



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



DEC 17 2010

The Honorable Victor M. Mendez
Administrator
Federal Highway Administration
1200 New Jersey Avenue, SE.
Washington, DC 20590

Dear Mr. Mendez:

The Department of the Interior (Department) is pleased with the successful resolution of a series of discussions between our agencies concerning the replacement of the Herbert C. Bonner Bridge in Dare County, North Carolina and its impact on Pea Island National Wildlife Refuge. The Department has been actively involved in the development of this project over many years and has provided numerous comments on the environmental studies undertaken by the Federal Highway Administration (FHWA) and North Carolina Department of Transportation (NCDOT). The coordination and consultation that occurred this Fall led to an exchange of information that allowed each agency to better understand and respond to the other's mission and responsibilities. The purpose of this letter is to document the agreements that were reached.

The FHWA has agreed to incorporate several provisions into the relevant project documents that will ensure that the needs of the Department are met as Phase I moves forward into the design and construction stages, and as future project phases are developed and implemented through the year 2060. These are:

1. A statement in FHWA's Record of Decision (ROD) that Federal-aid highway funding for the project is conditioned upon compliance with the terms and conditions of all Department permits issued for the project;
2. An addition to the project's Transportation Management Plan of a program of periodic, site-specific forecasting studies to be undertaken by mutually agreed-upon coastal science experts; and
3. A statement in FHWA's ROD that all restoration work for Phase 1 must be completed, and accepted by the Department, prior to the final transfer of title for the new easement area to NCDOT.

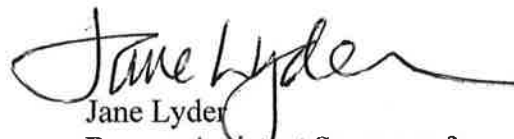
The Department has reviewed the enclosed drafts of the above provisions provided by FHWA for inclusion in FHWA's ROD, and finds them to be acceptable.

As a result, the Department no longer objects to FHWA concluding its environmental study process with the selection of the Parallel Bridge with NC 12 Transportation Management Plan alternative as the bridge replacement alternative that will advance into the design stage. With the incorporation of appropriate permit conditions and mitigation, the details of which will be

worked out over the coming months, the Department believes the Refuge will be protected consistent with existing law. The permit for the bridge landing will include provisions with respect to future work on the portion of NC 12 that falls within the Refuge. Any work on or realignment of NC 12 that falls outside of the NCDOT's right-of-way will be subject to the provisions of section 4(d) of the National Wildlife Refuge System Administration Act of 1966 and the regulations and guidance issued pursuant to it. The Department is confident that that NCDOT is committed to designing Phase I and future phases of the project with the intent of staying within the right-of-way. If NCDOT needs to operate outside of the right-of-way, section 4(d) will apply.

The Department looks forward to continuing to work with FHWA and NCDOT on this project in the cooperative fashion of the previous few months. Together we believe we can move forward in a manner that recognizes all of our needs and responsibilities under the law.

Sincerely,

A handwritten signature in black ink that reads "Jane Lyder". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jane Lyder
Deputy Assistant Secretary for
Fish and Wildlife and Parks