



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERSHED & LAND MANAGEMENT**  
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.nj.gov/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 terms, conditions, and limitations 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>		<b>Approval Date</b> <b>June 14, 2022</b>
		<b>Expiration Date</b> <b>June 13, 2027</b>
<b>Permit Number(s):</b> 1352-03-0001.2 LUP220001	<b>Type of Approval(s):</b> Flood Hazard Area Individual Permit Freshwater Wetlands General Permit 2 Freshwater Wetlands General Permit 10B Freshwater Wetlands General Permit 11 Water Quality Certificate	<b>Governing Rule(s):</b> N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
<b>Permittee:</b> New Jersey Department of Transportation c/o Donald Locke 1035 Parkway Avenue PO Box 600 Trenton, NJ 08625	<b>Site Location:</b> Block(s) & Lot(s): [274, 1] [274, 27] [274, 29] Municipality: Township of Wall County: Monmouth	
<b>Description of Authorized Activities:</b> <p>This permit authorizes the reconstruction of the existing Route 35 bridge over Wreck Pond Brook and associated activities within the flood hazard area of Wreck Pond Brook including the reconstruction of two 8-inch utility lines beneath the channel, the reconstruction of 2 utility poles and associated utility lines, the placement of guiderail, and the reconstruction of a stormwater outfall structure. This permit also includes a Freshwater Wetlands General Permit 2, 10B and 11. This authorization to conduct activities in wetlands and/or waters includes the issuance of a Water Quality Certificate.</p>		
<b>Prepared by:</b> Michael Sheehan	<b>Received and/or Recorded by County Clerk:</b>	
If the permittee undertakes any regulated activity, project, or development authorized under this 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 requirements of the permit and all conditions therein.		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**STATEMENT OF AUTHORIZED IMPACTS:**

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-24 and N.J.A.C. 7:7A-22.

<b>FWW GP2 Underground Utility Lines</b>	<b>Permanent Disturbance (Acres)</b>	<b>Temporary Disturbance (Acres)</b>
Freshwater wetlands	0	0
Transition areas	0.017	0.008
State open waters	0	0

<b>FWW GP10B Minor Road Crossings</b>	<b>Permanent Disturbance (Acres)</b>	<b>Temporary Disturbance (Acres)</b>
Freshwater wetlands	0.002	0
Transition areas	0.204	0
State open waters	0.004	0.014

<b>FWW GP11 Outfalls/Intake Structures</b>	<b>Permanent Disturbance (Acres)</b>	<b>Temporary Disturbance (Acres)</b>
Freshwater wetlands	0	0
Transition areas	0.037	0
State open waters	0.001	0

<b>Riparian Zone Vegetation</b>	<b>Area of riparian zone (Acres)</b>
Permanent Disturbed	0.048
Temporary Disturbed	0.084

**PRE-CONSTRUCTION CONDITIONS:**

1. **Timing:** If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee shall comply with such conditions within the time required by the permit or, if no time specific requirement is imposed, then the permittee shall comply with such conditions within six months of the effective date of the permit, or provide evidence satisfactory to the Division that such conditions cannot be satisfied.
2. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.

**FRESHWATER WETLANDS SPECIAL CONDITIONS:**

1. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7-5.7, 7.2, 10, 11, and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et seq.*).
2. The total amount of disturbance associated with this authorization shall not exceed the following: the permanent disturbance to 0.017 acres (718 square feet) and the temporary disturbance to 0.008 acres (353 square feet) of transition area vegetation for the installation of the underground utility line under a Freshwater Wetlands General Permit No. 2; the permanent disturbance to 0.002 acres (73 square feet) of freshwater wetlands, 0.204 acres (8,903 square feet) of transition area, and 0.004 acres of State open water and the temporary disturbance to 0.014 acres of State open waters for the replacement and expansion of the existing roadway and bridge under a Freshwater Wetlands General Permit No. 10B; and the permanent disturbance to 0.037 acres (1,592 square feet) of transition area and 0.001 acres (12 square feet) of State open waters for the construction of the stormwater outfall structure under a Freshwater Wetlands General Permit No. 11. Any additional un-permitted disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.
3. The Department has determined that the freshwater wetlands affected by this permit authorization are of Intermediate and Exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 50 and 150 feet, respectively. This general permit includes a transition area waiver, which allows encroachment only in that portion of the transition area, which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area onsite shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.3. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et seq.*) and implementing Rules (N.J.A.C. 7:7A) for additional information.
4. Construction equipment shall not be stored, staged, or driven within any regulated areas onsite, unless expressly approved by this permit or described on the approved plans.
5. 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(1), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource, and immediately notify the Department and proceed as directed.
6. This permit does not verify the full extent of wetlands or transition areas on-site. If the permittee is proposing further construction activities on site, they are encouraged to apply for a Verification type Letter of Interpretation from this office. This type of Letter of Interpretation will verify the extent of wetlands on the property and determine the resource value of those wetlands.
7. All temporary disturbances within freshwater wetlands and transition areas shall be replanted with native, non-invasive herbaceous and/or woody vegetation appropriate for the hydrologic conditions of the area.

8. The trench into which the utility line and stormwater conveyance structure is placed shall be no wider than necessary to comply with the United States Occupational Safety and Health Administration safety standards for excavations set forth at 29 CFR Par 1926, Subpart P.
9. Any excavation within freshwater wetlands, transition areas, or State open waters shall be backfilled to preexisting elevations, where applicable, with the uppermost 18 inches backfilled with original topsoil material. The permittee shall ensure that the backfilling activities do not interfere with the natural hydraulic characteristics of the freshwater wetlands.
10. Any pipes laid through freshwater wetlands, transition areas, or State open waters which have been authorized by a Division permit shall be properly sealed to prevent leaking or infiltration and designed to not form a path for groundwater to be discharged or drained from the freshwater wetland. Pipes and backfilled materials shall be placed entirely beneath the preexisting ground elevation.
11. The permittee shall take all measures necessary to ensure that the authorized activities do not alter or interfere with the natural hydrology of the area.
12. This authorization for a General Permit is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

**FLOOD HAZARD AREA PERMIT CONDITIONS:**

1. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.
2. The Department has determined that the required riparian zone adjacent to the regulated waters affected by the project is 50 feet from the top of the bank. **This permit authorizes the permanent disturbance to 0.048 acres (1,977 SF) and temporary disturbance to 0.084 acres (3,634 SF) of riparian zone vegetation of the replacement and expansion of the existing bridge including the relocation of the utility line.** Any additional disturbance to the riparian zone shall be considered a violation of the Flood Hazard Area Control Act rules unless a permit is obtained, prior to the start of the disturbance, from the Division of Land Resource Protection.
3. In order to protect the general game fisheries within Wreck Pond Brook and tributaries, no grading, excavation, or construction activities is permitted within the watercourse onsite from May 1 through June 30 of each calendar year. In addition, any activity within the riparian zone of this watercourse or tributaries which would introduce sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity is also prohibited anytime, but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional soil conservation measures are required to protect State regulated resources or to suspend all regulated activities on-site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

4. The permittee shall ensure that a low-flow channel is maintained throughout and after construction, and that no restriction of flow occurs as a result of the project. To reestablish low-flow aquatic passage, natural stream bed material shall be stockpiled and used for the restoration of the channel. All temporarily disturbed areas shall be immediately restored to replicate pre-construction conditions of the channel such as shape, width, thalweg, meander, ratio of shallow areas to deep areas, anticipated flow rate and velocity, and substrate type.
5. In order to minimize turbidity downstream of the project area and to maintain the water quality of Wreck Pond Brook, construction within the channel may only be performed in the dry or de-watered conditions. Any dewatering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from dewatering areas must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers shall not be placed across the entire stream channel.
6. The permittee shall prevent raw concrete from encountering the waters of the channel during all construction activities, as raw concrete is toxic to aquatic biota.
7. Vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
8. All riparian zone vegetation that is temporarily cleared, cut, and/or removed to conduct a regulated activity, access an area where regulated activities will be conducted, or otherwise accommodate a regulated activity shall be replanted immediately after completion of the regulated activity, unless prevented by seasonal weather, in which case the vegetation shall be replanted as soon as conditions permit. The vegetation to be replanted shall:
  - a. Consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed. For example, herbaceous vegetation may be replaced with the same type of vegetation or with trees, but the trees in forested areas must be replaced with trees of equal or greater density and ecological function and value.
  - b. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops;
  - c. To ensure successful establishment and survival, all plantings shall be protected with tree sleeves and/or netting, as necessary to minimize wildlife damage and deer rub, and shall be monitored for at least the first growing season in which any dead plantings shall be replaced. The restoration area shall remain undisturbed and allowed to revert to a natural state, and not be maintained as a lawn or landscaped area; and
  - d. In cases where replanting would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements to the extent feasible.

**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 or designee 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.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management 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. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. 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.
10. 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.
11. 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.

12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. 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, project, or development 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;
  - 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; and
  - d. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
14. 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, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, 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.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
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 rules governing the herein approved permits.
23. A permit can be modified, 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, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. 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 Watershed & Land Management at the address listed on page one of this permit.

**APPROVED PLAN(S):**

The drawings hereby approved consist of ten (10) sheets prepared by Gannett Fleming, Inc., undated and unrevised, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION RT 35, BRIDGE OVER NORTH BRANCH OF WRECK POND CONTRACT NO. 018144290,”

- “NJDEP FRESHWATER WETLANDS GENERAL PERMIT PLAN,” sheet 2 of 2,
- “NJDEP FLOOD HAZARD AREA PERMIT PLAN,” sheets 2 through 4 of 21,
- “ENVIRONMENTAL, SOIL EROSION & SEDIMENT CONTROL PLANS,” sheet 17 of 21,
- “CONSTRUCTION DETAILS,” sheet 21 of 21,

“NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF STRUCTURAL ENGINEERING RT 35, BRIDGE OVER NORTH BRANCH OF WRECK POND CONTRACT NO. 018144290,”

- “GENERAL PLAN AND ELEVATION,” sheet 13 of 21,
- “WINGWALL DETAILS – 2,” sheet 20 of 21,

“NEW JERSEY DEPARTMENT OF TRANSPORTATION RT 35, BRIDGE OVER NORTH BRANCH OF WRECK POND CONTRACT NO. 17-12140,”

- “GAS MAIN DIRECTIONAL DRILL PLAN,” sheet 18 of 21, and,
- “WATER MAIN DIRECTIONAL DRILL PLAN,” sheet unnumbered of 21.

**APPEAL OF DECISION:**

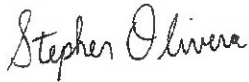
Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at [www.nj.gov/dep/bulletin](http://www.nj.gov/dep/bulletin)). If a person submits the hearing request after this time, the Department shall



deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at [www.nj.gov/dep/landuse/forms.html](http://www.nj.gov/dep/landuse/forms.html)). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management's Technical Support Call Center at (609) 777-0454.

Approved By:



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Stephen Olivera, Environmental Engineer 3  
Bureau of Flood Hazard and Stormwater Engineering  
Watershed & Land Management

c: Township of Wall Municipal Clerk