



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
100 PENN SQUARE EAST
PHILADELPHIA PENNSYLVANIA 19107-3390

March 28, 2022

Regulatory Branch

SUBJECT: Nationwide Permit #23 Verification NAP-2022-00153-95
New Jersey Department of Transportation – Replacement of Route 130
Bridge over Big Timber Creek in the Borough of Brooklawn, Camden County,
and the Borough of Westville, Gloucester County, New Jersey
Latitude: 39.874673° Longitude: -75.126488°

New Jersey Department of Transportation
Bureau of Landscape Architecture and Environmental Solutions
Attn: Ms. Brenna N. Fairfax
1035 Parkway Avenue, E&O Building, 3rd Floor
Trenton, New Jersey 08625

Dear Ms. Fairfax:

This letter is written in regard to your proposal to undertake Federal Highway Administration-funded replacement of the Route 130 bridge over Big Timber Creek, with associated reconstruction of stormwater drainage and utility line infrastructure. This project is located in the Borough of Brooklawn in Camden County, and the Borough Westville in Gloucester County, New Jersey, between Route 130 Mile Posts 25.33 and 25.62. Based upon our review of the information that has been provided, it has been determined that the proposed work is authorized by Department of the Army Nationwide Permit (NWP) #23 Approved Categorical Exclusions pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

This verification of authorization under NWP #23 Approved Categorical Exclusions, described in the Federal Register at 86 FR 2744, is based on your agreement to comply with the general conditions, regional conditions and project specific special conditions listed in this letter. Copies of the NWP descriptions, NWP general conditions and the NWP regional conditions for New Jersey can be found at:

2021 NWP Descriptions:

<https://www.nap.usace.army.mil/Portals/39/docs/regulatory/nwp/2021/2021%20Nationwide%20Permit%20Descriptions.pdf?ver=I9Q-01ACnifs0CJ2ADPpug%3d%3d>

2021 NWP General Conditions:

https://www.nap.usace.army.mil/Portals/39/docs/regulatory/nwp/2021/2021%20Nationwide%20Permit%20General%20Conditions.pdf?ver=3uSN7FMt20_TVqVMcZFtZw%3d%3d

3d

2021 New Jersey Regional Conditions:

<https://www.nap.usace.army.mil/Portals/39/docs/regulatory/nwp/2021/New%20Jersey%202021%20Nationwide%20Permit%20Regional%20Conditions.pdf?ver=TL1kEXVya6UQF6lt7W11g%3d%3d>

Federal permits require a concurrence from the State that the activity is consistent with the State's coastal zone management (CZM) program if the activity is located within or affects the State's coastal zone. Because the State of New Jersey has denied general CZM consistency concurrence for all the 2021 NWP's, an individual CZM consistency concurrence would be required. The required individual CZM consistency concurrence has been issued by the NJDEP. Therefore, no further action is required related to a CZM consistency concurrence for this verification.

Federal permits also require the State's certification of compliance with Section 401 of the Clean Water Act through the receipt of a 401 Water Quality Certification (WQC) if the activity involves a Section 404 discharge. Because the NJDEP has denied general WQC for all 2021 NWP's, an individual WQC would be required. The required individual WQC has been issued by the NJDEP. Therefore, no further action is required related to a WQC for this verification.

This verification of NWP authorization is valid until the 2021 Nationwide Permits expire on **March 15, 2026**, unless the NWP authorization is modified, suspended, or revoked prior to this date. In the event that the NWP authorization is modified during that time period, this expiration date will remain valid, provided the activity complies with any subsequent modification of the NWP authorization.

Activities which have commenced (i.e. are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

Special Conditions:

1. All work performed in association with the subject project shall be conducted in accordance with the **enclosed** project plans identified as "USACE Permit Plans, Route 130 Bridge Over Big Timber Creek, Contract No. 025144260", Sheets 1 through 9, prepared by McCormick Taylor, and dated January 2022.
2. Construction activities shall not result in the permanent disturbance or alteration of greater than 0.237 acres of Waters of the United States. Additionally, temporary construction activities shall not disturb or alter greater than 0.403 acres of Waters of the United States.

3. Any deviation in construction methodology or project design from that shown on the enclosed project plans must be approved by this office, in writing, prior to performance of the work. All modifications to the enclosed project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
4. This office shall be notified prior to the commencement of authorized work by completing and signing the **enclosed** "Notification of Commencement" form. This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the **enclosed** "Notification of Completion" form. Notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.
5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your general permit.
7. Any conditions in your State authorization required for compliance with the State CZM program and 401 WQC are conditions of this authorization by reference.
8. In accordance with Regional General Condition G-5 of the 2021 Nationwide Regional Permit Conditions for the State of New Jersey, to protect Essential Fish Habitat, specifically potential effects to spawning and diadromous fish migrations, in-water work shall **NOT** be conducted between **01 March and 30 June** of any calendar year. Work within cofferdams that fully enclose and dewater the project area can proceed any time during the year provided that the cofferdams are installed or removed outside of the seasonal work restriction and do not preclude the free movement of migrating and spawning aquatic species to ensure compliance with NWP General Conditions 2 and 3.

Also **enclosed** with this NWP verification letter is a form seeking any comments, positive or otherwise, on the procedures, timeliness, fairness, etc. of the permit process. You may forward your comments along with the signed "Notification of Commencement" form or "Notification of Completion" form, following the directions provided on the form. If you should have any questions or concerns, please contact me at (215) 656-6729 or via email at robert.youhas@usace.army.mil.

Sincerely,

Robert Youhas
Biologist, Application Section II

Enclosures

ENCLOSURE 1

NOTIFICATION/CERTIFICATION OF WORK COMMENCEMENT FORM

Permit Number: CENAP-OPR-2022-00153-95
Name of Permittee: New Jersey Department of Transportation
Project Name: Replacement of Route 130 Bridge over Big Timber Creek
Waterway: Big Timber Creek
County: Camden and Gloucester State: New Jersey
Compensation/Mitigation Work Required: Yes No

TO: U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building – 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390
Attention: CENAP-OPR

I have received authorization to: undertake Federal Highway Administration-funded replacement of the Route 130 bridge over Big Timber Creek, with associated reconstruction of stormwater drainage and utility line infrastructure. This project is located in the Borough of Brooklawn in Camden County, and the Borough Westville in Gloucester County, New Jersey, between Route 130 Mile Posts 25.33 and 25.62.

The work will be performed by:

Name of Person or Firm: _____

Address: _____

I hereby certify that I have reviewed the approved plans, have read the terms and conditions of the above referenced permit, and shall perform the authorized work in strict accordance with the permit document. The authorized work will begin on or about _____ and should be completed on or about _____.

Please note that the permitted activity is subject to compliance inspections by the Army Corps of Engineers. If you fail to return this notification form or fail to comply with the terms or conditions of the permit, you are subject to permit suspension, modification, revocation, and/or penalties.

Permittee (Signature and Date)

Telephone Number

Contractor (Signature and Date)

Telephone Number

NOTE: This form shall be completed/signed and returned to the Philadelphia District Office prior to commencing work.

ENCLOSURE 2

NOTIFICATION/CERTIFICATION OF WORK COMPLETION/COMPLIANCE FORM

Permit Number: CENAP-OPR-2022-00153-95
Name of Permittee: New Jersey Department of Transportation
Name of Contractor: _____
Project Name: Replacement of Route 130 Bridge over Big Timber Creek
County: Camden and Gloucester State: New Jersey
Waterway: Big Timber Creek

Within 10 days of completion of the activity authorized by this permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building - 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390
Attention: CENAP-OPR

Please note that the permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to return this notification form or fail to perform work in compliance with the permit, you are subject to administrative, civil and/or criminal penalties. Further, the subject permit may be suspended or revoked.

The authorized work was commenced on _____.

The authorized work was completed on _____.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the above noted permit.

Signature of Contractor

Signature of Permittee

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

For project located in areas identified as shellfish habitat, you must include with this form a bill of lading; sales order or any other document(s) demonstrating non-polluting materials were purchased and utilized for your project. I hereby certify that I and/or my contractor have utilized non-polluting materials as defined in the above noted permit.

Signature of Contractor

Signature of Permittee

ENCLOSURE 3



**US Army Corps
of Engineers**
Philadelphia District

We are soliciting your views and comments concerning the processing of your Department of the Army permit application request. Any input, positive or otherwise, on procedures, timeliness, fairness, etc., would be appreciated.

Please write your comments in the space provided below and return to the Philadelphia District Regulatory Branch at PhiladelphiaDistrictRegulatory@usace.army.mil or if you do not have the means to return this form electronically you may print this document and mail to:

U.S. Army Corps of Engineers
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
Attn: Regulatory Branch

FILE NUMBER: _____
(Example CENAP-OP-R-2020-01234-56)

COMMENTS:

Thank you for taking the time to provide feedback which we can use to acknowledge great performance, correct problems and generally improve our business practices.