



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

October 3, 2022

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
1617 Mail Service Center
Raleigh NC 27699-1617

ATTN: Ms. Lori Beckwith,
NCDOT Coordinator

Mr. Kevin Mitchell,
NCDOT Coordinator

Subject: **Application for Section 10, Section 404 Regional General Permit 50, and Section 401 Water Quality Certification** for the Proposed Replacement of Bridge 67 on US 25/70 over French Broad River in Madison County, Division 13, TIP No. B-5895, Debit \$570 from WBS 48088.1.1.

Dear Sir and Madam:

The North Carolina Department of Transportation (NCDOT) proposes to replace bridge number 67 on US 25/70 with a new bridge to the south of the existing location. Traffic will utilize the existing bridge until the new bridge is constructed.

The U.S. Army Corps of Engineers is the lead federal agency for this project.

Impact Summary

As a result of replacing the existing bridge, there will be a total of 24 linear feet of permanent stream impacts by way of bank stabilization, and 113 linear feet (0.49 ac) of temporary impacts in the form of temporary causeways for removal of the existing bents and construction of the new bents.

Avoidance and Minimization

The existing bridge has 7 interior bents, 6 of which are in the French Broad River. The new structure will have 3 interior bents, 2 of which will be in the French Broad River. The new bridge will also have a larger hydraulic opening and will not discharge deck water directly into the French Broad River.

Memorandum of Agreement

The Appalachian Trail crosses Bridge 67. Due to the historic and recreational component of the Trail, a Memorandum of Agreement was developed between the U.S. Army Corps of Engineers, N.C. Department of Transportation and the N.C. State Historic Preservation Office and is attached to this application. All conditions of the MOA will be met.

River and Trail Users Safety Plan

Due to the nature of the recreational use surrounding Bridge 67, a River Users Safety Plan and a Trail Users Safety Plan have been developed for this project and are included as part of this application.

Section 7

Protected Species listed from IPAC as of the date of this application:

Common Name	Federal Status	Survey Date(s)	Habitat Present	Proposed* Biological Conclusion
Gray bat	Endangered	7/28/2022, 5/16/2019, 6/13/2016	Yes	May Affect- Not Likely to Adversely Affect
Northern Long-eared bat	Threatened			

*USACE is the lead federal agency for this project and will make all determinations for listed species.

Please see attached bat survey report for this project.

Although there was no evidence of bats on the structure (bats, guano, staining), found during the 2022, 2019, and 2016 surveys, crevices suitable for roosting are present on the structure and there is an abundance of alternative foraging and commuting habitat in the surrounding area.

Tribal Coordination

Tribal Coordination Letters were sent on November 15, 2021, to the following tribes:

Catawba Nation, Cherokee Nation, Eastern Band of Cherokee Indians, Muscogee (Creek) Nation and United Keetoowah Band of Cherokee Indians.

The Catawba Nation replied ("with no immediate concerns") on January 11, 2022.

These letters are included as part of this application package.

In addition to the above-referenced documents, please find enclosed Pre-Construction Notification (PCN), Stormwater Management Plan, and Permit Drawings.

A copy of this permit application will be posted on the NCDOT Website at:

<http://connect.ncdot.gov/resources/Environmental>.

If you have any questions or need additional information, please contact Jason Dilday at jldilday1@ncdot.gov or (919) 707-6111.

Sincerely,



Michael A. Turchy
Environmental Coordination and Permitting Group Leader

cc: NCDOT Permit Application Standard Distribution List

Pre- Construction Notification



Pre-Construction Notification (PCN) Form

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

April 13, 2022 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/0/edoc/624704/PCN%20Help%20File%202018-1-30.pdf>

A. Processing Information

Pre-Filing Meeting Date Request was submitted on: *

4/29/2022

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

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

Madison

Is this a NCDMS Project? *

☐ Yes ☒ No

Click Yes, only if NCDMS is the applicant 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:

B-5895

WBS # *

48088.1.1

(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

Regional General Permit (RGP) Number:

201902350 - Work associated with bridge construction, widening, replacement, and interchanges

RGP Numbers (for multiple RGPs):

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

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

check all that apply

- ☒ 401 Water Quality Certification - Regular
☐ Non-401 Jurisdictional General Permit
☐ Individual 401 Water Quality Certification
☐ 401 Water Quality Certification - Express
☐ Riparian Buffer Authorization

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

*

For the record only for DWR 401 Certification:

☐ Yes ☒ No

For the record only for Corps Permit:

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

Acceptance Letter Attachment

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

FILE TYPE MUST BE PDF

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

☐ Yes ☒ No

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

☒ Yes ☐ No

You must submit a copy of the appropriate Wildlife Resource 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? *

Jason Dilday

1b. Primary Contact Email: *

jdilday1@ncdot.gov

1c. Primary Contact Phone: *

(xxx)xxx-xxxx

(919)707-6111

1d. Who is applying for the permit? *

☐ Owner
(Check all that apply)

☒ Applicant (other than owner)

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

☐ Yes ☒ No

2. Owner Information

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

NCDOT

2b. Deed book and page no.:

2c. Contact Person:

(for Corporations)

2d. Address *

Street Address

1598 Mail Service Center

Address Line 2

City

Raleigh

Postal / Zip Code

27699-1598

State / Province / Region

NC

Country

US

2e. Telephone Number: *

(xxx)xxx-xxxx

(919)707-6111

2f. Fax Number:

(xxx)xxx-xxxx

2g. Email Address: *

jdilday1@ncdot.gov

3. Applicant Information (if different from owner)

3a. Name: *

same as owner

3b. Business Name:

(if applicable)

3c. Address *

Street Address

1598 Mail Service Center

Address Line 2

City

Raleigh

Postal / Zip Code

27699-1598

State / Province / Region

NC

Country

US

3d. Telephone Number: *

(919)707-6111

(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: *

B-5895 Replacment of Bridge 67 on US 25/70 over French Broad River

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town: *

Hot Springs

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: *

35.893618

ex: 34.208504

Longitude: *

-82.822754

-77.796371

3. Surface Waters

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

French Broad River

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

B

[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. *

060101051203

[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: *

Existing conditions: Transporation facility over French Broad River.
General land use: Residential and commercial development.

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)
350

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

The purpose of this project is to replace a functionally obsolete bridge.

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

see attached 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): Ron Johnson

Agency/Consultant Company: AECOM

Other:

6. Future Project Plans

6a. Is this a phased project? *

☐ Yes ☒ No

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

D. Proposed Impacts Inventory

1. Impacts Summary

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

☐ Wetlands ☒ Streams-tributaries ☐ Buffers
☒ Open Waters ☐ Pond Construction

3. Stream Impacts

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

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

	3a. Reason for impact* (?)	3b.Impact type *	3c. Type of impact *	3d. S. name *	3e. Stream Type* (?)	3f. Type of Jurisdiction *	3g. S. width *	3h. Impact length *
S1	Riprap at Embankment	Permanent	Rip Rap Fill	French Broad River	Perennial	Both	300 Average (feet)	12 (linear feet)
S2	Riprap at Embankment	Permanent	Rip Rap Fill	French Broad River	Perennial	Both	300 Average (feet)	12 (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:

24

3i. Total temporary stream impacts:

0

3i. Total stream and ditch impacts:

24

3j. Comments:

4. Open Water Impacts

If there are proposed impacts to lakes, ponds, estuaries, tributaries, sounds, the Atlantic Ocean, or any other open water of the U.S. then individually list all open water impacts below.

4a. Site # [*] (?)	4a1. Impact Reason	4b. Impact type [*] (?)	4c. Name of waterbody (?)	4d. Activity type [*]	4e. Waterbody type [*]	4f. Impact area [*]
1	Rock Causeway	T	French Broad River	Causeway	Tributary	0.49 (acres)

4g. Total temporary open water Impacts:

0.49

4g. Total permanent open water impacts:

0.00

4g. Total open water impacts:

0.49

4h. Comments:

A portion of rock from causeways will be used to construct riprap at the embankment. The temporary impact due to the rock causeway equals 113 linear feet.

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 attached cover letter.

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

see attached 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:

Permanent impacts are limited to bank stabilization.

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:

Project does not occur in a protected riparian buffer system.

2. Stormwater Management Plan

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

☒ Yes ☐ No



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.

Due to the minimal transportation impact resulting from this bridge replacement project, this project will neither influence nearby land uses nor stimulate growth. Therefore, a detailed indirect or cumulative effects study will not be necessary.

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

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? *

See attached cover letter.

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? *

NMFS County Index

7. Historic or Prehistoric Cultural Resources (Corps Requirement)

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

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

☒ Yes ☐ No

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

See attached historic/ archeological letters.

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:

NC DOT Hydraulics Unit coordination with FEMA.

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

FEMA maps

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](#)

B-5895 Madison October 3 2022.pdf

13.21MB

File must be PDF or KMZ

Signature

*

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

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

Full Name: *

Michael Turchy

Signature *

Michael Turchy

Date

10/11/2022

Permit Drawings



North Carolina Department of Transportation

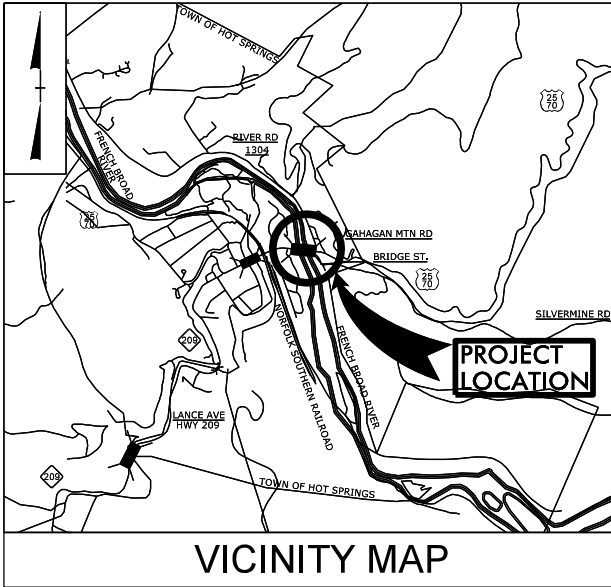
Highway Stormwater Program
STORMWATER MANAGEMENT PLAN
FOR NCDOT PROJECTS

(Version 2.08; Released April 2018)

WBS Element: 48088.1.1		TIP No.: B-5895		County(ies): Madison		Page 1 of 1	
General Project Information							
WBS Element: 48088.1.1		TIP Number: B-5895		Project Type: Bridge Replacement		Date: 1/7/2022	
NCDOT Contact: David Stutts, PE		Contractor / Designer: Ronyell Thigpen					
Address: 1000 Birch Ridge Rd. Raleigh, NC 27610		Address: 434 Fayetteville St. Suite 1500 Raleigh, NC 27603					
Phone: (919)707-6442		Phone: (919)836-4040					
Email: dstutts@ncdot.gov		Email: ronyell.thigpen@wsp.com					
City/Town: Hot Springs		County(ies): Madison					
River Basin(s): French Broad		CAMA County? No					
Wetlands within Project Limits? No							
Project Description							
Project Length (lin. miles or feet): 0.322 mi		Surrounding Land Use: Rural					
		Proposed Project		Existing Site			
Project Built-Up Area (ac.): 3.0 ac.				1.6 ac.			
Typical Cross Section Description:		From -L- Sta. 11+75 to 18+75, 2-12' paved lanes lined with 2'-6" curb and gutter and a 5' concrete sidewalk (LT). The proposed bridge will be 43' wide with a 5' concrete sidewalk (LT).		2-11' paved lanes with 3' and 8' paved shoulders prior to the entrance of the bridge at -L- Sta. 18+75. The bridge features 2-13' paved lanes with no shoulder. Past Sta. 21+55 there are 2-12' paved lanes with no shoulder and guardrails lining the roadway.			
Annual Avg Daily Traffic (veh/hr/day):		Design/Future: 5600 Year: 2040		Existing: 3800		Year: 2016	
General Project Narrative: (Description of Minimization of Water Quality Impacts)		State project B-5895 involves the replacement of Madison County Bridge #67 located on Route US25/US70 over the French Broad River. Existing Bridge #67 consists of continuous arched RC deck girders and has 8 spans; 2 at 67'-5.25"; 4 at 65'-0"; and 2 at 65'-10". The proposed bridge is to be 4 spans, all at 140' with a 74" MBT. To facilitate the construction of the proposed bridge, an on-site detour will be provided. The project includes 0.216 mi of proposed roadway improvements in addition to 0.106 mi of structure improvements for Bridge #67. Along the proposed roadway, -L- Sta.13+85 to 15+90, drainage is conveyed by concrete storm drainage before discharging stormwater to a Standard V Ditch with a 2:1 side slopes. Stormwater discharged into the ditch will lead into an 18" pipe underneath the drive and ultimately to a RipRap pad at the French Broad River embankment. The Class I RipRap pad will cause minimal disturbances to the French Broad River with <0.01 ac of surface water impact and <0.01 ac of temporary surface water impacts. The addition of both the Standard V Ditch and RipRap pad are designed to minimize discharge velocity. Drainage for the proposed bridge is conveyed by a Class II RipRap pad that are located on both ends of the bridge with no intended surface water impacts. Deck drains are provided on the bridge but not over open waters. On the opposite side of the bridge from -L- Sta. 21+55 to 22+28, drainage is conveyed by storm drainage that will outlet to a Standard V Ditch with 2:1 side slopes onto a Class I RipRap pad to minimize discharge velocity prior to entering the French Broad River. Both surface water and temporary surface water impacts are minimized with <0.01 ac of disruption. This project creates surface water impacts by the installation of 4' diameter drilled piers. Temporary rock causeways will be utilized in phases to construct the proposed bridge as well as to remove the existing bridge.					
Waterbody Information							
Surface Water Body (1): French Broad River		NCDWR Stream Index No.: 6-(54.75)					
NCDWR Surface Water Classification for Water Body		Primary Classification: Class B					
		Supplemental Classification: Trout Waters (Tr)					
Other Stream Classification: None							
Impairments: None							
Aquatic T&E Species? No		Comments:					
NRTR Stream ID:				Buffer Rules in Effect:		N/A	
Project Includes Bridge Spanning Water Body? Yes		Deck Drains Discharge Over Buffer? No		Dissipator Pads Provided in Buffer?		No	
(If yes, provide justification in the General Project Narrative)		(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)			

09/08/99

See Sheet 1A For Index of Sheets (Not Included)
See Sheet 1B For Symbology Sheet



VICINITY MAP

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

MADISON COUNTY

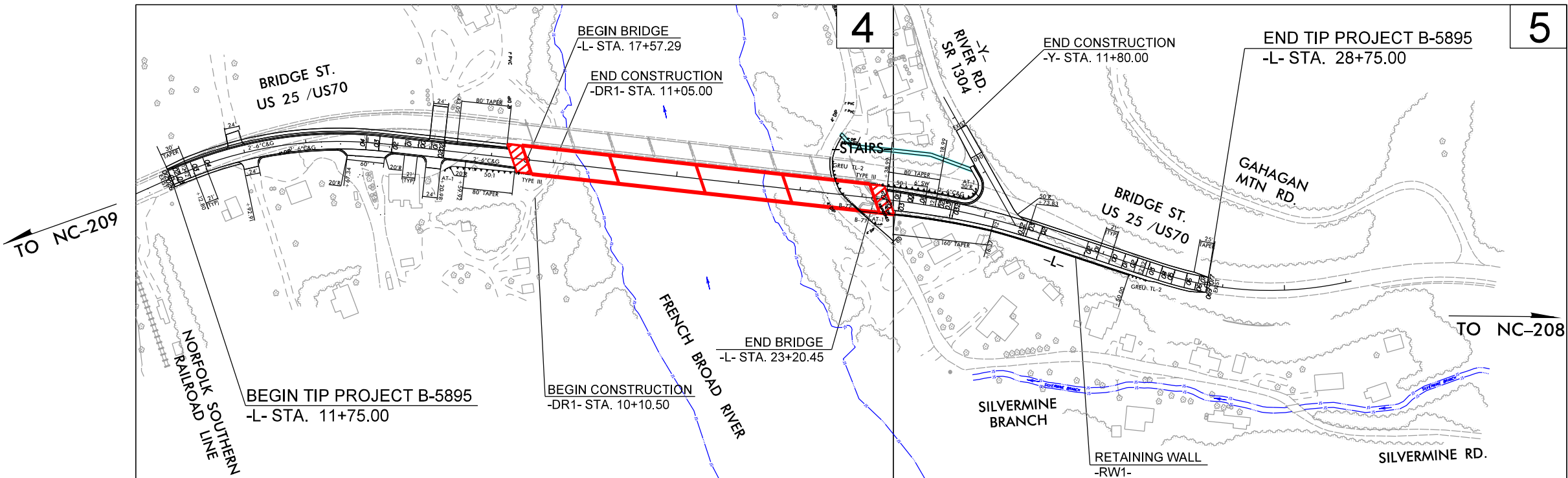
LOCATION: REPLACE EXISTING BRIDGE NO. 67
OVER FRENCH BROAD RIVER ON US 25 US 70

TYPE OF WORK: GRADING, DRAINAGE, PAVING, RETAINING WALL,
AND STRUCTURE

Surface Water Impacts

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-5895	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
B-5895	N/A	PE	
B-5895	N/A	RW & UTILITY	

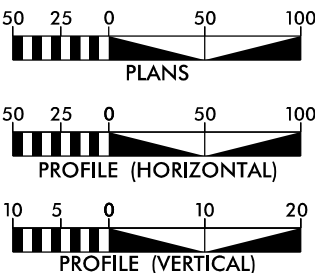
PERMIT DRAWING
SHEET 1 OF 6



THIS PROJECT HAS NO CONTROL OF ACCESS
THIS PROJECT IS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HOT SPRINGS.
CLEARING ON THIS PROJECT SHALL BE PERFORMED
TO THE LIMITS ESTABLISHED BY METHOD ____.

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

GRAPHIC SCALES



DESIGN DATA

ADT 2016 = 3800 VPD
ADT 2040 = 5600 VPD
K = 11 %
D = 55 %
T = 7 % *
V = 40 MPH
* TTST = 2% DUAL = 5%
FUNC CLASS = MINOR ARTERIAL
REGIONAL TIER

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT B-5895 = 0.215 MI
LENGTH STRUCTURE TIP PROJECT B-5895 = 0.107 MI
TOTAL LENGTH TIP PROJECT B-5895 = 0.322 MI

Prepared In the Office of
wsp
434 FAYETTEVILLE STREET
SUITE 3500
SALISBURY, NC 27601
TEL: 1-919-836-4040
FAX: 1-919-836-4099
LICENSE NO. 15-0165

FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
2018 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: January 18, 2022
RORYELL THIGPEN, PE
PROJECT ENGINEER

LETTING DATE: January 17, 2023
HOLLY CHRISTENBURY, PE
PROJECT DESIGN ENGINEER

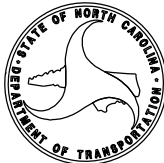
NCDOT CONTACT: DAVID STUTTS, PE
STRUCTURES MANAGEMENT UNIT

HYDRAULICS ENGINEER

SIGNATURE: P.E.

ROADWAY DESIGN
ENGINEER

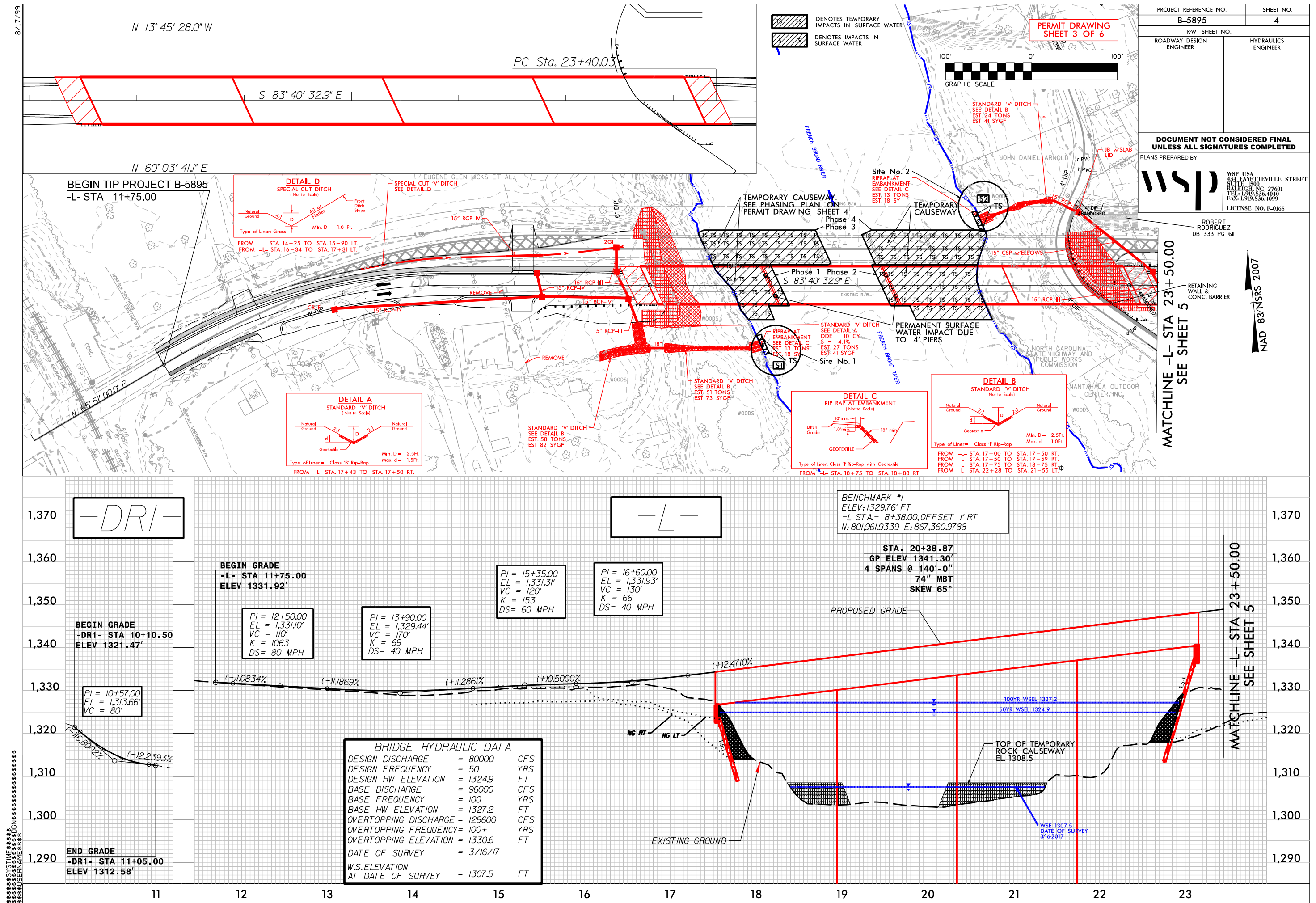
SIGNATURE: P.E.



TIP PROJECT: B-5895

CONTRACT:

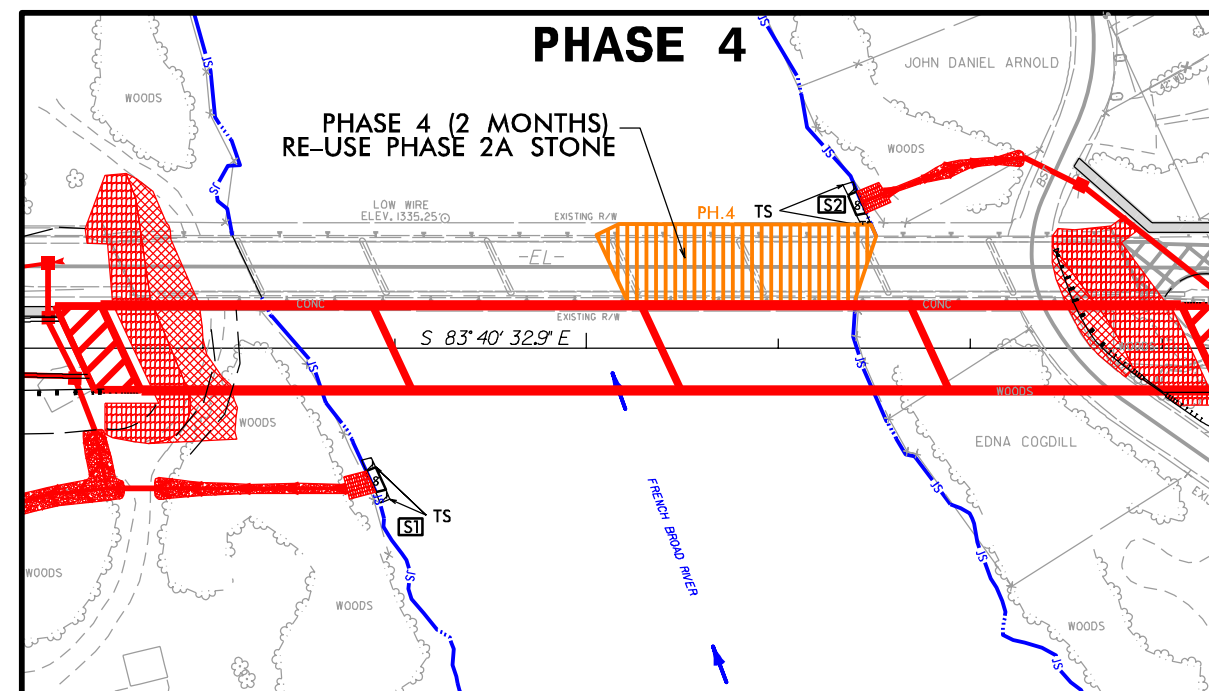
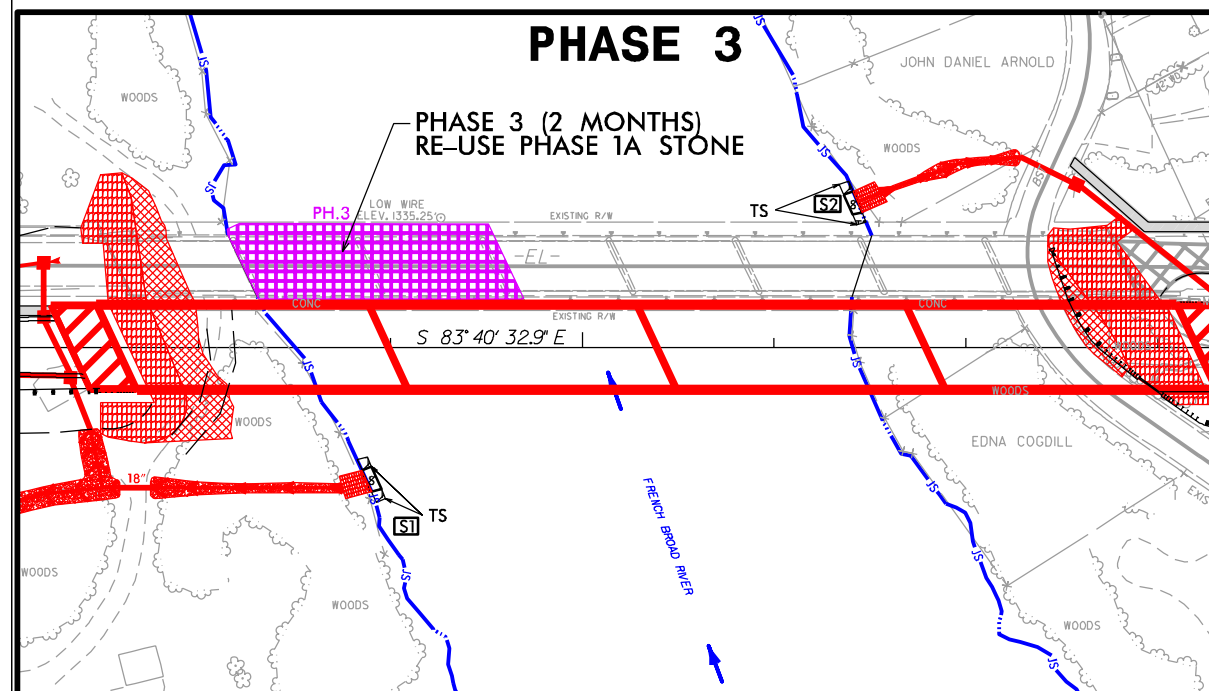
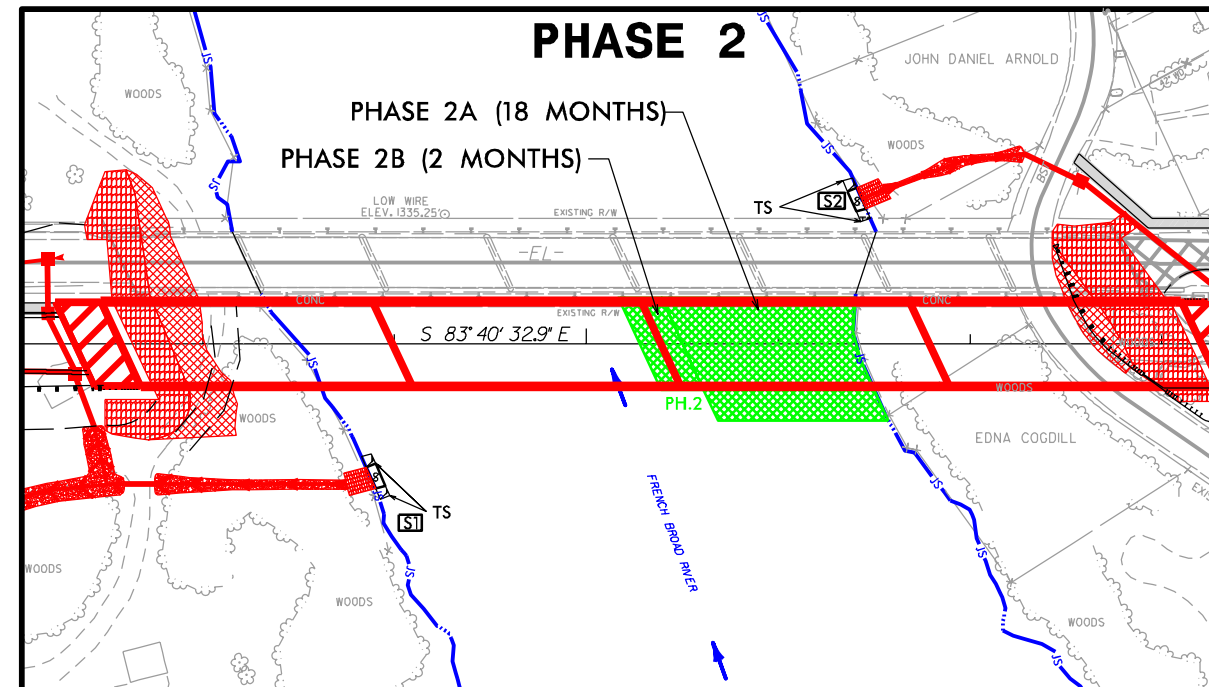
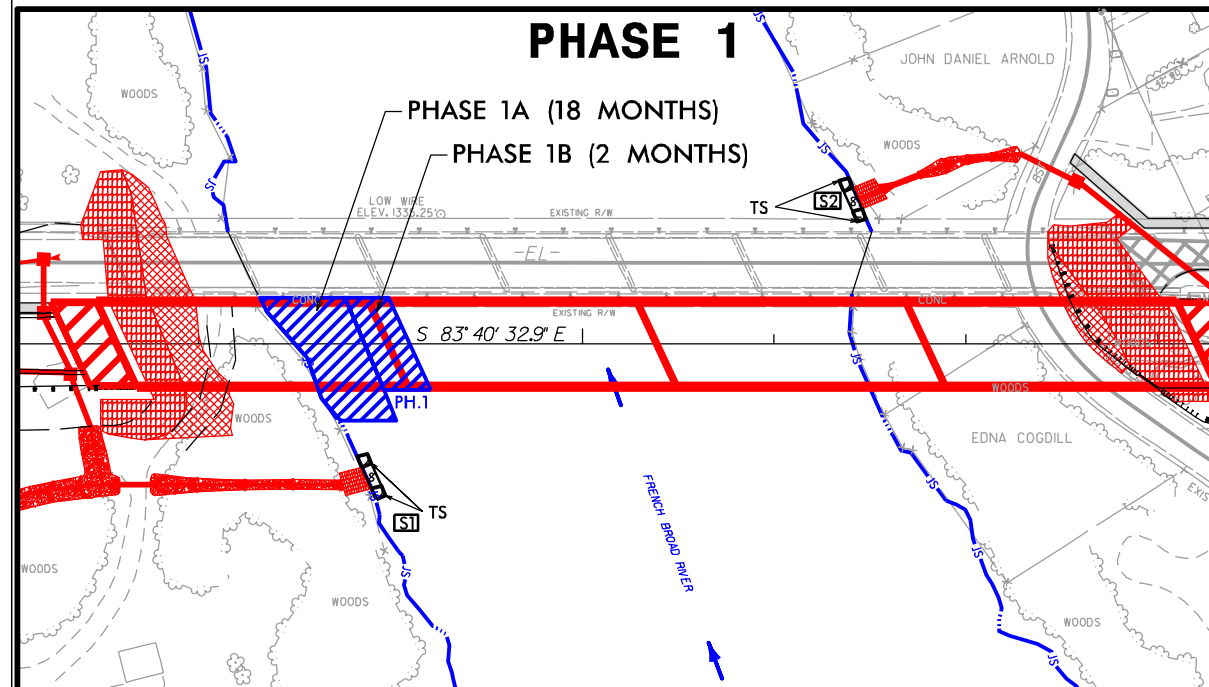
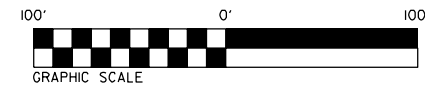
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8/17/99


TEMPORARY ROCK CAUSEWAY PHASING PLAN

PERMIT DRAWING
SHEET 4 OF 6



NOTES

1. NO MORE THAN 50% OF THE WIDTH OF THE RIVER SHALL BE BLOCKED AT ONE TIME. (PHASES 1 AND 2 CANNOT BE PERFORMED AT THE SAME TIME)
2. RIPRAP CAN BE RE-USED ON SITE FROM PHASE TO PHASE.
3. CAUSEWAYS SHALL BE REMOVED USING LEAST IMPACTFUL MEASURES POSSIBLE.
4. PHASES 3 AND 4 ARE FOR REMOVAL OF EXISTING BRIDGE BENTS.
5. CONSTRUCTION TIMES SHOWN ARE APPROXIMATE.
6. SITES 1 AND 2, RIPRAP AT EMBANKMENTS, CAN BE CONSTRUCTED AT ANY TIME.

PROJECT REFERENCE NO. B-5895		SHEET NO. 4	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<div style="border: 1px solid black; padding: 10px; text-align: center;">INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION</div>			
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED			
PLANS PREPARED BY:			
		WSP USA 134 FAYETTEVILLE STREET SUITE 1500 RALEIGH, NC 27601 TEL: 1.919.836.4040 FAX: 1.919.836.4099 LICENSE NO. E-0165	

NAD 83 NRS 2007

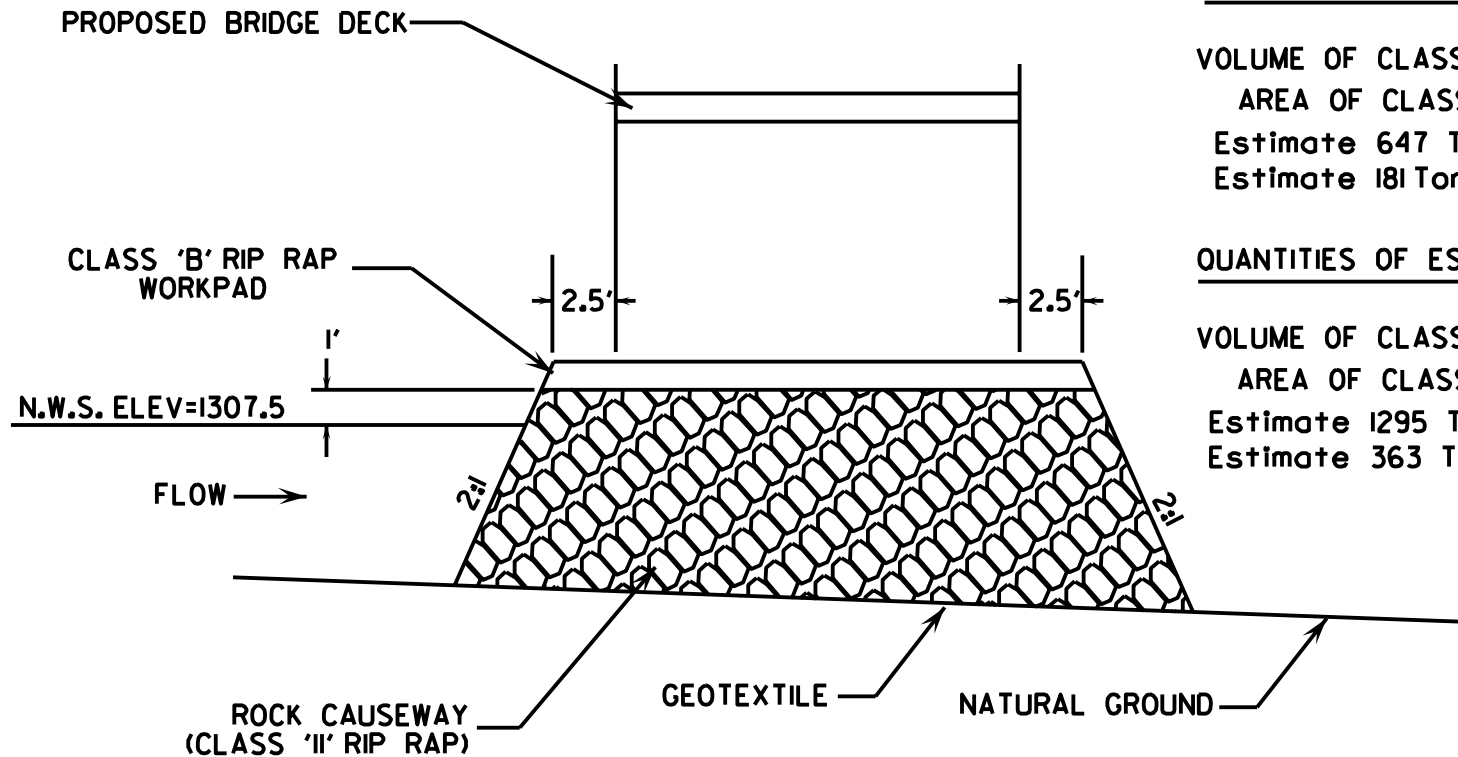
TEMPORARY ROCK CAUSEWAY (NOT TO SCALE)

QUANTITIES OF ESTIMATES - PHASE 1

VOLUME OF CLASS II RIP RAP= 456 yds³
 AREA OF CLASS II RIP RAP= 0.08 ac
 Estimate 647 Tons Class 'II' Rip Rap
 Estimate 181 Tons Class 'B' Rip Rap

QUANTITIES OF ESTIMATES - PHASE 2

VOLUME OF CLASS II RIP RAP= 913 yds³
 AREA OF CLASS II RIP RAP= 0.16 ac
 Estimate 1295 Tons Class 'II' Rip Rap
 Estimate 363 Tons Class 'B' Rip Rap



QUANTITIES OF ESTIMATES - PHASE 3

VOLUME OF CLASS II RIP RAP= 711 yds³
 AREA OF CLASS II RIP RAP= 0.13 ac
 Estimate 1008 Tons Class 'II' Rip Rap
 Estimate 283 Tons Class 'B' Rip Rap

QUANTITIES OF ESTIMATES - PHASE 4

VOLUME OF CLASS II RIP RAP= 654 yds³
 AREA OF CLASS II RIP RAP= 0.12 ac
 Estimate 927 Tons Class 'II' Rip Rap
 Estimate 260 Tons Class 'B' Rip Rap

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

PROJECT: 48088.1.1 (B-5895)
 BRIDGE NO. 67
 OVER FRENCH BROAD RIVER
 ON US 25

SHEET 5 OF 6

8/16/19

WETLAND AND SURFACE WATER IMPACTS SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
S1	L- Sta. 18+75 to 18+88	Rip Rap at Embankment						< 0.01	< 0.01	12		
S2	L- Sta. 21+42 to 21+55	Rip Rap at Embankment						< 0.01	< 0.01	12		
	L- Sta. 18+50 to 21+40	Temp. Rock Causeways							0.49		113	
TOTALS*:								< 0.01	0.49	24	113	0

*Rounded totals are sum of actual impacts

NOTES:

Linear Impacts are shown such that they do not double count due to impacts on both sides of the stream.

Permanent Surface Water Impacts due to drilled piers: 50 sq. ft. (0.001ac) <0.01 acre

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 8/16/2019
 Madison County
 B-5895
 310045

SHEET 6 OF 6

Protected Species/ Section 7



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

September 9, 2022

TO: Michael Turchy, Environmental Coordination and Permitting Group Leader
Environmental Coordination & Permitting Group, EAU

FROM: Melissa Miller, Environmental Program Consultant
Biological Surveys Group, EAU

SUBJECT: Section 7 survey results for the northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), little brown bat (*Myotis lucifugus*), and tricolored bat (*Perimyotis subflavus*) associated with the replacement of Bridge No. 67 over the French Broad River on US 25/US 70 in Madison County, **TIP No. B-5895.**

The North Carolina Department of Transportation (NCDOT, Division 13) proposes to replace Bridge No. 67 over the French Broad River on US 25/US 70 in Madison County, TIP No. B-5895. The existing bridge is an eight span structure with concrete deck, beams, end walls and guard rails. The overall length of the structure is 529 feet.

Northern long-eared bat

The project to replace Bridge No. 67 has been reviewed for effects on the northern long-eared bat (NLEB). As of May 4, 2015, NLEB is listed by the U.S. Fish and Wildlife Service (USFWS) as "Threatened" under the Endangered Species Act of 1973. As of September 9, 2022, NLEB is listed in IPaC (<https://ecos.fws.gov/ipac/>) as occurring in Madison County.

According to the North Carolina Natural Heritage Program (NHP) Biotics Database, most recently updated April 2022, **the nearest NLEB record is 12.7 miles southeast of the project.**

On July 28, 2022, Three Oaks biologists assessed Bridge No. 67 for potential Northern long-eared bat roosting habitat. Crevices suitable for roosting are present on the structure. No evidence of bats (in the form of guano, staining or bats) was observed on the bridge. Trees greater than 3" dbh are present in the project area. Bridge No. 67 was previously surveyed in 2019 by NCDOT biologists. No evidence of bats in any form (bats, guano, staining) was observed during that survey. There is an abundance of alternative roosting, foraging and commuting habitat in the surrounding area. Based on the presence suitable roost trees, the proposed project will have a biological conclusion of ***May Affect Not Likely To Adversely Affect*** for Northern long-eared bats.

Gray Bat

The project to replace Bridge No. 67 has also been reviewed for effects on the gray bat (MYGR). As of April 28, 1976, the gray bat was listed by the U.S. Fish and Wildlife Service (USFWS) as “Endangered” under the Endangered Species Act of 1973. As of September 9, 2022, MYGR is listed in IPaC (<https://ecos.fws.gov/ipac/>) as occurring in Madison County.

According to the North Carolina Natural Heritage Program (NHP) Biotics Database, most recently updated in April 2022, MYGR have been documented in Madison County. USFWS, North Carolina Wildlife Resources Commission (WRC) and NHP data indicate that **the closest known occurrence of MYGR is approximately 5.2 miles southeast of the project site.**

On July 28, 2022, Three Oaks biologists assessed Bridge No. 67 for potential gray bat roosting habitat. As stated above, crevices suitable for roosting were present on the structure. No evidence of bats in any form (bats, guano, staining) was observed at this site visit. Bridge No. 67 was previously surveyed in 2019 by NCDOT biologists. No evidence of bats in any form (bats, guano, staining) was observed during that survey. No caves or mines are known to occur within the project area. There is an abundance of alternative foraging and commuting habitat in the surrounding area. Based on the presence of suitable roosting crevices on the structure, lack of bat evidence on the bridge, as well as the lack of caves or mines in the project area, the proposed project will have a biological conclusion of *May Affect Not Likely To Adversely Affect* for gray bats.

Little Brown bat

The project to replace Bridge No. 67 has also been reviewed for effects on the Little brown bat (MYLU). This species is an at risk species that has been proposed for listing. USFWS, North Carolina Wildlife Resources Commission (WRC) and NHP data indicate that **the closest known occurrence of MYLU is approximately 7.4 miles south of the project site.** There is an abundance of alternative roosting, foraging and commuting habitat in the surrounding area. Based on the presence suitable roost trees, the proposed project will have a biological conclusion of *May Affect Not Likely To Adversely Affect* for little brown bats.

Tricolored bat

The project to replace Bridge No. 67 has also been reviewed for effects on the tricolored bat (PESU). This species is an at risk species that has been proposed for listing. USFWS, North Carolina Wildlife Resources Commission (WRC) and NHP data indicate that **the closest known occurrence of PESU is approximately 1.2 miles northwest of the project site.** There is an abundance of alternative roosting, foraging and commuting habitat in the surrounding area. Based on the presence suitable roost trees, the proposed project will have a biological conclusion of *May Affect Not Likely To Adversely Affect* for tricolored bats.

If you need any additional information, please contact Melissa Miller at 919-707-6127.

Archaeology & Historic Architecture and Landscapes



**NO NATIONAL REGISTER OF HISTORIC PLACES
ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES
PRESENT 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 Group.

PROJECT INFORMATION

Project No: **B-5895** County: **Madison**
 WBS No: **48088.1.1** Document: **CE**
 F.A. No: Funding: ☒ State ☐ Federal
 Federal Permit Required? ☒ Yes ☐ No Permit Type: **USACE**

Project Description: This project proposes to replace Bridge No. 67 on US 25/70 over the French Broad River in Madison County, North Carolina. The archaeological Area of Potential Effects (APE) encompasses all areas of potential ground disturbing activity. (see attached shape file map). It measures 1,800 feet in length and 300 feet in width. There will be an on-site detour immediately to the south of the existing structure.

SUMMARY OF ARCHAEOLOGICAL FINDINGS

The North Carolina Department of Transportation (NCDOT) Archaeology Group reviewed the subject project and determined:

- ☒ There are no National Register listed or eligible ARCHAEOLOGICAL SITES present within the project's area of potential effects. (Attach any notes or documents as needed)
- ☐ No subsurface archaeological investigations were required for this project.
- ☒ Subsurface investigations did not reveal the presence of any archaeological resources.
- ☐ Subsurface investigations did not reveal the presence of any archaeological resources considered eligible for the National Register.
- ☐ All identified archaeological sites located within the APE have been considered and all compliance for archaeological resources with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.

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

To determine the cultural resource potential of the APE, numerous sources of information were considered. First, preliminary construction design, funding, and other data was examined for defining the potential impacts to the APE ground surfaces and for determining the level of effort necessary for compliance. In this case, the project is state-funded with federal (USACE) interaction and subject to Section 106 of the National Historic Preservation Act. An on-site detour will be utilized during construction which will be placed immediately south of the existing structure. As most of this area is already impacted, disturbance to the northern project quadrants will be minimal.

Next, a map review and site file search was conducted at the Office of State Archaeology (OSA) on Tuesday, August 13, 2019. No previously documented archaeological sites are located within or proximal

to the archaeological APE. This review did illustrate that the eastern portion of the APE had already been surveyed for archaeological resources (Padgett 1992). The archaeological study included US 25/70 from Tanyard Gap to Hot Springs, however it appears the survey ended on the eastern side of the French Broad River. While no archaeological sites were located within or directly adjacent to the archaeological APE, two sites (31MD233 & 31MD234) were documented a short distance to the east. These sites consisted of a potential rock shelter located outside of the project area and unassessed for NRHP eligibility and the cement remnants of a mill dam, considered ineligible for NRHP listing. Overall, the local archaeological site profile does not raise the potential for documenting sites in the currently defined APE.

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 North Carolina State Historic Preservation Office (NCSHPO) website demonstrated that no resources with potential archaeological deposits were located in the vicinity of the APE. However, the APE does border the NRHP Hot Springs Historic District and the Bridge 67 structure has been determined eligible for the NRHP. Also, historic maps of Madison County were appraised for former structure locations, land use patterns, cemeteries, or other confirmation of historic occupation in the project vicinity. Archaeological/historical reference materials were reviewed as well.

In addition, topographic, geologic, flood boundary, lidar, and NRCS soil survey maps (Ud, UhE, BaA, UfB) were referenced for the evaluation of geomorphological, pedological, hydrological, and other environmental-type elements that may have resulted in past occupation at this location. Finally, review of aerial and on-ground images (NCDOT Spatial Data Viewer, Google, ARC-GIS) afforded first-hand perspectives of the overall study area which were useful for assessing localized disturbances, both natural and human induced, which compromise the integrity of archaeological sites/deposits. Based on environmental determinants and disturbance factors, the APE is considered to have a low potential for the recovery of archaeological artifacts, deposits, or features. Despite the low potential, an archaeological survey will be recommended for the project since there are NRHP properties nearby and to satisfy federal laws and regulations.

An in-field reconnaissance and subsurface survey was conducted by NCDOT archaeologists Scott Halvorsen and Casey Kirby on July 30, 2019. First, a visual inspection of the entire APE was completed. No above-ground historic features or cemeteries were encountered. Although the eastern areas of the APE had already been surveyed (Padgett 1992) these portions of the currently defined APE were re-examined. Immediately east of the French Broad River was a small residential area to the north of the roadway, and to the south of US 25/70 was a paved road and boat drop-off. All the land surfaces east of this initially disturbed area were sloped (typically to the south) to a degree beyond human settlement. Essentially, there were no flat, undisturbed areas suitable for subsurface shovel testing east of the French Broad River.

The western portion of the APE was largely disturbed, particularly on the southern side of the roadway, where the on-site detour is to be constructed. This area contained residential buildings, a shop, a paved turn-around, a railroad car and sloping ground surfaces to the east toward the French Broad River. Across the US 25/70 roadway in the northwestern project quadrant was a manicured grass lawn in the floodplain of the river. Despite the soil data which illustrated that the underlying soils were made up of fill, shovel testing began in this quadrant about 100 feet from the NC 25/70 center-line and 50 feet from the river's edge along a transect. Shovel tests were numbered sequentially west to east, were excavated at 30 meter intervals, and measured approximately 40cm in diameter. Shovel tests were dug to sterile subsoil or within layers of disturbed fill.

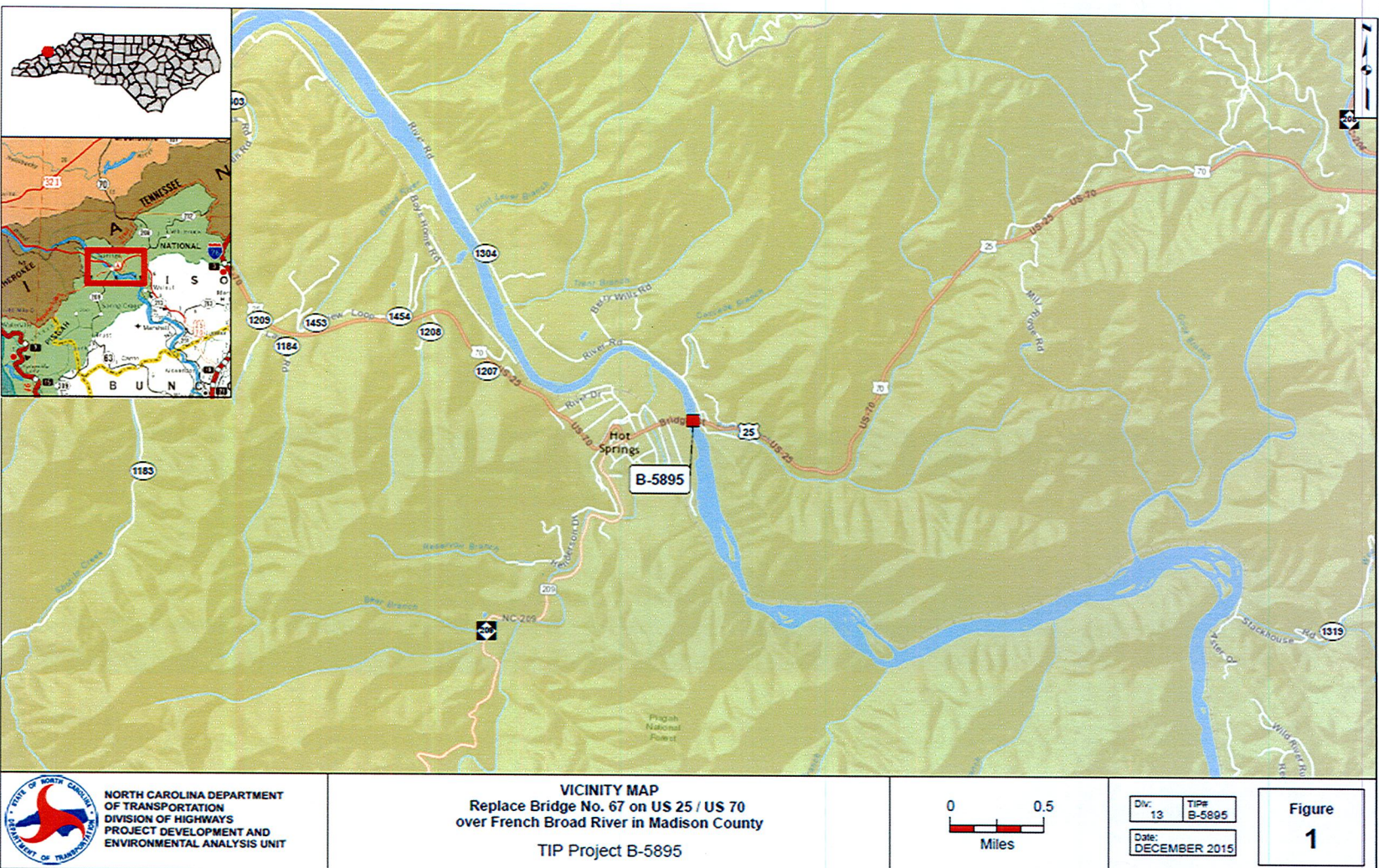
A total of seven shovel test pits were excavated along transect #1 within the northwestern project quadrant. Each of the test pits had a similar if not identical soil profile, illustrating past disturbance and filling activities. A typical shovel test pit profile consisted of a first soil stratum of 10YR3/3 dark brown sandy loam to 15 -18 cmbs (centimeters below surface), often accompanied by modern bottle glass pieces and shards. Stratum II contained a disturbed fill layer of 7.5YR5/6 strong brown clay with small and medium sized rocks and pebbles to 25+cmbs. No cultural artifacts or features were encountered while excavating the seven shovel test pits (1- 7) situated along transect #1 in the northwestern quadrant.

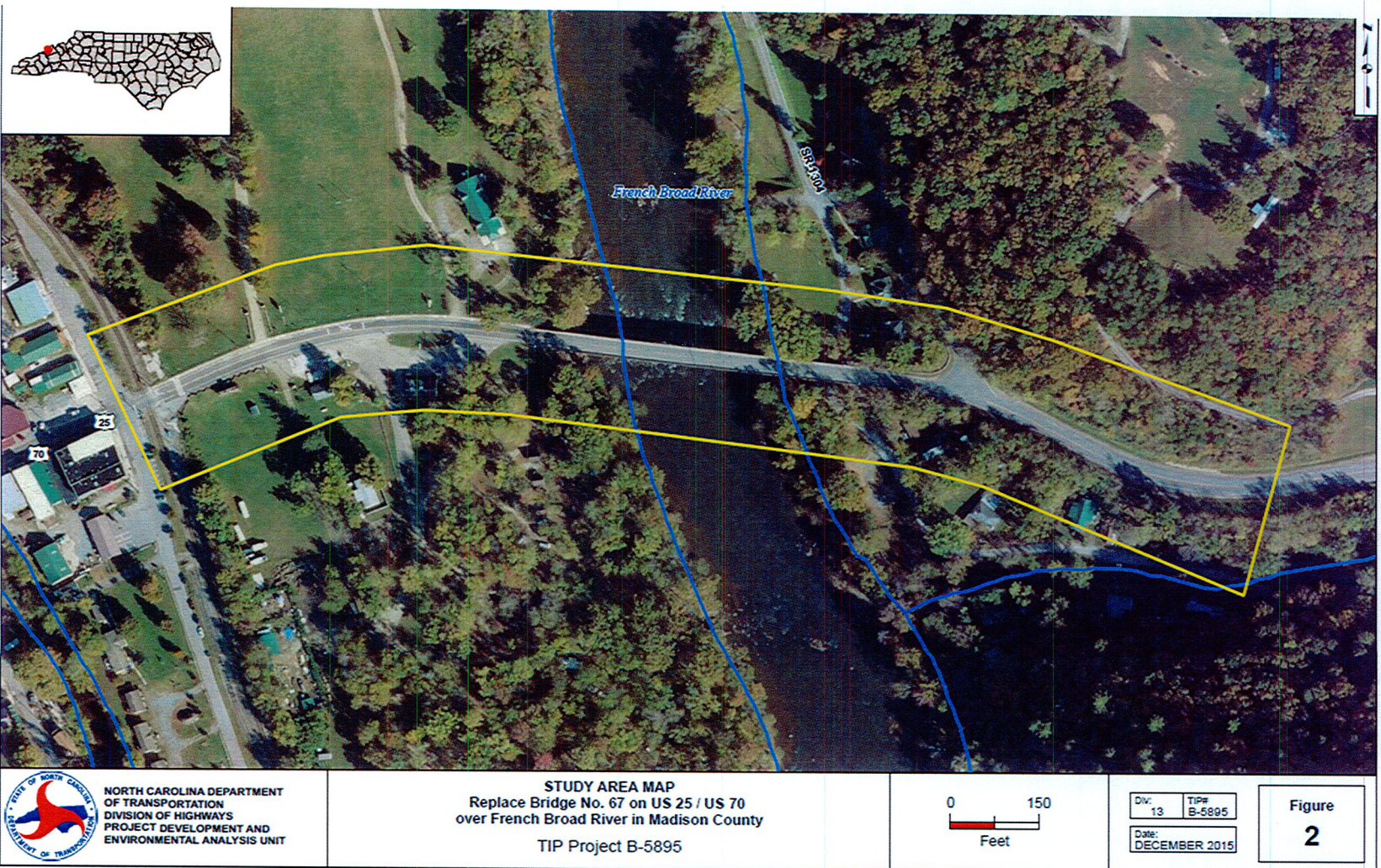
Next, investigations of the southwestern quadrant began. Transect #2 was established approximately 30 meters south from the US 25/70 center-line. The first four shovel test pit locations could not be excavated due to ground surfaces sloping east toward the French Broad River or because of impacts associated with a large shop structure and paved turn-around. The final three locations along the transect were excavated at 30 meter intervals, numbered sequentially west to east (8 – 10), and measured 40cm in diameter. All three excavated shovel tests contained a disturbed and identical soil profile containing a first soil stratum of 10YR3/3 dark brown sandy loam to 10cmbs atop a second stratum of 7.5YR5/6 strong brown clay fill to 20+cmbs. No cultural artifacts were collected from any of the test pits excavated along transect # 2 in the southwestern quadrant.

Following investigation of the B-5895 project area, no further archaeological consultation will be necessary. No archaeological sites were identified by the survey. A finding of “no historic properties affected” is considered appropriate.

Padgett, Thomas J.

Archaeological Study US 25/70 Tanyard Gap to Hot Springs, Madison County, R-1011 BA. Filed at NCDOT, Division of Highways, Planning and Environmental Branch, Raleigh, North Carolina.





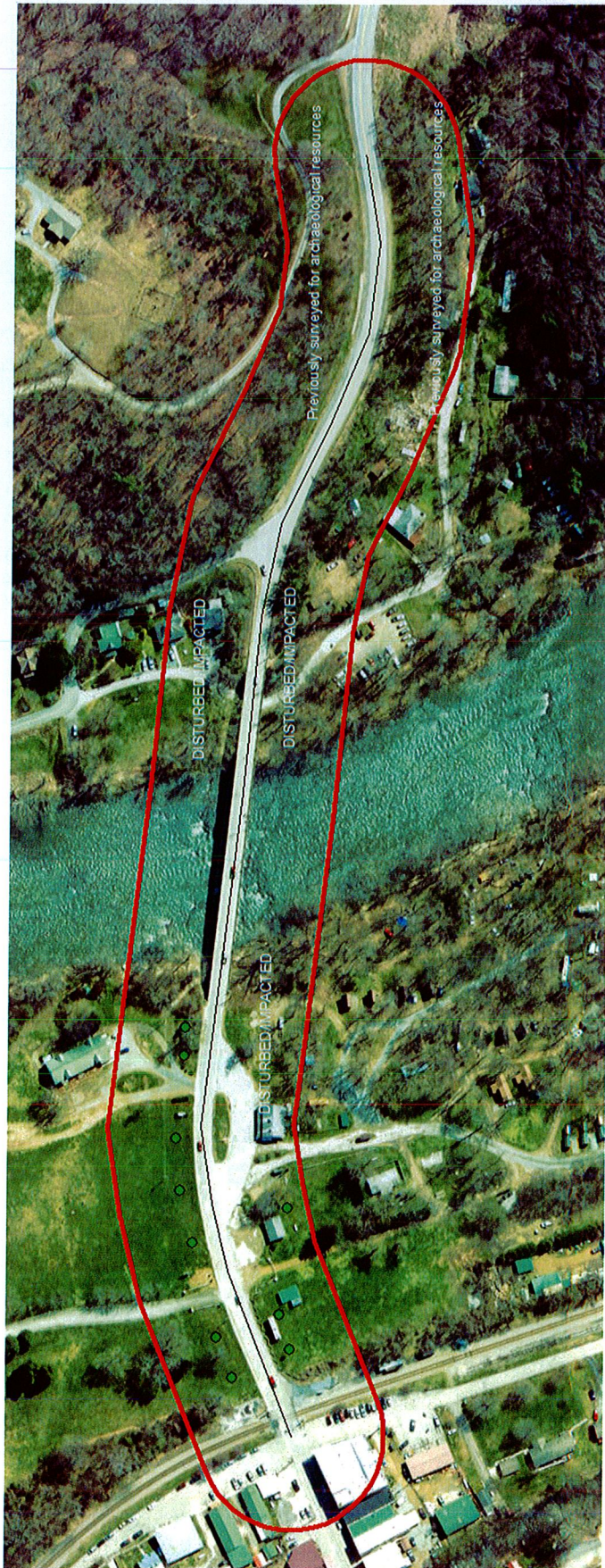


Figure 3: ARC-GIS shape file map illustrating the location of shovel test pits (green dots) and areas of disturbance and previously surveyed areas.

"NO NATIONAL REGISTER ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES PRESENT"
 form for the Amended Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.

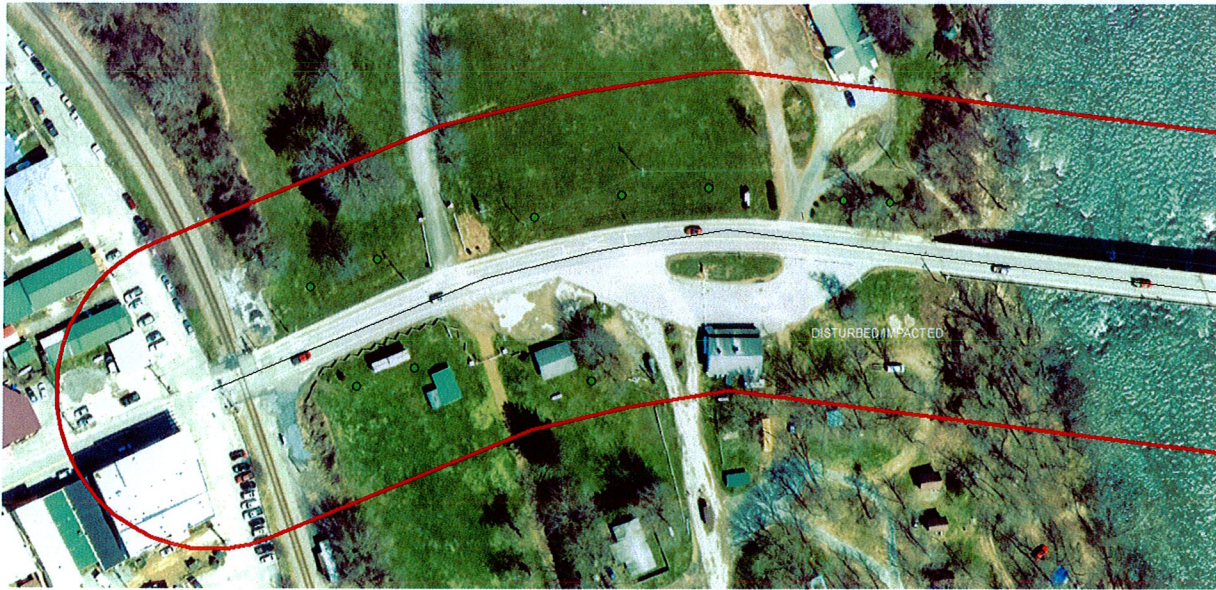


Figure 4: Detail of the eastern project quadrants. The green dots are the location of excavated shovel test pits. Note the disturbances south of the US 25/70 roadway.

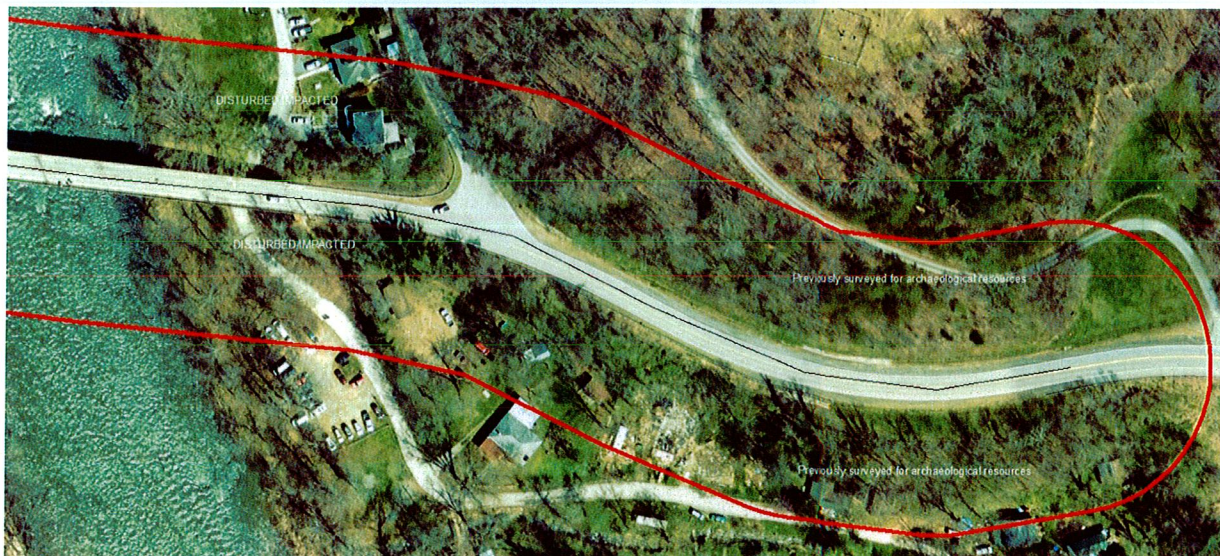


Figure 5: Detail of the western project quadrants. These sections were previously surveyed for archaeological resources (Padgett 1992). The APE was residentially disturbed immediately east of the river and sloped beyond human settlement elsewhere.



Figure 6: View generally east toward Hot Springs from the shovel test pit # 3 locale. The northwestern project quadrant, as seen above, was in manicured lawn.



Figure 7: View generally east of the northwestern project quadrant.



Figure 8: View generally east of the extremely disturbed southwestern quadrant.



Figure 9: View generally west of sloping APE ground surfaces.

16-01-0097

SUPPORT DOCUMENTATION

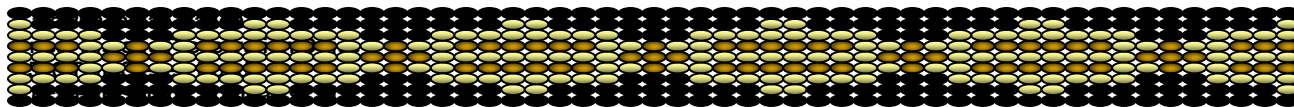
See attached: ☒ Map(s) ☒ Previous Survey Info ☐ Photos ☐ Correspondence
Signed:



8.19.2019

NCDOT ARCHAEOLOGIST**Date**

Tribal Coordination



Office 803-328-2427
Fax 803-328-5791

January 11, 2022,

Attention: David Stutts
NC Department of Transportation
1581 Mail Service Center
Raleigh, NC 27699

Re. THPO #	TCNS #	Project Description
2022-193-52		proposed replacement of Bridge No. 67 on US 25/US 70 over the French Broad River in Madison Co., as project B-5895

Dear Mr. Stutts,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Rogers at 803-328-2427 ext. 226, or e-mail Caitlin.Rogers@catawba.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

November 15, 2021

Elizabeth Toomb
Tribal Historic Preservation Officer
Cherokee Nation
PO Box 948
Tahlequah, OK 74465

Dear Ms. Toomb,

The North Carolina Department of Transportation (NCDOT) has started the project development, environmental and engineering studies for the proposed replacement of Bridge No. 67 on US25/US70 over the French Broad River in Madison County, as project B-5895. The United States Army Corps of Engineers (USACE) is the lead federal agency for compliance with the State environmental Policy Act (SEPA) and Section 106 of the National Historic Preservation Act (NHPA) through the Section 404 permitting process. A project vicinity map is attached. The coordinates of this project are approximately 35.893641,-82.823087.

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

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

Enclosed and available for review are copies of the findings of the archaeology investigation and the Memorandum of Agreement between NCDOT, USACE, the North Carolina State Historic Preservation Office for impacts to NRHP-eligible properties available for review.

Please respond by December 15 so that your comments can be used in the scoping of this project. If you have any questions concerning this project, or would like any additional information, please contact David S. Stutts, Structures Project Engineer, at 919-707-6442 or by email at dstutts@ncdot.gov.


Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
STRUCTURES MANAGEMENT UNIT
1581 MAIL SERVICE CENTER
RALEIGH, NC 27699-1581

Telephone: 919-707-6400
Fax: 919-250-4082
Customer Service: 1-877-368-4968

Website: ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

Sincerely,

DocuSigned by:

A4A2999A8BC64F2...
David S. Stutts, P.E.
Structures Project Engineer

cc: Matt Wilkerson, NCDOT Archaeology Team Leader
Lori Beckwith, USACE Project Contact

Attachments (Vicinity Map, Archaeology Findings, and Historic Architecture MOA)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

November 15, 2021

Russel Townsend
Tribal Historic Preservation Office
Eastern Band of Cherokee Indians
2077 Governors Island Road
Bryson City, NC 28713

Dear Mr. Townsend,

The North Carolina Department of Transportation (NCDOT) has started the project development, environmental and engineering studies for the proposed replacement of Bridge No. 67 on US25/US70 over the French Broad River in Madison County, as project B-5895. The United States Army Corps of Engineers (USACE) is the lead federal agency for compliance with the State environmental Policy Act (SEPA) and Section 106 of the National Historic Preservation Act (NHPA) through the Section 404 permitting process. A project vicinity map is attached. The coordinates of this project are approximately 35.893641,-82.823087.

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Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
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1581 MAIL SERVICE CENTER
RALEIGH, NC 27699-1581

Telephone: 919-707-6400
Fax: 919-250-4082
Customer Service: 1-877-368-4968

Website: ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

Sincerely,

DocuSigned by:


A4A2999A8BC64F2...
David S. Stutts, P.E.
Structures Project Engineer

cc: Matt Wilkerson, NCDOT Archaeology Team Leader
Lori Beckwith, USACE Project Contact

Attachments (Vicinity Map, Archaeology Findings, and Historic Architecture MOA)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

November 15, 2021

LeeAnne Wendt
Tribal Historic Preservation Officer
Muscogee (Creek) Nation
PO Box 580
Okmulgee, OK 74447

Dear Ms. Wendt,

The North Carolina Department of Transportation (NCDOT) has started the project development, environmental and engineering studies for the proposed replacement of Bridge No. 67 on US25/US70 over the French Broad River in Madison County, as project B-5895. The United States Army Corps of Engineers (USACE) is the lead federal agency for compliance with the State environmental Policy Act (SEPA) and Section 106 of the National Historic Preservation Act (NHPA) through the Section 404 permitting process. A project vicinity map is attached. The coordinates of this project are approximately 35.893641,-82.823087.

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STRUCTURES MANAGEMENT UNIT
1581 MAIL SERVICE CENTER
RALEIGH, NC 27699-1581

Telephone: 919-707-6400
Fax: 919-250-4082
Customer Service: 1-877-368-4968

Website: ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

Sincerely,

DocuSigned by:

A4A2999A8BC64F2...
David S. Stutts, P.E.
Structures Project Engineer

cc: Matt Wilkerson, NCDOT Archaeology Team Leader
Lori Beckwith, USACE Project Contact

Attachments (Vicinity Map, Archaeology Findings, and Historic Architecture MOA)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

November 15, 2021

Acee Watt
Section 106 Coordinator
United Keetoowah Band of Cherokee Indians
PO Box 746
Tahlequah OK, 74465

Dear Mr. Watt,

The North Carolina Department of Transportation (NCDOT) has started the project development, environmental and engineering studies for the proposed replacement of Bridge No. 67 on US25/US70 over the French Broad River in Madison County, as project B-5895. The United States Army Corps of Engineers (USACE) is the lead federal agency for compliance with the State environmental Policy Act (SEPA) and Section 106 of the National Historic Preservation Act (NHPA) through the Section 404 permitting process. A project vicinity map is attached. The coordinates of this project are approximately 35.893641,-82.823087.

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

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

Enclosed and available for review are copies of the findings of the archaeology investigation and the Memorandum of Agreement between NCDOT, USACE, the North Carolina State Historic Preservation Office for impacts to NRHP-eligible properties available for review.

Please respond by December 15 so that your comments can be used in the scoping of this project. If you have any questions concerning this project, or would like any additional information, please contact David S. Stutts, Structures Project Engineer, at 919-707-6442 or by email at dstutts@ncdot.gov.


Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
STRUCTURES MANAGEMENT UNIT
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RALEIGH, NC 27699-1581

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Lori Beckwith, USACE Project Contact

Attachments (Vicinity Map, Archaeology Findings, and Historic Architecture MOA)

River Users Safety Plan



STIP Project No. B-5895
Madison County



RIVER SAFETY PLAN
FOR THE CONSTRUCTION OF THE US 25/US 70 BRIDGE OVER THE FRENCH BROAD RIVER

To ensure the safe passage of river users during the construction and demolition of the US 25/US 70 bridge No. 67 over the French Broad River NCDOT has developed this River Safety Plan (RSP).

- NCDOT has created and implanted the RSP, which specifically addresses the construction of the US 25/US 70 bridge No. 67 over the French Broad River. The RSP includes, but is not limited to:
 - NCDOT will contact the following local emergency services at least one month prior to road closure:
 - Madison County Emergency Management/Emergency Medical Services – 828-649-3602
 - NCDOT will contact the following local agencies to help notify the public of constraints/restrictions to boating at French Broad River:
 - US Forest Service – 828-689-9694
 - NCWRC District 9 Law Enforcement – 828-558-6010
 - Provide signage upstream and downstream of the bridge to alert river users to construction. These signs will note that the last public pull out is at Hot Springs Access Mile, 100 ft upstream of the bridge. These signs will be placed at the following locations; all are public with the exception of the privately owned launches marked with an asterisk (*):
 - Headwaters Outfitters* – 25 Parkway Road, Rosman
 - Champion Park River Access (Transylvania County Parks and Recreation) – Old Turnpike Road, Rosman (1st public access from the headwaters)
 - Hannah Ford Campground - Headwaters Outfitters* - Green Road (SR 1127), Rosman
 - Island Ford River Access (Transylvania County Parks and Recreation) – Island Ford Road, Brevard
 - Hap Simpson Park (Brevard Parks and Recreation) – 968 Greenville Hwy, Brevard
 - Wilson Road River Access (Transylvania County Parks and Recreation) – Wilson Road, Pisgah Forest
 - Penrose Boat Ramp (NC Wildlife Resources Commission) – 170 Apac Drive, Penrose
 - Blantyre Park (Henderson County Parks and Recreation) – 500 Cliff Road, Penrose
 - Horse Shoe River Access Park (Henderson County Parks and Recreation) – Horse Shoe
 - Mills River Park (Town of Mills River) – 124 Town Center Drive, Mills River (This park is near the confluence of Mills River and French Broad River and a common starting point for paddlers of the French Broad River.)
 - Westfeldt Park (Henderson County Parks and Recreation) – 83 Old Fanning Bridge Road, Fletcher
 - Glen Bridge River Park (Buncombe County Parks and Recreation) – 77 Pinnars Road, Arden



STIP Project No. B-5895

Madison County

- Corcoran Paige River Park (Buncombe County Parks and Recreation) – 9 Pinners Road, Arden
- Bent Creek River Park (Buncombe County Parks and Recreation) – 1592 Brevard Road, Asheville
- Hominy Creek River Park (Buncombe County Parks and Recreation) – 194 Hominy Creek Road, Asheville
- Asheville Outdoor Center* – 225 Amboy Rd, Asheville
- Carrier Park (Asheville City Parks) – 220 Amboy Rd, Asheville
- French Broad River Park (Asheville Parks Department) – 508 Riverview Dr, Asheville
- Jean Webb River Park (Asheville City Parks) – 123 Roberts St, Asheville
- Salvage Station* – 468 Riverside Dr, Asheville
- Pearson Bridge River Access (Riverlink) – 704 Riverside Dr, Asheville
- Ledges Whitewater River Park (Buncombe County Parks and Recreation) – 1080 Old Marshall Hwy, Alexander
- Alexander River Park (Buncombe County Parks and Recreation) – 2590 Old Marshall Hwy, Alexander
- Walnut River Island Park (Buncombe County Parks and Recreation) – 3042 Old Marshall Hwy, Alexander
- Blannahasset Island Park (Town of Marshall) – 151 Blannahasset Island Road, Marshall
- Redmond Dam Access (unmaintained) – 2450-2452 Redmon Rd, Marshall
- Barnard Park (Madison County Parks Dept.) – 1995 Barnard Rd, Marshall
- Stackhouse Access (US Forest Service) – 29 Aster Dr, Marshall
- Hot Springs Access Mile (US Forest Service) – 105 Silvermine Road, Hot Springs
- Signage on the causeways to warn river users away and prevent river users from using the causeway as a stopping point.
- Physical restrictions
 - Use of a floating navigational aide to mark the safe passage lane.
 - NCDOT shall commit to a catchment device on the overhead structure over the river and roadway to prevent material from falling on river users, equestrians, bicyclists, or in the water.
 - NCDOT shall place steady-state red lights that are solar-powered on the causeway to alert river user to its location. Generators will not be used to provide power. These lights will be atop structures, such as a pole, on each causeway for the duration of the project. The contractor will be responsible for maintaining these lights at all times during construction, replacing them as necessary.
- Contractor requirements:
 - Develop a river traffic plan to include below items:
 - Provide one or more flaggers upstream as needed to stop river use at limited times when working over the river (e.g. setting beams, demolition of the structure)



STIP Project No. B-5895

Madison County

- Training of construction staff to teach skills in aiding a distressed boater – This is meant as an extra precaution for both staff and river users. It does NOT imply that the contractor will provide "lifeguard" type service
- Must have a life vest and/or boat on site.
- During Construction of Bridge No. 67, the Boater Safety Plan will be coordinated with the US Forest Service Staff. This plan takes effect two (2) weeks prior to the start of construction and will terminate at the end of construction.

Trail Users Safety Plan



STIP Project No. B-5895
Madison County

TRAIL USER SAFETY PLAN
FOR THE CONSTRUCTION OF THE US 25/US 70 BRIDGE OVER THE APPALACHIAN TRAIL

To ensure the safe passage of trail users during the construction and demolition of the US 25/US 70 bridge No. 67 over the Appalachian Trail NCDOT has developed this Trail User Safety Plan (TUSP).

- NCDOT has created and implanted the TUSP, which specifically addresses the construction of the US 25/US 70 bridge No. 67 over the Appalachian Trail. The TUSP includes, but is not limited to:
 - NCDOT will contact the following local emergency services at least one month prior to road closure:
 - Madison County Emergency Management/Emergency Medical Services – 828-649-3602
 - NCDOT will contact the following local agencies to help notify the public of constraints/restrictions to Appalachian Trail Users:
 - Appalachian Trail Conservancy – 828-254-3708
 - NCWRC District 9 Law Enforcement – 828-558-6010
- Trail Crossing
 - Due to the relocation of the trail from the south side of the original bridge to the north side of the new bridge, a marked street crossing near the railroad tracks in Hot Springs will be retained for users to cross the street in a safe manner. NCDOT will design and erect signage and/or an informational kiosk at the crossing in consultation with the SHPO and the concurring parties within one year of completion of the new bridge.
- Appalachian Trail Markers
 - Markers for the Appalachian Trail, similar to what exists within Hot Springs, will be continued on the new bridge and concrete staircase on the east end of the new bridge to mark the trail.
- Construction Consultation
 - The NCDOT Resident Engineer shall conduct a pre-construction field meeting with representatives from the NPS, ATC and the contractor to discuss plans for hiker passage for the duration of the project. In addition, the NCDOT Resident Engineer will send a monthly status report of upcoming construction activities around the Appalachian Trail to the NPS Trail Superintendent and the Regional Director at the ATC in order to provide the NPS and ATC with information to disseminate to hikers including adequate warning about delays or possible reroutes. These monthly status reports will cease when the project is complete.
- Construction
 - The Appalachian Trail is normally open 24 hours a day/365 days a year. During the construction project, the contractor shall maintain a safe pedestrian route and environment for Appalachian Trail hikers, including wayfaring signs warning of construction ahead, a clearly marked route for hikers through or around the construction site, and when appropriate, flaggers to aid hikers in the construction zone. At the discretion of the contractor, and under the supervision of the NCDOT, flaggers will assure hikers do not pass through the construction site when there is potential



STIP Project No. B-5895

Madison County

danger. The construction contractor shall endeavor to minimize stoppage of hikers and regulate construction for hikers while ensuring safe passage.

- NCDOT shall commit to a catchment device on the overhead structure over the river and roadway to prevent material from falling on trail users, equestrians, bicyclists, or in the water.
- Please refer to Appendix A for the Trail Diagram for users during and after construction of the new proposed bridge.
- During Construction of Bridge No. 67, the Trail User Safety Plan will be coordinated with the Appalachian Trail Conservancy Staff. This plan takes effect two (2) weeks prior to the start of construction and will terminate at the end of construction.

MOA for Appalachian Trail

**MEMORANDUM OF AGREEMENT
AMONG THE U.S. ARMY CORPS OF ENGINEERS,
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR
REPLACEMENT OF BRIDGE NUMBER 67 ON US 25/70
OVER THE FRENCH BROAD RIVER AND PRIVATE DRIVE
MADISON COUNTY, NORTH CAROLINA
WBS No. 48088.1.1
PA No. 16-01-0097
TIP No. B-5895**

WHEREAS, the U.S. Army Corps of Engineers (USACE) is considering issuance of a permit under Section 404 of the Clean Water Act (CWA) and, if required by final design, Section 10 of the Rivers and Harbors Act (RHA) of 1899, to the North Carolina Department of Transportation (NCDOT) for Replacement of Bridge Number 67 on US 25/70 over the French Broad River and Private Drive, Madison County, North Carolina (the Undertaking); and

WHEREAS, the USACE has determined that the Undertaking will have an adverse effect upon Madison County Bridge Number 67 and the Appalachian Trail, properties determined eligible for listing in the National Register of Historic Places (NRHP) (historic properties); and

WHEREAS, the USACE has consulted with the North Carolina State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the USACE has notified the Advisory Council on Historic Preservation (Council) of the adverse effects and the Council has declined to comment or participate in the consultation; and

WHEREAS, NCDOT has participated in the consultation and has been invited by the USACE and SHPO to be a signatory to this Memorandum of Agreement (MOA); and

WHEREAS, the following parties were granted consulting party status by USACE and have been invited to concur with this MOA: National Park Service (NPS) and Appalachian Trail Conservancy (ATC); and

WHEREAS, the following Tribal Historic Preservation Offices (THPO) were consulted regarding this Undertaking but did not comment: the Eastern Band of Cherokee Indians, the United Keetoowah Band of Cherokee Indians, and the Cherokee Nation;

NOW, THEREFORE, USACE, NCDOT, and the SHPO, agree that any authorization that may be issued by the USACE for the Undertaking shall include, by permit special condition, the following stipulations to take into account the effect of the Undertaking on the historic properties.

STIPULATIONS

I. Madison County Bridge Number 67

a. Photorecording

Prior to the initiation of construction, NCDOT will record the existing condition of Bridge Number 67 and its surroundings in accordance with the attached Historic Structures and Landscape Recordation Plan (Appendix A). Copies of the documentation will be deposited in the files of the State Historic Preservation Office, and the NCDOT Historic Architecture Section.

b. Bridge Design

The replacement bridge will mimic the original historic bridge details and will utilize a Texas Classic Bridge Rail. The bridge design will be provided to the SHPO and concurring parties for comment prior to finalization of the plan.

II. Appalachian Trail

a. Step Design

Concrete steps with handrail will be provided at the east end of the new bridge approach to provide continued access to the Appalachian Trail. The design of the steps will be reviewed by the SHPO and concurring parties prior to construction. The steps will be maintained by NCDOT Division 13.

b. Construction

The Appalachian Trail is normally open 24 hours a day/365 days a year. During the construction project, the contractor shall maintain a safe pedestrian route and environment for Appalachian Trail hikers, including wayfaring signs warning of construction ahead, a clearly marked route for hikers through or around the construction site, and when appropriate, flaggers to aid hikers in the construction zone. At the discretion of the contractor, and under the supervision of the NCDOT, flaggers will assure hikers do not pass through the construction site when there is potential danger. The construction contractor shall endeavor to minimize stoppage of hikers and regulate construction for hikers while ensuring safe passage.

c. Construction Consultation

The NCDOT Resident Engineer shall conduct a pre-construction field meeting with representatives from the NPS, ATC and the contractor to discuss plans for hiker passage for the duration of the project. In addition, the NCDOT Resident Engineer will send a monthly status report of upcoming construction activities around the Appalachian Trail to the NPS Trail Superintendent and the Regional Director at the ATC in order to provide the NPS and ATC with information to disseminate to hikers including adequate warning about delays or possible reroutes. These monthly status reports will cease when the project is complete.

d. Trail Crossing

Due to the relocation of the trail from the south side of the original bridge to the north side of the new bridge, a marked street crossing near the railroad tracks in Hot Springs will be retained for users to cross the street in a safe manner. NCDOT will design and erect signage and/or an informational kiosk at the crossing in consultation with the SHPO and the concurring parties within one year of completion of the new bridge.

e. Appalachian Trail Markers

Markers for the Appalachian Trail, similar to what exists within Hot Springs, will be continued on the new bridge and concrete staircase to mark the trail.

III. Unanticipated Discovery

In accordance with 36 CFR 800.11(a), if NCDOT identifies additional cultural resource(s) during construction, all work will be halted within the limits of the resource(s) and the USACE will be contacted. The USACE will initiate the appropriate agency and/or Tribal coordination required for a determination of eligibility or recovery effort. If after consultation between the Signatories and concurring parties, additional mitigation is determined necessary, the NCDOT, in consultation with the Signatories and concurring parties, will develop and implement appropriate protection/mitigation measures for the resource(s). Inadvertent or accidental discovery of human remains will be handled in accordance with North Carolina General Statutes 65 and 70.

IV. Amendments

Should any of the Party(ies) to this MOA believe that its terms cannot be carried out or that an amendment to the terms must be made, that party(ies) shall immediately consult with the other party(ies) to develop amendments in accordance with 36 CFR 800.6(c)(7). If an amendment cannot be agreed upon, the dispute resolution process set forth in Stipulation V will be followed. This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy, signed by all the signatories, is filed with the ACHP.

V. Dispute Resolution

Should any of the Parties to this MOA object within (30) days to any plans or documentation provided for review pursuant to this MOA, the USACE shall consult with the objecting party(ies) to resolve the objection. If the USACE or the objecting party(ies) determines that the objection cannot be resolved, the USACE will forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:

1. Provide the USACE with recommendations, which the USACE will take into account in reaching a final decision regarding the dispute, or
2. Notify the USACE that it will comment pursuant to 36 CFR Section 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the USACE in accordance with 36 CFR Section 800.7(c)(4) with reference to the subject of the dispute.

Any recommendations or comments provided by the Council will be understood to pertain only to the subject of the dispute; the signatories' responsibilities that are not the subject of the dispute will remain unchanged.

VI. Termination

Any of the Signatory Party(ies) to this MOA may terminate the agreement by providing notice to the other parties, provided that the Signatories and Concurring Parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination of this MOA will require compliance with 36 CFR 800. This MOA may be terminated by the execution of a subsequent MOA that explicitly terminates or supersedes its terms.

VII. Duration

Unless terminated pursuant to Stipulation VI above, this MOA will be in effect until the USACE, in consultation with the other Signatory Parties, determines that all of its terms have been fulfilled or if NCDOT is unable or decides not to construct the Undertaking.

Execution of this MOA by USACE, NCDOT, and the North Carolina SHPO, its subsequent filing with the Council, and implementation of its terms evidence that the USACE has afforded the Council an opportunity to comment on the Undertaking, and that USACE has taken into account the effect of the Undertaking on the historic properties.

AGREE:

United States Army Corps of Engineers:

FOR THE COMMANDER

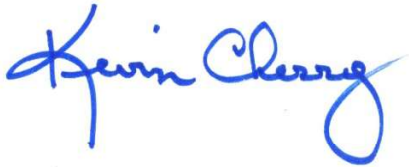
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Digitally signed by
MCLENDON.C.SCOTT.1229682071
Date: 2020.10.13 16:07:06 -04'00'

Scott McLendon
Chief, Regulatory Division
Wilmington District

Date

State Historic Preservation Officer:



09-25-2020

Date: _____

Kevin Cherry, Ph. D.
Deputy Secretary North Carolina Department of Natural and Cultural Resources

North Carolina Department of Transportation:



September 25, 2020

Date: _____

Philip S. Harris III, P.E., CPM
Environmental Analysis Unit Head

**MEMORANDUM OF AGREEMENT
AMONG THE U.S. ARMY CORPS OF ENGINEERS,
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR
REPLACEMENT OF BRIDGE NUMBER 67 ON US 25/70 OVER THE FRENCH
BROAD RIVER AND PRIVATE DRIVE
MADISON COUNTY, NORTH CAROLINA**

Execution of this MOA by USACE, NCDOT, and the North Carolina SHPO, its subsequent filing with the Council, and implementation of its terms evidence that the USACE has afforded the Council an opportunity to comment on the Undertaking, and that USACE has taken into account the effect of the Undertaking on the historic properties.

CONCUR:

WENDY JANSSEN

Digitally signed by WENDY
JANSSEN
Date: 2020.10.01 17:16:54 -04'00'

Date: _____

Wendy Janssen
Superintendent, Appalachian National Scenic Trail
National Park Service

**MEMORANDUM OF AGREEMENT
AMONG THE U.S. ARMY CORPS OF ENGINEERS,
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
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MADISON COUNTY, NORTH CAROLINA**

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CONCUR:



October 2, 2020

Date: _____

Morgan Sommerville
Regional Director, Appalachian Trail Conservancy

**MEMORANDUM OF AGREEMENT
AMONG THE U.S. ARMY CORPS OF ENGINEERS,
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR
REPLACEMENT OF BRIDGE NUMBER 67 ON US 25/70 OVER THE FRENCH
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MADISON COUNTY, NORTH CAROLINA**

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FILED:

Advisory Council on Historic Preservation

Date:_____

APPENDIX A

Historic Structures and Landscape Recordation Plan For The Replacement of Bridge Number 67 on US 25/70 over the French Broad River and Private Drive Madison County, North Carolina

PHOTOGRAPHIC REQUIREMENTS

- Elevations and oblique views of Bridge Number 67 and its setting.
- Representative structural and ornamental details of the bridge.

Photographic Format

- Color digital images (all views). Images are to be shot on a SLR digital camera with a minimum resolution of 6 megabyte pixels, at a high quality (preferably RAW) setting, to be saved in TIF format as the archival masters and labeled according to the State Historic Preservation Office standards.
- All processing to be done to archival standards.
- The accompanying printed inventory of the images – including subject, location, date, and photographer information for each image – is to be completed according to the State Historic Preservation Office standards.

Copies and Curation

- One (1) set of all above mentioned photographic documentation, including a compact disc of labeled images, contact sheet, and proof sheet will be deposited with the North Carolina Office of Archives and History/Historic Preservation Office to be made a permanent part of the statewide survey and iconographic collection.
- One (1) contact sheet shall be deposited in the files of the Historic Architecture Section of NCDOT.