



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

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

JUL 12 2012

Regulatory Branch
Applications Section II

SUBJECT: CENAP-OP-R-2007-1464-35
I-295 Direct Connect Interchange Project

Ms. Jo Ann Asadpour
New Jersey Department of Transportation
1035 Parkway Avenue, CN 600
Trenton, New Jersey 08625-0600

Dear Ms. Asadpour:

Enclosed is a Department of the Army Permit (Enclosure 1) authorizing New Jersey Department of Transportation to realign the I-295/Route 42/I-76 Interchange in the Boroughs of Mt. Ephraim and Bellmawr and Gloucester City, Camden County, New Jersey and a notice of authorization (ENG Form 4336-Enclosure 2) to be conspicuously displayed at the site of work.

Carefully review all the terms and conditions of the Department of the Army permit and understand them fully. Performing any work not specifically authorized by the permit or failing to comply with its conditions may subject you and/or your contractor to the enforcement provisions of our regulations. If a contractor performs the work for you, both you and the contractor are responsible for assuring the work is done in conformance with the conditions and limitations of this permit. Please be sure the person who will do the work has read and understands the conditions of the permit.

This office shall be notified of the commencement and completion of the permitted work. To assist you in meeting this requirement, enclosed with the Department of the Army Permit is a Notification/Certification of Work Commencement Form and a Notification/Certification of Work Completion/ Compliance Form which must be signed and returned to this office. Additional information concerning this permit may be obtained by writing to Michael Hayduk of my office at the above address or calling between the hours of 1:00 and 3:30 p.m. at (215) 656-5822.

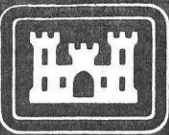
If any material changes in the location or plans of the permitted work are found necessary on account of unforeseen or altered conditions or otherwise, revised plans should be submitted promptly to this office in order that the revised plans, if found unobjectionable, may receive the approval required by law before operations on the permitted work are commenced.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Cianfrani', written in a cursive style with large loops.

Frank J. Cianfrani
Chief, Regulatory Branch

Enclosures



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

JUL 12 2012

Realign the I-295/Route 42/F-76 Interchange in the

A permit to Boroughs of Mt. Ephraim and Bellmawr and Gloucester City

at Camden County, New Jersey

Ms. Jo Ann Asadpour

has been issued to New Jersey Depart. of Trans on JUL 12 2012

Address of Permittee 1035 Parkway Ave., CN 600. Trenton, NJ
08625-0600

Frank J. Cianfrani
Chief, Regulatory Branch

Permit Number

CENAP-OP-R-2007-1464-35

District Commander

for Thomas J. Tickner, Lt. Colonel
Corps of Engineers, Dist. Commander

PROVISIONAL PERMIT

NOT VALID

DO NOT BEGIN WORK

This PROVISIONAL PERMIT is NOT VALID until:

1. You obtain a Section 401 Water Quality Certification and/or Coastal Zone Management consistency determination concurrence from the
2. You sign and return **BOTH** copies of the enclosed provisional permit with the State Section 401 Water Quality Certification and/or Coastal Zone Management consistency determination concurrence.
3. The Corps signs the permit and returns it to you.

Your permit is denied without prejudice, if the State denies your Section 401 Water Quality Certification and/or nonconcurs with your Coastal Zone Management consistency determination.

DO NOT BEGIN WORK

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE AND PERMIT NUMBER:

New Jersey Department of Transportation
Interstate 295 Direct Connect Project
CENAP-OP-R-2007-1464-35

ISSUING OFFICE:

Department of the Army
U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building - 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

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 project provides for a direct connection for motorist on Interstate 295 by improving the existing I-295/Route 42/Interstate 76 Interchange in Gloucester City, Boroughs of Bellmawr and Mount Ephraim, Camden County, New Jersey.

All work is to be completed in accordance with the approved plan(s).

PROJECT LOCATION:

Interstate 295 in Gloucester City, Boroughs of Bellmawr and Mount Ephraim, Camden County, New Jersey.

PERMIT CONDITIONS:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2020. 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 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:

1. All work performed in association with the above noted project shall be conducted in accordance with the project plans identified as "I-295/I-76/Route 42, Direct Connection, Camden County, Figure 2-5, Alternative D Ecological Impacts", Figures 2 through 5, dated November 2007, prepared by Dewberry Associates. The project plans provide for the reconstruction/realignment of the I-295/I-76/Route 42 interchange. The stated purpose of the project is to improve traffic safety, reduce traffic congestion, and meet driver's expectations by providing the direct connection of the I-295 mainline within the I-295/I-76/Route 42 interchange.
2. Construction activities shall not result in the permanent disturbance or alteration of greater than 1.97 acres of waters of the United States. Construction activities shall not result in the temporary disturbance or alteration of greater than 0.98 acres of waters of the United States.
3. You shall submit a proposed wetland seed mix as well as an as-built survey of the grading of the restored temporary impact area for review and approval by this office prior to seeding and within 30 days of completion of the authorized permanent work associated with the temporary impacts. All temporary impacts shall be restored to pre-disturbance grades and seeded with the approved wetland seed mix within 90 days of completion of the authorized permanent work associated with the temporary impacts. Should you require additional time to complete the restoration work, you must notify this office 15 days prior to the restoration deadline and seek a modification to this permit.
4. This office shall be notified at least 10 days prior to the commencement of authorized work by completing and signing the attached *Notification/ Certification of Work Commencement Form* (Enclosure 1). This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the attached *Notification/Certification of Work*

Completion/Compliance Form (Enclosure 2). All notifications required by this condition shall be in writing and shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
6. Representatives of the U.S. Army Corps of Engineers shall be permitted to inspect the project during construction and mitigation monitoring in order to collect any samples, to conduct any tests deemed necessary or to inspect work for permit compliance.
7. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway. You are required to hold a pre-construction meeting for the project with this office prior to the start of regulated work. You shall invite the NJDEP, FHWA and this office at a minimum.
8. 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. (This special condition is applicable to Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act of 1899.)
9. Soil erosion and sedimentation controls shall be installed in accordance with the approved plans and requirements by the county soil conservation districts prior to any earth moving activity and maintained for the duration of the disturbance until such time as the soils are stabilized. The permittee shall monitor all erosion and sediment controls daily and repair as needed to maintain compliance with the approved plans, conditions contained in this permit and any requirements of the county soil conservation districts. In the event that erosion and sedimentation controls require regulated work in wetlands or waters beyond what is authorized on the approved plans, you shall notify this office per Special Condition 5 and receive a permit modification before conducting such activities.

10. That the permittee shall comply with all stipulations to insure continued compliance with Section 106 of the National Historic Preservation Act as specified in the Memorandum of Agreement dated October 23, 2008 signed by the lead Federal agency for the project, Federal Highways Administration, and New Jersey Department of Transportation, New Jersey State Historic Preservation Office and the Bellmawr Park Mutual Housing Corporation Board.

11. Thirty (30) days prior to the start of authorized work, final construction drawings/plans shall be submitted to this office for review and approval. The final plans and cross-sections must show proposed grading, jurisdictional boundaries, proposed soil erosion and sedimentation controls, and permanent and temporary impacts to waters of the U.S. Any change in authorized impacts as identified in Special Condition 2 must be identified as well as reflected on the plans.

12. You shall compensate for the unavoidable loss of 1.97 acres of freshwater tidal emergent Federally regulated waters of the U.S. by developing a detailed proposal to create/restore the same type of wetland for the mitigation site identified as "Al Joes Curve" which was discussed in the December 2008 Final Environmental Impact Statement. The mitigation proposal shall include at a minimum; a description of the resource type(s) and amount(s) that will be provided; standards that will be used to determine whether the compensatory mitigation project is achieving its objectives; detailed written specifications and a work plan, including grading lines, which include the geographic and jurisdictional boundaries of the project; source(s) of water; methods for establishing the desired plant community; plans to control invasive plant species; soil management and erosion control measures; the jointly developed Corps and NJDEP "Non-routine Grant of Conservation Restriction/Easement" that will be used to ensure the long-term protection of the compensatory mitigation project site; a schedule and description of parameters to be monitored in order to determine if the compensatory mitigation project is meeting success criteria; proposed adaptive management plan; a description of how the compensatory mitigation project will be managed after performance standards have been achieved to ensure the long-term sustainability of the resource; and a management strategy to address unforeseen changes in site conditions. No authorized work may commence until this office has received the proposal and approved the mitigation project and plans.

FURTHER INFORMATION:

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

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

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

Section 103 of the Marine Protection, Research and Sanctuaries Act.

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 projects.
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 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.

Jo Ann Asulpaw
(PERMITTEE)

July 3, 2012
(DATE)

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

[Signature]
(District Engineer)
Frank J. Cianfrani, Chief, Regulatory Branch

7/12/12
(DATE)

for Thomas J. Tickner
Lieutenant Colonel, Corps of Engineers
District Commander

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.

(TRANSFEREE)

(DATE)

NOTIFICATION/CERTIFICATION OF WORK COMMENCEMENT FORM

Permit Number: CENAP-OP-R-2007-1464-35
State Permit #: _____
Name of Permittee: New Jersey Department of Transportation
Project Name: I-295 Direct Connect
Waterway: Little Timber Creek
County: Camden 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-OP-R

I have received authorization to reconstruct/realign the I-295/Route 42/I-76 Interchange and to construct wetlands in the former Al Joes Curve in Boroughs of Bellmawr and Mt Ephraim and Gloucester City, Camden County, New Jersey.

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 a minimum of 10 days prior to commencing work.

NOTIFICATION/CERTIFICATION OF WORK COMPLETION/COMPLIANCE FORM

Permit Number: CENAP-OP-R-2007-1464-35
State Permit #: _____
Name of Permittee: New Jersey Department of Transportation
Project Name: I-295 Direct Connect
Waterway: Little Timber Creek
County: Camden State: New Jersey
Compensation/Mitigation Work Required: Yes No

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-OP-R

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

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: New Jersey Department of Transportation File Number: CENAP-OP-R-2007-1464 Date: **FEB 23 2010**

Attached is: See Section below

<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the Philadelphia District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the Philadelphia District Engineer. Your objections must be received by the Philadelphia District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the Philadelphia District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the Philadelphia District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the Philadelphia District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Philadelphia District Engineer.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Philadelphia District Engineer.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-PD-PSD-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Philadelphia District Engineer.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Michael Hayduk
U.S. Army Corps of Engineers, Philadelphia District
ATTN: CENAP-OP-R
Wanamaker Building, 100 Penn Square East
Philadelphia, PA 19107-3390
Telephone:

If you only have questions regarding the appeal process you may also contact:

Mr. Michael G. Vissichelli
Administrative Appeals Review Officer
North Atlantic Division, Corps of Engineers Fort Hamilton
Military Community Bldg. 301, General Lee Avenue Brooklyn,
NY 11252-6700
Telephone: (718) 765-7163
Email: Michael.G.Vissichelli2@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): FEB 23 2010

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
New Jersey Department of Transportation, Ewing NJ

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OP-R-CENAP-OP-R-2007-1464, NJDOT I-295 Direct Connect

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: New Jersey County/parish/borough: Camden City: Bellmawr

Center coordinates of site (lat/long in degree decimal format):

Lat. 39-53-19° N, Long. -75-06-17° W

Universal Transverse Mercator: Easting (x) Northing (y)

Name of nearest waterbody: Little Timber Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: 49 acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: Little Timber Creek and Big Timber Creek

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination.

Date: February 9, 2010

Field Determination.

Date(s): December 2003

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "*may be*" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Dewberry.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: Air photo review with NJDEP.
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
 Other (Name & Date):
- Previous determination(s). File no. and date of response letter: 199802102 issued on February 15, 2005.
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Michael H. Hayduk 2/9/10
Signature and date of
Regulatory Project Manager
(REQUIRED)

Brian G. Saye 2/9/10
Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)