

DEPARTMENT OF THE ARMY PERMIT

Permittee: New Jersey Department of Transportation
1035 Parkway Avenue, P.O. Box 600
Trenton, New Jersey 08625-0600
(609) 530-4232

Permit No.: NAN-2010-611

Issuing Office: New York District Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The following work associated with the Wittpenn Bridge Replacement Project is authorized by this permit:

Discharge approximately 90 cubic yards of fill material into approximately 1.365 acres of Waters of the United States to facilitate:

1. The realignment of approximately 1,800 linear foot of Fish House Road that shall consist of a 12-foot lane and a 15-foot lane in each direction;
2. The construction and installation of a 600 linear foot retaining wall along northbound (east side) of Fish House Road; and a 300 linear foot retaining wall along Ramp B;
3. The reconfiguration of existing vehicular Ramp B;
4. The construction and installation of three (3) new outfall structures with associated rock riprap scour protection; and the upgrade of an existing outfall structure; and
5. Restore approximately 0.36 acres of temporarily impacted Waters of the United States to their pre-construction elevations and re-seed or plant with native vegetation where appropriate.

All work shall be performed in accordance with the attached drawings and Special Conditions (A) through (H).

Project Location: IN: Hackensack River

AT: Town of Kearny, and City of Jersey City, Hudson County,
New Jersey

Permit Conditions:

General Conditions:

1145-2-303b(N.J. Dept. of Transportation/Hackensack River/discharge fill material into Waters of the United States to facilitate the realignment of Fish House Road, reconfiguration of existing vehicular access ramps, the installation of two new retaining walls and three outfall structures, upgrade an existing outfall structure)

1. The time limit for completing the work authorized ends on _____.
If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
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 permit.

Special Conditions:

Special Conditions

(A) Prior to commencing placement of any fill material authorized by this permit, the permittee shall provide the New York District Corps of Engineers with written verification that a total of 1.365 acres of wetland mitigation credits have been purchased at a federally approved wetland mitigation bank located within the Hackensack Meadowlands District. Two copies of this verification document shall be submitted to the following address:

Chief, Regulatory Branch
New York District Corps of Engineers
Jacob K. Javits Federal Building
New York, New York 10278-0090

(B) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, any 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,

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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.

(C) The permittee shall comply with all of the conditions and stipulations contained within the attached New Jersey Department of Environmental Protection Water Quality Certification and Coastal Zone Management Concurrence dated September 22, 2010, 2010 (Permit Numbers 0900-09-0002.1 WFD 090002 (IP in Water), WFD 090001 (IP upland), FWW 090001 (IP wetland), FWW 090002 (IP open water), FHA 090001 (FHA IP), FHA 090002 (Verification)), and any amendments thereto.

(D) No in-water work may occur between March 1 to June 31 of any calendar year in order to protect migrating anadromous fish species such as alewife, blueback herring, and american shad.

(E) The permittee shall comply with all conditions and stipulations contained within the attached Memorandum of Agreement entitled "Final Amended Memorandum of Agreement (MOA) Between the Federal Highway Administration and the New Jersey State Historic Preservation Office Regarding the Route 7(2)-Wittpenn Bridge over the Hackensack River, Jersey City, Hudson County, New Jersey", and signed by the Federal Highways Administration on September 30, 2010, the New Jersey State Historic Preservation Office on September 20, 2010, and the New Jersey Department of Transportation on August 20, 2010.

(F) The permittee shall take all necessary precautions to avoid damage to the structures referenced in the attached Jersey City Municipal Utility Authority letter dated September 10, 2010.

(G) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. The permittee shall use all practicable measures during construction (e.g. silt fences, hay bales, erosion control netting, vegetative stabilization) to stabilize all exposed soils immediately upon the completion of each phase of the grading activities in all areas.

(H) The permittee shall restore temporarily impacted wetlands or waters of the United States to their pre-construction elevations and re-seed or plant these areas with native vegetation where appropriate. The permittee shall install appropriate temporary fencing around all on-site wetlands and waters of the United States not authorized herein to be impacted and other sensitive ecological areas during construction periods, to prevent equipment and personnel from entering these areas.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

(X) Section 404 of the Clean Water Act (33 U.S. Code 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the

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issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

New Jersey Department of Transportation

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

(DATE)

John R. Boulé II
Colonel, U.S. Army
District Engineer

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

(TRANSFEREE)

(DATE)