



North Carolina Department of Environment and Natural Resources  
**Division of Coastal Management**  
James H. Gregson, Director

Michael F. Easley, Governor

William G. Ross Jr., Secretary

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PDEA-OFFICE OF NATURAL ENVIRONMENT

October 17, 2008

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Division of Highways

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Preconstruction  
Project Development and  
Environmental Analysis Branch

Dr. Gregory J. Thorpe, Ph.D.  
Environmental Management Director  
Project Development and Environmental Analysis Branch  
N.C. Dept. of Transportation  
1548 Mail Service Center  
Raleigh, N.C. 27699-1548

RE: RETURN OF CAMA MAJOR DEVELOPMENT PERMIT MODIFICATION  
REQUEST FOR MITIGATION CREDIT - PROJECT B-4031- BRIDGE No.72 OVER  
JINNYS BRANCH, SHALLOTTE, NORTH CAROLINA

Dear Dr. Thorpe:

On May 20, 2008, CAMA Major Permit 80-08 was issued for the replacement of Bridge No. 72 on NC 179 over Jinnys Branch in Brunswick County. Included with this permit was a condition that stated "...the permittee intends to lengthen the existing bridge by approximately 179 feet and restore approximately 0.298 acres of Coastal Wetlands as on-site wetland mitigation only for this project...". This condition was based on commitments made in the permit application package submitted for this project. Specifically, the mitigation plan accompanying the permit application included the following language "...NCDOT will restore approximately 0.298 acres of coastal salt marsh wetland as onsite mitigation for B-4031." Issuance of the CAMA permit was based in part upon this environmental commitment.

On July 9, 2008 we received your request asking that this environmental commitment be altered, and that the relevant conditions in the CAMA permit be revised accordingly. DCM has given this issue a great deal of consideration, and it has been determined that we cannot process your request. To understand the reasons for our position, one must understand that we take very seriously the environmental commitments made by a permit applicant. In other similar situations involving other permit applicants, we have determined that the modifications to certain environmental commitments cannot be made after the permit issued. A consistent application of this principle has led us to the same decision in this case. Therefore, the Division will not be able to consider your application for modification of your environmental commitments.

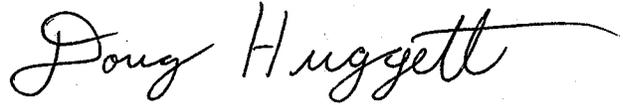
400 Commerce Avenue, Morehead City, North Carolina 28557

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The DCM appreciates DOT's efforts to restore impacts from previous transportation projects and will continue to support its efforts to improve the natural environment for the public. Please contact me at (252) 808-2808 if you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Doug Huggett". The signature is written in black ink and is positioned above the printed name and title.

Doug Huggett  
Major Permits and Consistency Coordinator

cc: Mason Herndon, DOT  
Stephen Lane, DCM  
Steve Sollod, DCM  
Brad Shaver, USACE  
Ken Averitte, DWQ