Section 42 - Permit Procedures

Use the Checklist in Attachment 42.2 to ensure all applicable elements have be addressed.

42.1 NJDEP Water Quality Certificate

1. The Certificate should be obtained from the New Jersey Department of Environmental Protection at approximately the time of the Preliminary Submission.
2. Water Quality Certification is required for those projects that need a US Army Corps of Engineers Section 404 or 10 Permit and projects requiring US Coast Guard Permits.

42.2 NJDEP Stream Encroachment Permit

All documents concerning hydraulic and hydrologic data shall be prepared for application to the New Jersey Department of Environmental Protection.

42.3 Tidelands Grant, Lease or License

1. The application is to be made to the Bureau of Tidelands, New Jersey Department of Environmental Protection.
2. Documents similar to those required for US Coast Guard Permit shall be prepared.

42.4 NJDEP Coastal Area Facilities Review Act Permit (CAFRA)

Environmental Resources, with engineering input, will make the application for the entire project permit to the New Jersey Department of Environmental Protection.

42.5 US Coast Guard Section 9 Permit

1. A United States Coast Guard (USCG) Permit is required for all bridge construction or reconstruction projects across navigable waters of the United States except as noted in Part (d) below. As stated in Title 23 Code of Federal Regulations (CFR), Part 650, Subpart H., the USCG has the responsibility to determine whether a USCG Permit is required for the improvement or construction of a bridge over navigable waters, except for federally aided bridges, in which case the FHWA exercises that responsibility. The USCG also has the responsibility to approve the bridge location alignment and appropriate navigational clearances in all bridge permit applications.

   The Manager, Bureau of Structural Engineering will make application for USCG permit. The design unit shall initiate coordination with the USCG at an early stage of project development and provide opportunity for the USCG to be involved throughout the environmental review process in accordance with 23 CFR Part 771. Required documents are to be prepared by the Designer (see Attachment 42.1). For more information see the Bridge Permit Application Guide at the US Coast Guard website at www.uscg.mil. The Bureau of Environmental Services shall be kept advised of this application process for tracking and scheduling purposes.

   Per 23 CFR 650, Subpart H, the following items must be considered for bridges requiring a USCG Permit

   a). The Designer shall accomplish sufficient preliminary design and consultation during scope development to investigate bridge alternatives. The feasibility of

any proposed movable bridges, the horizontal and vertical clearances that may be required. Other location considerations which, included with any proposal for a movable bridge, provide a comparative analysis of engineering, social economic and environmental benefit and impacts are to be considered.

b). The Designer shall consider hydraulic, safety, environmental and navigational needs along with highway costs when designing proposed navigable waterway crossing

c). For bridges where the risk of ship collision is significant, the Designer shall consider, in addition to the USCG requirements, the need for pier protection and warning systems. Refer to Section 19 of this Manual for further clarification.

d). Special navigational clearances shall normally not be provided for accommodation of floating construction equipment of any type that is not required for navigation channel maintenance. If the navigational clearances are influenced by the needs of such equipment, the USCG should be consulted to determine the appropriate clearances to be provided.

e). For projects which require FHWA approval of plans, specifications and estimates, preliminary bridge plans shall be approved at the appropriate level by the FHWA for structural concepts, hydraulics and navigational clearances prior to submission of the permit application.

f). If the project contains alternative designs for the same configuration (fixed or movable), the permit application shall be prepared in sufficient detail so that all alternatives can be evaluated by the USCG. If appropriate, the USCG will issue a permit for all alternatives.

For more information concerning the USCG Permit process, refer to the *Bridge Permit Application Guide* available through the USCG, and 23 CFR 650, Subpart H available through the FHWA.

2. Under the law, a Coast Guard permit is not required if the proposed construction, reconstruction, rehabilitation or replacement is over waterways which conform to either of the following criteria.

   a). The waterway is not to be used or is not susceptible for use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce and is not a tidal waterway.

   b). The waterway is tidal; however, it is used only by recreational boating, fishing and other small vessels less than 20 feet in length.

   The appropriate District Offices of the US Army Corps of Engineers should be contacted if the susceptibility of channel improvement for navigation is unknown. The USCG District Office at the address below should be contacted if the types of vessels using the waterway is unknown.

3. For federal aid bridge projects which cross waterways with navigational traffic and where it is believed that a Coast Guard permit may not be require, supporting information shall be provided early in the scope development to the FHWA to enable them to make a determination that a permit is not required and that proposed navigational clearances are reasonable.

   For waterways where the USCG has not declared jurisdiction, the Coast Guard will be notified by sending a Notice of Planned Action on an individual project

basis. The documents shall be prepared by the Designer and sent to the respective address below:

For Projects North of Toms River, address to:

Commander
First Coast Guard District
Battery Park Building
New York, New York 1000-5073
Telephone Number: 212-668-7021

For Projects South of Toms River, address to:

Commander
Fifth Coast Guard
431 Crawford Street
Portsmouth, VA 23704-5004
Telephone Number: 757-398-6222

Construction in waterways exempt from a Coast Guard permit may be subject to other Coast Guard authorizations such as approval of navigation lights and signals and timely notice to local mariners of waterway changes. Therefore, the Coast Guard should be notified whenever the proposed action may substantially affect local navigation.

42.6 NJDEP Waterfront Development Permit

The Bureau of Environmental Services, with engineering input, will make the application for the entire project permit to the NJDEP.

42.7 NJDEP Freshwater Wetlands Permit

The Bureau of Environmental Services, with engineering input, will submit the entire application to the NJDEP.

42.8 US Army Corps Section 404 And 10 Permit

The Bureau of Environmental Services will submit these applications, with engineering input, to the District Engineer, Philadelphia District or New York District.

42.9 Pinelands Commission Permit

The Bureau of Environmental Services submits the entire application, with engineering input, to the New Jersey Pinelands Commission.

(References: Coast Guard Authorization Act of 1982; Section 123(b) of the Federal Aid Highway Act of 1987; 23 CFR 650 (H) dated April 1, 1991.)

42.10 Navigable Waterways In New Jersey

The following listing of navigable waterways is not a complete list but may be used as a reference.

This listing was taken from the Coast Guard Publication *Bridges Over Navigable Waters of the United States, Part 1, Atlantic Coast*. If doubt exists as to whether a section of waterway in question has been deemed navigable, the US Coast Guard should be contacted.

Intercoastal Waterways:

Barnegat Bay Great Channel

Beach Thorofare (Atlantic City)
Beach Thorofare (Margate)
Beach Thorofare (Ocean City)
Broad Thorofare
Cape May Canal
Crook Horn Thorofare
Grassy Sound Channel
Absecon Creek
Absecon Inlet
Alloway Creek
Arthur Kill
Assiscunk Creek
Avalon Canal
Babcock Creek
Barnegat Bay
Bass Harbor
Bass River
Beach Creek
Beach Thorofare
Beaver Creek
Beaver Dam Creek
Bellmans Creek
Berry Creek
Berry Creek Canal
Bidwell (Biddle) Creek
Big Creek
Big Sheepshead Creek
Big Thorofare
Black Creek
Branchport Creek (Pleasure Bay)
Bull Creek
Cape Island Creek
Cedar Creek
Cedar Swamp Creek
Cheesequake Creek
Clam Thorofare
Cohansey River
Colby's-Bobby's Run
Compton Creek (Shoal Harbor)
Cooks Creek
Cooper River
Corson Inlet
Crafts Creek
Crammers Creek
Crosswick Creek
Debbies Creek
Delaware River
Dennis Creek
Dividing Creek
Dock Thorofare
Double Creek
Ingram Thorofare
Inside Thorofare
Ludlam Thorofare
Manahawkin Bay
Manasquan River
Middle Thorofare
Point Pleasant Canal
Fortescue Creek
Grassy Sound Channel
Graven Thorofare
Great Channel
Great Egg Harbor Bay
Great Egg Harbor Inlet
Great Egg River
Great Thorofare
Hackensack River
Hope Creek
Hudson River
Jobs Creek
Jonathans Thorofare
Kill Van Kull
Lawrence Brook
Leonards Thorofare
Little Silver Creek
Little Salem River
Little Sheephead Creek
Little Timber Creek
Lovelands Thorofare
Luppatatcong Creek
Manahawkin Bay
Manahawkin Creek
Manantico Creek
Manasquan Creek
Matawan Creek
Maurice River
Middle Thorofare
Milburn Creek
Mill Creek
Mill Tail Creek
Mullica River
Muskee Creek
Nacate Creek
Navesink River (Swimming River)
Newark Bay
Newton Creek
Newton Creek North Branch
Newton Creek South Branch
Noes Creek
Nut Swamp
Oceanport Creek
Oldmans Creek

Duck Thorofare
East Creek
Elizabeth River
Flat Creek
Forked River
Patcong Creek
Pemberton Creek
Pennsauken Creek
Pennsauken Creek South Branch
Piles Creek
Post Creek
Pleasure Bay (Branchport Creek
Raccoon Creek
Rahway River
Rancocas River (Creek)
Rancocas River (Creek) South Branch
Raritan River
Richardsons Channel
Risley River
Salem Canal
Salem River
Scotch Bonnet Thorofare
Second River
Shark River
Shark River (North Channel)
Shark River (South Channel)
Sheepshead Creek
New Jersey Ship Channel
Shrewsbury River
Old Turtle Creek
Overpeck Creek
Oyster Creek
Passaic River
Parkers Creek
Sluice Creek
South River
Stockton Lake Brook
Stow Creek
Stump Creek
Swimming River (Navesink River)
Tennents Brook
Toms River North Branch
Toms River South Branch
Toms River Jakes Branch
Town Neck Creek
Townsend Inlet
Troutmans Creek
Tuckahoe River
Tuckerton Creek
Wading River
Watsons Creek
West Creek
Westecunk Creek
Whirlpool Creek
Willet Thorofare
Woodbridge Creek
Woodbury Creek

Attachment 42.1 - Sample Letter of Application for USCG Permit

Commander

Address (north or south of Toms River)

Dear Sir/Madam:

Application is hereby made by (name of consultant or engineering firm) (name of applicant) at (address) for approval by the Commandant, U.S. Coast Guard, of the location and plans of a (type of bridge structure) to be constructed (or modified) across the (name of waterway) at (city), (state) _____ kilometers (miles) above the mouth of the waterway as shown on the attached plans.

Federal funds will/will not be utilized and have been/are being applied for. Federal agencies which must grant approvals, easements, or other actions for this project include

The bridge will have a/no significant impact on the human environment. The impacts on the human environment are as follows: (briefly describe key issues)

An environmental analysis describing these effects has been prepared in the format of Section 102(2)(C) of the National Environmental Policy Act of 1969 and is enclosed.

There are/are no wildlife and waterfowl refuges, recreational areas, public parks or historic sites in the vicinity or in the way of the (type of structure) or its approaches. (as appropriate)

Legal authority for the (type of structure) is found in the General Bridge Act of 1942. The laws of the State of _____do not require us to obtain a state permit for this work (or enclose state permits).

Enclosed herewith is a letter of authorization from (structure owner) and an extract of (the motion from Corporate meetings, etc.) authorizing me to make this application.

This (type of structure) will replace the existing (type of structure) at (city, state), and will be removed when the new (type of structure) is completed. (If applicable)

Sincerely

Encls.

1. Original and three copies of map of the vicinity and plans of (type of structure
2. Environmental Analysis (or two copies of FHWA Final EIS or FONSI) as appropriate
3. Authorization for applicant to make application
4. Evidence of ownership of old (type of structure
5. Water quality certification under 33 U.S.C. 1251 (or copy of letter requesting same)
6. CZM consistency statement
7. State agency concurrence in CZM consistency certification

Attachment 42.2 - Checklist

Enclosures To Application Form (as applicable)

( ) letter authorizing agent to act in applicant's behalf
( ) letter authorizing modification or removal of another's bridge
( ) State license to construct the proposed bridge
( ) extract from a corporation's charter
( ) proof of ownership of the land the proposed bridge will be located on
( ) extracts of motions from meetings authorizing construction of the proposed bridge
( ) water quality certificate
( ) CZM consistency statement
( ) state concurrence with consistency certificate
( ) environmental document
( ) other federal, state and local permit
( ) identification of property owners adjacent to proposed bridge site

Drawing

Location Map

( ) show the location of the proposed bridge in red
( ) show the location of existing bridge
( ) show wildlife and waterfowl refuges, historical and archaeological sites, public parks and recreation area
( ) show graphic scale
( ) show north arrow
( ) show direction of streamflow by use of an arrow
( ) show towns in project vicinity

Plan View

( ) show properties adjacent to the proposed bridge and identify respective owner
( ) show length and width of bridge (proposed and, as appropriate, existing
( ) show fendering system and indicate type of construction material
( ) show banks of the waterway
( ) show navigation channel limit
( ) show and identify structures immediately adjacent to the proposed bridge and their pier alignment in relation to the proposed bridge
( ) show graphic scale
( ) show north arrow
( ) show horizontal clearance normal to the channel axis
( ) show channel axis

Elevation View (looking upstream)

( ) show the navigational opening in red
( ) show the horizontal clearance normal to the channel
( ) show the vertical clearance above the appropriate datum
( ) show the elevation of the waterway bottom
( ) show the amount of fill
( ) show the graphic scale

Title Block

( ) indicate applicant
( ) indicate waterway name and mile point
( ) indicate the location of project (city, county, state)
( ) indicate date of plan
( ) indicate sheet number