



August 20, 2014

Ashe County Board of Commissioners  
Sam Yearick, County Manager  
150 Government Circle  
Suite 2500  
Jefferson, N.C. 28640

By email: [manager@ashcountygov.com](mailto:manager@ashcountygov.com)

Re: No-Rise Certification and Floodplain Development Permit for the Town of Boone's Proposed Raw Water Intake on the South Fork of the New River in Todd, N.C.

Commissioners Gary Roark, Judy Poe, Gerald Price, Larry Rhodes, William Sands and County Manager Sam Yearick:

New River Advocates, Inc. has discovered the Watauga County Planning & Inspections Department has issued a Floodplain Development Permit to W.K. Dickson. According to a letter dated October 23, 2013 from Jimmy Warren, Property Development Coordinator II with Watauga County Planning & Inspections Department:

*"This is to notify you that this office has received the Floodplain Development Permit application along with the "No-Rise" certification for the Town of Boone's Raw Water Intake project on the South Fork New River. The "No-Rise" certification complies with Watauga County's Flood Damage Prevention Ordinance; the Floodplain Development Permit is enclosed."*

We are enclosing this letter and attached permit for your records.

We had spoken with Joe Furman, Director of Watauga County Planning & Inspections on Thursday, August 14, 2014 regarding the CLOMR (Conditional Letter of Map Revision) MT-2 Form signed by Watauga County. Mr. Furman said that he approved the MT-2 Form without approval of the Watauga County Commissioners: *"This is not something that requires the commissioners' approval."*

When Mr. Furman was asked what date he signed the MT-2 Form, he could not recall and then said: *"It doesn't matter. The Town of Boone has received a No-Rise Certificate. This is something I suggested they do in the beginning."*

We then visited Joe Furman's office to review the No-Rise Certification Report that W.K. Dickson sent to Watauga County on behalf of the Town of Boone. We are enclosing the cover letter that accompanied the report, all maps included in the report and additional correspondence found in the appendices of the report for you record. The report contained in a large notebook. As Joe Furman said, *"I don't understand the numbers. We would have to hire an engineer to review the report. We have never done that. If it comes to our office with an engineer's certification, then we accept it. That is the way we have done it since I have been here."*

Not knowing how the No-Rise process works, we contacted the N.C. Emergency Management Division of the N.C. Department of Natural & Environmental Services to find out why they had approved a No-Rise Certification after the Town of Boone had failed to get a CLOMR. Milton Carpenter, with Steve Garrett's office, explained the process. We also found a description of the process on-line and are attaching the same for your records. Mr. Carpenter advised us that 1) FEMA does not review No-Rise Certifications. No-Rise Certifications are reviewed by the local community, Watauga County in this particular case. 2) You don't issue a No-Rise after you apply for a CLOMR. A No-Rise designation means that the proposed project will have **NO** effect on the flood map. A CLOMR application is made when the proposed project is **ANTICIPATED** to have an effect on the flood map.



Mr. Carpenter seemed genuinely concerned, wished us luck, was suspect of issuing a No-Rise after a CLOMR (referred to it as a *'work around'*) and assured us Steve Garrett would contact us. Mr. Garrett has not contacted us to date. We assume he is trying to make sense of what has occurred.

The enclosed No-Rise Maps (1 of 1 and 1 of 2) are the same as the maps sent with the CLOMR application. We asked Joe Furman how he could accept a No-Rise Certification knowing that a raised road was to be constructed and with flood maps showing a change in the floodway, base level flood levels and flood hazard area. He said: *"I understand they are constructing a road with the existing grade."*

We have reviewed the enclosed construction maps (all 3 detail road sections – G.5, G.6 and G.7 and G.2 showing the entire road) contained in the report and enclosed for your records. The construction maps clearly show an elevated road of 5' to 10' in different areas.

Please note construction map section G.5 where the road clearly originates in Ashe County just above the bridge crossing the South Fork of the New River on Cranberry Springs Road.

Ronnie Cooper, a member of our board and co-owner of the Cooper Farm adjoining the property where the proposed road is to be built gave us a tour of the property showing us where the road will be constructed from beginning to end. We are very concerned with flood issues that may have not been addressed on the flood maps prepared by W.K. Dickson. Mr. Cooper was raised on that farm and has lived through many floods in the area. His father, Buck Cooper, vividly remembers the epic 1940's flood that inundated the area. Buck Cooper visits the Riverside Restaurant daily. We encourage you come by and visit with him; he is 92. He says the river was much wider and deeper when he was a young boy and tells of how he and this young friends built a diving board and swam in the river. The New River is much shallower now. While generations before us enjoyed swimming and diving, we are fortunate to be able to fish, canoe, kayak and tube the New River. The New River is of economic benefit to Ashe County. We wish the people in Raleigh would come down and see for themselves. Do we have to build it to find out just how adverse this project is going to be?

Enclosed for your records are the following documents in the No-Rise Certification Submittal- Boone USDA Raw Water Project along the South Fork New River issued October 2013 by W.K. Dickson on behalf of the Town of Boone, N.C., as found in the Watauga County Planning & Inspections office, on Friday, August 15, 2014:

- Cover letter dated October 10, 2013 from W.K. Dickson to Joe Furman, Watauga County Planning & Inspections Department
- W.K. Dickson's October 10, 2013 Engineering "No-Rise" Certification
- Letter dated October 23, 2013 from James Warren, Watauga County Planning & Inspections Department to W.K. Dickson
- Floodplain Development Permit Issued by Watauga County on October 23, 2013 to W.K. Dickson (All maps (6))
- Patty Gambill, Ashe County Emergency Management Coordinator email to Pat Mitchell, Ashe County Manager dated February 13, 2012.
- Letter from Pat Mitchell to Steve Garrett, CFM dated September 24, 2012.

We encourage you to continue to pursue the reclassification of the South Fork of the New River from watershed WS-IV to Class C/HQW and whatever you can legally do to stop the proposed raw water intake. Time is running out. The Town of Boone appears to be pushing forward.

We do not know how this permit issuance affects Ashe County. We encourage you contact Steve Garrett with the N.C. Emergency Management Division of the N.C. Department of Public Safety regarding the adverse impacts noted by Patti Gamble. With the access road clearly being partially constructed in Ashe County, we believe Ashe County should have the ability to decline issuance of Floodplain Development for the portion of the project in Ashe County. When we



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asked Joe Furman about how this affected Ashe County and he had three comments: 1) *"I would think they issued No-Rise Certification to Ashe County.* 2) *"I understand they are trying to keep the project in Watauga County* (Clearly this is not the case.), and 3) *"I don't know about Ashe County.*

We have added a Watershed page and Construction page to our website. We will be adding a CLOMR/No-Rise page to our website this week.

We invite you to learn more about our organization. Please visit our website at [www.newriveradvocates.org](http://www.newriveradvocates.org).

Respectfully submitted via email,

Deborah Greene,  
Board of Directors  
New River Advocates, Inc.

Cc: U.S. Senator Richard Burr  
U.S. Senator Kay Hagan  
U.S. Representative Virginia Foxx  
N.C. Governor Pat McCrory  
N.C. State Senator Dan Soucek  
N.C. Representative Jonathan Jordan  
Steve Garrett, N.C. Emergency Management Division of N.C. Department of Public Instruction  
Watauga County Commissioners David Blust, Billy Kennedy, Nathan Miller, John Welch and Perry Yates  
Watauga County Manager Deron Geouque