



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

December 1, 2011

MEMORANDUM TO: Mr. Michael Pettyjohn, PE  
Division 11 Engineer

FROM: Philip S. Harris, III, P.E., Unit Head  
Natural Environment Unit  
Project Development and Environmental Analysis Branch

SUBJECT: Ashe County, Widening of NC 88 from NC 194 to US 221  
Business (South Main Street); Federal Aid Project STP-0088(6);  
WBS 34977.1.1; **TIP Project U-3812**

A handwritten signature in black ink, appearing to read "E. L. Furr".

Attached are the U.S. Army Corps of Engineers Section 404 Individual Permit and the N.C. Division of Water Quality Section 401 Water Quality Certification for the above referenced project. All environmental permits have been received for the construction of this project.

A copy of this permit package will be posted on the NCDOT website at:  
<http://www.ncdot.gov/doh/preconstruct/pe/neu/permit.html>

Cc: w/o attachment (see website for attachments):

Mr. Randy Garris, P.E. State Contract Officer  
Mr. Heath Slaughter, Division Environmental Officer  
Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Jay Bennett, P.E., Roadway Design Unit  
Mr. Dewayne Sykes, P.E. Utilities Unit  
Dr. David Chang, P.E., Hydraulics Unit  
Mr. Tom Koch, P.E., Structure Design Unit  
Mr. Mark Staley, Roadside Environmental Unit  
Mr. Ron Hancock, P.E., State Roadway Construction Engineer  
Mr. Mike Robinson, P.E., State Bridge Construction Engineer  
Ms. Teresa Hart, P.E., PDEA Western Section  
Ms. Beth Harmon, EEP  
Mr. Phillip Ayscue, NCDOT External Audit Branch

# PROJECT COMMITMENTS

T.I.P Project No. U-3812  
Widening of NC 88 from NC 194 to US 221  
Business (South Main Street) in Ashe County  
Federal Aid Project No. STP-0088(6)  
WBS Element 34977.1.1

## COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

### **Bicycle and Pedestrian Division, & Division 11**

McFarland Publishing Company owns two buildings opposite one another on NC 88. Operations require that their employees cross NC 88 on a daily basis. The Bicycle and Pedestrian Division will study pedestrian access for the McFarland Publishing Company.

This issue was addressed at a project meeting on May 14, 2008 (see part VI.C of the FONSI). The final resolution for this issue (which was agreed upon by Bike and Pedestrian Division, Division 11 and the Town of Jefferson) was as follows:

- The speed limit will be lowered from 45 to 35 mph.
- A triangular pedestrian crossing sign will be installed on the westbound side of NC 88 (the eastbound side did not warrant a sign because of the reduced speed from steep grade and long sight distance.)
- No crosswalk markings will be installed.
- No further studies or pedestrian counts are required.

*The pedestrian warning sign was installed on July 25, 2008, while the speed limit signs lowering the speed limit were installed on August 3, 2009. This commitment has been completed.*

The Town of Jefferson is currently developing a Pedestrian Plan that includes recommendations for sidewalk on one side of NC 88 within the town limits. The Bicycle and Pedestrian Division will continue coordination with the Town of Jefferson regarding their plan and sidewalk on NC 88.

The final resolution for the sidewalks from the meeting on May 14, 2008 (see part VI.C of the FONSI) was the following: the sidewalks will be installed on the south side of NC 88, from the intersection of North Main Street to the Town limits and end at the 3-lane curb and gutter section at Lawson Lane. The Town also requested that the north side of NC 88 provide an adequate road shoulder and driveway curb cut that will accommodate a sidewalk when installed in the future. NCDOT agreed to these resolutions and funding for the sidewalks would be in accordance with the NCDOT Pedestrian Policy Guidelines. The Bicycle and Pedestrian Division, Roadway Design Unit and Division 11, will continue coordination with the Town of Jefferson regarding their plan and sidewalk on NC 88.

*No change.*

## **Geotechnical Engineering Unit**

The GeoEnvironmental Section of the Geotechnical Engineering Unit will conduct assessments, prior to right of way acquisition, on three sites that formerly operated USTs. In addition to the above, an assessment will also be conducted on a newly identified UST located adjacent to the proposed right of way on Parcel 4 (Paddy Mountain Lumber, Inc.).

*The GeoEnvironmental Section has completed assessments on four UST sites and has sent out right of way recommendations to the Right of Way Branch on the sites. This commitment has been completed.*

## **HEU (Architectural & Archaeology), Roadway Design Unit & Construction Unit/Division 11**

The Joseph Benjamin Neal House is eligible for the National Register of Historic Places. The proposed National Register Boundary includes the entire property parcel. The Roadway Design Unit will coordinate with the Historic Architecture Group during final design regarding realignment of the driveway to minimize impacts to and maintain the existing character of the Neal Property. The Construction Unit will coordinate with the Historic Architecture Group during the Preliminary Field Inspection regarding construction limits and methods for clearing, grading, and road construction activities to minimize impacts to and maintain the existing character of the Neal Property.

In addition to the above, based on the Historical Effects Meeting held on July 14, 2009 and an additional NCDOT meeting on August 20, 2009, no construction activities or additional permanent easements (utility, drainage, etc.) can extend outside of the proposed right of way on the Neal Property. The only exception to this is in the area of the stream relocation where a temporary construction easement is needed and a 30-foot wide conservation easement for mitigation credits might be acquired (see Figure 1 and Figure 2). Since the conservation easement will include restoring and improving the adjacent landscape with natural plantings, HEU views this as an improvement so an additional formal effects meeting will not be required. A landscape design plan will be submitted to HEU for approval. The 30-foot conservation easement is still dependent on the current historic property owner agreeing to let NCDOT acquire it and will also need to be approved by the Division of Water Quality.

*The 30-foot conservation easement and commitments associated with it are no longer valid since the property owner did not agree to let NCDOT acquire the easement. The other commitments are still valid. There is a retaining wall across from the historic property that will require a surface treatment. A stained medium to dark gray color, simulated rock architectural finish (specifically, "Drystack pattern number 1208" or equivalent as approved by the Engineer and NCDOT architectural historian) is required for the cast-in-place reinforced concrete face. There will be no barrier in front of the retaining wall, and the fencing along the top of the retaining wall is to be a black vinyl chain-link fence.*

Additional archaeological testing will be required if construction is to take place outside of the Area of Potential Effects (APE) in the vicinity of the Joseph Benjamin Neal House (National-Register-Eligible Property) as established during the 2001 Archaeological Survey. The APE

evaluated was approximately 180 feet wide and centered on the existing centerline of NC 88. The Construction Unit will coordinate with the Archaeology Group during the Preliminary Field Inspection regarding the location of construction limits, staging areas, and easements, and notify the Archaeology Group if construction activities are planned to extend beyond the APE in the vicinity of the Neal Property. If warranted, the Archaeology Group will conduct additional survey and testing activities in those areas, and update their conclusions and recommendations as needed.]

*Based on review of the current design plans, all of the proposed construction activities still fall within the APE that was investigated in 2001 as part of the original archaeological survey. There should be no further archaeological work required unless the design plans change, at which point additional consultation with the Archaeology Group would be necessary. This project commitment has been completed.*

### **Hydraulics Unit, Roadside Environmental Unit & Construction Unit**

"Best Management Practices for the Protection of Surface Waters" will be incorporated into design and construction.

"Design Standards in Sensitive Watersheds" will be incorporated into design and construction due to the potential for project runoff to Little Buffalo Creek, which is designated as "Trout Waters" by the Division of Water Quality.

*No change.*

### **Hydraulics Unit & Division Construction Unit**

The Hydraulics Unit will coordinate with FEMA and local authorities in final design to facilitate the floodway revision process and to ensure compliance with applicable floodplain ordinances.

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT'S Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

*All of the above commitments with FEMA and the FMP have been completed, except for the final LOMR. The final LOMR will be completed once the as-built plans are received by the Hydraulics Unit.*

### **HEU (Noise & Air Quality Group)**

The Noise & Air Quality Group will conduct an updated Traffic Noise Analysis, using TNM 2.5, after the "Date of Public Knowledge" as defined in the NCDOT Traffic Noise Abatement Policy.

Both the Traffic Noise Analysis and Air Analysis reports were updated in May of 2008. The Noise Analysis report was performed utilizing the FHWA traffic Noise Model software (TNM 2.5) to predict future noise levels and impacted receptors for NCDOT's recommended alternative, Build Alternate 4. A summary of the findings of these reports are provided in part VII.F of the FONSI, while the full reports are in Appendix 8 of the FONSI. This commitment has been completed.

*No change.*

## **COMMITMENTS FROM PERMITTING**

### **Natural Environment Unit**

Compensatory mitigation for the unavoidable impacts to 623 linear feet of stream and 0.19 acre of riparian wetland impact associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated April 21, 2011, from William D. Gilmore, EEP Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010, between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 1,246 linear feet of restoration equivalent cold water stream channel and 0.38-acre of riparian wetland restoration equivalent in the New River basin (Hydrologic Cataloging Unit 05050001) in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration.

### **Division 11 Construction/Human Environment Unit- Historic Architecture**

NCDOT shall abide by all conditions identified in the Concurrence Form for Assessments of Effects, dated September 9, 2011, signed by the North Carolina State Historic Preservation Officer, NCDOT, and FHWA. A copy of this form is attached to the USACE Section 404 Permit and is identified as Exhibit C. These commitments allow for a "No adverse effect with commitments" finding on the Joseph Neal House, deemed eligible for listing in the National Register of Historic Places. The referenced commitments are described in detail on Page 2 of Exhibit C, within the "Reasons" column of the table.

## **Division 11 Construction**

At Sites 1, 2, and 3 pipe burial is not required. At Site 4, placement of the culvert shall be placed below elevation of the streambed by one foot to allow low flow passage of water and aquatic life. Also three concrete sills with alternating four-foot long notches shall be installed as detailed in the permit application. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands or streambeds or banks, adjacent to or upstream and downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to determine whether a permit modification is required.

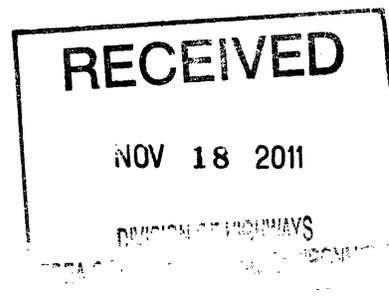
For the 110 linear feet of streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and vegetated with appropriate native species.



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

November 16, 2011



Regulatory Division

Action ID: SAW-2001-20061

Dr. Gregory J. Thorpe, Ph.D.  
North Carolina Department of Transportation  
Environmental Management Director, PDEA  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

In accordance with your written request of June 6, 2011, submitted on your behalf by members of NCDOT staff, and the ensuing administrative record, enclosed is a permit to authorize the proposed permanent placement of fill material into 623 linear feet of streams and 0.19 acres of wetlands. Additional temporary impacts to 0.01-acre of water is also proposed to facilitate the widening and improving of NC88 (West Main Street) between NC 194 and US 221 Business (South Main Street) at Jefferson in Ashe County, North Carolina. This project is identified as TIP U-3812.

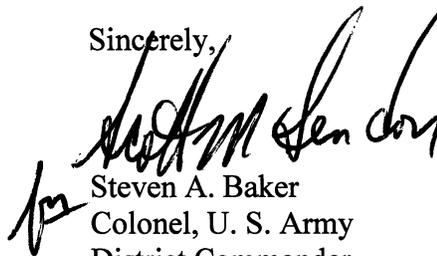
Any deviation in the authorized work will likely require modification of this permit. If a change in the authorized work is necessary, you should promptly submit revised plans to the Corps showing the proposed changes. You may not undertake the proposed changes until the Corps notifies you that your permit has been modified.

Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant general conditions require that:

- a. You must complete construction before December 31, 2016.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

You should address all questions regarding this authorization to Mr. Monte Matthews at the Raleigh Regulatory Field Office, telephone (919) 554-4884 extension 30.

Sincerely,



Steven A. Baker  
Colonel, U. S. Army  
District Commander

Enclosures

Copies Furnished (with enclosures):

Chief, Source Data Unit  
NOAA/National Ocean Service  
ATTN: Sharon Tear N/CS261  
1315 East-west Hwy., Rm 7316  
Silver Spring, MD 20910-3282

USEPA  
Wetlands and Marine Regulatory Section  
Ms. Rebecca Fox  
1307 Firefly Road  
Whittier, North Carolina 28789

Copies Furnished with special conditions  
and plans:

U.S. Fish and Wildlife Service  
Fish and Wildlife Enhancement  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

Mr. Doug Huggett  
Division of Coastal Management  
N.C. Department of Environment  
and Natural Resources  
400 Commerce Avenue  
Morehead City, North Carolina 28557

Mr. Ron Sechler  
National Marine Fisheries Service  
Pivers Island  
Beaufort, North Carolina 28516

Mr. Pace Wilber  
National Marine Fisheries Service  
219 Fort Johnson Road  
Charleston, South Carolina 29412-9110

Ms. Jennifer Derby, Chief  
Wetlands Protection Section – Region IV  
Water Management Division  
U. S. Environmental Protection Agency  
61 Forsyth Street  
Atlanta, Georgia 30303

# DEPARTMENT OF THE ARMY PERMIT

**RECEIVED**  
**NOV 02 2011**  
REG. WILM. FLD. OFC.

Permittee: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Permit No: SAW-2001-20061

Issuing Office: USAED, WILMINGTON

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of the office acting under the authority of the commanding officer.

You are authorized to perform work in the accordance with the terms and conditions specified below.

**Project Description:** The North Carolina Department of Transportation (NCDOT) has identified this project as TIP U-3812, which involves the widening and improving of NC 88 (West Main Street) between NC 194 and US 221 Business (South Main Street) at Jefferson in Ashe County, North Carolina. Specifically, the project includes widening and/or improving the existing road by: 1) realignment of the NC 88 and NC 194 intersection, 2) realignment of the S-curve between Locust Grove Drive and Lawson Lane, 3) construction of a center turn lane between Lawson Lane and US 221-Business, 4) upgrade the facility to current standards with 12-foot lanes, 5) create a pedestrian crossing for McFarland Publishing Company, and 6) resurface the entire length of the project. The project would permanently impact 623 linear feet of streams and 0.19-acre of wetlands. Additional temporary impacts are also proposed to 0.01 acre of water to facilitate the project. All impacts are to occur in the New River Basin (Hydrologic Cataloging Unit 05050001).

To mitigate for all unavoidable permanent impacts to jurisdictional features, the applicant has proposed payment into the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount to provide 1,246 linear feet of restoration equivalent cold water stream channel and 0.38 acre of riparian wetland restoration equivalent in the New River Basin (Hydrologic Cataloging Unit 05050001). By letter dated April 21, 2011, the NCEEP has agreed to provide the stream restoration stated above.

**Project Location:** The project, known as TIP U-3812, is a 1.5 mile proposal along the existing NC 88 (West Main Street) between NC 194 and US 221 Business (South Main Street) at Jefferson in Ashe County, North Carolina. It crosses three unnamed tributaries of Little Buffalo Creek, two unnamed tributaries of Naked Creek, and two jurisdictional wetlands. Little Buffalo Creek and Naked Creek are tributaries to the New River. The approximate center of project is at 36.4209° N., -81.4849° W). The site is located within the New River Basin, Hydrologic Unit 05050001.

## Permit Conditions:

### General Conditions:

1. The time Limit for completing the work authorized ends on December 31, 2016. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Conditions 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Special Conditions:**

\*SEE ATTACHED SPECIAL CONDITIONS

#### **Further Information:**

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. C. 403).

(X) Section 404 of the clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United states in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measure by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Reps H. II 10/31/2011  
 (PERMITTEE) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Steven A. Baker 16 Nov 2011  
 (DISTRICT Commander) STEVEN A. BAKER, COLONEL (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
 (Transferee) (Date)

**SPECIAL CONDITIONS**  
**ACTION ID. SAW-2001-20061**  
**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION U-3812**

Failure to institute and carry out the details of the following special conditions below (listed as a-x) will result in a directive to cease all ongoing and permitted work within waters of the United States, including wetlands, associated with the permitted project, or such other remedies and/or fines as the U.S. Army Corps of Engineers District Commander or his authorized representatives may seek.

- a) The North Carolina Division of Water Quality (DWQ) permit/certification number WQC003862 was issued for this project on July 20, 2011. Special conditions were issued associated with this water quality permit/certification and a copy of these conditions is attached as Exhibit A. These referenced conditions are hereby incorporated as special conditions of this permit.
- b) All work authorized by this permit must be performed in strict compliance with the attached plans which were received on May 12, 2011. These plans are a part of this permit and identified as Exhibit B. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.
- c) The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Raleigh Regulatory Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the USACE, Raleigh Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the USACE and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.
- d) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

**SPECIAL CONDITIONS**  
**ACTION ID. SAW-2001-20061**  
**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION U-3812**

e) Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.

f) Compensatory mitigation for the unavoidable impacts to 623 linear feet of stream and 0.19 acre of riparian wetland impact associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated April 21, 2011, from William D. Gilmore, EEP Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010, between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 1,246 linear feet of restoration equivalent cold water stream channel and 0.38-acre of riparian wetland restoration equivalent in the New River basin (Hydrologic Cataloging Unit 05050001) in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration.

g) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at 1 (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

h) The permittee shall advise the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

i) Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

j) The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions, shall be available at the project site during construction and maintenance of this project

**SPECIAL CONDITIONS**  
**ACTION ID. SAW-2001-20061**  
**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION U-3812**

- k) The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4). Also, "Design Standards for Sensitive Watersheds" shall be used in Little Buffalo Creek and its unnamed tributaries.
- l) The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.
- m) During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of non-erodible materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.
- n) No fill or excavation for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless it is included on the plan drawings and specifically authorized by this permit.
- o) The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.
- p) Violations of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the permittee's discovery of the violation.
- q) The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Raleigh Regulatory Field Office prior to any active construction in waters or wetlands.

**SPECIAL CONDITIONS**  
**ACTION ID. SAW-2001-20061**  
**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION U-3812**

- r) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.
- s) The permittee shall take measures to prevent live or fresh concrete from coming into contact with any surface waters until the concrete has hardened.
- t) Measures will be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening should be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gauge data, if available. In the absence of such data, bankfull flow can be used as a comparable level.
- u) Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter or less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain the existing channel slope. The bottom of the culvert must be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions. Destabilizing the channel and head cutting upstream should be considered in the placement of the culvert. A waiver from the depth specifications in this condition may be requested in writing. The waiver will be issued if it can be demonstrated that the proposal would result in the least impacts to the aquatic environment.
- v) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands.

**SPECIAL CONDITIONS**  
**ACTION ID. SAW-2001-20061**  
**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION U-3812**

- w) NCDOT shall abide by all commitments identified in the Concurrence Form for Assessment of Effects, dated September 9, 2011, signed by the North Carolina State Historic Preservation Officer, NCDOT, and FHWA. A copy of this form is attached and identified as Exhibit C. These commitments allow for a 'no adverse effect with commitments' finding on the Joseph Neal House, deemed eligible for listing in the National Register of Historic Places. The referenced commitments are described in detail on page 2 of Exhibit C, within the 'Reasons' column of the table.
- x) If the permittee discovers any previously unknown historic or archaeological sites while accomplishing the authorized work, he shall immediately stop work and notify the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager who will initiate the required State/Federal coordination.



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

July 20, 2011

Dr. Greg Thorpe, PhD., Manager  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina, 27699-1548

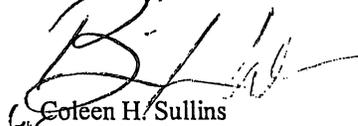
Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with  
ADDITIONAL CONDITIONS for Proposed improvements to NC 88 (West Main Street) from NC 194 to  
US 221 Business (South Main Street) in Ashe County, Federal Aid Project No. STP-0088(6), State Project  
No. 81711501, TIP U-3812.  
NCDWQ Project No. 20110464  
Certification No. WQC003862

Dear Dr. Thorpe:

Attached hereto is a copy of Certification No. WQC003862 issued to The North Carolina Department of  
Transportation (NCDOT) dated July 20, 2011.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,



Coleen H. Sullins  
Director

Attachments

cc: Monte Matthews, US Army Corps of Engineers, Raleigh Field Office  
Mike Pettyjohn, PE, Division 11 Engineer  
Heath Slaughter, Division 11 Environmental Officer  
Chris Militscher, Environmental Protection Agency (electronic copy only)  
Marla Chambers, NC Wildlife Resources Commission (electronic copy only)  
Beth Harmon, Ecosystem Enhancement Program  
Wetlands/401 Transportation Permitting Unit  
File Copy

**401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (NCDWQ) Regulations in 15 NCAC 2H .0500 This certification authorizes the NCDOT to impact 0.19 acres of jurisdictional wetlands and 733 linear feet of jurisdictional streams in Ashe County. The project shall be constructed pursuant to the application dated received May 16, 2011 with additional information received May 31, 2011 and June 6, 2011 . The authorized impacts are as described below:

**Stream Impacts in the New River Basin**

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1	0	0	86	15	101	0
2	0	0	67	15	82	0
4	0	0	470	80	550	470
<b>Total</b>	<b>0</b>	<b>0</b>	<b>623</b>	<b>110</b>	<b>733</b>	<b>470</b>

**Total Stream Impact for Project: 733 linear feet**

**Wetland Impacts in the New River Basin**

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Area under Bridge (ac)	Total Wetland Impact (ac)
3	0.04	0	0.01	0.01	0	0	0.06
4	0.09	0	0.04	0	0	0	0.13
<b>Total</b>	<b>0.13</b>	<b>0</b>	<b>.05</b>	<b>0.01</b>	<b>0</b>	<b>0</b>	<b>0.19</b>

**Total Wetland Impact for Project: 0.19 acres.**

The application provides adequate assurance that the discharge of fill material into the waters of the **New River Basin** in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received May 16, 2011 with additional information received May 31, 2011 and June 6, 2011. Should your project change, you are required to notify the NCDWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

**Condition(s) of Certification:**

1. At sites 1, 2, and 3 pipe burial is not required. At site 4, placement of the culvert shall be placed below the elevation of the streambed by one foot to allow low flow passage of water and aquatic life. Also three concrete sills with alternating four-foot long notches shall be installed as detailed in the permit application. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to

- or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
2. Channel relocations shall be completed and stabilized, and approved on site by DWQ staff, prior to diverting water into the new channel. Stream banks shall be matted with coir-fiber matting. Vegetation used for bank stabilization shall be limited to native riparian vegetation, and should include establishment of a vegetated buffer on both sides of the relocated channel to the maximum extent practical. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested. Once the stream has been turned into the new channel, it may be necessary to relocate stranded fish to the new channel to prevent fish kills.
  3. Compensatory mitigation for 470 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated April 21, 2011 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the North Carolina Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument signed July 28, 2010.
  4. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
  5. For the 110 linear feet of streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species.
  6. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species.
  7. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
  8. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
  9. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
  10. The use of rip -rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.
  11. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
  12. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.
  13. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.
  14. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
  15. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
  16. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
  17. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
  18. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
  19. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.

20. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
21. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWQ when all work included in the 401 Certification has been completed.
22. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
23. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
24. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.
25. Two copies of the final construction drawings shall be furnished to NCDWQ Central Office prior to the pre-construction meeting. The permittee shall provide written verification that the final construction drawings comply with the permit drawings contained in the application dated received May 16, 2011. Any deviations from the approved drawings are not authorized unless approved by the NC Division of Water Quality.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

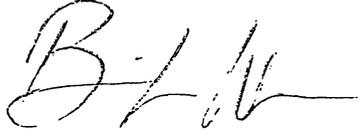
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Telephone: (919)-733-2698, Facsimile: (919)-733-3478

A copy of the petition must also be served on DENR as follows:

Ms. Mary Penny Thompson, General Counsel  
Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, NC 27699-1601

This the 20th day of July 2011

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read 'B. H. Sullins', written in a cursive style.

*for* Coleen H. Sullins  
Director

WQC No. WQC003862

NCDWQ Project No.: \_\_\_\_\_

County: \_\_\_\_\_

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date of Issuance of 401 Water Quality Certification: \_\_\_\_\_

**Certificate of Completion**

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

***Applicant's Certification***

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Agent's Certification***

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Engineer's Certification***

\_\_\_\_\_ Partial \_\_\_\_\_ Final

I, \_\_\_\_\_, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature \_\_\_\_\_ Registration No. \_\_\_\_\_

Date \_\_\_\_\_

# EXHIBIT B

## STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS ASHE COUNTY

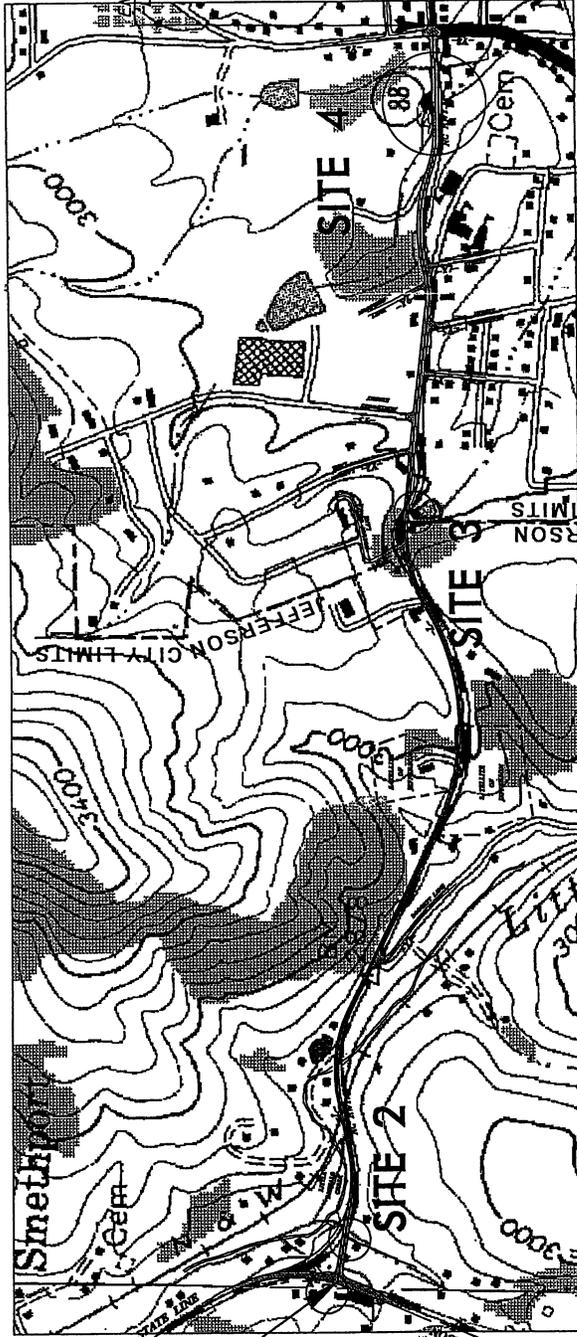
### WETLAND AND STREAM IMPACTS

Regulatory Branch

RECEIVED

MAY 18 2011

STATE PROJECT NUMBER IN N.C.	U-3812
STATE NUMBER	
PROJECT NUMBER	
DATE	
SCALE	
NO. SHEETS	1
TOTAL SHEETS	



END PROJECT U-3812  
L - POT STA. 88+80

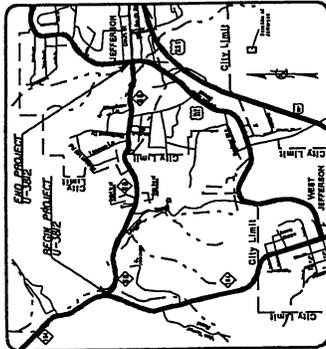
TO HIGHWAY 21

TO STATE 210

TO STATE 210

TO STATE 210

TO STATE 210



VICINITY MAP

BEGIN PROJECT U-3812  
L - POT STA. 0+00.00 =  
T - POC STA. 14+21.5

SITE 1

SITE 2

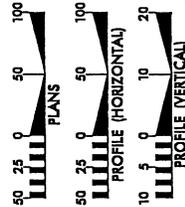
SITE 3

SITE 4

A PORTION OF THIS PROJECT IS WITHIN THE MUNICIPAL BOUNDRIES OF THE CITY OF JEFFERSON.

CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.

#### GRAPHIC SCALES



#### DESIGN DATA

ADT 2009	= 8,700
ADT 2030	= 13,300
DIV	= 12 %
D	= 60 %
T	= 6 %
V	= 50 MPH (Rural)
V	= 35 MPH (Urban)
* TTST 1% DUAL 5%	

#### PROJECT LENGTH

LENGTH ROADWAY STATE PROJECT U-3812	= 1.492 MILES
LENGTH ROADWAY F.A. PROJECT STR-88 (2)	= 1.492 MILES
TOTAL ROADWAY LENGTH STATE PROJECT U-3812	= 1.492 MILES

#### Prepared in the Office of: DIVISION OF HIGHWAYS

1000 Birch Ridge Dr., Raleigh, NC, 27610

RIGHT OF WAY DATE:  
November 12, 2009

LETTING DATE:  
December 20, 2011

HYDRAULICS ENGINEER

J.S. GOODNIGHT, PE  
PROJECT MANAGER

S.D. KENDALL, PE  
PROJECT DESIGN ENGINEER

DIVISION OF HIGHWAYS  
STATE OF NORTH CAROLINA

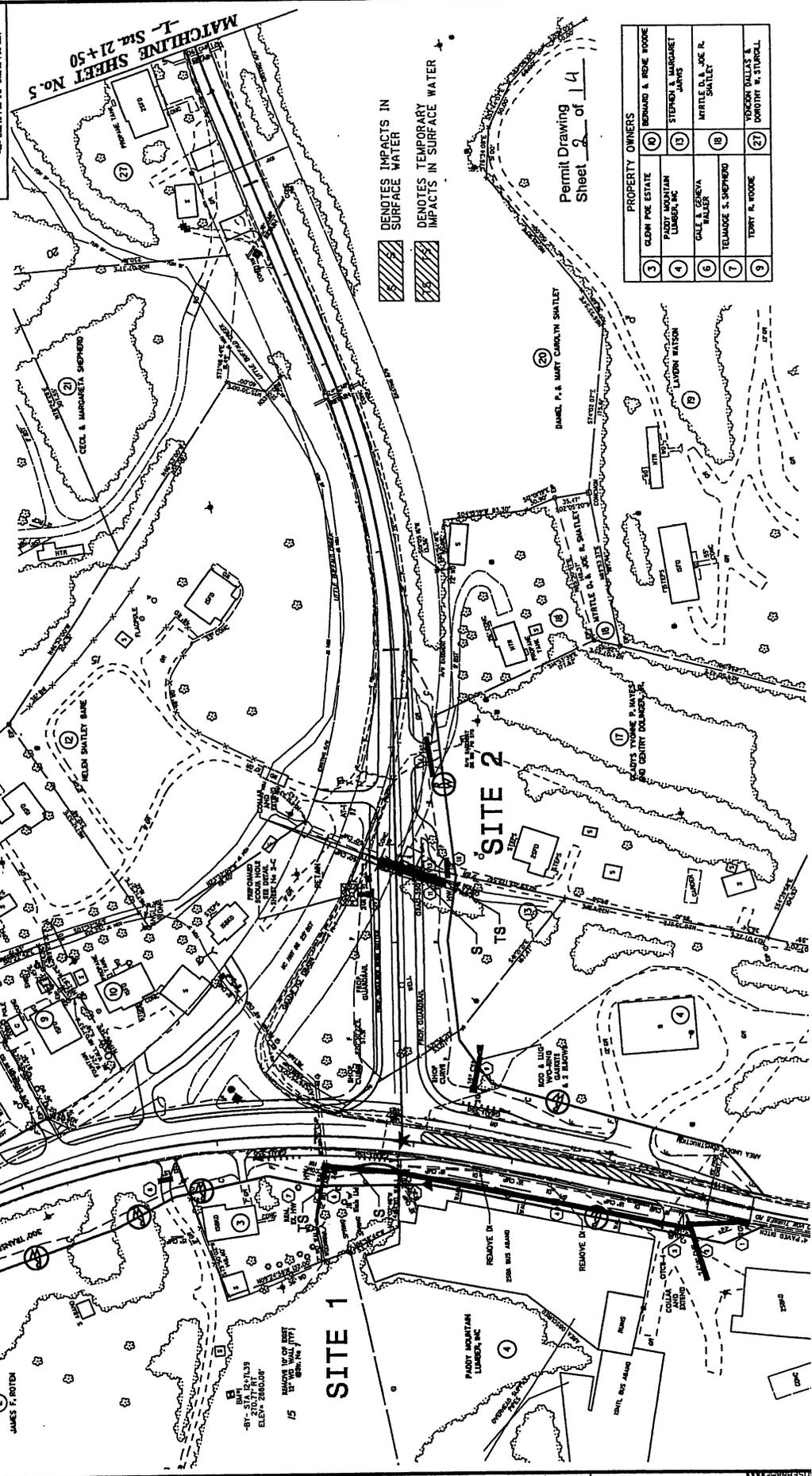
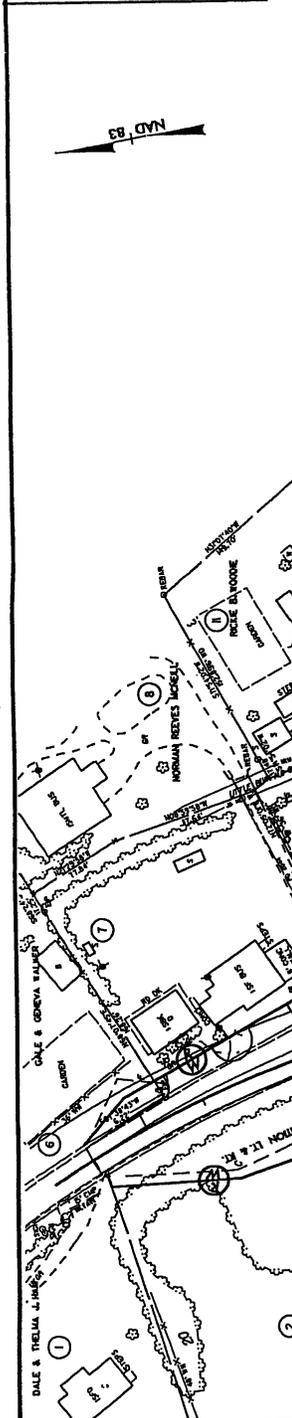


STATE HIGHWAY DESIGN ENGINEER

CONTRACT: 34977.2.21

TIP PROJECT: U-3812

PROJECT REFERENCE NO. U-3812	SHEET NO. 4
ADVISORY DESIGN ENGINEER	PROPOSALS ENGINEER
SEE SHEET No. 2-C FOR DRAINAGE DETAILS	SEE SHEET No. 10 FOR -L- PROFILE
SEE SHEET No. 13 FOR -Y- PROFILE FOR DRAINAGE DETAILS	SEE SHEET No. 13 FOR -Y- PROFILE
★ PROPOSED SIGNAL (MTR)	PROPOSED PAVEMENT REMOVAL
PROPOSED SHOULDER BUSH CUTTER	PROPOSED SHOULDER BUSH CUTTER
-L- SEE SHEET No. 10 FOR -L- PROFILE	-Y- SEE SHEET No. 13 FOR -Y- PROFILE



DENOTES IMPACTS IN SURFACE WATER  
 DENOTES TEMPORARY IMPACTS IN SURFACE WATER

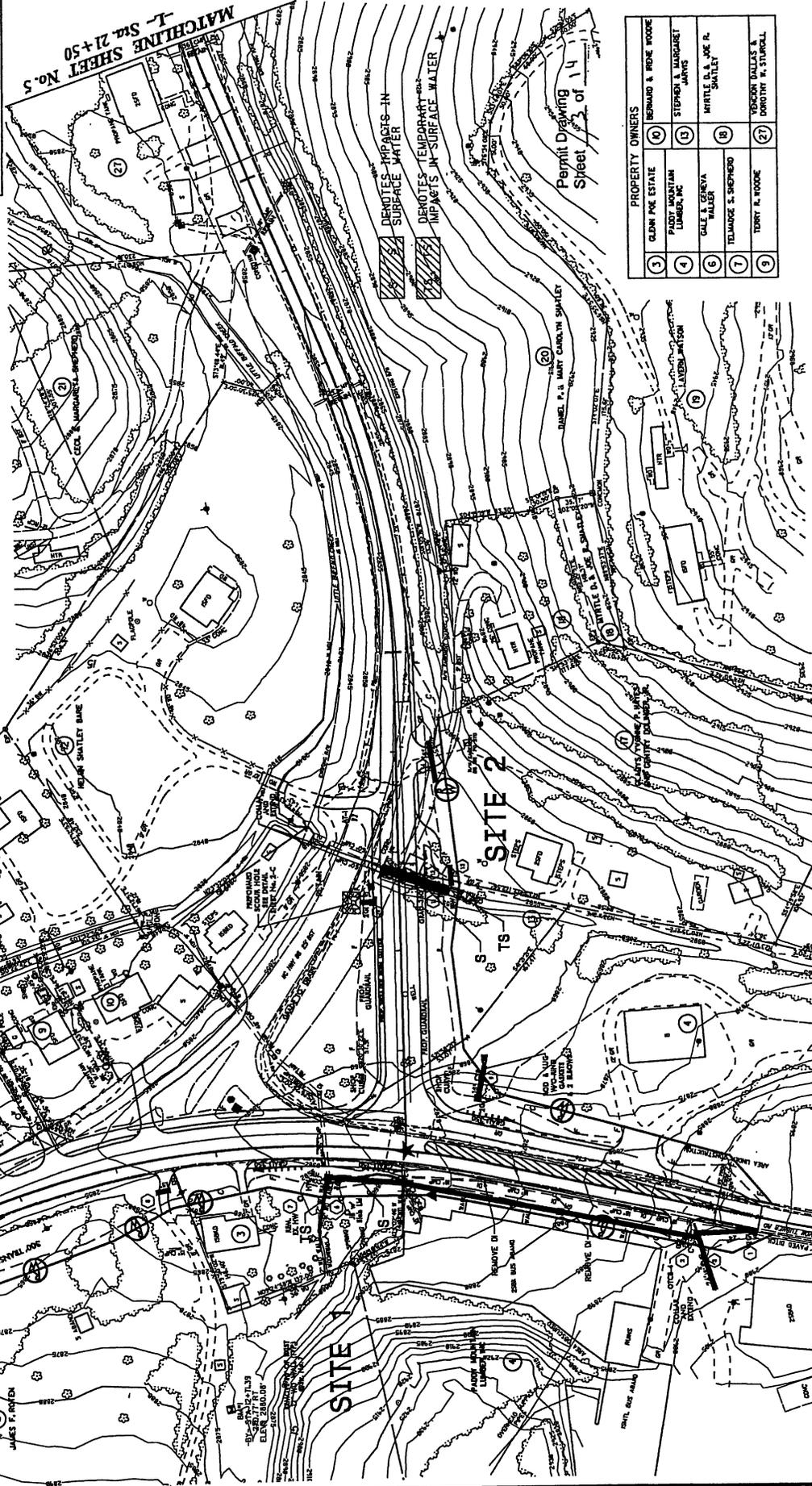
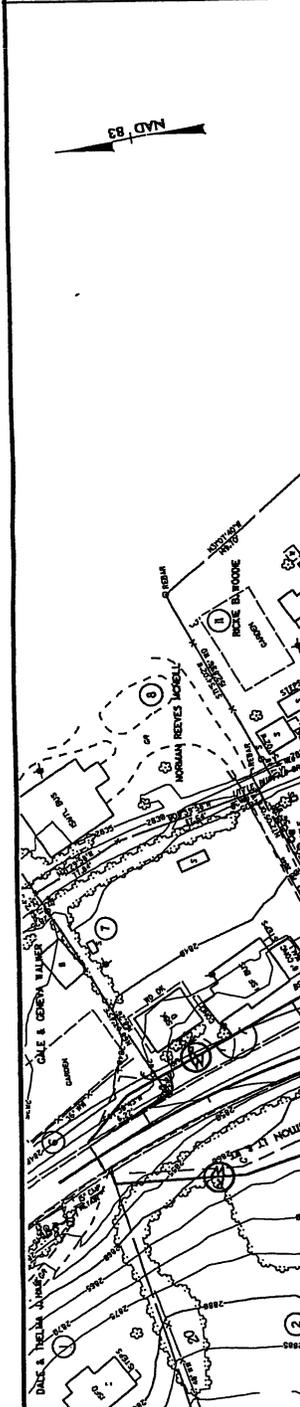
Permit Drawing  
Sheet 2 of 4

PROPERTY OWNERS	
(3) GLEN POE ESTATE	(6) EDWARD & WIDE WOODS
(4) PAULY MOUNTAIN LUMBER, INC.	(15) STEPHEN & MARGARET JAMES
(5) GALE & GENEVA WALSH	(16) MIRTLE D.A. JOE R. SHATLEY
(7) TOLMAGE S. SHEPHERD	(17) YVONNE DALLAS & DONORRY W. STUROLL
(8) TERRY R. WOODS	

R/W REVISION:  
 LETTER DATED JUNE 08, 2010 BY: S. MEADOWS  
 1. Removed abandoned building from Parcel No. 002.  
 2. Changed name from Glenn & Lane Poe, to Glenn Poe Estate on Parcel No. 003.  
 3. Changed name from Tolmage S. Shepherd, to Tolmage S. Shepherd on Parcel No. 007.  
 4. Changed 258K BUS to 15F BUS and Changed 25F BUS to 15F BUS on Parcel No. 007.  
 5. Changed name and DRPG info from Gladys Yvonne P. Hayes and Gentry Dolinger, Jr. DB 308 PG 361 Parcel No. 017.  
 Gladys Yvonne P. Hayes and Gentry Dolinger, Jr. DB 308 PG 361 Parcel No. 017.

B/17/79

PROJECT REFERENCE NO. U-392	SHEET NO. 4
BY SHEET NOS. HYDRAULICS STRUCTURAL	
ADJACENT DITCH STRUCTURE	
SEE SHEET No. 10 FOR FOR DAMAGE DETAILS	SEE SHEET No. 10 FOR FOR PROFILE
SEE SHEET No. 11 FOR FOR DAMAGE DETAILS	SEE SHEET No. 11 FOR FOR PROFILE
★ PROPOSED SIGNAL (NEW)	PROPOSED PAVEMENT REMOVAL
	PROPOSED SURVEYOR MARK CUTTER -1- Sta. 21+40 TO Sta. 21+51.11



PROPERTY OWNERS	
(1) CLON PINE ESTATE	(16) BERNARD & ROSE WOOD
(2) PUSY WASTIAN LUMBER, INC.	(17) STEPHEN A. WARDLE JAMES
(3) GALE & GENEVA HILGER	(18) MITCHELL A. & JOE R. SHATLEY
(4) TOLMAGE S. SHEPHERD	(19) TERRY R. WOOD
(5) TERRY R. WOOD	(20) YONDER DALLAS & DOROTHY M. STURGL

LETTER DATED JUNE 08, 2010 BY: S. MEADOWS

1. Removed abandoned building from Parcel No. 002.

2. Changed name from Glenn A. Lane Poo, to Glenn Poo Estate on Parcel No. 003.

3. Changed name from Tolmage S. Shepherd, to Tolmage S. Shepherd on Parcel No. 007.

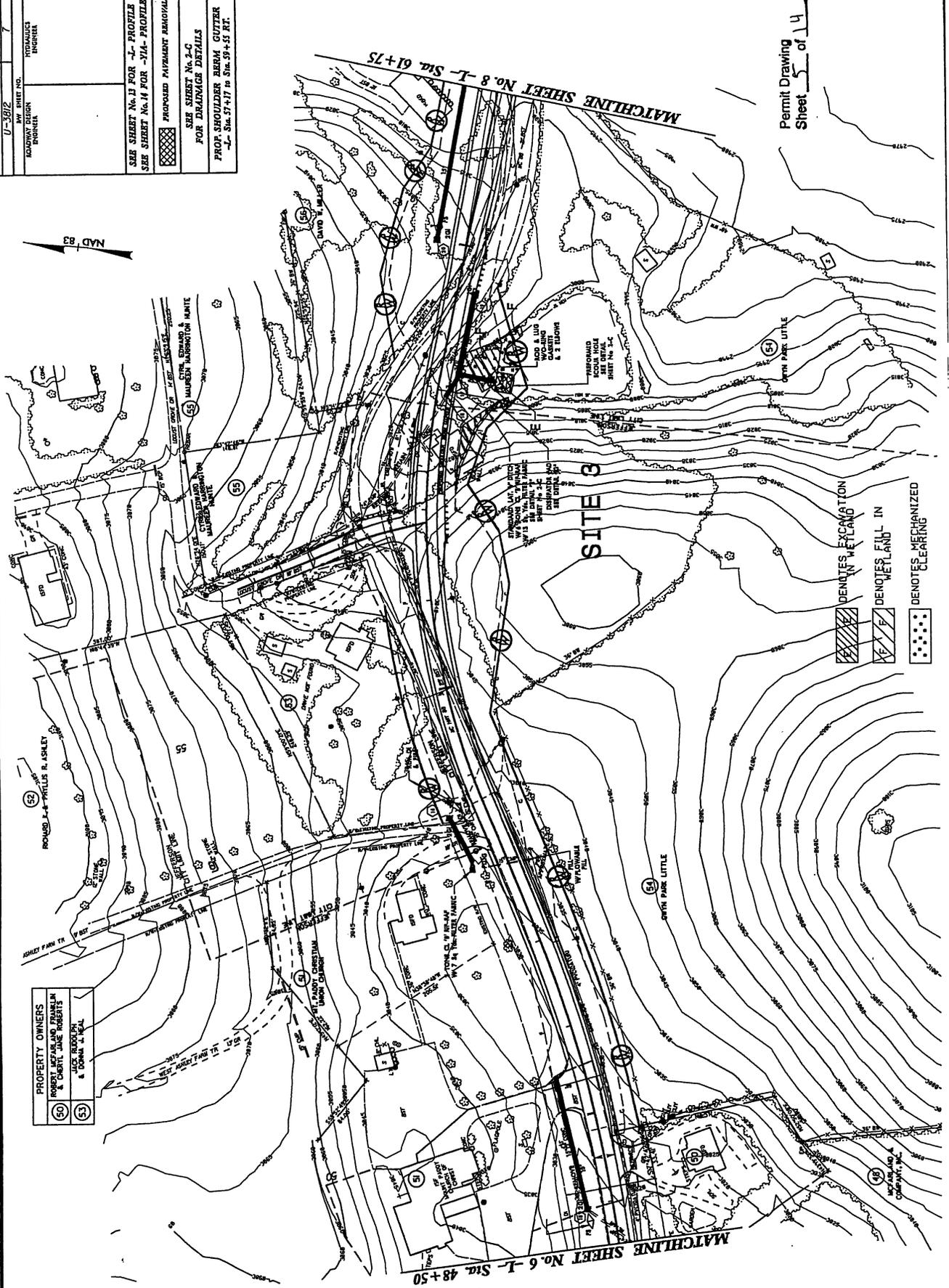
4. Changed 2SRK BUS to 1SRKD and Changed 2SF BUS to 1SF BUS on Parcel No. 007.

5. Changed name and DBFG info from Gladys Yvonne F. Hayes and Gentry Dolinger, Jr. DA 308 PG 361 Parcel No. 017.

8/17/99



PROJECT REFERENCE NO.	U-5812
SHEET NO.	7
DESIGNER	ROBERTS & ROBERTS
ENGINEER	ROBERTS & ROBERTS
DATE	
PROJECT NAME	
PROPOSED PAYMENT AMOUNT	
SEE SHEET No. 11 FOR -L- PROFILE	
SEE SHEET No. 14 FOR -M- PROFILE	
SEE SHEET No. 2-C FOR DIMENSION DETAILS	
PROP. SHOULDER BEAM GUTTER -L- Sta. 57+17 to Sta. 59+51 RT.	



PROPERTY OWNERS
ROBERT MCFARLAND FRANKLIN & CHARLE JANE ROBERTS
JOHN ROBERTS & CHARLE JANE ROBERTS

-  DENOTES EXCAVATION
-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING

Permit Drawing  
Sheet 5 of 14



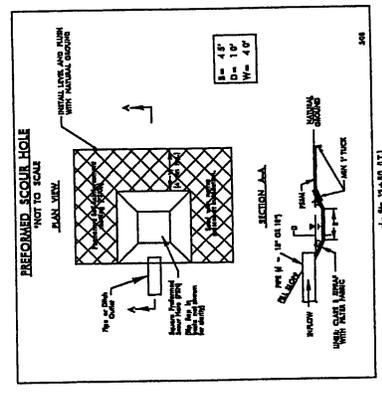
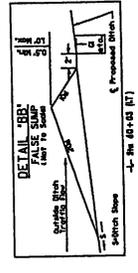
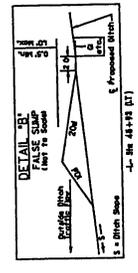
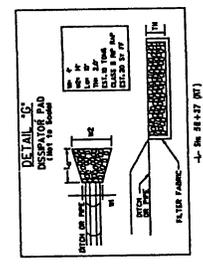
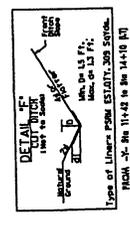
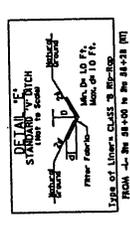
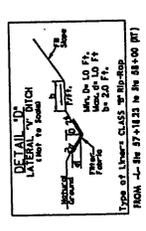
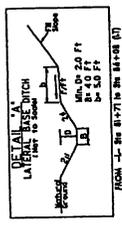


PROJECT NUMBER NO. U-3602  
 SHEET NO. 2-C  
 CIVIL ENGINEER

PRELIMINARY PLANS  
 do not use for construction

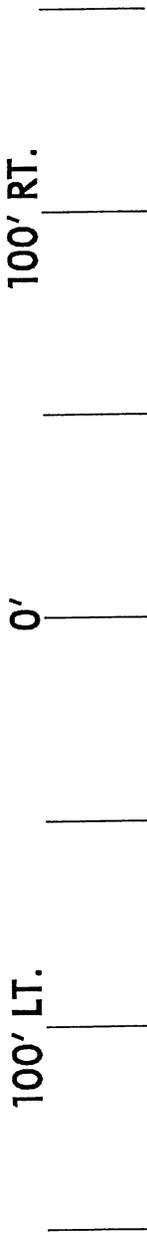
INCOMPLETE PLANS  
 do not use for adjustment

STATE OF NORTH CAROLINA  
 DIVISION OF HIGHWAYS  
**DRAINAGE DITCH DETAILS**



Permit Drawing  
 Sheet 2 of 14

# PROFILE ALONG THE STRUCTURE



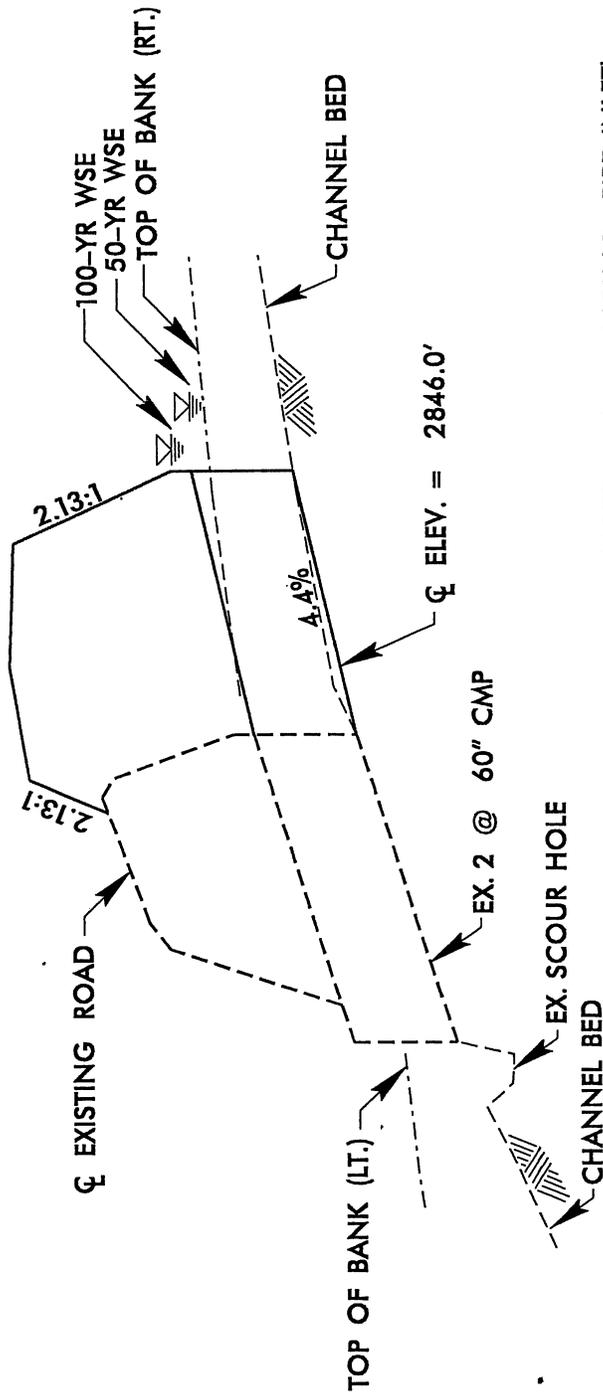
2 @ 60" CSP  
 ☐ STA. 12 + 79.00 -L-  
 GRADE PT. ELEV. = 2862.18'  
 SKEW = 110 DEGREES

2870

2860

2850

2840



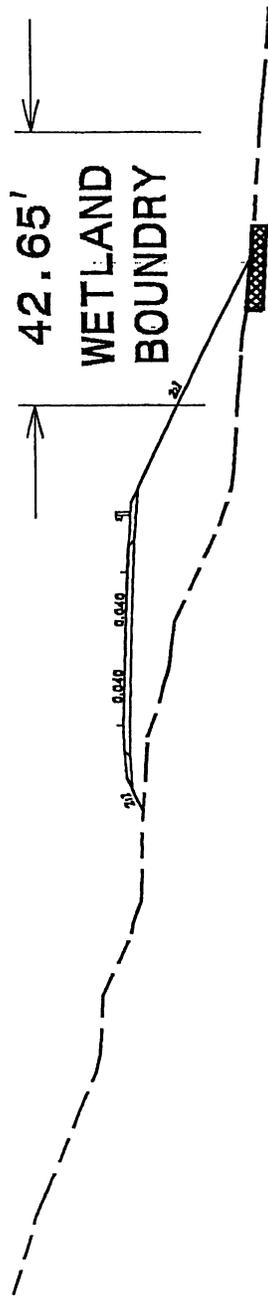
NOTE: NWS = 2851' (@ PIPE INLET)

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 ASHE COUNTY  
 WBS: 34977.1.1 (U3812)  
 NC 88 (WEST MAIN ST.) FROM  
 NC 194 TO US 221 IN JEFFERSON  
 SHEET 9 OF 14



STA. 58+58.12 -L- (RT)

SITE 3



N C DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
ASHE COUNTY

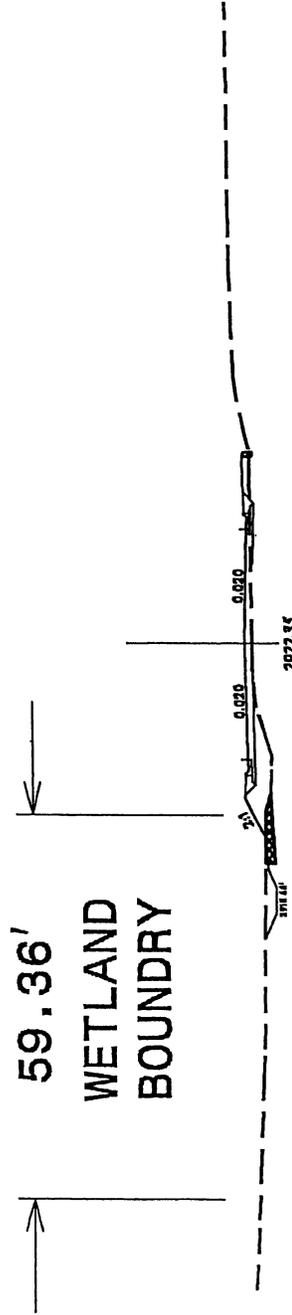
WBS: 34977 L1 (U3812)

NC 88 (WEST MAIN ST) FROM  
NC 194 TO US 221 IN JEFFERSON

SHEET // OF /4

STA. 84+00 - L- (LT)

SITE 4



N C DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
ASHE COUNTY

WBS.34977.11 (U3812)

NC 88 (WEST MAIN ST) FROM  
NC 194 TO US 221 IN JEFFERSON

SHEET 12 OF 14

**PROPERTY OWNERS**

<u>Site</u>	<u>Last Name</u>	<u>First Name</u>	<u>Address</u>	<u>City/Town</u>	<u>State</u>	<u>Zip Code</u>
1	Poe	Glenn & Ilene	PO Box 254	West Jefferson	NC	28694
1	Paddy Mountain Lumber, INC		PO Box 708	Jefferson	NC	28640
2	Jarvis	Stephen & Margaret	255 Azalea Lane	Wilkesboro	NC	28697
3	Little	Gwyn Park	14635 Hearthstone Meadows Drive	Houston	TX	77095
4	Neal	Sarah Gordon	PO Box 1441	Jefferson	NC	28640
4	Hamby	Darrel & Darlene Poe, Richard & Michelle	PO Box 790	Jefferson	NC	28640
4	Barr	John Christopher	362 Ridge Road	West Jefferson	NC	28694
4	Weaver	E Truitt Jr. & Marea B	PO Box 428	Jefferson	NC	28640

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

ASHE COUNTY  
WBS - 34977 1 1 (U-3812)

SHEET 13 of 14 9/2/2010

**WETLAND PERMIT IMPACT 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)		
1	14+12 to 14+89 -Y-	24"/36" RCP							<0.01			86	15	
2	12+78 -L- (RT)	2 @ 60" CSP							0.01			67	15	
3	58+75 -L- (RT)	PSH *	0.04		0.01	0.01								
4	81+53 to 86+20 -L-	** 10' x 6" RCBC	0.09		0.04				0.06			470	80	
<b>TOTALS:</b>			<b>0.13</b>		<b>0.05</b>	<b>0.01</b>			<b>0.07</b>	<b>0.01</b>	<b>623</b>	<b>110</b>		

\* PREFORMED SCOUR HOLE

\*\* RELOCATE CHANNEL AND REPLACE 30" AND 60" CMPS

WETLANDS CONSIDERED A COMPLETE TAKE FOR BOTH SITE 3 & SITE 4

AREA OUTSIDE OF RIGHT-OF-WAY CONSIDERED "PERMANENT FILL IN WETLANDS" FOR BOTH SITE 3 & SITE 4

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

ASHE COUNTY

WBS - 34977 1.1 (U-3812)

14 of 14

10/1/2010

SHEET

EXHIBIT C (PAGE 1 OF 2)

Federal Aid #: STP-88(2)

TIP#: U-3812

County: Ashe

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: Widen NC 88 from US 221 Business to NC 194

On September 9, 2011\* representatives of the

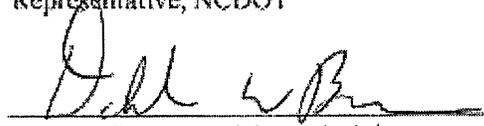
- North Carolina Department of Transportation (NCDOT)
- Federal Highway Administration (FHWA)
- North Carolina State Historic Preservation Office (HPO)
- Other

\*This form consolidates effects findings determined on June 27, 2006, July 11, 2006, July 21, 2008, July 14, 2009, and September 9, 2011.

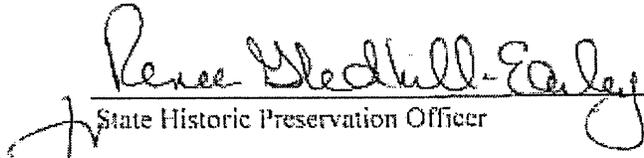
reviewed the subject project and agreed on the effects findings listed within the table on the reverse of this signature page.

Signed:

  
 Representative, NCDOT 9-12-11  
Date

  
 FHWA, for the Division Administrator, or other Federal Agency 9-12-11  
Date

\_\_\_\_\_  
 Representative, HPO Date

  
 State Historic Preservation Officer 9.14.11  
Date

# EXHIBIT C (PAGE 2 OF 2)

County: Ashe

TIP#: U-3812

Federal Aid #: STP-88(2)

Property and Status	Alternative	Effect Finding	Reasons
Joseph Benjamin Neal House (DOE)		No Adverse Effect with commitments	Minimal impact of property will be achieved by: 1) realigning driveway to maintain existing access; 2) refraining from a significant reduction of historic vegetation; 3) finishing the retaining wall across NC 88 from the property with a simulated rock surface treatment and black vinyl chain-link fence, and eliminating the companion Jersey barrier; and 4) confining any permanent utility easements and construction west of the new drainage ditch to the proposed ROW (that is, outside the historic property boundary).

Initialed: NCDOT VEL FHWA DR HPO RS

FHWA intends to use the SHPO's concurrence as a basis for a "de minimis" finding for the following properties, pursuant to Section 4(f):  
**the Joseph Benjamin Neal House.**

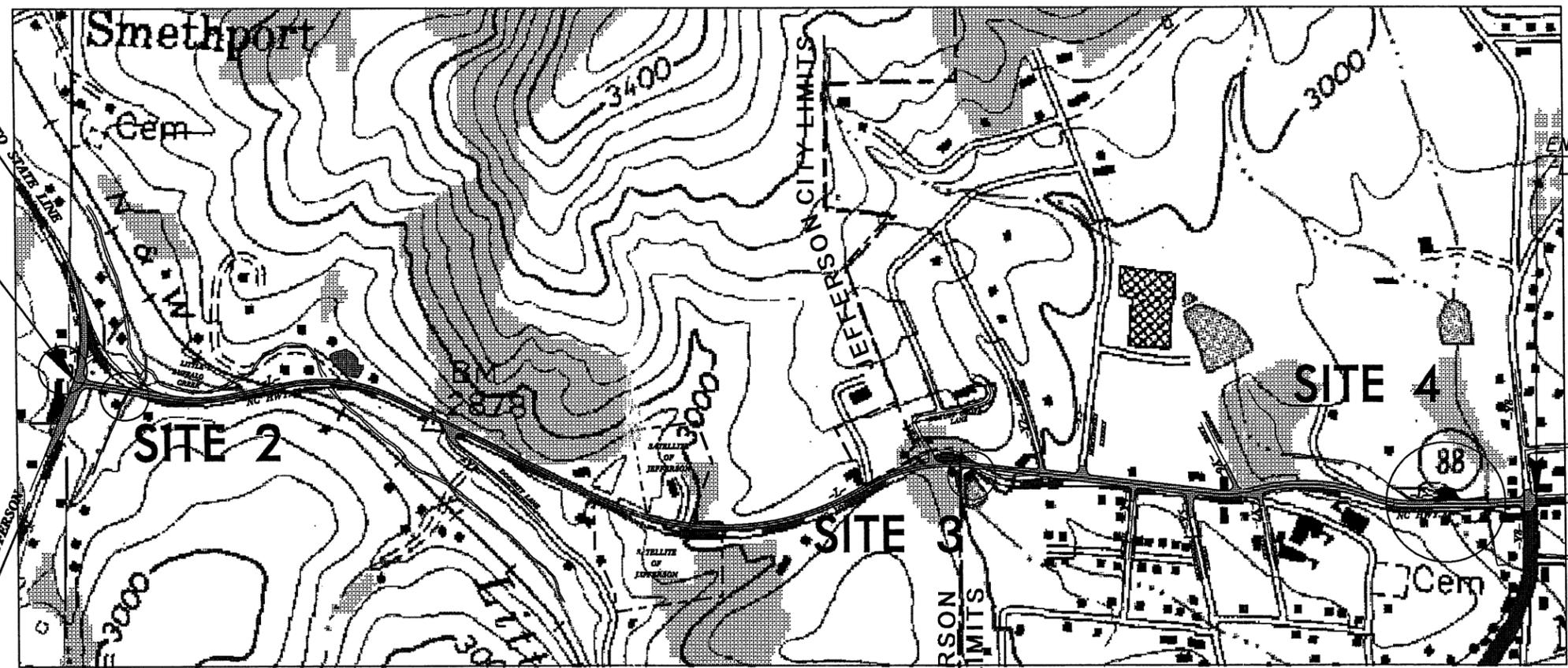
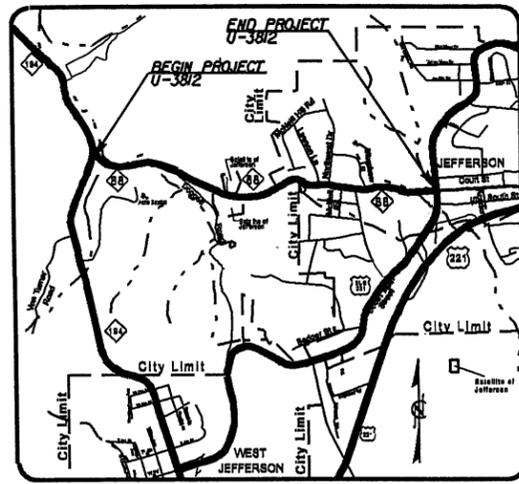
09/08/99  
 CONTRACT: 34977.2.2.1  
 TIP PROJECT: U-3812  
 SYSTEMS  
 DGN  
 USERNAME

STATE OF NORTH CAROLINA  
 DIVISION OF HIGHWAYS

**ASHE COUNTY**

WETLAND AND STREAM IMPACTS

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	U-3812	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	



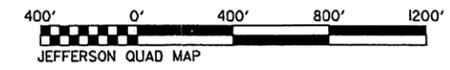
BEGIN PROJECT U-3812  
 -L- POT Sta.10+00.00 =  
 -Y- POC Sta.14+12J3

END PROJECT U-3812  
 - POT STA. 88+80

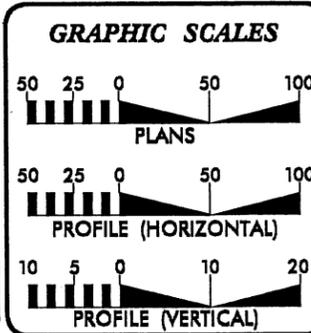


CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.

A PORTION OF THIS PROJECT IS WITHIN THE MUNICIPAL BOUNDRIES OF THE CITY OF JEFFERSON.



Permit Drawing Sheet 1 of 14



**DESIGN DATA**

ADT 2009 =	8,700
ADT 2030 =	13,300
DHV =	12 %
D =	60 %
T =	6 % *
V =	50 MPH (Rural)
V =	35 MPH (Urban)
* TTST	1% DUAL 5%

**PROJECT LENGTH**

LENGTH ROADWAY STATE PROJECT U-3812 =	1.492 MILES
LENGTH ROADWAY F. A. PROJECT STP-88 (2) =	1.492 MILES
TOTAL ROADWAY LENGTH STATE PROJECT U-3812 =	1.492 MILES

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

2006 STANDARD SPECIFICATIONS	
RIGHT OF WAY DATE: November 12, 2009	J. S. GOODNIGHT, PE PROJECT ENGINEER
LETTING DATE: December 20, 2011	S. D. KENDALL, PE PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER	P.E.
SIGNATURE: _____	
ROADWAY DESIGN ENGINEER	P.E.
SIGNATURE: _____	

DIVISION OF HIGHWAYS  
 STATE OF NORTH CAROLINA

STATE HIGHWAY DESIGN ENGINEER

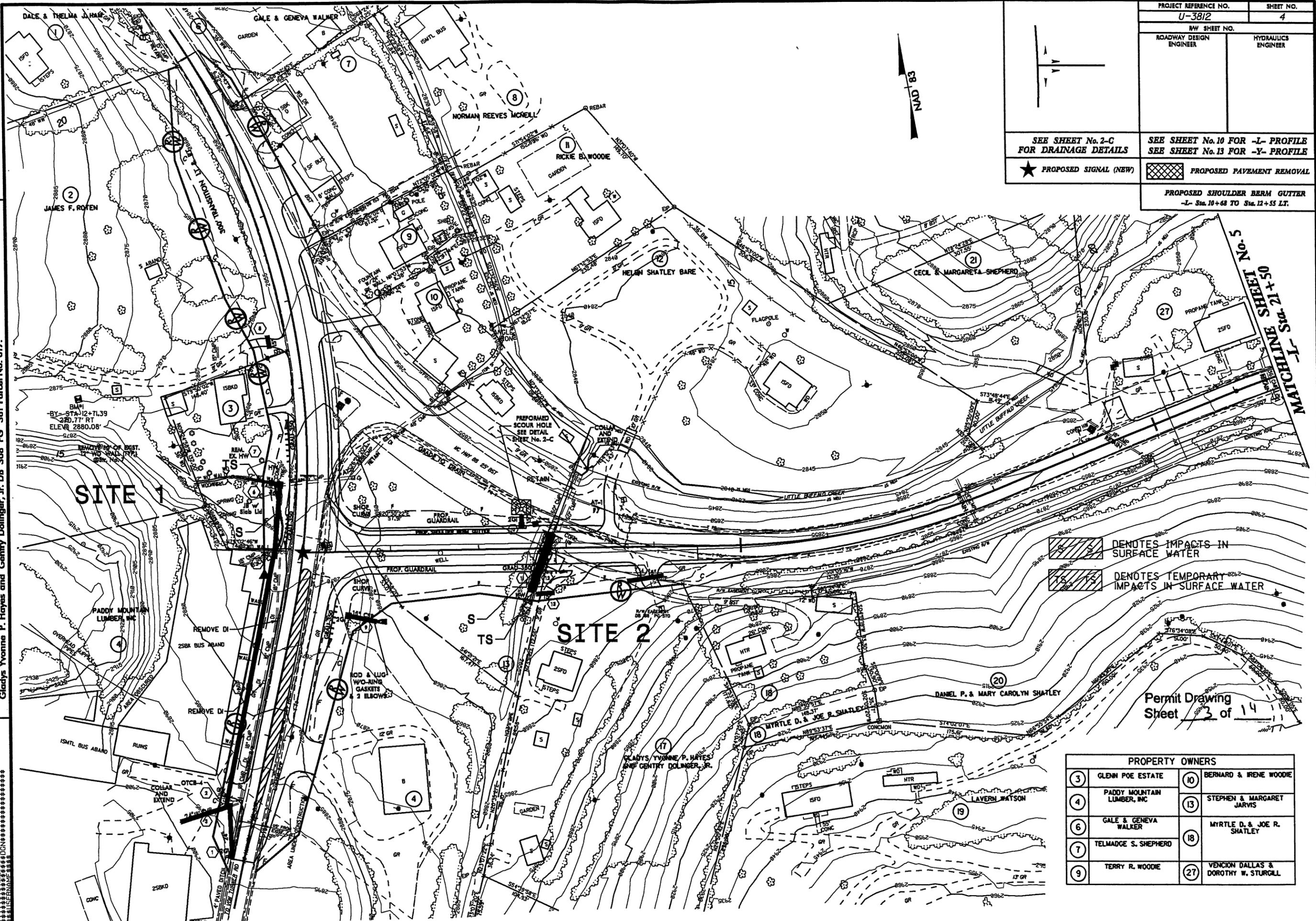


8/17/99

LETTER DATED JUNE 08, 2010 BY: S. MEADOWS

R/W REVISION:

1. Removed abandoned building from Parcel No. 002.
2. Changed name from Glenn & Irene Poe, to Glenn Poe Estate on Parcel No. 003.
3. Changed name from Talmadge S. Shepherd, to Talmadge S. Shepherd on Parcel No. 007.
4. Changed 25BK BUS to ISBKD and Changed 25F BUS to ISF BUS on Parcel No. 007.
5. Changed name and DBPG info from Gladys Yvonne P. Hayes, DB 188 PG 570 to Gladys Yvonne P. Hayes and Gentry Dolinger, Jr. DB 308 PG 361 Parcel No. 017.



PROJECT REFERENCE NO. U-3812		SHEET NO. 4	
R/W SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
SEE SHEET No. 2-C FOR DRAINAGE DETAILS		SEE SHEET No. 10 FOR -L- PROFILE SEE SHEET No. 13 FOR -Y- PROFILE	
★ PROPOSED SIGNAL (NEW)		PROPOSED PAVEMENT REMOVAL	
PROPOSED SHOULDER BERM GUTTER -L- Sta. 10+68 TO Sta. 12+55 LT.			

DENOTES IMPACTS IN SURFACE WATER  
 DENOTES TEMPORARY IMPACTS IN SURFACE WATER

Permit Drawing Sheet 3 of 14

PROPERTY OWNERS			
(3)	GLENN POE ESTATE	(10)	BERNARD & IRENE WOODIE
(4)	PADDY MOUNTAIN LUMBER, INC	(13)	STEPHEN & MARGARET JARVIS
(6)	GALE & GENEVA WALKER	(18)	MYRTLE D. & JOE R. SHATLEY
(7)	TELMADGE S. SHEPHERD	(27)	VENCION DALLAS & DOROTHY W. STURGILL
(9)	TERRY R. WOODIE		

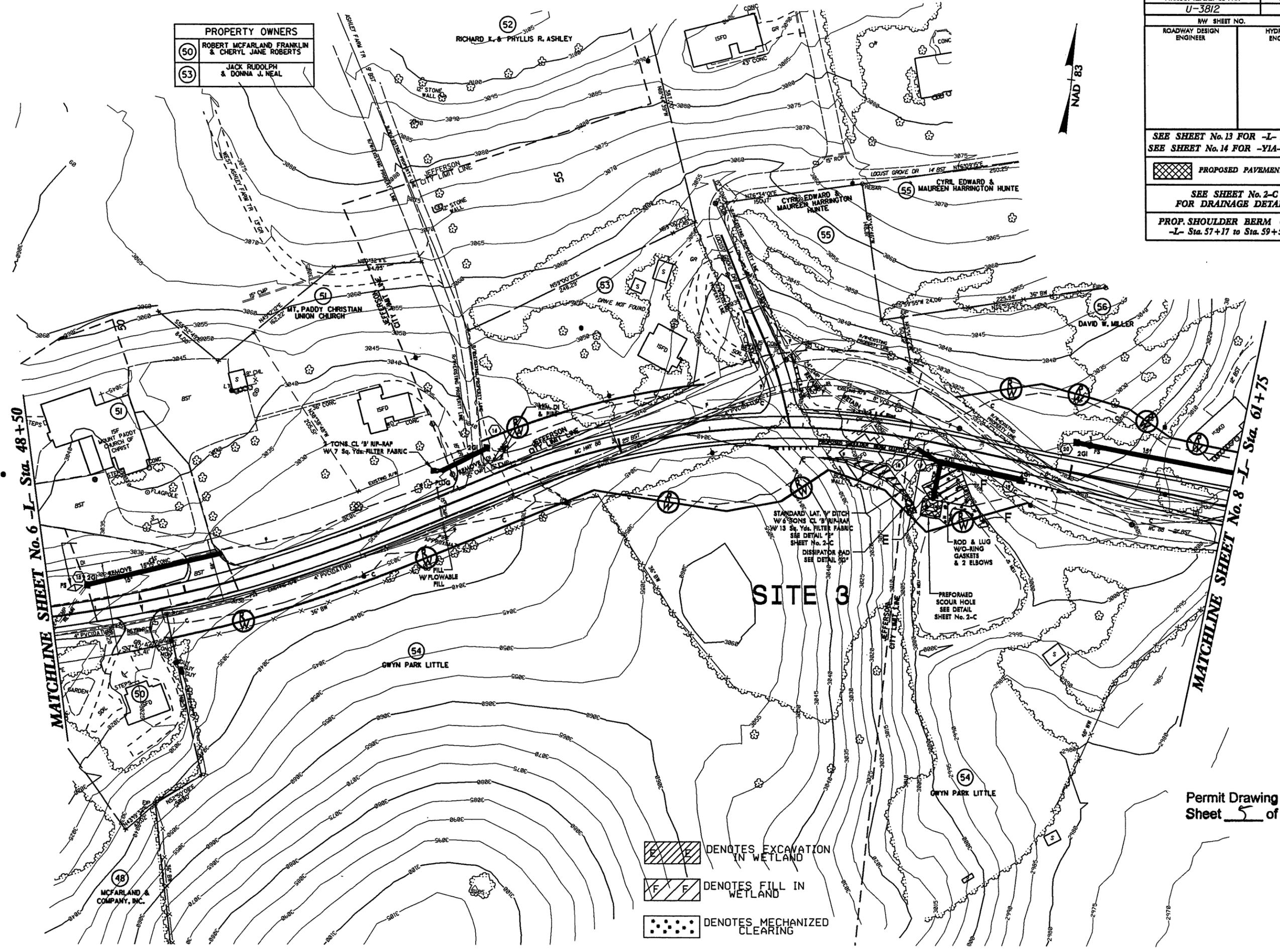
MATCHLINE SHEET No. 5  
-L- Sta. 21+50

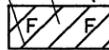
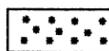


8/17/99

PROJECT REFERENCE NO. U-3812		SHEET NO. 7	
RW SHEET NO.		HYDRAULICS ENGINEER	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
SEE SHEET No. 13 FOR -L- PROFILE SEE SHEET No. 14 FOR -YIA- PROFILE			
 PROPOSED PAVEMENT REMOVAL			
SEE SHEET No. 2-C FOR DRAINAGE DETAILS			
PROP. SHOULDER BERM GUTTER -L- Sta. 57+17 to Sta. 59+55 RT.			

PROPERTY OWNERS	
(50)	ROBERT MCFARLAND FRANKLIN & CHERYL JANE ROBERTS
(53)	JACK RUDOLPH & DONNA J. NEAL



-  DENOTES EXCAVATION IN WETLAND
-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING

Permit Drawing  
Sheet 5 of 14







# PROFILE ALONG THE STRUCTURE

100' LT.

0'

100' RT.

2 @ 60" CSP

☒ STA. 12+79.00 -L-

GRADE PT. ELEV. = 2862.18'

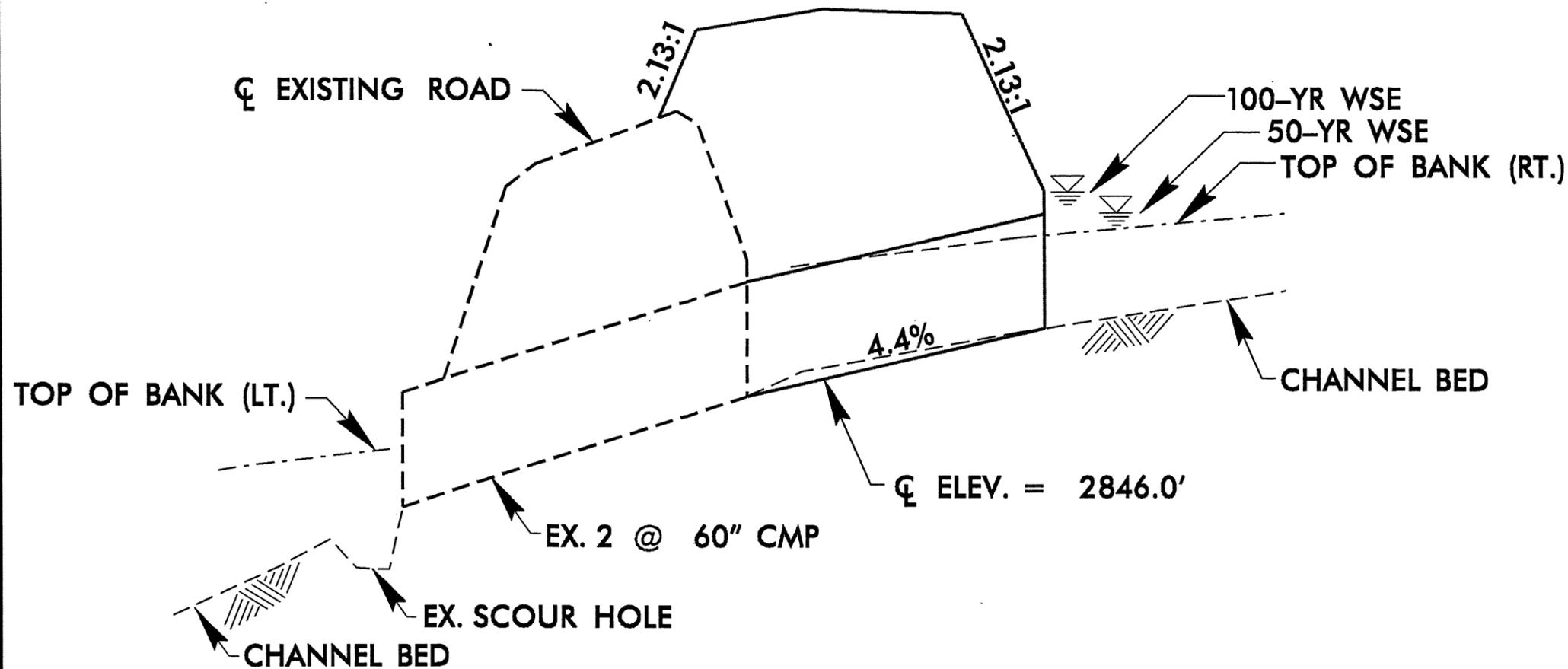
SKEW = 110 DEGREES

2870

2860

2850

2840



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

WBS: 34977.1.1 (U3812)

NC 88 (WEST MAIN ST.) FROM  
NC 194 TO US 221 IN JEFFERSON

SHEET 9 OF 14

NOTE: NWS = 2851' (@ PIPE INLET)

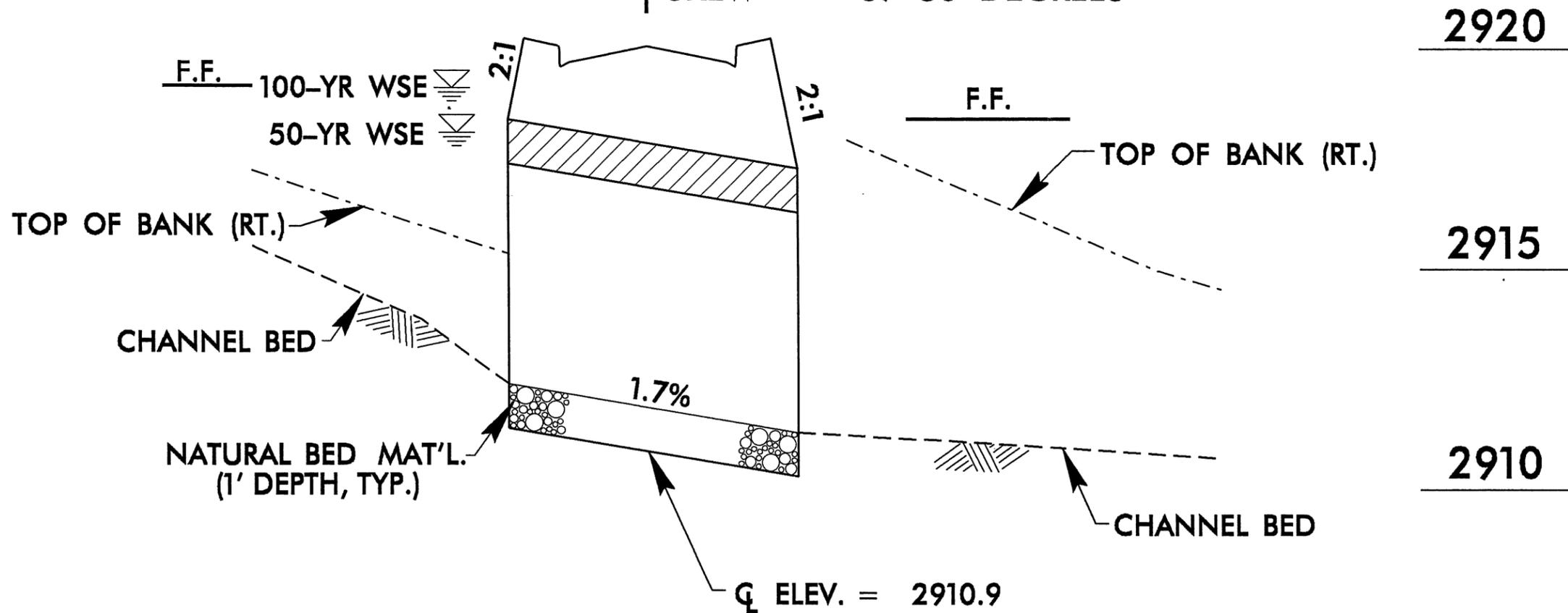
# PROFILE ALONG THE STRUCTURE

100' LT.

0'

100' RT.

1 @ 10' x 6' RCBC (1' BURY)  
 CL STA. 86+21.00 -L-  
 GRADE PT. ELEV. = 2920.04  
 SKEW = 87-30' DEGREES

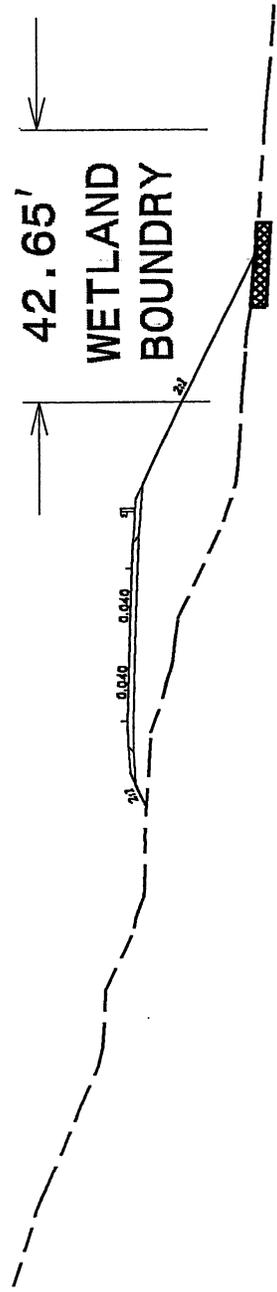


NOTE: NWS = 2918' (@ BOX INLET)

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 ASHE COUNTY  
 WBS: 34977.1.1 (U3812)  
 NC 88 (WEST MAIN ST.) FROM  
 NC 194 TO US 221 IN JEFFERSON  
 SHEET 10 OF 14

STA. 58+58.12 -L- (RT)

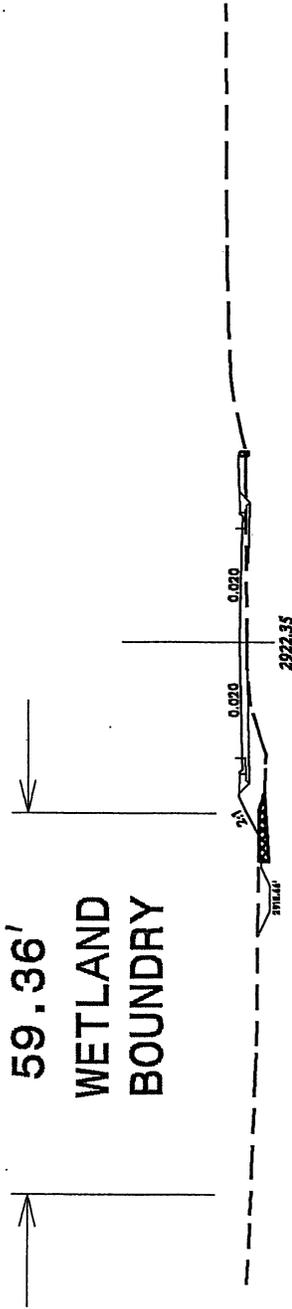
SITE 3



N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
ASHE COUNTY  
WBS: 34977.1.1 (U3812)  
NC 88 (WEST MAIN ST.) FROM  
NC 194 TO US 221 IN JEFFERSON  
SHEET 11 OF 14

STA. 84+00 -L- (LT)

SITE 4



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

WBS: 34977.1.1 (U3812)

NC 88 (WEST MAIN ST.) FROM  
NC 194 TO US 221 IN JEFFERSON

SHEET 2 OF 4

**PROPERTY OWNERS**

<u>Site</u>	<u>Last Name</u>	<u>First Name</u>	<u>Address</u>	<u>City/Town</u>	<u>State</u>	<u>Zip Code</u>
1	Poe	Glenn & Ilene	PO Box 254	West Jefferson	NC	28694
1	Paddy Mountain Lumber, INC		PO Box 708	Jefferson	NC	28640
2	Jarvis	Stephen & Margaret	255 Azalea Lane	Wilkesboro	NC	28697
3	Little	Gwyn Park	14635 Hearthstone Meadows Drive	Houston	TX	77095
4	Neal	Sarah Gordon	PO Box 1441	Jefferson	NC	28640
4	Hamby	Darrel & Darlene Poe, Richard & Michelle	PO Box 790	Jefferson	NC	28640
4	Barr	John Christopher	362 Ridge Road	West Jefferson	NC	28694
4	Weaver	E. Truitt Jr. & Marea B.	PO Box 428	Jefferson	NC	28640

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

ASHE COUNTY  
WBS - 34977.1.1 (U-3812)

SHEET 13 of 14 9/2/2010

**WETLAND PERMIT IMPACT 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)			
1	14+12 to 14+89 -Y-	24"/36" RCP									<0.01	<0.01	86	15	
2	12+78 -L- (RT)	2 @ 60" CSP									0.01	<0.01	67	15	
3	58+75 -L- (RT)	PSH *	0.04		0.01	0.01									
4	81+53 to 86+20 -L-	** 10' x 6" RCBC	0.09		0.04						0.06	0.01	470	80	
<b>TOTALS:</b>			<b>0.13</b>		<b>0.05</b>	<b>0.01</b>				<b>0.07</b>	<b>0.01</b>	<b>623</b>	<b>110</b>		

\* PREFORMED SCOUR HOLE

\*\* RELOCATE CHANNEL AND REPLACE 30" AND 60" CMP'S

WETLANDS CONSIDERED A COMPLETE TAKE FOR BOTH SITE 3 & SITE 4.

AREA OUTSIDE OF RIGHT-OF-WAY CONSIDERED "PERMANENT FILL IN WETLANDS" FOR BOTH SITE 3 & SITE 4.

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

ASHE COUNTY  
WBS - 34977.1.1 (U-3812)

SHEET **14 of 14** 10/1/2010