



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

March 2, 2022

Regulatory Branch

SUBJECT: Modification to Department of the Army Permit Number NAN-2010-00611
by New Jersey Department of Transportation-Wittpenn Bridge, Town of
Kearny, Hudson County, New Jersey

PERMITTEE:

New Jersey Department of Transportation
C/o Ms. Amber Cheney
Division of Capital Program Support
Bureau of Landscape Architecture and Environmental Solutions
1035 Parkway Avenue
P.O. Box 600
Trenton, New Jersey 08625

1. Reference is made to:

- a. Subject Department of the Army (DA) permit issued 12 April 2011;
- b. Subject DA Permit Modification #1 issued 12 February 2014;
- c. Subject DA Permit Modification #2 issued 9 April 2014;
- d. Subject DA Permit Modification #3 issued 13 January 2017;
- e. Subject DA Permit Modification #4 issued 8 January 2021;
- f. The subject permittee's requested, via email correspondence dated 11 February 2022, that the Corps waive the date for in-water work, Special Condition D, for DA Permit No. NAN-2010-00611-M4 from 1 March to 31 June for the calendar year of 2022, only to complete the previously authorized activities.

2. Based upon an evaluation of the administrative record supporting the issuance of the subject permit, and a review of the permittee's submitted materials in support of their permit extension request, and current New Jersey Department of Environmental Protection WFD-In water Individual Permit, WFD-Upland Individual Permit, FWW-Individual Permit, FHA-Individual Permit and HMC-Water Quality Certification 0900-09-0002.1 LUP20001, expiration date 20 September 2025. Additionally, email coordination was conducted with the National Oceanic and Atmospheric Administration (NOAA) 11 February 2022 regarding the change to Special Condition D. Concurrence for this in-water work time extension was received on 1 March 2022 by email from

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NOAA; this office has determined that such an extension would not be contrary to the public interest.

3. The subject permit Special Condition D is hereby specifically modified to read "A one time waiver for calendar year 2022 is granted for in-water work to occur between March 1 to June 31. The use of Best Management Practices, such as the use of vibratory hammer (with max use at 3 hours a day for 4 days/week), impact hammer with cushion and soft start (with maximum use of 1.5 hours for 1 day/week), bubble curtain, and other impacts that still allow for passage according to the acoustic analysis, are permitted so that work may continue within the anadromous fish time of year restriction window".

4. The modification of this permit shall be known as Department of the Army Number NAN-2010-00611-M5. All other terms, General Conditions, and Special Conditions of the subject issued permit shall remain in effect. This modified subject DA permit shall be available at project offices and regulated work sites.

5. If you have any questions regarding this matter please contact Ms. Danielle Courtois, Project Manager, Western Section, at 347-439-9343.

 Date: 2022.03.02
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FOR AND IN BEHALF OF
MATTHEW W. LUZZATTO
Colonel, U.S. Army
Commander

Enclosures

Cc: (with encl)
NJDEP
NOAA