

1 **15A NCAC 07H .2305 is proposed for amendment as follows:**

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3 **15A NCAC 07H .2305 SPECIFIC CONDITIONS**

4 (a) This general permit ~~is~~ shall be applicable to bridge replacement projects spanning no more than ~~250~~ 400 feet of  
5 estuarine water, public trust area, and coastal wetland AECs.

6 (b) Existing roadway deck width shall not be expanded to create additional ~~lanes.~~ lanes, with the exception that an  
7 existing one lane bridge may be expanded to two lanes where the Department of Environment and Natural  
8 Resources determines that authorization may be warranted and the proposed project does not significantly affect the  
9 quality of the human and natural environment or unnecessarily endangers adjoining properties.

10 (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.

11 ~~(d) Bridge replacement projects shall not increase the vertical clearance to more than five feet above normal water~~  
12 ~~level (NWL) or normal high water (NHW), or by vertical clearance to more than 25 percent over the existing~~  
13 ~~clearance, whichever is greater.~~

14 ~~(e)(d) All demolition debris shall be disposed of in highground locations.~~ landward of all wetlands and the normal  
15 water level or normal high water level, and shall employ soil stabilization measures to prevent entry of sediments in  
16 the adjacent water bodies or wetlands.

17 ~~(f)(e) Bridges and culverts shall be designed to allow passage of anticipated high water flows.~~

18 ~~(g)(f) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site. These measures~~  
19 ~~shall be coordinated through the North Carolina Division of Land Resources.~~

20 ~~(h)(g) Limits of excavation and fill:~~ Bridge or culvert replacement activities involving excavation or fill in  
21 wetlands, public trust areas, and estuarine waters shall meet the following conditions:

- 22 (1) Replacing bridges with culverts shall not be allowed in primary nursery ~~areas.~~ areas as defined by  
23 the Marine Fisheries or Wildlife Resources Commissions.
- 24 (2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not  
25 exceed 2,500 square feet except that the coastal wetland component shall not exceed ~~500~~ 750  
26 square feet.
- 27 (3) Culverts shall not be used to replace bridges with open water spans greater than 50 feet.
- 28 (4) There shall be no temporary placement or double handling of excavated or fill materials within  
29 waters or vegetated wetlands.
- 30 (5) No excavated or fill material shall be placed ~~at any time~~ in any wetlands or surrounding waters  
31 outside of the alignment of the fill area indicated on the work plat(s).
- 32 (6) All excavated materials shall be confined above NWL or NHW and landward of any wetlands  
33 behind ~~adequate~~ dikes or other retaining structures to prevent spill-over of solids into any wetlands  
34 or surrounding waters.
- 35 ~~(7) Placement of fill shall be restricted to the widening of the approaches, or that which is necessary to~~  
36 ~~install culvert(s).~~

1       ~~(8)~~(7) No bridges with a clearance of four feet or greater above the NWL or NHW shall be allowed to be  
2               replaced with culvert(s) unless the culvert design maintains the existing water depth, vertical  
3               clearance and horizontal clearance.

4       ~~(9)~~(8) If a bridge is being replaced by a culvert(s) then the width of the waterbody shall not be decreased  
5               by more than 40 percent.

6       ~~(10)~~(9) ~~Culvert inverts shall be set at least one foot below normal bed elevation to allow for fish passage.~~  
7               All pipe and culvert inverts placed within the Public Trust and/or the Estuarine Waters AEC's  
8               shall be buried at least one foot below normal bed elevation to allow for passage of water and  
9               aquatic life. Culverts placed in wetlands are not subject to this requirement.

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