SCOPE OF WORK

Browns Point
Boat Ramp and Parking

Greenwood Lake State Park
West Milford Township, Passaic County, NJ

Project No. P1344-00

STATE OF NEW JERSEY

Honorable Philip D. Murphy, Governor
Honorable Tahesha L. Way, Lt. Governor

DEPARTMENT OF THE TREASURY

Elizabeth Maher Muoio, Treasurer

DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION

Thomas A. Edenbaum, Director

Date: December 19, 2024

Document Format Revision 8-1-2022

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I. OBJECTIVE

The objective of this project is to construct a public usage boat ramp with parking lot improvements for vehicles and boat trailers at Browns Point Park located on the southern region of Greenwood Lake in West Milford Township in Passaic County.

II. CONSULTANT QUALIFICATIONS

A. CONSULTANT & SUB-CONSULTANT PRE-QUALIFICATIONS

The Consultant shall be a firm pre-qualified with the Division of Property Management & Construction (DPMC) in the following discipline(s):

- **P005 Civil Engineering**

The Consultant shall also have in-house capabilities or Sub-Consultants pre-qualified with DPMC in:

- **P017 Hydrographic Surveying**
- **P031 Archaeology**

As well as, **any and all** other Architectural, Engineering and Specialty Disciplines necessary to complete the project as described in this Scope of Work (SOW).

III. PROJECT BUDGET

A. CONSTRUCTION COST ESTIMATE (CCE)

The initial Construction Cost Estimate (CCE) for this project is $600,000.

The Consultant shall review this Scope of Work and provide a narrative evaluation and analysis of the accuracy of the proposed project CCE in its technical proposal based on its professional experience and opinion.

B. CURRENT WORKING ESTIMATE (CWE)

The Current Working Estimate (CWE) for this project is $882,000.

The CWE includes the construction cost estimate and all consulting, permitting and administrative fees.

The CWE is the client agency's financial budget based on this project Scope of Work and shall not be exceeded during the design and construction phases of the project unless DPMC approves the change in Scope of Work through a Contract amendment.

C. CONSULTANT'S FEES

The construction cost estimate for this project ***shall not*** be used as a basis for the Consultant's design and construction administration fees. The Consultant's fees shall be based on the information contained in this Scope of Work document and the observations made and/or the additional information received during the pre-proposal meeting.

IV. PROJECT SCHEDULE

A. SCOPE OF WORK DESIGN & CONSTRUCTION SCHEDULE

The following schedule identifies the estimated design and construction phases for this project and the estimated durations.

PROJECT PHASE	ESTIMATED DURATION (Calendar Days)
1. Site Access Approvals & Schedule Design Kick-off Meeting	**14**
2. Schematic Design Phase	**42**
• *Project Team & DPMC Plan/Code Unit Review & Comment*	14
3. Design Development Phase	**42**
• *Project Team & DPMC Plan/Code Unit Review & Comment*	14
4. Final Design Phase	**42**
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7. Permit Application Phase	**21**
• *Issue Plan Release*	

8. Bid Phase	**42**
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10. Construction Phase	**180**
11. Project Close Out Phase	**30**

B. CONSULTANT'S PROPOSED DESIGN & CONSTRUCTION SCHEDULE

The Consultant shall submit a project design and construction schedule with its technical proposal that is similar in format and detail to the schedule depicted in **Exhibit 'A'**. The schedule developed by the Consultant shall reflect its recommended project phases, phase activities, activity durations.

A written narrative shall also be included with the technical proposal explaining the schedule submitted and the reasons why and how it can be completed in the time frame proposed by the Consultant.

This schedule and narrative will be reviewed by the Consultant Selection Committee as part of the evaluation process and will be assigned a score commensurate with clarity and comprehensiveness of the submission.

V. PROJECT SITE LOCATION & TEAM MEMBERS

A. PROJECT SITE ADDRESS

The location of the project site is:

Greenwood Lake Turnpike (County Rd. 511)
West Milford Township, Passaic County, NJ 07421

GPS Coordinates: 41.15336925° N, -74.34716541° W

See **Exhibit 'B'** for the project site location map.

B. PROJECT TEAM MEMBER DIRECTORY

The following are the names, addresses, and phone numbers of the Project Team members.

1. DPMC Representative:

Name: Vijay Gandhi, Project Manager
Address: Division of Property Management & Construction
20 West State Street, 3rd Floor
Trenton, NJ 08608-1206
Phone No: (609) 256-0031
E-Mail: Vijay.Gandhi@treas.nj.gov

2. Department of Environmental Protection:

Name: William C. White, Project Manager
Address: Department of Environmental Protection
275 Freehold-Englishtown Road
Englishtown, NJ 07726
Phone No: (609) 802-5886
E-Mail: William.White@dep.nj.gov

VI. PROJECT DEFINITION

A. BACKGROUND

Browns Point Park is located in West Milford Township on the southwest area of Greenwood Lake in Passaic County. The NJ Fish & Wildlife would like to make improvements to Browns Point Park by constructing a new public boat launch ramp and provide parking lot improvements to the adjacent parking lot to accommodate vehicles and boat trailers. (see **Exhibit 'E'** for "Proposed Site Plan")

The New Jersey Department of Environmental Projection (NJDEP) commissioned LAN Associates, Engineering, Planning, Architecture and Surveying, Inc. to conduct a Wetland Investigation on April 4, 2022 where wetlands were delineated in accordance with the Freshwater Wetlands Control Act Rules (N.J.A.C. 7:7A), also known as FWCAR. Based upon the wetland investigation and the preferred improvements for this project, permits may be required by the NJDEP for the Freshwater Wetlands Protection, NJDEP for Flood Hazard Area, NJDEP for the Highlands are and, the U.S. Army Corps of Engineers (USACE), as necessary. (See **Exhibit 'D'** for the LAN Associates "Wetland Delineation Report Permit Analysis").

There are special concerns for the wildlife species in this region. To reduce the risk of harm to these species, the New Jersey's Endangered and Nongame Species Program (ENSP) provides

recommendations and strategizes to minimize the risk of violating the NJ Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A-1-13).

B. FUNCTIONAL DESCRIPTION OF THE BUILDING

Browns Point Park is located in West Milford Township on the southwestern side of the Greenwood Lake (see **Exhibit 'B'** Site Location Map). The park is on approximately 10.66-acres of land that slopes towards Greenwood Lake.

The park has a simple boat launch ramp on terrain-like conditions giving access to Greenwood Lake. (See **Exhibit 'C'** Photos). The parking lot has limited signage and is a loose gravel surface with no assigned vehicle or trailer parking. The Browns Point Park location is the only public area for access along Greenwood Lake within the New Jersey state border. The park is closed after dusk and does not have any electric or lighting for the area.

There are occasional festivals and events held in the Greenwood Lake region throughout the year. The Park is currently open for public usage.

VII. CONSULTANT DESIGN RESPONSIBILITIES

A. DESIGN REQUIREMENTS

1. General:

The Consultant shall provide the Design, Construction Administration, Permitting and Bid/Award services to install a new boat launch ramp with parking lot improvements at Browns Point Park. The Consultant shall comply with requirements set by the New Jersey Department of Environmental Protection (DEP) and ADA Accessibility Guidelines.

The Design Consultant shall review and use the LAN Associates "Wetland Delineation Report Permit Analysis" in **Exhibit 'D'** and the "Proposed Site Plan" in **Exhibit 'E'** to provide recommendations for the permitting analysis, conclusions as approved by NJDEP regarding any of the following subjects: Wetlands, Transition Area, Flood Hazard Areas, Soils, Riparian Zone, and Highlands.

2. Functional Design:

The Consultant shall meet and coordinate with NJ Department of Environmental Protection and the NJ Fish and Wildlife Staff to outline all functional requirements necessary for the design of Browns Point Park's new boat ramp along with improving conditions to the adjacent parking lot. The design for the new boat ramp and improved parking lot conditions shall include (17) vehicle

parking spaces and (19) trailer parking spaces as recommended in the Proposed Site Plan or provide an alternative parking solution maximizing the amount of vehicle and trailer parking spaces to meet the design criteria of the Agency.

The Consultant shall document interviews with the DEP staff to identify their requirements and needs.

Below are some specific components and essential items of this project scope, which shall include but not limited to by the Client Agency, and shall be incorporated in the design:

- Build a new reinforced concrete boat ramp to replace the existing natural ramp.
- Build a new accessible ADA boat ramp/walk path.
- Improve the conditions of the parking area adjacent to the newly constructed boat ramp to accommodate vehicle and trailer parking.
- Improve the parking area driveway from the Park entrance roadway.
- Signage for the new boat ramp and parking lot.
- Removal/Relocation of select equipment.
- Review any opportunities for potential lighting at the project site.

3. Demolition:

The Consultant shall include within the design documents all necessary select demolition and debris. The Consultant shall provide a site location map on the drawing cover sheet that identifies the vehicular travel routes from major highways to the project construction site and the approved access roads to the contractor's worksite staging area.

Drawings shall identify the approved location of the dumpster(s), vehicle parking and boat trailers, construction equipment, etc. and specify any safety and or security measures required in those areas. The Consultant shall identify any required construction barriers or other measures to be taken to protect equipment and personnel from construction dirt, dust and provide safety during any demolition and construction work.

4. New Boat Ramp:

The Consultant shall provide the design and specifications to construct a new reinforced concrete boat ramp to replace the natural terrain. The Consultant shall provide a calculation(s) to confirm the correct degree of inclination needed for the new concrete ramp.

The Consultant shall determine the foundation and depth of the new ramps. The design shall include, as necessary, a provision for controlling soil erosion around the ramp. The construction documents shall be in compliance with USACE, and any other regulations that do apply. The construction documents shall be in compliance with ADA. See below for suggested regulatory requirements and permit applications.

5. Vehicle & Boat Trailers Parking Lot:

The Consultant shall use the "Proposed Site Plan" in the **Exhibit 'E'** as a guide to provide the design and installation for the improvements to the parking lot adjacent to the new boat ramp. The Client Agency desires the lot coverage area to include parking for standard vehicles and trailer vehicles. All design shall comply with A.D.A. Accessibility Guidelines. The Consultant shall provide the design and specifications, if preferred by the Agency, to light the boat ramp and parking area. The Consultant shall be responsible for the design of power to the area as there is no power to the area.

The Consultant shall provide for any striping or signage for the parking lot for trailers or ADA accessibility as required. All design shall comply with ADA Accessibility Guidelines.

6. Contractor Staging Area:

Construction documents shall include Agency approved staging area by the Project Team indicating the location where the contractor can store debris, materials, tools, and equipment.

7. Survey Requirements:

The Consultant shall determine whether any additional surveys are required (i.e. boundary site survey, site topography, or cultural resource surveys) for the successful completion of this Project. All original documentation shall be returned to the provider at the completion of the project.

8. Archaeological Analysis:

The consultant shall perform an archaeological analysis on the site. Specific archaeological analysis requirements shall be coordinated with the State Historic Preservation Office.

B. REGULATORY REQUIREMENTS

The Design Consultant shall review **Exhibit 'D'** "Wetland Delineation Report Permit Analysis" for their permitting analysis and regulatory requirements of the below listed Agency.

It is the Consultant's responsibility to identify and obtain all other State Regulatory Agency permits, certificates, and approvals that will govern and affect the work described in this Scope of Work.

1. NJ Department of Environmental Protection:

The project site is located within the Coastal Area Facility Review Act (CAFRA) where the Design Consultant shall include but not limited to identifying water-ward of the mean high high-water line, sites located within a tidal flood hazard area, and wetlands with mapped threatened endangered species.

Below is a summary of regulations that could be applicable to this project in the potential permitting:

a. U.S. Army Corps of Engineers (USACE) pursuant to Pursuant to 33 USC 408;
b. U.S. Army Corps of Engineers (USACE) Authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act;
c. NJDEP Division of Land Use Regulation (DLUR) pursuant to the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A;
d. NJDEP Division of Land Use Regulation (DLUR) pursuant to the Flood Hazard Area Control Act Rules N.J.A.C. at 7:13;
e. NJDEP Division of Land Use Regulation (DLUR) pursuant to the Coastal Zone Management Rules N.J.A.C. at 7:7;
f. NJ Natural Heritage Program pursuant to the Office of Natural Lands Management protocols; and
g. Passaic County Soil Conservation District pursuant to the Soil Erosion and Sediment Control Act at N.J.A.C. 2:90.

2. US Army Corps of Engineers (USACE):

The Consultant shall determine if portions of the project take place on USACE owned property and include in the design State permits required in coastal waterways or wetlands, waterfront development areas, and waterways within 1000 feet of ordinary high water or mean high tide along the Delaware River adjacent to Greenwood Lake. The project site is within the Hackensack Meadowlands and the Consultant shall include tin the design the required permits from the Army Corps of Engineers.

3. State Historic Preservation Office Approval:

Consultant shall complete an "Application for Project Authorization under the New Jersey Register of Historic Places Act" and submit it to the State Historic Preservation Office for review and approval prior to securing the required UCC permits.

The "Application for Project Authorization Under the New Jersey Register of Historic Places Act" can be found at: http://www.nj.gov/dep/hpo/2protection/sr_revapp_min.pdf

C. PERMIT APPLICATIONS

The Consultant is responsible to prepare permit application packages for all State and Federal Agencies. The Consultant shall identify any and all approvals needed, and any other costs associated with the new design and construction. The Consultant shall also develop a detailed estimate of construction costs.

D. DESIGN MEETINGS & PRESENTATIONS

1. Design Meetings:

Conduct the appropriate number of review meetings with the Project Team members during each design phase of the project so they may determine if the project meets their requirements, question any aspect of the contract deliverables, and make changes where appropriate. The Consultant shall describe the philosophy and process used in the development of the design criteria and the various alternatives considered to meet the project objectives. Selected studies, sketches, cost estimates, schedules, and other relevant information shall be presented to support the design solutions proposed. Special considerations shall also be addressed such as: Contractor site access limitations, utility shutdowns and switchover coordination, phased construction and schedule requirements, security restrictions, available swing space, material and equipment delivery dates, etc.

It shall also be the responsibility of the Consultant to arrange and require all critical Sub-Consultants to be in attendance at the design review meetings.

Record the minutes of each design meeting and distribute within three (3) calendar days to all attendees and those persons specified to be on the distribution list by the Project Manager.

2. Design Presentations:

The minimum number of design presentations required for each phase of this project is identified below for reference:

Schematic Phase: One (1) oral presentation at phase completion.

Design Development Phase: One (1) oral presentation at phase completion.

Final Design Phase: One (1) oral presentation at phase completion.

E. EXISTING DOCUMENTATION

Copies of the following documents will be provided to each Consulting firm at the pre-proposal meeting to assist in the bidding process.

- Wetland Delineation Report Permit Analysis, June 10, 2022, LAN Associates, Engineering, Planning, Architecture, Surveying, Inc.
- Proposed Site Plan, 5/11/2022, LAN Associates, Engineering, Planning, Architecture, Surveying, Inc.

Review these documents and any additional information that may be provided at a later date such as reports, studies, surveys, equipment manuals, as-built drawings, etc. The State does not attest to the accuracy of the information provided and accepts no responsibility for the consequences of errors by the use of any information and material contained in the documentation provided. It shall be the responsibility of the Consultant to verify the contents and assume full responsibility for any determination or conclusion drawn from the material used. If the information provided is insufficient, the Consultant shall take the appropriate actions necessary to obtain the additional information required.

All original documentation shall be returned to the provider at the completion of the project.

VIII. PERMITS & APPROVALS

A. NJ UNIFORM CONSTRUCTION CODE PLAN REVIEW AND PERMIT

The project construction documents must comply with the latest adopted edition of the NJ Uniform Construction Code (NJUCC).

The latest NJUCC Adopted Codes and Standards can be found at:

http://www.state.nj.us/dca/divisions/codes/codreg/

1. NJ Uniform Construction Code (NJUCC) Plan Review

Consultant shall estimate the cost of the NJUCC Plan Review by DCA and include that amount in their fee proposal line item entitled **"Plan Review and Permit Fee Allowance"**, refer to paragraph X.A.

Upon approval of the Final Design Phase Submission by DPMC, the Consultant shall submit the construction documents to the Department of Community Affairs (DCA), Bureau of Construction Project Review to secure a complete plan release.

As of July 25, 2022, the Department of Community Affairs (DCA) is only accepting digital signatures and seals issued from a third party certificate authority.

Procedures for submission to the DCA Plan Review Unit can be found at:

https://www.state.nj.us/dca/divisions/codes/forms/pdf_bcpr/pr_app_guide.pdf

Consultant shall complete the "Project Review Application" and include the following on Block 5 as the "Owner's Designated Agent Name":

Trevor M. Dittmar, DPMC
PO Box 235
Trenton, NJ 08625-0235
Trevor.Dittmar@treas.nj.gov 609-984-5529

The Consultant shall complete the NJUCC "Plan Review Fee Schedule", determine the fee due and pay the NJUCC Plan Review fees, refer to Paragraph X.A.

The NJUCC "Plan Review Fee Schedule" can be found at:

http://www.state.nj.us/dca/divisions/codes/forms/pdf_bcpr/pr_fees.pdf

2. NJ Uniform Construction Code Permit

Upon receipt of a complete plan release from the DCA Bureau of Construction Project Review, the Consultant shall complete the NJUCC permit application and all applicable technical sub-code sections. The "Agent Section" of the application and certification section of the building sub-code section shall be signed. These documents, with **six (6) sets of DCA approved, signed and sealed construction documents** shall be forwarded to the DPMC Project Manager.

The Consultant may obtain copies of all NJUCC permit applications at the following website:

https://www.nj.gov/dca/divisions/codes/resources/constructionpermitforms.html

All other required project permits shall be obtained and paid for by the Consultant in accordance with the procedures described in Paragraph VIII.B.

3. Prior Approval Certification Letters:

The issuance of a construction permit for this project may be contingent upon acquiring various "prior approvals" as defined by N.J.A.C. 5:23-1.4. It is the Consultant's responsibility to determine which prior approvals, if any, are required. The Consultant shall submit a general certification letter to the DPMC Plan & Code Review Unit Manager during the Permit Phase of this project that certifies all required prior approvals have been obtained.

In addition to the general certification letter discussed above, the following specific prior approval certification letters, where applicable, shall be submitted by the Consultant to the DPMC Plan & Code Review Unit Manager: Soil Erosion & Sediment Control, Water & Sewer

Treatment Works Approval, Coastal Areas Facilities Review, Compliance of Underground Storage Tank Systems with N.J.A.C. 7:14B, Pinelands Commission, Highlands Council, Well Construction and Maintenance; Sealing of Abandoned Wells with N.J.A.C. 7:9D, Certification that all utilities have been disconnected from structures to be demolished, Board of Health Approval for Potable Water Wells, Health Department Approval for Septic Systems. It shall be noted that in accordance with N.J.A.C. 5:23-2.15(a)5, a permit cannot be issued until the letter(s) of certification is received.

4. Multi-building or Multi-site Permits:

A project that involves many buildings and/or sites requires that a separate permit shall be issued for each building or site. The Consultant must determine the construction cost estimate for *each* building and/or site location and submit that amount where indicated on the permit application.

5. Special Inspections:

In accordance with the requirements of the New Jersey Uniform Construction Code N.J.A.C. 5:23-2.20(b), Bulletin 03-5 and Chapter 17 of the International Building Code, the Consultant shall be responsible for the coordination of all special inspections during the construction phase of the project.

Bulletin 03-5 can be found at:

http://www.state.nj.us/dca/divisions/codes/publications/pdf_bulletins/b_03_5.pdf

a. Definition:

Special inspections are defined as an independent verification by a certified special inspector for **Class I buildings and smoke control systems in any class building**. The special inspector is to be independent from the Contractor and responsible to the Consultant so that there is no possible conflict of interest.

Special inspectors shall be certified in accordance with the requirements in the New Jersey Uniform Construction Code.

b. Responsibilities:

The Consultant shall submit with the permit application, a list of special inspections and the agencies or special inspectors that will be responsible to carry out the inspections required for the project. The list shall be a separate document, on letter head, signed and sealed.

B. OTHER REGULATORY AGENCY PERMITS, CERTIFICATES AND APPROVALS

The Consultant shall identify and obtain all other State Regulatory Agency permits, certificates, and approvals that will govern and affect the work described in this Scope of Work. An itemized list of these permits, certificates, and approvals shall be included with the Consultant's Technical Proposal and the total amount of the application fees should be entered in the Fee Proposal line item entitled, **"Plan Review and Permit Fee Allowance."**

The Consultant may refer to the Division of Property Management and Construction "Procedures for Architects and Engineers Manual", Paragraph "**9. REGULATORY AGENCY APPROVALS"** which presents a compendium of State permits, certificates, and approvals that may be required for this project.

The Consultant shall determine the appropriate phase of the project to submit the permit application(s) in order to meet the approved project milestone dates.
Where reference to an established industry standard is made, it shall be understood to mean the most recent edition of the standard unless otherwise noted. If an industry standard is found to be revoked, or should the standard have undergone substantial change or revision from the time that the Scope of Work was developed, the Consultant shall comply with the most recent edition of the standard.

C. STATE HISTORIC PRESERVATION OFFICE APPROVAL

The Consultant shall complete an "Application for Project Authorization Under the New Jersey Register of Historic Places Act" and submit it to the State Historic Preservation Office for review and approval prior to securing the required UCC permits.

The "Application for Project Authorization Under the New Jersey Register of Historic Places Act" can be found at: http://www.nj.gov/dep/hpo/2protection/sr_revapp_min.pdf

IX. ALLOWANCES

A. PLAN REVIEW AND PERMIT FEE ALLOWANCE

The Consultant shall obtain and pay for all of the project permits in accordance with the guidelines identified below.

1. Permits:

The Consultant shall determine the various permits, certificates, and approvals required to complete this project.

2. Permit Costs:

The Consultant shall estimate the application fee costs for all of the required project permits, certificates, and approvals (excluding the NJ Uniform Construction Code permit) and include that amount in its fee proposal line item entitled **"Plan Review and Permit Fee Allowance"**. A breakdown of each permit and application fee shall be attached to the fee proposal for reference.

NOTE: The NJ Uniform Construction Code permit is excluded since it will be paid for by the State.

3. Applications:

The Consultant shall complete and submit all permit applications to the appropriate permitting authorities and the costs shall be paid from the Consultant's permit fee allowance. A copy of the application(s) and the original permit(s) obtained by the Consultant shall be given to the DPMC Project Manager for distribution during construction.

4. Consultant Fee:

The Consultant shall determine what is required to complete and submit the permit applications, obtain supporting documentation, attend meetings, etc., and include the total cost in the base bid of its fee proposal under the "Permit Phase" column.

Any funds remaining in the permit allowance will be returned to the State at the close of the project.

X. SOW SIGNATURE APPROVAL SHEET

This Scope of Work shall not be considered a valid document unless all signatures appear in each designated area below.

The client agency approval signature on this page indicates that they have reviewed the design criteria and construction schedule described in this project Scope of Work (including the subsequent contract deliverables and exhibits) and verifies that the work will not conflict with the existing or future construction activities of other projects at the site.

SOW PREPARED BY: Alison F. Gottlieb 12/19/2024

ALISON F. GOTTLIEB, PROJECT MANAGER DATE
DPMC PROJECT PLANNING & INITIATION

SOW APPROVED BY: James Wright 12/19/2024

JAMES WRIGHT, MANAGER DATE
DPMC PROJECT PLANNING & INITIATION

SOW APPROVED BY: 12/20/24

WILLIAM C. WHITE, PROJECT MANAGER DATE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOW APPROVED BY: Vijay Gandhi 12/24/2024

VIJAY GANDHI, PROJECT MANAGER DATE
DPMC PROJECT MANAGEMENT GROUP

SOW APPROVED BY: Jeanette M Barnard 2.18.25

JEANNETTE BARNARD, DEPUTY DIRECTOR DATE
DPMC PROPERTY MGT & CONSTRUCTION

XI. CONTRACT DELIVERABLES

The following are checklists listing the Contract Deliverables that are required at the completion of each phase of this project. The Consultant shall refer to the DPMC publication entitled "Procedures for Architects and Engineers," 3.0 Edition, dated September 2022 available at https://www.nj.gov/treasury/dpmc/Assets/Files/ProceduresforArchitectsandEngineers.pdf for a detailed description of the deliverables required for each submission item listed. References to the applicable paragraphs of the "Procedures for Architects and Engineers" are provided.

Note that the Deliverables Checklist may include submission items that are "S.O.W. Specific Requirements". These requirements will be defined in the project specific scope of work and included on the deliverables checklist.

This project includes the following phases with the deliverables noted as "Required by S.O.W" on the Deliverables Checklist:

- **SCHEMATIC DESIGN PHASE**
- **DESIGN DEVELOPMENT PHASE**
- **FINAL DESIGN PHASE**
- **PERMIT APPLICATION PHASE**
- **BIDDING AND CONTRACT AWARD**
- **CONSTRUCTION PHASE**
- **PROJECT CLOSE-OUT PHASE**

XII. EXHIBITS

A. SAMPLE PROJECT SCHEDULE FORMAT
B. PROJECT SITE LOCATION MAP
C. PHOTOS
D. WETLAND DELINATION REPORT PERMIT ANALYSIS
E. PROPOSED SITE PLAN

END OF SCOPE OF WORK

DPMC Project No.: P1344-00

Deliverables Checklist
Schematic Design Phase

A/E Name: _____

A/E Manual Reference	Submission Item	Required by S.O.W.		Previously Submitted		Enclosed	
		Yes	No	Yes	No	Yes	No
13.4.1.	A/E Statement of Site Visit						
13.4.2.	Narrative Description of Project						
13.4.3.	Building Code Information Questionnaire						
13.4.4.	Space Analysis						
13.4.5.	Special Features						
13.4.6.	Catalog Cuts						
13.4.7.	Site Evaluation						
13.4.8.	Subsurface Investigation						
13.4.9.	Surveys						
13.4.10.	Arts Inclusion						
13.4.11.	Design Rendering						
13.4.12.	Regulatory Approvals						
13.4.13.	Utility Availability						
13.4.14.	Drawings (6 Sets)						
13.4.15.	Specifications (6 Sets)						
13.4.16.	Current Working Estimate/Cost Analysis						
13.4.17.	Project Schedule						
13.4.18.	Formal Presentation						
13.4.19.	Scope of Work Compliance Statement						
13.4.20.	Schematic Design Phase Deliverables Checklist						
S.O.W. Reference	**S.O.W. Specific Requirements**						

This checklist shall be completed by the Design Consultant and included as the cover sheet of this submission to document to the DPMC the status of all the deliverables required by the project specific Scope of Work.

_____ _____

Consultant Signature Date

DPMC Project No.: P1344-00

Deliverables Checklist
Design Development Phase

A/E Name: _____

A/E Manual Reference	Submission Item	Required by S.O.W.		Previously Submitted		Enclosed	
		Yes	No	Yes	No	Yes	No
14.4.1.	A/E Statement of Site Visit						
14.4.2.	Narrative Description of Project						
14.4.3.	Building Code Information Questionnaire						
14.4.4.	Space Analysis						
14.4.5.	Special Features						
14.4.6.	Catalog Cuts						
14.4.7.	Site Evaluation						
14.4.8.	Subsurface Investigation						
14.4.9.	Surveys						
14.4.10.	Arts Inclusion						
14.4.11.	Design Rendering						
14.4.12.	Regulatory Approvals						
14.4.13.	Utility Availability						
14.4.14.	Drawings (6 Sets)						
14.4.15.	Specifications (6 Sets)						
14.4.16.	Current Working Estimate/Cost Analysis						
14.4.17.	Project Schedule						
14.4.18.	Formal Presentation						
14.4.19.	Plan Review/Scope of Work Compliance Statement						
14.4.20.	Design development Phase Deliverables Checklist						
S.O.W. Reference	**S.O.W. Specific Requirements**						

This checklist shall be completed by the Design Consultant and included as the cover sheet of this submission to document to the DPMC the status of all the deliverables required by the project specific Scope of Work.

_____ _____

Consultant Signature Date

DPMC Project No.: P1344-00

Deliverables Checklist
Final Design Phase

A/E Name: _____

A/E Manual Reference	Submission Item	Required by S.O.W.		Previously Submitted		Enclosed	
		Yes	No	Yes	No	Yes	No
15.4.1.	A/E Statement of Site Visit						
15.4.2.	Narrative Description of Project						
15.4.3.	Building Code Information Questionnaire						
15.4.4.	Space Analysis						
15.4.5.	Special Features						
15.4.6.	Catalog Cuts						
15.4.7.	Site Evaluation						
15.4.8.	Subsurface Investigation						
15.4.9.	Surveys						
15.4.10.	Arts Inclusion						
15.4.11.	Design Rendering						
15.4.12.	Regulatory Approvals						
15.4.13.	Utility Availability						
15.4.14.	Drawings (6 Sets)						
15.4.15.	Specifications (6 Sets)						
15.4.16.	Current Working Estimate/Cost Analysis						
15.4.17.	Project Schedule						
15.4.18.	Formal Presentation						
15.4.19.	Plan Review/Scope of Work Compliance Statement						
15.4.20.	Final Design Phase Deliverables Checklist						
S.O.W. Reference	**S.O.W. Specific Requirements**						

This checklist shall be completed by the Design Consultant and included as the cover sheet of this submission to document to the DPMC the status of all the deliverables required by the project specific Scope of Work.

_____ _____

Consultant Signature Date

DPMC Project No.: P1344-00

Deliverables Checklist
Permit Application Phase

A/E Name: _____

A/E Manual Reference	Submission Item	Required by S.O.W.		Previously Submitted		Enclosed	
		Yes	No	Yes	No	Yes	No
16.1.	N.J. UCC Permit Application						
16.4.	Drawings, Signed and Sealed (6 Sets)						
16.5.	Specifications, Signed and Sealed (6 Sets)						
16.6.	Current Working Estimate/Cost Analysis						
16.7.	Project Schedule						
16.8.	Plan Review/Scope of Work Compliance Statement						
16.9.	Permit Application Phase Deliverables Checklist						
S.O.W. Reference	**S.O.W. Specific Requirements**						

This checklist shall be completed by the Design Consultant and included as the cover sheet of this submission to document to the DPMC Project Manager the status of all the deliverables required by the project specific Scope of Work.

_____ _____

Consultant Signature Date

DPMC Project No.: P1344-00

Deliverables Checklist
Bidding and Contract Award Phase

A/E Name: _____

A/E Manual Reference	Submission Item	Required by S.O.W.		Previously Submitted		Enclosed	
		Yes	No	Yes	No	Yes	No
17.1.1.	Notice of Advertising						
17.1.2.	Bid Proposal Form						
17.1.3.	Bid Clearance Form						
17.1.4.	Drawings (6 Sets)						
17.1.5.	Specifications (6 Sets)						
17.1.6.	Construction Schedule						
17.3	Pre-Bid Conference/Mandatory Site Visit						
17.3.1.	Meeting Minutes						
17.4	Bulletins						
17.5	Post Bid Meeting						
17.6.	Contract Award "Letter of Recommendation"						
17.8.	Bid Protests - Hearings						
17.9.	Bidding and Contract Award Phase Deliverables Checklist						
S.O.W. Reference	**S.O.W. Specific Requirements**						

This checklist shall be completed by the Design Consultant and included as the cover sheet of this submission to document to the DPMC the status of all the deliverables required by the project specific Scope of Work.

_____ _____

Consultant Signature Date

DPMC Project No.: P1344-00

Deliverables Checklist
Construction Phase

A/E Name: _____

A/E Manual Reference	Submission Item	Required by S.O.W.		Previously Submitted		Enclosed	
		Yes	No	Yes	No	Yes	No
18.2.	Pre-Construction Meeting						
18.3.	Submittal Log						
18.4.	Construction Schedule						
18.5.	Project Progress Meetings						
18.7.	Contractor's Invoicing and Payment Process						
18.8.	Contractor Submittals						
18.10.	Testing						
18.11.	Shop Drawings (6 Sets)						
18.12.	As-Built & Record Set Drawings (6 Sets)						
18.13.	Change Orders						
18.14.	Construction Photographs						
18.15.	Field Observations						
18.17.	Construction Phase Deliverables Checklist						
S.O.W. Reference	**S.O.W. Specific Requirements**						

This checklist shall be completed by the Design Consultant and included as the cover sheet of this submission to document to the DPMC the status of all the deliverables required by the project specific Scope of Work.

_____ _____

Consultant Signature Date

DPMC Project No.: P1344-00

Deliverables Checklist
Project Close-Out Phase

A/E Name: _____

A/E Manual Reference	Submission Item	Required by S.O.W.		Previously Submitted		Enclosed	
		Yes	No	Yes	No	Yes	No
19.3.	Development of Punch List and Inspection Reports						
19.5.	Determination of Substantial Completion						
19.6.	Correction/Completion of Punch List						
19.7.	Submission of Close-Out Documentation						
19.7.1.	As-Built and Record Sets of Drawing (6 Sets)						
19.8.	Final Payment						
19.9.1.	Contractors Final Payment						
19.9.2.	A/E's Final Payment						
19.10.	Project Close-Out Phase Deliverables Checklist						
S.O.W. Reference	**S.O.W. Specific Requirements**						

This checklist shall be completed by the Design Consultant and included as the cover sheet of this submission to document to the DPMC the status of all the deliverables required by the project specific Scope of Work.

_____ _____

Consultant Signature Date

February 7, 1997
Rev.: January 29, 2002

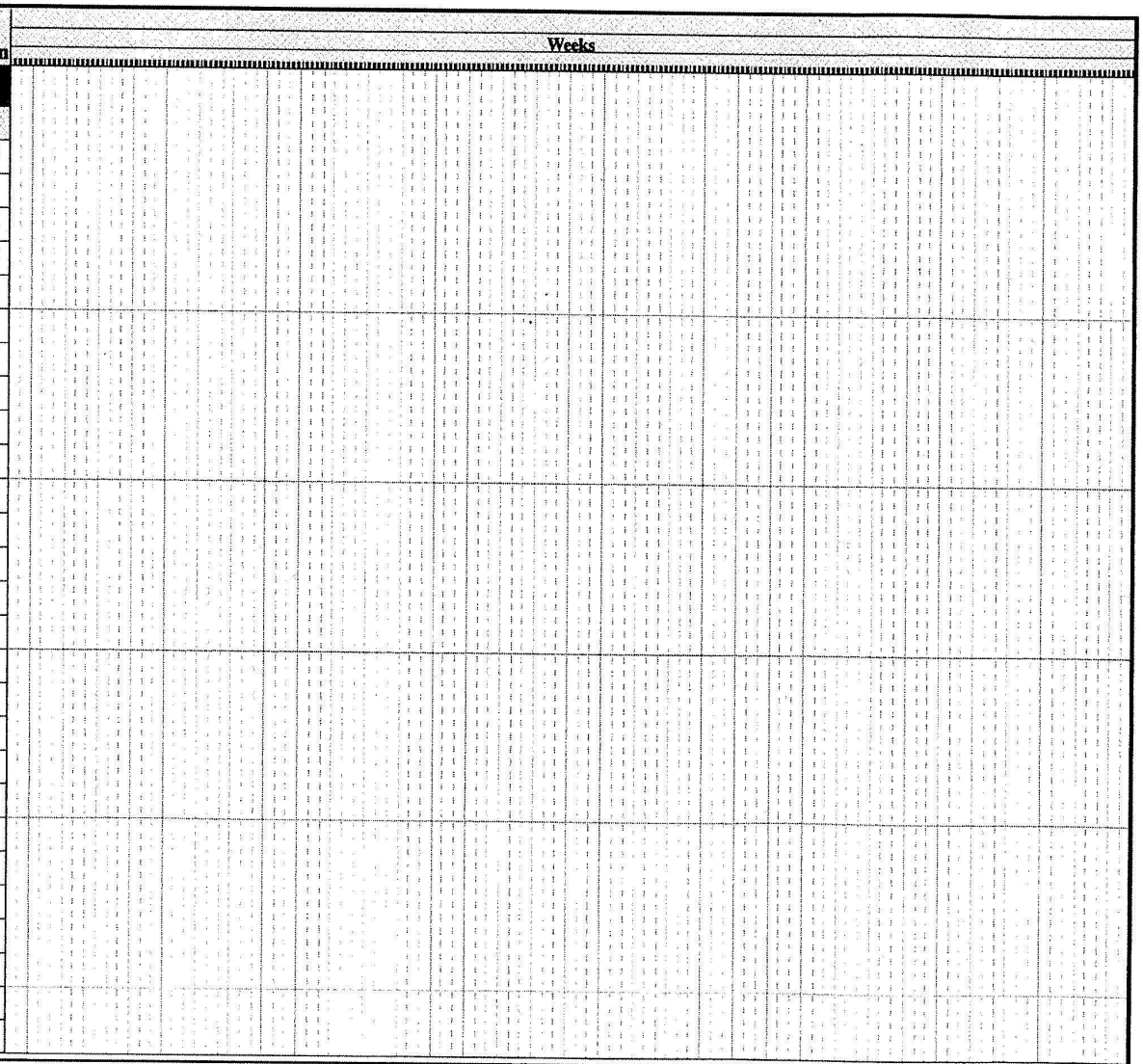
Responsible Group Code Table

The codes below are used in the schedule field "GRP" that identifies the group responsible for the activity. The table consists of groups in the Division of Property Management & Construction (DPMC), as well as groups outside of the DPMC that have responsibility for specific activities on a project that could delay the project if not completed in the time specified. For reporting purposes, the groups within the DPMC have been defined to the supervisory level of management (i.e., third level of management, the level below the Associate Director) to identify the "functional group" responsible for the activity.

CODE	DESCRIPTION	REPORTS TO ASSOCIATE DIRECTOR OF:
CM	Contract Management Group	Contract Management
CA	Client Agency	N/A
CSP	Consultant Selection and Prequalification Group	Technical Services
A/E	Architect/Engineer	N/A
PR	Plan Review Group	Technical Services
CP	Construction Procurement	Planning & Administration
CON	Construction Contractor	N/A
FM	Financial Management Group	Planning & Administration
OEU	Office of Energy and Utility Management	N/A
PD	Project Development Group	Planning & Administration

EXHIBIT 'A'

Activity ID	Description	Rspn
<PROJ>		
Design		
CV3001	Schedule/Conduct Predesign/Project Kick-Off Mtg.	CM
CV3020	Prepare Program Phase Submittal	AE
CV3021	Distribute Program Submittal for Review	CM
CV3027	Prepare & Submit Project Cost Analysis (DPMC-38)	CM
CV3022	Review & Approve Program Submittal	CA
CV3023	Review & Approve Program Submittal	PR
CV3024	Review & Approve Program Submittal	CM
CV3025	Consolidate & Return Program Submittal Comments	CM
CV3030	Prepare Schematic Phase Submittal	AE
CV3031	Distribute Schematic Submittal for Review	CM
CV3037	Prepare & Submit Project Cost Analysis (DPMC-38)	CM
CV3032	Review & Approve Schematic Submittal	CA
CV3033	Review & Approve Schematic Submittal	PR
CV3034	Review & Approve Schematic Submittal	CM
CV3035	Consolidate & Return Schematic Submittal Comment	CM
CV3040	Prepare Design Development Phase Submittal	AE
CV3041	Distribute D. D. Submittal for Review	CM
CV3047	Prepare & Submit Project Cost Analysis (DPMC-38)	CM
CV3042	Review & Approve Design Development Submittal	CA
CV3043	Review & Approve Design Development Submittal	PR
CV3044	Review & Approve Design Development Submittal	CM
CV3045	Consolidate & Return D.D. Submittal Comments	CM
CV3050	Prepare Final Design Phase Submittal	AE
CV3051	Distribute Final Design Submittal for Review	CM
CV3052	Review & Approve Final Design Submittal	CA
CV3053	Review & Approve Final Design Submittal	PR
CV3054	Review Final Design Submitl for Constructability	OCS



NOTE:
Refer to section "IV Project Schedule" of the Scope of Work for contract phase durations.

DBCA - TEST

Sheet 1 of 3

Bureau of Design & Construction Services

EXHIBIT 'A'

Activity ID	Description	Rspn	Weeks
CV3055	Review & Approve Final Design Submittal	CM	
CV3056	Consolidate & Return Final Design Comments	CM	
CV3060	Prepare & Submit Permit Application Documents	AE	
CV3068	Prepare & Submit Bidding Cost Analysis (DPMC-38)	CM	
Plan Review-Permit Acquisition			
CV4001	Review Constr. Documents & Secure UCC Permit	PR	
CV4010	Provide Funding for Construction Contracts	CA	
CV4020	Secure Bid Clearance	CM	
Advertise-Bid-Award			
CV5001	Advertise Project & Bid Construction Contracts	CP	
CV5010	Open Construction Bids	CP	
CV5011	Evaluate Bids & Prep. Recommendation for Award	CM	
CV5012	Evaluate Bids & Prep. Recommendation for Award	AE	
CV5014	Complete Recommendation for Award	CP	
CV5020	Award Construction Contracts/Issue NTP	CP	
Construction			
CV6000	Project Construction Start/Issue NTP	CM	
CV6001	Contract Start/Contract Work (25%) Complete	CON	
CV6002	Preconstruction Meeting	CM	
CV6003	Begin Preconstruction Submittals	CON	
CV6004	Longest Lead Procurement Item Ordered	CON	
CV6005	Lead Time for Longest Lead Procurement Item	CON	
CV6006	Prepare & Submit Shop Drawings	CON	
CV6007	Complete Construction Submittals	CON	
CV6011	Roughing Work Start	CON	
CV6012	Perform Roughing Work	CON	
CV6010	Contract Work (50%+) Complete	CON	
CV6013	Longest Lead Procurement Item Delivered	CON	
CV6020	Contract Work (75%) Complete	CON	

NOTE:
Refer to section "IV Project Schedule" of the Scope of Work for contract phase durations.

Bureau of Design & Construction Services

EXHIBIT 'A'

Activity ID	Description	Rspn	Weeks
CV6014	Roughing Work Complete	CON	
CV6021	Interior Finishes Start	CON	
CV6022	Install Interior Finishes	CON	
CV6030	Contract Work to Substantial Completion	CON	
CV6031	Substantial Completion Declared	CM	
CV6075	Complete Deferred Punch List/Seasonal Activities	CON	
CV6079	Project Construction Complete	CM	
CV6080	Close Out Construction Contracts	CM	
CV6089	Construction Contracts Complete	CM	
CV6090	Close Out A/E Contract	CM	
CV6092	Project Completion Declared	CM	

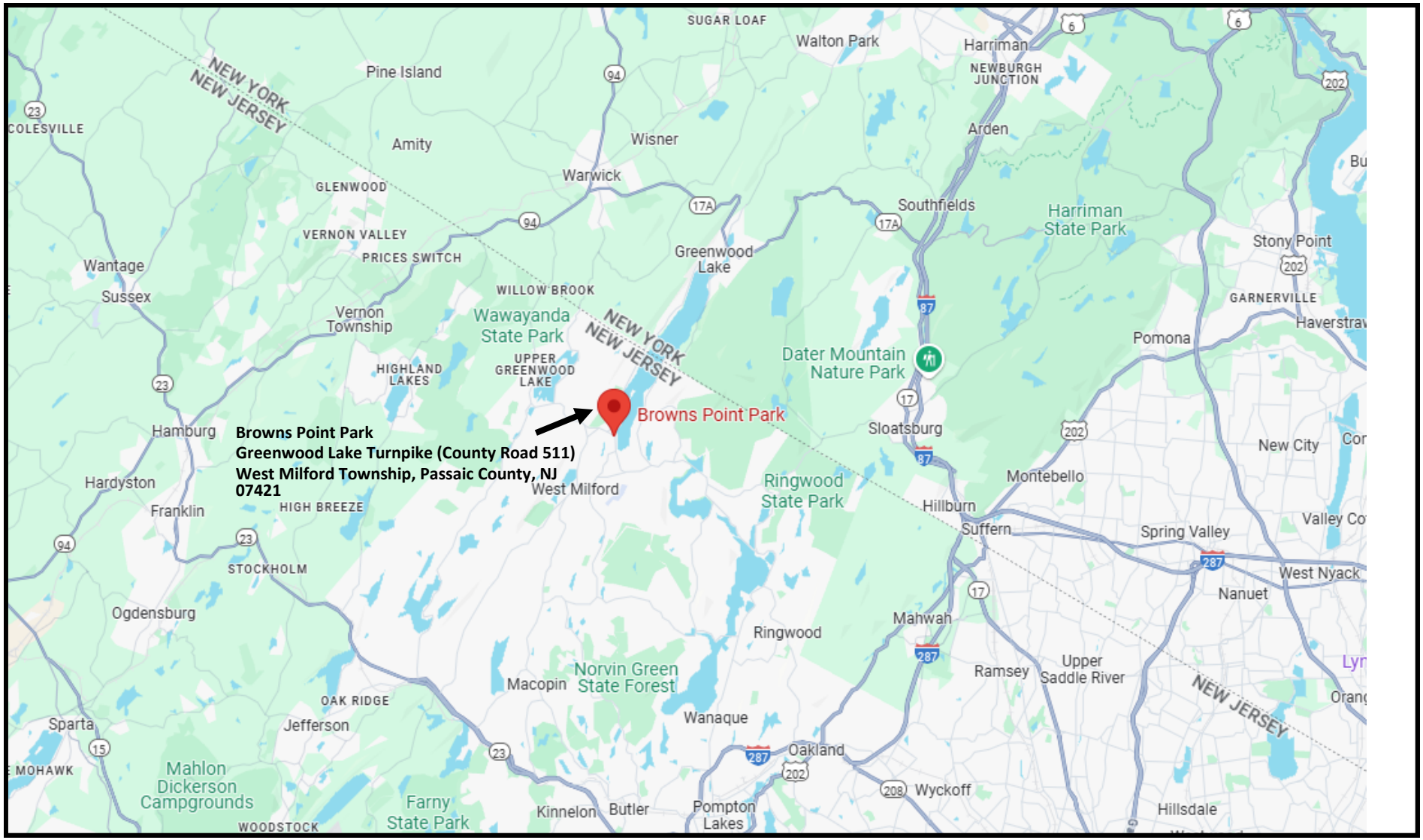
NOTE:
Refer to section "IV Project Schedule" of the Scope of Work for contract phase durations.

DBCA - TEST

Sheet 3 of 3

Bureau of Design & Construction Services

EXHIBIT 'A'



Project Site Location Map

Browns Point Park

EXHIBIT 'B'

Project Site Location

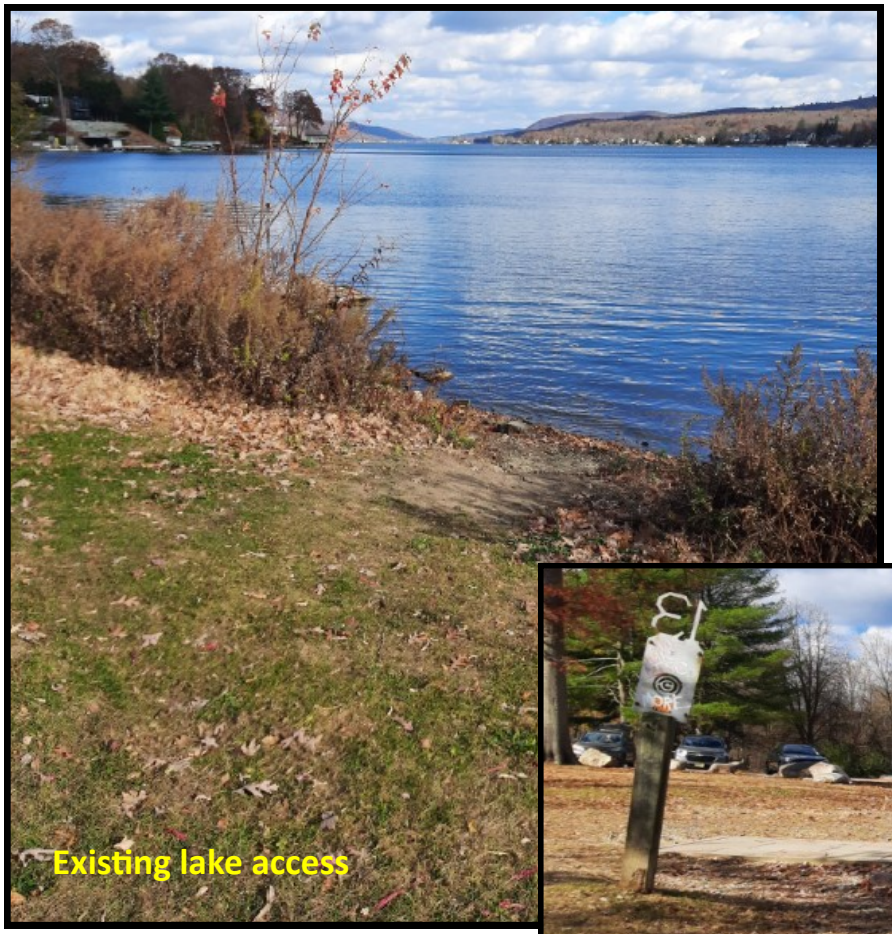
Browns Point Park

EXHIBIT 'B'

Project Site

Browns Point Park

EXHIBIT 'B'



Photos

Browns Point Park

EXHIBIT ‘C’

WETLAND DELINEATION REPORT

PERMIT ANALYSIS

Browns Point Park
Block 3611, Lot 1
Township of West Milford
Passaic County, NJ

Submitted To:
New Jersey Department of Environmental Protection
Natural & Historic Resources
Office of Resource Development
275 Freehold-Englishtown Road
Englishtown, NJ 07729-8813

Prepared By:
LAN Associates, Engineering, Planning, Architecture, Surveying, Inc.
445 Godwin Avenue
Midland Park, NJ 07432
P: 201-447-6400
F: 201-447-1233

LAN ASSOCIATES

Date: June 10, 2022
LAN Job #2.3397.179
WO280-06

EXHIBIT 'D'

TABLE OF CONTENTS

WETLAND/PERMIT ANALYSIS REPORT

FIGURES

APPENDIX

EXHIBIT 'D'

LAN ASSOCIATES | Engineering, Planning, Architecture, Surveying Inc.

1.0 SITE DESCRIPTION:

The property, or "site" as referred to in this report is Browns Point Park located at Block 3611, Lot 1, Township of West Milford, Passaic County, New Jersey. The site contains approximately 464,334 square feet (10.6596 acres) of land. The nearest crossroads are the intersections of Greenwood Lake Turnpike and Ringwood Lane. The main entrance is located on the northeast side of Greenwood Lake Turnpike. A copy of a local street map is included as Figure 1. The Greenwood Lake surrounds the subject site on three sides.

As shown on the National Geographic Society Topographic map, the topography of the land generally slopes towards Greenwood Lake. Figure 2 is a copy of the National Geographic Society Topographic Map showing the site outlines in red in the Ramsey Quadrangle. The topography of the site is more accurately shown on the attached plan.

According to the NJDEP GeoWeb, the property is located within the Wanaque River watershed, Pompton, Pequannock, Wanaque, Ramapo Watershed Management Area, also known as Management Area #3. More specifically, the site is located within the Wanaque R/Greenwood Lk(AboveMongs gage) subwatershed, also known as SubWatershed ID 03BA03. The nearest waterway is the Greenwood Lake, classified by surface water quality standards as being FW2-TM waters.

A United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Web Soil Survey report was generated for the site and surrounding area. The NRCS Web Soil Survey report indicates that there are two soil map units present on the site. A copy of the NRCS Web Soil Map and report including a rough site outline as the "area of interest" is included in this report as Figure 3. A larger area of interest was outlined to obtain neighboring soil series. The mapping unit indicated for the Site is described as follows:

SweCb – Swartswood fine sandy loam, 0 to 8 percent slopes

SweBb – Swartswood fine sandy loam, 8 to 15 percent slopes

According to the USDA NRCS land resource map, the site is located within the Northeastern Forage and Forest Land Resource Region (LRR) also known as LRR R, and within the New England and Eastern New York Upland, Southern Part Major Land Resource Area (MLRA) also known as MLRA 144A-Northern Piedmont. Most of the area is covered by a mantle of glacial till, outwash sands and gravels, and glacial lake sediments, Eskers, kames, and drumlines are common features in some areas. Deposits of recent alluvium are present along major rivers. The average annual precipitation ranges from 34 to 62 inches.

A review for threatened and endangered species was performed utilizing NJDEP Landscape 3.3 – Skylands and Natural Heritage Priority Sites for the site.

The following is a list of fauna that have been documented in the vicinity of the site according to the GeoWeb Species Based Habitat-Skylands Species Table:

Table 1 – Threatened and Endangered Species on the Site.

Name	Species Rank	Feature Label
Great Blue Heron (*Ardea herodias)*	2	Foraging
Northern myotis (*Myotis septentrionalis*)	5	Active Season Sighting
Bobcat (*Lynx rufus*)	4	On Road
Timber Rattlesnake (*Crotalus horridus horridus*)	4	Occupied habitat

Source: Species Based Habitat Data for NJDEP Landscape Project, Skylands Region, Version 3.3, 06/09/2022

The NJDEP ranks habitat based on its potential benefit to wildlife or the presence of certain wildlife species. NJDEP habitat rankings range from 1 to 5, with 5 being the highest priority habitat. Habitat ranking descriptions are as follows:

Rank 1 is the lowest ranking and identifies areas that are generally suitable as wildlife habitat.

Rank 2 are habitats that have one or more occurrences of a New Jersey Special Concern species.

Rank 3 are habitats that have one or more occurrences of at least one New Jersey Threatened species.

Rank 4 are habitats that have one or more occurrences of at least one New Jersey Endangered species.

Rank 5 is the highest ranking and identifies areas that contain at least one Federally Endangered or Threatened wildlife species.

A review of the GeoWeb Natural Heritage Priority Site (NHP) layer revealed that the subject parcel does not contain habitat for rare species of flora.

2.0 WETLANDS DELINEATION:

LAN conducted a wetland investigation on April 4, 2022, wherein wetlands were delineated in accordance with the methodology described in the Freshwater Wetlands Control Act Rules (N.J.A.C. 7:7A). This methodology generally requires a coincidence of hydric soils, positive hydrological indicators, and a prevalence of hydrophytic vegetation for a determining that an area is a wetland.

2.1 Methodology:

As defined by the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-3), freshwater wetland means "an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation."

A wetland investigation was conducted on the subject property on April 4, 2022, by LAN Associates, Engineering, Planning, Architecture, Surveying (LAN). The presence and limits of wetlands on the subject property were determined utilizing the "three parameter approach" as detailed within the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (*Federal Interagency Committee for Wetland Delineation, 1989*). This methodology is mandated in the New Jersey Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A) and generally requires a coincidence of hydric soils, positive hydrological indicators and a prevalence of hydrophytic vegetation for a determination that an area is a wetland.

Soil samples were obtained utilizing a Dutch auger. Soil coloration to a depth of approximately 21 inches was determined using a Munsell soil chart and recorded along with soil texture. Mineral hydric soils usually exhibit one of the following color features in the horizon immediately below the A-horizon or 10 inches (whichever is shallower); matrix Chroma of 2 or less in mottled soils, or matrix Chroma of 1 or less in unmottled soils. Organic soils are typically hydric.

Plant species occurring onsite were identified and compared to *The National Wetland Plant List: 2018 Update of Wetland Ratings*, administered by the U.S. Army Corps of Engineers.

This list rates plant species according to their preference for hydric conditions based upon the following classification system:

Table 2 – Vegetation Classification System

Indicator Status	Designation	Qualitative Description
Obligate (OBL)	Hydrophyte	Almost always occur in wetlands
Facultative Wetland (FACW)	Hydrophyte	Usually occur in wetlands, but may occur in non-wetlands

EXHIBIT 'D'

Indicator Status	Designation	Qualitative Description
Facultative (FAC)	Hydrophyte	Occur in wetlands and non-wetlands
Facultative Upland (FACU)	Non-hydrophyte	Usually occur in non-wetlands, but may occur in wetlands
Upland (UPL)	Non-hydrophyte	Almost never occur in wetlands

Additionally, plant species not listed are considered UPL for wetland investigation purposes. At each soil boring location, the vegetation was recorded by species within the field of view. Ocular estimates of relative basal area for trees and cover for shrubs and herbs were made for each species. If greater than 50 percent of the dominant species from all strata are classified as FAC, FACW or OBL, then the vegetation is hydrophytic. Communities dominated by FACU or UPL species are hydrophytic if hydric soil and indicators of wetland hydrology are present.

An evaluation of wetland hydrology is normally made by noting depth of surface water, depth of free water, depth to saturated soil, and hydrology indicators at each sample point. Primary and secondary indicators of wetland hydrology include inundation, watermarks, sediment deposits, water-stained leaves, oxidized rhizospheres, etc.

The vegetation, soil, and hydrology information described above was recorded in a field book at each soil boring location. The wetland perimeter was delineated and flagged where the parameters mentioned above were met.

Based upon a field analysis of the onsite soils, apparent hydrology and vegetation conducted in accordance with the federal wetland delineation methodology, LAN has determined that wetlands are present within the subject site. Color photographs and a photo location map showing the surrounding area and vegetative communities are included in Appendix A. The limits of the wetlands, as well as the location of soil borings are shown on the attached plans.

The following sections describe appropriate background information and the findings of the field investigation:

2.2 Soils:

Soil borings taken within the area flagged as “WA” generally possessed a very dark brown (10 YR 2/2) surface layer. Below the surface layer the matrix consisted of approximately 90 percent dark grayish brown (10 YR 4/2) with approximately 10 percent of dark yellowish brown (10 YR 4/6) concentrations.

Upland soils in the vicinity of wetlands flags (WA) generally possessed a brown (10 YR 4/3) surface layer.

Numerous soil borings were taken on the property. A description of the representative soil profiles noted at each boring is found in Appendix B. The location of soil borings is shown on the attached plans.

2.3 Hydrology:

Permanent or periodic inundation, or soil saturation to the surface are the driving forces behind wetland formation. An area has wetland hydrology when saturated to the surface or inundated at some point in time during an average rainfall year. Hydrology was present at the site in the area flagged as WA. Further, the topography of the site diverts water towards the wooded section. Evidence of hydrology included shallow roots, water stained leaves and surface water.

2.4 Vegetation:

The site consists mainly upland vegetative assemblages. Along the northern parameter of Browns Point State Park, dominant species included within the tree stratum included 70% red maple. Herbaceous stratum was dormant at the time of the investigation.

The following is a list of vegetative species that were identified as dominates in the wetland/upland area plot. The wetland depression is very small and contained water; vegetation was not present in the water. It is not an all-inclusive list of the vegetative species present at the site.

Wetland

Vegetation in the tree stratum is dominated by red maple (*Acer saccaharum*). No vegetation in the shrub layer, or woody vine layer was observed. Herbaceous layer was dormant.

Upland

Vegetation in the tree stratum is dominated by red maple (*Acer saccaharum*) and American beech (*Fagus grandifolia*). No vegetation in the shrub layer was observed. Vegetation in the herbaceous layer is dominated by maintained lawn. No vegetation in the woody vine layer was observed.

3.0 PERMITTING ANALYSIS – Land Use:

The Division of Fish & Wildlife would like to make improvements to Brown's Point Park, including a new boat launch, parking lot improvements, and driveway improvements. Based upon the wetlands delineation and the proposed improvements, permits required relate to wetlands and its associated transition area, flood hazard area, riparian zone, Highlands and U.S. Army Corps of Engineers jurisdiction.

Agency	Potential Permit
NJDEP – Freshwater Wetlands Protection	GP10 and GP19
NJDEP – Flood Hazard Area	PBR2, PBR10 and PBR18
NJDEP – Highlands	Exemption No. 4
USACE	NWP36

3.1 Wetlands

The NJDEP regulates activities within State open waters, wetlands and transition areas (buffers) including but not limited to, filling, grading and removal of vegetation pursuant to the Freshwater Wetlands Protection Act Rules (FWPAR) at N.J.A.C 7:7A. Pursuant to the FWPAR, the wetlands delineated and described above most likely will be determined by the New Jersey Department of Environmental Protection (NJDEP) to be of exceptional resource value due to documented habitat for threatened and endangered species, which carries a 150-foot transition area width. LAN anticipates that the improvements will be able to remain outside of areas regulated by the FWPAR. However, it's possible that the 150-foot transition area could be disturbed in which case the activity could be authorized under a General Permit 10A – Very minor road crossings. GP10A authorizes

1. construction of one or more new road crossings, including attendant features such as shoulders, sidewalks and embankments;

2. Expansion, widening, or upgrading of one or more existing paved or unpaved roads or drives; and

3. activities necessary to reduce horizontal curves in an existing paved road to comply with New Jersey Department of Transportation safety regulations.

A public boat ramp could be authorized under General Permit 19 – Docks and piers. GP19 authorizes activities in freshwater wetlands, transition areas, and/or State open waters necessary for the construction of a public boat ramp. However, GP19 requires that there be no feasible onsite alternative location that will involve less or no disturbance to wetlands, transition areas, and/or State open waters.

EXHIBIT 'D'

3.2 Flood Hazard

According to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13, a regulated area is identified in two ways, the flood hazard area which exists along ever regulated water that has a drainage are of 50 acres or greater; and a riparian zone. The extent of the riparian zone for Greenwood Lake is anticipated to be 300 feet. StreamStats was utilized to understand the Flow Path of Greenwood Lake. According to StreamStats Greenwood Lake Flows (from the subject site) in a northerly direction and discharges into the Wanaque River. The Wanaque River is classified as a FW2-TMC1 water. An upstream tributary situated within the same HUC-14 watershed of Category one (C1) waters' riparian zone is 300 feet measured landward from top of bank.

According to FEMA FIRM Map No. 34031C0038F, effective date September 28, 2007, the site contains special flood hazard along the parameter of Browns Point Park along Greenwood Lake. See attached Figure 4.

Therefore, the parking area and gravel driveway are located in a riparian zone. Construction of a road or driveway can potentially qualify for a permit-by-rule 2(PBR) if it is located in a grassed riparian zone and will be located at or below grade in the flood hazard area. PBR10 authorizes general construction activities located outside a flood hazard area in a riparian zone provided that the project, in combination with all activities onsite since November 5, 2007, will not result in a net loss or greater than one-quarter acre of riparian zone disturbance. PBR18 authorizes the construction of a boat launching ramp, provided the ramp is constructed at or below grade, and has a footprint of no more than 2,000 square feet. However, in order to qualify for a PBR the proposed activities cannot constitute a major development (A major development individually or collectively disturbs one or more acres of land; creates one-quarter or more of impervious surface; creates one-quarter acre or more of regulated motor vehicle surface; a combination of the impervious and regulated motor vehicle surface totals an area of one-quarter acre or more.). If these conditions cannot be met, then an Individual Permit will be required.

3.3 Highlands

The site is located within the Highlands Preservation Area (see Appendix B) and thus is subject to the Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38. The Highlands Act creates seventeen exemptions that allow properties to be developed without applying the enhanced environmental standards adopted by the NJDEP in the Preservation Area. The activities could qualify for a exemption No. 4 which authorizes the reconstruction for any reason of a building or structure within 125 percent of the footprint of the lawfully existing impervious surface on the site on August 10, 2004, provide that the reconstruction or development does not increase the lawfully existing impervious surface by one-quarter acre or more. Highlands considers gravel surfaces to be impervious.

EXHIBIT 'D'

3.4 U.S. Army Corps of Engineers

The Army established the Corps of Engineers as a separate, permanent branch in 1802. The Army Corps of Engineers regulatory program evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands.

Applicants obtaining State permits in coastal waterways or wetlands, waterfront development areas, other waterways within 1000 feet of ordinary high water or mean high tide, along the Delaware River, adjacent to Greenwood Lake, and in the Hackensack Meadowlands will also need to obtain appropriate permits from the Army Corps of Engineers.

The USACE provides 59 Nationwide permits (NWP), which are a type of general permit and represent the USACE authorization. NWPs are issued for certain specified activities nationwide. If certain conditions are met, the specified activity can take place without the need for an individual permit or regional permit. NWP36 authorizes the construction, repair, or replacement of boat ramps (see Appendix C) provided the following criteria is met:

(a) The discharge of dredged or fill material into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,

(e) No material is placed in special aquatic sites, including wetlands. The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.

Subject Site per Passaic County Parcels

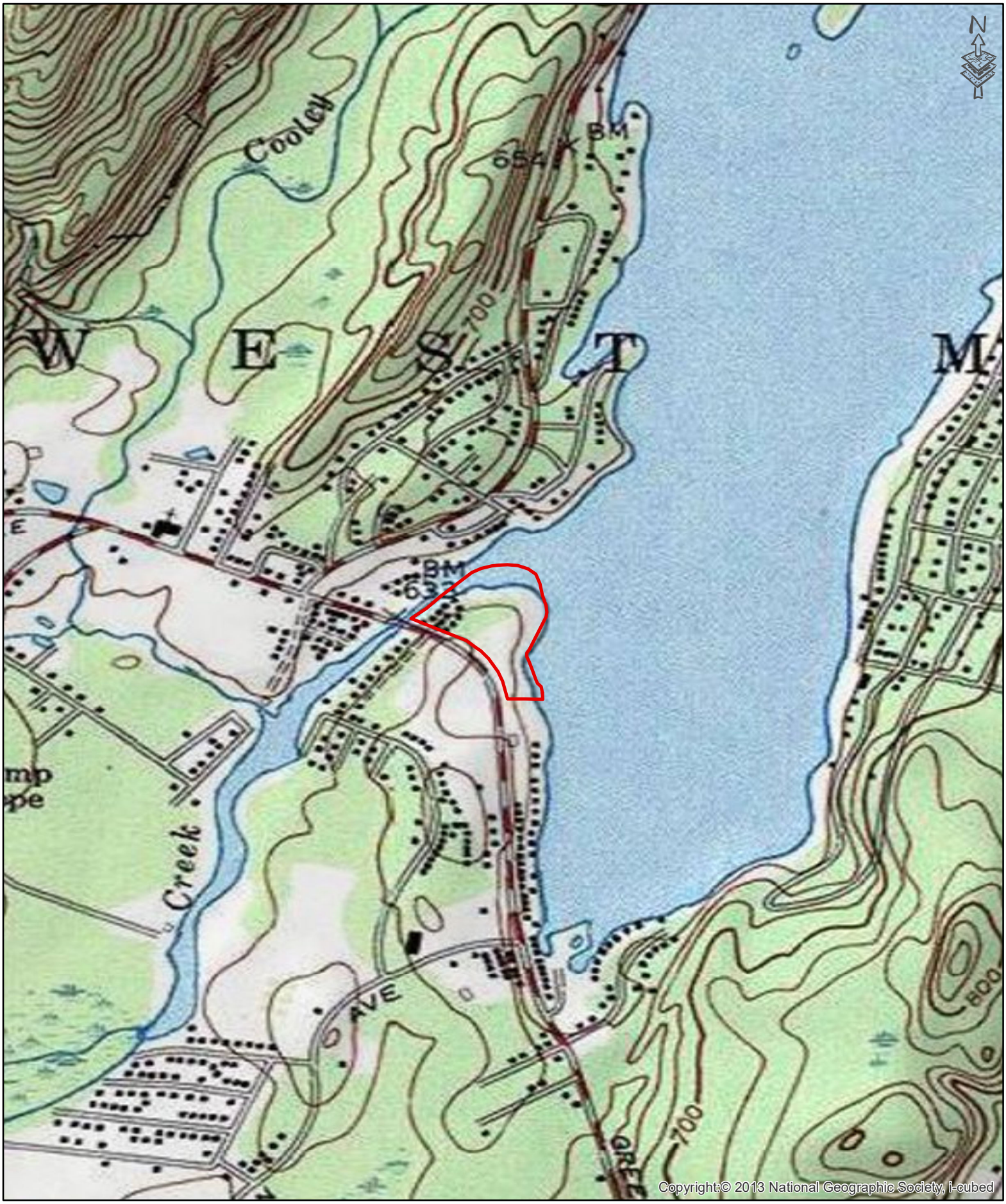
Browns Point Park
Block 3611, Lot 1
Township of West Milford
Passaic County, NJ

0 500 1,000 2,000 Feet

1 in = 1,000 ft

EXHIBIT 'D'

LAN ASSOCIATES



Subject Site per Passaic County Parcels

Browns Point Park
Block 3611, Lot 1
Township of West Milford
Passaic County, NJ

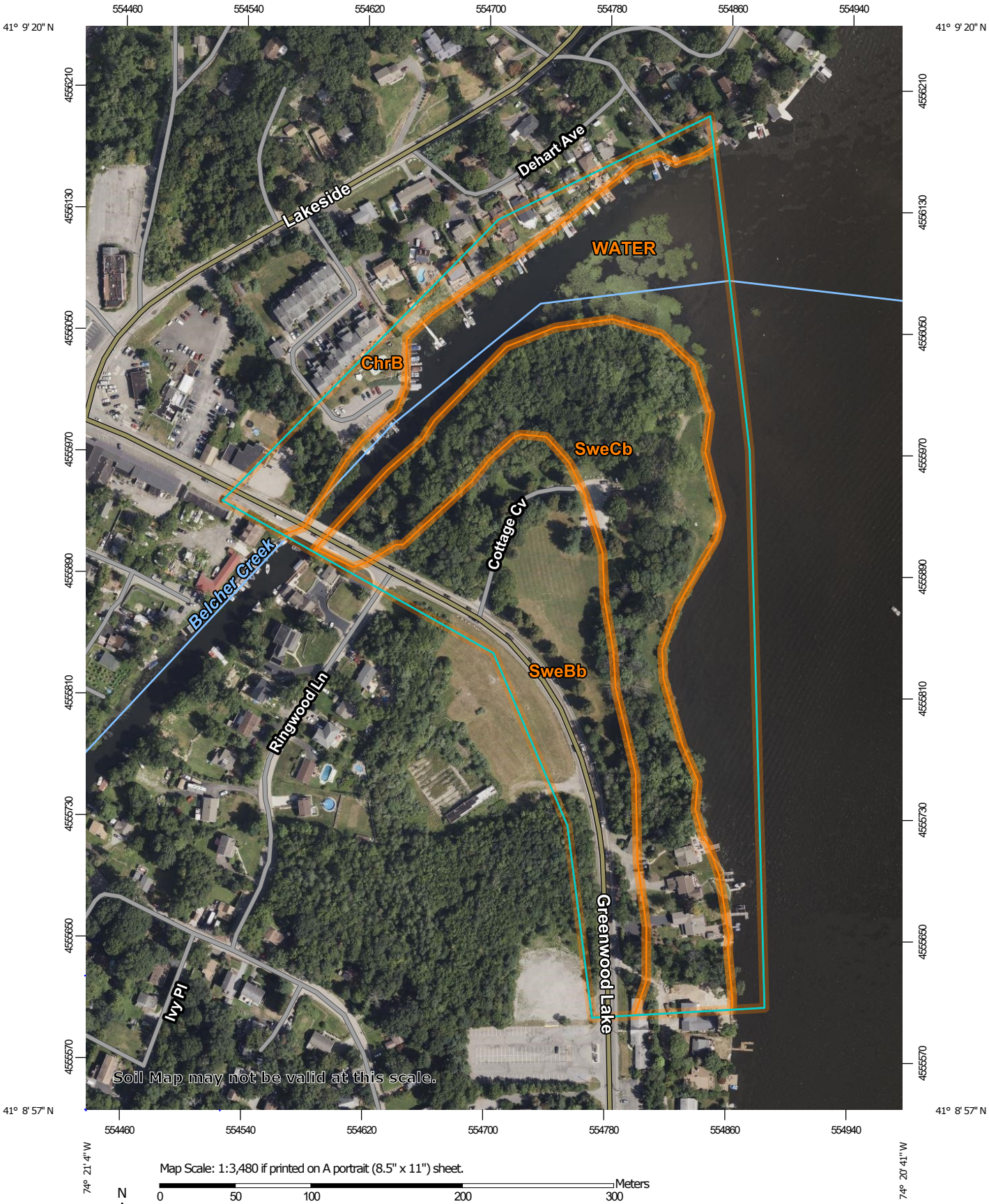
0 500 1,000 2,000 Feet

1 in = 1,000 ft

EXHIBIT 'D'

LAN ASSOCIATES

Soil Map—Passaic County, New Jersey
(3397.179)



Map Scale: 1:3,480 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

EXHIBIT 'D'

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Passaic County, New Jersey
Survey Area Data: Version 16, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 13, 2021—Sep 14, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

EXHIBIT 'D'

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
ChrB	Chenango silt loam, 3 to 8 percent slopes	2.5	9.4%
SweBb	Swartswood fine sandy loam, 0 to 8 percent slopes, very stony	6.8	25.1%
SweCb	Swartswood fine sandy loam, 8 to 15 percent slopes, very stony	8.9	32.7%
WATER	Water	8.9	32.8%
Totals for Area of Interest		**27.1**	**100.0%**

EXHIBIT 'D'

Subject Site per Passaic County Parcels

Browns Point Park
Block 3611, Lot 1
Township of West Milford
Passaic County, NJ

0 75 150 300
Feet
1 in = 150 ft

EXHIBIT 'D'

LAN ASSOCIATES

LAN Associates, EPAS, Inc.

LAN No.: **2.3397.179**
NJDEP/Feasibility Study for Boat Launch & Associated Improvements/Browns Point (WO280-06), West Milford, Passaic, New Jersey

Photos by: **HLT** on **4/4/22**

Photo No. 1

Facing west. View of standing water within are flagged as "WA".

Photo No. 2

Facing northwest. Continued view of area flagged as "WA". Note that the herbaceous layer is dormant, however, wetland soils were identified.

Photo No. 3

Facing northeast. View of area flagged as "WA" in the background, the upland area is in the foreground. Note that the topography is slightly raised. Hydric soils were present in area flagged as "WA".

EXHIBIT 'D'

LAN Associates, EPAS, Inc.

LAN No.: **2.3397.179**
NJDEP/Feasibility Study for Boat Launch & Associated Improvements/Browns Point (WO280-06), West Milford, Passaic, New Jersey

Photos by: **HLT** on **4/4/22**

Photo No. 4

Facing north. View of area flagged as "WA" in the background (Pink flags are difficult to see). The foreground of the photo shows uplands.

Photo No. 5

Facing west. View of skunk cabbage spathe growing along the shoreline.

cc: File #2.3397.179

Advanced Property Report

State of New Jersey Highlands Water Protection and Planning Council

100 North Road (Route 513), Chester, NJ 07930 | Telephone: (908) 879-6737 | Fax: (908) 879-4205

Report for Block 3611, Lot 1 in WEST MILFORD TWP

MOD IV Data	
Block	3611
Lot	1
Municipality	WEST MILFORD TWP
County	PASSAIC
Qualifier	-
Owner	N/A
Property Location	GRNWD LK TPKE

NJ Highlands Data	
Planning Area	-
Preservation Area	**10.86 ac. (100.00%)**
Plan Conformance	**Petition Approved (Preservation Area only)**
Designated Center	No
Lot Size	10.86 ac.

EXHIBIT 'D'

Agriculture

Agricultural Landscape >= 250 ac.	0 ac.
Agricultural Resource Area	0 ac.
Important Farmland Soils	0 ac.
Agricultural Uses	0 ac.

Critical Habitat

Confirmed Vernal Pool Buffer (300m)	0 ac.
Critical Wildlife Habitat	5.18 ac. (47.75%)
Significant Natural Area	0 ac.
Species Habitat	Great Blue Heron, Northern Myotis, Timber Rattlesnake

Forest Resources

Total Forest Area	5.00 ac. (46.08%)
Forest Resource Area	10.86 ac. (100.00%)
Forest Integrity Score - High	10.86 ac. (100.00%)
Forest Integrity Score - Moderate	0 ac.
Forest Integrity Score - Low	0 ac.

Geology

Carbonate Rock	0 ac.

Historical & Archaeological

Archaeological 1 Sq. Mi. Grid	0 ac.
Historic District	No
Historic Property Name	No historic property present.

Land Use Capability Zones

Protection Zone (PZ)	5.41 ac. (49.85%)
Wildlife Management Sub-Zone (WMA)	0 ac.
Conservation Zone (CZ)	0 ac.
Conservation - Env. Constrained Sub-Zone (CECSZ)	0 ac.
Existing Community Zone (ECZ)	0 ac.
Existing Community - Env. Constrained Sub-Zone (ECECSZ)	0 ac.
Lake Community Sub-Zone (LCZ)	5.44 ac. (50.15%)

EXHIBIT 'D'

Open Water

Streams	None present
Wetlands	2.55 ac. (23.45%)
Open Water	0.18 ac. (1.70%)
Open Water Protection Area	10.80 ac. (99.48%)
Watershed Values - High	10.86 ac. (100.00%)
Watershed Values - Moderate	0 ac.
Watershed Values - Low	0 ac.

Preservation Priority

Special Environmental Zone	0 ac.
Conservation Priority Areas - High	0 ac.
Conservation Priority Areas - Moderate	0 ac.
Agricultural Priority Areas - High	0 ac.
Agricultural Priority Areas - Moderate	0 ac.

Preserved Open Space

Preserved Land	10.86 ac. (100.00%)
Scenic Resources	0 ac.

Riparian

Riparian Area	10.24 ac. (94.29%)
Wildlife Corridor	0 ac.
Riparian Integrity Score - High	10.86 ac. (100.00%)
Riparian Integrity Score - Moderate	0 ac.
Riparian Integrity Score - Low	0 ac.

Septic Density - Preservation Area

Forest (88)	0
Non-Forest (25)	0

Steep Slope Protection Area

Severely Constrained	4.14 ac. (38.15%)
Moderately Constrained	0 ac.
Limited Constrained	0 ac.

Transportation

Transportation Score >= 3	0 ac.

Utilities

Public Water System	N/A
Waste Water System	N/A

Water Quality

Lake Management Area	10.86 ac. (100.00%)
Prime Groundwater Recharge	0 ac.
Wellhead Protection Area (community) - Tier 1	0 ac.
Wellhead Protection Area (community) - Tier 2	0 ac.
Wellhead Protection Area (community) - Tier 3	8.50 ac. (78.29%)

Water Quantity by Subwatershed

HUC14 Subwatershed Name	Wanaque R/Greenwood Lk(aboveMonks gage)
Net Water Availability	-0.0145748844975 Million Gallons per Day

EXHIBIT 'D'

Additional Information

Please note that mapping of the resources described in this report is available using the Create Map menu. Assistance is available in the Help link located at the upper right corner of the interactive map.

If you have questions about the information contained in this report, please contact the Highlands Council at (908) 879-6737 or highlands@highlands.nj.gov. Additional information is also available via the links below.

- **Project Reviews**

  Please note that jurisdiction for project reviews in the Highlands Region is shared between the Highlands Council and the New Jersey Department of Environmental Protection. Information regarding the types of projects that require Highlands Council review is available on the Highlands Council website.

  www.nj.gov/njhighlands/projectreview/

- **Highlands Act Exemptions and Waivers**

  The Highlands Act creates seventeen exemptions that allow property owners to develop their properties without applying the enhanced environmental standards adopted by the New Jersey Department of Environmental Protection in the Preservation Area.

  www.nj.gov/njhighlands/about/contact/exemptions.pdf

  Please note that several municipalities have been certified to make exemption determinations for some of the most common exemptions. Information regarding this program is available on the Highlands Council website.

  www.nj.gov/njhighlands/planconformance/guidelines/exempt.html

- **Municipal and County Liaisons**

  A Highlands Council staff liaison is assigned to every highlands municipality or county involved in the Plan Conformance process. A list of liaisons is available at the Highlands Council website.

  www.nj.gov/njhighlands/planconformance/muni-liaisons/

- **Highlands Plan Conformance Process and Status**

  Plan Conformance includes the revision of local planning and regulatory documents to integrate the land use and resource management requirements of the Highlands Act so those documents will conform to the goals, requirements and provisions of the Regional Master Plan (RMP). Plan conformance is required by the Highlands Act throughout the Preservation Area and is voluntary in the Planning Area.

  www.nj.gov/njhighlands/planconformance/

EXHIBIT 'D'

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EXHIBIT 'D'

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3. Maintenance
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5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
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35. Maintenance Dredging of Existing Basins
36. Boat Ramps
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EXHIBIT 'D'

B. NATIONWIDE PERMITS

36. Boat Ramps. Activities required for the construction, repair, or replacement of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge of dredged or fill material into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,

(e) No material is placed in special aquatic sites, including wetlands.

The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge of dredged or fill material into waters of the United States exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in width. (See general condition 32.) (Authorities: Sections 10 and 404)

Buffalo District Only Permit-specific Regional Conditions: None

New York District Only Permit-specific Regional Conditions:

a. Within Essential Fish Habitat (EFH), as discussed in Section G-E.8. below, a Pre-Construction Notification (PCN) is required if any work is proposed within 50 feet of submerged aquatic vegetation (SAV), and a map generated from the SAV data tools in Note 5 or a current SAV survey of the area shall be included with the PCN to USACE for coordination with National Marine Fisheries Service (NMFS).

Section 401 Water Quality Certification (WQC):
The WQC has been denied for this NWP by the following certifying authorities:

i. New York State Department of Public Services (NYSDPS) for activities that relate to the construction and operation of major natural gas or electric transmission facilities undertaken pursuant to New York State Public Service Law (PSL) Article VII.

ii. New York State Office of Renewable Energy Siting (NYSORES) for activities that relate to the construction and operation of major renewable electric generating facilities undertaken pursuant to New York State Executive Law Article 6, Section 94-C.

iii. New York State Board on Electric Generation Siting and the Environment (Siting Board) for activities that relate to new and repowered or modified major electric generating facilities of 25 megawatts or more undertaken pursuant to PSL Article 10.

iv. U.S. Environmental Protection Agency (USEPA), as the certifying agency for the seven federally recognized Indian Nations in New York (Cayuga Nation, Onondaga Nation, Oneida Nation of Indians, Seneca Nation of Indians, Shinnecock Indian Nation, Tonawanda Seneca Nation, and Tuscarora Nation) for all activities occurring on these tribal lands.

v. Saint Regis Mohawk Tribe for all activities occurring on Saint Regis Mohawk Tribal land.

The New York State Department of Environmental Conservation (NYSDEC) has granted blanket WQC, for those activities not outlined above, provided that the project complies with **all** the General Conditions listed below in Section H. Where the Special Conditions differ from the General Conditions, the Special Conditions shall prevail.

Any party conducting proposing to conduct the activities authorized by this NWP where the WQC has been denied or that cannot comply with all of the NYSDEC WQC conditions must apply for and obtain an individual WQC or waiver thereof from the appropriate certifying authority. Refer to Section K below for agency contact information.

New York State Department of State Coastal Zone Management Consistency Determination:
Pursuant to 15 CFR Part 930.41, the New York State Department of State (NYSDOS) concurs with the USACE' consistency determination for this NWP anywhere in the New York State coastal area with which all general and all Buffalo and New York District regional conditions are complied.

For activities that are proposed within the New York City Waterfront Revitalization Program, the NYSDOS objects to the USACE' consistency determination and therefore, an individual consistency concurrence determination from NYSDOS is required for this NWP to be valid. See Section I below for further information. Such activities shall be submitted to NYSDOS for review by the applicant. NYSDOS will review the proposed activities pursuant to 15 CFR Part 930 Subpart D. NYSDOS concurrence with an applicant's consistency certification shall not be presumed unless NYSDOS fails to concur with or object to an applicant's consistency certification within six (6) months of commencement of NYSDOS' review of an applicant's consistency certification and all necessary data and information in accordance with 15 CFR § 930.62 or § 930.63. See Section I below for further information.

C. NATIONWIDE PERMIT GENERAL CONDITIONS

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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 or her 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed

such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. <u>Migratory Birds and Bald and Golden Eagles</u>. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects

to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the

adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer

determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an

easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1⁄3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____
(Transferee)

_____
(Date)

EXHIBIT 'D'

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification.
(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the

activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will

provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. DISTRICT ENGINEER'S DECISION

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more

than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. FURTHER INFORMATION

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

F. DEFINITIONS

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of

offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream

bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to

the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

G. BUFFALO & NEW YORK DISTRICT GENERAL REGIONAL CONDITIONS

These conditions apply to ALL Nationwide Permits.

G-A. Construction Best Management Practices (BMP's): Unless specifically approved otherwise through issuance of a variance by the District Engineer, the following BMP's must be implemented to the maximum degree practicable, to minimize erosion, migration of sediments, and adverse environmental impacts. Note that at a minimum, all erosion and sediment control and stormwater management practices must be designed, installed and maintained throughout the entire construction project in accordance with the latest version of the *New York Standards and Specifications for Erosion and Sediment Control* and the *New York State Stormwater Management Design Manual*. These documents are available at: http://www.dec.ny.gov/chemical/29066.html and http://www.dec.ny.gov/chemical/29072.html, respectively. Prior to the discharge of any dredged or fill material into waters of the United States, including wetlands, authorized by NWP, the permittee must install and maintain erosion and sedimentation controls in and/or adjacent to wetlands or other waters of the United States.

1. All synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, shall be completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade over time, may be abandoned in place.

2. Materials resulting from trench excavation for utility line installation or ditch reshaping activities which are temporarily sidecast or stockpiled into waters of the United States must be backfilled or removed to an upland area within 30 days of the date of deposition. Note: Upland options shall be utilized prior to temporary placement within waters of the U.S., unless it can be demonstrated that it would not be practicable or if the impacts of complying with this upland option requirement would result in more adverse impacts to the aquatic environment.

3. For trenching activities in wetlands the applicant shall install impermeable trench dams or trench breakers at the wetland boundaries and every 100 feet within wetland areas to prevent inadvertent drainage of wetlands or other waters of the United States.

4. Dry stream crossing methods (e.g., diversion, dam and pump, flume, bore) shall be utilized for culvert or other pipe, or utility installations to reduce downstream impacts from turbidity and sedimentation. This may require piping or pumping the stream flow around the work area and the use of cofferdams.

5. No in-stream work shall occur during periods of high flow, except for work that occurs in dewatered areas behind temporary diversions, cofferdams or causeways.

6. Construction access and staging areas shall be by means that avoid or minimize impacts to aquatic sites (e.g. use of upland areas for access & staging, floating barges, mats, etc.). Discharges of fill material associated with the construction of temporary access roads, staging areas and work pads in wetlands shall be placed on filter fabric. All temporary fills shall be removed upon completion of the work and the disturbed area restored to pre-construction contours, elevations and wetland conditions, including cover type. All vegetation utilized in the restoration activity shall consist of native species.

7. All return flow from dredged material disposal areas shall not result in an increase in turbidity in the receiving water body that will cause a substantial visible contrast to natural conditions. (See NWP #16)

8. For activities involving the placement of concrete into waters of the U.S., the permittee must employ watertight forms. The forms shall be dewatered prior to the placement of the concrete. The use of tremie concrete is allowed, provided that it complies with New York State water quality standards.

9. New stormwater management facilities shall be located outside of waters of the U.S. A variance of this requirement may be requested with the submission of a PCN. The PCN must include justification which demonstrates that avoidance and minimization efforts have been met.

10. To the maximum extent practicable, the placement of fill in wetlands must be designed to maintain pre-construction surface water flows/conditions between remaining on or off-site waters and to prevent draining of the wetland or permanent hydrologic alteration. This may require the use of culverts and/or other measures. Furthermore, the activity must not restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters). The activity may alter the pre-construction flows/conditions if it can be shown that it benefits the aquatic environment (i.e. wetland restoration and/or enhancement).

11. Stone aprons and scour protection placed in streams shall not extend higher than the stream bed in order to create a uniform grade and shall be filled with native stream bed material and supplemented with similarly sized material, if needed, to fill interstitial spaces to maintain water flow on the surface of the stream bed.

G-B. CULVERTS

1. **ALL NEW OR REPLACEMENT CULVERTS IN STREAMS**, to the extent they are regulated, shall be constructed/installed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 – Management of Water Flows:

a. Size: Bank-full flows shall be accommodated through maintenance of the existing bank-full channel cross sectional dimensions within a single culvert. Bank-full width is generally considered to be the top width at the stage where a stream begins to overtop its banks and spread into the floodplain. A bottomless culvert or bridge must be used to span the stream channel where practicable. If the stream cannot be spanned, the culvert width shall be minimum of 1.25 times width of the stream channel at the ordinary high water, which is generally equivalent to the width of the channel during the 2-year design storm.

b. Depth: To maintain low flow and aquatic life movement within culverts with a bottom, the culvert invert, including end sections, must be embedded. Specifically, the culvert must be installed with its bottom buried below the grade of the stream bed, as measured at the average low point, to a depth of a minimum of 20 percent of the culvert vertical rise (height) throughout the length of the culvert. (Note: When not practicable to do so due to small culvert size, it is acceptable to allow natural deposition to cover the interior of the culvert bed following placement of the culvert invert to the 20% depth.)

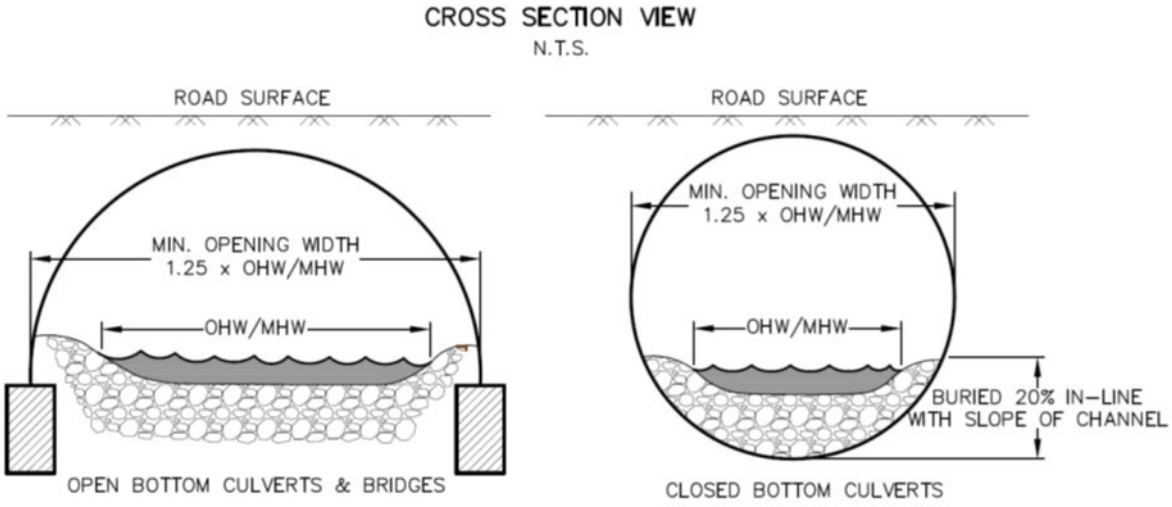
c. The dimension, pattern, and profile of the stream above and below the stream crossing shall not be permanently modified by changing the width or depth of the stream channel.

d. The culvert bed slope shall remain consistent with the slope of the adjacent stream channel.

Note 1: Use of the requirements alone will not satisfy the need for proper engineering and design. In particular, appropriate engineering is required to ensure structures are sized and designed to provide adequate capacity (to pass various flood flows) and stability (bed, bed forms, footings and abutments, both upstream and downstream). It is the permittee's responsibility to ensure the structure is appropriately designed.

Note 2: This condition does not apply to temporary culverts used for construction access that are in place for less than one construction season. However, compliance with General Conditions #2 and #9 still applies.

Note 3: For further guidance on identification of the Ordinary High Water mark, please see Regulatory Guidance Letter 05-05 available at: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Guidance-Letters/



Preconstruction Notification (PCN) Requirements:
A PCN is required for projects that do not meet all of the above requirements. In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

EXHIBIT 'D'

i. A statement indicating which of the above requirements will not be met by the proposed project;

ii. Information as to why the use of such structures or measures would not be practicable;

iii. A brief description of the stream discussing:

- Site specific information (i.e. stream bed slope, type and size of stream bed material, stream type, existing natural or manmade barriers, etc.) assessed to determine appropriate culvert design and to ensure management of water flows and aquatic life movement.

- Evaluation of the replacement for its impacts on: downstream flooding, upstream and downstream habitat (in-stream habitat, wetlands), potential for erosion and headcutting, and stream stability.

- Flow/storm event the proposed culvert is designed to pass (2 year, 50 year, etc.)

iv. Cross sections of the stream used to calculate the stream bed low point and ordinary high water width, consisting of:

- Stream channel cross sections shall be taken at proximal locations to the crossing location to determine the average of the lowest points in elevation of the stream bed and the average width at ordinary high water.

    - For new crossing locations, the average values from at least three measurements (project location and straight sections of the stream upstream and downstream) shall be used.

    - For replacement of an existing structure, the average values from at least two cross sections (straight sections of the stream upstream and downstream from the existing structure representative of the natural channel) shall be used. Note: sections should not be taken in the immediate vicinity of the structure as the channel width may be affected by the structure and not provide an accurate representation of the natural channel.

- This average low point shall be used to ensure low flow is maintained through the culvert and from which all embedment depths are measured.

- If the above cross section method was not practicable to use, an alternative method may be utilized. The PCN shall include justification for the method used including the data used and an explanation as to how it provides an equivalent measure.

v. An evaluation of the effects the crossing would have on aquatic life movement and/or water flows; and

vi. Mitigation measures that will be employed to minimize these effects. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures

A variance of the requirement(s) will be issued by the Corps if it can be demonstrated that the proposal would meet General Conditions #2 & #9 and would result in a less environmentally damaging practicable alternative (e.g. If compliance with any of the requirement(s) would result in detrimental impacts to the aquatic system then an alternate design should be proposed and a variance request submitted which outlines how compliance with the general conditions will be met.).

2. **ALL CULVERT REHABILITATION PROJECTS IN STREAMS**, to the extent they are regulated, not including culvert replacement projects (See 1 above), shall be constructed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 –

Management of Water Flows:

a. An evaluation of the existing culvert shall be conducted prior to the proposed culvert rehabilitation to determine if the existing culvert is in compliance with NWP GC #2 and #9. Specifically, the culvert shall be evaluated regarding its effect upon aquatic life movements and low/ high water flow. If the above requirements in General Regional Condition B. 1 (a)-(e) are met, then the culvert is considered in compliance with NWP General Conditions #2 & # 9. (Potential evaluation methods to consider include: North Atlantic Aquatic Connectivity Collaborative (NAACC) (Note: Projects should not result in a reduction of the NAACC passability score by reducing passage or creating a barrier), US Forest Service Aquatic Organism Passage FishXing, etc.)

b. A PCN is not required for projects that utilize cured-in-place pipe lining or other repair activities that do not raise the existing invert elevation such that it causes an impediment to the passage of either aquatic life movement or water flow, unless there is an existing impediment which will not be corrected by the proposed repair.

c. A PCN is required for any culvert rehabilitation project that includes a culvert which is not in compliance with GC #2 and/or #9 (i.e. impedes aquatic life movement or water flow) and which will not be corrected by the proposed repair.

d. A PCN is required for culvert rehabilitation projects which will involve pipe slip lining or other activities, including concrete invert paving and concrete lining that raise the existing invert elevation such that it causes an impediment to the passage of low flow or aquatic life movement. Slip lining is defined as the insertion of a smaller diameter pipe into an existing pipe by pulling pushing, or spiral winding.

Preconstruction Notification (PCN) Requirements:
In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

i. A summary of the evaluation required in Item a. above including average ordinary high water channel width and a discussion of the impediment(s) to aquatic life movement and/or water flow.

ii. Information as to how the proposal will mitigate for the impediment. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures.

G-C. No regulated activity authorized by a Nationwide Permit can cause the loss of areas classified as a bog or fen in the State of New York, as determined by the Buffalo or the New York District Corps of Engineers, due to the scarcity of this habitat in New York State and the difficulty with in-kind mitigation. The Districts will utilize the following document in the classification:

Edinger, G. J., D. J. Evans, S. Gebauer, T. G. Howard, D. M. Hunt, and A. M. Olivero (editors). 2014. *Ecological Communities of New York State*. Second Edition. A revised and expanded edition of Carol Reschke's Ecological Communities of New York State. New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY. This document is available at the following location: https://www.nynhp.org/ecological-communities/

G-D. National Wild and Scenic Rivers (NWSR): The Upper Delaware River has been designated as a National Wild and Scenic River from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York. Also, the portion of the Genesee River located within Letchworth Gorge State Park, beginning at the southern boundary of the park and extending downstream to the Mt. Morris Dam, was designated by Congress as a permanent Study River in the Genesee River Protection Act of 1989. In accordance with General Condition #16, no activity may occur within a NWSR, including Study Rivers, unless the National Park Service (NPS) has determined in writing that the proposed work will not adversely affect the NWSR designation or study status. Therefore, a PCN is required for any NWP which would

impact the designated portions of the Genesee River or the Upper Delaware River, unless NPS has previously indicated the project will not adversely affect the waterway. (Note: the applicant may not commence work under any NWP until the NPS determines in writing that the project will not adversely affect the NWSR even if 45-days have passed since receipt of the PCN package.) Information regarding NWSR may be found at**:** https://www.rivers.gov/new-york.php

G-E. For all proposals requiring a pre-construction notification (PCN), in addition to the requirements in General Condition 32, the applicant shall also include: (Note: the application will not be considered complete until all of the applicable information is received).

1. New York State/USACE Joint Application Form: The application form shall be completed and signed and shall clearly indicate that the submission is a PCN.
Buffalo District: http://www.lrb.usace.army.mil/Missions/Regulatory/Application-Forms/
New York District: https://www.nan.usace.army.mil/Missions/Regulatory/Obtaining-a-Permit/

2. Drawings: The PCN must include legible, project drawings on 8.5" x 11" paper. Full size drawings may be submitted in addition to the 8.5" x 11" plans to aid in the application review. Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are a Vicinity Map (i.e. a location map such as a USGS topographical map), a Plan View and a Cross-Section Map. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross section). The Vicinity Map shall provide the location of the entire project site. In addition, each illustration should be identified with a figure or attachment number. The location map shall include the Latitude and Longitude or UTM coordinates of the project. For linear projects, the PCN shall include a map of the entire project including a delineation of all waters of the U.S. within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g. PFO, PEM, etc.).

3. Color photographs: The photos should be sufficient to accurately portray the project site, keyed to a location map and not taken when snow cover is present.

4. Avoidance and Minimization: The PCN should include a written narrative explaining how avoidance and minimization of temporary impacts and permanent losses of waters of the U.S. were achieved on the project site (i.e. site redesign, reduction in scope, alternate methods, etc.). It should include a description of the proposed construction practices that would be implemented to perform the proposed work and a description of the reasonably foreseeable direct and indirect effects to waters of the U.S. from the proposed construction practices.

5. Mitigation (See General Conditions 23 & 32(b)(6)): The PCN should include at least a conceptual compensatory mitigation plan for all projects resulting in the loss of greater than 1/10th of an acre of wetlands and/or 3/100 th of an acre of stream. Mitigation conceptual plans submitted with the PCN must include the following information at a minimum: proposed compensation type (bank or in-lieu fee credit, restoration, creation, preservation, etc.), location and brief discussion on factors considered for site selection (i.e. soils, water source, potential for invasive species, etc.), amount proposed per resource type and a discussion of how the proposal will compensate for aquatic resource functions and services lost as a result of the project.

Note 1: All mitigation projects must comply with the Federal Regulations on compensatory mitigation (33 CFR 332) entitled "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule", dated April 10, 2008, which is available at: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/mitig_info/ and any applicable District Guidelines.

Note 2: Although a conceptual mitigation plan may be sufficient for the purposes of a PCN submission, a detailed mitigation plan must be approved by the Corps before any jurisdictional work may occur on the project site.

Note 3: If more than 0.10 acres of designated EFH habitat (as discussed in Section G-E.8. below)

would be impacted such that habitat would be lost, compensatory mitigation at a minimum ratio of 1:1 is required. A ratio of more than 1:1 may be required depending upon the ecological value of the habitat to be lost or degraded and the form of compensatory mitigation proposed to be provided.

Note 4: For additional information regarding natural stream channel design, please refer to https://www.epa.gov/cwa-404/natural-stream-channel-design-techniques-and-review for the Natural Stream Channel Design Techniques and Review Checklist as developed by U.S. EPA and U.S. Fish and Wildlife Service.

6. Nationwide Rivers Inventory: The PCN shall indicate if a river segment listed within the National Park Service Nationwide Rivers Inventory (NRI) is located within the proposed project area. NRI river segments are potential candidates for inclusion in the National Wild and Scenic River System (See General Condition #16). For project areas containing a listed NRI segment, the PCN shall also include a statement as to how adverse effects to the river have been avoided or mitigated. The list is available at: http://www.nps.gov/ncrc/programs/rtca/nri/states/ny.html.

7. Historic or Cultural Resources: In accordance with General Condition 20, a PCN is required for any non-federal activity which may have the potential to cause effects to any historic properties* listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NR). Please refer to General Condition 20 for submission requirements. In addition, all PCNs should include:

a) A written statement indicating if any such properties may be affected by the proposed project.
b) A copy of any completed archaeology or building/structure survey reports. If a survey has not been performed, the statement shall include a list of resources checked in the determination.
c) Copies of any available correspondence from the New York State Office of Parks, Recreation, and Historic Preservation State Historic Preservation Officer (SHPO) regarding historic properties.
d) Copies of any available correspondence from federally recognized Indian Nations regarding historic properties that may be affected by the project.
e) Projects with ground disturbance may have the potential to cause effects to buried historic properties, regardless of occurring outside SHPO designated archaeological sensitive areas. Therefore, the PCN shall indicate if the ground disturbance will occur in any areas of previously undisturbed soil. For areas with prior disturbance, the PCN shall include a brief narrative describing the disturbance and its limit (i.e. type of disturbance, size of area with current undisturbed soil, size of area with existing disturbed soils, when the disturbance occurred, an estimate on how deep the soil disturbance extends, etc.) as well as photos of the existing ground disturbance.
f) Above ground buildings/structures that are over 50 years old and potentially affected by the project will need to be assessed to determine if they are eligible for the NR. The PCN shall: identify any structures present in the project area, which have not already been subject to SHPO review, include photos of the structures, and describe how the project would/would not affect them.

* - see NWP definition section for further clarification

Note 1: Information regarding historic properties may be found at: https://cris.parks.ny.gov. In addition, assistance regarding the determination of the presence of historic or cultural resources at or near the project site should be directed to SHPO.

Note 2: As stated in General Condition 20, if any listed, eligible or potentially eligible properties are present, the applicant shall not begin the activity until notified by the district engineer in writing either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

8. Endangered Species and Essential Fish Habitat (EFH): In accordance with General Condition #18, non-federal applicants must submit a PCN if any listed species or designated critical habitat might

be affected or is in the vicinity of the activity (See Note 2 below), or if the activity is located in designated critical habitat. Please refer to General Condition #18 for submission requirements. In addition, all PCNs must include:

1. a written statement and documentation concerning any Essential Fish Habitat (EFH) and any federally listed or proposed Threatened or Endangered (T&E) species or designated and/or proposed critical habitat that might be affected or located in the vicinity of the project (See Note 2 below).

2. an official T&E species list printed within 90 days of the PCN submission, and a copy of any correspondence from the U.S. Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration Fisheries Service (NOAA-Fisheries), regarding the potential presence of T&E species on the project site. An applicant should use the USFWS Information for Planning and Consultation (IPAC) website (https://ecos.fws.gov/ipac) as the primary resource to determine if there may be listed Threatened or Endangered species. Information on NOAA-Fisheries (NMFS) species (both T&E and EFH) can be found at: https://www.greateratlantic.fisheries.noaa.gov/. Region-specific information on NMFS species (both T&E and EFH) can we found at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-consultations-greater-atlantic-region. Region-specific ESA information can be found at: https://www.fisheries.noaa.gov/topic/consultations#endangered-species-act-consultations.

3. For projects where T&E species are listed, a discussion of potential T&E species habitat within the project site (See USFWS T&E website for species habitat information). https://www.fws.gov/northeast/nyfo/es/section7.htm

4. If there is potential habitat for any T&E species within the project site the following, as applicable, shall be submitted:

    i. The results of any habitat surveys and presence/absence surveys. Note: all surveys should be coordinated with the USFWS and/or NOAA-Fisheries (NMFS) prior to initiation.

    ii. A detailed description of the proposed project, including secondary impacts and approximate proposed project construction schedule of project activities (e.g. land clearing, utilities, stormwater management).

    iii. A description of the natural characteristics of the property and surrounding area (e.g. forested areas, freshwater wetlands, open waters, and soils) and a description of surrounding land use (residential, agricultural, or commercial).

    iv. A description of the area to be impacted by the proposed project (including the species, typical sizes (d.b.h.) and number or acres of trees to be removed, substrate of stream, etc.).

    v. The location of the above referenced property and extent of any project related activities or discharges clearly indicated on a copy of a USGS 7.5-minute topographic quadrangle (quad) with the name of the quad(s) and latitude/longitude clearly labeled.

    vi. A description of conservation measures to avoid, minimize and/or mitigate impacts to listed species.

Note 1**:** There are no known T&E species or EFH species under the jurisdiction of the NOAA-Fisheries (NMFS) within the Buffalo District. Therefore, all Buffalo District requests for information regarding the presence of T&E species should be directed to the USFWS. In addition, no EFH review is necessary within the following New York District counties: Clinton, Essex, Franklin,

Fulton, Hamilton, Montgomery, Otsego, Schenectady, Schoharie and Warren.

Note 2**:** Please refer to the following websites for further guidance and information relating to regulatory permits & T&E species in New York, including protocols for defining 'vicinity' for the Indiana and Northern long-eared bats:

Buffalo District: http://www.lrb.usace.army.mil/Missions/Regulatory/Endangered-Species/Endangered-Species-New-York/

New York District: https://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/

Note 3**:** General Condition #18 is emphasized, … "For activities where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. **If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps."**

Note 4: Where a PCN is required for Essential Fish Habitat consultation, refer to the following links for the Essential Fish Habitat Assessment Worksheet and Mapper utilized to inform the preparation of the worksheet:

- EFH Assessment Worksheet: https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-assessment-consultations

- EFH Mapper: https://www.habitat.noaa.gov/protection/efh/efhmapper/

Note 5: Where information is required for submerged aquatic vegetation (SAV) in the permit area or within 50 feet of the proposed work, please utilize the following map data:

- NYS Department of State SAV data: http://opdgig.dos.ny.gov/#/search/SAV

- NYS GIS Clearinghouse (for SAV data in the Hudson River): http://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1209 and http://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1350

9. PCNs should be submitted electronically, if possible, in accordance with the instructions provided on the Districts' websites. When submitted by hard copy, without an electronic submission, then multiple copies of the PCN must be provided as follows:

a) One (1) additional copy of the PCN package shall be provided to USACE for coordination with Department of Defense Siting Clearinghouse (See NWP # 39, 51, 52 & 57 Notes) for:
   i. overhead utility lines proposed under NWP #57 and
   ii. any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission lines proposed under NWP #39, 51 or 52

b) Two (2) additional copies of the PCN package shall be provided to USACE when the project is located within the New York City Watershed, for coordination with the New York City Department of Environmental Protection.

c) Five (5) additional copies of the PCN package shall be submitted to USACE for agency coordination in accordance with General Condition # 32(d)(2) for:
   i. All NWP activities that result in the loss of greater than 1/2-acre of waters of the United States,
   ii. NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per

running foot, or involve discharges of dredged or fill material into special aquatic sites;

iii. NWP 54 activities in excess of 500 linear feet or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

G-F. CRITICAL RESOURCE WATERS

In accordance with NWP General Condition (GC) #22, certain activities in Critical Resource Waters cannot be authorized under the NWP program or would require a PCN (see GC #22 for a list of the NWP activities that are either excluded or require a PCN).

Critical Resource Waters in New York State include the following:

1. **East-of-Hudson portion of the New York City Water Supply:** This area includes portions of Dutchess, Putnam and Westchester Counties as delineated on Enclosure 2.

2. **Hudson River National Estuarine Research Reserves (NERR):** The Hudson River NERR consists of four components: Piermont Marsh, Iona Island, Tivoli Bay, and Stockport Flats.

H. NYSDEC GENERAL WATER QUALITY CERTIFICATION (WQC) CONDITIONS APPLICABLE TO ALL NWPS FOR WHICH WQC HAS BEEN PROVIDED ARE AS FOLLOWS:

1. **Non-contamination of Waters** - All necessary precautions shall be taken to preclude contamination of any waters of the United States by suspended solids, resins, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, inadvertent returns of drilling muds ("frac-outs") or any other environmentally deleterious materials associated with the project.

2. **Installation and Replacement of Culverts** - To be covered under this blanket Water Quality Certification, all the following criteria must be met for culvert installations and replacements:
   a. Culverts shall be designed to pass a storm event with an annual chance of 2% or less (i.e., 50-year storm event or greater) such that the water surface remains below the top of the inlet opening.
   b. All culverts with closed bottoms and culvert pipes must be appropriately embedded. Round culverts must be installed so that at least 20% of the culvert's vertical height is embedded below the existing stream bed at the outlet end of the culvert.
   c. Width of the structure must be a minimum of 1.25 times (1.25X) width of the Mean High-Water Channel.
   d. The slope of the stream bed within or under the culvert shall remain consistent with the slope of the adjacent stream channel. For slopes greater than 3%, an open bottom culvert must be used.
   e. This culvert must not be located under a roadway that provide sole access to "Critical Facilities"[2].
   f. This certification does not authorize culvert rehabilitation projects that involve slip lining, invert paving, or similar treatments.
   g. This certification does authorize the rehabilitation of culverts utilizing Cure in Place Pipe Lining (CIPP) or concrete spray lining for culverts which currently meet Nationwide Permit General Condition # 2 - Aquatic Life Movements.

[2] Critical Facilities are defined as facilities designed for bulk storage of chemicals, petrochemicals, hazardous or toxic substances or floatable materials; hospitals, rest homes, correctional facilities, dormitories, patient care facilities; major power generation, transmission or substation facilities, except for hydroelectric facilities; major communications centers, such as civil defense centers; or major emergency service facilities, such as central fire and police stations. (See 6 NYCRR Part 502.4(a)(17).)

3. **Discharges and Disturbances Limits** - The following discharge and disturbance limits apply to this certification:

a. For NWPs 5, 7, 13, 14, 15, 18, 19, 23, 25, 32, 34, 36, 37, 45, and 46, the following discharge limits apply:
   i. Temporary or permanent discharges of dredged or fill material into wetlands and other waters of the United States must not exceed ¼ acre;
   ii. Temporary or permanent impacts (i.e., loss) to stream beds, lake shorelines, and ocean shorelines must not exceed 300 linear feet; and
   iii. The discharge area limit under paragraph (a) plus the equivalent stream, lake, or ocean impact area limit under paragraph (b) must not exceed ¼ acre total.
b. For NWPs 3, 4, 6, 20, 22, 27, 30, 31, 33, and 41, this certification authorizes discharges and disturbances up to the limit of the respective Nationwide Permit or regional conditions, whichever is most restrictive.
c. If a project requiring coverage under two or more Nationwide Permits results in a temporary or permanent discharge or disturbance, the most restrictive threshold applies to the project.

4. **Bulkheads** - Activities involving bulkheads are restricted as follows:
   a. This certification does not authorize the construction of new bulkheads or vertical walls.
   b. This certification does not authorize the waterward extension of existing bulkheads, except where minimally necessary to reface the bulkhead when in-place replacement is not feasible.
   c. New toe-stone protection may not extend more than 36 inches waterward from the existing bulkhead face.

5. **Maintenance of Water Levels** - This certification does not authorize any activity that results in a permanent water level alteration in waterbodies, such as draining or impounding, except for activities authorized by NWP 27.

6. **Dewatering** - Dewatering activities must be conducted in the following manner:
   a. Authorized dewatering is limited to immediate work areas that are within coffer dams or otherwise isolated from the larger waterbody or waters of the United States.
   b. Dewatering must be localized and must not drain extensive areas of a waterbody or reduce the water level such that fish and other aquatic organisms are killed, or their eggs and nests are exposed to desiccation, freezing or depredation in areas outside of the immediate work site.
   c. Cofferdams or diversions shall not be constructed in a manner that causes or exacerbates erosion of the bed or banks of a waterbody.
   d. All dewatering structures must be permanently removed, and disturbed areas must be graded and stabilized immediately following completion of work. Return flows from the dewatering structure shall be as visibly clear as the receiving waterbody.

7. **Horizontal and Directional Drilling** - For projects that involve horizontal or directional drilling, the permittee must prepare and implement a plan that addresses prevention, containment and cleanup of inadvertent drilling fluid returns or “frac-outs”.

8. **Endangered or Threatened Species** - This certification does not authorize discharges likely to result in the take or taking of any species listed as endangered or threatened in 6 NYCRR Part 182.5 (a) or (b) or discharges likely to destroy or adversely modify the habitat of such listed species. To be eligible for coverage under this certification, applicants must either verify that the activity is outside of the occupied habitat of such species or, if located within the habitat of such species, obtain a determination from the NYS Department of Conservation Regional Office that the proposed activity is not likely to result in the take or taking of any species listed as endangered or threatened species listed in 6 NYCRR Part 182. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental regional offices, the New York Natural Heritage Program in Albany, New York or on the NYSDEC website at https://www.dec.ny.gov/animals/38801.html.

9. **Rare Mollusks** - This certification does not authorize disturbances or discharges to waters of the United States that support mollusks listed as S-1 or S-2 on the New York State Natural Heritage database, unless NYSDEC staff have determined that the project location does not contain mussels listed as S-1 or S-2 on the Natural Heritage database.

EXHIBIT 'D'

10. **Prohibition Period for In-water Work** - In-water work is prohibited in cold water trout fisheries (waterbodies classified under Article 15 of New York State Environmental Conservation Law with a "t" or "ts" designation), beginning October 1 and ending May 31.

    Water classification values can be found on the NYSDEC's Environmental Resource Mapper available on the Department's website at https://gisservices.dec.ny.gov/gis/erm/. Applicants may also contact the Regional Fisheries Manager in the appropriate New York State Department of Environmental Conservation regional office to determine the classification of the water body and whether the prohibition period applies.

11. **Significant Coastal Fish and Wildlife Habitats** - This certification does not authorize any discharge occurring in a designated Significant Coastal Fish and Wildlife Habitat area pursuant to 19 NYCRR Part 602 (NYCRR, Title 19, Chapter XIII, Waterfront Revitalization of Coastal Areas and Inland Waterways). https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html

12. **Coastal Erosion Hazard Areas** - This certification does not authorize projects that disturb greater than ¼ acre or 300 linear feet of waters of the United States within mapped Coastal Erosion Hazard Areas, as identified in New York State Environmental Conservation Law Article 34, and its implementing regulations, 6 NYCRR Part 505. https://www.dec.ny.gov/lands/86541.html

13. **Federal Energy Regulatory Commission** - This certification does not authorize activities regulated by the United States Federal Energy Regulatory Commission (FERC). An individual Section 401 Water Quality Certification from NYSDEC is required for all projects regulated by FERC.

14. **Preventing the Spread of Aquatic Invasive Species** - To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation, and other debris before entering any approved construction areas within waters of the United States. When using construction equipment, projects authorized under this Certification shall take reasonable precautions to prevent the spread of aquatic invasive species as required under the provisions in ECL § 9-1710.

15. **Utility Projects** - The following restrictions and conditions apply to activities involving utility projects:
    a. This certification does not authorize maintenance or other activities associated with hydroelectric power generation projects.
    b. This certification does not authorize the construction of substation facilities or permanent access roads in wetlands or within the Federal Emergency Management Agency mapped 100-year floodplain.
    c. Excess materials resulting from trench excavation must be permanently removed from the waters of the United States and contained so that they do not re-enter any waters of the United States.

16. **NYSDEC Emergency Authorizations** – This certification also applies to any regulated discharges to Waters of the U.S. covered under an NWP where NYSDEC makes a finding of emergency pursuant to New York States Uniform Procedures Act regulations at 6 NYCRR § 621.12. Such a finding may also, but is not required to, include NYSDEC emergency authorizations under ECL Article 15, Title 5 (Protection of Waters), Article 15, Title 27 (Wild, Scenic, and Recreational Rivers),Article 24 (Freshwater Wetlands), Article 25 (Tidal Wetlands) or Article 34 (Coastal Erosion Management). Where such certification Is granted, only NYSDEC General WQC Conditions 1, 4, 5, and 6 shall apply.

17. **NYSDEC General Permits** – This certification also applies to any regulated discharges to Waters of the U.S. covered under an NWP where NYSDEC issues project authorization under a general permit pursuant to ECL Article 15, Title 5 (Protection of Waters), Article 15, Title 27 (Wild, Scenic, and Recreational Rivers), Article 24 (Freshwater Wetlands), Article 25 (Tidal Wetlands), or Article 34 (Coastal Erosion Management). Where such certification is granted, all other NYSDEC General WQC Conditions shall not apply.

EXHIBIT 'D'

18. **NYSDEC Individual Permits** – This certification also applies to any regulated discharges to Waters of the U.S. covered under an NWP where NYSDEC issues individual project authorization pursuant to ECL Article 15, Title 5 (Protection of Waters), Article 15, Title 27 (Wild, Scenic, and Recreational Rivers), Article 24 (Freshwater Wetlands), Article 25 (Tidal Wetlands), or Article 34 (Coastal Erosion Management). Where such certification is granted, all other NYSDEC General WQC Conditions shall not apply.

I. NEW YORK STATE DEPARTMENT OF STATE (NYSDOS) COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION ADDITIONAL INFORMATION (APPLICABLE TO ALL NWPS LOCATED WITHIN OR AFFECTING THE NYS COASTAL ZONE):

Where NYSDOS has objected to the USACE consistency determination, as outlined in the specific NWP listing in Section B above, the applicant must submit a request for an individual consistency determination to NYSDOS.

Further Information:

- Unless NYSDOS issues consistency concurrence or USACE has determined that NYSDOS concurrence is presumed, NWPs are not valid within the Coastal Zone.
- All consistency concurrence determination requests must be submitted directly to NYSDOS with a copy provided to USACE with any required Preconstruction Notification submissions.
- Limits of the coastal zone and details regarding NYSDOS submission requirements, including application forms can be obtained at: https://www.dos.ny.gov/opd/programs/consistency/index.html.
- For additional information regarding the NYSDOS Coastal Zone Management program, their application forms, and requirements, please contact NYSDOS. See Section K for NYSDOS contact information.

J. INFORMATION ON NATIONWIDE PERMIT VERIFICATION

Verification of the applicability of these Nationwide Permits is valid until March 14, 2026, unless the Nationwide Permit is modified, suspended, revoked, or the activity complies with any subsequent permit modification.

It is the applicant's responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: http://www.lrb.usace.army.mil/Missions/Regulatory.aspx.

Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this Nationwide permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

Possession of this permit does not obviate you of the need to contact all appropriate state and/or local governmental officials to ensure that the project complies with their requirements.

K. AGENCY CONTACT INFORMATION

NYS Board on Electric Generation Siting and the Environment (Siting Board)
Three Empire State Plaza
Albany, NY 12223-1350
(518) 949-0798
Email: Houtan.Moaveni@dps.ny.gov
www.dps.ny.gov/SitingBoard

NYS Department of Environmental Conservation
www.dec.ny.gov

NYS DEC REGION 1
Regional Permit Administrator
SUNY @ Stony Brook
50 Circle Road
Stony Brook, NY 11790-3409
(631) 444-0365

NYS DEC REGION 2
Regional Permit Administrator
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407
(718) 482-4997

NYS DEC REGION 3
Regional Permit Administrator
21 South Putt Corners Road
New Paltz, NY 12561-1620
(845) 256-3054

NYS DEC REGION 4
Regional Permit Administrator
1130 North Westcott Road
Schenectady, NY 12306-2014
(518) 357-2069

NYS DEC REGION 4 Sub-Office
Deputy Regional Permit Administrator
65561 State Hwy 10
Stamford, NY 12167-9503
(607) 652-7741

NYS DEC REGION 5
Regional Permit Administrator
PO Box 296
1115 Route 86
Ray Brook, NY 12977-0296
(518) 897-1234

NYS DEC REGION 5 Sub-Office
Deputy Regional Permit Administrator
PO Box 220
232 Golf Course Rd
Warrensburg, NY 12885-0220
(518) 623-1281

NYS DEC REGION 6
Regional Permit Administrator
317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245

NYS DEC REGION 6 Sub-Office
Deputy Regional Permit Administrator
207 Genesee Street, Room 1404
Utica, NY 13501-2885
(315) 793-2555

NYS DEC REGION 7
Regional Permit Administrator
615 Erie Blvd. West, Room 206
Syracuse, NY 13204-2400
(315)426-7438

NYS DEC REGION 8
Regional Permit Administrator
6274 E. Avon - Lima Road
Avon, NY 14414-9519
(585) 226-5400

NYS DEC REGION 9
Regional Permit Administrator
270 Michigan Avenue
Buffalo, NY 14203-2915
(716) 851-7165

NYS DEC REGION 9 Sub-Office
Deputy Regional Permit Administrator
182 East Union Street, Suite 3
Allegany, NY 14706-1328
(716) 372-0645

NYS Department of Public Service (NYS DPS)
Three Empire State Plaza
Albany, NY 12223-1350
(518) 949-0798
Email: Houtan.Moaveni@dps.ny.gov
www.dps.ny.gov

EXHIBIT 'D'

NYS Department of State (NYSDOS)
Office of Planning, Development
And Community Infrastructure
Consistency Review Unit
One Commerce Plaza
99 Washington Avenue, Suite 1010
Albany, NY 12231-00001
(518) 474-6000
Email: cr@dos.ny.gov
https://www.dos.ny.gov/opd/programs/consistency/index.html

NYS Office of Renewable Energy Siting (ORES)
Empire State Plaza
240 State Street
P-1 South, J Dock
Albany, NY 12242
(518) 949-0798
Email: Houtan.Moaveni@ores.ny.gov
www.ores.ny.gov

Saint Regis Mohawk Tribe
Water Resources Program
449 Frogtown Road
Akwesasne, NY 13655
www.srmt-nsn.gov

Seneca Nation
Environmental Protection Department
84 Iroquois Drive
Irving, NY 14081
(716) 532-2546

US Army Corps of Engineers

(For DEC Regions 1, 2 and 3)
US Army Corps of Engineers, NY District (NAN)
ATTN: Regulatory Branch, Room 16-406
26 Federal Plaza
New York, NY 10278-0090
For DEC Regions 1 & 2 - (917) 790-8511
For DEC Region 3 - (917) 790-8411
Email: CENAN-PublicNotice@usace.army.mil

(For DEC Regions 4, 5)
US Army Corps of Engineers, NY District (NAN)
Upstate Regulatory Field Office
ATTN: CENAN-OP-RU, Bldg. 10, 3rd Floor North
1 Buffington Street, Watervliet Arsenal
Watervliet, NY 12189-4000
(518) 266-6350 - Permits Processing Team
(518) 266-6360 - Compliance & Enforcement Team
Email: cenan.rfo@usace.army.mil

NAN Electronic Application Email:
CENAN-R-Permit-App@usace.army.mil

NAN website:
http://www.nan.usace.army.mil/Missions/Regulatory/

(For DEC Regions 6, 7, 8, 9)
US Army Corps of Engineers,
Buffalo District (LRB)
ATTN: Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-3199
(716) 879-4330

LRB Electronic Application Email:
LRB.NewYork.RegActions@usace.army.mil

LRB website**:**
www.lrb.usace.army.mil/Missions/Regulatory/

US Environmental Protection Agency Region 2
Wetlands Protection Section
290 Broadway, 24th Floor
New York, NY 10007
212-637-3838
Email: Region2_CWA404@epa.gov

EXHIBIT 'D'

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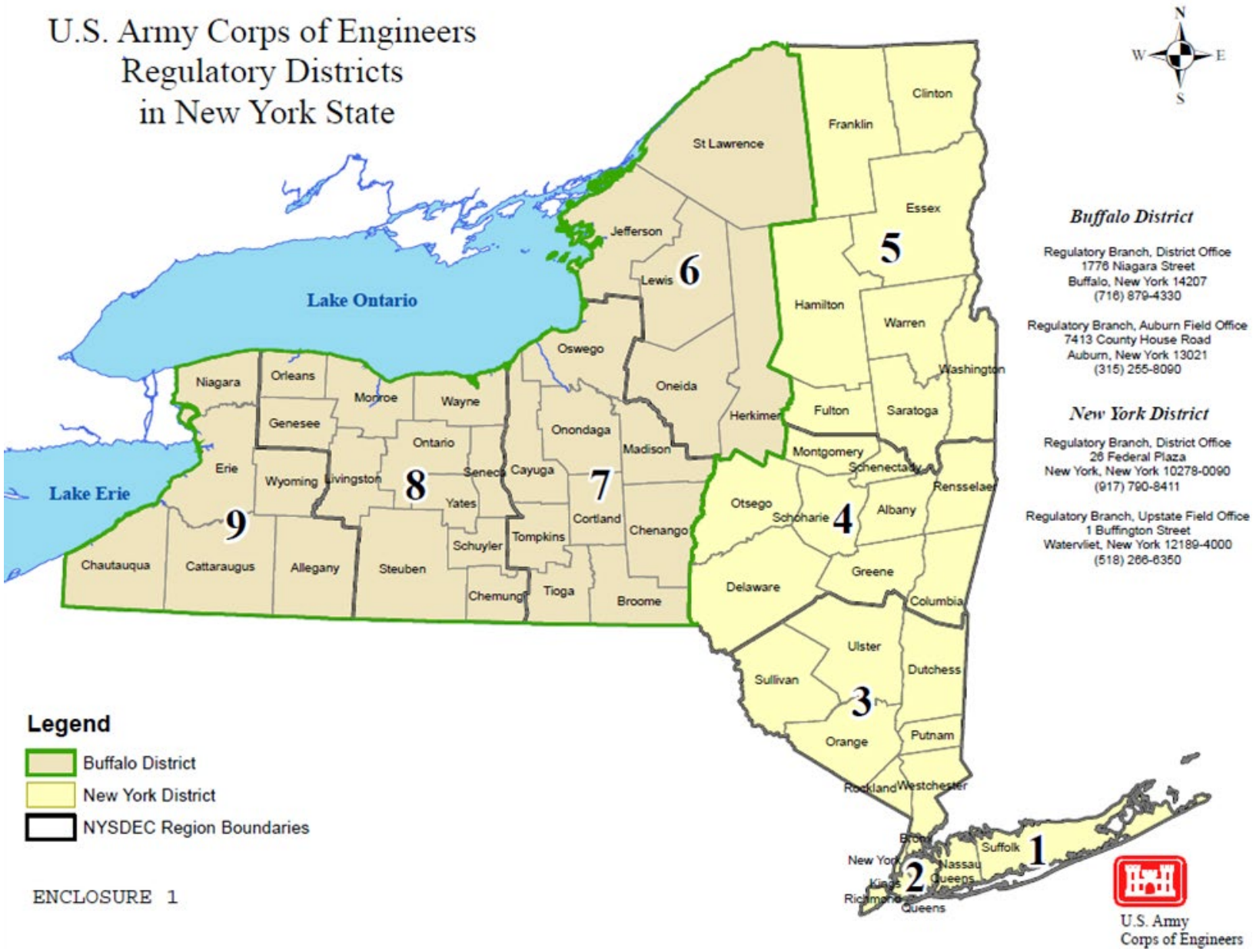


ENCLOSURE 1

ENCLOSURE 2

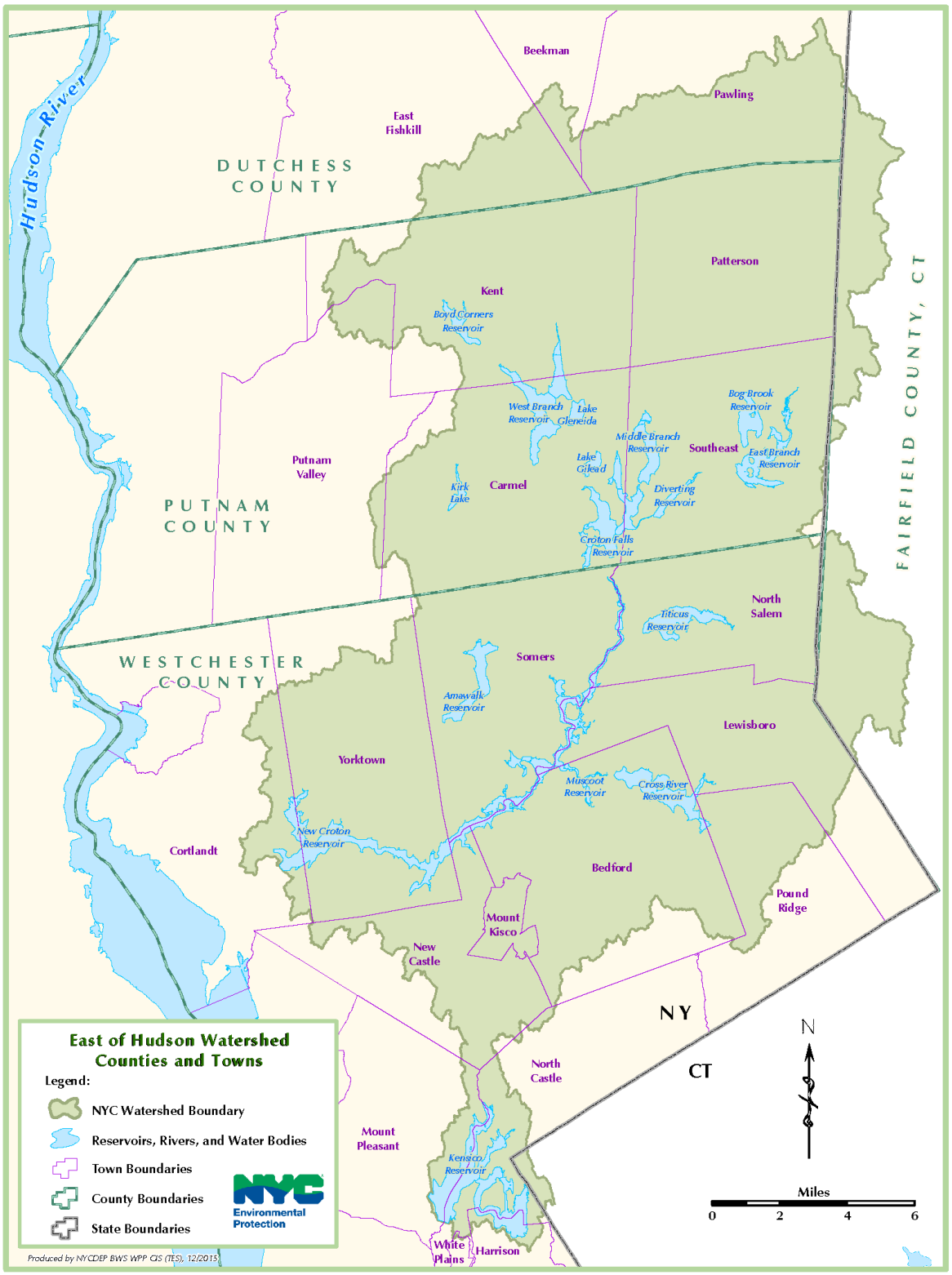


EXHIBIT 'D'

ENCLOSURE 3

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REPLY TO
ATTENTION OF

REGULATORY BRANCH Attn:_____

Commercial Mooring Buoy Application Additional Information

Permit Application Number NAN-_____

Company Name: _____ Phone: _____
Attn: _____
Address: _____

Initial☐Renewal☐
If Renewal, USCG Permit No._____

Purpose: _____

LOCATION OF MOORING:

Anchorage: _____ Chart: _____ On Scene Depth (ft.):_____

Position*:_____ N _____ W

MOORING BUOY DATA:

No. of anchors: _____ Lbs. per anchor: _____ Type: _____

Chain size (in.):_____ Scope (yds.):_____

Pennant length (yds.):_____ Circ. /dia. (in.):_____ Type: _____

VESSEL/BARGE DATA:

Max size (LxBxD):_____x_____x_____ Max No. of barges: _____

Configuration (# abreast x # astern):____x____ Watch circle** (yds.):_____

Swing Radius (yards):_____

* Please provide a copy of the NOAA chart showing your proposed mooring buoy location and the swing radius; also identify the Anchorage Ground, if applicable

** Watch Circle =$\sqrt{(length\ of\ scope)^2 - (water\ depth)^2}$
Swing Radius =$(Watch\ circle) + (Barge(s)\ length\ astern) + (Pendant\ length(s)) + (10\%\ of\ swing\ radius)$. You must maintain an additional 10% of your Swing Radius from any adjacent mooring buoy Swing Radius for safety and maneuvering.

EXHIBIT 'D'

ENCLOSURE 4

Incident Report of Sea Turtle Take
U.S. Army Corps of Engineers, New York District

Date _____ Time (specimen found) _____

Species Taken: Loggerhead Kemp's ridley Leatherback
Green Unknown turtle Other
(*please circle and describe how specimen was identified in Comments*)

Animal: Alive / Dead (*please circle*)
Specimen Decomposition: FRESH SLIGHTLY MODERATELY SEVERELY
Approximate length _____ Approximate width _____
(*please designate cm/m or inches*)

Condition of specimen/description of animal
_____
_____
_____

Animal tagged: YES / NO (*please circle and record all tag numbers*)
Tag # _____

Photograph attached: YES / NO (*please circle*)
(*please label species, date, geographic site and name on photo back*)

Fate of animal _____

Geographic Site _____
Location: Lat/Long _____
Approx. depth of gear _____

Location where animal found (*leader, anchor line, buoy line, etc.*)
_____
_____

Thickness and type of line (*if applicable*) _____
Mesh size and type of net (*if applicable*) _____
Debris in gear? _____

Weather conditions _____
_____
Water temp: Surface _____ Below midwater (*if known*)_____
Tide state (Ebb or Flood) _____
Entanglement on downcurrent or upcurrent side of net? _____

Comments/other (*include justification on how species was identified*)
_____
_____
_____

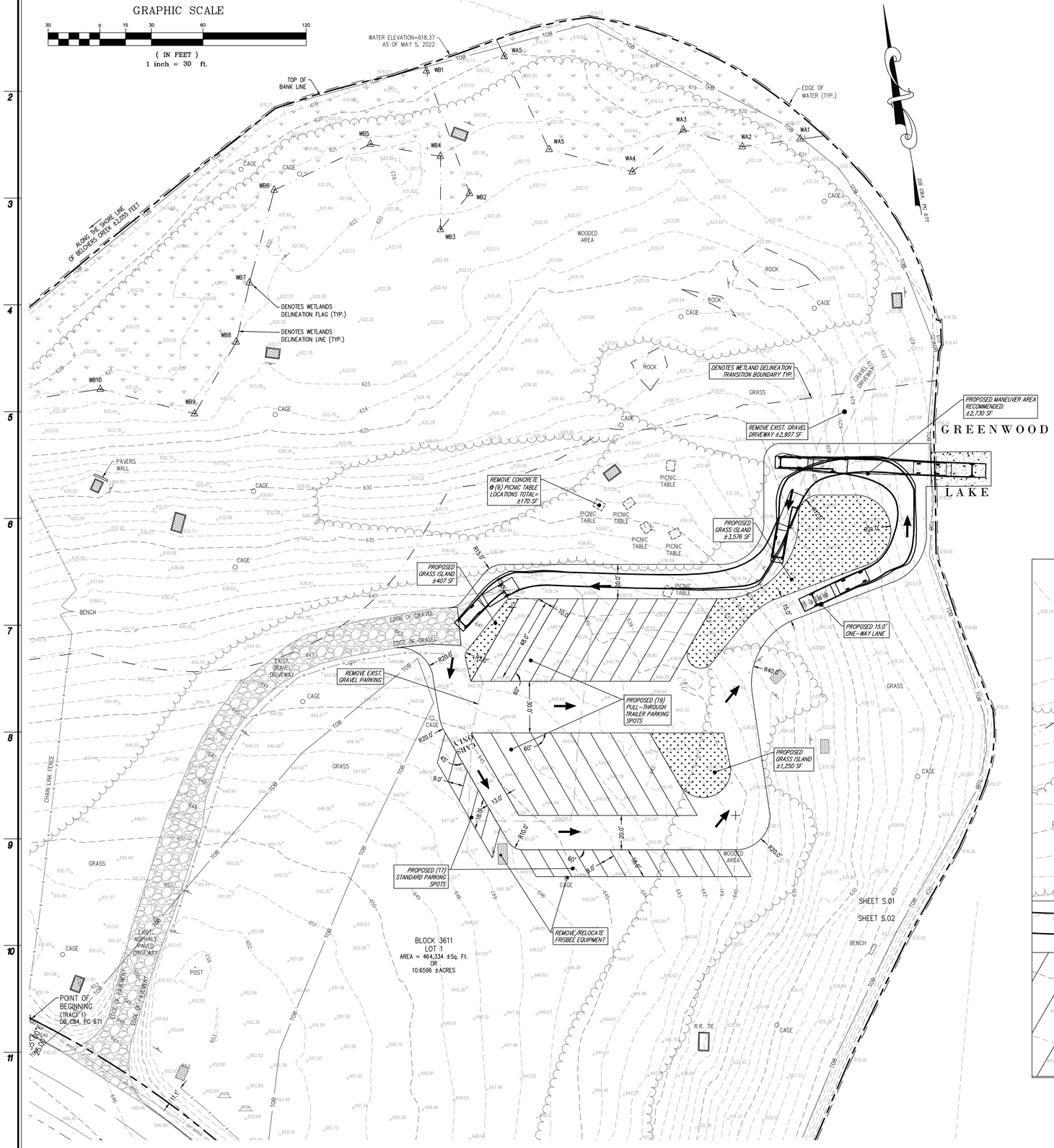
Observer's Name _____ Permit # _____
Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person by subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid Office of Management and Budget Control Number.

EXHIBIT 'D'

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



EXISTING IMPERVIOUS CALCULATIONS

1. BUILDING COVERAGE

EXISTING CONDITIONS:

PRINCIPAL BLDG.	602 SF
TOTAL	602 SF

2. IMPERVIOUS LOT COVERAGE

EXISTING CONDITIONS:

CONCRETE AT PICNIC TABLES	170 SF
PARKING LOT	8,669 SF
GRAVEL DRIVEWAY	10,009 SF
DRIVEWAY TO BLDG.	5,280 SF
GRAVEL SHORELINE	11,500 SF
TOTAL	35,628 SF

3. TOTAL AREA COVERAGE

EXISTING CONDITIONS:

BUILDING COVERAGE	602 SF
IMPERVIOUS LOT COVERAGE	35,628 SF
TOTAL	36,230 SF

PARKING SUMMARY

PROPOSED:

TRAILER PARKING = 19 SPACES
STANDARD PARKING = 17 SPACES

PROPOSED IMPERVIOUS CALCULATIONS

1. BUILDING COVERAGE

EXISTING CONDITIONS:

PRINCIPAL BLDG.	0 SF
TOTAL	0 SF

2. IMPERVIOUS LOT COVERAGE

PROPOSED CONDITIONS:

ONE WAY LOOP	21,885 SF
CONC. BOAT RAMP	700 SF
PARKING LOT (TRAILER)	10,525 SF
PARKING LOT (STANDARD)	2,755 SF
TOTAL	35,865 SF

3. TOTAL AREA COVERAGE

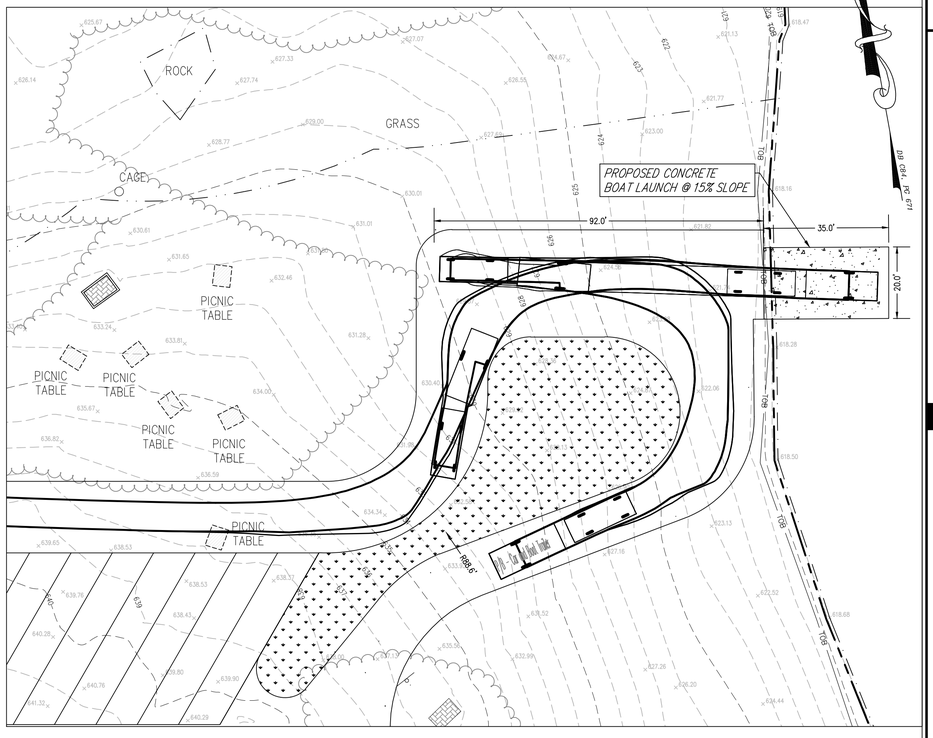
PROPOSED CONDITIONS:

REDUCED GRAVEL DRIVEWAY	7,102 SF
PROPOSED CONDITIONS	35,865
TOTAL	42,967 SF

4. TOTAL IMPERVIOUS AREA

IMPERVIOUS AREA PERCENTAGE:

EXISTING	36,230 SF	
PROPOSED	42,967 SF	
TOTAL ADDITION	6,737 SF	18.6 %



GRAPHIC SCALE

20 0 10 20 40 60

(IN FEET)
1 inch = 20 ft.

NJ Certificate of Authorization

Eng'r. Nos.	24GA27937500
Arch. Nos.	21AC00012400
Date	05/11/22
Checked	JM
Drawn	HT

STEVEN J. RAMIZA, P.E.
The PROFESSIONAL ENGINEER
License No. NJPE24GE04673300

DRAFT

Revisions:

1. 05/17/22 PER BOUNDARY LINE INFORMATION.
2. 08/31/23 REVISED PER COMMENTS
3. 05/01/24 REVISED PER COMMENTS
4. 05/30/24 REVISED PER COMMENTS

LAN ASSOCIATES
engineering • planning • architecture • surveying
445 GODWIN AVENUE, MIDLAND PARK, N.J. 07432 (201)447-6400

PROPOSED SITE PLAN

TAX MAP BLOCK 3611 – LOT 1
ALSO KNOWN AS BROWNS POINT PARK
TOWNSHIP OF WEST MILFORD
PASSAIC COUNTY, NEW JERSEY

Job No. 2.3397.179

File No. 3397179C1.dwg

C.201

EXHIBIT 'E'

SHEET 1 OF 1