



CRC-26-81

October 7, 2026

**MEMORANDUM**

**TO:** Coastal Resources Commission

**FROM:** Daniel Govoni

**SUBJECT:** Consideration of Amendments to the General Permit for Replacement of Existing Bridges and Culverts 15A NCAC 07H .2305 - Specific Conditions

The purpose of General Permit (GP) .2300 is to streamline permitting for the replacement of existing bridges and culverts that meet all applicable General and Specific Conditions. Projects authorized under GP .2300 range from simple culvert replacements to large bridge replacement projects. Although GP .2300 is typically utilized for N.C. Department of Transportation (NCDOT) projects, applicants may also include local governments, private property owners, and other state agencies. The specific conditions governing the replacement of existing bridges and culverts are outlined in 15A NCAC 07H .2305.

On October 5, 2023, as part of the Periodic Rules Review Process, 15A NCAC 07H .2305 (Specific Conditions) was returned to the Division and subsequently removed from the North Carolina Administrative Code. On March 3, 2025, 15A NCAC 07H .2305 was returned to the Administrative Code pursuant to an order issued by Wake County Superior Court. The Rule Review Commission (RRC) appealed this decision, and the Court later determined that eight rules, including 15A NCAC 07H .2305, contained ambiguous language.

In response, the Division of Coastal Management (DCM) recommends initiating permanent rulemaking to reinstate 15A NCAC 07H .2305 in the Administrative Code. The proposed permanent rule addresses the ambiguities identified by the RRC and includes minor revisions for clarity and to ensure compliance with current rule formatting requirements.

**15A NCAC 07H .2305 SPECIFIC CONDITIONS**

- (a) This ~~general permit~~ **General Permit** is applicable to bridge replacement projects spanning no more than 400 feet of estuarine waters, public trust areas, or coastal wetlands AECs.
- (b) Existing roadway deck width shall not be expanded to create additional lanes, with the exception that an existing one lane bridge may be expanded to two ~~lanes where the Department of Environment and Natural Resources determines that authorization is warranted and~~ **provided** the proposed project does not



significantly affect the quality of the human and natural environment or unnecessarily endangers adjoining properties create significant adverse impacts as defined in 15A NCAC 07H .0208 (a)(8).

(c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.

(d) All demolition debris shall be disposed of landward of coastal wetlands and the ~~normal water level (NWL)~~ Normal Water Level or ~~Normal High Water~~ normal high water (NHW) level (as as defined in 15A NCAC 07H .0106), 15A NCAC 07H .0106, and shall employ soil stabilization measures to prevent entry of sediments in the adjacent water bodies or wetlands.

~~(e) Bridges and culverts shall be designed to allow passage of anticipated high water flows.~~

(f) Measures to restrain sedimentation and erosion shall be implemented at each site.

(g) 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 as defined by the Marine Fisheries ~~or Wildlife Resources Commissions~~.
- (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 coastal wetland component shall not exceed 750 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 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 ~~Normal Water Level~~ NWL or ~~Normal High Water~~ NHW and landward of any wetlands behind dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
- (7) 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.
- (8) 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.
- (9) All pipe and culvert inverts placed within the Public Trust or the Estuarine Waters AECs shall be buried at least one foot below normal bed elevation to allow for passage of water and aquatic life. Culverts placed in wetlands are not subject to this requirement.

