



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

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

MAY 07 2015

Regulatory Branch  
Application Section II

SUBJECT: CENAP-OP-R-2014-992-35 (NWP23)  
Route 130 Raccoon Creek Bridge Replacement  
Lat: 39.800860°, Long: -75.355994°

Ms. Brenna Fairfax  
Supervising Environmental Specialist  
Bureau of Landscape Architecture and Environmental Solutions  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton, New Jersey 08625-0600

Dear Ms. Fairfax:

This is in regard to your proposal, on behalf of NJDOT, to replace the Route 130 bridge over Raccoon Creek and to re-construct/re-align the approach roadway located in Logan Township, Gloucester 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, provided the work is conducted in compliance with the special conditions below and the attached general conditions.**

***Nationwide Permit 23. Approved Categorical Exclusions.***

*Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:*

*(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and*

*(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23. The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.*

*Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Sections 10 and 404)*

*Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are the: Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07, which is available at: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/rxlsindx.htm>. Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same web site.*

You are advised that this verification of NWP authorization is valid until the nationwide permits expire on March 18, 2017, unless the NWP authorization is modified, suspended, or revoked prior to this date. In the event that the NWP authorization is modified during that time period, this expiration date will remain valid, provided the activity complies with any subsequent modification of the NWP authorization.

The enclosed table (Enclosure 1) identifies those NWPs which require a preconstruction notification (PCN) to the Corps of Engineers, those which have been regionally conditioned by the Division Engineer, and those which have been denied 401 Water Quality Certification (WQC) and/or Coastal Zone Management (CZM) consistency by the State. 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. For those NWPs not requiring a 401 WQC, the appropriate rows and columns have been identified with the term "NA". 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 2), 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.



In addition, a preliminary jurisdictional determination (JD) is included with this authorization. This preliminary determination identifies the location(s) of waters and wetlands that may be waters of the United States for the subject site. This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands, on the parcel. Enclosed is a copy of the Preliminary Jurisdictional Determination Form signed by the applicant or agent agreeing to accept a preliminary jurisdictional determination (Enclosure 3). Preliminary JDs are advisory in nature and may not be appealed (See attached Notification of Appeal Form (Enclosure 4) and 33 C.F.R. 331.2.); however, the applicant retains the right to request an approved Jurisdictional Determination, which may be appealed, for the site.

For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision was made based on the preliminary JD. All waters and wetlands on the site that may be affected in any way by the permitted activity were treated as though they were jurisdictional waters of the United States. The attached plan(s) depicts the location of waters and wetlands on the subject property.

This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This preliminary jurisdiction determination is valid for a period of five (5) years. This preliminary jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the preliminary jurisdictional determination at any time should existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete, or inaccurate.

#### 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 **“United States Army Corps of Engineers Nationwide Permit Plan No. 23 Wetland Impact Plans, U.S. Route 130 Raccoon Creek Bridge Replacement and Pavement Rehabilitation Contract No. 011983440”**, sheet WI-1 through WI-10, prepared by Dewberry-Goodkind Inc., dated October 16, 2014; **“State of New Jersey Department of Transportation plans of Route U.S. 130, Raccoon Creek Bridge Replacement and Pavement Rehabilitation, Wetland Mitigation Plans, Contract No. 011983440”**, sheets 1 through 10, prepared by the State of New Jersey Department of Transportation dated August 2014, and **“New Jersey Department of Transportation Bureau of Structural Engineering, Dream Park Culvert...”**, sheets 68 through 72, prepared by Malick & Scherer and AECOM USA Inc. The project plans provide for the reconstruction of the Route 130 Raccoon Creek Bridge and approach roadway. The stated purpose of the project is to provide for safe operation of an existing roadway.

2. Construction activities shall not result in the permanent disturbance or alteration of greater than 2.51 acres of open waters (0.702 acres) and wetlands (1.808 acres). Additionally, temporary construction activities shall not disturb or alter 0.42 acres of open water and wetlands. The reconstructed ditch and adjacent wetlands will comprise 1.14 acres.

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.

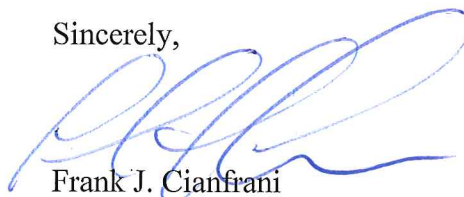
4. This office shall be notified prior to the commencement of authorized work by completing and signing the enclosed Notification/ Certification of Work Commencement Form (Enclosure 5). This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form (Enclosure 6). 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.

6. All waters of the U.S., including wetlands, temporarily disturbed during the project, shall be restored to their previous condition within 30 days of completion of the regulated work. Restoration work shall include removal of mats, removal of dewatering structures, re-grading of areas excavated or filled temporarily to their pre-disturbance conditions and re-vegetated. Photographic evidence shall be submitted to this office within 60 days of completion of regulated work documenting restoration of temporary impacts.

If you should have any questions regarding this matter, please contact Michael Hayduk at (215) 656-5822 or write to the above address.

Sincerely,



Frank J. Cianfrani  
Chief, Regulatory Branch

Enclosures