



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

February 13, 2013

ANTHONY J. TATA
SECRETARY

Mr. Waverly Gregory
USCG-Fifth CG District
431 Crawford Street
Portsmouth, VA 23704-5004

Subject: Request for Coast Guard Permit Exemption for the Pea Island Long-Term Improvements on NC 12 in Dare County, Division 1; TIP No. B-2500 A

Dear Mr. Gregory,

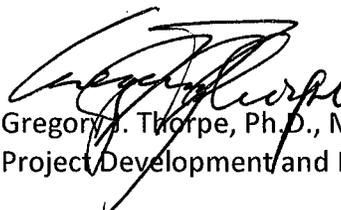
The North Carolina Department of Transportation (NCDOT) proposes to replace the existing three span temporary bridge over "New Inlet," which was reopened by Hurricane Irene in September 2011, with a 2.1 mile bridge.

The NCDOT has engaged in previous conversation with the USCG regarding the installation of a temporary structure (see included email).

Since the installation of the temporary structure, the inlet has accreted and the water is not used and not susceptible to be used as a means to transport foreign or interstate commerce and only opens to the Atlantic Ocean at high tide. The system could not be navigated other than by logs, log rafts, rowboats, canoes, and small motorboats. Therefore, we request the replacement of this structure be exempt from the requirement of a Coast Guard permit under the provisions allowed under the Coast Guard Authorization Act. Additionally, we are requesting exemption of any requirements for navigational lighting for this structure.

NCDOT requests that the United States Coast Guard provide concurrence and or comment by February 28, 2013. If you have any questions concerning this project, please feel free to contact Michael Turchy at maturchy@ncdot.gov.

Sincerely,


Gregory J. Thorpe, Ph.D., Manager
Project Development and Environmental Analysis Unit

Enclosure (1):

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-707-6000
FAX: 919-212-5785
WEBSITE: NCDOT.GOV

LOCATION:
CENTURY CENTER, BUILDING B
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

September 1, 2011 email correspondence

From: Waverly.W.GregoryJr@uscg.mil
Sent: Thursday, September 01, 2011 4:57 PM
To: Lusk, Elizabeth L
Cc: Drda, Tom
Subject: Temporary Construction of Bridges

This responds to your email of September 1, 2011 regarding breaches of the North Carolina Department of Transportation (NCDOT) bridges resulting from Hurricane Irene. We reviewed the power point presentation forwarded with your email and the US Coast Guard Bridge Administration policy authorizes the construction of temporary bridges and causeways without formal approval of the location and plans in the cases of natural disasters or other catastrophic circumstances requiring extraordinary measures. Due to conditions resulting from Hurricane Irene, we hereby authorize that NCDOT construct temporary bridges and causeways without formal approval of the location and plans. Such authorization is limited to the minimum period required (within one year) for return to normalcy.

All temporary structures built under this authorization are categorical exclusion federal actions for the purposes of consideration required otherwise under NEPA for the duration of the emergency period until return to normalcy. This authorization is limited to the minimum period. Retention of temporary structures as permanent structures will be subject to a formal permit for a proposed structure or after-the-fact approval under Title 33 Code of Federal Regulations (CFR) Part 114.25. For the purposes of the consideration required under NEPA, the provisions of NEPA Implementing Procedures and Policy for Considering Environmental Impacts will apply.

Temporary structures crossing waterways that are not actually navigated other than by small craft such as rowboats, canoes and small motorboats are exempt from our bridge permit requirement under 33 CFR Part 115.70, Advance Approval for Bridges; and the Coast Guard Authorization Act of 1982 exempts bridge projects from Coast Guard Bridge permits when the bridge project crosses non-tidal waters which are not used, susceptible to use in their natural condition, or susceptible to use by reasonable improvement as a means to transport interstate commerce.

If you have any further questions, please contact me.

Waverly

Waverly W. Gregory, Jr.
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