. (Div. 14), Division Engineer
Mr. Mark Davis (Div. 14), DEO

W/o attachment

Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Scott McLendon, USACE, Wilmington
Mr. John Williams, P.E, PDEA Project Planning Engineer

Office Use Only: Form Version March 05

USACE Action ID No. _____ **DWQ No.** _____

(If any particular item is not applicable to this project, please enter "Not Applicable" or "N/A".)

I. Processing

1. Check all of the approval(s) requested for this project:
   - ☒ Section 404 Permit
   - ☐ Section 10 Permit
   - ☒ 401 Water Quality Certification
   - ☐ Riparian or Watershed Buffer Rules
   - ☐ Isolated Wetland Permit from DWQ
   - ☐ Express 401 Water Quality Certification

2. Nationwide, Regional or General Permit Number(s) Requested: NW 23 & 33

3. If this notification is solely a courtesy copy because written approval for the 401 Certification is not required, check here: ☒

4. If payment into the North Carolina Ecosystem Enhancement Program (NCEEP) is proposed for mitigation of impacts, attach the acceptance letter from NCEEP, complete section VIII, and check here: ☐

5. If your project is located in any of North Carolina's twenty coastal counties (listed on page 4), and the project is within a North Carolina Division of Coastal Management Area of Environmental Concern (see the top of page 2 for further details), check here: ☐

II. Applicant Information

1. Owner/Applicant Information
   Name: Gregory J. Thorpe, Ph.D., Environmental Management Director
   Mailing Address: 1598 Mail Service Center
   Telephone Number: (919) 733-3141 Fax Number: (919) 733-9794
   E-mail Address: maturchy@dot.state.nc.us

2. Agent/Consultant Information (A signed and dated copy of the Agent Authorization letter must be attached if the Agent has signatory authority for the owner/applicant.)
   Name:
   Company Affiliation:
   Mailing Address:
   Telephone Number: Fax Number:
   E-mail Address:

III. Project Information

Attach a **vicinity map** clearly showing the location of the property with respect to local landmarks such as towns, rivers, and roads. Also provide a detailed **site plan** showing property boundaries and development plans in relation to surrounding properties. Both the vicinity map and site plan must include a scale and north arrow. The specific footprints of all buildings, impervious surfaces, or other facilities must be included. If possible, the maps and plans should include the appropriate USGS Topographic Quad Map and NRCS Soil Survey with the property boundaries outlined. Plan drawings, or other maps may be included at the applicant's discretion, so long as the property is clearly defined. For administrative and distribution purposes, the USACE requires information to be submitted on sheets no larger than 11 by 17-inch format; however, DWQ may accept paperwork of any size. DWQ prefers full-size construction drawings rather than a sequential sheet version of the full-size plans. If full-size plans are reduced to a small scale such that the final version is illegible, the applicant will be informed that the project has been placed on hold until decipherable maps are provided.

1. Name of project: B-4696, Replacement of Bridge No. 24 carrying US 19 over the Oconaluftee River.

2. T.I.P. Project Number or State Project Number (NCDOT Only): B-4696

3. Property Identification Number (Tax PIN): N/A

4. Location
   County: Swain Nearest Town: Cherokee
   Subdivision name (include phase/lot number): N/A
   Directions to site (include road numbers/names, landmarks, etc.):

5. Site coordinates (For linear projects, such as a road or utility line, attach a sheet that separately lists the coordinates for each crossing of a distinct waterbody.)
   Decimal Degrees (6 digits minimum): 35 28' 35.76" °N 83 19' 10.86" °W

6. Property size (acres): N/A

7. Name of nearest receiving body of water: Oconaluftee River

8. River Basin: Little Tennessee
   (Note – this must be one of North Carolina's seventeen designated major river basins. The River Basin map is available at http://h2o.enr.state.nc.us/admin/maps/.)

9. Describe the existing conditions on the site and general land use in the vicinity of the project at the time of this application: Recreation/ tourism

10. Describe the overall project in detail, including the type of equipment to be used: The replacement of Bridge No. 24 over the Oconaluftee with a new, single span bridge north of the current structure. Earth moving equipment including, but not limited to, cranes, bulldozers, etc., will be used during construction.

11. Explain the purpose of the proposed work: To replace a functionally and structurally obsolete structure.

IV. Prior Project History

If jurisdictional determinations and/or permits have been requested and/or obtained for this project (including all prior phases of the same subdivision) in the past, please explain. Include the USACE Action ID Number, DWQ Project Number, application date, and date permits and certifications were issued or withdrawn. Provide photocopies of previously issued permits, certifications or other useful information. Describe previously approved wetland, stream and buffer impacts, along with associated mitigation (where applicable). If this is a NCDOT project, list and describe permits issued for prior segments of the same T.I.P. project, along with construction schedules.N/A

V. Future Project Plans

Are any future permit requests anticipated for this project? If so, describe the anticipated work, and provide justification for the exclusion of this work from the current application.
N/A

VI. Proposed Impacts to Waters of the United States/Waters of the State

It is the applicant's (or agent's) responsibility to determine, delineate and map all impacts to wetlands, open water, and stream channels associated with the project. Each impact must be listed separately in the tables below (e.g., culvert installation should be listed separately from riprap dissipater pads). Be sure to indicate if an impact is temporary. All proposed impacts, permanent and temporary, must be listed, and must be labeled and clearly identifiable on an accompanying site plan. All wetlands and waters, and all streams (intermittent and perennial) should be shown on a delineation map, whether or not impacts are proposed to these systems. Wetland and stream evaluation and delineation forms should be included as appropriate. Photographs may be included at the applicant's discretion. If this proposed impact is strictly for wetland or stream mitigation, list and describe the impact in Section VIII below. If additional space is needed for listing or description, please attach a separate sheet.

1. Provide a written description of the proposed impacts:New bridge bents sill result in 0.01 ac of permanent impact; 0.1826 acre of temporary impacts to accommodate construction of the new bridge via temporary workpads.

2. Individually list wetland impacts. Types of impacts include, but are not limited to mechanized clearing, grading, fill, excavation, flooding, ditching/drainage, etc. For dams, separately list impacts due to both structure and flooding.

Wetland Impact Site Number (indicate on map)	Type of Impact	Type of Wetland (e.g., forested, marsh, herbaceous, bog, etc.)	Located within 100-year Floodplain (yes/no)	Distance to Nearest Stream (linear feet)	Area of Impact (acres)
No Wetlands					
Total Wetland Impact (acres)					

3. List the total acreage (estimated) of all existing wetlands on the property: N/A

4. Individually list all intermittent and perennial stream impacts. Be sure to identify temporary impacts. Stream impacts include, but are not limited to placement of fill or culverts, dam construction, flooding, relocation, stabilization activities (e.g., cement walls, rip-rap, crib walls, gabions, etc.), excavation, ditching/straightening, etc. If stream relocation is proposed, plans and profiles showing the linear footprint for both the original and relocated streams must be included. To calculate acreage, multiply length X width, then divide by 43,560.

Stream Impact Number (indicate on map)	Stream Name	Type of Impact	Perennial or Intermittent?	Average Stream Width Before Impact	Impact Length (linear feet)	Area of Impact (acres)
PH 1	Oconaluftee River	Temporary	Perennial	90-100'	40'	0.123
PH 2	Oconaluftee River	Temporary	Perennial	90-100'	40'	0.0596
Bridge Bents	Oconaluftee River	Permanent	Perennial	90-100'	3.5'	0.001
Total Stream Impact (by length and acreage)					83.5'	0.1836

5. Individually list all open water impacts (including lakes, ponds, estuaries, sounds, Atlantic Ocean and any other water of the U.S.). Open water impacts include, but are not limited to fill, excavation, dredging, flooding, drainage, bulkheads, etc.

Open Water Impact Site Number (indicate on map)	Name of Waterbody (if applicable)	Type of Impact	Type of Waterbody (lake, pond, estuary, sound, bay, ocean, etc.)	Area of Impact (acres)
Total Open Water Impact (acres)				

6. List the cumulative impact to all Waters of the U.S. resulting from the project:

Stream Impact (acres):	0.1826 (temp) 0.001 (permanent- bridge bents)
Wetland Impact (acres):	0
Open Water Impact (acres):	0
Total Impact to Waters of the U.S. (acres)	0.1826 (temp) 0.001 (permanent- bridge bents)
Total Stream Impact (linear feet):	80 (temp)

7. Isolated Waters
   Do any isolated waters exist on the property? ☐ Yes ☒ No
   Describe all impacts to isolated waters, and include the type of water (wetland or stream) and the size of the proposed impact (acres or linear feet). Please note that this section only applies to waters that have specifically been determined to be isolated by the USACE.
   N/A

8. Pond Creation
   If construction of a pond is proposed, associated wetland and stream impacts should be included above in the wetland and stream impact sections. Also, the proposed pond should be described here and illustrated on any maps included with this application.
   Pond to be created in (check all that apply): ☐ uplands ☐ stream ☐ wetlands
   Describe the method of construction (e.g., dam/embankment, excavation, installation of draw-down valve or spillway, etc.):_____
   Proposed use or purpose of pond (e.g., livestock watering, irrigation, aesthetic, trout pond, local stormwater requirement, etc.):_____
   Current land use in the vicinity of the pond:_____
   Size of watershed draining to pond:_____ Expected pond surface area:_____

VII. Impact Justification (Avoidance and Minimization)

Specifically describe measures taken to avoid the proposed impacts. It may be useful to provide information related to site constraints such as topography, building ordinances, accessibility, and financial viability of the project. The applicant may attach drawings of alternative, lower-impact site layouts, and explain why these design options were not feasible. Also discuss how impacts were minimized once the desired site plan was developed. If applicable, discuss construction techniques to be followed during construction to reduce impacts.The selected design was chosen as it completely spans the Oconaluftee River. Temporary impacts are required to hoist the long spanning beams into place.

VIII. Mitigation

DWQ - In accordance with 15A NCAC 2H .0500, mitigation may be required by the NC Division of Water Quality for projects involving greater than or equal to one acre of impacts to freshwater wetlands or greater than or equal to 150 linear feet of total impacts to perennial streams.

USACE – In accordance with the Final Notice of Issuance and Modification of Nationwide Permits, published in the Federal Register on January 15, 2002, mitigation will be required when necessary to ensure that adverse effects to the aquatic environment are minimal. Factors including size and type of proposed impact and function and relative value of the impacted aquatic resource will be considered in determining acceptability of appropriate and practicable mitigation as proposed. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland and/or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferable in the same watershed.

If mitigation is required for this project, a copy of the mitigation plan must be attached in order for USACE or DWQ to consider the application complete for processing. Any application lacking a required mitigation plan or NCEEP concurrence shall be placed on hold as incomplete. An applicant may also choose to review the current guidelines for stream restoration in DWQ's Draft Technical Guide for Stream Work in North Carolina, available at http://h2o.enr.state.nc.us/ncwetlands/strmgide.html.

1. Provide a brief description of the proposed mitigation plan. The description should provide as much information as possible, including, but not limited to: site location (attach directions and/or map, if offsite), affected stream and river basin, type and amount (acreage/linear feet) of mitigation proposed (restoration, enhancement, creation, or preservation), a plan view, preservation mechanism (e.g., deed restrictions, conservation easement, etc.), and a description of the current site conditions and proposed method of construction. Please attach a separate sheet if more space is needed.
   No mitigation required.

2. Mitigation may also be made by payment into the North Carolina Ecosystem Enhancement Program (NCEEP). Please note it is the applicant's responsibility to contact the NCEEP at (919) 715-0476 to determine availability, and written approval from the NCEEP indicating that they are will to accept payment for the mitigation must be attached to this form. For additional information regarding the application process for the NCEEP, check the NCEEP website at http://h2o.enr.state.nc.us/wrp/index.htm. If use of the NCEEP is proposed, please check the appropriate box on page five and provide the following information:

   Amount of stream mitigation requested (linear feet):_____
   Amount of buffer mitigation requested (square feet):_____
   Amount of Riparian wetland mitigation requested (acres):_____
   Amount of Non-riparian wetland mitigation requested (acres):_____
   Amount of Coastal wetland mitigation requested (acres):_____

IX. Environmental Documentation (required by DWQ)

1. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? Yes ☒ No ☐

2. If yes, does the project require preparation of an environmental document pursuant to the requirements of the National or North Carolina Environmental Policy Act (NEPA/SEPA)? Note: If you are not sure whether a NEPA/SEPA document is required, call the SEPA coordinator at (919) 733-5083 to review current thresholds for environmental documentation. Yes ☒ No ☐

3. If yes, has the document review been finalized by the State Clearinghouse? If so, please attach a copy of the NEPA or SEPA final approval letter. Yes ☒ No ☐

X. Proposed Impacts on Riparian and Watershed Buffers (required by DWQ)

It is the applicant's (or agent's) responsibility to determine, delineate and map all impacts to required state and local buffers associated with the project. The applicant must also provide justification for these impacts in Section VII above. All proposed impacts must be listed herein, and must be clearly identifiable on the accompanying site plan. All buffers must be shown on a map, whether or not impacts are proposed to the buffers. Correspondence from the DWQ Regional Office may be included as appropriate. Photographs may also be included at the applicant's discretion.

1. Will the project impact protected riparian buffers identified within 15A NCAC 2B .0233 (Neuse), 15A NCAC 2B .0259 (Tar-Pamlico), 15A NCAC 02B .0243 (Catawba) 15A NCAC 2B .0250 (Randleman Rules and Water Supply Buffer Requirements), or other (please identify_____)? Yes ☐ No ☒

2. If "yes", identify the square feet and acreage of impact to each zone of the riparian buffers. If buffer mitigation is required calculate the required amount of mitigation by applying the buffer multipliers.

Zone*	Impact (square feet)	Multiplier	Required Mitigation
1		3 (2 for Catawba)	
2		1.5	
Total			

* Zone 1 extends out 30 feet perpendicular from the top of the near bank of channel; Zone 2 extends an additional 20 feet from the edge of Zone 1.

3. If buffer mitigation is required, please discuss what type of mitigation is proposed (i.e., Donation of Property, Riparian Buffer Restoration / Enhancement, or Payment into the Riparian Buffer Restoration Fund). Please attach all appropriate information as identified within 15A NCAC 2B .0242 or .0244, or .0260. _____

XI. Stormwater (required by DWQ)

Describe impervious acreage (existing and proposed) versus total acreage on the site. Discuss stormwater controls proposed in order to protect surface waters and wetlands downstream from

the property. If percent impervious surface exceeds 20%, please provide calculations demonstrating total proposed impervious level. Impervious surface will not significantly increase as a result of this project. Water will be controlled off of the bridge deck and will not fall directly into the stream. NCDOT's Best Management Practices will be followed throughout the construction of the project.

XII. Sewage Disposal (required by DWQ)

Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge) of wastewater generated from the proposed project, or available capacity of the subject facility.
N/A

XIII. Violations (required by DWQ)

Is this site in violation of DWQ Wetland Rules (15A NCAC 2H .0500) or any Buffer Rules?
Yes ☐ No ☒

Is this an after-the-fact permit application? Yes ☐ No ☒

XIV. Cumulative Impacts (required by DWQ)

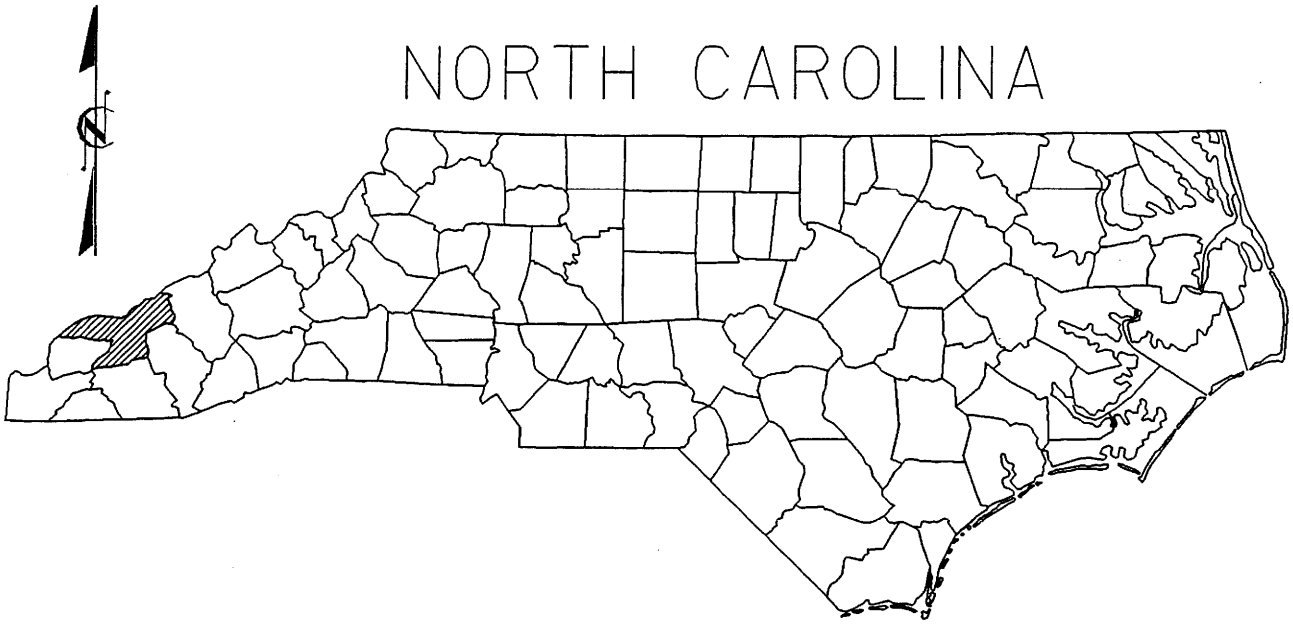
Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? Yes ☐ No ☒
If yes, please submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent North Carolina Division of Water Quality policy posted on our website at http://h2o.enr.state.nc.us/ncwetlands. If no, please provide a short narrative description:

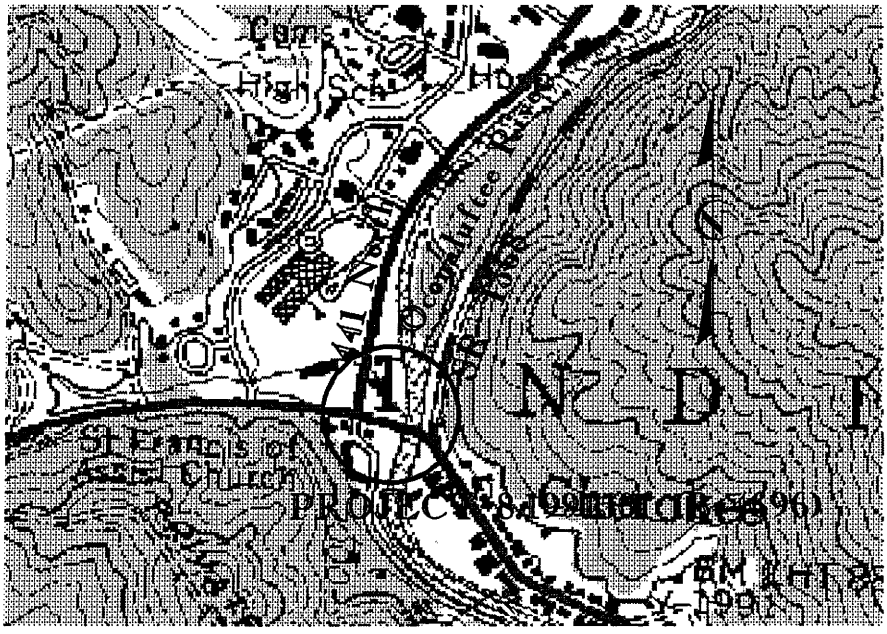
XV. Other Circumstances (Optional):

It is the applicant's responsibility to submit the application sufficiently in advance of desired construction dates to allow processing time for these permits. However, an applicant may choose to list constraints associated with construction or sequencing that may impose limits on work schedules (e.g., draw-down schedules for lakes, dates associated with Endangered and Threatened Species, accessibility problems, or other issues outside of the applicant's control).
N/A

E L. Tuck 9.18.06

Applicant/Agent's Signature **Date**
(Agent's signature is valid only if an authorization letter from the applicant is provided.)





VICINITY MAP

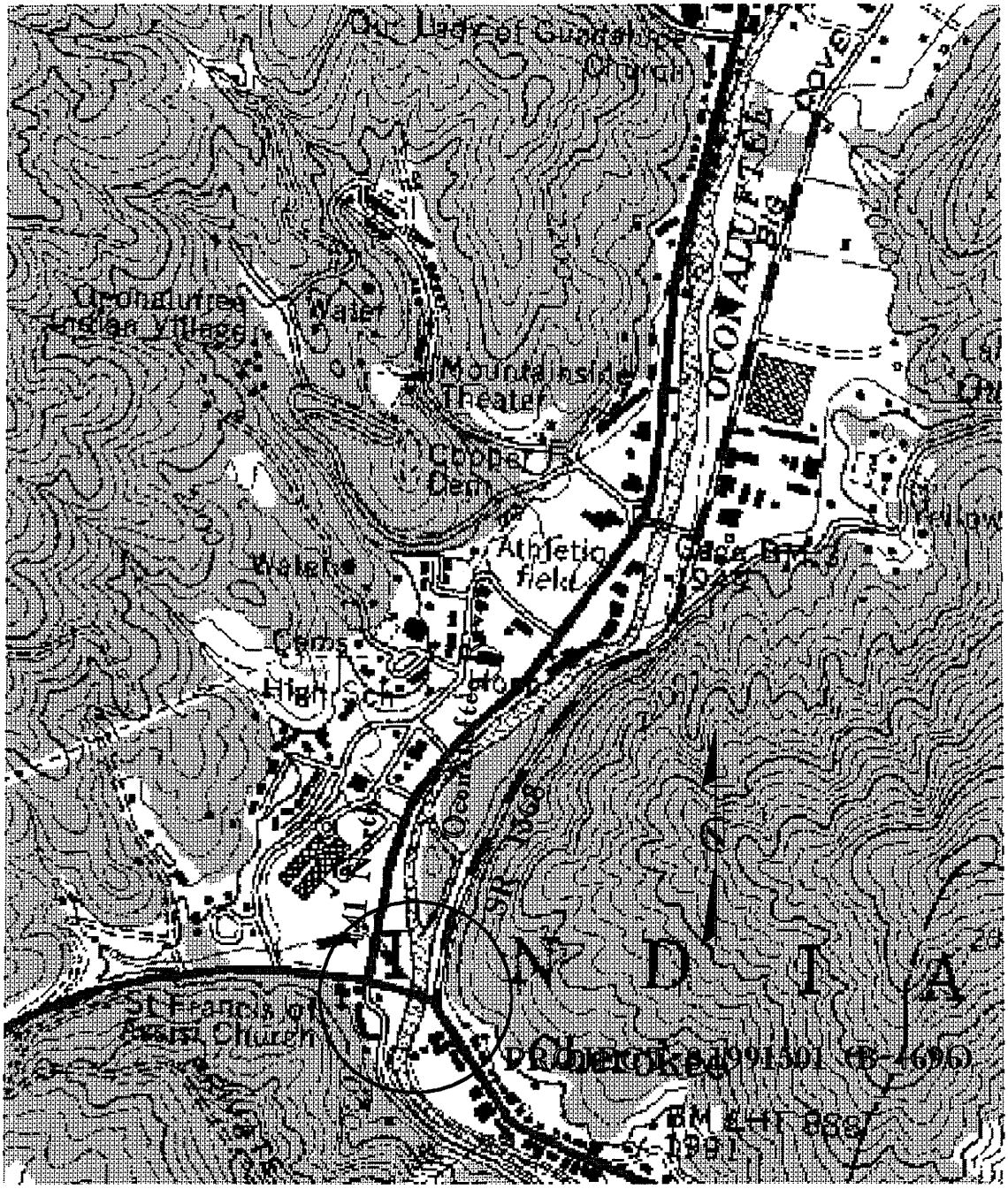
NCDOT

DIVISION OF HIGHWAYS
SWAIN COUNTY
PROJECT: 8.1991501 (B-4696)
NEW BRIDGE BETWEEN
SR 1368 ACQUONI RD.
AND 441 NORTH.

Permit Drawings Sheet 1 of 13

SHEET 1 OF 13

Revised 02/07/2006
10/20/04



SITE MAP

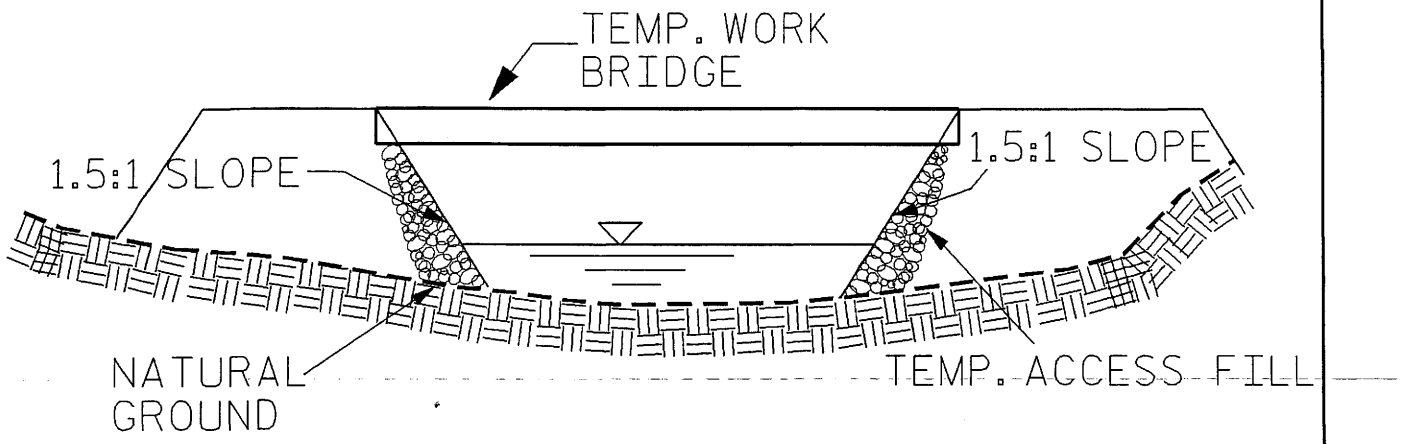
Permit Drawings Sheet 2 of 13

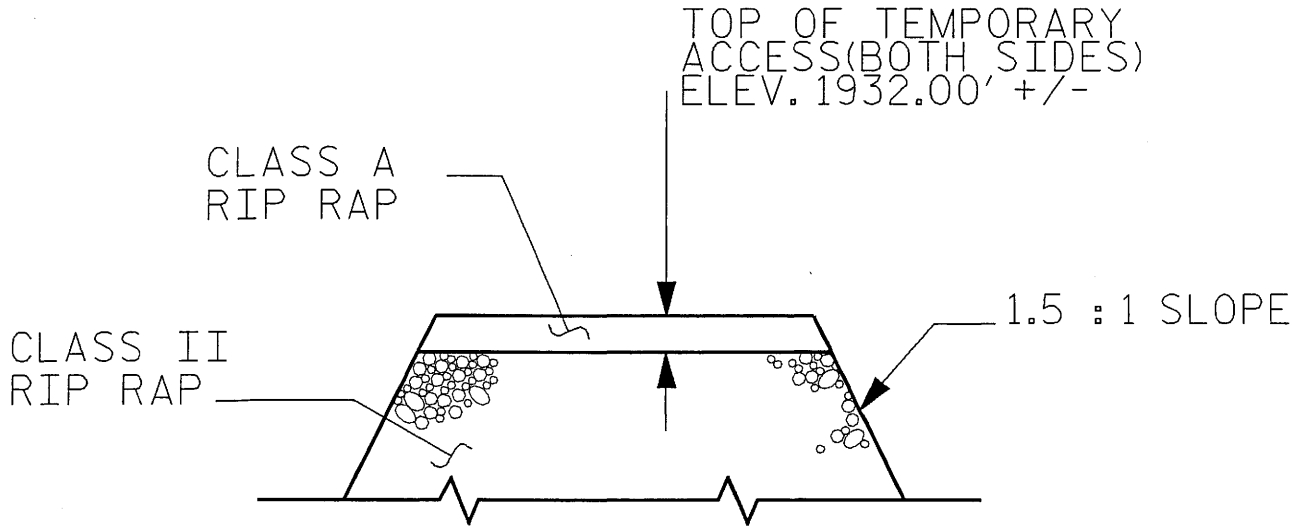
NCDOT

DIVISION OF HIGHWAYS
SWAIN COUNTY
PROJECT: 8.1991501 (B-4696)
NEW BRIDGE BETWEEN
SR 1368 ACQUONI RD.
AND 441 NORTH.

SHEET 2 OF 11

Revised 02/07/2006
10/20/04





CAUSEWAY TYPICALS

Permit Drawings Sheet 3 of 13

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
SWAIN COUNTY

PROJECT: 8.1991501 (B-4696)
NEW BRIDGE BETWEEN
SR1368 ACQUONI RD.
AND 441 NORTH

SHEET 3 OF 11 10/20/04

PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
1	TRIBAL LAND	
2	CHEROKEE BAPTIST CHURCH DB. 138 PG.553	
3	CHEROKEE BAPTIST CHURCH VS. CHARLES C. BRADLEY	
4	ROBERT A SAUNOOKE STALCUP PAR 51	
5	HAZEL L. SAUNOOKE PAR 5	
6	EMMA SNEED TRIBAL LAND PAR 62	

Permit Drawings Sheet 4 of 13

NCDOT

DIVISION OF HIGHWAYS
SWAIN COUNTY
PROJECT: 8.1991501 (B-4696)
NEW BRIDGE BETWEEN
SR 1368 ACQUONI RD.
AND 441 NORTH.

WETLAND PERMIT IMPACT SUMMARY

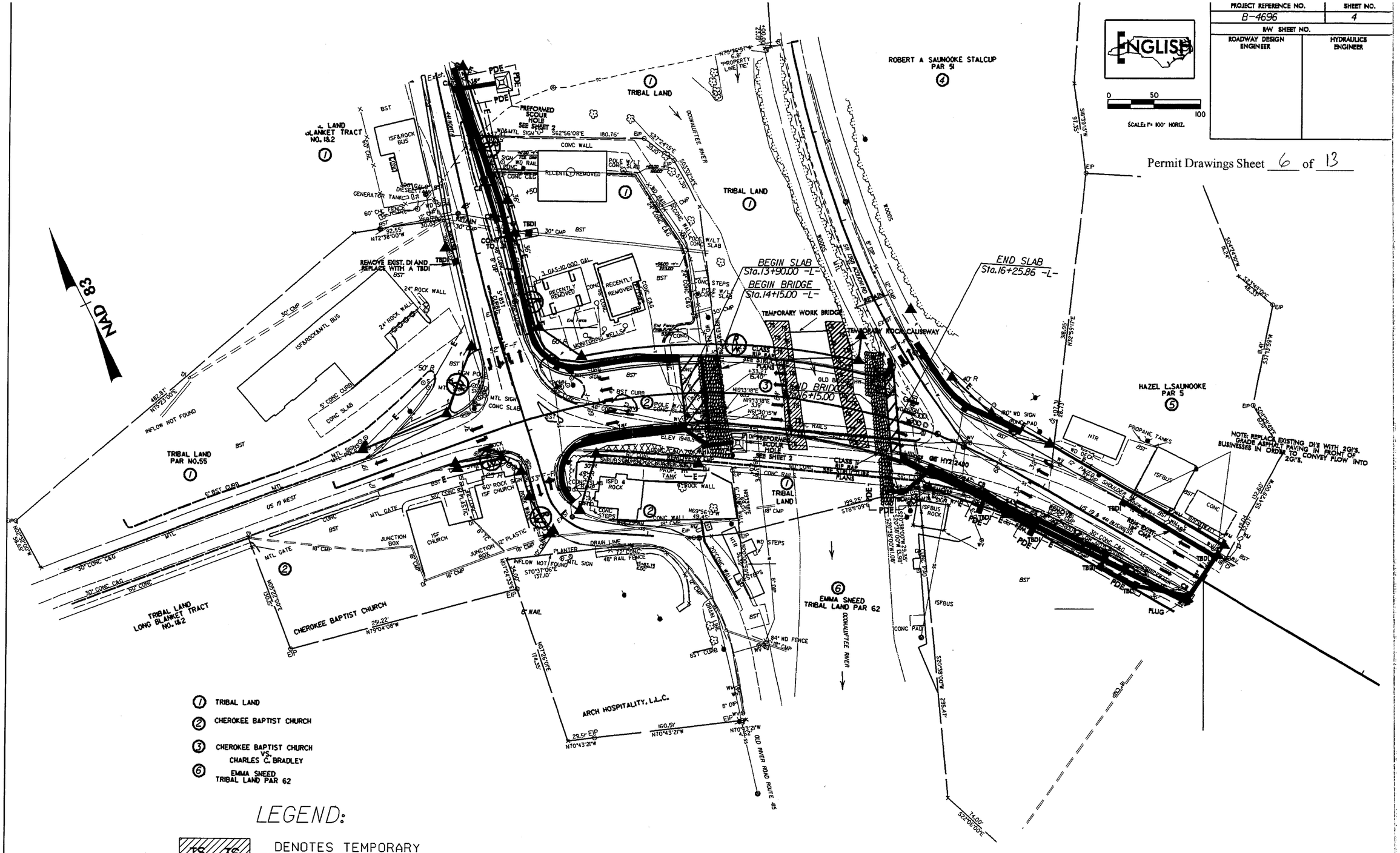
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS: Fill In Wetlands (ac)	WETLAND IMPACTS: Temp. Fill In Wetlands (ac)	WETLAND IMPACTS: Excavation In Wetlands (ac)	WETLAND IMPACTS: Mechanized Clearing (Method III) (ac)	SURFACE WATER IMPACTS: Fill In SW (Natural) (ac)	SURFACE WATER IMPACTS: Fill In SW (Pond) (ac)	SURFACE WATER IMPACTS: Temp. Fill In SW (ac)	SURFACE WATER IMPACTS: Existing Channel Impacted (ft)	SURFACE WATER IMPACTS: Natural Stream Design (ft)
PH1	15+50-L-	Work Pad							0.123		
PH2	15+50-L-	Work Pad							0.06		
TOTALS:			0.00	0.00	0.00	0.00	0.00	0.00	0.183	0.00	0.00

There will be 0.001 acre of permanent surface water impact due to the bridge bents.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

Swain county
Project: 8.1991501 (B-4696)

2/7/06



PROJECT REFERENCE NO.	SHEET NO.
B-4696	4
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

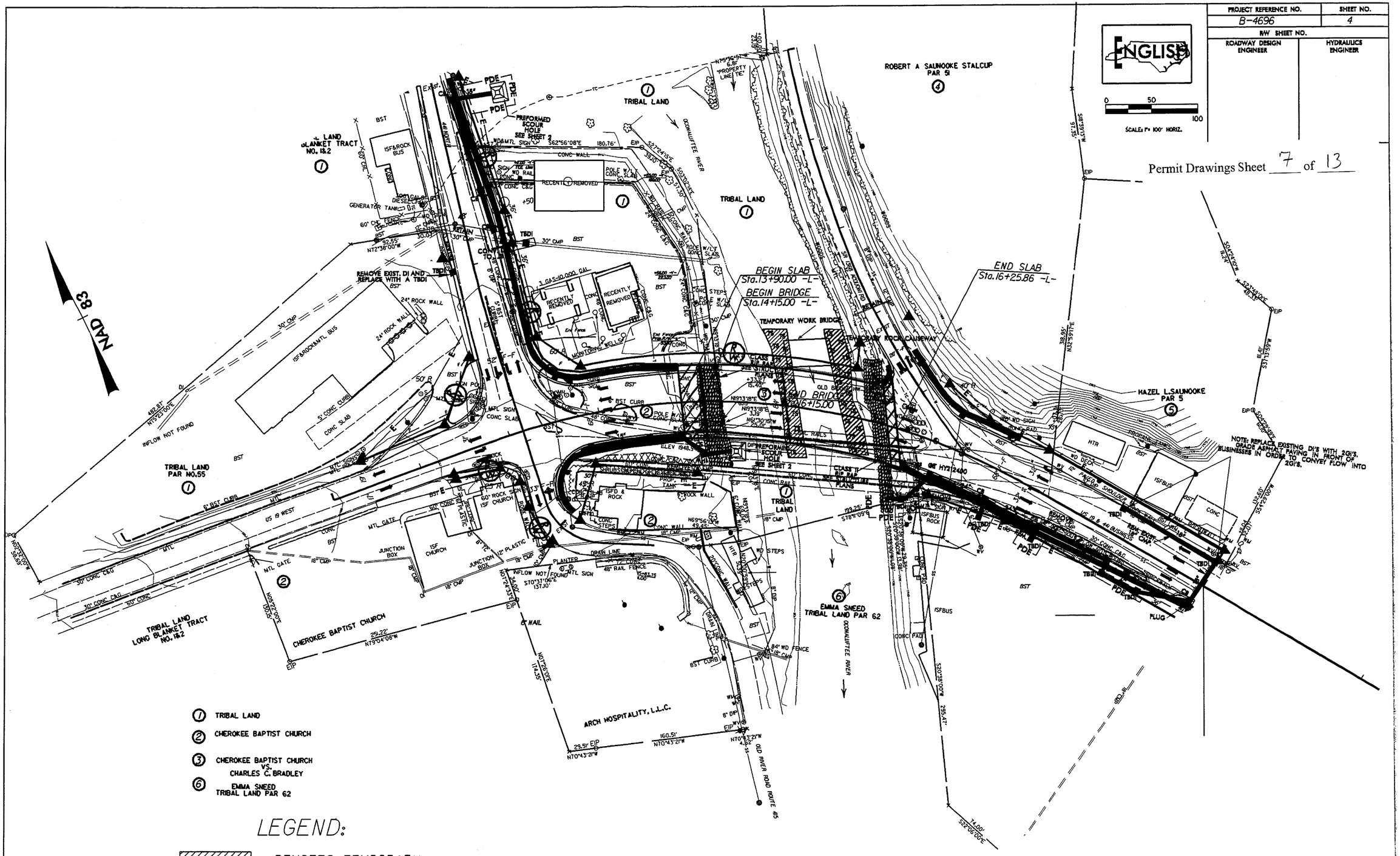
ENGLISH

0 50 100

SCALE: 1" = 100' HORIZ.

Permit Drawings Sheet 6 of 13

SHEET 6 OF 11



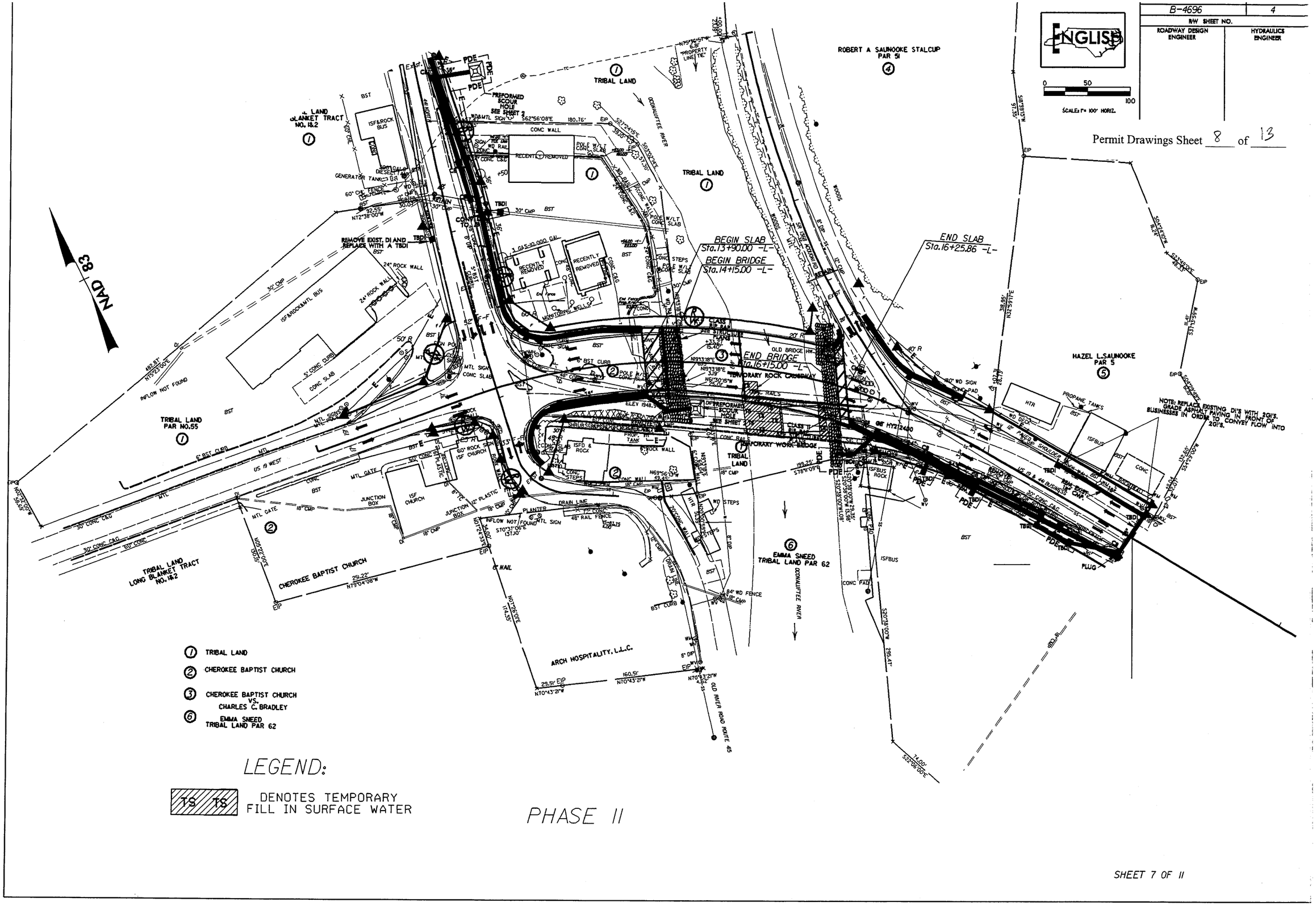
PROJECT REFERENCE NO.	SHEET NO.
B-4696	4
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

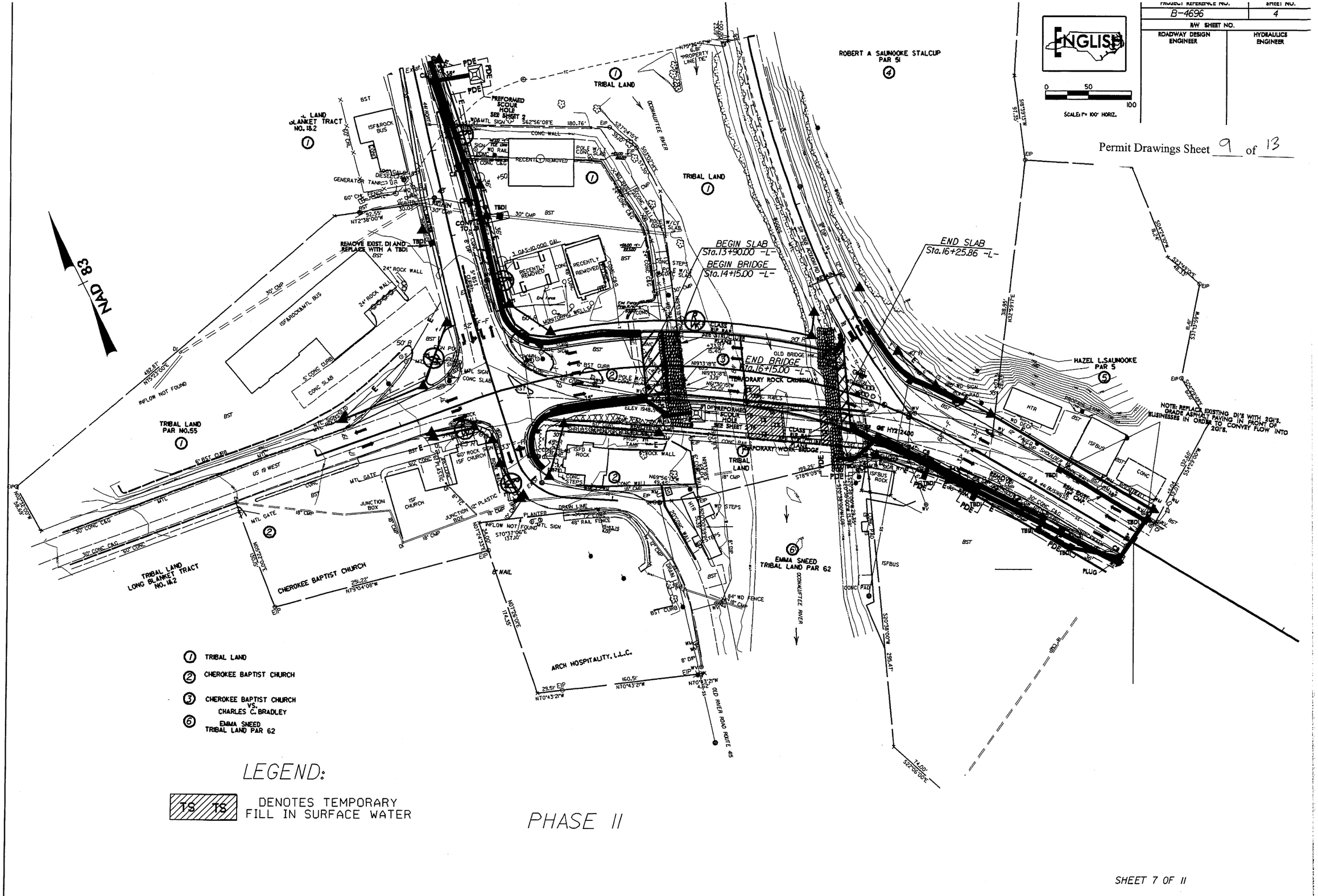
ENGLISH

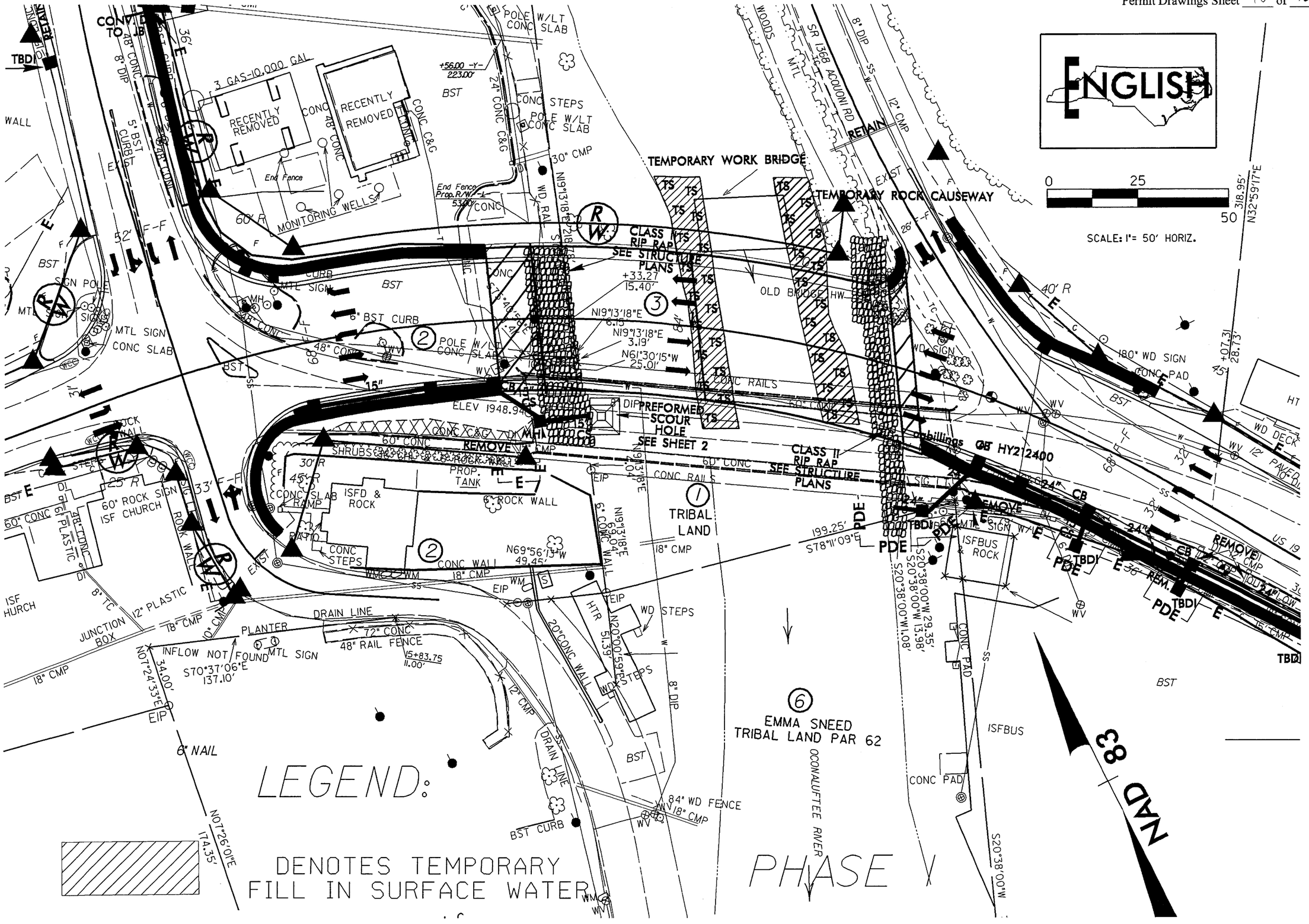
0 50 100
SCALE: 1" = 100' HORIZ.

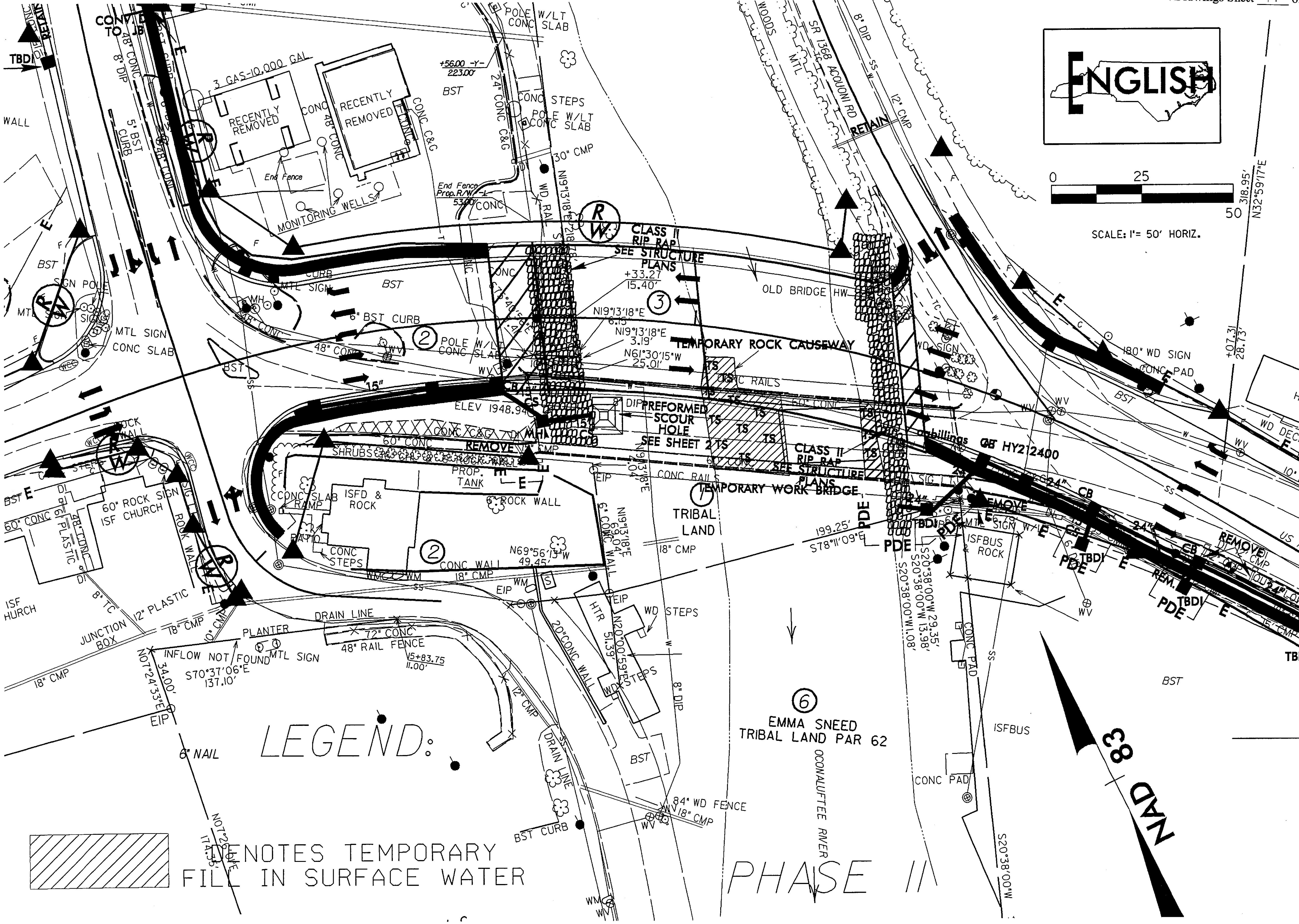
Permit Drawings Sheet 7 of 13

SHEET 6 OF 11

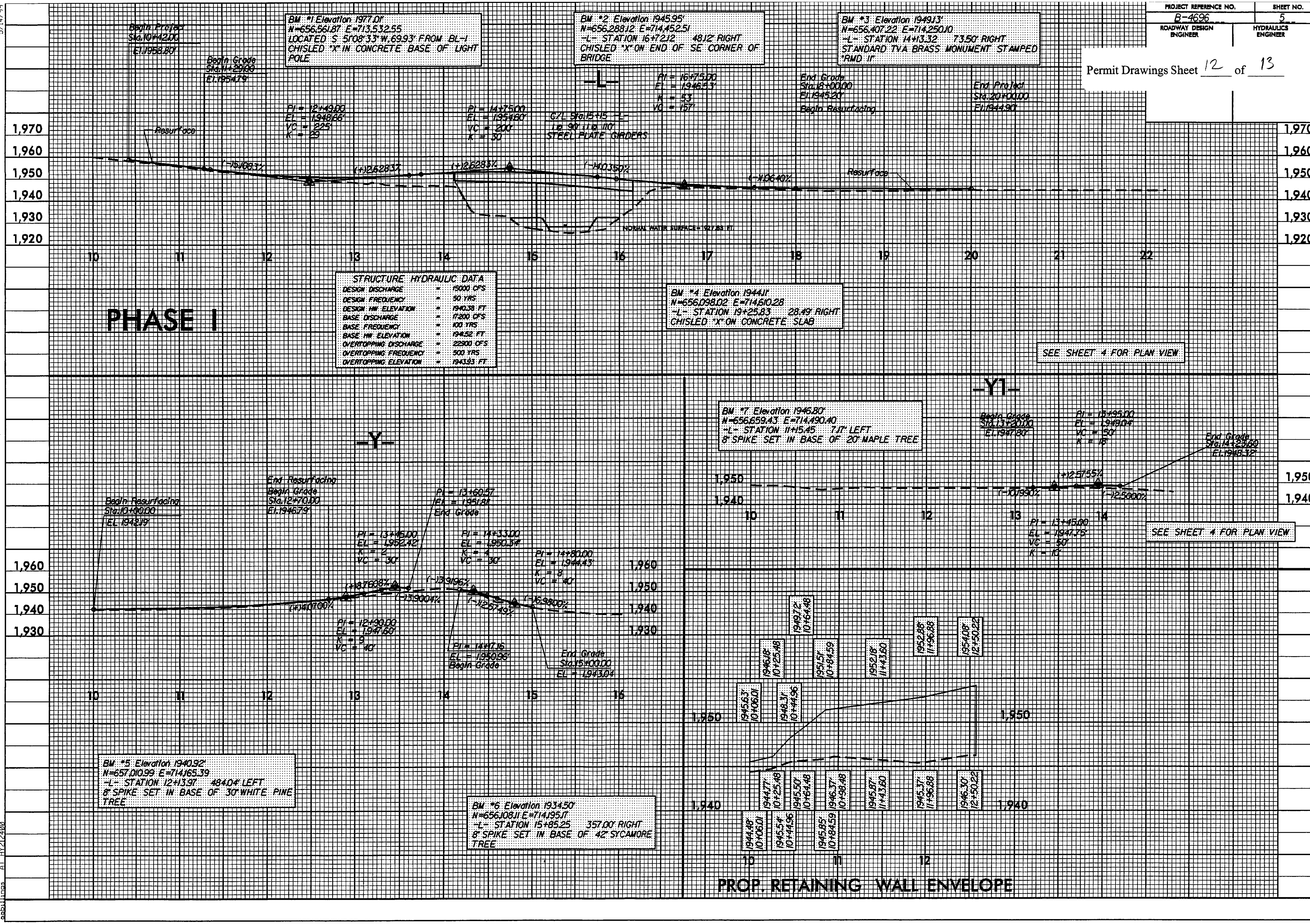

B-4696
4
NW SHEET NO.
ROADWAY DESIGN ENGINEER
HYDRAULICS ENGINEER
ENGLISH
0 50 100
SCALE: 1" = 100' HORIZ.
Permit Drawings Sheet 8 of 13
NAD 83
BEGIN SLAB
Sta.13+90.00 -L-
BEGIN BRIDGE
Sta.14+15.00 -L-
END SLAB
Sta.16+25.86 -L-
END BRIDGE
Sta.16+15.00 -L-
TRIBAL LAND
TRIBAL LAND LONG BLANKET TRACT NO. 1&2
TRIBAL LAND PAR NO.55
CHEROKEE BAPTIST CHURCH
ARCH HOSPITALITY, L.L.C.
ROBERT A SAUNOOKE STALCUP PAR 5I
HAZEL L.SAUNOOKE PAR 5
EMMA SNEED TRIBAL LAND PAR 62
TEMPORARY WORK BRIDGE
TEMPORARY ROCK CAUSEWAY
OLD RIVER ROAD ROUTE 45
NOTE: REPLACE EXISTING DI'S WITH 2GI'S. GRADE ASPHALT PAVING IN FRONT OF BUSINESSES IN ORDER TO CONVEY FLOW INTO 2GI'S.
1 TRIBAL LAND
2 CHEROKEE BAPTIST CHURCH
3 CHEROKEE BAPTIST CHURCH VS. CHARLES C. BRADLEY
6 EMMA SNEED TRIBAL LAND PAR 62
LEGEND:
TS TS DENOTES TEMPORARY FILL IN SURFACE WATER
PHASE II
SHEET 7 OF 11


PROJECT REFERENCE NO.
B-4696
SHEET NO.
4
R/W SHEET NO.
ROADWAY DESIGN ENGINEER
HYDRAULICS ENGINEER
ENGLISH
0 50 100
SCALE: 1" = 100' HORIZ.
Permit Drawings Sheet 9 of 13
NAD 83
TRIBAL LAND
TRIBAL LAND LONG BLANKET TRACT NO. 182
TRIBAL LAND PAR NO. 55
CHEROKEE BAPTIST CHURCH
ARCH HOSPITALITY, L.L.C.
EMMA SNEED TRIBAL LAND PAR 62
ROBERT A SAUNOOKE STALCUP PAR 5I
HAZEL L. SAUNOOKE PAR 5
BEGIN SLAB Sta. 13+90.00 -L-
BEGIN BRIDGE Sta. 14+15.00 -L-
END BRIDGE Sta. 16+15.00 -L-
END SLAB Sta. 16+25.86 -L-
TEMPORARY ROCK CAUSEWAY
TEMPORARY WORK BRIDGE
OCONALUFTEE RIVER
OLD RIVER ROAD ROUTE #5
NOTE: REPLACE EXISTING DI'S WITH 2GI'S. GRADE ASPHALT PAVING IN FRONT OF BUSINESSES IN ORDER TO CONVEY FLOW INTO 2GI'S.
1 TRIBAL LAND
2 CHEROKEE BAPTIST CHURCH
3 CHEROKEE BAPTIST CHURCH VS. CHARLES C. BRADLEY
6 EMMA SNEED TRIBAL LAND PAR 62
LEGEND:
TS TS DENOTES TEMPORARY FILL IN SURFACE WATER
PHASE II
SHEET 7 OF 11

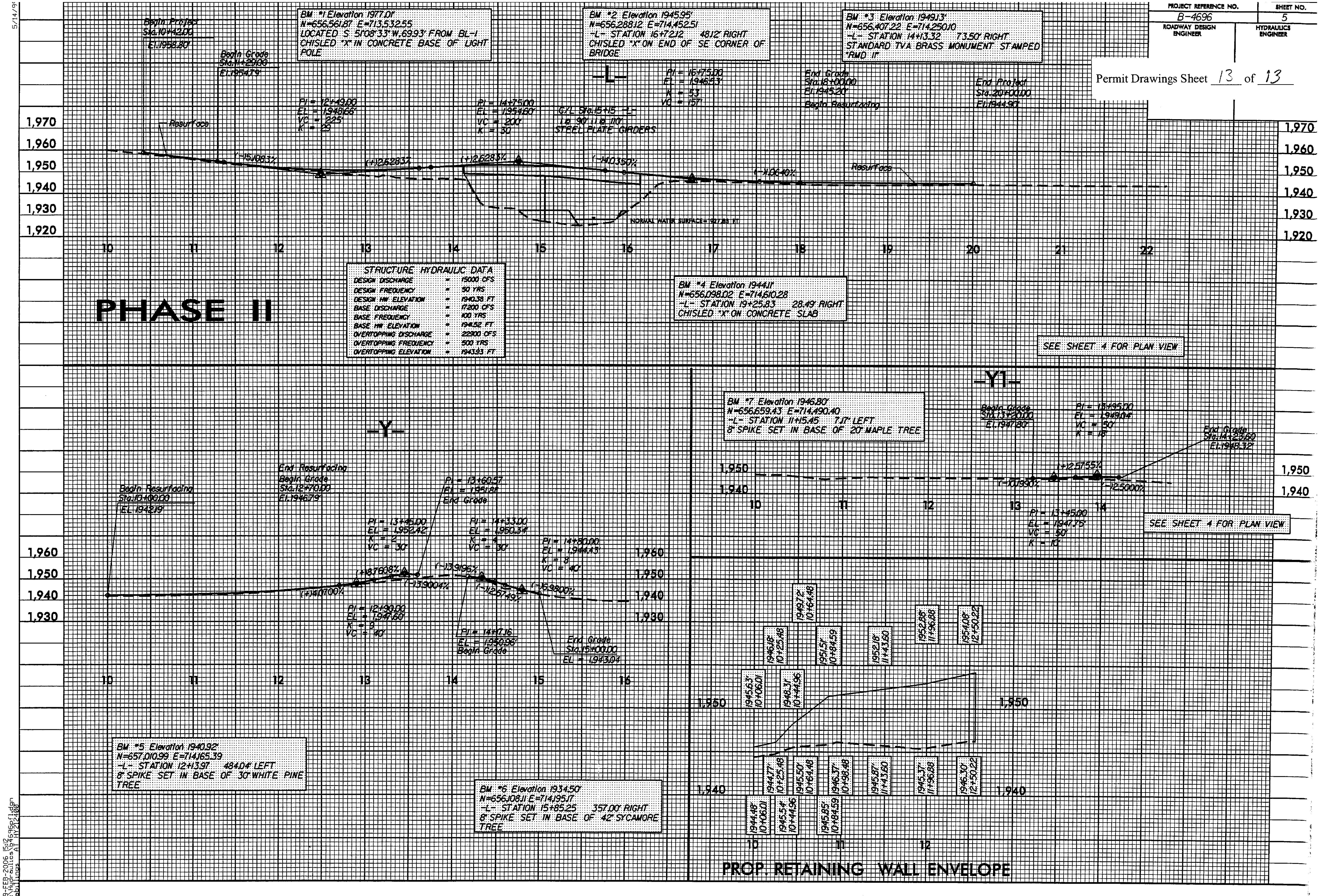

ENGLISH
0 25 50
SCALE: 1"= 50' HORIZ.
TEMPORARY WORK BRIDGE
TEMPORARY ROCK CAUSEWAY
SR 1368 ACQUONI RD
OLD BRIDGE
CLASS II RIP RAP
SEE STRUCTURE PLANS
PREFORMED SCOUR HOLE
SEE SHEET 2
REMOVE
RETAIN
1 TRIBAL LAND
2
3
6 EMMA SNEED TRIBAL LAND PAR 62
OCONALUFTEE RIVER
NAD 83
LEGEND:
DENOTES TEMPORARY FILL IN SURFACE WATER
PHASE V


ENGLISH
0 25 50
SCALE: 1"= 50' HORIZ.
NAD 83
LEGEND:
DENOTES TEMPORARY FILL IN SURFACE WATER
PHASE II
EMMA SNEED
TRIBAL LAND PAR 62
OCONALUFTEE RIVER
TRIBAL LAND
TEMPORARY ROCK CAUSEWAY
TEMPORARY WORK BRIDGE
CLASS II RIP RAP SEE STRUCTURE PLANS
PREFORMED SCOUR HOLE SEE SHEET 2
OLD BRIDGE HW
ELEV 1948.94
SR 1368 ACQUONI RD
RECENTLY REMOVED
3 GAS-10,000 GAL
MONITORING WELLS
60" ROCK SIGN ISF CHURCH
JUNCTION BOX
INFLOW NOT FOUND
DRAIN LINE
48" RAIL FENCE
84" WD FENCE
US 19

PROJECT REFERENCE NO.	SHEET NO.
B-4696	5
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER



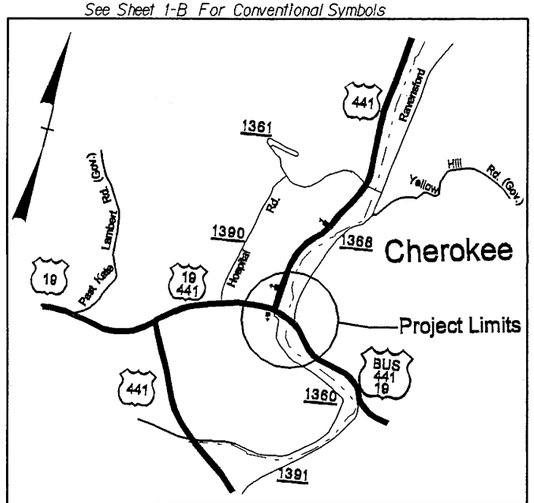
PROJECT REFERENCE NO.	SHEET NO.
B-4696	5
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER


PHASE II
-L-
-Y-
-Y1-
PROP. RETAINING WALL ENVELOPE
STRUCTURE HYDRAULIC DATA
DESIGN DISCHARGE = 15000 CFS
DESIGN FREQUENCY = 50 YRS
DESIGN HW ELEVATION = 1940.38 FT
BASE DISCHARGE = 17200 CFS
BASE FREQUENCY = 100 YRS
BASE HW ELEVATION = 1941.52 FT
OVERTOPPING DISCHARGE = 22500 CFS
OVERTOPPING FREQUENCY = 500 YRS
OVERTOPPING ELEVATION = 1943.93 FT
BM #1 Elevation 1977.01'
N=656,561.87 E=713,532.55
LOCATED S 51°08'33" W, 69.93' FROM BL-1
CHISLED "X" IN CONCRETE BASE OF LIGHT POLE
BM #2 Elevation 1945.95'
N=656,288.12 E=714,452.51
-L- STATION 16+72.12 48.12' RIGHT
CHISLED "X" ON END OF SE CORNER OF BRIDGE
BM #3 Elevation 1949.13'
N=656,407.22 E=714,250.10
-L- STATION 14+13.32 73.50' RIGHT
STANDARD TVA BRASS MONUMENT STAMPED "RMD 11"
BM #4 Elevation 1944.11'
N=656,098.02 E=714,610.28
-L- STATION 19+25.83 28.49' RIGHT
CHISLED "X" ON CONCRETE SLAB
BM #5 Elevation 1940.92'
N=657,010.99 E=714,165.39
-L- STATION 12+13.97 484.04' LEFT
8" SPIKE SET IN BASE OF 30" WHITE PINE TREE
BM #6 Elevation 1934.50'
N=656,108.11 E=714,195.17
-L- STATION 15+85.25 357.00' RIGHT
8" SPIKE SET IN BASE OF 42" SYCAMORE TREE
BM #7 Elevation 1946.80'
N=656,659.43 E=714,490.40
-L- STATION 11+15.45 7.17' LEFT
8" SPIKE SET IN BASE OF 20" MAPLE TREE
Begin Project Sta.10+42.00 El.1958.30'
Begin Grade Sta.11+29.00 El.1954.79'
PI = 12+49.00 EL = 1948.66' VC = 225' K = 25
PI = 14+75.00 EL = 1954.60' VC = 200' K = 30
C/L Sta.15+15 -L- 1 @ 90' 1 @ 110' STEEL PLATE GIRDERS
PI = 16+75.00 EL = 1946.53' K = 53 VC = 157'
End Grade Sta.18+00.00 El.1945.20' Begin Resurfacing
End Project Sta.20+00.00 El.1944.90'
NORMAL WATER SURFACE=1927.85 FT
Resurface
SEE SHEET 4 FOR PLAN VIEW
Begin Resurfacing Sta.10+00.00 EL 1942.19'
End Resurfacing Begin Grade Sta.12+70.00 El.1946.79'
PI = 13+60.57 EL = 1951.81 End Grade
PI = 13+45.00 EL = 1952.42 K = 2 VC = 30'
PI = 14+33.00 EL = 1950.34 K = 4 VC = 30'
PI = 14+80.00 EL = 1944.43 K = 8 VC = 40'
PI = 12+90.00 EL = 1947.60 K = 9 VC = 40'
PI = 14+17.16 EL = 1950.96' Begin Grade
End Grade Sta.15+00.00 EL = 1943.04
Begin Grade Sta.13+20.00 El.1947.80'
PI = 13+95.00 EL = 1949.04 VC = 50' K = 18
End Grade Sta.14+23.60 El.1948.32
PI = 13+45.00 EL = 1947.75' VC = 50' K = 10

09/08/99

CONTRACT: C200794 TIP PROJECT: B-4696

See Sheet 1-A For Index of Sheets
See Sheet 1-B For Conventional Symbols



VICINITY MAP

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

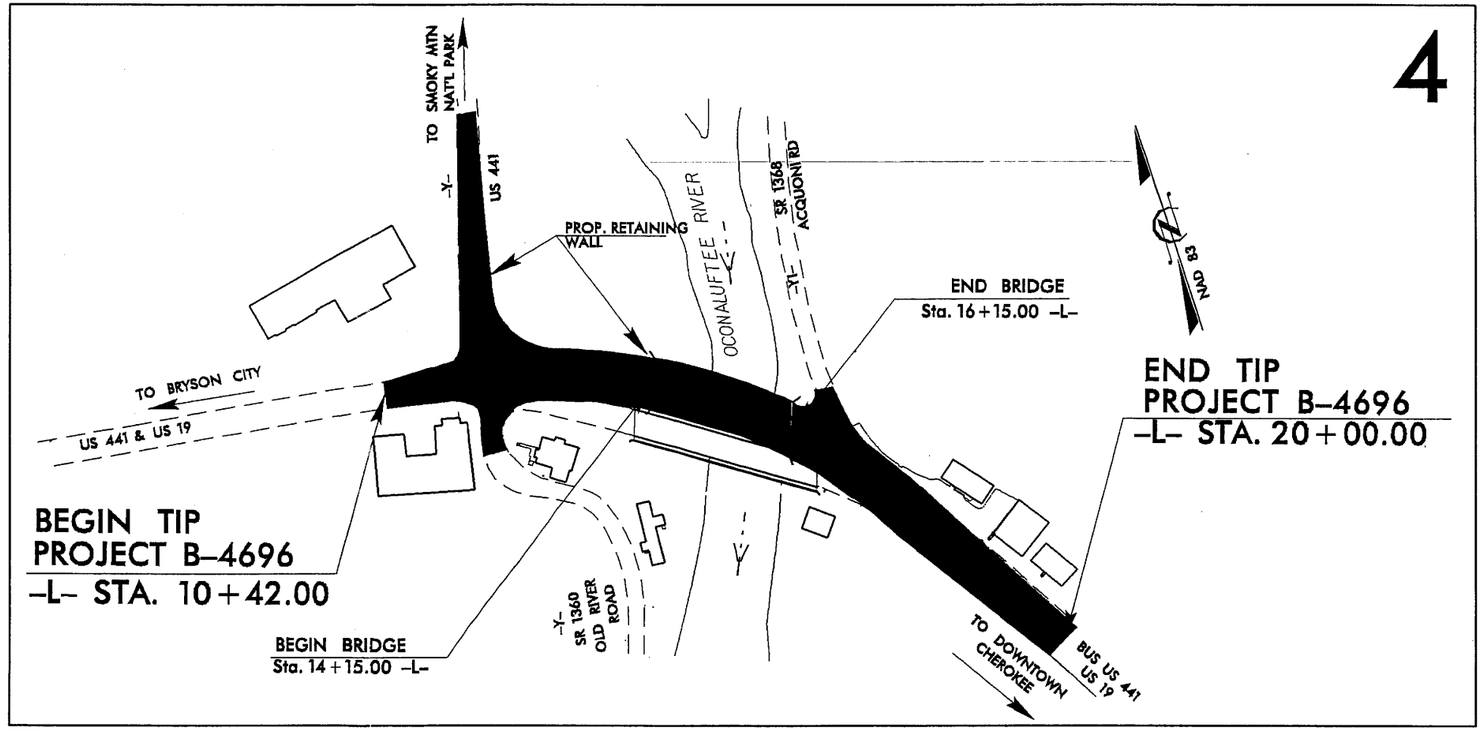
SWAIN COUNTY

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-4696	1	

STATE PROJ. NO.	F. A. PROJ. NO.	DESCRIPTION
33840.1.1	STP-19(11)	PE
33840.2.2	STP-19(11)	R/W & UTIL.
33840.3.2	BRSTP-19(17)	CONSTRUCTION

LOCATION: BRIDGE #24 ON US 19 OVER THE OCONALUFTEE RIVER IN CHEROKEE

TYPE OF WORK: GRADING, PAVING, DRAINAGE, STRUCTURE, RETAINING WALL, CURB AND GUTTER, SIDEWALK, LIGHTING AND SIGNAL UPGRADES



APPROVED FOR CONSTRUCTION	
CHEROKEE DEPARTMENT OF TRANSPORTATION	EASTERN BAND OF CHEROKEE INDIANS
APPROVED TRIBAL ROADS ENGINEER DATE	APPROVED CHAIRPERSON, TRIBAL ROADS COMISSION DATE

GRAPHIC SCALES

50 25 0 50 100
PLANS

50 25 0 50 100
PROFILE (HORIZONTAL)

20 10 0 20 40
PROFILE (VERTICAL)

DESIGN DATA

ADT 2004 = 18,280 vpd
ADT 2025 = 33,800 vpd
DHV = 25 %
D = 65 %
T = 10 % *
V = 20 MPH

* TTST 2% DUAL 8%

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT B-4696 = 0.143 Mi.
LENGTH STRUCTURE TIP PROJECT B-4696 = 0.038 Mi.
TOTAL LENGTH TIP PROJECT B-4696 = 0.181 Mi.

Prepared In the Office of:
DIVISION OF HIGHWAYS
1000 Birch Ridge Dr., NC, 27610

2002 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: August 13, 2002

LETTING DATE: JANUARY 16, 2007

JAMES SPEER, PE
PROJECT ENGINEER

JOHN C. LANSFORD, PE
PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER
P.E.
SIGNATURE:

ROADWAY DESIGN ENGINEER
P.E.
SIGNATURE:

DIVISION OF HIGHWAYS
STATE OF NORTH CAROLINA
STATE DESIGN ENGINEER P.E.

BUREAU OF INDIAN AFFAIRS
APPROVED
EASTERN REGIONAL ROADS ENGINEER DATE

BUREAU OF INDIAN AFFAIRS
APPROVED
AGENCY SUPERINTENDENT DATE

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PROJECT REFERENCE NO.	SHEET NO.
B-4696	4
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

8/17/99

DATUM DESCRIPTION

THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PROJECT IS BASED ON THE STATE PLANE COORDINATES ESTABLISHED BY NCDOT FOR MONUMENT "B-24,GPS 101" WITH HARN - NAD 1983/95 STATE PLANE GRID COORDINATES OF NORTHING: 655744.38860811 EASTING: 714159.09661311
THE AVERAGE COMBINED GRID FACTOR USED ON THIS PROJECT (GROUND TO GRID) IS: 0.99979250
THE NC LAMBERT GRID BEARING AND LOCALIZED HORIZONTAL GROUND DISTANCE FROM "B-24,GPS 101" TO +- STATION 10+42.000 IS S 50° 49' 03.52" W 307.126 FT
ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL DISTANCES
VERTICAL DATUM USED IS NAVD 88

NAD 83

BEGIN CONST.
-Y- POT Sta. 10+00.00

-Y1- POT Sta. 10+00.00
-Y1- PC Sta. 10+13.53

-Y1- PT Sta. 11+44.82
-Y1- PC Sta. 11+83.61

BEGIN CONST.
-Y1- Sta. 13+20.00

-Y- PC Sta. 11+86.38
-Y- PT Sta. 13+11.76
-L- POT Sta. 10+00.00

-Y1- PT Sta. 14+09.62
-L- POC Sta. 17+06.54=
-Y1- POT Sta. 14+82.27

BEGIN SLAB
Sta. 13+90.00 -L-
BEGIN BRIDGE
Sta. 14+15.00 -L-

END SLAB
Sta. 16+25.86 -L-

END BRIDGE
Sta. 16+15.00 -L-

-Y- PC Sta. 11+77.53
-L- POC Sta. 12+15.49 =
-Y- POT Sta. 13+88.31

-Y- PT Sta. 15+48.27

-Y- POT Sta. 16+07.01

-Y- PC Sta. 14+69.54

END CONST.
-Y- Sta. 15+00.00

-L- PT Sta. 17+82.02

BEGIN STATE PROJECT B-4696
-L- POT Sta. 10+42.00

END STATE PROJECT B-4696
-L- POT Sta. 20+00.00

-L- POT Sta. 22+23.29

SEE SHEET 5 FOR PROFILES

PAVEMENT REMOVAL

BRIDGE APPROACH SLABS

SEE SHEETS S-1 THRU FOR STRUCTURE PLANS

TRIBAL LAND
LONG BLANKET TRACT NO. 18.2

TRIBAL LAND
PAR NO. 55

CHEROKEE BAPTIST CHURCH
DB. 138 PG. 553

ROBERT A SAUNOOKE STALCUP
PAR 51

HAZEL L. SAUNOOKE
PAR 5

EMMA SNEED
TRIBAL LAND PAR 62

ARCH HOSPITALITY, L.L.C.
DB. 232 PG. 785

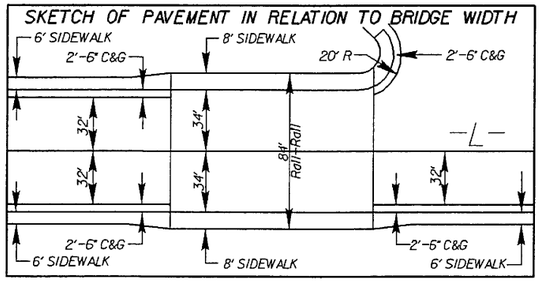
CONNAUFTEE RIVER

OLD RIVER ROAD ROUTE 45

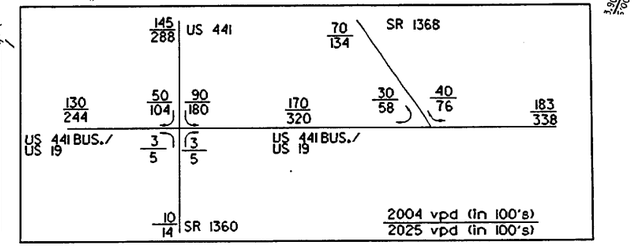
NOTE: REPLACE EXISTING DI'S WITH 2GI'S. GRADE ASPHALT PAVING IN FRONT OF BUSINESSES IN ORDER TO CONVEY FLOW INTO 2GI'S.

① TRIBAL LAND
② CHEROKEE BAPTIST CHURCH DB. 138 PG. 553
③ CHEROKEE BAPTIST CHURCH VS. CHARLES C. BRADLEY
⑥ EMMA SNEED TRIBAL LAND PAR 62

SKETCH OF PAVEMENT IN RELATION TO BRIDGE WIDTH



-L-	-Y-	-Y1-	
PI Sta 15+01.74	PI Sta 12+49.11	PI Sta 15+14.55	PI Sta 10+79.24	PI Sta 12+97.41
Δ = 51° 18' 37.7" (RT)	Δ = 4° 41' 21.2" (LT)	Δ = 69° 23' 50.5" (LT)	Δ = 6° 16' 06.6" (LT)	Δ = 16° 36' 05.4" (LT)
D = 8° 29' 17.7"	D = 3° 49' 11.0"	D = 88° 08' 50.5"	D = 4° 46' 28.7"	D = 7° 20' 44.2"
L = 604.49'	L = 125.38'	L = 78.73'	L = 131.29'	L = 226.01'
T = 324.21'	T = 62.73'	T = 45.01'	T = 65.71'	T = 113.80'
R = 675.00'	R = 1500.00'	R = 65.00'	R = 1200.00'	R = 780.00'
SE = 0.025	SE = VAR. SEE PLANS	SE = VAR. SEE PLANS	SE = VAR. SEE PLANS	SE = VAR. SEE PLANS
RO = 112'				



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CATEGORICAL EXCLUSION ACTION CLASSIFICATION FORM

TIP Project No.	**B-4696**
State Project No.	**8.1991501**
W.B.S. No.	**33840.1.1**
Federal Project No.	**STP-19(11)**

A. Project Description:

The purpose of this project is to replace Swain County Bridge No. 24 on US 19-441 BUSINESS over the Oconaluftee River. The replacement structure will be a bridge approximately 200 feet long with 87 feet clear deck width. The proposed bridge will be slightly upstream of the existing bridge location and 3 feet higher than the existing bridge. The bridge cross section will include 8-foot sidewalks, 2-foot curb and gutters, three 12-foot lanes, and two 14-foot lanes to accommodate bicycles. (See Figure 2)

The approach roadway, extending approximately 380 feet from either end of the bridge, will include 6-foot sidewalks, 2-foot curb and gutters, three 12-foot lanes, and two 14-foot lanes to accommodate bicycles.

Traffic will be maintained on the existing bridge during construction.

B. Purpose and Need:

Bridge No. 24 includes a five-span superstructure composed of reinforced concrete deck girders. The substructure includes reinforced concrete spill thru end bents and reinforced concrete post and web interior bents.

Bridge Maintenance Unit records indicate the bridge has a sufficiency rating of 47.5 out of a possible 100 for a new structure. The bridge is considered functionally obsolete due to a deck geometry appraisal of 2 out of 9. According to the Federal Highway Administration (FHWA) standards, Bridge No. 24 is therefore eligible for FHWA's Highway Bridge Replacement and Rehabilitation Program. The current traffic volume (16,000 vehicles per day) and the projected future traffic volume (32,000 vehicles per day) combined with inadequate deck geometry are the primary purpose for replacing the bridge.

C. Proposed Improvements:

Circle one or more of the following Type II improvements which apply to the project:

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).

    a. Restoring, Resurfacing, Rehabilitating, and Reconstructing pavement (3R and 4R improvements)
    b. Widening roadway and shoulders without adding through lanes
    c. Modernizing gore treatments
    d. Constructing lane improvements (merge, auxiliary, and turn lanes)
    e. Adding shoulder drains

f. Replacing and rehabilitating culverts, inlets, and drainage pipes, including safety treatments
g. Providing driveway pipes
h. Performing minor bridge widening (less than one through lane)
i. Slide Stabilization
j. Structural BMP's for water quality improvement

2. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.

a. Installing ramp metering devices
b. Installing lights
c. Adding or upgrading guardrail
d. Installing safety barriers including Jersey type barriers and pier protection
e. Installing or replacing impact attenuators
f. Upgrading medians including adding or upgrading median barriers
g. Improving intersections including relocation and/or realignment
h. Making minor roadway realignment
i. Channelizing traffic
j. Performing clear zone safety improvements including removing hazards and flattening slopes
k. Implementing traffic aid systems, signals, and motorist aid
l. Installing bridge safety hardware including bridge rail retrofit

3. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

a. Rehabilitating, reconstructing, or replacing bridge approach slabs
b. Rehabilitating or replacing bridge decks
c. Rehabilitating bridges including painting (no red lead paint), scour repair, fender systems, and minor structural improvements
d. Replacing a bridge (structure and/or fill)

4. Transportation corridor fringe parking facilities.

5. Construction of new truck weigh stations or rest areas.

6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.

7. Approvals for changes in access control.

8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.

10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street

improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.

12. Acquisition of land for hardship or protective purposes, advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

13. Acquisition and construction of wetland, stream and endangered species mitigation sites.

14. Remedial activities involving the removal, treatment or monitoring of soil or groundwater contamination pursuant to state or federal remediation guidelines.

D. Special Project Information:

Estimated Costs:

Bureau of Indian Affairs	$ 1,500,000
NCDOT	$ 3,100,000
Total Cost	$ 4,600,000

*Right of Way is being handle by the Eastern Band of the Cherokee Nation.

Estimated Traffic:

Current - 15800 vpd	Year 2025 – 32000 vpd
TTST - 8%	Dual – 2%

The Following Alternatives were eliminated from further studies:

The no-build alternate was eliminated from further study. The no-build option will not address the current traffic volume, the projected future traffic volume, and the inadequate deck geometry. This is unacceptable. US 19-441 BUSINESS is a vital link in the transportation system of this state and the Eastern Band of the Cherokee Indian Nation.

Rehabilitation of the bridge was considered as an option for upgrading the bridge. The rehabilitation option will not address the current traffic volume, the projected future traffic volume, and the inadequate deck geometry. For the reason stated

above, rehabilitation does not address the purpose and need of the project.

Design Exceptions: There are no anticipated design exceptions.

Bridge Demolition: Bridge No. 24 has a superstructure composed of reinforced concrete deck girders with asphalt-wearing surface. The substructure is composed of reinforced concrete spill thru end bents and reinforced concrete post and web interior bents. The maximum potential resulting temporary fill associated with Bridge No. 24 is 74 yd^3.

E. Threshold Criteria

The following evaluation of threshold criteria must be completed for Type II actions

ECOLOGICAL		YES	NO
(1)	Will the project have a substantial impact on any unique or important natural resource?		X
(2)	Does the project involve habitat where federally listed endangered or threatened species may occur?	X	
(3)	Will the project affect anadromous fish?		X
(4)	If the project involves wetlands, is the amount of permanent and/or temporary wetland taking less than one-tenth (1/10) of an acre and have all practicable measures to avoid and minimize wetland takings been evaluated?	X	
(5)	Will the project require the use of U. S. Forest Service lands?		X
(6)	Will the quality of adjacent water resources be adversely impacted by proposed construction activities?		X
(7)	Does the project involve waters classified as Outstanding Water Resources (OWR) and/or High Quality Waters (HQW)?	X	
(8)	Will the project require fill in waters of the United States in any of the designated mountain trout counties?	X	
(9)	Does the project involve any known underground storage tanks (UST's) or hazardous materials sites?		X
PERMITS AND COORDINATION		YES	NO
(10)	If the project is located within a CAMA county, will the project significantly affect the coastal zone and/or any "Area of Environmental Concern" (AEC)?		X

(11)	Does the project involve Coastal Barrier Resources Act resources?		X
(12)	Will a U. S. Coast Guard permit be required?		X
(13)	Will the project result in the modification of any existing regulatory floodway?		X
(14)	Will the project require any stream relocations or channel changes?		X
SOCIAL, ECONOMIC, AND CULTURAL RESOURCES		YES	NO
(15)	Will the project induce substantial impacts to planned growth or land use for the area?		X
(16)	Will the project require the relocation of any family or business?		X
(17)	Will the project have a disproportionately high and adverse human health and environmental effect on any minority or low-income population?		X
(18)	If the project involves the acquisition of right of way, is the amount of right of way acquisition considered minor?	X	
(19)	Will the project involve any changes in access control?		X
(20)	Will the project substantially alter the usefulness and/or land use of adjacent property?		X
(21)	Will the project have an adverse effect on permanent local traffic patterns or community cohesiveness?		X
(22)	Is the project included in an approved thoroughfare plan and/or Transportation Improvement Program (and is, therefore, in conformance with the Clean Air Act of 1990)?	X	
(23)	Is the project anticipated to cause an increase in traffic volumes?		X
(24)	Will traffic be maintained during construction using existing roads, staged construction, or on-site detours?	X	
(25)	If the project is a bridge replacement project, will the bridge be replaced at its existing location (along the existing facility) and will all construction proposed in association with the bridge replacement project be contained on the existing facility?	X*	
(26)	Is there substantial controversy on social, economic, or		

	Environmental grounds concerning the project?		X
(27)	Is the project consistent with all Federal, State, and local laws relating to the environmental aspects of the project?	X	
(28)	Will the project have an "effect" on structures/properties eligible for or listed on the National Register of Historic Places?	X	
(29)	Will the project affect any archaeological remains which are Important to history or pre-history?		X
(30)	Will the project require the use of Section 4(f) resources (public parks, recreation lands, wildlife and waterfowl refuges, historic sites, or historic bridges, as defined in Section 4(f) of the U. S. Department of Transportation Act of 1966)?	X	
(31)	Will the project result in any conversion of assisted public Recreation sites or facilities to non-recreation uses, as defined by Section 6(f) of the Land and Water Conservation Act of 1965, as amended?		X
(32)	Will the project involve construction in, across, or adjacent to a river designated as a component of or proposed for inclusion in the National System of Wild and Scenic Rivers?		X

F. Additional Documentation Required for Unfavorable Responses in Part E

Response to Question 2: There is habitat for the Appalachian elktoe and the littlewing pearlymussel. A survey by Fish and Wildlife Associates with Assistance from the US Fish and Wildlife Service, NCDOT personnel and NCWRC personnel in 2000 was conducted on the Oconaluftee River including upstream and downstream of the project area. No mussels were found. The Biological Conclusion is no effect.
There is also potential habitat for Virginia spiraea along the riverbanks of the Oconaluftee. There is no Virginia spiraea growing in the project area. The Biological Conclusion is no effect. The project was resurveyed in 2004 with the same outcome.

Response to Question 7 and 8: The Ocanaluftee River is classified as C Trout waters and portions of the river have a High Quality Water status. C trout waters are protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, agriculture and other suitable uses as defined by the classification. There will be an in-water work moratorium from October 15th to April 15th.

Response to Question 25: The new bridge location will be slightly upstream of the existing bridge location. (See Figure 2)

Response to Question 28:
- NCDOT will replace the stone wall and steps in front of the church building with a stone wall similar in style and materials to the original. The Cherokee Baptist Church congregation has been consulted about alterations to the wall, and they would like for the wall to be reconstructed without any steps leading from the churchyard to US 19.

- NCDOT will consult the Cherokee Tribal DOT in order to coordinate the design and color of new traffic signal masts with other streetscape improvements already in progress in the Town of Cherokee. The Traffic signal masts will be designed to coordinate with lampposts on the new bridge, and with lampposts already installed in Cherokee's Island Park. This commitment will contribute to downtown streetscape enhancements already undertaken by the Eastern Band. It will also address concerns of the Baptist Church congregation about the clutter of wooden traffic signal poles and wires currently in front of the church complex.

Response to Question 30: A portion of the stone wall and steps located in front of the Cherokee Baptist Church and Parsonage will be removed during bridge construction and related improvements to the intersection of US 19 and River Road. (See Figure 2 and Programmatic 4(f) attached)

G. CE Approval

TIP Project No.	**B-4696**
State Project No.	**8.1991501**
W.B.S. No.	**33840.1.1**
Federal Project No.	**STP-19(11)**

Project Description:

The purpose of this project is to replace Swain County Bridge No. 24 on US 19-441 BUSINESS over the Oconaluftee River. The replacement structure will be a bridge approximately 200 feet long with 87 feet clear deck width. The proposed bridge will be slightly upstream of the existing bridge location and 3 feet higher than the existing bridge. The bridge cross section will include 8-foot sidewalks, 2-foot curb and gutters, three 12-foot lanes, and two 14-foot lanes to accommodate bicycles. (See Figure 2)

The approach roadway, extending approximately 380 feet from either end of the bridge, will include 6-foot sidewalks, 2-foot curb and gutters, three 12-foot lanes, and two 14-foot lanes to accommodate bicycles.

Traffic will be maintained on the existing bridge during construction.

Categorical Exclusion Action Classification: (Check one)

_____ TYPE II(A)
__X__ TYPE II(B)

Approved:

9-19-05 — Date
Project Engineer
Project Development & Environmental Analysis Branch

9-19-05 — Date
Project Development Engineer
Project Development & Environmental Analysis Branch

For Type II(B) projects only:

9/19/05 — Date
for John F. Sullivan, III, Division Administrator
Federal Highway Administration

PROJECT COMMITMENTS:

Swain County
Bridge No. 24 on US 19/441 BUS
Over Oconaluftee River
Federal Aid Project No. STP-19 (11)
State Project No. 8.1991501
W.B.S. No. 33840.1.1
T.I.P. No. B-4696

Hydraulics Unit, Roadside Environmental Unit, Division Fourteen Construction Office, Structure Design Unit, Natural Environment Unit

NCDOT will adhere to the Best Management Practices (BMPs) for "Bridge Demolition and Removal" during the removal of Bridge No. 24. The maximum potential resulting temporary fill associated with Bridge No. 24 is 74 yd^3.

The proposed project crosses Oconaluftee River, which has been labeled as a High Quality Water Resource. Therefore, High Quality Sedimentation and Erosion Control measures will be used on this project.

Once construction of the new bridge is complete, the existing structure will be removed. The approach fill will be removed to natural grade and the area will be re-vegetated with appropriate plant species.

USFWS recommended that temporary fill is minimized, that no heavy equipment operates in the stream channel, and removal of woody vegetation along the stream banks is avoided to the extent possible.

No deck drains will be allowed to discharge directly into the Oconaluftee River. USFWS recommends the roadbed and deck drainage flow through a vegetated buffer. *(Note: Hydraulics Unit and Natural Environment Unit must negotiate with Division of Water Quality at a later phase in design to settle drainage issue on the eastside of the bridge.)*

A Section 26a approval will be needed from the Tennessee Valley Authority.

NCDOT will replace the stone wall and steps in front of the church building with a stone wall similar in style and materials to the original. The Cherokee Baptist Church congregation has been consulted about alterations to the wall, and they would like for the wall to be reconstructed without any steps leading from the churchyard to US 19.

NCDOT will consult the Cherokee Tribal DOT in order to coordinate the design and color of new traffic signal masts with other streetscape improvements already in progress in the Town of Cherokee. The Traffic signal masts will be designed to coordinate with lampposts on the new bridge, and with lampposts already installed in Cherokee's Island Park. This commitment will contribute to downtown streetscape enhancements already undertaken by the Eastern Band. It will also address concerns of the Baptist Church congregation about the clutter of wooden traffic signal poles and wires currently in front of the church complex.

Division Resident Engineer

Natural Resources Conservation Service has commented that the Oconaluftee River is classified as C Trout waters. The following will be implemented to minimize impacts to their habitat:

- In-stream work and land disturbance within the 25-foot buffer zone are prohibited during the trout spawning season of October 15 through April 15
- Where concrete is used, work will be accomplished so that wet concrete does not contact the stream water.
- Grading and back filling should be minimized. Tree and shrub growth should be retained if possible to ensure long term availability of shoreline cover for game fish and wildlife.
- Under no circumstances should rock, sand, or other materials be dredged from the stream channel except as required for the construction of the bridge piers.
- Temporary or permanent herbaceous vegetations should be planted on all bare soil within 15 days of completion of ground disturbing activities to provide long-term erosion control.
- Guidelines for Construction Adjacent to Trout Waters will be applied to this project.

NORTH CAROLINA DIVISION
FINAL NATIONWIDE SECTION 4(f) EVALUATION AND APPROVAL
FOR FEDERALLY-AIDED HIGHWAY PROJECTS WITH MINOR INVOLVEMENTS
WITH HISTORIC SITES

F. A. PROJECT STP-19 (11)

STATE PROJECT 8.1991501

T. I. P. NO. B-4696

Description:

The purpose of this project is to replace Swain County Bridge No. 24 on US 19-441 BUSINESS over the Oconaluftee River. The replacement structure will be a bridge approximately 200 feet long with 87 feet clear deck width. The proposed bridge will be slightly upstream of the existing bridge location and 3 feet higher than the existing bridge. The bridge cross section will include 8-foot sidewalks, 2-foot curb and gutters, three 12-foot lanes, and two 14-foot lanes to accommodate bicycles. (See Figure 2)

The approach roadway, extending approximately 380 feet from either end of the bridge, will include 6-foot sidewalks, 2-foot curb and gutters, three 12-foot lanes, and two 14-foot lanes to accommodate bicycles.

Traffic will be maintained on the existing bridge during construction.

		YES	NO
1.	Is the proposed project designed to improve the operational characteristics, safety, and/or physical condition of the existing highway facility on essentially the same alignment?	X	☐
2.	Is the project on new location?	☐	X
3.	Is the historic site adjacent to the existing highway?	X	☐
4.	Does the project require the removal or alteration of historic buildings, structures, or objects?	X	
5.	Does the project disturb or remove archaeological resources which are important to preserve in place rather than to recover for archaeological research?	☐	X

6.	a. Is the impact on the Section 4(f) site considered minor (i.e. no effect, no adverse effect)?	X	☐
	b. If the project is determined to have "no adverse effect" on the historic site, does the Advisory Council on Historic Preservation object to the determination of "no adverse effect"?	☐	X
7.	Has the SHPO agreed, in writing, with the assessment of impacts and the proposed mitigation?	X	☐
8.	Does the project require the preparation of an EIS?	☐	X

ALTERNATIVES CONSIDERED AND FOUND NOT TO BE FEASIBLE AND PRUDENT

The following alternatives were evaluated and found not to be feasible and prudent:

		Yes	No
1.	Do nothing		
	Does the "do nothing" alternative:		
	(a) correct capacity deficiencies?	☐	X
or	(b) correct existing safety hazards?	☐	X
or	(c) correct deteriorated conditions?	☐	X
and	(d) create a cost or impact of extraordinary measure?	☐	X
2.	Improve the highway without using the adjacent historic site		
	(a) Have minor alignment shifts, changes in standards, use of retaining walls, etc., or traffic management measures been evaluated?	X	☐
	(b) The items in 2(a) would result in: (circle, as appropriate)		

(i) substantial adverse environmental impacts

or (ii) substantial increased costs

or (iii) unique engineering, transportation, maintenance, or safety problems

or (iv) substantial social, environmental, or economic impacts

or (v) a project which does not meet the need

or (vi) impacts, costs, or problems which are of extraordinary magnitude

		Yes	No
3.	Build an improved facility on new location without using the historic site.	X	☐

(a) An alternate on new location would result in: (circle, as appropriate)

(i) a project which does not solve the existing problems

or (ii) substantial social, environmental, or economic impacts

or (iii) a substantial increase in project cost or engineering difficulties

and (iv) such impacts, costs, or difficulties of truly unusual or unique or extraordinary magnitude

MINIMIZATION OF HARM

		Yes	No
1.	The project includes all possible planning to minimize harm necessary to preserve the historic integrity of the site.	X	☐
2.	Measures to minimize harm have been agreed to, in accordance with 36 CFR Part 800, by the FHWA, the SHPO, and as appropriate, the ACHP.	X	☐

3. Specific measures to minimize harm are described as follows:

- NCDOT will replace the stone wall and steps in front of the church building with a stone wall similar in style and materials to the original. The Cherokee Baptist Church congregation has been consulted about alterations to the wall, and they would like for the wall to be reconstructed without any steps leading from the churchyard to US 19.

- NCDOT will consult the Cherokee Tribal DOT in order to coordinate the design and color of new traffic signal masts with other streetscape improvements already in progress in the Town of Cherokee. The Traffic signal masts will be designed to coordinate with lampposts on the new bridge, and with lampposts already installed in Cherokee's Island Park. This commitment will contribute to downtown streetscape enhancements already undertaken by the Eastern Band. It will also address concerns of the Baptist Church congregation about the clutter of wooden traffic signal poles and wires currently in front of the church complex.

COORDINATION

The proposed project has been coordinated with the following (attach correspondence):

a. State Historic Preservation Officer	see attachment
b. Advisory Council on Historic Preservation	MOA filed
c. Property owner	see attachment
d. Local/State/Federal Agencies	see attachment
e. US Coast Guard (for bridges requiring bridge permits)	not applicable

SUMMARY AND APPROVAL

The project meets all criteria included in the programmatic 4(f) evaluation approved on December 23, 1986.

All required alternatives have been evaluated and the findings made are clearly applicable to this project. There are no feasible and prudent alternatives to the use of the historic site.

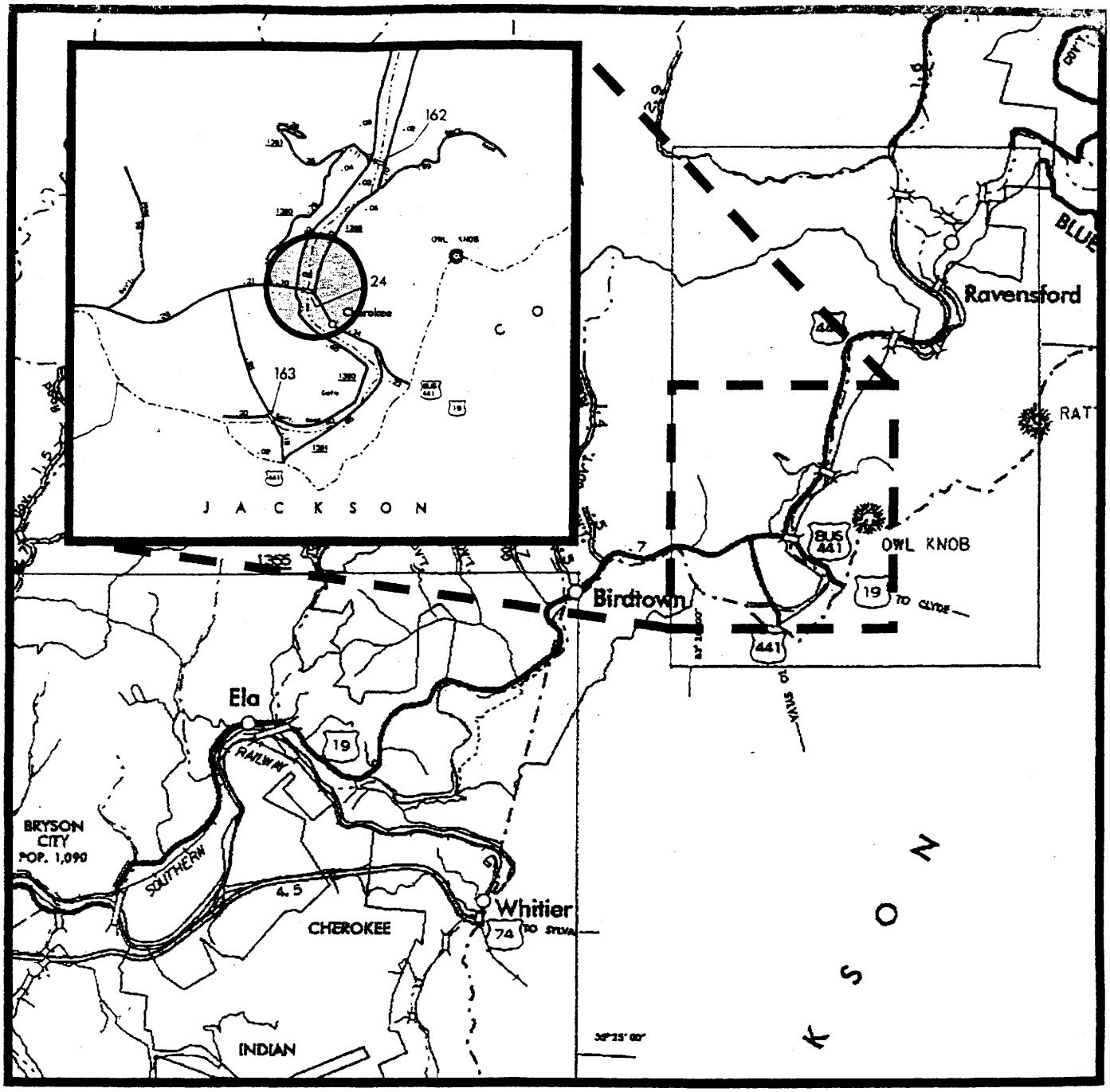
The project includes all possible planning to minimize harm, and the measures to minimize harm will be incorporated in the project.

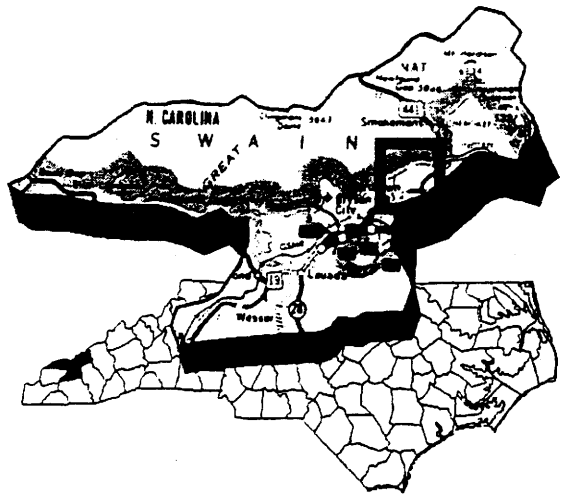
All appropriate coordination has been successfully completed with local and state agencies.

Approved:

9-19-05 _____
Date Manager, Planning & Environmental Branch, NCDOT

9/19/05 _____
Date for Division Administrator, FHWA

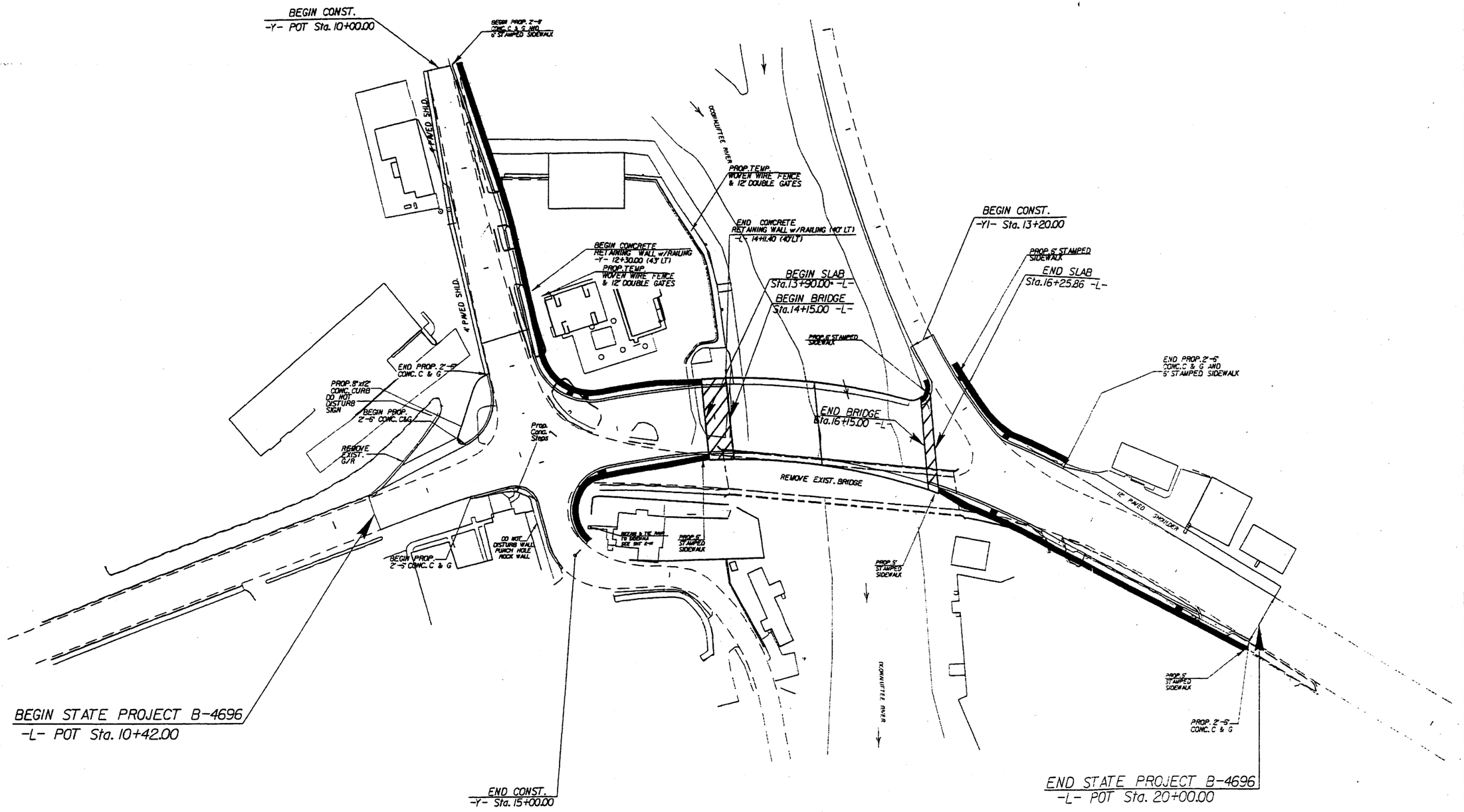




NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT &
ENVIRONMENTAL ANALYSIS BRANCH

SWAIN COUNTY
REPLACE BRIDGE 24 ON US 441
OVER OCONALUFTEE RIVER
B-4696

Figure 1



--------- EXISTING ROADWAY

——————— PROPOSED ROADWAY

B-4696

FIGURE 2

The Eastern Band of Cherokee Indians

The Honorable Leon D. Jones, Principal Chief
The Honorable Carroll J. Crowe, Vice-Chief

Bob Blankenship
Chairman
Yellowhill Township

Larry Blythe
Vice-Chairman
Wolftown Township

Tribal Council Members

Teresa Bradley McCoy
Big Cove Township

Richard Panther
Big Cove Township

Jim Owle
Birdtown Township

Albert Crowe
Birdtown Township

Marie L. Junaluska
Painttown Township

Tommye Saunooke
Painttown Township

Glenda Sanders
Snowbird & Cherokee Co. Township

Brenda L. Norville
Snowbird & Cherokee Co. Township

Dwayne Jackson
Wolfetown Township

Alan B. Ensley
Yellowhill Township

18 June 2003

Danny Childers
Environmental Office
Post Office Box 455
Cherokee, NC 28719

RE: Oconaluftee Bridge Replacement Archaeological Assessment

Dear Mr. Childers,

In accordance with Section 106 of the NHPA, the EBCI THPO must evaluate all projects involving ground disturbance when using federal funding or when projects are proposed on federal lands. The Bridge 24 replacement in Cherokee at Highway 19 and the Oconaluftee River falls under the Section 106 review process. Bridge 24 is located in Swain County, NC and was completed in 1940. As Bridge 24 exceeds 50 years in age, it is potentially eligible for inclusion on the National Register Of Historic Places (NHRP). This office has reviewed the NC SHPO site files and found no state registered sites within the Area of Potential Effect (APE). It is the EBCI THPO opinion that there are no previously unidentified sites located within the APE, given the ground disturbance that occurred during original bridge construction. During multiple Elder Advisory Board meetings, Elders were asked about the bridge replacement, and though many had stories relating to the bridge, there was no mention of a specific event or person that could bolster the historic significance of the bridge. Given this information, it is the EBCI THPO opinion that Bridge 24 in Swain County, NC is not eligible for inclusion on the NHRP. Further, this office sees little probability that there will be any adverse effect to cultural resources within the APE. Please direct further inquiries to Russell Townsend or Myself at 497.1594.

Thanks for your time,

Brian K Burgess
EBCI staff archaeologist

88 Council House Loop • P.O. Box 455 • Cherokee, N.C. 28719
Telephone: (828) 497-2771 or 497-7000
Telefax: (828) 497-7007

Federal Aid # **STP-19(11)** *TIP #* **B-4696** *County*: **Swain**

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: **Replace Bridge No. 24 on NC 19 over the Oconoluftee River, Swain County**

On **June 28, 2005** representatives of the

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

Reviewed the subject project and agreed

- [ ] There are no effects on the National Register-listed property/properties located within the project's area of potential effect and listed on the reverse.
- [ ] There are no effects on the National Register-eligible property/properties located within the project's area of potential effect and listed on the reverse.
- [X] There is an effect on the National Register-~~listed~~ eligible JC 6/29/05 property/properties located within the project's area of potential effect. The property/properties and the effect(s) are listed on the reverse.
- [ ] There is an effect on the National Register-eligible property/properties located within the project's area of potential effect. The property/properties and effect(s) are listed on the reverse.

Signed:

Jennifer Carfley — 6/28/05
Representative, NCDOT — Date

[signature] — 6.28.05
FHWA, for the Division Administrator, or other Federal Agency — Date

Sarah D McKee — 6/28/05
Representative, HPO — Date

for Renee Gledhill-Earley — 6/28/05
State Historic Preservation Officer — Date

Properties within the area of potential effect for which there is no effect. Indicate if property is National Register-listed (NR) or determined eligible (DE).

N/A

Properties within the area of potential effect for which there is an effect. Indicate property status (NR or DE) and describe the effect.

The Cherokee Baptist Church and Parsonage (DE) will be affected by the project. A portion of the stone retaining wall and steps located in front of the property, which are original to the 1948-1954 church complex, will be removed during bridge construction and related improvements to the intersection of US 19 and River Road. A metal traffic signal pole will be placed at the SE corner of the intersection, replacing wooden poles currently located at the SE and SW corners.

Reason(s) why the effect is not adverse (if applicable).

The effect is not adverse because NCDOT has made the following environmental commitments:

- **NCDOT will replace the stone wall and steps in front of the church building with a stone wall similar in style and materials to the original. The Cherokee Baptist Church congregation has been consulted about alterations to the wall, and they would like for the wall to be reconstructed without any steps leading from the churchyard to US 19.**

- **NCDOT will consult with the Cherokee Tribal DOT in order to coordinate the design and color of new traffic signal masts with other streetscape improvements already in progress in the Town of Cherokee. The traffic signal masts will be designed to coordinate with lampposts on the new bridge, and with lampposts already installed in Cherokee's Island Park. This commitment will contribute to downtown streetscape enhancements already undertaken by the Eastern Band. It will also address concerns of the Cherokee Baptist Church congregation about the clutter of wooden traffic signal poles and wires currently in front of the church complex.**

Initialed: NCDOT JC FHWA RHA HPO SDM

United States Department of the Interior

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

December 3, 2001

Ms. Pamela M. Boaze, President
Fish and Wildlife Associates, Inc.
P.O. Box 241
Whittier, North Carolina 28789

Dear Ms. Boaze:

Subject: Proposed Replacement of Bridge 24 over the Oconaluftee River on U.S. 441 in Swain County, North Carolina

We received your letter of November 8, 2001, requesting a list of endangered and threatened species that might be affected by the subject project and any other concerns we may have. Our comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

We are interested in the design of the new bridge and would like to review the design plans when they are available. The new bridge design should include provisions for roadbed and deck drainage to flow through a vegetated buffer before reaching the Oconaluftee River. This buffer should be large enough to alleviate any potential effects from the run-off of storm water and pollutants. The bridge design should not alter the natural stream and stream-bank morphology or impede fish passage. Any piers or bents should be placed outside the bank-full width of the stream. The bridge and approach should be designed to avoid any fill that will result in the damming or constriction of the channel or floodplain. If spanning the floodplain is not feasible, culverts should be installed in the floodplain portion of the approach to restore some of the hydrological functions of the floodplain and reduce high velocities of flood waters within the affected area. We recommend that erosion- and sedimentation-control measures be in place before any ground-disturbing activities. Wet concrete should never be allowed to come into contact with the stream. All in-stream work should be scheduled during periods of low flow. Additionally, please address the demolition plans for the existing bridge in any environmental document prepared for this project.

ok'd per Alan Lutzlatt 8/9/02

We have no major concerns with the proposed action. However, given the proximity of the project to the Oconaluftee River, we want to emphasize that stringent sedimentation- and erosion-control measures should be implemented and strictly adhered to during all phases of construction not only to protect the integrity of the Oconaluftee but also to protect the endangered Appalachian elktoe (*Alasmidonta raveneliana*) downstream of the project area in the Little Tennessee River. We do not have records of any federally listed species in the immediate proposed project area, but do we have records of the olive darter (*Percina squamata*) and hellbender (*Cryptobranchus alleganiensis*), species of Federal concern, from the Oconaluftee River. Also, the endangered Indiana bat (*Myotis sodalis*) is known from Swain County and should be addressed in the assessment of this project. In accordance with the Act, it is the responsibility of the appropriate Federal agency to review its activities or programs and to identify any such activities or programs that may affect endangered or threatened species or their habitats. If it is determined that this proposed construction may adversely affect any species federally listed as endangered or threatened, formal consultation with this office must be initiated. Thus, if appropriate habitat is available in the project area for any of the federally listed species included on the enclosed list, surveys should be conducted before project construction to determine if the species are present.

We appreciate the opportunity to provide these comments. If you have any questions or concerns, please contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. We have assigned our log number 4-2-01-076 to this project. Please reference this number in any future correspondence concerning this matter.

Sincerely,

Brian P. Cole

Brian P. Cole
State Supervisor

Enclosure