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COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

N.J.A.C. 7:7A
FRESHWATER WETLANDS PROTECTION ACT RULES

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N.J.S.A. 13:9B-1 et seq.

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(d) If an authorization under a general permit-by-certification expires and the person intends to commence or continue the regulated activities, the person shall obtain a new authorization or permit under this chapter authorizing the regulated activities.

7:7A-5.6 Duration of an authorization under a general permit

(a) Except as provided in (b) below, an authorization under a general permit is valid for five years from the date of issuance of the authorization.

(b) The five-year term of an authorization under a general permit may be extended one time for five years pursuant to N.J.A.C. 7:7A-20.4.

(c) If an authorization under a general permit expires and the person intends to commence or continue the regulated activities, the person shall obtain a new authorization under this chapter authorizing the regulated activities.

1. If no regulated activities have occurred prior to the expiration of the authorization, the Department shall issue a new authorization under the general permit only if the project is revised where necessary to comply with the requirements of this chapter in effect when the application for the new authorization is declared complete for review;
2. If any regulated activities have occurred prior to the expiration of the authorization, the Department shall issue a new authorization under the general permit only if the project is revised where feasible to comply with the requirements of this chapter in effect when the application for the new authorization is declared complete for review. In determining the feasibility of compliance with the requirements in effect at the time the application is declared complete for review, the Department shall consider the amount of construction that has been completed prior to the expiration of the original authorization, the amount of reasonable financial investment that has been made in the original design consistent with the requirements applicable under the original authorization, and whether continuing construction as approved under the original authorization would have an adverse impact on the environment.

7:7A-5.7 Conditions applicable to an authorization pursuant to a general permit-by-certification or a general permit

(a) A person conducting regulated activities pursuant to an authorization under a general permit-by-certification or a general permit shall comply with:

1. The conditions set forth in the general permit-by-certification or general permit itself;
2. The conditions that apply to all general permits-by-certification and general permits set forth at (b) below;
3. The conditions that apply to all permits at N.J.A.C. 7:7A-20.2;
4. The limits on the use of multiple general permits-by-certification or general permits in N.J.A.C. 7:7A-5.4;
5. If required under a particular general permit, mitigation pursuant to N.J.A.C. 7:7A-11;

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and

6. Any additional conditions imposed under (f) below.

(b) The following conditions apply to all activities conducted under the authority of a general permit-by-certification or general permit:

1. Activities performed under a general permit-by-certification or general permit shall be associated with a proposed project. The Department shall not authorize activities under a general permit-by-certification or general permit for the purpose of eliminating a natural resource in order to avoid regulation. For the purposes of this subsection, project shall mean the use and configuration of all buildings, pavements, roadways, storage areas and structures, and all associated activities;
2. The regulated activities shall not occur in the proximity of a public water supply intake;
3. The activities shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species; and shall not jeopardize the continued existence of any local population of a threatened or endangered species;
4. The activities will not occur in a component of either the Federal or State Wild and Scenic River System; nor in a river officially designated by Congress or the State Legislature as a "study river" for possible inclusion in either system while the river is in an official study status; except that the activity may occur in these waters if approved by the National Park Service in accordance with 40 CFR 233;
5. The activities shall not adversely affect properties which are listed or are eligible for listing on the New Jersey or National Register of Historic Places unless the applicant demonstrates to the Department that the proposed activity avoids or minimizes impacts to the maximum extent practicable or the Department determines that any impact to the affected property would not impact the property's ability to continue to meet the criteria for listing at N.J.A.C. 7:4-2.3 or otherwise negatively impact the integrity of the property or the characteristics of the property that led to the determination of listing or eligibility. The Department shall not issue a conditional permit if it finds that the mitigation proposed is inadequate to compensate for the adverse effect. Any permit for an activity which may adversely affect a property listed or eligible for listing on the New Jersey or National Register of Historic Places shall contain conditions to ensure that any impact to the property is minimized to the maximum extent practicable and any unavoidable impact is mitigated.
 - i. If the permittee, before or during the work authorized, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource, immediately notify the Department and proceed as directed.
 - ii. The Department shall not issue a general permit-by-certification or general permit authorization if the applicant, its consultants, engineers, surveyors and/or agents significantly adversely affect a historic property to which the general permit-by-certification or general permit authorization applies, unless the Department determines that circumstances justify issuing the general permit-by-certification or general permit authorization;