



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

July 30, 2010

Ms. Cynthia Dohner  
Regional Director  
US Fish and Wildlife Service  
Southeast Regional Headquarters  
1875 Century Blvd., Suite 400  
Atlanta, Georgia 30345

Subject: Special Use Permit Issued by the Pea Island National Wildlife Refuge for the Groin/ Revetment at Oregon Inlet, Dare County, North Carolina.

Reference: US Fish and Wildlife Service Special Use Permit, issued June 20, 1989.  
US Fish and Wildlife Service reply to NCDOT's Condition Interpretation, March 23, 2009.

Dear Ms. Dohner:

Pursuant to the letter issued by the US Fish and Wildlife Service (USFWS) indicating that "we [USFWS] believe that either a new permit will have to be issued or substantial modifications will have to be made to the existing permit," by way of this letter, NCDOT formally requests that USFWS begin the permit process for the retention of the existing terminal groin at Oregon Inlet.

The purpose and need for the terminal groin has not changed as stated in the May 1989 SEA/FONSI, in that it is necessary to protect and maintain the Bonner Bridge-NC 12 transportation link. The terminal groin must be maintained in order to protect the proposed Bonner Bridge replacement structure, the southern terminus of which will be located just south of the existing structure. Figure 1 shows the relationship between the proposed replacement bridge and the existing Bonner Bridge.

It should be noted that the original/current terminal groin structure remains in good condition and will not require modification. The original permit drawing has not changed and is attached for your reference. As no changes are proposed to the current structure, no new right-of-way or easement will be required for this permit.

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The NEPA analysis for the Bonner Bridge Replacement Project considered the effects of retaining the terminal groin on the Refuge. The Final Environmental Impact Statement, published in September 2008, presumes the continued presence of the terminal groin in its shoreline forecast modeling (FEIS Section 3.6.3) and its assessment of cultural, coastal and natural resource impacts (FEIS Sections 4.4, 4.6, and 4.7, respectively). The effects to the shoreline that would result from removing the groin are discussed in the FEIS beginning on page 3-65. The USFWS was sent copies of the FEIS and provided comments on the document in October 2008; responses to those comments are included in the recently published Environmental Assessment, which has also been sent to the USFWS for review and comment. Copies of all of these documents are also located on the project's web page:

<http://www.ncdot.org/projects/bonnerbridgerepairs/>

and at the Outer Banks Task Force web page:

<http://www.obtf.org/>

In compliance with Condition #5 of the current permit, NCDOT initiated a comprehensive monitoring program in October 1989 in order to determine the shoreline changes along the northern end of Pea Island following construction. Reports have been submitted twice annually since that time to NCDOT and the USFWS detailing the results of aerial photography analysis and field surveys.

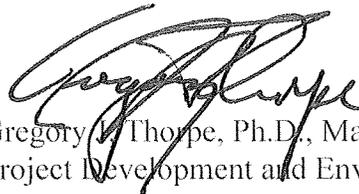
In August 2008, NCDOT and the Federal Highway Administration (FHWA) met with the USFWS to discuss the requirements for retaining the terminal groin. During this meeting, it was decided that the first step in the process would be to convene a panel of experts to evaluate databases and provide recommendations on the effectiveness of the terminal groin, as well as any recommended associated monitoring and habitat management strategies for the area influenced by the terminal groin. NCDOT and FHWA continued coordination with the USFWS on this issue until February of 2010, when Refuge staff informed our agency that the panel meeting in its proposed format would not meet the needs of the USFWS. It was our understanding that USFWS-Pea Island National Wildlife Refuge staff had contracted with proposed members of the expert panel via the Coastal Wildlife Refuge Society in order to generate a report detailing the effects of the terminal groin. Since USFWS stated that NCDOT would be expected to incur the costs of this work, NCDOT and FHWA requested to be included in this revised process and that USFWS submit documentation about this effort in order to ensure that this work will qualify for reimbursement under federal contracting procedures. Neither NCDOT nor FHWA have been contacted about this work since the February meeting and request that your agency provide an update on its status.

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It is worth mentioning that the US Army Corps of Engineers has an interest in retaining the terminal groin in its role of maintaining the Oregon Inlet navigational channel. NCDOT has provided USFWS in previous correspondence a copy of a letter from the USACE dated September 18, 2008, which summarized that agency's position on the retention of the terminal groin. A copy of this letter is attached for your reference. NCDOT and FHWA will continue coordination with the USACE about the terminal groin as this permit process moves forward.

Thank you for your assistance with this project. This letter should address all of the requirements for a permit application that were included in a July 10, 2009 letter from the USFWS-PINWR staff to my office. If you have any questions or need additional information, please contact Ms. Beth Smyre at [bsmyre@ncdot.gov](mailto:bsmyre@ncdot.gov) or (919) 733-7844 ext. 333. A copy of this letter will also be posted at <http://www.ncdot.org/planning/pe/naturalunit/Permit.html>.

Sincerely,



Gregory W. Thorpe, Ph.D., Manager  
Project Development and Environmental Analysis Branch

#### Attachments

cc: Mike Bryant, USFWS  
Bill Biddlecome, USACE-Regulatory  
Chris Frabotta, USACE- Navigation  
Clarence Coleman, P.E., FHWA-Operations  
Deborah M. Barbour, P.E., NCDOT, Preconstruction  
Beth Smyre, P.E., NCDOT-PDEA