



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

May 28, 2025

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

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

ATTN: Ms. Lori Beckwith,
NCDOT Coordinator

Ms. Amy Annino,
NCDOT Coordinator

Subject: **Application for Section 404 Nationwide Permit 6 under the Expedited Processing Provisions for Hurricane Helene Response** for the following bridges within the NC 197 South Repair Project in Yancey County, Division 13, over the Cane River:

- Bridge 135 on SR 1112 (Toodies Creek Road), WBS 18313.1100997
- Bridge 180 on SR 1179 (Powell Road), WBS 18313.1100997
- Bridge 287 on SR 1183 (Riverview Road), WBS 18313.1100997

Dear Madams:

The North Carolina Department of Transportation (NCDOT) proposes the following project as the result of damage caused by Hurricane Helene in late September 2024:

Geotechnical Investigations required for the design for the replacement of these damaged structures. **Pre-Construction Notification is required** for these three projects as in-water work is proposed, and a **biological conclusion is May Effect**.

FEMA is the lead federal agency for this project.

Impact/ Boring Summary:

Bridge No.	Number of Borings	Avoidance and Minimization
135	3 (0.21 square feet)	Upland or Bridge – no workpad required.
180	4 (0.28 square feet)	Upland or Bridge – no workpad required.
287	3 (0.21 square feet)	Upland or Bridge – no workpad required.

Endangered Species Act

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

Common Name	Habitat Present	Survey Dates	Proposed Biological Conclusion	FWS Concurrence Remarks
Gray bat Northern long-eared bat Tricolored bat P*	Yes	n/a	Bridge 135: NLTA Bridge 180 & 287 LTAA	Concurrence Pending for overall project, however this geotechnical activity will have no effect.
Bog turtle	No	n/a	Not Required	n/a
Eastern hellbender P*	-	-	Not Required	n/a
Appalachian elktoe	Yes	n/a	MA-NLAA	Concurrence Attached
Monarch butterfly P*	-	n/a	Not Required	n/a
Small whorled pogonia	Yes	5/20/2025	No Effect	n/a
Virgina spiraea	Yes	5/20/2025	No Effect	n/a
Rock gnome lichen (Bridge 287 only)	No	n/a	No Effect	n/a

MA-NLAA=May Affect-Not Likely to Adversely Affect

P*=Due to the recent listings of the tricolored bat, eastern hellbender and monarch butterfly within the proposed action area, NCDOT does not have complete information at this time. It is anticipated that this activity will be complete by the timeframes proposed for full listing, should the species be formally listed.

Historic Resources

Information Attached

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

Tribal Coordination

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

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

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

Sincerely,

 Digitally signed by Michael Turchy

Michael A. Turchy
Environmental Coordination and Permitting Group Leader

ePCN



Pre-Construction Notification (PCN) Form

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

December 4, 2023 Ver 4.3

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

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

Below is a link to the online help file.

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

A. Processing Information

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

☐ ARPA ☐ S.L. 2023-134 (earmark) ☒ No

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

Yancey

Is this a NCDMS Project? *

☐ Yes ☒ No

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

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

Is this project a public transportation project? *

☒ Yes ☐ No

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

Is this a NCDOT Project? *

☒ Yes ☐ No

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

8313.1100997

WBS # *

8313.1100997

(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

NWP Numbers (for multiple NWPS):

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

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

check all that apply

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

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

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

*

For the record only for DWR 401 Certification:

☒ Yes ☐ No

For the record only for Corps Permit:

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

Acceptance Letter Attachment

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

FILE TYPE MUST BE PDF

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

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

B. Applicant Information



1a. Who is the Primary Contact? *

Michael Turchy

1b. Primary Contact Email: *

maturchy@ncdot.gov

1c. Primary Contact Phone: *

(xxx)xxx-xxxx

(919)707-6157

1d. Who is applying for the permit? *

☐ Owner

(Check all that apply)

☒ Applicant (other than owner)

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

☐ Yes ☒ No

2. Owner Information

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

NCDOT

2b. Deed book and page no.:

2c. Contact Person:

(for Corporations)

2d. Address *

Street Address

1598 MSC

Address Line 2

City

Raleigh

Postal / Zip Code

27699

State / Province / Region

NC

Country

US

2e. Telephone Number: *

(xxx)xxx-xxxx

(919)707-6157

2f. Fax Number:

(xxx)xxx-xxxx

2g. Email Address: *

maturchy@ncdot.gov

3. Applicant Information (if different from owner)

3a. Name: *

Michael Turchy

3b. Business Name:

(if applicable)

3c. Address *

Street Address

1598 MSC

Address Line 2

City

Raleigh

Postal / Zip Code

27699

State / Province / Region

NC

Country

US

3d. Telephone Number: *

(919)707-6157

(xxx)xxx-xxxx

3e. Fax Number:

(xxx)xxx-xxxx

3f. Email Address: *

maturchy@ncdot.gov

C. Project Information and Prior Project History

1. Project Information

1a. Name of project: *

8313.1100997

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town: *

Burnsville

2. Project Identification

2a. Property Identification Number:

(tax PIN or parcel ID)

2b. Property size:

(in acres)

2c. Project Address

Street Address

Address Line 2

City

Postal / Zip Code

State / Province / Region

Country

2d. Site coordinates in decimal degrees

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

Latitude: *

35.8592

ex: 34.208504

Longitude: *

-82.3036

-77.796371

3. Surface Waters

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

Cane River

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

WS-II, Tr, HQW

[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. *

060101080301

[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: *

See cover letter.

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)

770

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

Re-establish the transportation facility damaged by Hurricane Helene.

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

see cover letter

5. Jurisdictional Determinations

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

☐ Yes ☒ No ☐ Unknown

Comments:

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

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

Corps AID Number:

Example: SAW-2017-99999

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

Name (if known):

Agency/Consultant Company:

Other:

6. Future Project Plans

6a. Is this a phased project? *

☐ Yes ☒ No

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

D. Proposed Impacts Inventory

1. Impacts Summary

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

☐ Wetlands ☒ Streams-tributaries ☐ Buffers

☐ Open Waters ☐ Pond Construction

3. Stream Impacts

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

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

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

S1	Geotechnical Invest	Temporary	Other	Cane River	Perennial	Both	50 Average (feet)	1 (linear feet)
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** All Perennial or Intermittent streams must be verified by DWR or delegated local government.

3i. Total jurisdictional ditch impact in square feet:

0

3i. Total permanent stream impacts:

0

3i. Total temporary stream impacts:

1

3i. Total stream and ditch impacts:

1

3j. Comments:

E. Impact Justification and Mitigation

1. Avoidance and Minimization

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

see cover letter

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

see cover letter

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

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

☐ Yes ☒ No

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

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

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

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

1. Diffuse Flow Plan

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

☐ Yes ☒ No

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

If no, explain why:

2. Stormwater Management Plan

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

☒ Yes ☐ No

Comments:

G. Supplementary Information

1. Environmental Documentation

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Comments: *

NEPA Document not finalized.

2. Violations (DWR Requirement)

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

☐ Yes ☒ No

3. Cumulative Impacts (DWR Requirement)

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

☐ Yes ☒ No

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

4. Sewage Disposal (DWR Requirement)

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

☐ Yes ☒ No ☐ N/A

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

Asheville

5d. Is another Federal agency involved? *

☒ Yes ☐ No ☐ Unknown

What Federal Agency is involved?

FEMA and FHWA

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 concurrence 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? *

EFH Mapping.

7. Historic or Prehistoric Cultural Resources (Corps Requirement)

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

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

☐ Yes ☒ No

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

see attached 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:

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

FEMA Mapping

Miscellaneous

Comments

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

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

Helene NC 197 NW 6 2025-05-28.pdf

24.98MB

File must be PDF or KMZ

Signature

*

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

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

Full Name: *

Michael Turchy

Signature *

Michael Turchy

Date

5/28/2025

Permit Drawings

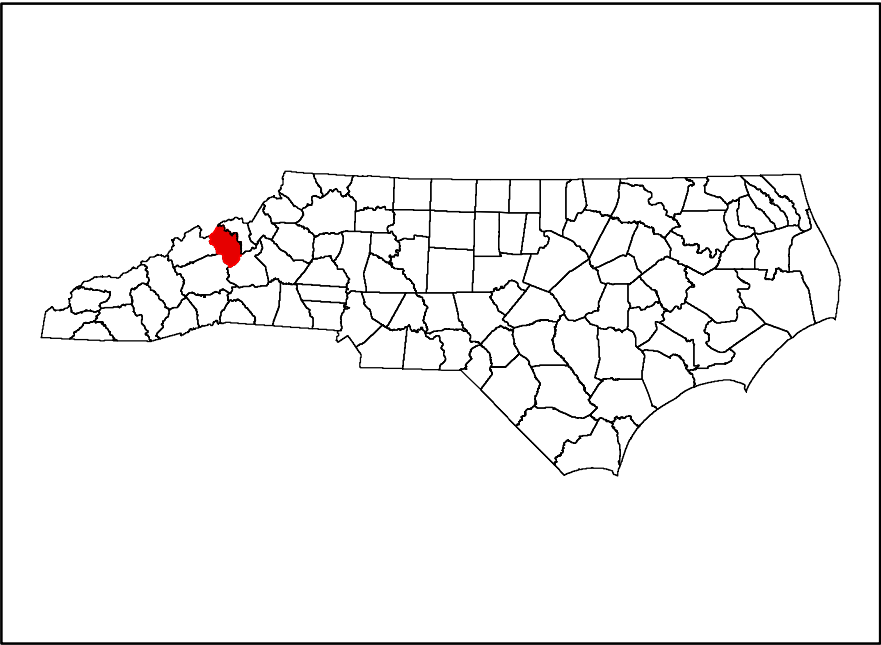
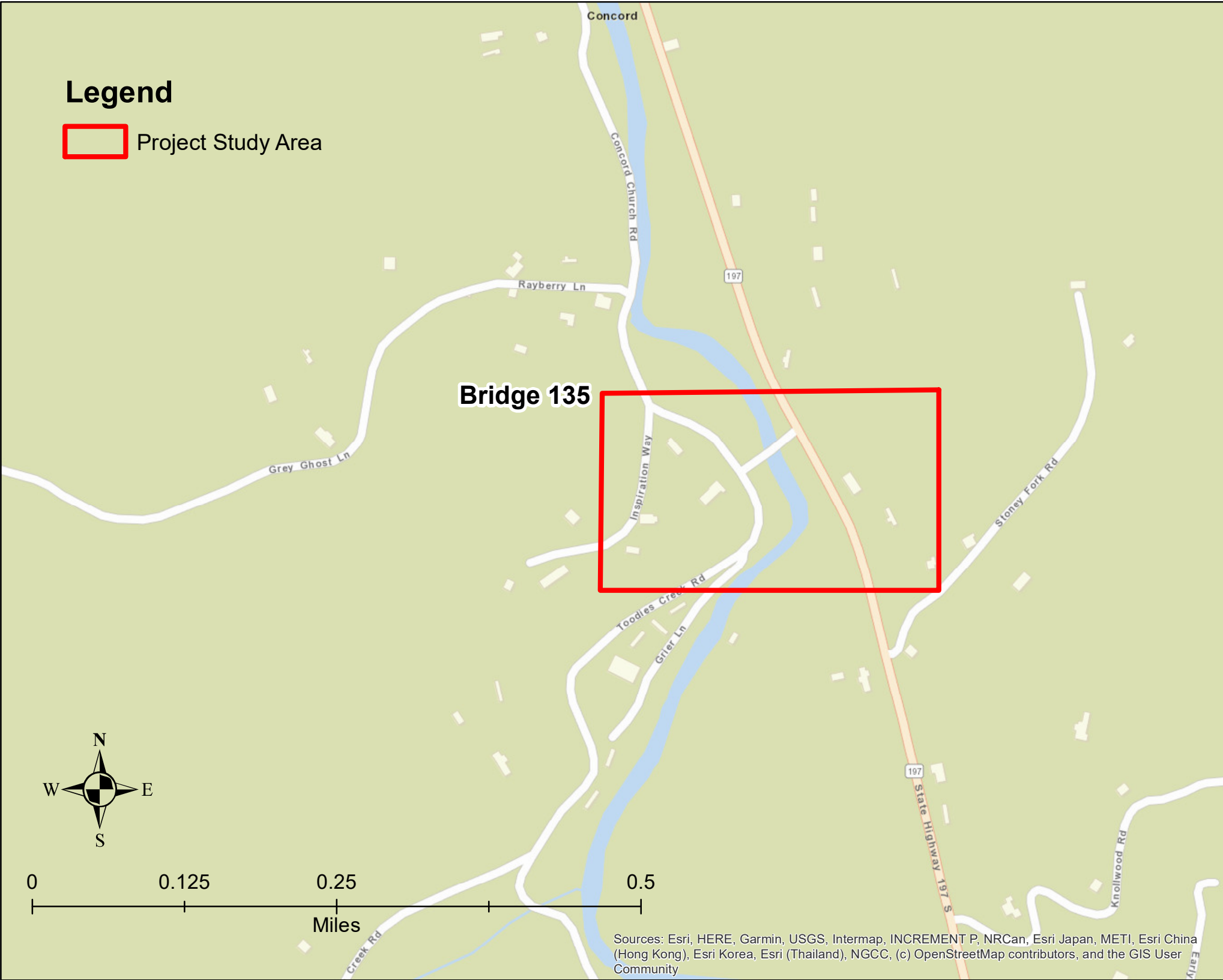
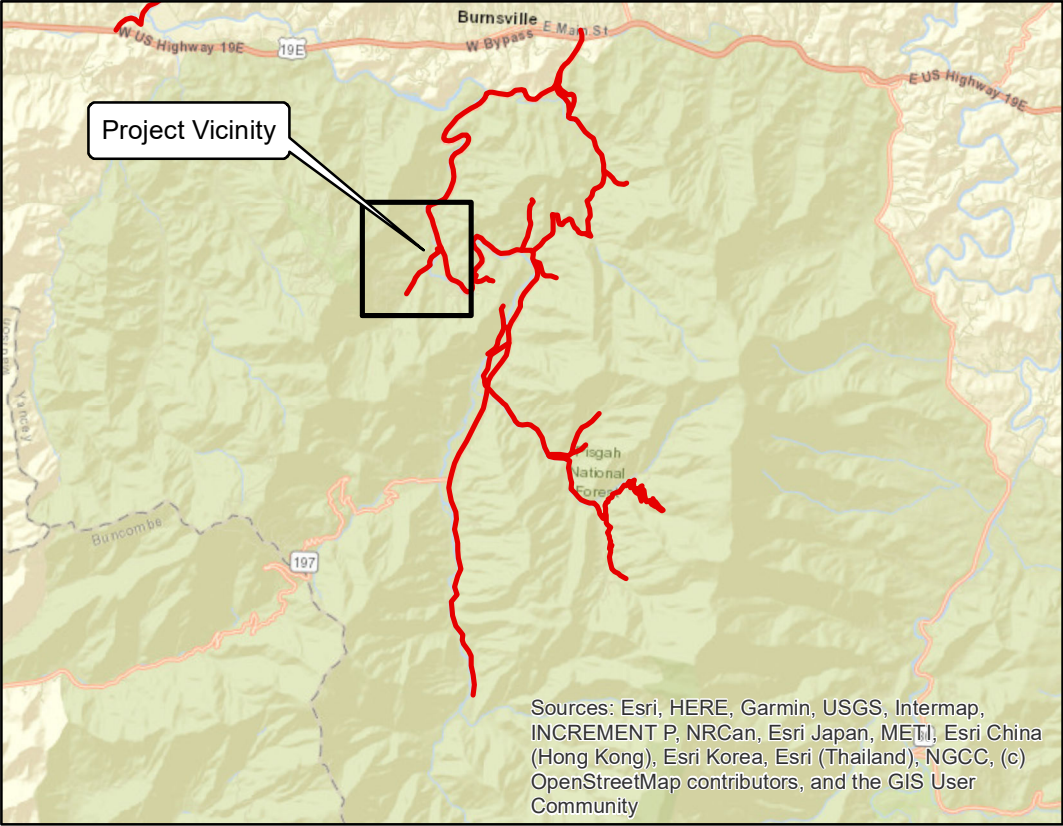


Figure 1 Vicinity Map

**Bridge 135 on SR 1112 (Toodies Creek Road)
Burnsville, Yancey County, NC**

May, 2025

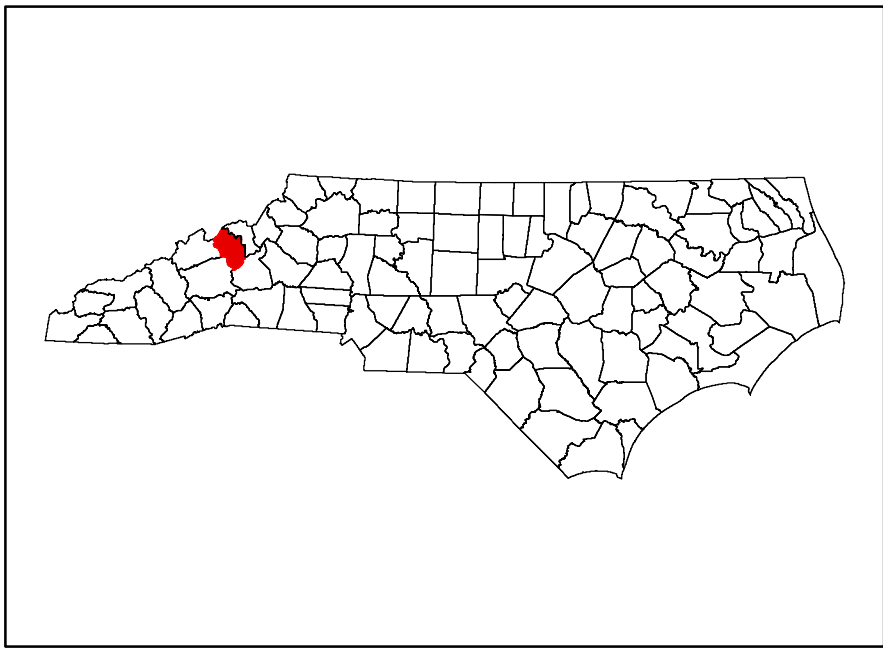




NC GRID
NAD 83 NA 2011

APPROXIMATE
SOIL BORING
LOCATION
(TYP.)

BRIDGE 135 SOIL BORING PLAN



**GANNETT
FLEMING**

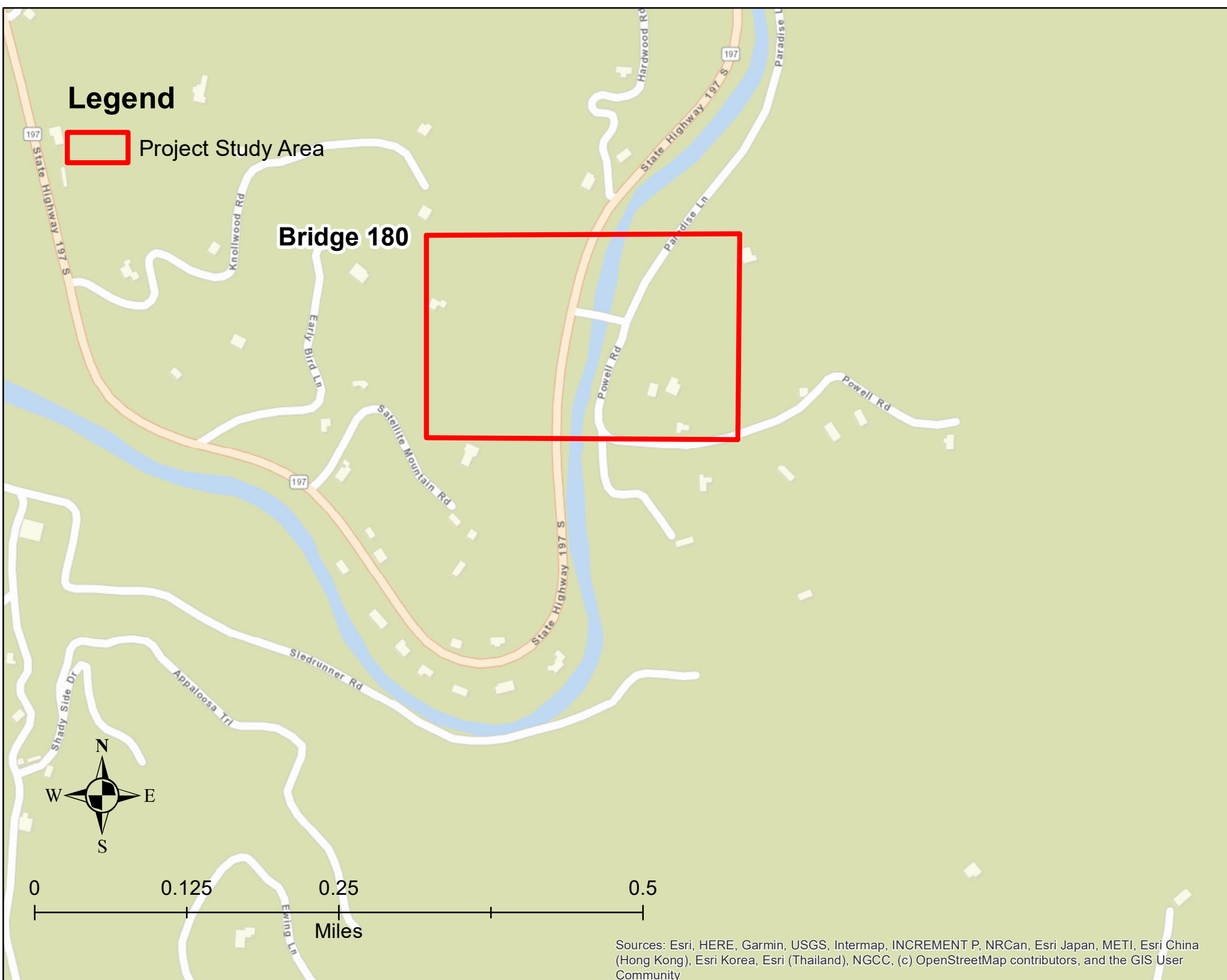
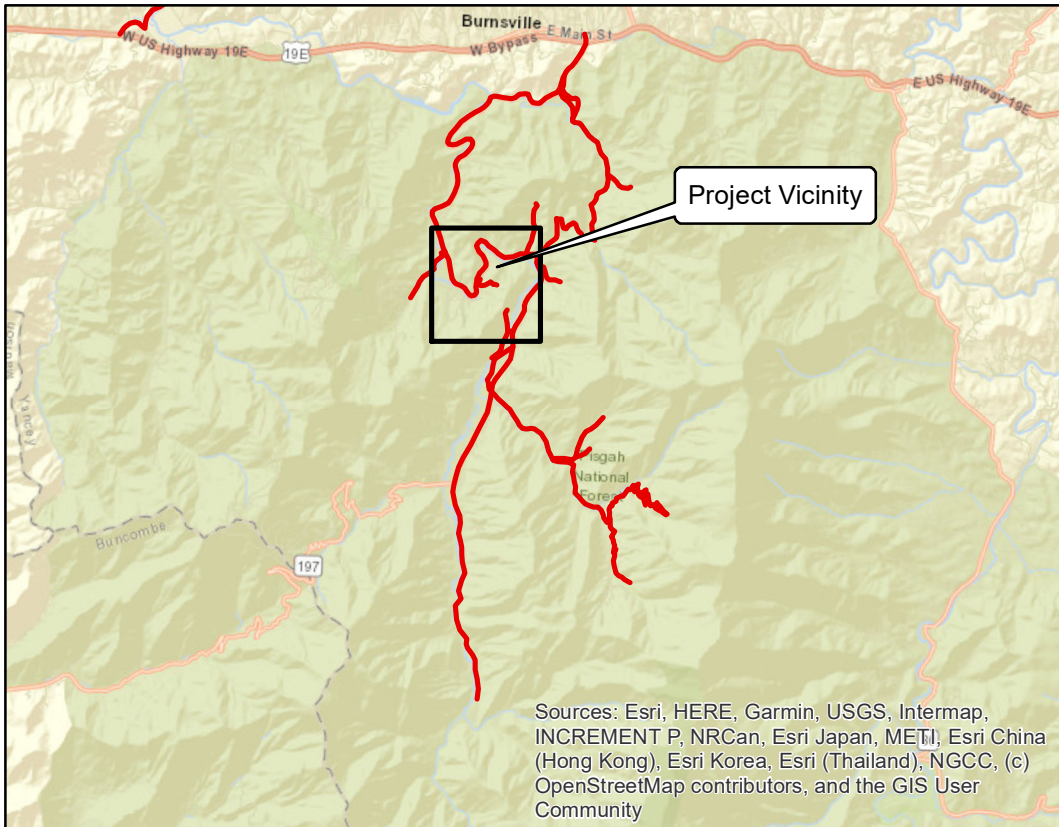
TRANSYSTEMS

Figure 1

Vicinity Map

**Bridge 180 on SR 1179 (Powell Road)
Burnsville, Yancey County, NC**

May, 2025





APPROXIMATE
SOIL BORING
LOCATION
(TYP.)

180-1

180-2

180-5

180-6

180-3

180-4

180-7

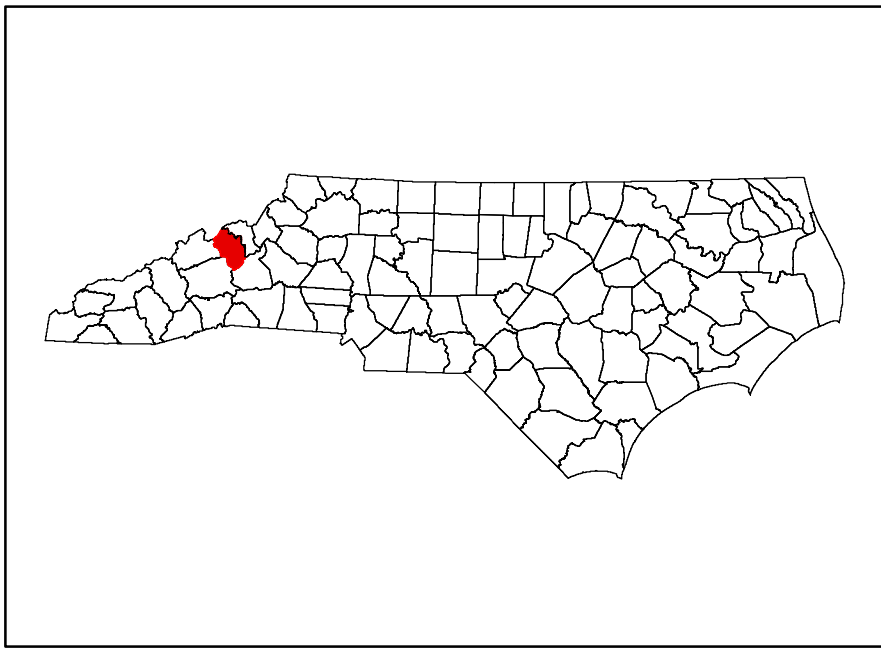
180-8

45'-0"

55'-0"

45'-0"

BRIDGE 180 SOIL BORING PLAN



**GANNETT
FLEMING**

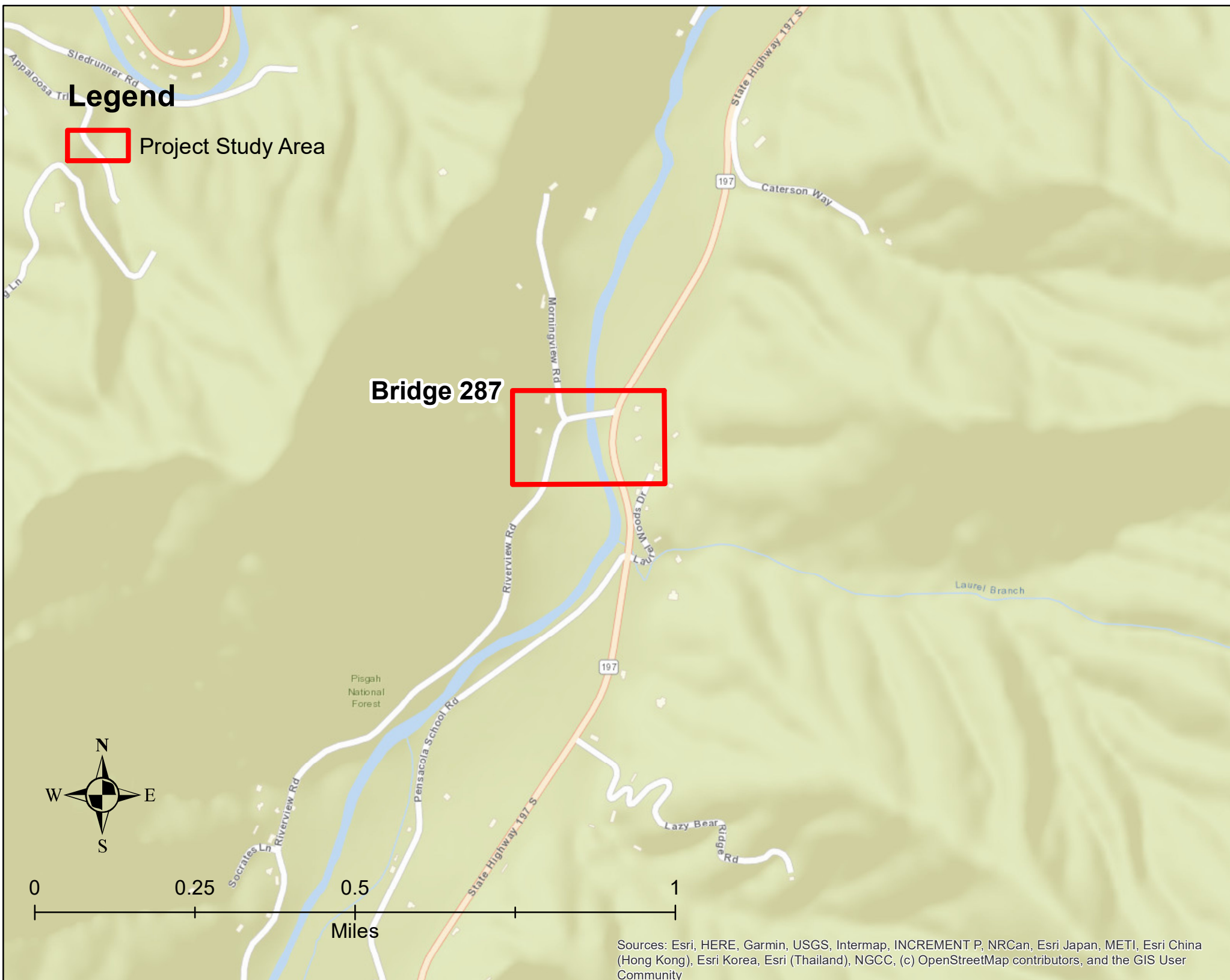
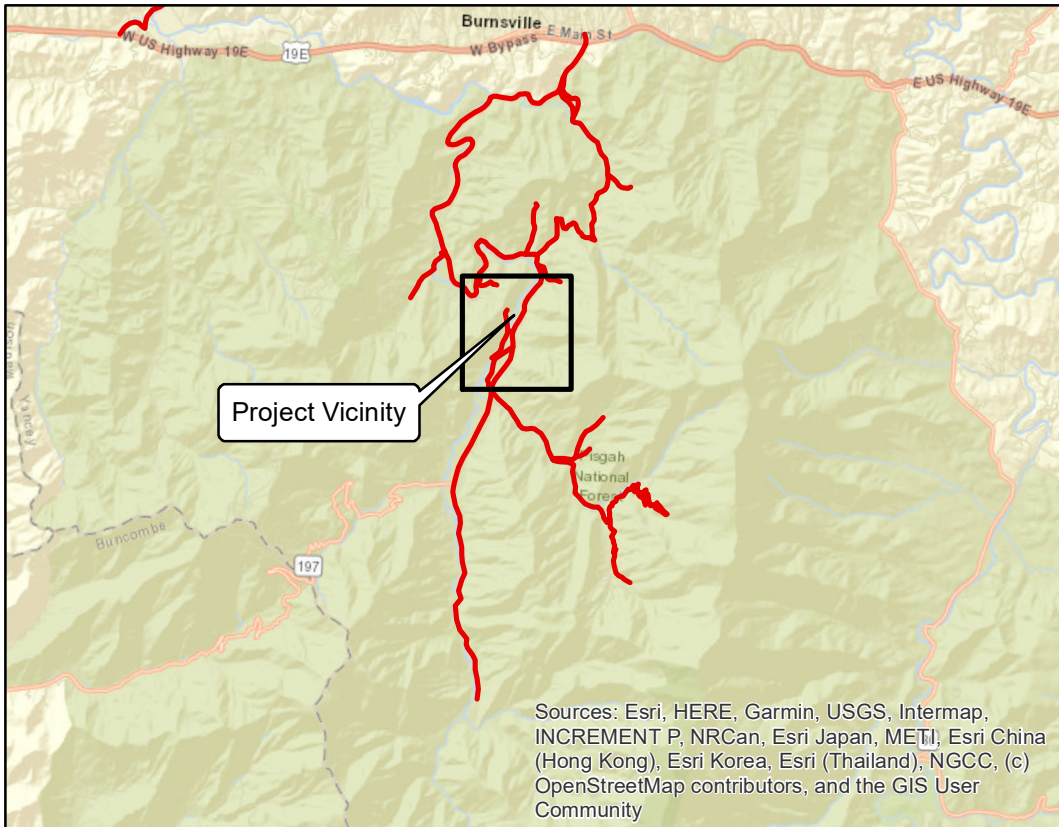
TRANSYSTEMS

Figure 1

Vicinity Map

**Bridge 287 on SR 1183 (Riverview Road)
Burnsville, Yancey County, NC**

May, 2025





NC GRID
NAD 83 NA 2011

APPROXIMATE
SOIL BORING
LOCATION
(TYP.)

BRIDGE 287 SOIL BORING PLAN

Section 7

Concurrence

FW: [EXTERNAL] NC 197 Priority Bridges

From Stanton, Tyler P <tpstanton@ncdot.gov>

Date Fri 5/16/2025 1:09 PM

To Archual, Adam J. <aarchual@gfnet.com>

Cc Turchy, Michael A <maturchy@ncdot.gov>; Anna Reusche <areusche@gftinc.com>

Revised concurrence below.

From: Endries, Mark <mark_endries@fws.gov>

Sent: Friday, May 16, 2025 12:40 PM

To: Stanton, Tyler P <tpstanton@ncdot.gov>; Youngman, Holland J <holland_youngman@fws.gov>

Cc: Gray, Jared S <jsgray2@ncdot.gov>

Subject: Re: [EXTERNAL] NC 197 Priority Bridges

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hello Team,

The updated informal consultation response is below. The update includes the 4 sites Tyler shared and clarified would be included in this effort. Please let me know if you have any questions.

Informal Consultation for Appalachian elktoe (*Alasmodonta raveneliana*) Relating to the Subject Project - FWS Log # 25-236

We have reviewed the information you submitted, and the following is provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.); 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) (ESA).

The NCDOT plans to conduct geotechnical borings at the following four bridge locations in Yancey County: structures 0135, 180, and 0287, which cross the Cane River, and structure 0136, crossing North Fork Cattail Creek. Borings will be conducted from the bridge deck, eliminating the need for in-stream work pads or equipment. No more than four 6-inch holes are planned at each bridge location. GIS analysis indicates the nearest previously known Appalachian elktoe occurrence is over two miles downstream. Given this distance, the absence of in-water work, and the minimal anticipated disturbance to substrate and water quality, adverse impacts are not expected.

Based on the information provided and the analysis above, impacts on Appalachian elktoe are not expected to rise to a level where take occurs. Therefore, we concur with the NCDOT's determination that the project may affect but is not likely to adversely affect (NLAA) Appalachian elktoe.

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

We appreciate the opportunity to provide these comments. In any future correspondence on this project, please reference FWS Log # 25-236.

Sincerely,

Mark

Mark Endries

USFWS

160 Zillicoa St

Asheville, NC 28801

Phone: 828.215.1740

[Chat](#)

Tribal Coordination



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

Chuck Hoskin Jr.
Principal Chief
ᑭᑦ ᑦᑦᑦ ᑦᑦᑦ
ᑭᑦᑦᑦᑦ

Bryan Warner
Deputy Principal Chief
ᑦᑦᑦᑦᑦᑦ
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April 24, 2025

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

Re: 18313.1100997, NC 197 South along the Cane River

Dear Karina Clough:

The Cherokee Nation (Nation) is in receipt of your correspondence about **18313.1100997**, and appreciates the opportunity to provide comment upon this project. This communication is intended for government-to-government consultation with a sovereign federally recognized Tribal Nation. Information received in consultation will be deemed confidential unless explicit consent is provided by the Nation.

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

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

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

Wado,

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

Archaeology
and
Historic
Architecture &
Landscapes

**NO ARCHAEOLOGICAL SURVEY REQUIRED FORM**

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

**PROJECT INFORMATION**

Project No.: **No TIP** *County:* **Yancey**
WBS No.: **49082.2.13** *Document:* **Federal CE**
Federal Aid No.: **TBD** *Funding:* ☐ State ☒ Federal
Federal Permit Required? ☒ Yes ☐ No *Permit Type:* **USACE**

Project Description: In response to the aftermath of Hurricane Helene, NCDOT's Division 13 proposes to repair/restore various sections of NC 197, south of Burnsville, in Yancey County, starting at roughly 0.56 mile south of US 19E and ending at SR 1100 (Ewart Wilson Road). Included in the proposed project will also be various intersecting secondary roads, which will also be repaired/restored to their pre-existing conditions. These secondary roads include the following:

- SR 1109 (Bolens Creek Road)
- SR 1192 (Ray Mine Road)
- SR 1198 (Heavenly Lane)
- SR 1110 (Bee Branch)
- SR 1113 (Concord Church Road)
- SR 1112 (Toodies Creek)
- SR 1111 (Ray Farm Road)
- SR 1179 (Powell Road)
- SR 1108 (Polecat Branch)
- SR 1183 (Hollifield Road/Riverview Road)
- SR 1184 (Riverview Road)
- SR 1107 (Pensacola School Road)
- SR 1106 (Pensacola School Road)
- SR 1102 (Cattail Creek/Winter Star Road)
- SR 1105 (Rocky Fork Road)
- SR 1104 (Walt Road)
- SR 1103 (Deep Gap Road)
- SR 1100 (Ewart Wilson Road)

Also included in this project will be various bridges/structures that are now in need of significant repair or replacement. These structures include the following (SD = structurally deficient; FO = functionally obsolete – as noted in the last statewide bridge inventory):

- Bridge No. 51 on NC 197 over Bowlens Creek (built in 1939, SD)
- Bridge No. 185 on SR 1198 (Heavenly Lane) over Bowlens Creek (built in 1994)
- Bridge No. 98 on SR 1109 (Bolens Creek Road) over Bowlens Creek (built in 1963)
- Bridge No. 135 on SR 1112 (Toodies Creek) over Cane River (built in 1979, SD)
- Bridge No. 253 on SR 1111 (Ray Farm Road) over Tudy Creek (built in 2008)
- Bridge No. 180 on SR 1179 (Powell Road) over Cane River (built in 1978, SD)

- Bridge No. 287 on SR 1183 (Hollifield Road/Riverview Road) over Cane River (built in 1978)
- Bridge No. 46 on NC 197 over Cattail Creek (built in 1951)
- Bridge No. 136 on SR 1102 (Cattail Creek/Winter Star Road) over North Fork Cattail Creek (built in 1962, FO)
- Bridge No. 184 on SR 1102 (Cattail Creek/Winter Star Road) over North Fork Cattail Creek (built in 1960, SD)
- Bridge No. 54 on SR 1100 (Ewart Wilson Road) over Falling Water Branch (built in 2015)

All proposed activities, at this time, are anticipated to occur within the NCDOT's existing ROW for all included roadways and structures (or at least where the existing ROW once was). For the NC 197 corridor, the existing ROW looks to be about 60 feet wide whereas along the various secondary roads, the existing ROW appears to range between 20-60 feet. As submitted, there should be no need for any easements; however, the need for additional ROW was not conveyed, but the hope and intent is to conduct all work within existing ROW and restore to previous use/conditions. Although Preliminary Design Plans are not available at this time, an Area of Potential Effects (APE) was generated in order to facilitate the environmental review, by buffering each individual road to its corresponding ROW width, thus generating an APE covering about 210.14 acres, which will serve as the focus for this review.

Please bear in mind that this acreage essentially equates to the existing ROW along all associated roadways submitted as part of this request.

SUMMARY OF CULTURAL RESOURCES REVIEW

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

This project was accepted for review on Friday, November 22, 2024. A compilation of data maintained by the Office of State Archaeology (OSA) was received later that same day. Two (2) archaeological surveys have been conducted within the Cane River Valley (OSA Bibs #1184 and #2078), and eighteen (18) archaeological sites have been recorded within one (1) mile of the proposed project. At least twenty-two (22) cemeteries have also been documented in some fashion in close proximity to the APE. Digital copies of HPO's maps (Burnsville and Mt. Mitchell Quadrangles) as well as the HPOWEB GIS Service (<http://gis.ncdcr.gov/hpoweb/>) were last reviewed on Monday, December 9, 2024. There are numerous known historic architectural resources located along the NC 197 corridor as well as several of the secondary roads, mostly representative of early to mid-20th century community growth within the river valley. Of note are the Mount Helen Estates (YC0220 – a 1930s remote housing development), the Hensley Cabin (YC0251 – a Study-Listed property built around 1936), the approximate site for the Penland House (YC0090 – a circa 1828 log house [located over 200 feet off of Powell Road]), and Bridge No. 184 (YC0245 – a 1960 bridge structure); however, intact and significant archaeological deposits are not anticipated to be found in association with these resources within the footprint of the proposed project. In addition, topographic maps, historic maps (NCMaps website), USDA soil survey maps, and aerial photographs were utilized and inspected to gauge environmental factors that may have contributed to historic or precontact settlement within the project limits, and to assess the level of slope as well as modern, agricultural, hydrological, and other erosive-type disturbances within and surrounding the archaeological Area of Potential Effects (APE) (i.e., area of activity).

(This project falls within a North Carolina County in which the following federally recognized tribes have expressed an interest: 1) Catawba Indian Nation, 2) Cherokee Nation, 3) Eastern Band of Cherokee Nation, 4) United Keetoowah Band of Cherokee Indians, and 5) Muscogee (Creek) Nation. We recommend that you ensure that this documentation is forwarded to these tribes using the process described in the current NCDOT Tribal Protocol and PA Procedures Manual.)

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

This is to be a federally funded project for which a federal permit is anticipated. As part of the project's submittal, permanent/temporary easements will not be necessary, nor should additional ROW be required. Based on the size and shape of the archaeological APE (i.e., area of activity), activities should not take place beyond what is or once was the NCDOT's existing ROW. If there were no Federal nexus for this project, please know that we would be in compliance with NC GS 121-12a, since there are no eligible (i.e., National Register-listed) archaeological resources located within the archaeological APE; **however, unassessed archaeological resources are situated in various locations immediately adjacent to the APE. Such areas will be noted in the attached figures as environmentally sensitive areas (ESAs).**

From an environmental perspective, the archaeological APE consists of the existing ROW corridors for NC 197 (a two-lane facility) and various secondary roads intersecting with NC 197 within the Cane River Valley. Situated in the northern mountains of western North Carolina, the APE falls within the southern Blue Ridge Mountain Physiographic Province and consists of thirty-three (33) soil units within twenty (20) different soil series. Despite the presence of so many soil types, three (3) soil units make up roughly half of the entire APE (in order of prevalence): Dellwood-Reddies complex, 0-3% slopes, occasionally flooded (DeA), Toecane-Tusquitee complex, 15-30% slopes, very bouldery (TwD), and Saunook sandy loam, 8-15% slopes, stony (ScC). Only two (2) other soil units have a statistically significant amount of acreage along the corridor (i.e., greater than 10 acres): Buladean-Chestnut complex, 30-50% slopes, stony (BtE) and Rosman fine sandy loam, 0-3% slopes, occasionally flooded (RoA). Despite the moderately well-drained to well-drained soil characteristics within the Cane River floodplain (DeA, ScC, and RoA), the preservation of stratigraphically intact archaeological materials within the existing ROW of NC 197 (and its various secondary roads) is not anticipated. Such a methodological approach was followed for the Burnsville Water System Project along NC 197 (OSA Bib #2078) – “since most of the project facilities were located within existing highway rights-of-way, most areas of the project were excluded from the survey” (p.3).

South of Burnsville, OSA has reviewed a variety of projects for environmental compliance, including commercial/residential development (ERs 00-10147 and 00-9405), Forest Service property and management of invasive species (ERs 05-2799, 20-2404, and 21-0607), hydrology/stream restoration work (ERs 15-0640 and 21-2279), industrial development (ER 17-0395 and GS 22-1765), municipal/recreational projects (CHs 78-1257 and 17-1578 and ERs 99-8012, 21-0672, and 23-2433), transportation improvements (ER 84-7364), and utility upgrades (CH 86-0386 and ERs 00-8095, 17-2516, and 18-3555). Large-scale FEMA-based operations (ERs 24-0185, 24-0538, 24-1043, 24-1044, 24-2209, and 24-2246), land acquisitions (GS 24-2601), mining operations (ER 21-0701), and State Park expansions (GS 17-2893) have also been reviewed by OSA. Stating a low probability for intact and significant archaeological resources to be present based on the level of disturbances and poor soil conditions, OSA did not require an archaeological survey for over half of these projects; however, surveys were recommended and conducted for nine (9) of these projects, ranging in size from less than an acre at a bridge crossing of the Cane River (TIP# B-1442) to large-scale surveys for the Mountain Air Country Club and a natural gas pipeline expansion, all of which resulted in the documentation of fourteen (14) archaeological sites.

Many of the sites along the Cane River floodplain and, hence the NC 197 corridor, were recorded in 1981 as part of a Survey and Planning Grant between OSA and the Research Laboratories of Archaeology (RLA). “The Yancey County area was chosen for this preliminary reconnaissance survey due to the fact that few archaeological sites had been formally recorded for the locale (*at the time*), hence little was known concerning the archaeological potential and temporal reflection of prehistoric sites in the vicinity” (Dewert 1982:1). Based on the topography, it was assumed that most prehistoric sites would be located along the river floodplain or associated terraces and with somewhat less frequency along ridge/saddle areas at higher elevations. Two sections of river valley along the Cane River are felt to be high probability areas for archaeological sites, which may exhibit reliable stratigraphic sequences. One of those sections

equates to an area covered by the proposed project's APE – "from the Cane River/Cattail Creek confluence in Pensacola south to the Cane River headwaters below Eskota." **With this in mind, a review of the sites recorded in close proximity to the APE was conducted in order to "flag" specific areas that should be avoided, if possible. If avoidance of these specific locations is not feasible, then these areas may require some form of archaeological investigations (e.g., recon/survey). As stated earlier, these areas will be noted in the attached figures as Environmentally Sensitive Areas (ESAs).** Historic cemetery locations (22) in the project's vicinity were also examined via swipe map aerial imagery showing site conditions before and after Hurricane Helene. It is believed that no flood damage has been sustained at any of the known cemetery locations.

Within the immediate vicinity of the proposed project, NCDOT's Archaeology Group has reviewed at least four (4) transportation-related projects for environmental compliance under the Programmatic Agreement (PA) with the State Historic Preservation Office (NC-HPO), two of which were various ADA ramp accommodations in the Burnsville area whereas the other two were bridge projects along NC 197 and SR 1100. In fact, Bridge No. 54 on SR 1100 (Ewart Wilson Road) over Falling Water Branch was previously reviewed under PA 12-09-0043 and was not recommended for survey at that time. Farther afield, within a five-mile buffer of the entire APE, twelve (12) additional PA projects have been reviewed internally. No archaeological surveys were recommended for half of these projects (6/12), citing various reasons (e.g., heavily disturbed, eroded, and/or poorly drained/steeply sloped contexts and/or the restrictive/constrained nature of each APE [i.e., contained within existing ROW]). However, an archaeological survey was recommended and conducted for five (5) of the six remaining PA projects, based on the presence of previously recorded archaeological sites/historic resources and/or ideal environmental/topographical settings within each project area. The results from the sixth remaining PA project are still pending. As a result of those investigations though, four (4) archaeological sites were recorded, all of which were recommended not eligible for the NRHP. For more details, please see the files/forms for the following PA projects: 12-09-0029, 12-09-0031, 12-09-0040, 12-10-0038, 13-03-0033 (revised), and 24-03-0027 (survey pending).

Despite some of the information presented above, the nature of the proposed repairs and restoration work, current soil conditions and land use, and the results of previously reviewed/surveyed projects in the surrounding area indicate that there is a low probability for significant prehistoric and/or historic archaeological materials to be present within the archaeological APE (i.e., existing/pre-existing ROW). The proposed repairs and restoration to NC 197 and any of the associated bridges/structures and secondary roads should not impact anything that hasn't already been greatly disturbed by the infrastructure that was once there or the flood waters brought about by Hurricane Helene. Therefore, it is believed that the archaeological APE, as depicted, is unlikely to contain intact and significant archaeological resources. No archaeological survey is required for this project. If design plans change or are made available prior to construction, then additional consultation regarding archaeology may be required. At this time, no further archaeological work is recommended. If archaeological materials are uncovered during project activities, then such resources will be dealt with according to the procedures set forth for "unanticipated discoveries," including notification of NCDOT's Archaeology Group. **As stated above, select areas beyond the limits of the APE will be noted in the following figures, as Environmentally Sensitive Areas (ESAs) that should be avoided, if possible.**

SUPPORT DOCUMENTATION

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

FINDING BY NCDOT ARCHAEOLOGIST: NO ARCHAEOLOGY SURVEY REQUIRED

Paul J Mohler

NCDOT ARCHAEOLOGIST II

December 10, 2024

Date

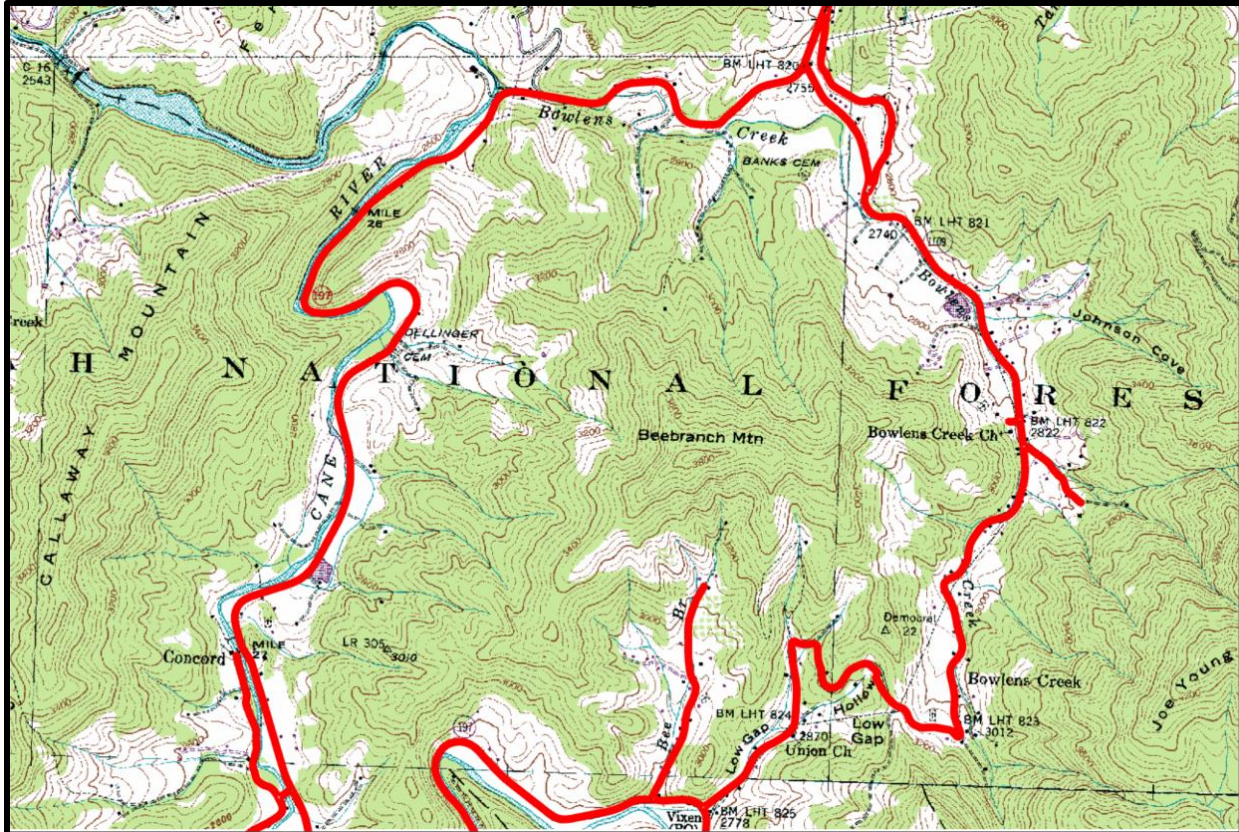


Figure 1: Burnsville, NC (USGS 1939 [PR1990]) [RED = APE Corridor].

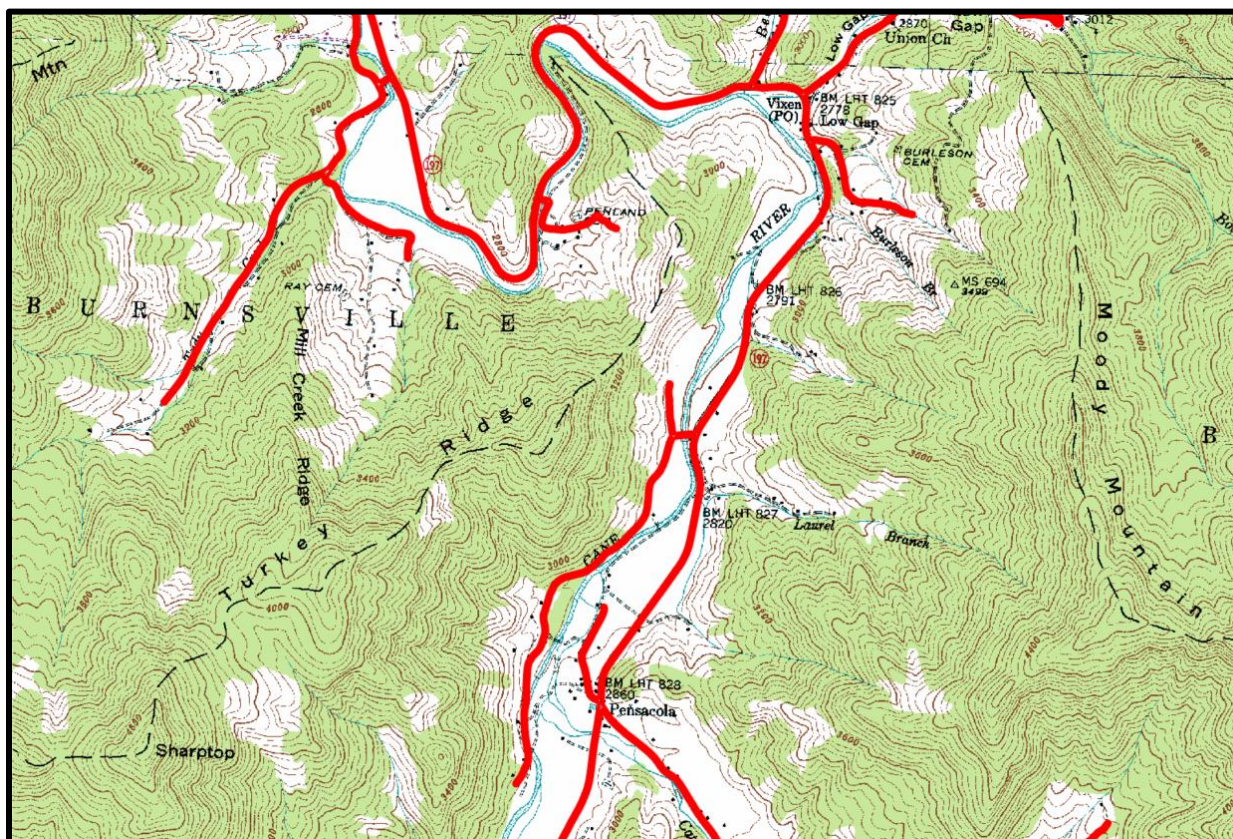


Figure 2: Mt. Mitchell, NC (USGS 1946) [RED = APE Corridor].

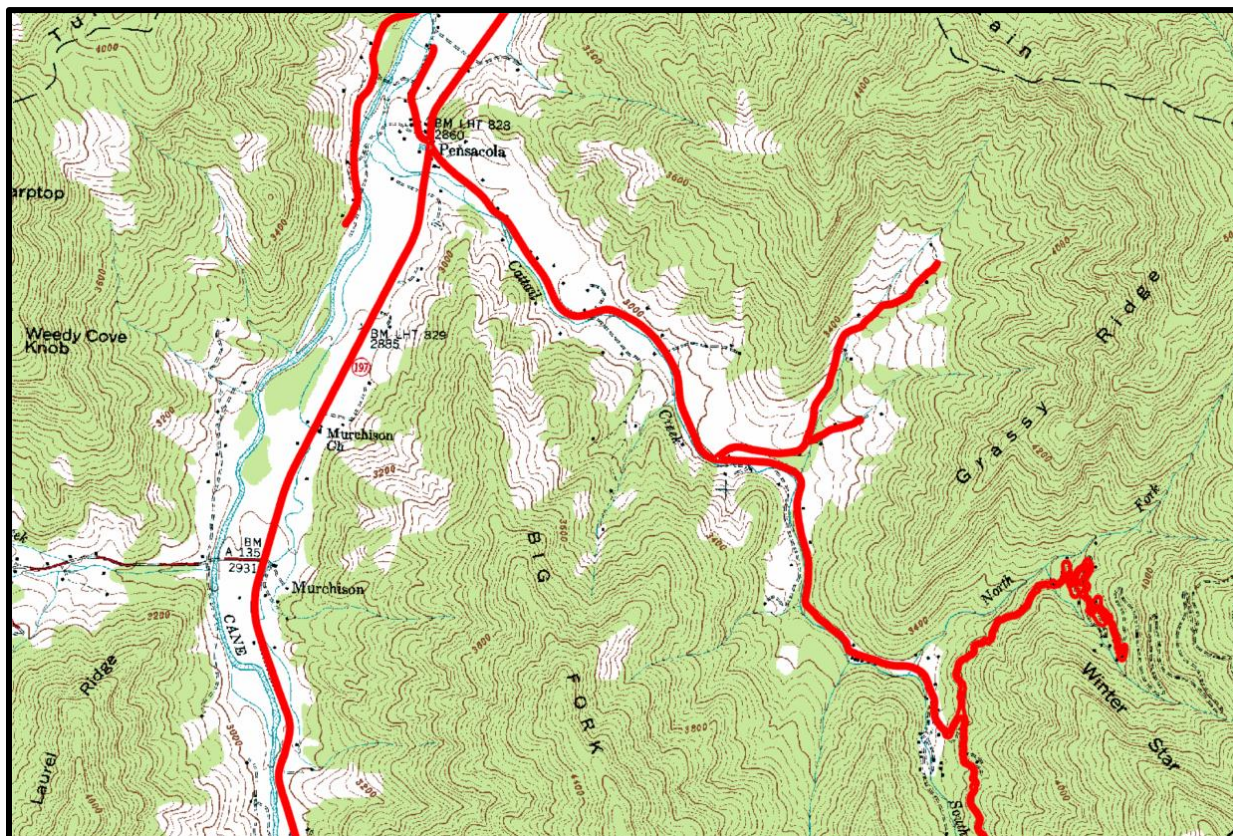


Figure 3: Mt. Mitchell, NC (USGS 1946) [RED = APE Corridor].

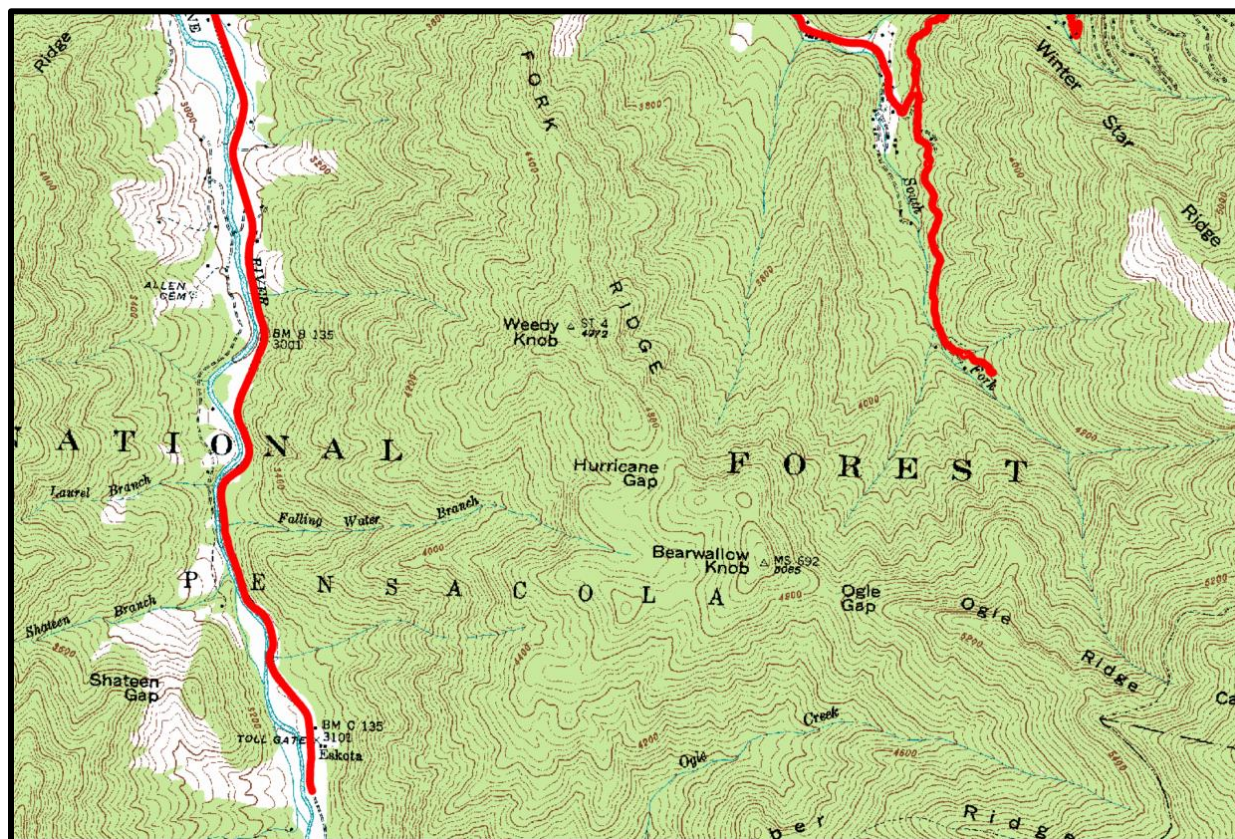
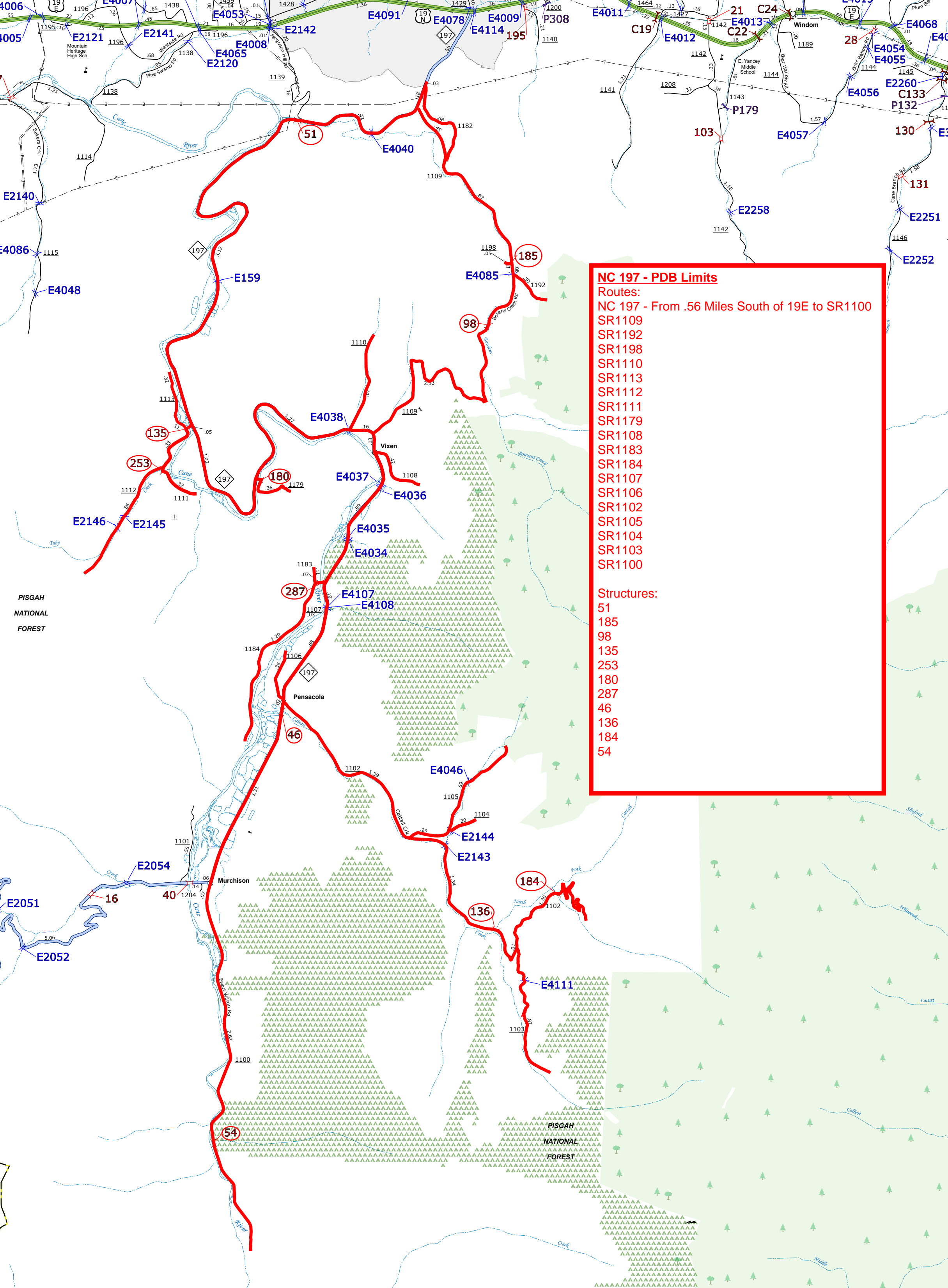


Figure 4: Mt. Mitchell, NC (USGS 1946) [RED = APE Corridor].



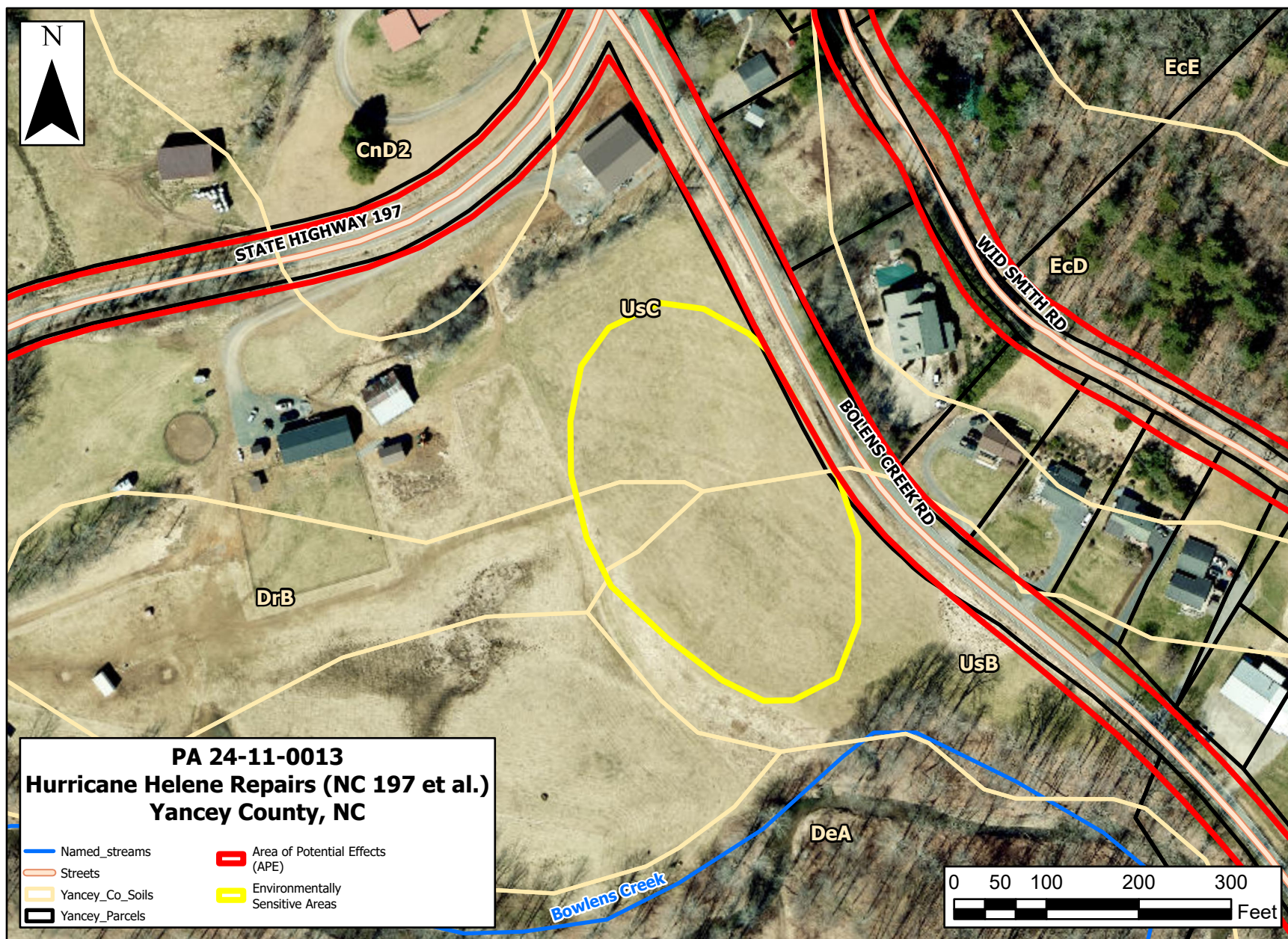
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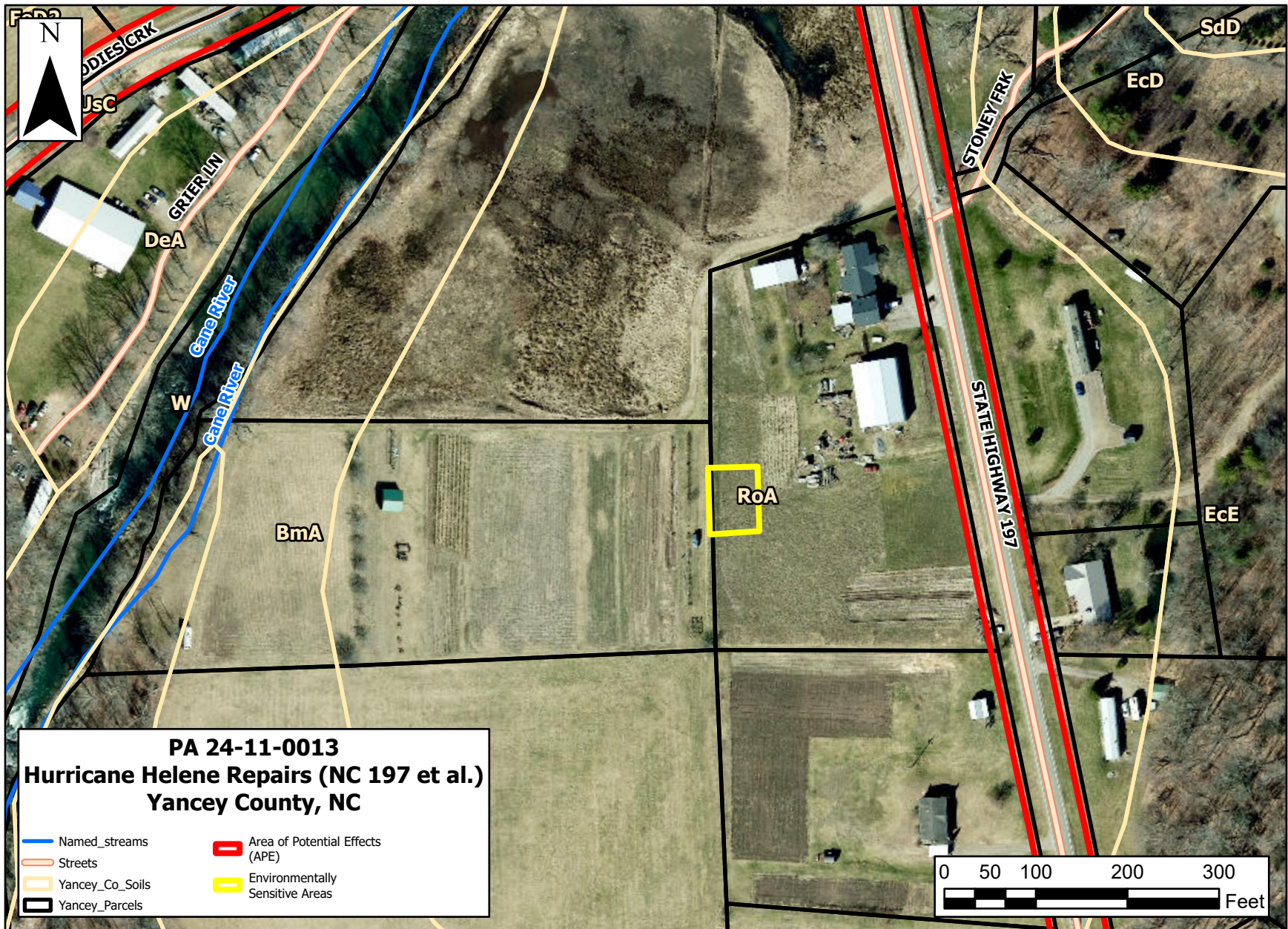
Routes:

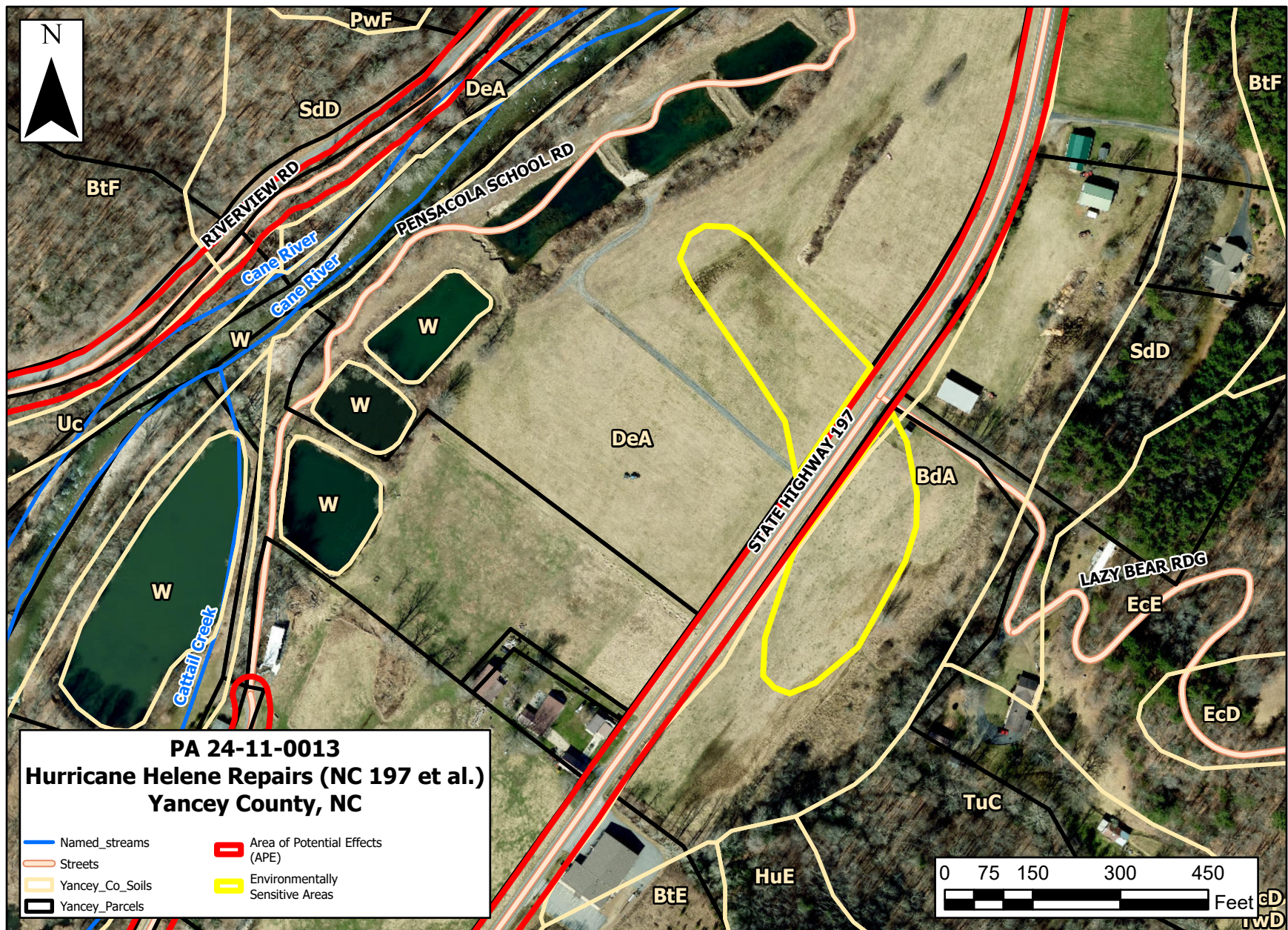
- NC 197 - From .56 Miles South of 19E to SR1100
- SR1109
- SR1192
- SR1198
- SR1110
- SR1113
- SR1112
- SR1111
- SR1179
- SR1108
- SR1183
- SR1184
- SR1107
- SR1106
- SR1102
- SR1105
- SR1104
- SR1103
- SR1100

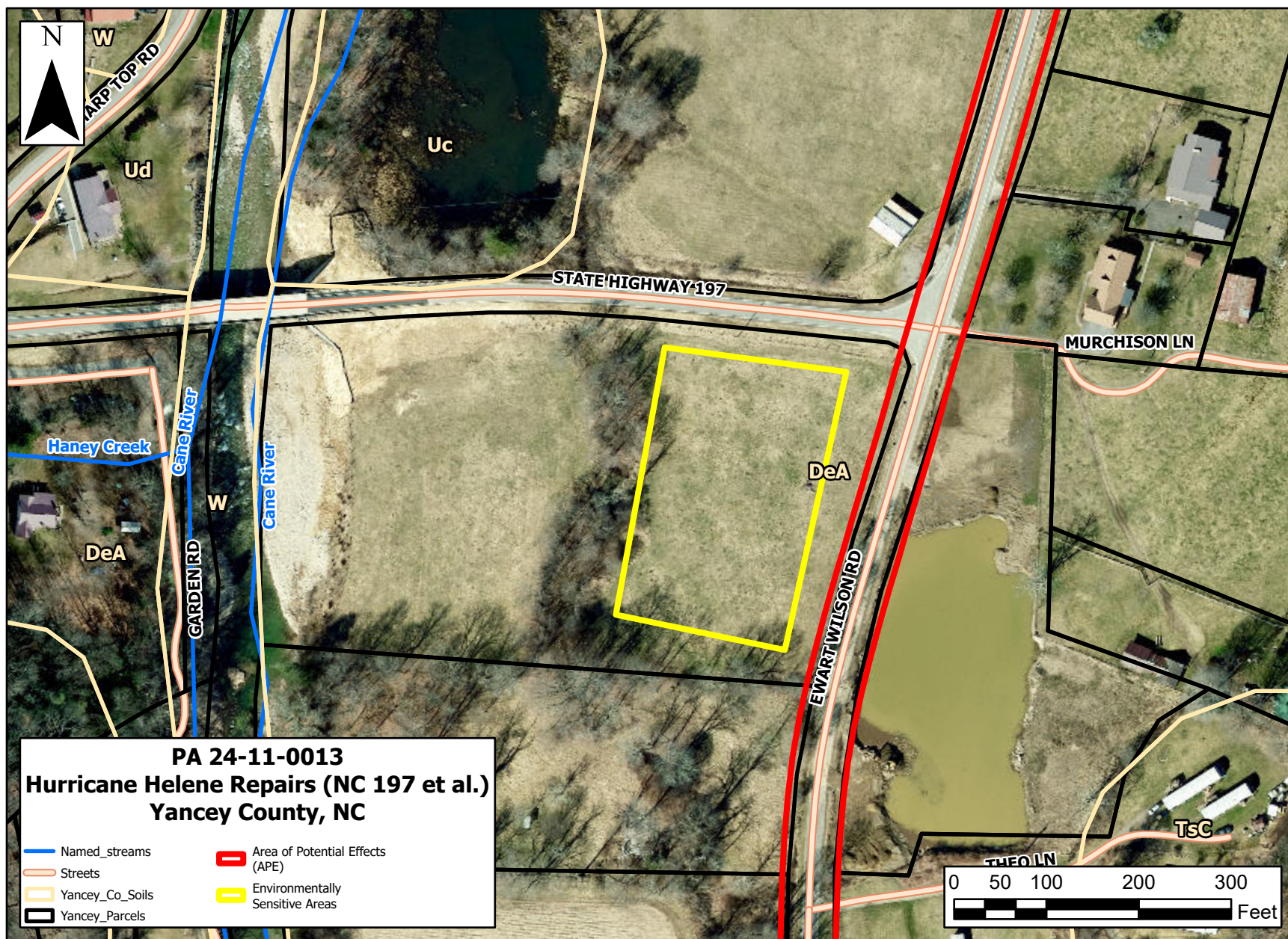
Structures:

- 51
- 185
- 98
- 135
- 253
- 180
- 287
- 46
- 136
- 184
- 54









24-11-0013



HISTORIC ARCHITECTURE AND LANDSCAPES

EFFECTS REQUIRED FORM

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

PROJECT INFORMATION

Project No:	No TIP	County:	Yancey
WBS No.:	49082.2.13	Document Type:	CE
Fed. Aid No:	To Be Assigned	Funding:	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
Federal Permit(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit Type(s):	USACE

Project Description:

In response to the aftermath of Hurricane Helene, NCDOT's Division 13 proposes to repair/restore various sections of NC 197, south of Burnsville, in Yancey County, starting at roughly 0.56 mile south of US 19E and ending at SR 1100 (Ewart Wilson Road).

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

- SR 1109 (Bolens Creek Road)
- SR 1192 (Ray Mine Road)
- SR 1198 (Heavenly Lane)
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- SR 1102 (Cattail Creek/Winter Star Road)
- SR 1105 (Rocky Fork Road)
- SR 1104 (Walt Road)
- SR 1103 (Deep Gap Road)
- SR 1100 (Ewart Wilson Road)

Additionally, eleven (11) bridges/structures require significant repair or replacement.

- Bridge 51 on NC 197 over Bowlens Creek (const. 1939)
- Bridge 185 on SR 1198 (Heavenly Lane) over Bowlens Creek (const. 1994)
- Bridge 98 on SR 1109 (Bowlens Creek Road) over Bowlens Creek (const. 1963)
- Bridge 135 on SR 1112 (Toodies Creek) over Cane River (const. 1979)
- Bridge 253 on SR 1111 (Ray Farm Road) over Tudy Creek (const. 2008)
- Bridge 180 on SR 1179 (Powell Road) over Cane River (const. 1978)

Bridge 287 on SR 1183 (Hollifield Road/Riverview Road) over Cane River (const. 1978)
Bridge 46 on NC 197 over Cattail Creek (const. 1951)
Bridge 136 on SR 1102 (Cattail Creek/Winter Star Road) over North Fork Cattail Creek (const. 1962)
Bridge 184 on SR 1102 (Cattail Creek/Winter Star Road) over North Fork Cattail Creek (const. 1960)
Bridge 54 on SR 1100 (Ewart Wilson Road) over Falling Water Branch (const. 2015)

All proposed activities, at this time, are anticipated to occur within NCDOT's existing ROW (or at least where the ROW once existed). For the NC 197 corridor, the existing ROW is approximately 60 feet wide whereas along the various secondary roads, the existing ROW appears to range between 20 to 60 feet. As submitted, NCDOT's intent is to conduct all work within existing ROW and restore to previous function without the need for easements; however, deteriorating field conditions could require the acquisition of ROW or easements. Although Preliminary Design Plans are not available at this time, an Area of Potential Effects (APE) was generated to facilitate the environmental review, by buffering each road to its corresponding ROW width.

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

An NCDOT architectural historian reviewed the known historic properties in proximity to the APE using HPOWeb, Yancey County GIS, survey site files from the HPO Western Office, and NCDOT's 2023 Historic Bridge Inventory. The intent was to "flag" specific properties or districts that should be avoided or will require plan review with NCDOT and HPO to determine if they will have an effect on the property. In addition, the NCDOT architectural historian commits to visiting the APE in January 2025 to assess the condition of the known properties as some may have been damaged immediately after Hurricane Helene. The nine (9) known historic properties are listed below and marked on the HPOWeb maps included in this form. None of the damaged bridges were previously determined eligible for the National Register as a part of NCDOT's current Historic Bridge Inventory.

1. YC0220 Mount Helen Estates (Determined Eligible, 2014) SR 1102 & 1103
2. YC0077 Laurel Branch Baptist Church (surveyed only) NC 197 & SR 1106
3. YC0103 Pearson Riddle House (surveyed only) SR 1184
4. YC0123 Joe Wilson House (surveyed only) NC 197
5. YC0090 Penland House (surveyed only) SR 1179
6. YC0101 CC & Grover Ray General Store (surveyed only) NC 197
7. YC0251 Hensley Cabin (Study List, 2024) SR 1109
8. YC0028 David Dellinger House (surveyed only) NC 197
9. YC0102 Virginia Ray Farm (surveyed only) NC 197

SUPPORT DOCUMENTATION

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

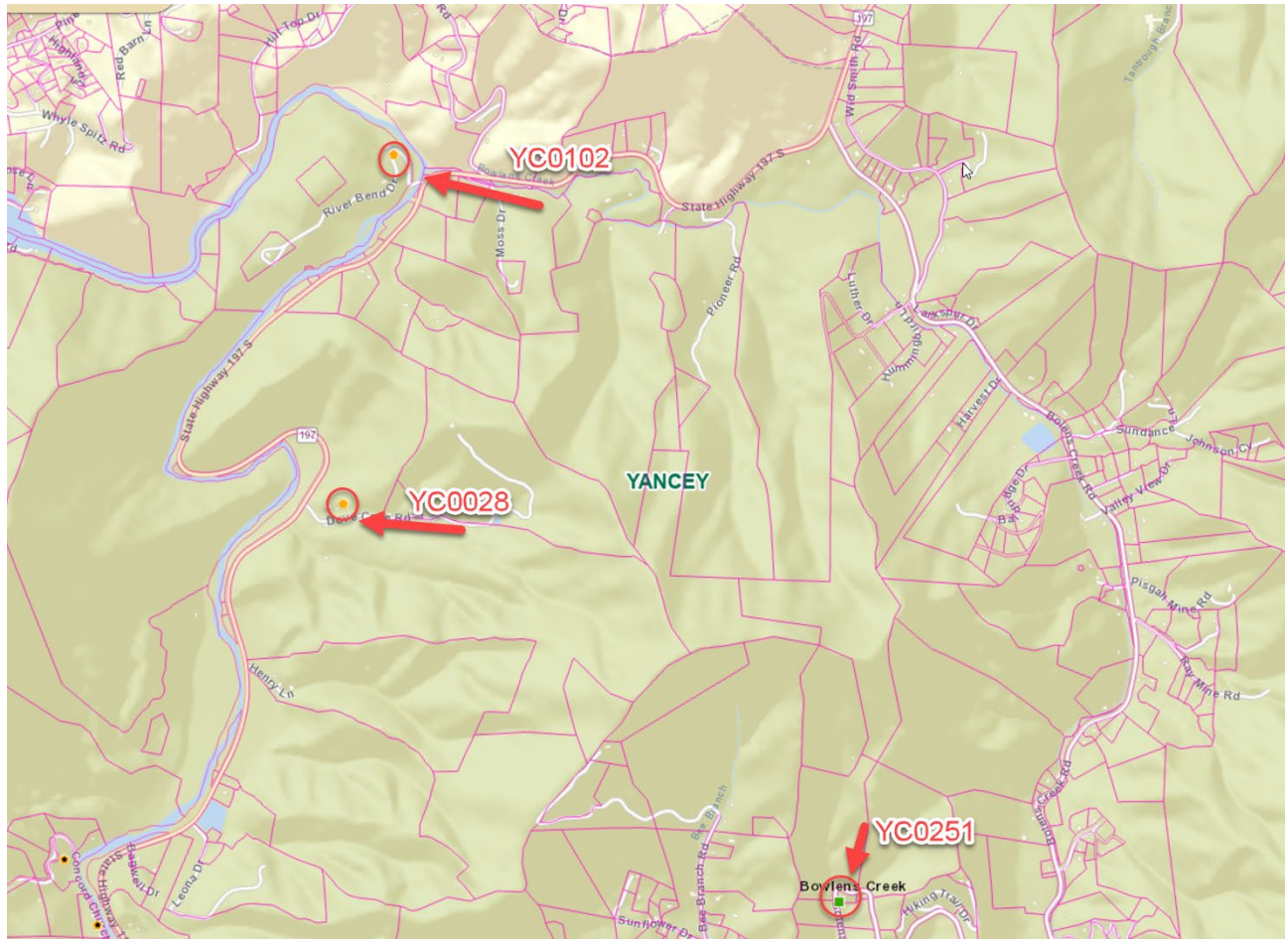
FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Mary Pope Furr

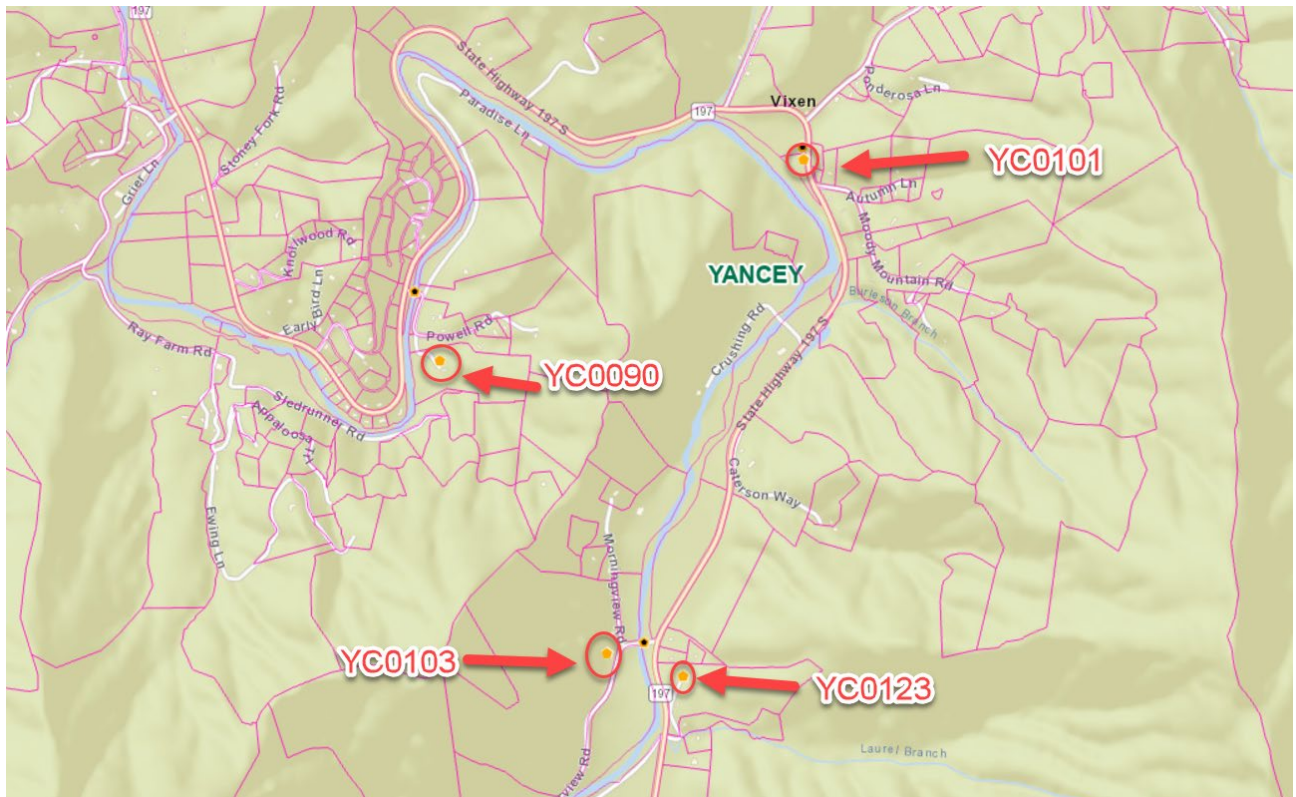
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NCDOT Architectural Historian

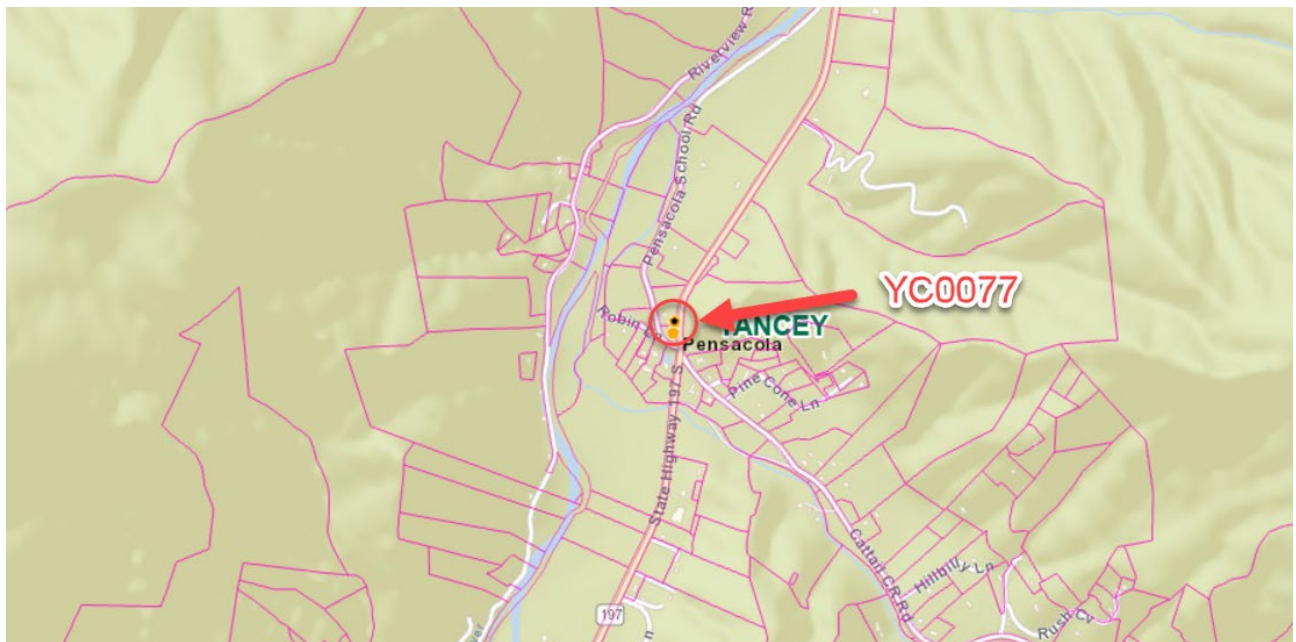
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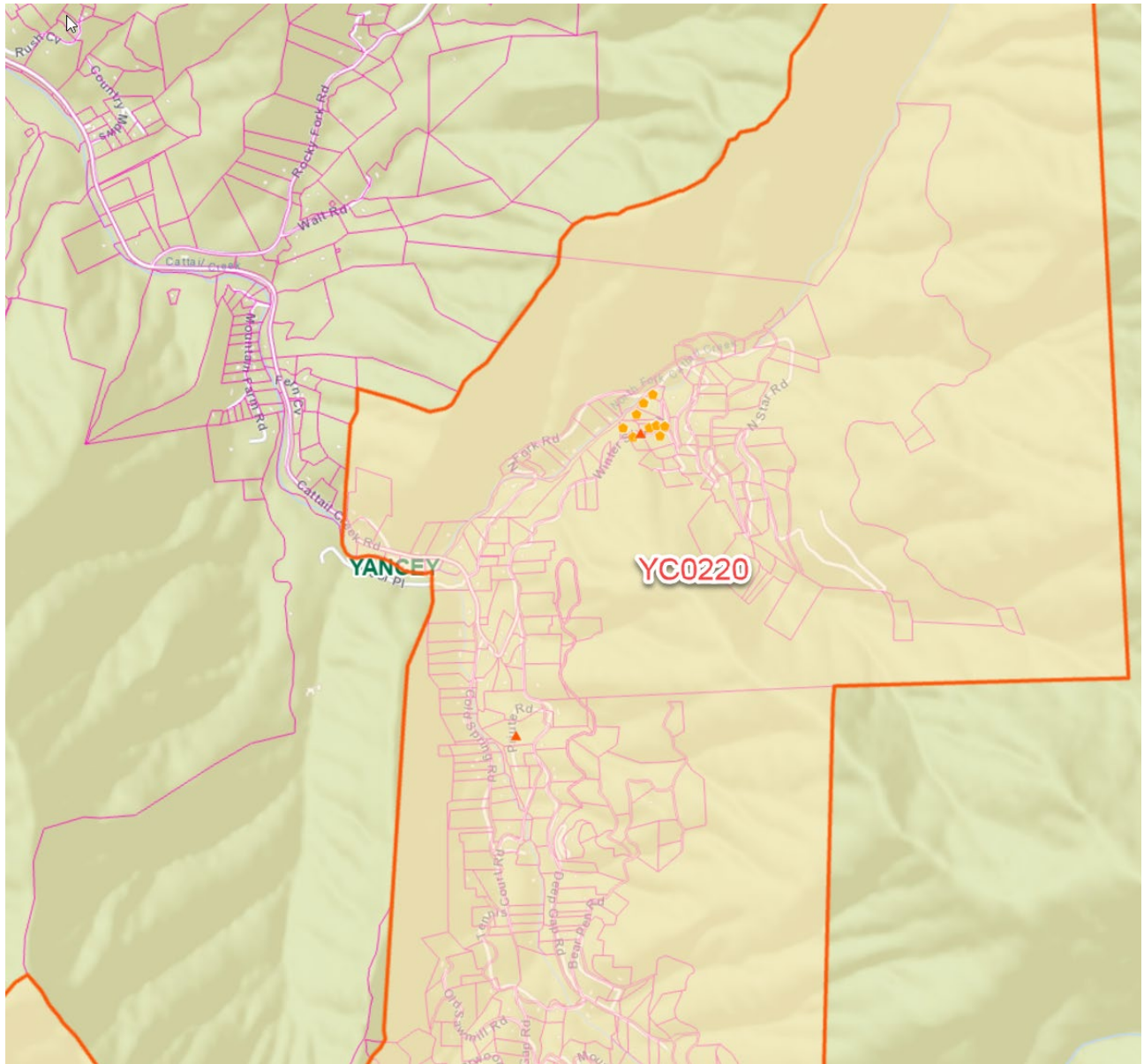
Known Historic Resources- source HPOWeb



Known Historic Resources- source HPOWeb



Known Historic Resources- source HPOWeb



Known Historic Resources- source HPOWeb