



DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

MAR 18 2013

Regulatory Branch
Application Section II

SUBJECT: CENAP-OP-R-2008-0451 (NWP 24)
Project Name: New Jersey Dept. of Transportation Route 29 Bank Stabilization - MP 10.1
NJDEP#: NJDEP 1102-07-0005.1 FWW 130001 & 130002
Latitude and Longitude: 40.272237 N -74.851922 W

Ms. Tina Shutz
New Jersey Department of Transportation
1035 Parkway Avenue, P.O. Box 600
Trenton, New Jersey 08625-0600

Dear Ms. Shutz:

This is in regard to your company's proposal to provide for the permanent embankment repairs along the D&R Canal and the adjacent Route 29 at milepost 10.1 by utilizing "H" piles, sheeting material and native stone with recessed grout located in Ewing Township, Mercer County, New Jersey.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and/or the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Based upon our review of the information you have provided, it has been determined that the proposed work is approved by the existing Department of the Army Nationwide Permit (NWP) described below.

NWP 24. Indian Tribe or State Administered Section 404 Programs.

Any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)-(l) is permitted pursuant to Section 10 of the Rivers and Harbors Act of 1899. (Section 10)

Note 1: As of the date of the promulgation of this NWP, only New Jersey and Michigan administer their own section 404 permit programs.

Note 2: Those activities that do not involve an Indian Tribe or State section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Pub. L. 94-587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)).

You are advised that this verification of NWP authorization is valid for two (2) years from the date of this letter, unless the NWP authorization is modified, suspended, or revoked. In the event that the NWP authorization is reissued and/or modified during that time period, this two-

year expiration date will remain valid, provided the activity complies with any subsequent reissuance and/or modification of the NWP authorization.

It is noted that CZM consistency from the State is only required for those activities in or affecting a State's coastal zone. Additionally, some of the NWPs do not involve a discharge of dredged or fill material, and as such, do not require a 401 WQC. If the State has denied the required WQC and/or not concurred with the Corps' CZM consistency determination, the NWP authorization is considered denied without prejudice until an individual project specific WQC and/or CZM approval is obtained. This approval must be obtained in order for the activity to be authorized under the NWP and a copy provided to this office before work begins. Any project specific conditions required by the State for the WQC and/or CZM approval will automatically become part of the NWP authorization.

You should carefully note that this NWP authorization is based upon your agreement to comply with the terms and conditions of this NWP (Enclosure 1) including any and all attached project specific special conditions listed below. Initiation of any authorized work shall constitute your agreement to comply with all of the NWP's conditions. You should also note that the authorized work may be subject to periodic inspections by a representative of this office. The verification of a Nationwide Permit including all general and special conditions is not subject to appeal.

PROJECT SPECIFIC SPECIAL CONDITIONS:

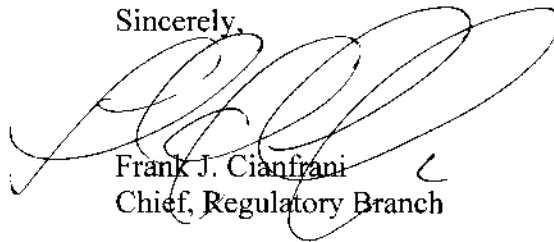
1. All work performed in association with the above noted project shall be conducted in accordance with the project plans identified as "New Jersey Department of Transportation, Environmental Plan and Construction and Details and Notes, Route 29, Bank Stabilization MP 10.1, sheets 1 and 2 of 2, dated February 7 & 27, 2013, scale as noted, by the RGA Group. The project plans provide for embankment stabilization utilizing "H" piles, sheeting material and native stone with recessed grout that will be used as an embankment material. The net amount of fill will be approximately 5 cubic yards to restore the embankment to pre-failure slope. The stated purpose of the project is to provide for the permanent embankment repairs along the D&R Canal and the adjacent Route 29 roadway as well as to satisfy the Delaware & Raritan Canal commission concerns about historical/cultural resource acceptability in the embankment treatments.
2. Construction activities shall not result in the permanent disturbance or alteration of greater than 0.0032 acre of waters of the United States or the temporary disturbance or alteration of greater than 0.0113 acre of waters of the United States.
3. Any deviation in construction methodology or project design from that shown on the above noted drawings or repair plan must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
4. This office shall be notified prior to the commencement of authorized work by completing and signing the enclosed Notification/ Certification of Work Commencement Form (Enclosure 2). This office shall also be notified within 10 days of the completion of the authorized work by

completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form (Enclosure 3). All notifications required by this condition shall be in writing. The Notification of Commencement of work may be sent to this office by facsimile or other electronic means; all other notification shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Also enclosed is a pre-addressed postal card (Enclosure 4) soliciting your comments on the processing of your application. Any comments, positive or otherwise, on the procedures, timeliness, fairness, etc., may be made on this card. If you should have any questions regarding this matter, please contact Peter Romano at 215-656-6729 or email to peter.t.romano@usace.army.mil or write to the above address.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'F. Cianfrani', is written over the typed name and title.

Frank J. Cianfrani
Chief, Regulatory Branch

Enclosures



**US Army Corps
of Engineers
Philadelphia District**

NOTICE

This Department of the Army permit contains important permit terms and conditions. Please read the permit and all terms and conditions carefully.

Work authorized by this permit may be inspected for compliance at any time.

It is your responsibility, as permittee, to ensure that all work authorized by the permit, including all work performed by contractors, be performed in strict compliance with all terms and conditions of the permit. Failure to do so may result in a determination by the District Engineer to suspend, modify, or revoke your permit (33 CFR 325.7). It may also subject you to the enforcement procedures contained at 33 CFR 326.4 and 326.5, including civil and criminal action and the possible imposition of civil penalties and criminal fines up to \$50,000.00 per day per violation.

If you have any questions about, or need to modify, any of the terms and conditions of this permit, you are requested to contact the Philadelphia District Office at (215) 656-6728.