

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 and complete an application form requesting approval for development.

(b) The applicant shall provide:

- (1) information on site location, detailed project description, and his/her name, address and telephone number;
- (2) a dated scaled plat(s) showing existing and proposed development that follows the criteria outlined in 15A NCAC 7J .0203, a completed Form DCM-MP-5; 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. DCM staff shall review all comments. If DCM determines that:
 - (i) the comments are relevant to the potential impacts of the proposed project; and
 - (ii) the permitting issues raised by the comments are worthy of more detailed review, the applicant shall be notified that he/she shall submit an application for a major development permit.

(c) 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 one year of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction.

(d) 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 may be issued during this visit if other approval procedure criteria have been met.

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

07H .2303 PERMIT FEE

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

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;
Eff. June 1, 1996;
Amended Eff. 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, Health, and Natural Resources (DEHNR) to make periodic inspections at any time deemed necessary in order to be sure 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 DEHNR believes 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 DEHNR determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, fisheries, water quality or recreational values.
- (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 guidelines, and local land use plans current at the time of authorization.
- (g) This permit shall not apply to projects that require work channels.
- (h) Review of individual project requests shall be coordinated with appropriate Division of Marine Fisheries or Wildlife Resources Commission personnel. This may result in a construction moratorium during periods of significant biological productivity or critical life stages.
- (i) Development under this permit shall be carried out within existing 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 repair or 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.

15A NCAC 07H .2305 SPECIFIC CONDITIONS

- (a) This general permit is applicable to bridge replacement projects spanning no more than 250 feet of estuarine water, public trust area, and coastal wetland AECs.
- (b) Existing roadway deck width shall not be expanded to create additional lanes.
- (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.
- (d) Bridge replacement projects shall not increase the vertical clearance to more than five feet above normal water level (NWL) or normal high water (NHW), or by vertical clearance to more than 25 percent over the existing clearance, whichever is greater.
- (e) All demolition debris shall be disposed of in highground locations.
- (f) Bridges and culverts shall be designed to allow passage of anticipated high water flows.
- (g) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site. These measures shall be coordinated through the North Carolina Division of Land Resources.
- (h) Limits of excavation and fill: 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.
 - (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 wetland component shall not exceed 500 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 at any time 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 adequate dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
- (7) Placement of fill shall be restricted to the widening of the approaches, or that which is necessary to install culvert(s).
- (8) 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.
- (9) 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.
- (10) Culvert inverts shall be set at least one foot below normal bed elevation to allow for fish passage.

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