

FEDERAL ENERGY REGULATORY COMMISSION  
APPLICATION FOR SURRENDER OF A LICENSE  
FOR A MINOR WATER POWER PROJECT

Ward Mill Dam – Project #9842

Initial Statement

1. This is the application of Mr. Ray F. Ward to the Federal Energy Regulatory Commission for the surrender of a license for the Ward Mill Dam Project # 9842-000, as described herein.

2. The location of the project is:

**State:** North Carolina  
**County:** Watauga  
**Nearby Town:** Boone NC  
**Stream:** Watauga River

3. The exact name, address, and telephone number of the applicant is:

Mr. Ray F. Ward  
443 Old Watauga River Road  
Sugar Grove, North Carolina, 28679  
(828) 297-3213

4. The exact name, address, and telephone number of each person authorized to act as agent for the applicant:

Andrew C. Givens  
2308 Wheeler Rd.  
Raleigh, North Carolina 27612  
919-605-6125  
[acgivens@cardinalenergy.com](mailto:acgivens@cardinalenergy.com)

5. The applicant is a citizen of the United States and is not claiming preference under section 7(a) of the Federal Power Act.

6. **CONSULTATION WITH AGENCIES** – The applicant consulted with the federal state, and local agencies as well as other interested parties throughout the licensing application process 2011 through 2016. Early in 2017 the licensee informally discussed the possibility of surrendering the license and decommissioning the plant with the primary state agencies that participated in the licensing process. On or about March 30, the licensee distributed a draft of this application to these agencies as well as other parties listed on Page 7.

Recommendations regarding the content of this application were received directly from two agencies; the Hydropower & Special Projects Coordinator for the NC Wildlife Resources Commission; and the Basin Planning Branch of the Water Resources Division of the NC Department of Environmental Quality (DEQ). The recommendations have been incorporated in this application.

Written comments were received from the Basin Planning Branch of DEQ, (pages A.2 – A.3); and from the NC State Environmental Review Clearinghouse, (pages A.4 – A.16). The comments of the Natural Heritage Program of the Department of Natural and Cultural Resources (pages A.9 – A.13) submitted through the clearinghouse lists the Species of Concern that may be in the project area or within 1 mile. These species were studied in the license process and the Environmental Assessment conducted by the FERC staff, and none were found to be in the project area.

The response of May 1, 2017 the State Historic Preservation Office on page A.14 indicates that they have no comment regarding this application. This is consistent with the comments to the license application dated October 3, 2011, from that office indicating; “We have conducted a review of the project and are aware of no historic resources which would be affected by the project.” On this basis, and on reflection of the rather common nature of the equipment involved, the licensee believes that the plant does not meet the criteria for historic preservation.

We have had other verbal consultation with agencies and interested parties. One party provided written comments regarding the request, and subsequently requested, in writing, that the comment be withdrawn from the filing. Those comments are not included here.

7. BRIEF DESCRIPTION OF THE PROJECT - The Ward Mill Dam is located on the Watauga River in the western portion of Watauga County, North Carolina. The Ward Mill dam was rebuilt in 1963 with a new rock and concrete dam. The dam is 130 feet long; it is 20 feet high from the bedrock base to the top of the dam, and 16 feet from the river bed to the top of the dam. The base of the dam is 21 feet thick. FERC has determined that the Ward Mill Dam is a low hazard dam. There are two turbine/generator units at the facility. One unit has a capacity of 75 kW and one unit has a capacity of 93 kW for a total installed capacity is 168 kW. The turbines are connected to the generators via shafts and a belt drive. The powerhouse is integrated into the south end of the dam and the flow through the turbines returns to the riverbed at the toe of the dam. The generation at Ward Mill Dam is manually operated with manual starting and operation, and automatic shutdown. The plant is operated in a run-of-river mode at all times, and is not used for peaking.

8. RECENT RELICENSING: In 1986 the licensee received a 30 years license to operate through August 31, 2016. The licensee prepared and filed the license application in August 2014. The 1986 license expired on August 31, 2016 without a new license, and on September 7, 2016 FERC issued an annual licensee to continue operating until the new license was issued. The ORDER ISSUING THE SUBSEQUENT LICENSE was issued on February 2, 2017. By letter of March 4, 2017, the licensee declined the new license and is now filing to surrender the license entirely. The declining of the new license was acknowledged by a letter dated March 31, 2017, from Mr. Steve Hocking, Chief of the Environmental and Project Review Branch.

During the five year long relicensing process, the licensee conducted the required consultations with the governmental agencies and other interested parties, and conducted biological and environmental studies to identify the impact of the current run-of-river operation of the project. The filed information provides a complete record of the current facilities and the environmental impact of the project.

On Sept 8, 2016, the licensee received a 401 Water Quality Certificate from the NC Water Resources Division. The licensee recognizes the need for responsible compliance with the environmental requirements of the 401 certificate. To a significant extent, the provisions for the 401 certificate relates to the maintenance of the run-of-river status of the dam. With the decommissioning of the plant, the river will not be controlled, and the flow at the dam will be run-of-river, as proposed by the agencies.

#### 9. INITIAL STATEMENT REGARDING THE SURRENDER OF THE LICENSE:

The licensee has operated this project for the generation of electricity for over 30 years. In filing the license application, the licensee had hoped that it would be possible for the operation to be turned over to a family member who could operate the plant. This has not been the case. Further, it would not be acceptable to the licensee for the license to be transferred to an unknown operator because of the close proximity of the project to the licensee's home, and the fact that the generating facility is integrated with the machine shop and other facilities owned and operated by the licensee.

In addition, the extra record keeping requirements as well as the additional capital expenses required by the new license make the continued long term operation economically infeasible. For these reasons the licensee desires to surrender the existing license, and intends to end the operation of the project no later than August 31, 2017.

#### PROJECT DESCRIPTION

1) **PROJECT FACILITIES:** The August 2014 Application for a Subsequent License includes comprehensive information regarding the project. The information below may be supplemented with the information previously provided.

1.1) **NUMBER OF GENERATING UNITS:** There are two generator units at the facility. One unit has a capacity of 75 kW and one unit has a capacity of 93 kW for a total installed capacity of 168 kW. The generators are AC motors that have been converted to serve as induction generators. The Francis type turbines with 30 inch reaction runners and vertical draft tubes are connected to the generators via shafts and a belt drive. The turbines were installed in the 1940s to power the sawmill. The generators and electrical equipment were installed between 1983 and 1986.

1.2) **POWERHOUSE:** The electric generation is integrated into the licensee's farm workshop and lumber mill facility. The building is along the south bank of the river and atop the south end of the dam. The decommissioning of the project would not require any changes to the workshop building. The power is sold to Blue Ridge EMC. The utility interconnection point and

the retail point of service to the shop and home are located on the southern wall of the shop building. It will be necessary for Blue Ridge EMC to make changes to the meter installation, but the existing distribution system is expected to remain.

1.3) OPERATION: The Ward Mill Dam is a manually operated project which was designed for manual starting and operating, and automatic shutdown. The plant is operated in a run-of-river mode at all times, and is not used for peaking. This plant has been operated for 30 years and the annual generation level has varied from below 290,000 kWh to over 599,000 kWh. The variation is based primarily on the variation of the annual stream flow.

1.4) RESERVOIR DESCRIPTION: The reservoir has an estimated surface area of 4.6 acres, with an estimated gross storage capacity of 16.3 acre-feet. The reservoir is approximately 130 wide at the dam, and is approximately 100 feet for much of its length. The dam normally backs up water approximately 2,500 feet.

1.5) HYDRAULIC CAPACITY AND FLOW: The maximum estimated hydraulic capacity of the project is 158 cfs. The drainage area of the Watauga River basin at the dam is estimated to be 92.6 square miles. The USGS in conjunction with the Tennessee Valley Authority maintains USGS gage 03479000 at the convergence of Cove Creek and the Watauga River, approximately 200 feet upstream from the impoundment.

1.6) SIZE AND CONSTRUCTION OF PROJECT: The Ward Mill dam was rebuilt in 1963 with a new rock and concrete dam, reinforced with one inch diameter vertical steel rods placed approximately 4 foot apart across the interior structure of the dam. These rods are imbedded 2 and 1/2 feet into the bedrock with reinforced steel running horizontally through the interior of the dam

2) DECOMMISSIONING PLAN – The licensee expects to discontinue operation of the generation on the earlier of September 1, 2017, or the issuance of the order of the Commission permitting the surrender of the license. With the issuance of the order of the Commission permitting the surrender of the license, the licensee will carry out the following steps to decommission the plant:

2.1) Disconnection of the generator controls from the utility interconnection point. This will include the opening of interconnection switches which tie the generation to the retail delivery point; the removal of the generation breaker(s) from the panel in the vicinity of the interconnection point; the removal of the control panel adjacent to the generators; and the removal of wiring connecting the generation to the utility interconnection point. All of this is inside the powerhouse/workshop building. With the removal of this equipment there can be no power delivered to the grid. The interconnection will be opened by the earlier of September 1, 2017, or following the issuance of the order of the Commission granting the surrender of the license. The licensee will offer the generators, control equipment, and wiring for sale following decommissioning.

2.2) The removal of both generators from the system. After the generators are disconnected from wiring and the drive belts will be removed. The equipment will be offered for

sale following the decommissioning. The generators may remain in place until sold and removed by the buyer.

2.3) Removal of the turbines. The turbines and related equipment will be offered for sale or scrapped. The turbines may remain in place until they are sold.

2.4) Building Changes. All anticipated changes will be within the existing shop and power house, and there will be no changes to the exterior of the existing buildings or structures.

2.5) Interconnection with the Utility. The plant is connected to Blue Ridge Electric Cooperative at a 220/480v retail delivery point which is at the end of a 14.4kV primary distribution line on the Cooperative's distribution system. This distribution line and the secondary facilities that serve the generation plant, also serves the licensee's shop facilities and the licensee's home. With the termination of the generation, the utility will not have to change any of the existing distribution facilities, although Blue Ridge EMC may at some point modify the meter and interconnection facilities.

2.6) Recreation Facilities. The canoe portage and access to the river for fishermen and others will be maintained as described in the existing license and the recently declined license.

## ENVIRONMENTAL MATTERS

### 3.1) GENERAL:

The licensee filed an Application for a Subsequent License on August 29, 2014, and the subsequent license was issued February 2, 2017. Due to the circumstances of the licensee, and the change in the requirements of the license, the licensee declined to accept the license in a letter for FERC dated March 4, 2017.

In the licensing process, the licensee and participating agencies reviewed the environmental issues related to the project. Included with the application was the report entitled, *Effects of Ward's Mill Dam on Fishes, Mussels, and Hellbenders in the Watauga River, Watauga County North Carolina* by Dr. Michael M Gangloff, Michael Perkins, Jordan Holcomb, and M. Worth Pugh. Also included with the application was the report, *Ward Mill Dam Hydropower Project, Run of River Operation* by Mark A. Cantrell, US Fish and Wildlife Service; Chris Goudreau, NC Wildlife Resources Commission; and Fred Tarver, NC Division of Water Resources. These reports and significant additional environmental information is included in this docket in the license application filings, and a portion of the information is included below. The information in Exhibit E of the license application is relevant to this filing, to the extent applicable.

Under the original 1986 license, the project has been operated as a run-of-river project, with the project outflow matching the project inflow. With this operating procedure, when the inflow is insufficient to flow over the dam while operating, the generators are shut off and the flow over and past the dam is the same as the inflow. This requirement remains in place under the annual authorization of September 7, 2016.

With the surrendering of the license, there will no generation and no control of the flow of the river. Thus, the site will remain run of river. The environmental impact of the dam will be essentially the same as under the terms of the current annual license. With the surrender of the FERC license, the licensee will submit the necessary information to the Dam Safety Program of NC Department of Environmental Quality – Division of Energy Materials, and Land Resources to determine if the dam will be exempt, or under the jurisdiction of that agency.

### 3.2) ENVIRONMENTAL DESCRIPTION AT THE WARD MILL DAM

3.2.1) LOCATION: The Ward Mill Dam hydroelectric project is located on the Watauga River in Watauga County, approximately 10 miles west of Boone, North Carolina, approximately 3000 feet downstream from the confluence of Cove Creek with the Watauga River. This is approximately 7 miles from the North Carolina-Tennessee State Line. The project is located in the Laurel Creek Township, Northern Latitude 36 degrees, 14 minutes, 20 seconds and Western Longitude 81 degrees, 49 minutes, 20 seconds. The project boundaries remain as in the 1986 license.

The dam is considered a low hazard dam by FERC. The impoundment is approximately 4.6 acres. A United States Geological Survey Gaging Station, Watauga River near Sugar Grove, North Carolina (03479000), is located 1/2 mile upstream of the dam and has been recording stream flow data since 1939. The drainage area at the Gaging Station is 92.1 square miles, and the drainage area at the dam is estimated to be 92.6 square miles. At the gage the peak discharge is 50,800 cfs; the minimum daily discharge is 13 cfs; and the average daily discharge in the prior 10 years has been 158 cfs.

3.2.2) RECREATION: The primary recreational pursuits include fishing, canoeing, and rafting in the immediate vicinity of the project will remain with the surrender of the license. The maintenance of the natural habitat and undeveloped character of the area as well as the recreational access will remain.

For boaters that are traveling along the river, there is a portage trail that begins at the cleared takeout on the southwest side of the river, approximately 150 feet above the dam. This trail will remain after the license is surrendered.

### 3.3) EXPECTED ENVIRONMENTAL IMPACTS

No construction, rehabilitation, alteration or repair of any site facilities is expected at this time. The elimination of the generation will eliminate the control of the water flow at this site and improve the run-of-river attributes of the site.

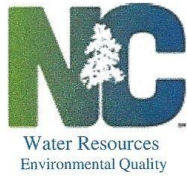
There is no known critical habitat, or endangered or threatened species in the area. No known recreational resources would be impacted. The surrender of the license should not affect the fishery resources, including trout, in the immediate vicinity of the project or in the river basin.

**Contacts and Consultation List  
Surrender of the FERC License for Ward Mill Dam  
FERC Project # 9842**

<b>Organization</b>	<b>Contact</b>	<b>Email Address</b>
US Army Corps of Engineers Wilmington Office	Mr. George Piner 910-251-4762	<a href="mailto:George.A.Piner@usace.army.mil">George.A.Piner@usace.army.mil</a>
Federal Energy Regulatory Commission Atlanta Office Washington Office	Mr. Randy Pool 678-245-3079 Mr. Steve Hocking 202-502-8753	<a href="mailto:randal.pool@ferc.gov">randal.pool@ferc.gov</a> <a href="mailto:steve.hocking@ferc.gov">steve.hocking@ferc.gov</a>
US Fish and Wildlife Service Asheville NC Office	Mr. Bryan Tompkins 828-258-3939 x240	<a href="mailto:bryan_tompkins@fws.gov">bryan_tompkins@fws.gov</a>
National Forest Service Asheville NC Office	Ms. Julie Moore 828-257-4859	<a href="mailto:juliepmoore@fs.fed.us">juliepmoore@fs.fed.us</a>
North Carolina Environmental Clearinghouse	Ms. Shelia Green 919-807-2425	<a href="mailto:state.clearinghouse@doa.nc.gov">state.clearinghouse@doa.nc.gov</a>
NC Wildlife Resources Commission	Mr. Christopher Goudreau 828-652-4360	<a href="mailto:chris.goudreau@ncwildlife.org">chris.goudreau@ncwildlife.org</a>
NC Dept. of Cultural Resources NC Historic Preservation Office	Ms. Renee Gledhill-Earley 919-807-6583	<a href="mailto:renee.gledhill-earley@ncdcr.gov">renee.gledhill-earley@ncdcr.gov</a>
NC DEQ	Ian McMillan 919-707-9026	<a href="mailto:Ian.mcmillan@ncdenr.gov">Ian.mcmillan@ncdenr.gov</a>
NC DEQ Division of Water Resources 401 & Buffer Permitting Unit	Jennifer Burdette 919- 807-6364	<a href="mailto:jennifer.burdette@ncdenr.gov">jennifer.burdette@ncdenr.gov</a>
NC DEQ Division of Water Resources 401 & Buffer Permitting Unit	Karen Higgins 919-807-6360	<a href="mailto:Karen.higgins@ncdenr.gov">Karen.higgins@ncdenr.gov</a>
NC DEQ Division of Water Resources	Mr. Fred R Tarver III 919-707-9029	<a href="mailto:fred.tarver@ncdenr.gov">fred.tarver@ncdenr.gov</a>
Watauga County	Mr. Joseph Furman (828) 265-8043	<a href="mailto:joe.furman@watgov.org">joe.furman@watgov.org</a>
Town of Boone	Mr. Rick Miller Utility Director	<a href="mailto:Rick.miller@townofboone.net">Rick.miller@townofboone.net</a>
High Country Council of Governments	Mr. Rick Herndon	<a href="mailto:rherndon@regiond.org">rherndon@regiond.org</a>
Blue Ridge Electric Membership Corporation	Mr. Lee Layton 828-759-8939	<a href="mailto:llayton@blueridgeemc.com">llayton@blueridgeemc.com</a>
Watauga River Keeper Appalachian Voices	Mr. Andy Hill 828-278-9821	<a href="mailto:andy@mountaintrue.org">andy@mountaintrue.org</a>
Trout Unlimited - NC Representative	Mr. Michael Smith 828-584-2848	<a href="mailto:squeaksmith@earthlink.net">squeaksmith@earthlink.net</a>
American Whitewater	Kevin Colburn Mark Singleton	<a href="mailto:Kevin@americanwhitewater.org">Kevin@americanwhitewater.org</a> <a href="mailto:Mark@americanwhitewater.org">Mark@americanwhitewater.org</a>
American Rivers	Ms. Erin McCombs	<a href="mailto:emccombs@americanrivers.org">emccombs@americanrivers.org</a>
Appalachian State University	Mr. Joe Carter Dr. Michael Gangloff Dr. Dennis Scanlin 828-262-6361	<a href="mailto:carterjr@appstate.edu">carterjr@appstate.edu</a> <a href="mailto:gangloffmm@appstate.edu">gangloffmm@appstate.edu</a> <a href="mailto:scanlindm@appstate.edu">scanlindm@appstate.edu</a>

## **Attachment – Agency Comments**





ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. JAY ZIMMERMAN  
*Director*

April 11, 2017

Andrew C. Givens  
Cardinal Energy Service  
2308 Wheeler Road  
Raleigh, NC 27612

Subject: Agency Consultation, Project License Surrender Application  
Ward Mill Hydroelectric Project, FERC No. P-9842, Watauga River,  
Watauga County, North Carolina 28679

Mr. Givens:

The NC Division of Water Resources (NCDWR) has reviewed and offers the following comments on the draft application for surrender of the Federal Energy Regulatory Commission (FERC) license recently issued for the Ward Mill Hydroelectric Project, which is owned and operated by Mr. Ray Ward.

1. The surrender of a FERC-issued license is the decision of the licensee with the approval of the FERC. NCDWR worked with Mr. Ward and other resource agencies during relicensing of the project to craft terms and conditions for the new, 30-year license that allowed continued, economic power generation while providing for the monitoring of both project operations and natural resources commensurate with the scale of the project and its impacts.
2. Section 3.1, page 5 states:  
“With the surrendering of the license, there will no generation and no control of the flow of the river. Thus, the site will remain run of river. The environmental impact of the dam will be essentially the same as under the terms of the current annual license. At that point, the project will fall under the NC Division of Water Resources and the Wildlife Resources Commission.”

NCDWR does not anticipate having any authority over the unlicensed Ward Dam should the FERC approve the surrender beyond enforcement of water quality standards. Removal of the dam would require a Clean Water Act Section 404 permit from the US Army Corps of Engineers and a 401 Water Quality Certification from

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State of North Carolina | Environmental Quality  
1611 Mail Service Center | Raleigh, North Carolina 27699-1611  
919-707-9000

NCDWR License Surrender Application Comments  
Ward Mill Hydroelectric Project, FERC No. P-9842

the 401 & Buffer Permitting Branch. NCDWR also recommends consulting with the Division regarding any plans to open the dam's sand gate.

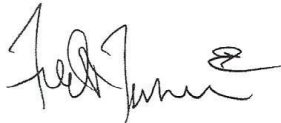
North Carolina's authority over the inspection and safety of dams lies with the Department of Environmental Quality's Division of Energy, Mining, and Land Resources (DEMLR). Mr. Ward should consult with DEMLR-Dam Safety to determine if the dam meets jurisdictional conditions.

3. NCDWR supports the removal of dams that exhibit significant safety concerns or no longer serve their intended purpose. NCDWR is not recommending the removal of Ward Dam as a condition of license surrender. One option for Ward Dam that may be considered, if license surrender is approved, is to serve as a water supply source for the Town of Beech Mountain. The Town's water supply reservoir on Buckeye Creek has difficulty meeting demand during droughts, and they are considering the Watauga River as a future water supply source.

The Watauga River Gorge, downstream of Ward Dam, is a regionally significant whitewater boating destination and is included in Benner and Benner (1993).<sup>1</sup> Removal of the dam would provide a longer float without the need for a portage.

Thank you for the opportunity to provide comments. I can be contacted with questions and comments at fred.tarver@ncdenr.gov, or 919-707-9029.

Sincerely,



Fred R Tarver III  
Basin Planning Branch

cc: Jennifer Burdette, NCDWR-401 & Buffer Permitting Branch  
Bryan Thompkins, USFWS-Asheville RO  
Chris Goudreau, NCWRC

-----  
<sup>1</sup> Benner, B. and D. Benner. 1993. *Carolina Whitewater: A Canoeist's {Paddler's} Guide to the Western Carolinas*. Menasha Ridge Press. Birmingham AL. 300pp.



STATE OF NORTH CAROLINA  
DEPARTMENT OF ADMINISTRATION

ROY COOPER  
GOVERNOR

MACHELLE SANDERS  
SECRETARY

May 18, 2017

Mr. Andrew Givens  
Cardinal Energy Service, Inc.  
620 N. West Street, Suite 103  
Raleigh, North Carolina 27603

**Re: SCH File # 17-E-0000-0424; Surrender of license for the Ward Mill Dam, FERC Project #9842.**

Dear Mr. Givens:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are comments made by the agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Crystal Best".

Crystal Best  
State Environmental Review Clearinghouse

Attachments  
cc: Region D

*Mailing Address:*  
NC DEPARTMENT OF ADMINISTRATION  
1301 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1301

*Telephone:* (919) 807-2425  
*Fax:* (919) 733-9571  
COURIER #51-01-00  
*Email:* [state.clearinghouse@doa.nc.gov](mailto:state.clearinghouse@doa.nc.gov)  
*Website:* [www.readmin.nc.gov](http://www.readmin.nc.gov)

*Location:*  
116 WEST JONES STREET  
RALEIGH, NORTH CAROLINA



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*

MEMORANDUM

To: Crystal Best  
State Clearinghouse Coordinator  
Department of Administration

From: Lyn Hardison  
Division of Environmental Assistance and Customer Service  
Environmental Assistance and Project Review Coordinator  
Washington Regional Office

RE: 17-0424  
Environmental Review  
Surrender of license for the Ward Mill Dam, FERC Project #9842  
Watauga County

Date: May 12, 2017

The Department of Environmental Quality has reviewed the proposal for the referenced project. The comments are attached for the applicant's review.

The Department's agencies will continue to be available to assist the applicant through the environmental review processes.

Thank you for the opportunity to respond.

Attachments

State of North Carolina | Environmental Quality  
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889

State of North Carolina Department of Environmental Quality  
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: WSRO  
Project Number: 17-0424 Due Date: 05/08/2017  
County: Watauga

After review of this project it has been determined that the DEQ permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, non-standard sewer system extensions & sewer systems that do not discharge into state surface waters.	Application 90 days before begins construction or award of construction contracts. On-site inspection may be required. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	Permit to construct & operate, sewer extensions involving gravity sewers, pump stations and force mains discharging into a sewer collection system	Fast-Track Permitting program consists of the submittal of an application and an engineer's certification that the project meets all applicable State rules and Division Minimum Design Criteria.	30 days (N/A)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begins activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary.	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a groundwater monitoring well located on property not owned by the applicant, and for a large capacity (>100,000 gallons per day) water supply well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950	Please Note - The Health Hazards Control Unit (HHCU) of the N.C. Department of Health and Human Services, must be notified of plans to demolish a building, including residences for commercial or industrial expansion, even if no asbestos is present in the building.	60 days (90 days)
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres are to be disturbed. Plan must be filed with and approved by applicable Regional Office (Land Quality Section) at least 30 days before beginning activity. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with _____ Local Government's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		Based on Local Program
<input type="checkbox"/>	Compliance with 15A NCAC 2H .0126 - NPDES Stormwater Program which regulates three types of activities: Industrial, Municipal Separate Storm Sewer System & Construction activities that disturb ≥1 acre.		30-60 days (90 days)
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 -State Stormwater Permitting Programs regulate site development and post-construction stormwater runoff control. Areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the state.		45 days (90 days)

State of North Carolina Department of Environmental Quality  
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: WSRO  
Project Number: 17-0424 Due Date: 05/08/2017  
County: Watauga

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with DEQ. Bond amount varies with type mine and number of acres of affected land. Affected area greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, and certify construction is according to DEQ approved plans. May also require a permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with DEQ, running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DEQ rules and regulations.	10 days (N/A)
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with DEQ at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days (N/A)
<input type="checkbox"/>	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property	15-20 days (N/A)
<input type="checkbox"/>	401 Water Quality Certification	Compliance with the T15A 02H .0500 Certifications are required whenever construction or operation of facilities will result in a discharge into navigable water as described in 33 CFR part 323.	60 days (130 days)
<input type="checkbox"/>	Compliance with Catawba, Goose Creek, Jordan Lake, Randleman, Tar Pamlico or Neuse Riparian Buffer Rules is required. Buffer requirements: <a href="http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-riparian-buffer-protection-program">http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-riparian-buffer-protection-program</a>		
<input type="checkbox"/>	Nutrient Offset: Loading requirements for nitrogen and phosphorus in the Neuse and Tar-Pamlico River basins, and in the Jordan and Falls Lake watersheds, as part of the nutrient-management strategies in these areas. DWR nutrient offset information: <a href="http://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information">http://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information</a>		
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 - \$475.00 fee must accompany application	75 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$100.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
<input checked="" type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq., Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<input type="checkbox"/>	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of the _____ water system must be approved through the _____ delegated plan approval authority. Please contact them at _____ for further information.		

State of North Carolina Department of Environmental Quality  
 INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: WSRO  
 Project Number: 17-0424 Due Date: 05/08/2017  
 County: Watauga

Other Comments (attach additional pages as necessary, being certain to comment authority)

Division	Initials	No comment	Comments	Date Review
DAQ	LDE	<input checked="" type="checkbox"/>		5/2/17
DWR-WQROS (Aquifer & Surface)	GSS &	<input checked="" type="checkbox"/>	&	4/18/17 / /
DWR-PWS	EAH	<input checked="" type="checkbox"/>		4/18/17
DEMLR (LQ & SW)	MEG	<input checked="" type="checkbox"/>		4/19/17
DWM - UST	SBW	<input type="checkbox"/>	See Above. No UST or Non-UST incidents identified at this location. No spills or releases have been reported at this location.	5/4/17
Other Comments		<input type="checkbox"/>		/ /

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> <b>Asheville Regional Office</b><br>2090 U.S. 70 Highway<br>Swannanoa, NC 28778-8211<br>Phone: 828-296-4500<br>Fax: 828-299-7043 | <input type="checkbox"/> <b>Fayetteville Regional Office</b><br>225 Green Street, Suite 714,<br>Fayetteville, NC 28301-5043<br>Phone: 910-433-3300<br>Fax: 910-486-0707 | <input type="checkbox"/> <b>Mooreville Regional Office</b><br>610 East Center Avenue, Suite 301,<br>Mooreville, NC 28115<br>Phone: 704-663-1699<br>Fax: 704-663-6040 |
| <input type="checkbox"/> <b>Raleigh Regional Office</b><br>3800 Barrett Drive,<br>Raleigh, NC 27609<br>Phone: 919-791-4200<br>Fax: 919-571-4718           | <input type="checkbox"/> <b>Washington Regional Office</b><br>943 Washington Square Mall,<br>Washington, NC 27889<br>Phone: 252-946-6481<br>Fax: 252-975-3716           | <input type="checkbox"/> <b>Wilmington Regional Office</b><br>127 Cardinal Drive Ext.,<br>Wilmington, NC 28405<br>Phone: 910-796-7215<br>Fax: 910-350-2004           |
|   | <input type="checkbox"/> <b>Winston-Salem Regional Office</b><br>450 Hanes Mill Road, Suite 300,<br>Winston-Salem, NC 27105<br>Phone: 336-776-9800<br>Fax: 336-776-9797 |  |

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: WATAUGA

H11: ENERGY RELATED  
FACILITIES/ACTIVITIES

STATE NUMBER: 17-E-0000-0424  
DATE RECEIVED: 04/12/2017  
AGENCY RESPONSE: 05/08/2017  
REVIEW CLOSED: 05/12/2017

MR RODNEY BUTLER  
CLEARINGHOUSE COORDINATOR  
DNCR - NATURAL HERITAGE PROGRAM  
1651 MAIL SERVICE CENTER  
RALEIGH NC

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DNCR - NATURAL HERITAGE PROGRAM  
DPS - DIV OF EMERGENCY MANAGEMENT  
HIGH COUNTRY COG

PROJECT INFORMATION

APPLICANT: Ray F. Ward  
TYPE: National Environmental Policy Act  
Environmental Review

DESC: Surrender of license for the Ward Mill Dam, FERC Project #9842.

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:



DATE:

Apr 21 2017





ROY COOPER  
*Governor*

SUSI H. HAMILTON  
*Secretary*

NCNHDE-3372

April 21, 2017

Andrew Givens  
Agent for Applicant Ray F Ward  
2308 Wheeler Rd  
Raleigh, NC 27612  
RE: Surrender of license for the Ward Mill Dam, FERC Project #9842

Dear Andrew Givens:

The North Carolina Natural Heritage Program (NCNHP) appreciates the opportunity to provide information about natural heritage resources for the project referenced above.

A query of the NCNHP database indicates that there are records for rare species, important natural communities, natural areas, or conservation/managed areas within the proposed project boundary. These results are presented in the attached 'Documented Occurrences' tables and map.

The attached 'Potential Occurrences' table summarizes rare species and natural communities that have been documented within a one-mile radius of the property boundary. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists and is included for reference. Tables of natural areas and conservation/managed area within a one-mile radius of the project area, if any, are also included in this report.

Please note that natural heritage element data are maintained for the purposes of conservation planning, project review, and scientific research, and are not intended for use as the primary criteria for regulatory decisions. Information provided by the NCNHP database may not be published without prior written notification to the NCNHP, and the NCNHP must be credited as an information source in these publications. Maps of NCNHP data may not be redistributed without permission.

Also please note that the NC Natural Heritage Program may follow this letter with additional correspondence if a Dedicated Nature Preserve (DNP), Registered Heritage Area (RHA), Clean Water Management Trust Fund (CWMTF) easement, or an occurrence of a Federally-listed species is documented near the project area.

If you have questions regarding the information provided in this letter or need additional assistance, please contact Rodney A. Butler at [rodney.butler@ncdcr.gov](mailto:rodney.butler@ncdcr.gov) or 919.707.8603.

Sincerely,  
NC Natural Heritage Program

Nothing Compares™

State of North Carolina | Department of Natural and Cultural Resources | Natural Heritage Program  
222 W. North Street | Raleigh, NC 27602  
1551 N.S. Service Center | Raleigh, NC 27609-1551  
www.ncdcr.gov | 919-707-8107

Natural Heritage Element Occurrences, Natural Areas, and Managed Areas Intersecting the Project Area  
Surrender of license for the Ward Mill Dam, FERC Project #9842  
April 21, 2017  
NCNHDE-3372

Element Occurrences Documented Within Project Area	EO ID	Scientific Name	Common Name	Last Observation Date	Element Occurrence Rank	Accuracy	Federal Status	State Status	Global State Rank
Amphibian	5337	Cryptobranchius alleganiensis	Eastern Hellbender	2015-08-06	E	3-Medium	Species of Concern	Special Concern	G3G4T S3 3T4
Freshwater Bivalve	3754	Lasmigona subviridis	Green Floater	2004-08-11	E	3-Medium	Species of Concern	Endangered	G3 S2
<b>Natural Areas Documented Within Project Area</b>									
Site Name	WAT/Watauga River Aquatic Habitat								
Representational Rating	n/a (Not Applicable)								
<b>Managed Areas Documented Within Project Area</b>									
Managed Area Name	Owner								
NC Agricultural Development and Farmland Preservation Trust Fund Easement	NC Department of Agriculture								

NOTE: If the proposed project intersects with a conservation/managed area, please contact the landowner directly for additional information. If the project intersects with a Dedicated Nature Preserve (DNP), Registered Natural Heritage Area (RNHA), or Federally-listed species, NCNHP staff may provide additional correspondence regarding the project.

Definitions and an explanation of status designations and codes can be found at <http://www.ncnhp.org/ncnhp/ncnhp.html>. Date query generated on April 21, 2017; source: NCNHP, Q1-January 2017. Please resubmit your information request if more than one year elapses before project initiation as new information is continually added to the NCNHP database.

Natural Heritage Element Occurrences, Natural Areas, and Managed Areas Within a One-mile Radius of the Project Area  
Surrender of license for the Ward Mill Dam, FERC Project #9842  
April 21, 2017  
NCNHDE-3372

Element Occurrence Taxonomic Group	EO ID	Scientific Name	Common Name	Last Observation Date	Element Occurrence Rank	Accuracy	Federal Status	State Status	Global Rank	State Rank
Amphibian	5337	Cryptobranchius alleganiensis	Eastern Hellbender	2015-08-06	E	3-Medium	Species of Concern	Special Concern	G3G4T 3T4	S3
Butterfly	28790	Polygonia progne	Gray Comma	2008-09-13	E	5-Very Low	---	Significantly Rare	G5	S1
Freshwater Bivalve	3754	Lasmigona subviridis	Green Floater	2004-08-11	E	3-Medium	Species of Concern	Endangered	G3	S2

Natural Areas Documented Within a One-mile Radius of the Project Area

Site Name: WAT/Watauga River Aquatic Habitat  
Representational Rating: n/a (Not Applicable)  
Collective Rating: C4 (Moderate)

Managed Areas Documented Within a One-mile Radius of the Project Area

Managed Area Name: Blue Ridge Conservancy  
Owner: NC Department of Agriculture and Forestry  
Trust Fund Easement  
Blue Ridge Conservancy Easement  
Owner Type: State  
Private

Definitions and an explanation of status designations and codes can be found at [http://www.ncnhp.org/ncnhp/ncnhp\\_data\\_query.asp](http://www.ncnhp.org/ncnhp/ncnhp_data_query.asp). Data query generated on April 21, 2017; source: NCNHDP, Q1 January 2017. Please resubmit your information request if more than one year elapses before project initiation as new information is continually added to the NCNHDP database.



NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: WATAUGA

H11: ENERGY RELATED  
FACILITIES/ACTIVITIES

STATE NUMBER: 17-E-0000-0424  
DATE RECEIVED: 04/12/2017  
AGENCY RESPONSE: 05/08/2017  
REVIEW CLOSED: 05/12/2017

MS RENEE GLEDHILL-EARLEY  
CLEARINGHOUSE COORDINATOR  
DEPT OF NATURAL & CULTURAL RESOURCE  
STATE HISTORIC PRESERVATION OFFICE  
MSC 4617 - ARCHIVES BUILDING  
RALEIGH NC



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A - <sup>WE</sup> LEH/ff  
4-26-17

Dec 5/9/17

PROJECT INFORMATION

APPLICANT: Ray F. Ward  
TYPE: National Environmental Policy Act  
Environmental Review

DESC: Surrender of license for the Ward Mill Dam, FERC Project #9842.

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If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley

DATE:

5-1-17

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NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

*Behshad Akhavan*  
*Daniel Cooper Sellers*

COUNTY: WATAUGA

H11: ENERGY RELATED  
FACILITIES/ACTIVITIES

STATE NUMBER: 17-E-0000-0424  
DATE RECEIVED: 04/12/2017  
AGENCY RESPONSE: 05/08/2017  
REVIEW CLOSED: 05/12/2017

MS CARRIE ATKINSON  
CLEARINGHOUSE COORDINATOR  
DEPT OF TRANSPORTATION  
STATEWIDE PLANNING - MSC #1554  
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AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY: *Daniel Sellers*

DATE: 5-3-17

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NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: WATAUGA

H11: ENERGY RELATED  
FACILITIES/ACTIVITIES

STATE NUMBER: 17-E-0000-0424  
DATE RECEIVED: 04/12/2017  
AGENCY RESPONSE: 05/08/2017  
REVIEW CLOSED: 05/12/2017

MS DEIRDRE HAMAN  
CLEARINGHOUSE COORDINATOR  
DPS - DIV OF EMERGENCY MANAGEMENT  
FLOODPLAIN MANAGEMENT PROGRAM  
4218 MAIL SERVICE CENTER  
RALEIGH NC

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AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:



DATE:

18 April 2017

APR 17 2017

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