



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.state.nj.us/dep/landuse



**PERMIT**

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>	<p>Approval Date <b>JUN 23 2017</b></p>
	<p>Expiration Date <b>JUN 22 2022</b></p>

<p><b>Permit Number(s):</b> 2107-17-0001.1 FHA 170001 2107-17-0001.1 FWW 170001</p>	<p><b>Type of Approval(s):</b> Flood Hazard Area Individual Permit Freshwater Wetlands General Permit No. 10A</p>	<p><b>Enabling Statute(s):</b> NJSA 58:16A et seq. NJSA 58:10A et seq. NJSA 58:11A et seq. NJSA 13:1D-29 et seq. NJSA 13:1D-1 et seq. NJSA 13:9B-1 et seq.</p>
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<p><b>Permittee:</b> New Jersey Department of Transportation Attn: Zakrollah Asadpour 1035 Parkway Avenue Trenton, NJ 08625</p>	<p><b>Site Location:</b> NJDOT right-of-way MP 1.45 to MP 1.6 Municipality: Township of Greenwich County: Warren County</p>
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**Description of Authorized Activities:**

This permit authorizes the replacement of Route 173 Bridge (Structure No. 2103-152) over Pohatcong Creek and the reconstruction of Route 173 approaches, in addition to the construction of four (4) utility poles and the relocation of three (3) existing overhead utility lines, in the Township of Greenwich, Warren County, New Jersey. A Freshwater Wetlands Statewide General Permit No. 10A for the construction of said bridge is included in this permit.

<p><b>Prepared by:</b> <i>Stephen Olivera</i> Stephen Olivera</p>	<p><b>Received and/or Recorded by County Clerk:</b></p>
<p>If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the permit and all conditions therein.</p>	

This permit is not valid unless authorizing signature appears on the last page.

**FLOOD HAZARD SPECIAL CONDITIONS:**

1. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
2. Prior to the commencement of any site preparation, clearing, grading or construction the permittee is responsible for installing and maintaining silt fences and sediment barriers around all soils disturbed by construction, which are sufficient to prevent the sedimentation of regulated areas. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the undisturbed regulated areas from encroachment by construction vehicles or activities. All sediment barriers and other soil erosion control measures shall be maintained daily in proper working condition throughout the entire duration of the project until such time that the site is stabilized.
3. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
4. In order to protect the trout maintenance within Pohatcong Creek and its tributaries, no grading, construction or clearing is permitted within any watercourse onsite from March 15 through June 15 of each year. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
5. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2.

**FRESHWATER WETLANDS CONDITIONS:**

1. This project authorizes the temporary disturbance of 0.005 acres of State Open Waters for the installation of cofferdams associated with the replacement of the Route 173 Bridge crossing Pohatcong Creek under a Freshwater Wetlands Statewide General Permit 10A.
2. The exceptional resource value transition area shall not be reduced to less than 75 feet as shown on the approved plans.
3. The construction activities shall not cause any change in pre-construction elevation of freshwater wetlands, transition areas, or State open waters.
4. The permittee shall obtain all necessary consent from affected off-site and easement property owners. No work is to occur without proper permissions.

5. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area.
6. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, Mail Code 401-04C, 401 East State Street, PO Box 420, Trenton, NJ 08625-0420, at least seven days prior to the commencement of site preparation, or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.

**MITIGATION CONDITIONS:**

1. **In accordance with Administrative Order 2016, within 60 days of the issuance of this permit, the permittee shall submit a proposal to mitigate for the loss of 0.083 of an acre of grassed and 0.153 of an acre of forested riparian zone vegetation. The proposal shall be designed in accordance with the standards at N.J.A.C. 7:13-13. Activities authorized by this permit shall not begin until the permittee has obtained written approval of a mitigation plan from the Department (N.J.A.C. 7:13-13.2(b).**
2. **All mitigation shall be conducted prior to or concurrent with the regulated activity that causes the disturbance. (N.J.A.C. 7:13-13.3(a)1). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project.**
3. **Prior to the initiation of regulated activities authorized by this permit, the permittee shall sign a Department approved conservation restriction to protect the mitigation area from future development that would remove the vegetation planted (N.J.A.C. 7:13-13(g)). The conservation restriction shall conform to the format and content of the rules at N.J.A.C. 7:13-14 and the Riparian Zone Mitigation Area model located at <http://www.nj.gov/dep/landuse/forms/index.html>. The restriction shall be included on the deed and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties) in the county wherein the lands of the mitigation project are located. A metes and bounds description shown on a map must be included within the recorded conservation restriction. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.**
4. **The permittee shall monitor the riparian project for at least 5 years beginning the year after the riparian zone mitigation project has been completed (N.J.A.C. 7:13-13.11(c)). The permittee shall submit monitoring reports to the Division of Land Use Regulation, no later than December 31<sup>st</sup> of each full monitoring year.**

- a. All monitoring reports except the final one should include the requirements and goals of the mitigation proposal and a detailed explanation of the ways in which the mitigation has or has not achieved progress toward those goals. If mitigation has not achieved progress, the report shall also include a list of corrective actions to be implemented and a timeline for completion.
- b. The final monitoring report must include documentation and data demonstrating that:
  - i. The goals of the riparian zone mitigation as stated in the approved riparian zone mitigation proposal and the permit conditions have been satisfied.
  - ii. At least 85 percent of the mitigation plantings have survived and that at least 85 percent of the mitigation area is established with native species similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving. All trees must be at least 5 feet in height; and
  - iii. The site is less than 10 percent occupied by invasive or noxious species; and
  - iv. The conservation restriction for the mitigation site has been executed and recorded.
5. If the riparian mitigation project does not meet the success criteria established above the project shall be considered a failure and the permittee shall submit a revised riparian mitigation plan. The revised plan shall be submitted within 60 days of receipt of notification from the Division indicating the riparian mitigation project was a failure.
6. If the Division determines that the riparian zone mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing by the Department and will have 60 days to submit a proposal to indicate how the project will be corrected.

**STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.

4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit, pursuant to N.J.A.C. 7:13-22.7.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
9. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
10. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
11. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.

12. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.
13. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
14. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.
15. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
16. Except for an authorization under general permit 1 for channel cleaning under the Stream Cleaning Act at N.J.A.C. 7:13-9.1, the permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth in the rules.
17. The permittee shall perform any mitigation required under the permit prior to or concurrently with regulated activities in accordance with N.J.A.C. 7:13-13.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.

19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the regulations.
23. A permit can be suspended or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The regulated activity 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.

#### **RIGHT TO APPEAL:**

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within 30 calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Adjudicatory Hearing Request form. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the form is available through the Division's website at [http://www.nj.gov/dep/landuse/download/lur\\_024.pdf](http://www.nj.gov/dep/landuse/download/lur_024.pdf). In addition to requesting a hearing, a request may be filed with the Department's Office of Dispute Resolution to determine whether the matter is suitable for mediation. Information concerning the dispute resolution process is available at [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr).

**APPROVED PLANS:**

The drawings hereby approved are fourteen (14) sheets prepared by NV5, undated, unrevised, and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 173 CONTRACT NO. 001093220”

- TYPICAL SECTIONS, Drawing TS-1,
- CONSTRUCTION PLANS, Drawings C-2, C-3, & C-4,
- PROFILES, Drawing P-1,
- CROSS SECTIONS, Drawings X-1, X-2, X-3, X-4, X-5, X-6, & X-7,
- ENVIRONMENTAL PERMIT PLANS - WETLAND AND RIPARIAN ZONE IMPACT PLAN, Drawings EPP-1 & EPP-2,

The drawing hereby approved was prepared by Nagnath B. Kasbekar, P.E., undated, unrevised, and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF STRUCTURAL ENGINEERING GENERAL PLAN AND ELEVATION ROUTE 173 CONTRACT NO.” – Bridge Sheet No. B2.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation’s Technical Support Call Center at (609) 777-0454.

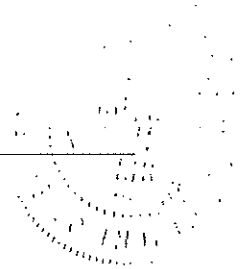
Approved By:

*Peter DeMeo*

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Peter DeMeo, Environmental Engineer 4  
Division of Land Use Regulation

6/23/17

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Date



c: Municipal Clerk and Construction Official