



**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 January 17, 2025
		Expiration Date January 16, 2030
Permit Number(s): 0000-22-0009.2 LUP240001	Type of Approval(s): FWW General Permit #10B WFD Individual In-Water Permit WFD Individual Upland Permit Water Quality Certificate	Governing Rule(s): N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:7A-1.1(a)
Permittee: Brenna Fairfax NJDOT P.O. Box 600 1035 Parkway Avenue Trenton, NJ 08625	Site Location: Block(s) & Lot(s): [NA, NA] [NA, NA] Municipality: Hackensack City County: Bergen	
Description of Authorized Activities: <p>This document authorizes the New Jersey Department of Transportation to reconstruct the existing Route 4 over the Hackensack River Bridge (Structure # 0206-166), on New Jersey Route 4, between milepost (MP) 5.73 to MP 6.24, located in the City of Hackensack and Township of Teaneck, Bergen County. The project is in association with a linear development on the parcel(s) referenced above.</p> <p>This authorization to conduct activities in wetlands and/or waters includes the issuance of a Water Quality Certificate.</p> <p>This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.) as amended through October 5, 2021, Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1.1 et seq.) as amended through November 7, 2022, and Flood Hazard Area Control Act Rules (N.J.A.C. 7:13-1.1 et seq.) as amended through July 17, 2023, provided that all conditions to follow are met.</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: Matthew Resnick	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>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

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. 7:13-24.1; N.J.A.C. 7:7A-22.1; N.J.A.C. 7:7-29.1

FWW Impacts	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.132	0
Transition areas	0.058	0
State open waters	0	0

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.408
Temporary Disturbed	0

WFD IP- Residential Development (Not SFH/Duplex) Waterward	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Intertidal subtidal shallows (ISS)	0.162	0
Tidal Open Waters	0.128	0

PRE-CONSTRUCTION CONDITIONS:

1. This permit is not valid until such time as you have obtained a Department of the Army authorization. You are advised to contact the Philadelphia District at 215-656-6728 if your project is located south of the Manasquan River or the New York District at 212-264-3912 if your project is located north of the Manasquan River.
2. Prior to the construction of any structures and/or the placement of fill within any tidelands areas authorized under this permit, the permittee must apply to the Division’s Bureau of Tidelands Management for a tidelands instrument (e.g., a license or lease) for the use and occupation of said tidelands. Tidelands staff will provide further guidance upon review for the timing of construction. All decisions concerning the issuance of any tidelands instrument is solely up to the Division’s Bureau of Tidelands Management following the Tidelands Resource Council policy.
3. 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.
4. In order to protect migratory anadromous fish species within the Hackensack River, no grading, construction or clearing is permitted within the river between April 1st through June 30th of each calendar year. Furthermore, any activity outside the river, which would likely introduce sediment into the rivers and/or increase its turbidity, is also prohibited during this period.

The Department reserves the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition. If sediment control structures are installed prior to the timing restrictions stated above, construction behind the sediment control structures may proceed during the restricted period.

SPECIAL CONDITIONS:

1. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.
2. This permit to conduct a regulated activity in a state open water includes the Division's approval of a Water Quality Certificate for these activities.
3. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 7.10B, 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. 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 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.
5. This authorization for a Freshwater Wetlands General Permit and Waterfront Development Individual 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 or individual 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.
6. 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 green infrastructure best management practices, shall be reviewed and approved by the Department by obtaining a modification or new permit as appropriate 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.
7. The applicant must adhere to the operations and maintenance plan for the stormwater management measures incorporated into the design of this major development in accordance with N.J.A.C. 7:8-5.8. Guidance set forth in the New Jersey Stormwater Best Management Practices Manual should be followed to the maximum extent practicable.
8. 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.
9. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation of one foot above the flood hazard area design flood elevation. Furthermore, all structural components shall be designed to resist the same forces.
10. 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.
11. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.

12. De-watering 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 cofferdams 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 entire stream channel.
13. Raw, unset, or tremie concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
14. 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.
15. 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.
16. All temporarily disturbed freshwater wetlands, transition areas, riparian zones, intertidal subtidal shallows and tidal open waters must be restored to pre-construction conditions following the completion of the authorized activities.

FRESHWATER WETLAND MITIGATION CONDITIONS:

1. The permittee shall mitigate for the permanent disturbance of 0.132 acres of forested wetlands through the purchase of mitigation credits from an approved wetland mitigation bank.

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.

MRI 3 Mitigation Bank – Contact Mark Renna of Evergreen Environmental, LLC at (201)644-7302 (office) or 973-356-7164 or at mrenna@evergreenenv.com

Oradell Reservoir Mitigation Bank - Contact Doug Lashley of GreenVest/Cranbury LLC at 410-987-5500 or at Doug@greenvestus.com

2. Within 60 days and prior to initiation of regulated activities, the permittee shall submit proof of purchase for 0.132 mitigation credits 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.
3. If mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option prior to the initiation of regulated activities.

COASTAL MITIGATION CONDITIONS:

1. The permittee shall mitigate for the permanent loss of 0.128 acres of tidal State Open Waters through an on-site or off-site creation, restoration or enhancement project with the purchase of credits from a mitigation bank serving the appropriate watershed management area.
2. 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. Within 60 days and prior to initiation of regulated activities, the permittee shall submit proof of purchase for the amount of mitigation credits listed above 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.

Kane Mitigation Bank – Contact: Andrew Derickson, Kane Mitigation, LLC, 5445 DTC Parkway, Penthouse 4, Suite 33, Greenwood Village, CO 80111 and he can be reached at (303) 521-0651 or by email at aderickson@envirofinancegroup.com

MRI 3 Mitigation Bank – Contact Mark Renna of Evergreen Environmental, LLC at (201)644-7302 (office) or 973-356-7164 or at mrenna@evergreenenv.com

3. If mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option prior to the initiation of regulated activities.

INTERTIDAL AND SUBTIDAL SHALLOWS MITIGATION CONDITIONS:

1. Within 60 days of receipt of this permit, the permittee shall mitigate for the loss of 0.162 acres of intertidal and subtidal shallows by purchasing 0.162 credits from an approved mitigation bank serving the area.
2. 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.

Kane Wetland Mitigation Bank – Contact: Andrew Derickson, Kane Mitigation, LLC, 5445 DTC Parkway, Penthouse 4, Suite 33, Greenwood Village, CO 80111 and he can be reached at (303) 521-0651 or by email at aderickson@envirofinancegroup.com

MRI 3 Mitigation Bank – Contact Mark Renna of Evergreen Environmental, LLC at (201)644-7302 (office) or 973-356-7164 or at mrenna@evergreenenv.com

3. The permittee shall submit proof of purchase for 0.162 mitigation credits 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.
 4. If mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option.
- RIPARIAN ZONE MITIGATION CONDITIONS:

1. Within 60 days of the issuance of this permit, the permittee shall mitigate for the loss of 0.340 acres of forested riparian zone through the purchase of 0.340 riparian mitigation credits from an approved mitigation bank.

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.

Oradell Reservoir Mitigation Bank - Contact Doug Lashley of GreenVest/Cranbury LLC at 410-987-5500 or at Doug@greenvestus.com

2. Within 60 days and prior to initiation of regulated activities, the permittee shall submit proof of purchase for the amount of mitigation credits listed above 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.
3. In the event that mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option prior to the initiation of regulated activities.

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 PLAN(S):

The drawing(s) hereby approved consist of fifteen (15) sheet(s) prepared by Joseph J. Romano, P.E of Micheal Baker International, Inc, dated September 2024, unrevised, and collectively entitled:

“STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, PLANS OF ROUTE 4 HACKENSACK BRIDGE RIVER BRIDGE, CONTRACT NO. 20-12038, GRADING, PAVING, AND STRUCTURES, CITY OF HACKENSACK, TOWNSHIP OF TEANECK, BERGEN COUNTY”

- “TYPICAL SECTION”, sheets 4 through 6, of 24,
- “CONSTRUCTION PLANS”, sheets 7 through 13, of 24,
- “NJDEP WATERFRONT DEVELOPMENT PERMIT PLAN”, sheets 14 of 24,
- “FRESHWATER WETLAND PERMIT PLAN”, sheet 15 of 24,
- “GENERAL PLAN AND ELEVATION”, sheet 20 of 24,

- “CONSTRUCTION DETAILS”- Sheet 23-24 of 24.

Additional drawings hereby approved consist of seven (7) sheet(s) prepared by Michael Baker International, INC., undated and unrevised, and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 4 HACKENSACK RIVER BRIDGE MP 5.69 TO MP 6.17 CITY OF HACKENSACK, TOWNSHIP OF TEANECK, BERGEN COUNTY CONTRACT NO. 20-12038”

- “DRAINAGE PLANS”- Sheet 23 – 28 of 128,
- “DRAINAGE DETAILS”- DTL 10.

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:

Christopher Squazzo, Supervisor
Bureau of Freshwater Wetlands and Highlands Permitting
Division of Land Resource Protection

c: Municipal Clerk, Hackensack City
Municipal Construction Official, Hackensack City