Public Notice

Public Notice No. - CENAP-OP-R-NJ-SPGP17 (revalidation)
In Reply Refer to: CENAP-OP-R NJ-SPGP17 Date - OCT 19, 2007

US Army Corps of Engineers
Philadelphia District
100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

Reference is made to Department of the Army General Permit SPGP-17 issued on December 9, 1982 authorizing the construction of structures, work and the discharge of dredged and fill material in substantially developed artificial tidal lagoons in the State of New Jersey. This general permit is applicable to the appropriate navigable waters located within the geographic boundaries of both the Philadelphia District and the New York District of the Corps of Engineers.

Notice is hereby given that the United States Army Corps of Engineers, Philadelphia District, proposes to revalidate and extend the expiration date of the above referenced Department of the Army General Permit from December 31, 2007 until December 31, 2012. This general permit, CENAP-OP-R-SPGP-17, was last revalidated and extended on December 31, 2002 with an expiration date of December 31, 2007.

This general permit has been developed for certain categories of structures and work and the discharge of dredged and fill material in waters of the U.S. that require Department of the Army and State of New Jersey authorizations. Typical activities authorized by this general permit include minor dredging, bulkheads construction and replacement, breakwaters, piers, docks, pilings, rip-rap, dredging and filling, etc. The revalidation and extension of General Permit SPGP-17 is being coordinated with other interested Federal agencies, the State of New Jersey and the general public.

The proposed SPGP-17 for reauthorization includes administrative corrections and clarifications, as well as, substantive changes to terms of authorization/special conditions dealing with the use of non-polluting materials in shellfish habitat. The proposed SPGP-17 for reauthorization is attached.

General permits are developed for certain clearly described categories of structures or work that require Department of the Army permits. Such activities are considered for authorization by general permits because they are substantially similar in nature, they cause no significant adverse cumulative effects and they are non-controversial activities.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed revalidation and extension of this general permit. Any comments received will be considered by the Corps of Engineers to determine whether or not to modify this general permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed reauthorization of this general permit.

The decision whether to reauthorize this general permit will be based on an evaluation of the general permit's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the activities authorized by this general permit, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the general permit reauthorization will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property rights and, in general, the needs and welfare of the people. The Department of the Army general permit will be reauthorized unless the District Engineer determines that it would be contrary to the public interest.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the impacts of this general permit on EFH indicates SPGP-17 would have an adverse effect on Winter Flounder (*Pseudopleuronectes americanus*) due to the loss of demersal eggs and larvae from dredging and on contamination of a food source (shellfish) from leachates of CCA treated building materials. In order to mitigate for the impacts to Winter Flounder within the access channels outside of the lagoons, a seasonal restriction of January 1 to May 31 of any given year is recommended. However, due to the quality of the habitat and the size of typical dredging operation inside the lagoons, no conservation recommendations are being made at this time. Elimination of the use of CCA treated building materials in those areas designated as high to moderate shellfish habitat would mitigate for the contamination impacts on shellfish. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

No activity would be authorized by General Permit SPGP-17 which is likely to jeopardize the continued existence of a threatened or endangered species as listed or proposed for listing under the Federal Endangered Species Act (ESA), or to destroy or adversely modify the critical habitat of such species. Non-federal applicants shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

No activity would be authorized by General Permit SPGP-17 which may affect properties listed or properties eligible for listing in the National Register of Historic Places without complying with Section 106 of the National Historic Preservation Act. The applicant must notify the District Engineer if the authorized activity may affect any historic properties listed, or determined to be eligible, or which the applicant has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of National Historic Preservation Act have been satisfied and that the activity is authorized.

The proposed revalidation and extension to the General Permit will remain in effect until the general permit expires on December 31, 2007. At that time, this General Permit may be re-issued/extended. In the event that this General Permit is modified, any activity which has been authorized under the terms and conditions of this General Permit will remain authorized until such time that the required State

permit/authorization issued with the general permit expires, provided the authorized activity complies with any subsequent re-authorization or modification of this general permit.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, any work performed under this general permit must be consistent with the State's Coastal Zone Management Plan. No permit will be issued until the State has determined that the work is consistent with the Coastal Zone Management Plan or has waived its right to do so. Comments concerning the impact of the proposed revalidation and extension of General Permit SPGP-17 on the State's coastal zone should be sent to this office, with a copy to the New Jersey Department of Environmental Protection, Land Use Regulation Program, P.O. Box 439, Trenton, New Jersey, 08625.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate will be necessary for those activities involving a discharge of dredged or fill material into waters of the United States. The State of New Jersey upon receipt of a permit application under this general permit will determine the need for a Section 401 Water Quality Certificate. A separate permit application will not be required for this certification procedure. Any comments concerning this general permit revalidation and extension which relate to Water Quality considerations should be sent to this office, with a copy to the New Jersey Department of Environmental Protection, Land Use Regulation Program, Bureau of Coastal Regulation, 501 East State Street, P.O. Box 439, Trenton, New Jersey, 086258115.

The evaluation of the impact of the proposed general permit revalidation and extension described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Comments on the proposed revalidation and extension to SPGP-17, should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The processing of this Department of the Army general permit revalidation and extension is under the statutory authority of Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act.

FOR THE DISTRICT ENGINEER:

Frank J. Cianfrani
Chief, Regulatory Branch

DEPARTMENT OF THE ARMY GENERAL PERMIT
NEW JERSEY-SPGP-17

PERMITTEE AND PERMIT NUMBER:

CENAP-OP-R-SPGP-17 -

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: This general permit authorizes the construction of structures; performance of work and the discharge of dredged and fill material in substantially developed artificial tidal lagoons and their access channel. The terms "structure" and "work" are defined in Federal regulations contained in 33 CFR 322.2[b] & [c]. The terms "discharge of dredged material", "fill material" and "discharge of fill material" are defined in Federal regulations contained in 33 CFR 323.2[d], [e] & [f]. "Substantially developed" artificial tidal lagoons are those where the surrounding lands are uplands and do not support wetlands other than a narrow band of fringe wetlands along the waterline. Lagoons are defined as artificially created linear waterways sometimes branched, ending in a dead end with no significant upland drainage. A natural waterway, which is altered by activities including, but not limited to, filling, channelizing, or bulkheading shall not be considered a lagoon. A bulkheaded boat slip shall not be considered a lagoon.

PROJECT LOCATION: This general permit is applicable to Waters of the United States in the State of New Jersey located in substantially developed artificial tidal lagoons and their access channel within the geographic boundaries of both the Philadelphia District and the New York District, U.S. Army Corps of Engineers.

TERMS OF AUTHORIZATION:

1. That in order for the construction of structures, performance of work and/or the discharge of dredged and fill material to be approved by this general permit, these activities must be reviewed and receive the approval(s) or waiver of authorization from the New Jersey Department of Environmental Protection (NJDEP), pursuant to N.J.S.A. 12:5-3 (Waterfront Development Permit), N.J.S.A. 13:9A-1 et seq (Wetlands Permit), New Jersey Water Pollution Control Act, N.J.S.A. 58, 10A (Water Quality Certificate), and/or N.J.A.C. 7:7-2.3(d)("Zanes"). Additionally, in order for these activities to be approved under this general permit, you must be furnished a copy of this general permit from the NJDEP at the time you receive your State approval.

2. This general permit is not applicable to activities that are authorized by the State due to failure of the State to make a permit decision within the review period mandated by State Law and/or regulation. This general permit is not applicable when activities are authorized by the State as part of a settlement agreement.

3. This general permit allows for the installation of temporary structures, work and discharges, including cofferdams, necessary for dewatering construction sites/activities authorized by this general permit. All temporary structures, work and discharges must be entirely removed to upland areas following completion of construction activities and the affected areas restored to pre-project conditions.

4. That all activities that the applicant plans to undertake that are reasonably related to the same project and for which a Department of the Army permit would be required shall be included in the same permit application (33 CFR 325[d][2]). The use of more than one SPGP-17 for a single and complete project, by one or more applicants, is prohibited. Projects subject to individual DA authority cannot be issued under this general permit.

5. This general permit will not apply to:

   a) any area named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Seashores, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal Law for similar and related purposes, such as estuaries and marine sanctuaries; and

   b) any area designated a component of the National Wild and Scenic River System; nor 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.

6. That the District Engineer retains discretionary authority to require on a case-by-case basis submission of an Individual Department of the Army permit application for proposed work when it is determined that such a review would be in the public interest (i.e., potential for significant impact on environmental resources, effect on navigation, etc.) or the impacts of the project are more than minimal.

7. This General Permit will expire on December 31, 2012. At that time, this General Permit may be re-issued/extended. In the event that this General Permit is re-issued/extended, any activity which has been authorized under the terms and conditions of this General Permit will remain authorized until such time that the required State permit/authorization issued with the general permit expires, provided the authorized activity complies with any subsequent re-authorization or modification of this general permit.

8. The replacement or repair of an existing bulkhead may not extend more than 18 inches channelward of the existing bulkhead unless the NJDEP, Land Use Regulation in accordance with New Jersey "Structural Shore Protection" regulations [NJAC 7:7E-7.11(e)(2)], determines that the additional encroachment is necessary. In order to maintain safe navigability of the lagoons, any subsequent replacement or repair of the bulkhead shall be in place.

9. This general permit is applicable only for work, structures and fill in substantially developed artificial tidal lagoons within the State of New Jersey previously authorized by the Corps of Engineers. It is also applicable to work, structures and fill in substantially developed artificial tidal lagoons within the State of New Jersey that were constructed prior to December 18, 1968 and do not interfere with navigation. Work, structures and fill in all other waters of the United States do not qualify under this general permit and require separate Department of the Army authorization.

10. That this general permit does not authorize the construction of dams and/or dikes. An individual Department of the Army permit application must be submitted to the appropriate Corps of Engineers District (Philadelphia or New York) for such work.

11. Maintenance dredging, by mechanical and hydraulic methods, is authorized subject to the following:
    a) That this general permit authorizes maintenance dredging of previously authorized lagoons and access channels only. Any new dredging will require submission of an individual Department of the Army permit application and approval by the District Engineer, Corps of Engineers;
    b) Access channels are defined, for purposes of this permit, as those channels connecting the mouth of the substantially developed artificial tidal lagoon to a navigable channel. Dredging within access channels shall be limited to a maximum length of 500' and the generation of no more than 1,000 cubic yards of dredged material;
    c) That dredging performed under the authority of this general permit shall not exceed the controlling depth of adjacent waters or the original dimensions of the previously authorized lagoon or access channel whichever is less;
    d) This general permit does not authorize dredging in wetlands. Additionally, the proposed slope from the waterward edge of any wetlands to the nearest edge of the dredged area shall not exceed three feet horizontal to one foot vertical; and
    e) That the discharge of dredged or fill material associated with the construction of a disposal facility in waters of the U.S. is not authorized by this general permit. The entire disposal facility shall be located in an upland/non-wetland area.

12. This general permit does not authorize discharges of dredged or fill material in wetlands. Work which involves the discharge of dredged and/or fill material in wetlands shall require a separate Department of the Army authorization.

13. When lagoons are to be crossed by submarine cables and pipelines, the cables and pipelines shall be suitably buried to a depth of at least four feet below the existing bottom or authorized dredging depth of the lagoon whichever is deeper.

14. This general permit authorizes the burial of submarine cables and pipelines by trenching or directional drilling/boring or similar jacking methods. For directional drilling/boring installations, the entry and exit ports shall be located in upland areas. For trenching installations, all excavated material must be removed from the waterway. As soon as the cable is installed, appropriate new or previously excavated backfill material shall be placed in the trench and the area restored to its pre-construction condition. All excess dredged and/or excavated material not used as backfill shall be disposed on an upland, non-wetland area and shall be suitably retained so as to prevent its escape or return into any waterway or wetlands.

15. This general permit authorizes the construction of aerial power lines. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the proposed power line crossing. The clearances are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electric Safety Code.

Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings are required to be a minimum of ten feet above clearances required for bridges. Greater clearances will be required if the public interest so indicates.

Minimum Additional Clearance (Feet)

Nominal System Voltage, KV	Above Clearance Required for Bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750 to 765	45

16. The provisions of this general permit shall apply to lagoons which open directly onto (i.e., abutting) areas designated shellfish habitat, as defined in State of New Jersey Department of Environmental Protection "Coastal Zone Management Rules" N.J.A.C. 7:7E-3.2(a)(1-4), provided the following:
    a) All replacement bulkheads must be constructed with non-polluting material, such as plastic, natural cedar or other untreated wood, polymer coated pressure-treated wood, concrete or other inert products. Creosote and pressure-treated lumber (i.e. preservative treatment such as CCA-C, ACZA, CC, ACQ, etc.)(wolmanized) which is susceptible to leaching are considered polluting materials and are not acceptable for the purpose of this general permit;

17. The structures authorized by this general permit shall not extend beyond a distance of 20 percent of the width of the lagoon as measured from the mean high water line to mean high water line.

PERMIT CONDITIONS:

General Conditions:

1. The time limit for completing the work authorized by this general permit ends on December 31, 2012. However, term of authorization 7 specifically addresses those circumstances where this time limit may be extended beyond December 31, 2012.

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 3 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 sell the property associated with this general 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.

4. If a conditioned water quality certification has been issued for your project by NJDEP, you must comply with conditions specified in the certification as special conditions to this general permit.

5. 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.

6. Damage to structures/vessels: That the permittee hereby recognizes the possibility that the structures permitted may be subject to damage by wave wash from passing vessels. The issuance of this general permit does not relieve the permittee from taking all proper steps to insure the integrity of the structures permitted and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

7. 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.)

Special Conditions:

1. When the activity authorized by this General Permit is a submerged cable or pipeline, the permittee shall notify in writing the National Oceanic and Atmospheric Administration, National Ocean Service, Nautical Data Branch, N/CS 26, Station 7230, 1315 East/West Highway, Silver

Spring, Maryland 20910-3282, of the commencement and completion dates of the authorized work. A copy of the notification letter shall be forwarded to the Corps of Engineers District Office for inclusion in the permit application file. Upon completion of the authorized work, the permittee shall furnish this office with certification that the submerged cable or pipeline has been installed in compliance with the approved plans. The certification shall include a survey, conducted by a licensed surveyor, which clearly shows the elevation of the cable or pipeline below mean low water at both edges and at the centerline of the channel and at fifty (50) foot intervals from its entrance into the waterway.

2. When the activity authorized by this General Permit is an aerial wire or cable crossing, the permittee shall, upon completion of the authorized work, furnish the Corps of Engineers and the National Oceanic and Atmospheric Administration, National Ocean Service, Nautical Data Branch, N/CS 26, Station 7230, 1315 East/West Highway, Silver Spring, Maryland 20910-3282 with certification that the aerial wire/cable has been installed in compliance with the approved plans. The certification shall include a survey, conducted by a licensed surveyor, which clearly shows the minimum clearance of the aerial crossing above the mean high water line at the time of the survey. The certification shall also include a statement by the permittee that the clearance of the wires, at maximum sag conditions, shall never be less than the clearance shown on the approved plans.

3. The applicant must notify the District Engineer if the authorized activity may affect any historic properties listed, or determined to be eligible, or which the applicant has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of National Historic Preservation Act have been satisfied and that the activity is authorized. Furthermore, that if the permittee before or during prosecution of the work authorized encounters a historic property that has not been listed or determined eligible for listing on the National Register but which may be eligible for listing in the National Register, he shall immediately notify the District Engineer.

4. Any archeological artifacts discovered during the performance of work under the authorization of this general permit must be adequately protected and their discovery promptly reported to the District Engineer.

5. No activity authorized under this General Permit shall adversely affect any federally-listed threatened or endangered species, as identified under the Endangered Species Act of 1973, or result in the destruction or adverse modification of critical habitat of such species. If the activity may affect listed species or critical habitat, or is likely to jeopardize proposed species, or likely to result in the adverse modification of proposed critical habitat, the Corps shall initiate and complete a Section 7 consultation or conference, as appropriate, in accordance with the Endangered Species Act of 1973 prior to authorization of the activity under this General Permit.

6. That prior to commencing any work under this general permit, the permittee should contact the various utility authorities and companies (i.e., electric, gas, water, sewage, etc.) in order to prevent personal injury and/or damage to property during construction of work.

7. All work performed under the authorization of this general permit must be consistent with approved coastal zone management program. The applicant must include a statement with the permit application indicating that, "The proposed activity complies with and will be conducted in

a manner that is consistent with the approved State Coastal Zone Management (CZM) Program", specifically New Jersey Coastal Resource and Development Policies (N.J.A.C. 7:7E-1.1 et seq).

8. No discharge of dredged, excavated or fill material or structures may consist of unsuitable material or solid waste (e.g., asphalt, trash, debris, car bodies, etc.) and all material discharged must be free from toxic pollutants in toxic amounts pursuant to Section 307 of the Clean Water Act.

9. That all work identified and authorized herein shall be consistent with the terms and conditions of this general permit. The Corps may impose additional special conditions on a project authorized pursuant to SPGP-17 when it is determined necessary to minimize adverse environmental effects or based upon any other factor of the public interest. Any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit and may result in the removal of the structures and/or the institution of such legal proceedings as the United States Government may consider appropriate.

10. The applicant shall notify the appropriate Corps District at least 10 days prior to the commencement of authorized work by completing and signing the enclosed Notification/Certification of Work Commencement Form (Enclosure 1). The applicant shall notify the appropriate Corps District within 10 days of the completion of the authorized work by completing and signing the enclosed 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.

11. That the permittee shall not perform maintenance dredging of previously authorized access channels outside of the lagoon between January 1 and May 31 of any given year to protect Winter Flounder (*Pseudopleunectes americanus*) utilizing the area for spawning.

12. That the applicant shall notify this office 30 days before any subsequent maintenance dredging takes place. The notification shall include the location of the proposed dredging, existing and proposed dimensions of the area to be dredged, the amounts of dredged material to be generated and the location of the dredged material disposal facility.

13. Pipelines used for hydraulic dredging shall be marked in accordance with U.S. Coast Guard regulations/specifications and shall rest on the channel bottom where it crosses a navigation channel or submerged to a sufficient depth to protect navigation. Buoyant or semi-buoyant pipelines used outside of the navigation channels shall be marked in accordance with U.S. Coast Guard regulations/specifications.

14. Dredged material, other than return water from hydraulic dredging, shall not be discharged into waters of the U.S. All dredged material shall be placed in a disposal facility and contained in such a manner as to preclude its escape into waters or wetlands. The return water from a contained disposal facility is administratively defined as a discharge of dredged material by Federal regulations contained in 33 CFR 323.2(d).

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.C. 403).

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

2. Limits of this authorization.

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

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

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

   d) This general permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this general 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 general 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 general 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. 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.

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

_____ _____

(District Engineer) (DATE)
Frank J. Cianfrani, Chief, Regulatory Branch

For Gwen E. Baker, Lieutenant Colonel
Corps of Engineers, 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 and send to Philadelphia District or New York District.

_____ _____

(TRANSFEREE) DATE)

_____

_____

_____
Address