

NEW JERSEY DEPARTMENT OF TRANSPORTATION
M E M O R A N D U M

TO: Nina Chivulescu
Division of Project Management

FROM: Bakula patel
Principal Engineer

THROUGH: Sandra Blick *mb* 4/10/18
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Bureau of Landscape Architecture and Environmental Solutions
Hydrology & Hydraulics Unit

DATE: April 10, 2018

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SUBJECT: Route 287, Contract No. 058183330
Request for Permit-by-Rule Number - 40
Borough of Franklin lakes and Oakland, Bergen County
NJDOT No.

This is to confirm that the Hydrologic and Hydraulics Unit agrees that this project qualifies for the following Permit(s)-by-Rule below as described in the attached information:

Permit-by-Rule # 40

Any revisions to the approved plans or design must be submitted to the H&H Unit for review to determine whether a PBR still applies.

These Permit(s)-by-Rule are subject to the following conditions in accordance with NJAC 7:13, where definitions of italicized words are provided.

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 *regulated activity* shall not adversely affect *low-flow aquatic passage* in any *regulated water*;
3. The *regulated activity* shall not expose unset or raw cement to flowing water within any

channel or *regulated water* during construction;

4. 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*;
5. Except for normal property maintenance conducted in accordance with Permit-by-Rule 1, all *riparian zone* vegetation that is 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. Portions of the riparian zone occupied by an authorized *structure* need not be replanted.
 - i. Except as provided in ii below, the vegetation replanted shall:
 - (1) 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; and
 - (2) 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.
 - ii. In cases where replanting in accordance with i above 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 of i above to the extent feasible.

These additional conditions, contained in the Permit(s)-by-Rule must also be included in the environmental plans.

No riparian zone vegetation is cleared, cut, and/or removed, except for actively disturbed areas within 20 feet of the pavement, where such disturbance is necessary to facilitate milling, repaving, and/or resurfacing.