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VI. RECOMMENDATIONS:

Issuance of a permit for the construction of the proposed bridge action is recommended. It is further recommended that the following conditions be included in the permit:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.
2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the District Commander prior to construction of the bridges. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structures shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridges have been opened to traffic.
3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulations as may be under the jurisdiction of the U.S. Department of Commerce, National Marine Fisheries Service, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridges.
4. Clearance gauges shall be installed and maintained in a good and legible condition on both US 17/Wilmington Bypass Bridges over Cape Fear River and over Toomers Creek by and at the expense of the owner of the bridges. The type of gauges and the locations in which they are to be installed will be submitted to the District Commander for approval.
5. When the proposed bridges are no longer used for transportation purposes, they shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridges.
6. The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this permit.

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a. The Contractor shall submit his plan and schedule of operation for approval at least 45 days prior to commencement of work in the waterway. One copy of such information shall be submitted concurrently to your Resident Engineer, the United States Coast Guard Commander (dpb); Federal Building, 4th Floor, 431 Crawford Street; Portsmouth, VA 23704-5004, and the U. S. Coast Guard Sector North Carolina at 2301 East Fort Macon Road, Atlantic Beach, NC 28512-5633. The information shall include a sketch of the waterway; the bridge; the location of any restrictions that will be placed in the waterway such as barges, anchors, and anchor lines; the location and height above mean high water and detailed description of any scaffolding, or netting; detailed description indicating the placement, type and dimension of any cofferdams if used. The schedule should also include the hours of operation and whether or not the equipment will be removed at night. The contractor shall comply with all provisions of the Navigation Rules International - Inland, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. The Contractor shall submit to the Resident Engineer a copy of all correspondence between the Coast Guard and himself or herself. No deviation from the approved plan and schedule of operation may be made unless the modification has previously been submitted and approved by the Coast Guard.

b. At no time during the work will the waterway be closed to navigation without prior approval from the Coast Guard. You are required to maintain close and regular contact with Coast Guard Sector North Carolina to keep them informed to activities in waterway at (252) 247-4570.

c. Barges that are used in the waterways during the project must be marked. Attached outlines temporary marking and lighting requirements for barges and structures not part of the bridge that will be used during construction. If barge or float anchor lines are used, they must be marked by buoys, which should be lighted. If you should have any questions, regarding lights on the barges or work floats, please contact Mr. John Walters, Chief, Waterways Management Section, at (757) 398-6230. Floating equipment shall have a radiotelephone capable of operation from its main control station in accordance with Part 26 of Title 33, Code of Federal Regulations and shall be monitored during all periods the floating equipment is on station.

d. During the progress of work, while the channel is in operation, should any material, machinery or equipment be lost, dumped, thrown overboard, sunk or misplaced which may be dangerous to or obstruct navigation, immediate notice shall be given to the Coast Guard and the object removed with the utmost dispatch. Until removal can be effected, the objects shall be properly marked in order to protect navigation. Notice to the Coast Guard shall give a description and location of any such object and the action taken or being taken to protect navigation.

e. Upon completion of the proposed project, an inspection of the waterway bottoms shall be performed to insure that all construction waste materials have been completely removed. Certification will be required in writing by a licensed engineer or licensed surveyor that the waterways have not been impaired and all construction related debris has been cleared from it. The certification shall include the actual method used to

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conduct the inspection. The Contractor shall remove any bridge related debris, resulting from the current or prior work or occurrences, discovered during this survey.

f. Upon completion of the bridgework, a responsible official of the ~~New Jersey~~ North Carolina Department of Transportation shall verify as-built clearances and a statement attesting to the correctness of the clearances shall be forwarded to this office for record purpose. In lieu of verification by the above listed official, certification by a licensed surveyor or registered professional engineer registered in the State of North Carolina will be accepted.

g. Except as shown on the plans, no dredging, excavation, filling, rip-rap, or other work affecting the bottoms, shall be done in conjunction with this work.

h. If during the periods of construction, permanent lighting cannot be maintained operable, the fenders of each pier shall be marked with a battery or power operated white light of not less than 60 flashes per minute and visible for a range of 2,000 yards on 90% of the nights of the year. Generally, a lamp of 20-candle power will meet these requirements. If necessary to obtain coverage required, a light or lights on the upstream and downstream sides shall be installed. The piers shall be so marked until the construction has been completed and permanent navigational lighting has been reinstalled and determined to be operating satisfactorily. Written approval from the Coast Guard of temporary lighting during periods of construction is required. No existing bridge navigation lights shall be impaired or blocked during darkness or periods of reduced visibility.

i. Compliance with the requirements stated herein does not relieve the contractor of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the State of North Carolina or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge. It is advised that the Coast Guard can levy monetary civil penalties for violations of bridge regulations and statutes.

j. In accordance with Title 33 Code of Federal Regulations Part 118.25 – Application procedure, approval of lights and other signals required shall be obtained prior to construction. Application shall be by letter accompanied by duplicate sets of drawings showing (1) the plan and elevation of the structure showing lights and signals proposed, and (2) a small scale vicinity chart showing proposed bridge and all other bridges within 1,000 feet above or below the proposed bridges.

The office of the Bridge Administrator, Fifth Coast Guard District, shall be notified immediately upon completion of the project. If you should have any questions regarding this matter, please call me at (757) 398-6222.

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LIGHTING REQUIREMENTS FOR BARGES AND STRUCTURES NOT PART OF A BRIDGE OR APPROACH STRUCTURE

88.13 Lights on barges at bank or dock.

- (a) The following barges shall display at night and, if practicable, in periods of restricted visibility the lights described in paragraph (b) of this section -
 - (1) Every barge projecting into a buoyed or restricted channel.
 - (2) Every barge so moored that it reduces the available navigable width of any channel to less than 80 meters.
 - (3) Barges moored in groups of more than two barges wide or to a maximum width of over 25 meters.
 - (4) Every barge not moored parallel to the bank or dock.
- (b) Barges described in paragraph (a) shall carry two unobstructed white lights of an intensity to be visible for a least one mile on a clear dark night and arranged as follows:
 - (1) On a single moored barge, lights shall be placed on the two corners farthest from the bank or dock.
 - (2) On barges moored in group formation, a light shall be placed on each of the upstream and downstream ends of the group, on the corners farthest from the bank or dock.
 - (3) Any barge in a group, projecting from the main body of the group toward the channel, shall be lighted as a single barge.
- (c) Barges moored in any slip or slough, which is used primarily for mooring purposes, are exempt from the lighting requirements of this section.

TITLE 33 CODE OF FEDERAL REGULATIONS, SECTION 118.95 LIGHTS ON STRUCTURES NOT PART OF A BRIDGE OR APPROACH STRUCTURE

Lights on sheer booms, isolated piers, obstructions, and other structures not part of a bridge or approach structure must meet the requirements for aids to navigation in Subpart 66.01 of Part 66 of this chapter.

TITLE 33 CODE OF FEDERAL REGULATIONS, SECTION 66.01-10

- (a) The characteristics of a private aid to navigation shall conform to the United States Aids to Navigation System described in Subpart B of Part 62 of this subchapter, except that only tungsten-incandescent light sources will be approved for electric lights.

Therefore in accordance with 33 CFR 66.01-10(a), the above lights shall be marked with slow flashing yellow lights visible for two miles on a clear dark night. Lights similar to the Tideland ML-120 Barge Light may be used. Only tungsten-incandescent light sources will be approved for electric lights.

Encl (2)