

Attachment P: Low Impact Bridge Replacement Program

Frequently Asked Questions January 2010

Permitting

Q: Is there a limit to the extent or level of impacts or impacted area allowed by the bridge replacement projects under this program?

A: To be eligible for participation in the Low Impact Bridge Replacement Program proposed projects must meet the requirements for a USACE Nationwide Permit 3, and a CAMA General Permit in the requisite coastal counties. In addition, projects requiring a USACE permit will require a Water Quality Certification and/or Buffer Authorization. In certain areas of the state, Buffer Authorizations may be required for projects not requiring a USACE permit. In general, the impact limits and requirements that are associated with these permits and certifications set the impact limits for the Low Impact Bridge Replacement Project.

In particular, *current* limits for a CAMA general permit are as follows:

- The bridge replacement spans no more than 250 feet of estuarine water, public trust areas, and coastal wetland AECs.
- 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

Water Quality Certifications are required in the following conditions:

- Impacts equal or greater than 40 linear feet of additional permanent stream impact at an existing stream crossing location
- Temporary or permanent wetland impacts *equal to or exceeding*:
 - o 1/3 acre of wetlands east of I-95
 - o 1/10 of acre wetlands west of I-95.
- Any impacts to streams and/or buffers in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other basins with Riparian Area Protection Rules) unless the activities are listed as "EXEMPT" from these Rules.

There are really no set limits for impacts considerations under the USACE's Nationwide 3. Rather, the determination is based on the intent of the Nationwide which allows additional impacts based on minor deviations in a structure's configuration or filled area due to changes in construction techniques, current safety codes, or safety standards that are necessary to make the replacement. Among the USACE representatives in North Carolina there does not seem to be a big disparity over what qualifies for a Nationwide 3. It will be imperative for the NCDOT DEOs and the USACE representative to communicate and consult early in the bridge replacement development process (the project scoping meetings will be very critical for this) to help confirm a project's qualification for a Nationwide 3 permit.

Q: Will the USACE require compensatory mitigation for wetland impacts incurred as part of a bridge being replaced under the Low Impact Replacement Program?

A: In most cases compensatory mitigation is not expected to be required under the Low Impact Bridge Replacement Program, but in some instances the Corps Project Manager may determine Compensatory Mitigation is required based on the type of resources impacted (i.e. high quality wetlands) and the extent of the impact. This is a good example of a topic that should be addressed during the project scoping meeting.

Q: Can NCDOT use federal dollars to construct a bridge following the Low Impact Bridge Replacement Program?

A: Yes. The Low Impact Replacement Program applies to both state and federally funded bridge projects.

Q: Are bank stabilization issues covered by a Nationwide Permit 3 in the Low Impact Bridge Replacement Program?

A: Yes

Q: Will permits for foundation borings be required?

A: No. It is expected that the foundations for the types of projects qualifying as low impact bridge projects would be located outside of the stream.

Q: Would a USACE Nationwide Permit 13 be required for any of these bridge replacement projects, especially if they involve placement of rip rap?

A: It is expected that the type and scope of work required for these low impact bridges will not exceed the thresholds for Nationwide Permit 3 (NWP 3). NWP3 covers the repair, rehabilitation or replacement of any previously authorized and currently serviceable structure or fill, provided that the structure or fill is maintaining its current use. NWP 3 also authorizes the removal of accumulated sediments and debris near the existing structure and the placement of rip rap to protect the bridge. Rip rap placement does require a pre-construction notification (PCN). Within the low impact bridge replacement program, the bridge project data sheet will serve as the PCN.

Q: What kind of permit is required if the bridge replacement project includes placement of guardrail?

A: The Nationwide Permit 3 does not cover the installation of guardrail itself, but rather, it allows for additional approach fills possibly needed to satisfactorily install guardrails when this is done in accordance with safety or design standards for the replacement bridge. So guardrail installation associated with these low impact bridge replacements would be covered under the single NWP 3.

Q: Is a State Stormwater Permit required of these projects?

A: Most likely not. A bridge replacement project going through the Low Impact Replacement process is considered to be a "re-development" procedure and re-development procedures do not require a State Stormwater Permit (re-development projects in coastal counties would receive an actual exemption memo). The exception

to this would be if a bridge replacement project involves replacement of a one lane bridge with a two lane bridge in an area of an Outstanding Resource Water (ORW) or High Quality Water (HQW). Those projects would require a state Storm Water permit.

Q: The Division of Coastal Management has proposed some changes to the current North Carolina Administrative Code for CAMA General Permits. Do any of these proposed changes address the requirements dealing with notification of adjacent property owners? This notification process takes time.

A: North Carolina state law requires the Division of Coastal Management to notify adjacent property owners of activities that are under review for a CAMA general permit. Property owners have 20 days to comment. The law is very specific and there really is no latitude for change. The twelve month timeline that has been established for the Low Impact Replacement Process, however, begins several months in advance of the permit deadlines where this public comment period can be well accommodated. The coordination and schedule for this public comment period can be discussed and planned for during the project scoping meeting.

Project Documentation

Q: Nationwide 3 permits require me to submit a Pre-Construction Notification (PCN) for projects requiring rip rap, or projects in one of our 25 Trout Counties, and projects involving ORW and HQW. Do I need to complete and submit a (PCN) for low impact replacements that involve those conditions?

A: No. In the low impact bridge replacement program, the bridge project data sheet (Attachment G in the Low Impact Bridge Replacement Manual) will serve as the PCN. For Trout Counties, special procedures have been developed in concert with the WRC to help provide the review and comment that is needed by the WRC and the USACE. These procedures rely on the early coordination with the WRC and USACE and documentation on the project data sheet, in lieu of a formal PCN.

Q: Are there Low-Impact Bridge Replacement projects that will require a written 401 Certification and/or Buffer Authorization?

A: Yes.

Written Water Quality Certifications are required in the following conditions:

- Impacts equal or greater than 40 linear feet of additional permanent stream impact at an existing stream crossing location
- Temporary or permanent wetland impacts *equal to or exceeding*:
 - o 1/3 acre of wetlands east of I-95
 - o 1/10 of acre wetlands west of I-95.
- Any impacts to streams and/or buffers in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other basins with Riparian Area Protection Rules) unless the activities are listed as "EXEMPT" from these Rules.

Q: Do I need to complete a PCN for projects where a written 401 Certification and/or Buffer Authorization is required?

A: Yes, however, the one page PCN for Low-Impact Bridge Projects should be used instead of the traditional PCN form. The Low-Impact Bridge PCN can be found in Attachment L of the Low-Impact Bridge Replacement Manual.

Q: Do I need to complete and submit a Programmatic Categorical Exclusion (PCE) form? Likewise, do I need to complete a Minimum Criteria Checklist?

A: No. In the low impact bridge replacement program, the bridge project data sheet will serve as the PCE and Minimum Criteria Checklist. Further, for federally funded projects, the Federal Highway Administration (FHWA) has deemed that projects meeting the low impact bridge replacement program criteria/characteristics fall under the “Categorical Exclusion” Class of Action with the bridge data sheet serving as the documentation. For each individual project, the NCDOT Division DEO must evaluate and verify that the proposed project does not meet any of the following thresholds:

- Any unusual circumstances
- A “jeopardy” determination is likely for species listed for protection under the Endangered Species Act and/or an “adverse modification” determination is likely for designated critical habitat.
- A determination that adequate relocation opportunities do not exist as defined under the Uniform Relocation Assistance and Real Property Acquisition Policies Act
- The Eastern Band of Cherokee Indians indicate that the project will likely have significant, negative impacts on sacred sites and there are no w

“Unusual circumstances” refer to situations involving significant environmental impacts, especially for resources protected by laws such as Section 4(f) or Section 106, and/or substantial controversy over environmental topics such that the viability of the project is substantially questioned or jeopardized.

If one or more of these thresholds is met, then NCDOT must consult with FHWA to confirm the CE class of action required for the project or determine an alternate course of action. If these thresholds are not an issue for the project, you do not need to consult with FHWA to confirm the class of action.

While you do not have to complete the typical PCE form, you are still required to ensure that the requirements of NEPA or SEPA and other environmental laws (e.g. Section 7 Endangered Species Act, Section 106 for Historical Properties, etc.) are satisfactorily addressed and met. The bridge project data sheet will serve as documentation for this and should be supported by discussions and assessments that occur during scoping meetings and field visits, especially those involving representatives from resource agencies.

Q: Would a bridge replacement project that meets all characteristics of the low impact replacement program still qualify as a PCE if the project is located in a Trout County?

A: Yes, FHWA has deemed that projects which meet the low impact characteristics and are located in Trout Counties would qualify as a PCE, barring situations that meet or exceed the exemptions list in the FHWA Programmatic ([Attachment O](#)). Further, bridge replacements located in Trout Counties are eligible for the low impact process provided that the other criteria for low impact bridge projects are met ([Attachment B](#)). Such projects with trout requirements would require coordination with and review by WRC to determine if Standard Recommendations for bridges in Trout Waters apply ([Attachment J](#)). Projects in Trout Counties are identified and screened ([Attachment K](#)) and information concerning projects in Trout Counties would be discussed during scoping and documented on the bridge project data sheet ([Attachment G](#)). All of this information would be shared with the WRC and USACE for appropriate review and comment. This early coordination with WRC and documentation on the project data sheet is important to help provide the information needed by the USACE in confirming the usage of the Nationwide 3 permit for the project. A Pre-Construction Notification (PCN), which has been reviewed and commented on by the WRC, is required for projects in Trout Water Counties. The project data spreadsheet is serving as the necessary PCN in the low impact bridge replacement process.

Project Scoping

Q: Will you try to scope a batch of projects at the same time?

A: Yes. To the greatest extent possible, we will scope several bridge replacements in an area in a single day.

Q: How much information will resource agencies receive on a project prior to scoping? Can wetlands be delineated prior to scoping?

A: The information will likely be at a higher, more general level. NCDOT personnel will hold an internal meeting prior to the project's scoping meeting. After this internal meeting the DEO will begin collecting preliminary available data that is relevant to the project and could be shared with agencies prior to the scoping meeting. Resource agency attendance at scoping meetings is very important. The intent is really not to have complete information prior to scoping, but rather have the resource agencies and NCDOT personnel discuss and assess some of that information together during the scoping meeting.

Designs/Plans

Q: When will DEOs get plans for the projects? The workflow for the low impact process states that the permit package/project data sheet is completed and submitted around months 7 – 6. How can these documents be completed if the structure designs are not complete? Don't we need the structure designs for information on impacts?

A: DEOs should receive completed roadway plans around month 8 of the process and completed structure plans around month 6 or 5. These plans will be electronically

communicated. DEOs should use the roadway plan sheet when finalizing the project data sheet and any permit applications (e.g. CAMA General and/or Buffer). The Subregional Tier Design Guidelines will be used for low impact projects and will hopefully yield designs that are fairly standard for the types of bridges qualifying for the program (e.g. cored slab).

Q: The Low Impact Bridge Replacement Program will rely heavily on the “Sub-regional Tier Design Guidelines for Bridge Projects.” These designs will serve to help ensure that bridges are both economical and safe. Do the design standards contain established limits for the length for the roadway approach work?

A: No. In the past, the trend has been that approach work has grown such that the scope of the bridge replacements expanded as did the costs and impacts. The intent now is to keep the approach work to that which is absolutely necessary within the scope of replacing the bridge. It will be up to the project engineers to utilize their best judgment to balance costs, safety and impacts to the surrounding area, using the Sub-regional Tier Design Guidelines.

Q: How is the placement of guardrail determined (When to place? How long it should run?)

A: Guardrail placement is determined on a case by case basis taking various factors (safety, public access, etc.) into consideration. This is a good example of a topic that could be discussed at scoping, especially if there are concerns with public access

Human and Natural Resource Considerations

Q: On the Bridge Project Data Sheet and its accompanying guidance ([Attachments “G”](#) and [“H”](#)) there is a statement concerning “the maximum extent of permanent impacts to non-jurisdictional streams as defined by the NCDWQ (Water of the State). What does this mean?

A: This is referring to isolated streams and waters.

Q: Would a crossing at a designated Wild and Scenic River result in the project being automatically thrown out of the low impact replacement process?

A: Not necessarily. If the structure is existing and was existing when the river was designated as “Wild and Scenic” then consideration for replacement of the bridge is probably included in the river’s management plan and may require coordination with the river-maintaining agency. It is most likely, however, that because of their size, most bridges crossing a designated Wild and Scenic River would not qualify for the low impact replacement process.

Q: What form do we use to forward a list of projects for the low impact replacement process to NCDOT Human Environment Unit and request screening of archeological and historical resources? Do we provide a charge number?

A: There are two items that the DEO's will typically utilize for CE-level projects. One is a screening checklist that they complete in order to determine whether a project needs to be submitted to HEU's cultural resources groups. If the checklist tells them that the project is exempt from further review, they sign the checklist and file it with the project's

document. If the screening checklist tells them that they need to submit the project, the DEO completes the Cultural Resources Review Request form. Review request forms much include a charge number. HEU cannot work on a project until the number provided is verified to be usable by our staff.

Q: Who will determine the jurisdictional boundaries for these projects: PDEA or the Division?

A: The Division DEO.

Q: How and when should activities for compliance with Section 7 Endangered Species Act occur?

A: DEOs should still request T&E screening through PDEA NEU (e.g. Logan Williams Biological Surveys Group). The schedule for screenings should be proactively considered and planned to help accommodate the low impact replacement timeframes. Section 7 Endangered Species is a very important topic for discussion during scoping. It is important to consult with USFWS early in the process to get a sense of the potential T&E issues. Just because a county has protected habitat and/or species does not mean that the bridge replacement project should be dropped from the low impact replacement process. Consult with USFWS first before making the determination that the situation warrants removal from the low impact process.

Q: Where or how do we address 303(d) streams (impaired waters) and utilities?

A: Both of these topics should be discussed as needed during the scoping meeting. It is anticipated that utility movements should not be large. Designation as a 303(d) stream should be documented under the request for "Stream Classification" section of the Buffer Application form ([Attachment L](#)).

Process Implementation and Use

Q: How many projects do you anticipate going through this process?

A: Initially, each Division will select 2 projects to pilot this process. After that the process will be refined as necessary to reflect any "lessons learned" from the pilots. For the future, it is expected that many more projects will go through the process as allowed by available funding. The total bridge program funding is estimated to grow from \$150M per year to \$300M per year, with the Division Managed Low Impact Bridge funding estimated to grow from \$28M per year to \$70M per year.

Q: When will this process start being used?

A: Now. The Low Impact Bridge Replacement Streamlining Team will convene once the process has been in use for 6-8 months and identify what is working well as well as areas that may need some fine-tuning. It is very important the NCDOT and resource agency personnel who are involved in the new process to provide feedback on how the process is operating so that we can adequately address any issues or problems.

Q: Do you anticipate the process starting the same time each year?

A: Yes. Perhaps not at first as we test out the process and work out any kinks, but the intent is that candidate projects for the process are identified and will start through the

process on a regular recurring schedule. It is understood that in some areas, such as Division 2, fish moratoriums will influence the schedule.

Helpful Links

Q: What are some helpful links to important websites that I should know about?

A: The following websites are good reference sites for important information to assist with Low-Impact Bridge Replacement Projects.

- NCDOT- Subregional Tier Design Guidelines for Bridge Projects:
<http://www.ncdot.org/doh/preconstruct/highway/structur/subregional/STGFeb2008.pdf>
- US Army Corps of Engineers – Nationwide Permit 3:
http://www.saw.usace.army.mil/WETLANDS/NWP2007/PDF-SAW-NWP2007/NWP3_6-07.pdf
- NCDENR, Division of Coastal Management – CAMA General Permit Rules for Replacing Bridges, etc (Administrative Code 15A NCAC 07H.2301):
<http://www.nccoastalmanagement.net/Rules/Text/t15a-07h.2300.pdf>
- NCDOT, Structure Design Unit, Structure Standards and Details:
<http://www.ncdot.org/doh/preconstruct/highway/structur/>
- NCDOT, Contract Standards Development Unit:
<http://www.ncdot.gov/doh/preconstruct/ps/contracts/default.html>
- NCDOT, Hydraulics Unit, Guidelines for Drainage Studies and Hydraulic Design:
<http://www.ncdot.gov/doh/preconstruct/highway/hydro/gl0399web/default.html>
- National Park Service Land and Water Conservation Fund Web site of parks, greenways, etc that have federal funds associated with them [6(f) properties]. This is useful when completing [Attachment G](#).
<http://waso-lwcf.ncrc.nps.gov/public/index.cfm>

(Go down to the box "Detailed Listing of Grants-with County Totals", keep going until you get to your county and that will list the parks, etc that were developed with federal funds.)

- PEF Workshop Presentations - April 27, 2010
 - [Streamlining the Replacement Process](#)
 - [Bridge Program Expansion](#)
 - [NCDWQ Streamlined Application](#)