



**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>		Approval Date July 23, 2024
		Expiration Date July 22, 2029
Permit Number(s): 0000-24-0012.1 LUP240001	Type of Approval(s): Verification-Delineation of Riparian Zone Only FWW Individual Permit-Wetlands (not SFH/Duplex) FHA Individual Permit-Bank/Channel Water Quality Certificate	Governing Rule(s): N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
Permittee: Dinesh Shah NJDOT 1035 Parkway Avenue Trenton, NJ 08625	Site Location: Block(s) & Lot(s): Route 280 Eastbound over Passaic River Municipality: Roseland Borough County: Essex Municipality: East Hanover Township County: Morris	
Description of Authorized Activities: <p>This document authorizes the replacement and maintenance of bridge decks, parapets, associated relief span for the eastbound bridge structure, the cleaning and painting of the bearings and diaphragms. This also includes the installation of Articulated Concrete Blocks (ACB) as a permanent scour countermeasure along the pier and abutments, the installation of a stormwater pipe and outfall and a new wildlife fence. In addition, two (2) single-span temporary bridges will be installed within the median to accommodate the diversion of traffic and a temporary access road will be used during the construction activities. All these activities are in association with an infrastructure project on the parcels referenced above.</p> <p>This approval includes a Water Quality Certification (WQC).</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		
Prepared by: Cindy Rivera	Received and/or Recorded by County Clerk:	
<p>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.</p>		
This permit is not valid unless authorizing signature appears on the last page.		

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. 7:13-2.18; N.J.A.C. 7:7A-22.

FWW Individual Permit-Wetlands (not SFH/Duplex)	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	1.130 (49,210 SF)	0
Transition areas	0.826 (35,960 SF)	2.620 (114,142 SF)
State open waters	0.039 (1,719 SF)	0.110 (4,803 SF)

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	1.829 (79,664 SF)
Temporary Disturbed	2.513 (109,472 SF)

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 condition(s) within the time required by the permit or, if no time specific requirement is imposed, then the permittee shall comply with such condition(s) 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 regulated waters and regulated areas onsite and shall serve as a physical barrier protecting all regulated areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures, including the floating turbidity barriers shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.
3. The Permittee shall notify the NJDEP Division Land Resource Protection and the Division of Watershed Protection and Restoration (Attn: Endangered and Threatened Species Unit, etsu@dep.nj.gov) no less than seven working days before the commencement of regulated activities.

SPECIAL CONDITIONS:

1. The Department has determined that the onsite riparian zone along the Passaic River is 150 feet. Therefore, vegetation within 150 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. Upon completion of the project, all temporary disturbed areas shall be restored with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z).

2. The Department has determined that the freshwater wetlands affected by this permit authorization are of exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 150 feet. This authorization includes a limited transition area waiver, which allows encroachment only in that portion of the transition area determined by the Division to be necessary to access and 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.
3. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7-9.3, 10, 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.). Any additional un-permitted disturbance of freshwater wetlands, State open waters, 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 disturbance.
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. In order to protect general game fishery resources within the Passaic River from sediment generating activities, any grading, excavation, or construction activities within the stream or the banks of the stream are prohibited between May 1st through July 31st of each year. In addition, any activity within the flood hazard area or riparian zone of this watercourse which does not minimize the introduction of 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 measures are required to protect State-regulated resources, or the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
6. To reduce the risk of harm to Indiana Bat, Northern Long-eared Bat, Tricolored Bat, as well as nesting migratory bird species, and to reduce the risk of direct impacts to sensitive habitat, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from April 1 through September 30 of each calendar year.
7. The Permittee shall maintain each of the authorized terrestrial wildlife passage structures in working condition and all circumstances necessary (e.g., topography, wildlife passage materials, guide fence, etc.) for the successful passage of terrestrial wildlife species along Passaic River under Route 280 at Route 280 B.L. Sta. 191+50 M.P. 3.0 to Route 280 B.L. Sta. 224+75 in perpetuity.
8. The Department reserves the right to suspend all regulated activities onsite should it be determined that the Permittee has not taken proper precautions to ensure continuous compliance with conditions pertinent to threatened and endangered wildlife habitat.
9. The permittee shall take all measures necessary to ensure the authorized activities do not alter or interfere with the natural hydrology of the area.

10. The permittee shall minimize disturbances to freshwater wetlands and transition areas to the greatest extent practicable by following best management practices, as defined at N.J.A.C. 7:7A-1.3. Such practices shall include, but are not limited to, the use of matting, equipment running on oversized tires, limiting the number of passes through wetlands by equipment, and other similar practices.
11. The permittee shall be responsible for preserving and minimizing vegetation disturbances within the freshwater wetlands, transition areas, and riparian zone adjacent to Passaic River. Disturbances onsite shall only be done in the areas specifically shown on the approved drawings and upon completion of the project, all temporarily disturbed areas shall be restored to pre-existing elevations and replanted with native, non-invasive vegetation appropriate for the hydrologic conditions of the area.
12. 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.

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

1. The permittee shall mitigate for the permanent disturbance of 1.130 acres of forested wetlands, 0.040 acres of State open waters, and 0.826 acres of transition area through an on-site or off-site creation, restoration or enhancement project or with the purchase of credits from a mitigation bank serving the appropriate watershed management area in accordance with the mitigation hierarchy (N.J.A.C. 7:7A-11 et seq).
2. The permittee shall mitigate for the temporary disturbance to 0.110 acres of State open waters and 2.620 acres of transition area through an on-site restoration project (N.J.A.C. 7:7A-11 et seq).
3. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a mitigation proposal to the Division of Watershed Protection and Restoration (Division) for review and approval. 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. 7:7A-11.6(a)).
4. **All mitigation for permanent disturbances shall be conducted prior to or concurrent with the construction of the approved project** (N.J.A.C. 7:7A-11.3(a)). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.
5. All mitigation for temporary disturbances shall be conducted immediately following completion of the activity that caused the disturbance and shall be continued to completion within six months after the end of the activity that caused the disturbance.
6. If the permittee fails to perform mitigation within the applicable time-period the acreage of mitigation required shall be increased by 20 percent each year after the date mitigation was to begin (N.J.A.C. 7:7A-11.3(c)).
7. If the permittee fails to perform mitigation for temporary disturbances within the applicable time-period the activity shall be considered permanent and mitigation shall be required to replace the affected resource (N.J.A.C. 7:7A-11.3(c)).

8. If the applicant is considering obtaining land to satisfy a mitigation requirement, the Department strongly recommends that the permittee obtain the Division's conceptual review and approval of any land being considered as a potential mitigation area.
9. If the permittee is purchasing credits from a mitigation bank to satisfy a mitigation requirement, prior to the initiation of regulated activities authorized by this permit, the permittee shall submit proof of purchase for 1.170 mitigation credits from an approved wetland mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Watershed Protection and Restoration at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options.

Pio Costa: Contact: Carmen Pio Costa, Anthony Pio Costa and he can be reached at (973) 575-1706 or carmon@piocosta.com

Troy Meadows: Contact: Len Fariello, Wildlife Preserves, (973)887-0096 or LFariello@WildlifePreserves.org

10. If the permittee is considering conducting a creation, restoration or enhancement project, the following conditions shall apply:
 - i. **Prior to the initiation of regulated activities** authorized by this permit the permittee shall submit a final design of the mitigation project for approval and include all of the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located at <https://dep.nj.gov/wlm/forms/#mit>.
 - ii. Delete if only restoring temporary impacts. **Prior to the completion of the mitigation project**, the permittee shall complete, sign and file with the County Clerk (the Registrar of Deeds and Mortgages in some counties), a conservation restriction that meets the requirements of N.J.A.C. 7:7A-12.1. The conservation restriction shall include the wetland and required transition area and conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: <https://dep.nj.gov/wlm/forms/#mdr>. The applicant is required to include a metes and bounds description shown on a map. Within 180 days of the issuance of the mitigation approval, the recorded conservation restriction shall be provided to the Mitigation Unit, Division of Watershed Protection and Restoration for verification. (N.J.A.C. 7:7A-12.1 et seq.)
 - iii. The permittee shall notify the Mitigation Unit at the Division of Watershed Protection and Restoration in writing **at least 30 days prior to the start of construction of the wetland mitigation project** to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.
 - iv. To ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape, the mitigation designer shall be present on-site during all critical stages of mitigation construction and during the restoration of any temporarily impacted areas. Critical stages of construction include but are not limited to herbicide applications, earthmoving activities, planting, and inspections.
 - v. The permittee shall be responsible for ensuring that best management practices are used throughout construction to control the spread and colonization of highly invasive plants.

Specifically, all equipment, especially tracks and tires, must be thoroughly cleaned every time equipment or vehicles move from an area containing invasive plants or from off-site to the mitigation area. In addition, soil containing root fragments and above-ground vegetative material from invasive plants shall be carefully managed during earthmoving activities and disposed of at a suitable off site location rather than mulched and reused or stockpiled elsewhere on the site. For information on the specific species that are considered to be invasive, please refer to the Mitigation Technical Manual at <https://dep.nj.gov/wlm/mitigation>.

- vi. If changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. The Division shall review the plan in accordance with N.J.A.C. 7:7A-11.7. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.
- vii. **Within 30 days of final grading of the mitigation site and prior to planting**, the permittee shall notify the Mitigation Unit at the Division of Watershed Protection and Restoration in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
- viii. **Within 30 days following the final planting of the mitigation project**, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction (N.J.A.C. 7:7A-11.12). The Construction Completion Report shall contain, at a minimum, the following information:
 - a. A completed Wetland Mitigation Project Completion of Construction Form. This form is located at <https://dep.nj.gov/wlm/forms/#mit> and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
 - b. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes; and
 - c. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983.
- ix. **Within 30 days following final planting of the mitigation project**, the permittee shall post the mitigation area with permanent signs which identify the site as a wetland mitigation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law. The signs must also state the name of the permittee, a contact name and phone number, and the Department's permit number.
- x. The permittee shall monitor **all freshwater wetland and transition area projects** for a minimum of 5 years, unless otherwise stipulated within the approved mitigation proposal, beginning the first full growing season after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Watershed Protection and Restoration no later than December 31st of each full monitoring year (N.J.A.C. 7:7A-11.12(g)).

All monitoring reports must include the standard items identified in the checklist entitled, "Wetland Mitigation Monitoring Project Checklist", which can be found at <https://dep.nj.gov/wlm/forms/#mit>.

- xi. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:
 - a. That the goals of the wetland mitigation project, including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit have been satisfied. The permittee shall submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;
 - b. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes, which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving and all trees must be at least five feet in height;
 - c. The site has less than 10 percent coverage by invasive or noxious species.
 - d. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,
 - e. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.
- xii. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7A-11.12(i)). The Division will notify the permittee in writing if the mitigation project is considered a failure. Within 30 days of notification, the permittee shall submit a revised mitigation plan to meet the success criteria identified above for Division review and approval. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated above.

RIPARIAN ZONE MITIGATION CONDITIONS

1. **At least 90 days prior to commencing regulated activities authorized by this permit**, the permittee shall submit a proposal to mitigate for the permanent loss of 1.765 acres 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 as a whole.
3. If the permittee is purchasing credits from a mitigation bank to satisfy a mitigation requirement, prior to the initiation of regulated activities authorized by this permit, the permittee shall submit proof of purchase for 1.765 mitigation credits from an approved riparian mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Watershed Protection and Restoration at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options.

Troy Meadows: Contact: Len Fariello, Wildlife Preserves, 973-887-0096 or LFariello@WildlifePreserves.org

4. If the permittee is considering conducting a creation, restoration or enhancement project, the following conditions shall apply:

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. 7:13-13.2(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 <https://dep.nj.gov/wlm/forms/#mdr>. 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 Watershed Protection and Restoration at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

5. For creation and restoration projects, the permittee shall obtain a secured bond or other financial surety acceptable to the Division from a firm licensed to provide such services in New Jersey. (N.J.A.C. 7:13-13.15)
6. 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. 7:13-13.12(c)). **The permittee shall submit monitoring reports to the Division of Watershed Protection and Restoration, no later than December 31st of each full monitoring year.**
 - i. 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.
 - ii. The final monitoring report must include documentation and data demonstrating that:
 - a. The goals of the riparian zone mitigation as stated in the approved riparian zone mitigation proposal and the permit conditions have been satisfied.
 - b. 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
 - c. The site is less than 10 percent occupied by invasive or noxious species; and
 - d. The conservation restriction for the mitigation site has been executed and recorded.
7. 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.

8. 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.
9. For preservation projects, the application shall provide documentation showing that the proposed preservation area will fully compensate in accordance with N.J.A.C. 7:13-13.13 for the loss of functions and values caused by the disturbance.

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:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. 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:
 - i. 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;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - iii. 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
 - iv. 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 email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.
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 through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://dep.nj.gov/wlm/eservices/lrp-eservices/>.

APPROVED PLANS:

The drawings hereby approved consist of thirteen (13) sheets prepared by Thomas R. Decker, P.E. of Jacobs Engineering Group Inc., signed on July 18, 2024, undated, unrevised, unless otherwise noted, and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 280 OVER PASSAIC RIVER BRIDGE REPLACEMENT,”

“FLOOD HAZARD AREA PERMIT PLANS RIPARIAN ZONE IMPACT PLAN 1,”
Sheet No. 11 of 26, last revised May 30, 2024

“FLOOD HAZARD AREA PERMIT PLANS RIPARIAN ZONE IMPACT PLAN 2,”
Sheet No. 12 of 26,

“FLOOD HAZARD AREA PERMIT PLANS RIPARIAN ZONE IMPACT PLAN 3,”
Sheet No. 13 of 26,

“FLOOD HAZARD AREA PERMIT PLANS RIPARIAN ZONE IMPACT PLAN 4,”
Sheet No. 14 of 26,

“FLOOD HAZARD AREA PERMIT PLANS RIPARIAN ZONE IMPACT PLAN 5,”
Sheet No. 15 of 26,

“FLOOD HAZARD AREA PERMIT PLANS RIPARIAN ZONE IMPACT PLAN 6,”
Sheet No. 16 of 26,

“FRESHWATER WETLANDS IMPACTS PLANS,” Sheet No. 17 of 26, last revised
May 30, 2024

“FRESHWATER WETLANDS IMPACTS PLANS,” Sheet 18 to 22 of 26, and

“NEW JERSEY DEPARTMENT OF TRANSPORTATION CONSTRUCTION DETAILS
ROUTE 280 EB OVER PASSAIC RIVER BRIDGE CONTRACT NO. 003173130,” Sheet CD-
3 of 23

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 <https://dep.nj.gov/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 <https://dep.nj.gov/wlm/forms/>). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. 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 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:



Digitally signed by Ryan
Anderson
Date: 2024.07.23
15:46:12-04'00'

Ryan J. Anderson, Manager
Watershed & Land Management

- c: Roseland Borough, Municipal Clerk
- Roseland Borough, Municipal Construction Official
- East Hanover Township, Municipal Clerk
- East Hanover Township, Municipal Construction Official
- Agent (original) – Sandra Blick



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Watershed & Land Management Program
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

SHAWN M. LATOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

07/26/24

NJDOT
c/o Dinesh Shah
1035 Parkway Avenue

**RE: Verification-Delineation of Riparian Zone Only, FWW Individual Permit-Wetlands (not SFH/Duplex), and FHA Individual Permit-Bank/Channel – Clarification
File and Activity No.: 0000-24-0012.1 LUP240001
Applicant: Dinesh Shah
Block(s) and Lot(s): [N/A, N/A] [N/A, N/A]
Municipality: Roseland Borough; County: Essex**

Dear Mr. Shah:

This letter supersedes the Department's Verification, Flood Hazard Individual Permit and Freshwater Wetland Individual Permit issued on July 23, 2024. In order to clarify an error in which several of the necessary permit conditions and approved plans were missing from the final approval, the following conditions and plans shall be added to the current permit:

Additional Approved Plans:

The drawings hereby approved consist of eleven (11) sheets prepared by Jacobs Engineering Group, Inc, undated, last revised May 30, 2024, unless otherwise noted, and entitled:

“ROUTE 280 EB BRIDGES OVER PASSAIC RIVER CONTRACT NO. 003173130”

“DRAINAGE AND EROSION CONTROL PLAN” - Sheet No. 3-5 of 26, unrevised,
“CONSTRUCTION PLANS” - Sheet No. 6 of 26,
“TYPICAL SECTIONS” - Sheet No. 7 of 26, unrevised,
“PROFILES” - Sheet No. 8-9 of 26, unrevised,
“FINAL SCOUR COUNTERMEASURE PLAN” - Sheet No. 10 of 26,
“SOIL EROSION & SEDIMENT CONTROL DETAILS PLAN 2” - Sheet No. 24 of 26, unrevised,
“SOIL EROSION & SEDIMENT CONTROL DETAILS PLAN 3” - Sheet No. 25 of 26, unrevised,
“CONSTRUCTION DETAILS ARTICULATED CONCRETE BLOCK DETAIL” - Sheet No. 26 of 26, unrevised.

Flood Hazard Area Special Conditions:

1. The Department has determined that this project is eligible for the linear development waiver of the Stormwater Management rules at N.J.A.C. 7:8-5.2(e). Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.
2. All excavated material and dredged material 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.
3. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.
4. 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.
5. 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.
6. Construction may only be performed in dry or de-watered conditions. No work may be performed in wet conditions.
7. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.

All other approved plans and conditions of the Department's Verification, Flood Hazard Individual Permit and Freshwater Wetland Individual Permit issued on July 23, 2024, remain in effect. In addition, this letter shall be attached to the permit and does not extend the expiration date of the permit.

If you have any questions regarding this letter, please contact Cindy Rivera by email at Cindy.Rivera@dep.nj.gov or by phone at (609)940-5327. Please reference the Division's file number in all communication.

Sincerely,

Stephen Dench, Environmental Specialist 3
Watershed & Land Management

c: Roseland Borough, Municipal Clerk
Roseland Borough, Municipal Construction Official
East Hanover Township, Municipal Clerk
East Hanover Township, Municipal Construction Official
Agent (original) – Sandra Blick