



**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>		Approval Date <i>Oct 9, 2014</i>
		Expiration Date <i>Oct 8, 2019</i>
<b>Permit Number:</b>  1810-09-0003.1 FHA 140001 1810-09-0003.1 FHA 090001	<b>Type of Approval:</b>  Flood Hazard Area Individual Permit Flood Hazard Area Verification	<b>Enabling Statutes:</b>  N.J.S.A. 13:1D N.J.S.A. 58:16A N.J.S.A. 58:10A-1 NJSA 40:55D-93-99
<b>Permittee:</b>  New Jersey Department of Transportation 1035 Parkway Avenue, P.O. Box 600 Trenton, NJ 08625-0600	<b>Site Location:</b>  Route 206 Bypass from C.R. 630 to Triangle Road Extension Municipality: Township of Hillsborough County: Monmouth County	
<b>Description of Authorized Activities:</b>  <p>This permit grants permission to construct two (2) stream crossings: Route 206 By-pass crossing Pike Run Tributary B, relocated Route 206 crossing Royce Brook Tributary D; reconstruct three (3) existing crossings: Route 206 By-pass crossing Royce Brook Tributary E, proposed Ramp R crossing Royce Brook Tributary D, and a driveway culvert crossing Royce Brook Tributary B1; and construct stormwater outfall structures, relocate two (2) sanitary sewer crossings, construct two (2) detention basins, one bioretention facility, and install four (4) manufactured treatment devices, in the Township of Hillsborough, Somerset County, New Jersey.</p>		
<b>Prepared by:</b> <i>Stephen Olivera</i> _____ Stephen Olivera	Received and/or Recorded by County Clerk	
<p><b>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT MAY BE UNDERTAKEN UNTIL THE PERMITTEE HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.</b></p>		
<p align="center"><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

**SPECIAL CONDITIONS:**

1. **Material Disposal:** All excavated material and dredge material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
2. 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.
3. The granting of this authorization shall not be construed in any way to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
4. 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.
5. In order to protect the FW2-NT Royce Brook, Royce Brook Tributary B, Royce Brook Tributary C, Royce Brook Tributary D, Royce Brook Tributary E, Pike Run, and Pike Run Tributary B, no construction, excavation, filling or grading, is permitted within the channel between **May 1 to June 30**. Furthermore, no construction, excavation, filling or grading is permitted in the riparian zone unless the applicant demonstrates that appropriate soil erosion control measures are in place that prevent sediment from reaching the channel. All proposed measures shall meet the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90. 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. If a cofferdam is installed prior to the timing restriction, construction, excavation, filling or grading within the channel of Royce Brook, Royce Brook Tributary B, Royce Brook Tributary C, Royce Brook Tributary D, Royce Brook Tributary E, Pike Run, and Pike Run Tributary B is permitted within confines of the cofferdam during this restricted period.
6. In order to protect wood turtle habitat within and adjacent to Royce Brook and Royce Brook Tributary B, the following timing restrictions shall apply:
  - a. In-stream work (including stream bank excavation): In order to prevent adverse impacts to hibernating turtles, no site preparation, disturbance, grading, clearing or construction activity is permitted within the banks of the referenced watercourse between **November 1 and April 1** of the calendar year. If a cofferdam is proposed to completely enclose the work area, work may occur during this restricted period provided the coffer dam installation is completed prior to November 1 and thereafter completely precludes turtles from accessing the work area to rest or hibernate. This must include appropriate bank-side fencing to preclude terrestrial access to the coffer dam work area. Immediately after installation, a Department approved herpetologist must thoroughly inspect

the enclosed area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (contact Brian Zarate at (908) 638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the coffer dammed work area.

- b. Wetlands/Transition Area/Riparian Zone work: In order to prevent adverse impacts to wood turtles or their resting, breeding or foraging habitats within the regulated areas (Freshwater Wetlands/Transition Areas/Riparian Zone) associated with the referenced watercourses, no authorized activities may commence from **April 1 through May 30** and **September 1 through November 15** of the calendar year unless the following measures have been taken. Prior to the commencement of site preparation, disturbance, grading, clearing or construction activity the permittee shall erect a silt/debris fence around the footprint of all proposed activities (temporary and permanent) sufficient to exclude small wildlife species, and specifically wood turtle, from entering the proposed construction area. Immediately thereafter, a Department approved herpetologist must thoroughly inspect the fenced-in work area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (contact Brian Zarate at (908) 638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area. The fence must be monitored weekly and maintained until project completion. 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 this condition.
7. In order to protect potential summer habitat for the federally listed Indiana bat (*Myotis sodalist*), no tree clearing is permitted from **April 1 to September 20**. In addition, reforestation plans for the site shall include planting of suitable roost tree species for the Indiana bat.
8. Vegetation within 150 feet of the top of the bank of Royce Brook, Royce Brook Tributary B, Royce Brook Tributary C, Royce Brook Tributary D and Royce Brook Tributary E shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 150 feet of the top of any stream bank onsite shall be disturbed for any reason.
9. Vegetation within 50 feet of the top of the bank of Pike Run and Pike Run Tributary B 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.
10. Upon completion of the project, all temporarily disturbed areas within 50 feet or 150 feet (in accordance with Conditions 24 and 25 of this permit) of the top of any stream bank onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 10.2(u).

11. All temporary disturbances must be permanently discontinued within six months after they are begun and all temporary disturbed areas must be restored to their original condition.
12. Dewatering of cofferdams must include properly sized temporary sediment basins or other filtering methods to adequately reduce turbidity. The stream area to receive return water discharged from dewatering activities 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 must not be placed across the stream channel.
13. The riprap proposed within each channel shall be carefully embedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, any void spaces within the riprap shall be filled with native substrate from the channel. No extraneous riprap is allowable.
14. **Construction activities shall not commence on Lot 1 of Block 153.06 prior to receiving State House Commission approval for a diversion of use on this Green Acres encumbered parcel.**
15. **An application for Project Authorization must be submitted to the Historic Preservation Office prior to the bidding of the project contract (Contract B).**
16. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. 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.
17. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets at least four times per year and after every major storm totaling 1 inch of rainfall or more, the inspection and cleaning of all manufactured treatment devices per Department certification letters as found on [www.njstormwater.org/treatment.html](http://www.njstormwater.org/treatment.html), and the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
18. Prior to the start of any construction onsite, the applicant/owner shall sign a Department approved conservation restriction to guarantee the continued maintenance of the proposed nonstructural BMP's (the reforestation areas onsite), and protect them from degradation or removal. This restriction shall be included in the deed of the property and shall be

recorded with the local County Clerk (the registrar of deeds and mortgages). This restriction shall run with the land and be binding upon all successive owners, and all land surveys of the property shall show the protected areas onsite. This restriction shall conform to the format and content of the model Grant of Conservation Restriction/Easement (Stormwater Management Strategies Protection Area), downloadable at [www.nj.gov/dep/landuse/forms/index.html#6](http://www.nj.gov/dep/landuse/forms/index.html#6). Please submit a copy of the draft restriction to Stephen Olivera of this office for review prior to recording, as well as the final restriction once filed. Regulated activities shall not commence onsite until the permittee has submitted adequate proof that this restriction has been recorded as required above and has received written confirmation of the same from the Department.

19. **Prior to construction**, the applicant shall submit details of the proposed utility line crossings and signed and sealed copies of the landscaping plan fore each bioretention BMP.
20. This Permit verifies the flood hazard area design flood elevation and riparian zone limits onsite as shown on the approved plans. **This verification does not approve the floodway lines shown on the approved plans.**

#### STANDARD CONDITIONS:

1. **Responsibilities:**
  - a. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, authorizing and/or supporting documents and approved plans and drawings.
  - b. A copy of this permit, other authorizing documents, records and information including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents upon request.
2. **Permit modification:** Plans and specifications in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.
3. **Duty to minimize environmental impacts:** 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. 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 this 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.

4. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee, its contractors nor subcontractors shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee, its contractors or subcontractors shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary.
5. **Sediment control:** Development which requires soil disturbance, creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3-1.14.
6. **Rights of the State:**
  - a. This permit does not convey any property rights of any sort, or any exclusive privilege.
  - b. Upon notification and presentation of credentials, the permittee shall allow Department representatives or their designated agents, to enter upon the project site and/or where records must be kept under the conditions of this permit, inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit, and sample or monitor for the purposes of determining compliance. Failure to allow reasonable access shall be considered a violation of this permit and subject the permittee to enforcement action.
  - c. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.
7. **Duty to Reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit authorization, the permittee must apply for and obtain a new permit authorization.
8. **Transfer of Permit:** This permit may not be transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.
9. **Other Approvals:** The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan or ordinance.
10. **Noncompliance:**

- a. 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.
  - b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 420, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence 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.
11. **Appeal of Permit:** In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist 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 your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information about this process.

#### **APPROVED PLANS:**

The drawings hereby approved are forty-two (42) sheets prepared by Dewberry Engineers, Inc., certified July 19, 2014, unrevised, and entitled:

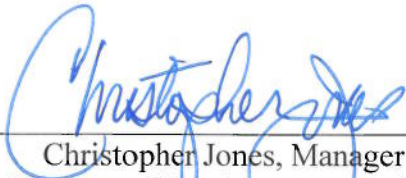
“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE U.S. 206 (1990) BYPASS SECTIONS 14A & 15A CONSTRUCT NO. 062960597”

- NJDEP FLOOD HAZARD AREA INDIVIDUAL PERMIT PLANS, drawing no. 1 of 62,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, drawing nos. 8 thru 37 of 62,
- DETAILS AND TYPICAL SECTIONS, drawing nos. 51 thru 53 of 62,
- STORMWATER BASIN PLAN BASIN NO. 1A & 1B, drawing no. 54 of 62,
- STORMWATER BASIN PLAN BASIN NO. 7, drawing no. 55 of 62,
- STORMWATER BASIN PLAN BASIN NO. 8, drawing no. 56 of 62,

- ROYCE BROOK TRIB. B BRIDGE GENERAL PLAN AND ELEVATION, drawing no. 57 of 62,
- ROADWAY CROSS SECTIONS, drawing no. 58 thru 62 of 62.

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:



Christopher Jones, Manager  
Division of Land Use Regulation



Date

Original sent to Agent to record

C: Municipal Clerk  
Municipal Construction Official