



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

1501 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1501

NICHOLAS J. TENNYSON  
SECRETARY

September 4, 2015

Memo To: John Abel, Bridge Maintenance Engineer  
From: Clay Willis, Division Environmental Officer  
Subject: Permits for Bridge #12 replacement in Washington County

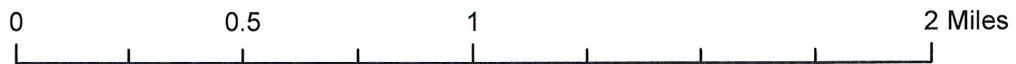
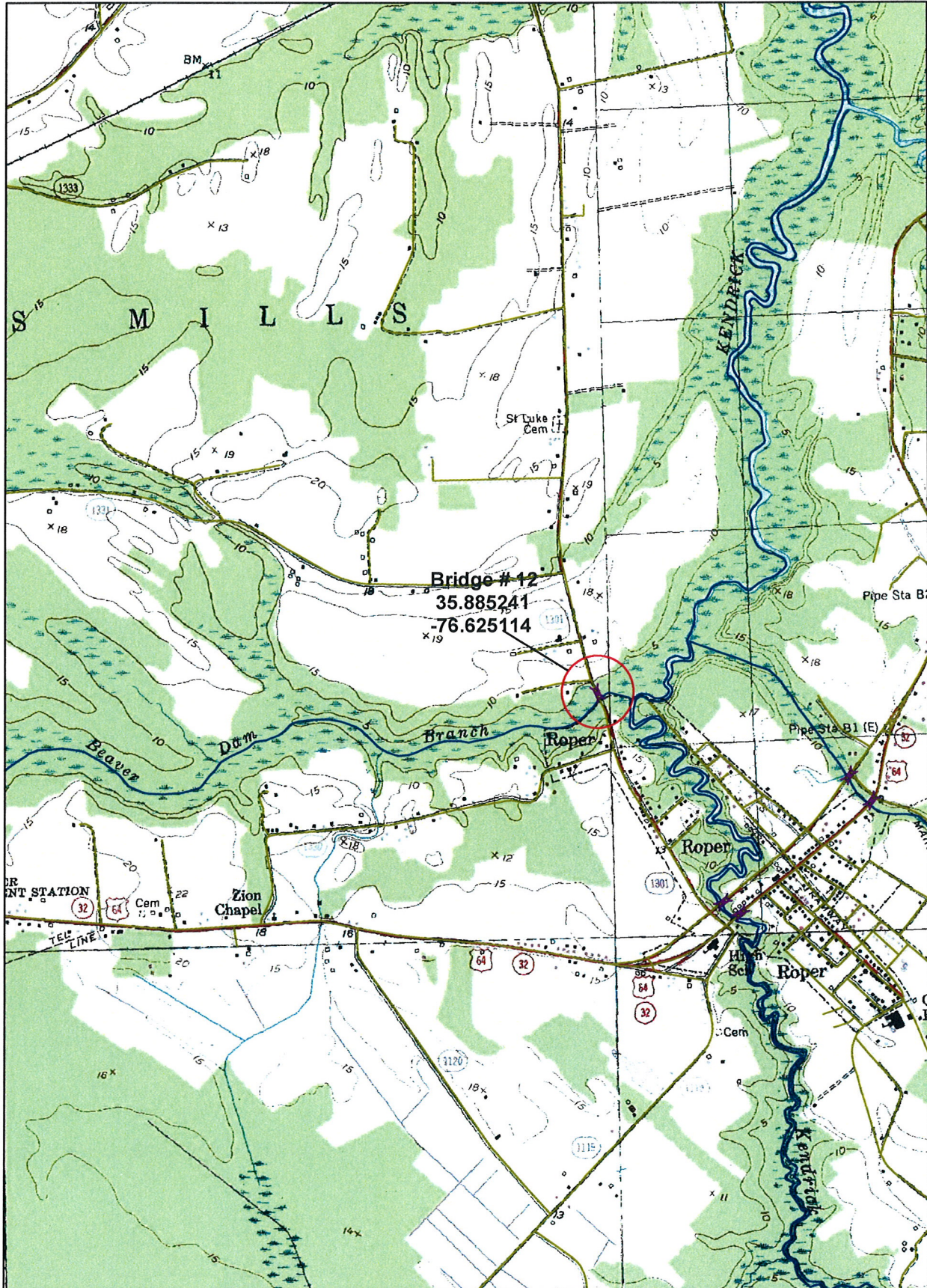
Attached to this memo are the US Army Corps of Engineers NW 3 & 12 permit, NCDWQ 401 certifications, and NCDCM GP 23& 16 permit for this bridge replacement. The attached permits have conditions that apply to the permit that must be adhered to during the construction process for the new bridge. There are permit drawings for the construction of the bridge that depict the limits of fill in jurisdictional waters and storm water design, which must be followed. These drawing must be adhered to in order to stay in compliance with the issued permit. Any changes to the bridge design or utility relocations that change impact limits may require a permit modification. **If the project limits or design change the environmental officer needs to be notified in order to request the proper permit modifications. Before construction begins on this project a preconstruction meeting needs to be scheduled with the regulatory agencies. Please, allow two weeks in advance for scheduling of this meeting. A copy of this permit and the attached conditions need to be on the project site during construction of this project.**

Sincerely,  
Jerry Jennings, P.E.  
Division One Engineer

Clay Willis  
Division One Environmental Officer

A handwritten signature in cursive script, appearing to read "Clay Willis".

Bridge Replacement # 12 on SR 1301 Beaver Dam Branch  
Washington County Quad Name Westover





Bridge Replacement # 12 on SR 1301  
Beaver Dam Branch  
Washington County Quad Name Westover



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar  
Geographics, CNES/Airbus DS, USDA, USGS, AEX,  
Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User  
Community





**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action Id. SAW-2015-01880 County: Washington U.S.G.S. Quad: NC-ROPER NORTH

**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Permittee: NC Department of Transportation  
Clay Willis  
Address: 113 Airport Drive  
Suite 100  
Edenton, NC, 27932

Telephone Number:

Size (acres) 0.5 acres Nearest Town Roper  
Nearest Waterway Beaver Dam Branch River Basin Albemarle  
USGS HUC 03010205 Coordinates Latitude: 35.885298349103  
Longitude: -76.6251747293863

Location description: The project is located on NCSR 1301 (Cross Road) approximately 0.7 miles north of the intersection of NCSR 1301 and NC 32 north of Roper in Washington County, North Carolina.

Description of projects area and activity: NCDOT proposes to replace existing Bridge #12 and associated utilities over Beaver Dam Branch on NCSR 1301 (Cross Road) north of Roper in Washington County, North Carolina. The existing 30 ft by 28 ft structure will be replaced with a 55 ft by 28 ft resulting in permanent loss of 0.009 acres of wetlands and temporary impacts to 0.036 acres of wetlands.

Applicable Law:  Section 404 (Clean Water Act, 33 USC 1344)  
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number or Nationwide Permit Number: NWP 3 Maintenance and Nationwide 12 Utility Line Activities *SEE ATTACHED NWP GENERAL, REGIONAL AND SPECIAL CONDITIONS*

**Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated 08/14/2015. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.**

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Elizabeth City, NC, at (252) 264-3901.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Tracey Wheeler at 910-251-4627 or Tracey.L.Wheeler@usace.army.mil.

Corps Regulatory Official: 1271895182 WHEELER.TRACEY.L. Digitally signed by WHEELER.TRACEY.L. 1271895182  
DN: cn=US, ou=US Government, ou=DND, ou=PM,  
ou=USACE, ou=WHEELER.TRACEY.L., 1271895182  
Date: 2015.09.03 16:19:37 -0400 Date: 09/03/2015  
Expiration Date of Verification: 03/18/2017

## Determination of Jurisdiction:

- A.  Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B.  There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- C.  There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- D.  The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued . Action ID: SAW- .

**Basis For Determination: Area delineated by NCDOT DEO Clay Willis using the 1987 Wetland Delineation Manual and Atlantic and Gulf Coast Regional Supplement to the Manual. Not confirmed by USACE.**

### E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

### F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B and C above).

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801  
Phone: (404) 562-5137

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by

\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\*

Corps Regulatory Official: WHEELER.TRACEY.L.1271895182

Digitally signed by WHEELER.TRACEY.L.1271895182  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA,  
cn=WHEELER.TRACEY.L.1271895182  
Date: 2015.09.03 16:19:54 -0400

**Tracey Wheeler**

Date of JD: **09/03/2015**

Expiration Date of JD: **09/03/2020**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our customer Satisfaction Survey online at <http://regulatory.usacesurvey.com/>.

## **SPECIAL CONDITIONS**

- 1) In order to protect anadromous fishery resources no in water work make take place between February 15 and June 30 of any year.
- 2) All utilities must be buried a minimum of 10 feet below the stream bed as shown on the submitted plats.
- 3) Any changes that result in additional impacts to jurisdictional areas must be authorized by the Corps prior to initiation of work.

Action ID Number: SAW-2015-01880 County: Washington

Permittee: NC Department of Transportation  
Clay Willis

Project Name: NCDOT/Bridge 12/NCSR 1301 (Cross Road)/Washington County/Low Impact Bridge Project

Date Verification Issued: 09/03/2015

Project Manager: Tracey Wheeler

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT  
Attn: Tracey Wheeler  
2407 West 5<sup>th</sup> Street  
Washington, North Carolina 27889

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: **NC Department of Transportation  
Clay Willis**

File Number: **SAW-2015-01880**

Date: **09/03/2015**

Attached is:

See Section below

<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/> PERMIT DENIAL	C
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or the Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.



**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
**District Engineer, Washington Regulatory Field Office,  
Attn: Tracey Wheeler  
2407 West 5<sup>th</sup> Street  
Washington, North Carolina 27889**

If you only have questions regarding the appeal process you may also contact:  
**Mr. Jason Steele, Administrative Appeal Review Officer  
CESAD-PDO  
U.S. Army Corps of Engineers, South Atlantic Division  
60 Forsyth Street, Room 10M15  
Atlanta, Georgia 30303-8801  
Phone: (404) 562-5137**

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

*For appeals on Initial Proffered Permits send this form to:*

**District Engineer, Washington Regulatory Field Office, Attn: Tracey Wheeler, 2407 West 5<sup>th</sup> Street, Washington, North Carolina 27889**

*For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:*

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801  
Phone: (404) 562-5137**

## Willis, Thomas C

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**From:** Wheeler, Tracey L SAW <Tracey.L.Wheeler@usace.army.mil>  
**Sent:** Thursday, September 03, 2015 4:24 PM  
**To:** Willis, Thomas C  
**Cc:** Ward, Garcy; Daisey, Greg  
**Subject:** RE: Permit request for Bridge # 12 on SR 1301, Washington County (UNCLASSIFIED)  
**Attachments:** NWP3\_3-23.pdf; NWP12\_3-23.pdf; Email NCDOT Bridge 12 NCSR 1301 (Cross Road) Low Impact Bridge Project.pdf

Classification: UNCLASSIFIED  
Caveats: NONE

Clay,  
The above project qualifies for Nationwide Permit 3 and NWP 12 authorization. This permit authorizes replacement of existing Bridge #12 and associated utilities over Beaver Dam Branch on NCSR 1301 (Cross Road) north of Roper in Washington County, North Carolina. The existing 30 ft by 28 ft structure will be replaced with a 55 ft by 28 ft resulting in permanent loss of 0.009 acres of wetlands and temporary impacts to 0.036 acres of wetlands. Any modification of the project that causes additional impacts to jurisdictional areas may require authorization from this office prior to initiation of work.

Please see the attached authorization and conditions for NWP #3 and 12. In addition, see the following Special Conditions:

1. In order to protect anadromous fishery resources no in water work make take place between February 15 and June 30 of any year.
2. All utilities must be buried a minimum of 10 feet below the stream bed as shown on the submitted plats.

Corps Action ID # SAW-2015-01880.

Tracey L. Wheeler  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
Washington Regulatory Field Office  
2407 West 5th Street  
Washington, North Carolina 27889  
(910) 251-4627

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-----Original Message-----

From: Willis, Thomas C [<mailto:tcwillis@ncdot.gov>]  
Sent: Thursday, September 03, 2015 11:27 AM  
To: Wheeler, Tracey L SAW  
Subject: [EXTERNAL] FW: Permit request for Bridge # 12 on SR 1301, Washington County

## Willis, Thomas C

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**From:** Ward, Garcy  
**Sent:** Friday, August 28, 2015 11:22 AM  
**To:** Willis, Thomas C  
**Cc:** Wheeler, Tracey L SAW (Tracey.L.Wheeler@usace.army.mil); Daisey, Greg; Ward, Garcy  
**Subject:** Washington 12

Clay,  
I've reviewed your application requesting a Water Quality Certification for the replacement of Bridge No. 12 over Beaver Dam Branch on SR 1301 (Cross Rd) in Washington County (WBS # 17BP.1.R.61; DWR project # 15-0807). Water Quality Certifications 3883 and 3884 correspond to the Corps NW 3 and NW 12 respectively and are issued for this project. Written approval is not required for use of these certifications provided all the conditions can be met. If any of the conditions cannot be met, written approval will be required. Let me know if you have any questions. Thanks.

Garcy Ward  
Environmental Senior Specialist  
Division of Water Resources  
Washington Regional Office  
Ph: 252-946-6481

*E mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.*



Previous permit # \_\_\_\_\_  
 Date previous permit issued \_\_\_\_\_

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC \_\_\_\_\_ 07H .2300 .1600

Applicant Name NCDOT  
 Address 113 AIRPORT DR., SUITE 100  
 City EDENTON State NC ZIP 27932  
 Phone # (252) 482-1876 Fax # (252) 482-8722  
 Authorized Agent Clay Willis

Project Location: County WASHINGTON  
 Street Address/ State Road/ Lot #(s) ON CROSS RD (SR 1301)  
APPROX. 0.7 MILES NORTH OF INTERSECTION WITH NC 32  
 Subdivision \_\_\_\_\_  
 City ROPER ZIP 27970  
 Phone # (\_\_\_\_) \_\_\_\_\_ River Basin PASQUOTAUK  
 Adj. Wtr. Body BEAVER DAM BRANCH (nat/man/unkn)  
 Closest Maj. Wtr. Body ALBEMARLE SOUND

Affected  CW  EW  PTA  ES  PTS  
 OEA  HHF  IH  UBA  N/A  
 PWS: \_\_\_\_\_  FC: \_\_\_\_\_  
 ORW: yes /  no PNA yes /  no Crit.Hab. yes /  no

Type of Project/ Activity REPLACE EXISTING BRIDGE WITH SINGLE SPAN 55' L BY 28' W BRIDGE AND ASSOCIATED INFRASTRUCTURE INCLUDING PUBLIC WATER AND POWER. (Scale: N/A)

- Pier (dock) length \_\_\_\_\_
- Platform(s) \_\_\_\_\_
- Finger pier(s) \_\_\_\_\_
- Groin length \_\_\_\_\_  
number \_\_\_\_\_
- Bulkhead/ Riprap length 60'  
avg distance offshore 0  
max distance offshore 0
- Basin, channel \_\_\_\_\_
- cubic yards \_\_\_\_\_
- Boat ramp \_\_\_\_\_
- Boathouse/ Boatlift \_\_\_\_\_
- Beach Bulldozing \_\_\_\_\_
- Other 55' x 28' BRIDGE  
DIRECTIONALLY BORED  
WATER / POWER
- Shoreline Length 60'
- SAV: not sure yes  no
- Sandbags: not sure yes  no
- Moratorium: n/a  yes  no
- Photos:  yes  no
- Waiver Attached:  yes  no

**NEW BRIDGE AND UTILITY PLANS ATTACHED AND INCORPORATED INTO PERMIT.**

**\* SIX (6) DATED 6/10/15**

WATER = 383'  
POWER = 300'

→ FEB. 15 - JUNE 30

**\* SITE VISIT: 8/19/15**

A building permit may be required by: WASHINGTON  See note on back regarding River Basin rules.

Notes/ Special Conditions ① THE EXISTING BRIDGE SHALL BE REMOVED IN ITS ENTIRETY - INCLUDING BELIC PILES ② THE SUBAQUEOUS UTILITY LINES SHALL BE INSTALLED MINIMUM OF 2' BELOW STREAM BED.

NCDOT Clay Willis  
 Agent or Applicant Printed Name  
Clay Willis  
 Signature \*\*Please read compliance statement on back of permit\*\*  
\$800.00 WBS# 17BP.1.R.61  
 Application Fee(s) Check #

Clay Willis  
 Permit Officer's Signature  
9/3/2015  
 Issuing Date  
WASHINGTON CO.  
 Local Planning Jurisdiction  
9/3/2017  
 Expiration Date  
35° 53' 06.37" N  
76° 37' 30.52" W  
 Rover File Name

**SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

**15A NCAC 07H .2301 PURPOSE**

A general permit for replacement of existing bridges and culverts in estuarine waters, estuarine and public trust shorelines, public trust areas, and coastal wetlands shall be obtained pursuant to the rules in 15A NCAC 7J .1100 and this Section to replace existing bridges and culverts in estuarine water, estuarine and public trust shorelines, public trust areas and coastal wetland AECs.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. August 1, 2000.*

**15A NCAC 07H .2302 APPROVAL PROCEDURES**

(a) The applicant shall contact the Division of Coastal Management (Division) and provide:

- (1) information on site location, project description, and his or her name, address and telephone number;
- (2) a dated plat(s) showing existing and proposed development; and
- (3) confirmation that:

- (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice and indicate that no response shall be interpreted as no objection. Division staff shall review all comments. If the Division determines that:
  - (i) the comments are relevant to the potential impacts of the proposed project; and
  - (ii) the permitting issues raised by the comments require a more detailed review, then the Division shall notify the applicant that he or she shall be required to submit an application for a major development permit.

(b) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within two years of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction. For North Carolina Department of Transportation projects identified in the Transportation Improvement Program this permit shall not expire pursuant to G.S. 136-44.7B.

(c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative. Written authorization to proceed with the proposed development shall be issued during this visit if the Division representative finds that the application meets all the requirements of this Subchapter.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. May 1, 2010.*

**15A NCAC 07H .2303 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by inter-departmental fund transfer, check or money order made payable to the Department of Environment and Natural Resources.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. May 1, 2010; September 1, 2006; August 1, 2000.*

**15A NCAC 07H .2304 GENERAL CONDITIONS**

(a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be associated with bridge replacement projects.

(b) The permittee shall allow authorized representatives of the Department of Environment and Natural Resources (Department) to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Rule.

- (c) This general permit shall not be applicable to proposed construction where the Department determines that authorization may be warranted, but that the proposed activity might significantly affect the quality of human environment or unnecessarily endanger adjoining properties.
- (d) This general permit shall not be applicable to proposed construction where the Department determines that the proposed activity would have significant adverse impacts on water quality or historic, cultural, scenic, fisheries, or recreational resources.
- (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC rules, and local land use plans.
- (g) This permit shall not apply to projects that require work channels.
- (h) Review of individual project requests shall be coordinated with the Division of Marine Fisheries (DMF) and the Wildlife Resources Commission (WRC). This may result in a construction moratorium during periods of significant biological productivity or critical life stages as determined by the WRC and DMF.
- (i) Development under this permit shall be carried out within Department of Transportation (DOT) right-of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.
- (j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or use of the waters by the public.
- (k) This permit shall apply only to projects involving replacement of bridges and culverts currently serving their intended function.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
 Eff. June 1, 1996;  
 Amended Eff. May 1, 2010.

**15A NCAC 07H .2305 SPECIFIC CONDITIONS**

- (a) This general permit is applicable to bridge replacement projects spanning no more than 400 feet of estuarine water, public trust area, and coastal wetland AECs.
- (b) Existing roadway deck width shall not be expanded to create additional lanes, with the exception that an existing one lane bridge may be expanded to two lanes where the Department of Environment and Natural Resources determines that authorization is warranted and the proposed project does not significantly affect the quality of the human and natural environment or unnecessarily endangers adjoining properties.
- (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.
- (d) All demolition debris shall be disposed of landward of all wetlands and the normal water level (NWL) or normal high water (NHW) level (as defined in 15A NCAC 07H .0106), and shall employ soil stabilization measures to prevent entry of sediments in the adjacent water bodies or wetlands.
- (e) Bridges and culverts shall be designed to allow passage of anticipated high water flows.
- (f) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site.
- (g) Bridge or culvert replacement activities involving excavation or fill in wetlands, public trust areas, and estuarine waters shall meet the following conditions:
  - (1) Replacing bridges with culverts shall not be allowed in primary nursery areas as defined by the Marine Fisheries or Wildlife Resources Commissions.
  - (2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not exceed 2,500 square feet except that the coastal wetland component shall not exceed 750 square feet.
  - (3) Culverts shall not be used to replace bridges with open water spans greater than 50 feet.
  - (4) There shall be no temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands.
  - (5) No excavated or fill material shall be placed in any wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plat(s).
  - (6) All excavated materials shall be confined above NWL or NHW and landward of any wetlands behind dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
  - (7) No bridges with a clearance of four feet or greater above the NWL or NHW shall be allowed to be replaced with culvert(s) unless the culvert design maintains the existing water depth, vertical clearance and horizontal clearance.
  - (8) If a bridge is being replaced by a culvert(s) then the width of the waterbody shall not be decreased by more than 40 percent.
  - (9) All pipe and culvert inverts placed within the Public Trust or the Estuarine Waters AECs shall be buried at least one foot below normal bed elevation to allow for passage of water and aquatic life. Culverts placed in wetlands are not subject to this requirement.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
 Eff. June 1, 1996;  
 Amended Eff. May 1, 2010.



**SECTION .1600 - GENERAL PERMIT FOR THE INSTALLATION OF AERIAL AND SUBAQUEOUS  
UTILITY LINES WITH ATTENDANT STRUCTURES IN COASTAL WETLANDS: ESTUARINE WATERS:  
PUBLIC TRUST WATERS AND ESTUARINE SHORELINES**

**15A NCAC 07H .1601 PURPOSE**

A permit under this Section shall allow for the installation of utility lines both aerially and subaqueously in the coastal wetland, estuarine water, public trust areas and estuarine and public trust shoreline AECs according to the authority provided in Subchapter 7J .1100 and according rules in this Section. This general permit shall not apply to the ocean hazard AECs.

*History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;  
Eff. March 1, 1985;  
Amended Eff. August 1, 2000; August 1, 1998.*

**15A NCAC 07H .1602 APPROVAL PROCEDURES**

(a) The applicant must contact the Division of Coastal Management and complete an application form requesting approval for development. The applicant shall provide information on site location, dimensions of the project area, and his name and address.

(b) The applicant must provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice should instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within ten days of receipt of the notice, and, indicate that no response will be interpreted as no objection. DCM staff will review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM staff finds that the comments are worthy of more in-depth review, the applicant will be notified that he must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and appropriate Division of Coastal Management representative so that the utility line alignment can be appropriately marked. Written authorization to proceed with the proposed development will be issued during this visit. Construction on the utility line must begin within twelve months of this visit or the general authorization expires.

*History Note: Authority G.S. 113A-107(a)(b); 113A-113(b); 113A-118.1; 113A-229(c1);  
Eff. March 1, 1985;  
Amended Eff. January 1, 1990.*

**15A NCAC 07H .1603 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00) by check or money order payable to the Department.

*History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1;  
Eff. March 1, 1985;  
Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991.*

**15A NCAC 07H .1604 GENERAL CONDITIONS**

(a) Utility lines for the purpose of this general permit or any pipes or pipelines for the transportation of potable water, domestic sanitary sewage, natural gas, and any cable, line, or wire for the transmission, for any purpose, of electrical energy, telephone and telegraph messages, and radio and television communication.

(b) There must be no resultant change in preconstruction bottom contours. Authorized fill includes only that necessary to backfill or bed the utility line. Any excess material must be removed to an upland disposal area.

(c) The utility line crossing will not adversely affect a public water supply intake.

(d) The utility line route or construction method will not disrupt the movement of those species of aquatic life indigenous to the waterbody.

(e) Individuals shall allow authorized representatives of the Department of Environment, Health, and Natural Resources to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

(f) This general permit will not be applicable to proposed construction where the Department has determined, based on an initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality; air quality; coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.

(g) This permit does not eliminate the need to obtain any other required state, local, or federal authorization, nor, to abide by regulations adopted by any federal or other state agency.

(h) Development carried out under this permit must be consistent with all local requirements, AEC guidelines, and local Land Use Plans current at the time of authorization.

*History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;  
Eff. March 1, 1985;  
Amended Eff. May 1, 1990;  
RRC Objection due to ambiguity Eff. May 19, 1994;  
Amended Eff. August 1, 1998; July 1, 1994.*

#### **15A NCAC 07H .1605 SPECIFIC CONDITIONS**

Proposed utility line installations must meet each of the following specific conditions to be eligible for authorization by this general permit:

- (1) All domestic sanitary sewer line requests must be accompanied by a statement of prior approval from the NC Division Water Quality.
- (2) All spoils which are permanently removed must be placed on a high ground disposal site and stabilized so as not to return to waters, marsh or other wetlands.
- (3) Any additional backfill material required must be clean sand or rock free of organic matter.
- (4) Cuts through wetlands must be minimized.
- (5) Finished grades or subaqueous or wetland crossing must be returned to preproject contours.
- (6) There can be no work within any productive shellfish beds.
- (7) No excavation or filling activities will be permitted between April 1 and September 30 of any year within any designated primary nursery area.
- (8) Subaqueous lines must be placed at a depth of six feet below the project depth of federal projects. In other areas they will be installed at a minimum depth of two feet below the bottom contour.
- (9) The minimum clearance for aerial communication lines or any lines not transmitting electricity will be 10' above the clearance required for bridges in the vicinity.
- (10) The minimum clearance for aerial electrical transmission lines shall be consistent with those established by the US Army Corps of Engineers and US Coast Guard.
- (11) The installation of a utility line on pipe bents or otherwise above the elevation of mean high or mean ordinary water must be of sufficient height to allow for traditional navigation in the water body. Additionally the utility line must not interfere with the waterflow of normal or flood waters.
- (12) Natural gas lines must not exceed 11 inches in diameter.

*History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;  
Eff. March 1, 1985;  
Amended Eff. August 1, 1998.*