



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

December 1, 2014

The Honorable Kathy Harrington, Chairman
The Honorable Frank Iler, Co-Chairman
The Honorable John A. Torbett, Co-Chairman
Joint Legislative Transportation Oversight Committee
North Carolina General Assembly
16 W. Jones Street
Raleigh, NC 27601-1030

Dear Honorable Committee Members:

This project report provides a status update on the Department's efforts to replace the Herbert C. Bonner Bridge on NC 12 in Dare County and is provided pursuant to GS 136-89.183B.

The final environmental impact statement and record of decision have been completed. The Design-Build contract was awarded in July 2011.

A complaint was filed by the Southern Environmental Law Center in federal court alleging that NCDOT and Federal Highway Administration violated NEPA and Section 4(f) of the DOT Act of 1966 in regards to the environmental impact statement and record of decision completed for the project. In September 2013, summary judgment was granted in favor of NCDOT and FHWA denying all claims under NEPA and Section 4(f). On August 6, 2014, the 4th Circuit Court of Appeals upheld the Department's work on NEPA, but in a complex ruling, remanded to District Court the decision regarding compliance with Section 4(f).

The CAMA permit was received but has been suspended due to additional legal action taken by the Southern Environmental Law Center.

Work has continued to secure all necessary permits for the construction of the bridge while pending legal issues are resolved. All permit applications have been completed. The US Army Corps of Engineers 404 permit and Division of Water Quality 401 permit have been received. Permits from the National Park Service and the United States Fish and Wildlife Service are pending execution. The US Coast Guard permit is expected to be issued following resolution of the legal issues.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PROGRAM MANAGEMENT
1595 MAIL SERVICE CENTER
RALEIGH NC 27699-1595

TELEPHONE: 919-707-2500
FAX: 919-212-5711

WEBSITE:
WWW.NCDOT.GOV

LOCATION:
CENTURY CENTER COMPLEX
ENTRANCE B-1
1020 BIRCH RIDGE DRIVE
RALEIGH NC

The Design-Build contract to design and construct the bridge replacement is intact. Design of the replacement bridge is complete and the Department is positioned to mobilize for construction as soon as possible after resolution of the legal issues and receipt of the remaining permits.

Please feel free to contact me at (919) 426-3075 with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rodger Rochelle', with a stylized, cursive script.

Rodger Rochelle
NCDOT Technical Services Administrator