



## State of New Jersey

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

CATHERINE R. McCABE  
Acting Commissioner

MAR 08 2018

New Jersey Department of Transportation,  
c/o Amber Cheney  
1035 Parkway Ave, Trenton, NJ 08625

**Re: Permit Amendment**

**HMC Water Quality Certificate, Flood Hazard Area Individual Permit**

DLUR Permit No.: 0906-15-0010.1

Project: US Route 1&9/New Road

Municipalities: Jersey City

Counties: Hudson

Dear Mrs. Cheney,

The Department issued the above-referenced permit on February 6, 2018. A review of the permit document and conditions post issuance determined that there were several minor errors to the cited title blocks and revisions dates of the approved plan sheets. This letter serves to amend the following approved plan sheets as follows;

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9T/NEW ROAD, CONTRACTS 1, 2 & 3, CONTRACT NOS. 000188000, 000188010 & 000188020”, dated September 20, 2017, revised as noted;

- FLOOD HAZARD AREA PLANS, sheet 1, drawing FHA-1, last revised December 12, 2017,
- FLOOD HAZARD AREA PLANS, sheets 2 and 4 through 8, 10, and 13 through 16, drawings FHA-2, FHA-4 through FHA-8, FHA-10, and FHA-13 through FHA-16,
- FLOOD HAZARD AREA PLANS, sheets 9, 11, 12, 17, and 18, drawings FHA-9, FHA-11, FHA-12, FHA-17, and FHA-18, last revised November 14, 2017,
- FLOOD HAZARD AREA PLANS, sheet 3, last revised January 12, 2018,
- USACE PERMIT PLANS, sheets 1 through 19, drawings ACP-1 through ACP-19,
- CONSTRUCTION DETAILS, sheets 1 and 2, drawings CD-1, CD-2, last revised January 12, 2018,
- CONSTRUCTION DETAILS, sheets 3, drawings CD-3,

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, ROUTE 1&9/NEW ROAD, ST. PAULS AVENUE TO SECAUCUS ROAD, CONTRACT NO. 000028042, CITY OF JERSEY CITY, COUNTY OF HUDSON,” prepared by David N. Murray of the HNTB Corporation, dated September 20, 2017”

- GENERAL PLAN & ELEVATION, sheet 1,
- GENERAL PLAN & ELEVATION, sheet 13;

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, ROUTE 1&9/NEW ROAD, ST. PAULS AVENUE TO SECAUCUS ROAD, CONTRACT NO. 00018800, CITY OF JERSEY CITY, COUNTY OF HUDSON,” prepared by Richard J. Schaefer, of the HNTB Corporation, dated January 18, 2018”

- GENERAL PLANS & ELEVATION 1, sheet B-30 of B-71,
- GENERAL PLANS & ELEVATION 2, sheet B-31 of B-71,
- GENERAL PLANS & ELEVATION 3, sheet B-32 of B-71,
- GENERAL PLANS & ELEVATION 4, sheet B-33 of B-71,
- GENERAL PLANS & ELEVATION 5, sheet B-34 of B-71,
- GENERAL PLANS & ELEVATION 6, sheet B-35 of B-71,
- GENERAL PLANS & ELEVATION 7, sheet B-36 of B-71,
- GENERAL PLANS & ELEVATION 8, sheet B-37 of B-71,
- GENERAL PLANS & ELEVATION 9, sheet B-38 of B-71,
- GENERAL PLANS & ELEVATION 10, sheet B-39 of B-71,
- GENERAL PLANS & ELEVATION 11, sheet B-40 of B-71,
- TYPICAL RETAINING WALL SECTIONS, sheet B-41 of B-71
- GENERAL PLANS & ELEVATION 1, sheet B-42 of B-71,
- GENERAL PLANS & ELEVATION 2, sheet B-43 of B-71,
- GENERAL PLANS & ELEVATION 3, sheet B-44 of B-71,
- GENERAL PLANS & ELEVATION 4, sheet B-45 of B-71,
- GENERAL PLANS & ELEVATION 5, sheet B-46 of B-71,
- GENERAL PLANS & ELEVATION 6, sheet B-47 of B-71,
- TYPICAL RETAINING WALL SECTIONS, sheet B-48 of B-71

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9/NEW ROAD, FROM COUNTY ROAD TO SECAUCUS ROAD CONTRACT #1, CONTRACT NO. 000188000”

- CONSTRUCTION PLANS, pages C-1 through C-10,
- DRAINAGE PLANS, pages D-1 through D-10,
- PROFILES, pages P-1 through P-8,
- CROSS SECTIONS, pages X-1 through X-65,

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9/NEW ROAD, FROM ST. PAULS AVENUE TO VAN KEUREN AVENUE CONTRACT #2, CONTRACT NO. 000188010”

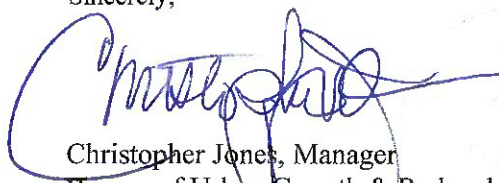
- CONSTRUCTION PLANS, pages C-1 through C-5,
- DRAINAGE PLANS, pages D-1 through D-5
- PROFILES, pages P-1 through P-X

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9/NEW ROAD, FROM VAN KEUREN AVENUE TO COUNTY ROAD CONTRACT #3, CONTRACT NO. 000188020”

- CONSTRUCTION PLANS, pages C-1 through C-9,
- DRAINAGE PLANS, pages D-1 through D-9,
- PROFILES, pages P-1 through P-X,

Please contact Matthew Resnick at 609-777-0454 or at [Matthew.Resnick@dep.state.nj.us](mailto:Matthew.Resnick@dep.state.nj.us) should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Christopher Jones, Manager  
Bureau of Urban Growth & Redevelopment  
Division of Land Use Regulation

cc: Jersey City Clerk's Office  
Jersey City Construction Official  
Hudson County Clerk's Office



**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.nj.gov/DEP/Landuse



DEPARTMENT

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| <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<br><b>FEB 06 2018</b>                                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                     | Expiration Date<br><b>FEB 05 2023</b>                                                                                                                          |
| <p><b>Permit Number(s):</b><br/>0906-15-0010.1 CDT170001<br/>0906-15-0010.1 FHA170001</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>Type of Approval(s):</b><br/>HMC Water Quality Certificate<br/>Flood Hazard Area Individual Permit</p>        | <p><b>Enabling Statute(s):</b><br/>NJSA 12:5-3 et seq. WFD;<br/>NJSA 58:16A et seq. FHACA;<br/>NJSA 58:10A-1 et seq. WPCA;<br/>NJSA 58:11A-1 et seq. WQPA;</p> |
| <p><b>Permittee:</b><br/>New Jersey Department of Transportation<br/>Amber Cheney<br/>1035 Parkway Ave<br/>Trenton, NJ 08625</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Site Location:</b><br/>Block(s) &amp; Lot(s): [N/A, N/A]<br/>Municipality: Jersey City<br/>County: Hudson</p> |                                                                                                                                                                |
| <p><b>Description of Authorized Activities:</b><br/>The construction of Route 1&amp;9 New Road, extending from St. Paul's Avenue to Secaucus Road, in Jersey City, Hudson County within the New Jersey Hackensack Meadowlands District. The activities also include but are not limited to the replacement of two bridge structures passing over the NJ Transit M&amp;E Line and the NJ Transit Wye Tracks, a new viaduct structure to carry Route 1&amp;9 New Road over the NJ Transit Mainline and Norfolk Southern's Croxton Yard, a new bridge structure over the terminus of the Unnamed tributary to Penhorn Creek 2, the relocation of the United States Postal Service(USPS) Ditch South, the construction of three stormwater management basins, retaining walls to support the new road, improvements to West Side Road, County Road and Secaucus Avenue, and the relocation of existing utility lines.</p> <p>This project will result in the permanent impacts of <b>1.578 acres</b> of freshwater wetlands and <b>0.624 acres</b> of open water ditches to construct the Route 1&amp;9/New Road and for the relocation USPS Ditch South. Additionally, <b>1.501 acres</b> of wetlands and <b>1.130 acres</b> of open water ditches will be temporarily impacted to construct the Route 1&amp;9/New Road and will be restored following completion of the project.</p> <p>This permit is authorized under and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7-1.1 et seq., as amended through June 20, 2016, and Flood Hazard Area Rules, 7:13-1.1 et seq., as amended through December 18, 2017. By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties</p> |                                                                                                                     |                                                                                                                                                                |
| <p><b>Prepared by:</b><br/><br/>Matthew Resnick</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Received and/or Recorded by<br/>County Clerk:</b></p>                                                         |                                                                                                                                                                |
| <p>If the permittee undertakes any regulated activity authorized under a 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 permit and all conditions therein.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                     |                                                                                                                                                                |
| <p align="center"><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                     |                                                                                                                                                                |

**SPECIAL CONDITIONS FOR A FLOOD HAZARD PERMIT:**

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. 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.
3. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
4. 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.
5. 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.
6. In order to protect anadromous fish within Penhorn Creek, Penhorn Creek unnamed tributaries 1 and 2, and the USPS Ditches North and South, no grading, construction or clearing is permitted within any watercourse onsite between March 1<sup>st</sup> through June 30<sup>th</sup> of any calendar year. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse 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 applicant has not taken proper precautions to ensure continuous compliance with this condition. If in-water sediment control measures are installed prior to the timing restrictions stated above, construction within the sediment control measures may proceed during the restricted period(s).
7. 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.
8. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.
9. Vegetation within 150 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
10. 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, or affect the infiltration capacity on the site, 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.

11. The permittee 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, and inlets devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the inspection and cleaning of all mechanical treatment devices in accordance with their certification letters (downloadable at [www.njstormwater.org/treatment.html](http://www.njstormwater.org/treatment.html)), the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
12. The proposed roadway will not be constructed above the flood hazard elevation. As such, it will be overtopped by floodwaters and become inaccessible to emergency vehicles or other vehicular traffic during larger flood events. The Department of Environmental Protection shall not be held responsible for any property damage, safety risk or inconvenience that may result from such flooding.
13. The hydrologic and hydraulic analysis used for this permit shall not be used to obtain a flood hazard area verification for any properties located within the watershed covered by this permit. Should a verification be sought for any purpose in the future, new hydrologic and hydraulic analyses shall be required.
14. This permit does not permit the stockpiling of any hazardous material. Should such material require stockpiling, the applicant shall obtain another permit from the Division of Land Use Regulation prior to stockpiling.

**PROVISIONS OF THE HACKENSACK MEADOWLANDS WATER QUALITY CERTIFICATE:**

1. The authorized activity involves the permanent impacts of **1.578 acres** of freshwater wetlands and **0.624 acres** of open water ditches to construction the Route 1&9 New Road and relocate the USPS Ditch South. Additionally, **1.501 acres** of wetlands and **1.130 acres** of open water ditches will be temporarily impacted to construct the Route 1&9/New Road. All work is located entirely within the Hackensack Meadowlands District area. These disturbances would meet the requirements of the Freshwater Wetlands Protection Act Rules for an Individual Permit. Therefore, a Water Quality Certificate will be issued for these activities.
2. For any excavated area in freshwater wetlands and/or State open waters, the excavation shall be backfilled to the preexisting elevation, the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material if feasible, the area above the excavation shall be replanted, in accordance with applicable BMPs, with indigenous wetlands species.
3. Any pipes laid through wetlands, transition areas, or State open waters shall be properly sealed so as to prevent leaking or infiltration, designed so as not to form a path for groundwater to be discharged or drained from the wetland, and shall be placed entirely beneath the pre-existing ground elevation unless the applicant shows that placing some or all of the pipe above ground would be more environmentally beneficial.

**STATE HISTORIC PRESERVATION OFFICE SPECIAL CONDITIONS:**

1. Prior to project implementation, the permittee shall ensure that effects to historic and archaeological resources shall be resolved through consultation between the New Jersey Historic Preservation Office; the Federal Highway Administration as the lead Federal agency; any consulting parties, and the permittee pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR §800. Upon completion of Section 106 Consultation, the permittee shall provide the Division of Land Use Regulation a copy of Section 106 comments together with a statement of how the comments have been incorporated into the project, pursuant to N.J.A.C. 7:7A-19.5(n).
2. If project circumstances change so that consultation under Section 106 of the National Historic Preservation Act is no longer necessary, the permittee shall consult with the Division of Land Use Regulation and the New Jersey Historic Preservation Office to ensure the provisions of N.J.A.C. 7:7A-5.7(b)(5) are met, prior to project implementation.
3. For any historic and archaeological resources identified within the project site that are not subject to review pursuant to Section 106, the permittee shall consult with the Division of Land Use Regulation and the New Jersey Historic Preservation Office to ensure that the provisions of N.J.A.C. 7:7A-5.7(b)(5) are met, prior to project implementation.
4. The permittee shall ensure that all phases of archaeological survey and reporting shall meet with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*, 1983 and the archaeological survey and reporting rules at N.J.A.C. 7:4-8.4 through 8.5. Evaluations to determine the National Register eligibility of archaeological sites must be in keeping with the National Park Service's 2000 National Register Bulletin, *Guidelines for Evaluating and Registering Archeological Properties*. The individual(s) conducting the work will need to meet the relevant Secretary of the Interior's Professional Qualifications Standards for archaeology and historic architecture (48 FR 44738-9).
5. Architectural survey must be in keeping with the Office's 1999 *Guidelines for Architectural Survey* (<http://www.nj.gov/dep/hpo/1identify/survarcht.htm>) with reporting conforming to the rules at N.J.A.C. 7:4-8.6. Evaluations to determine the National Register eligibility of historic properties must be in keeping with the National Park Service's National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*. Recommendations for avoidance of impacts to historic properties must conform to The Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

**FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:**

1. The permittee shall mitigate for the temporary disturbance of 2.631 acre of emergent wetlands and the permanent loss of 2.202 acres of emergent wetlands 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). Additionally, the permittee shall submit a restoration plan for areas of temporary disturbance to the Mitigation Unit for review and approval. The restoration plan shall consist of native vegetation and depict all seed mixes to be used within the temporarily impacted wetlands.
2. **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 Land Use Regulation (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)).

3. **All mitigation 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.
4. 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)).
5. 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.
6. 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 2.202\_ of mitigation credits from an approved wetland mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation 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.

Kane Wetland Mitigation Bank – Andrew Derickson, (303) 521-0851 or at [aderickson@efg-bp.com](mailto:aderickson@efg-bp.com)

MRI 3 Mitigation Bank – Contact Mark Renna of Evergreen Environmental, LLC at 973-305-0643 or 973-356-7164 or at [mrenna@evergreenenv.com](mailto:mrenna@evergreenenv.com)

7. If the permittee is considering conducting a creation, restoration or enhancement project, the following conditions shall apply:
  - a. **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 <http://www.nj.gov/dep/landuse/forms/index.html>.
  - b. **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: <http://www.nj.gov/dep/landuse/forms/index.html>. 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, NJDEP Division of Land Use Regulation for verification. (N.J.A.C. 7:7A-12.1 et. seq.)



- c. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation 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.
- d. 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.
- e. 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 Invasive Plant Atlas at <http://www.invasiveplantatlas.org/index.html>.
- f. 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.
- g. **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 Land Use Regulation in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
- h. **Within 60 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 et. seq.). The Construction Completion Report shall contain, at a minimum, the following information:
  - i. A completed [Wetland Mitigation Project Completion of Construction Form](#). This form is located at <http://www.nj.gov/dep/landuse/forms/index.html> 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;
  - ii. 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

- iii. 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.
- i. **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.
- j. 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 Land Use Regulation no later than December 31<sup>st</sup> 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 <http://www.nj.gov/dep/landuse/forms/index.html>.
- k. 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:
  - i. 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;
  - ii. 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;
  - iii. The site has less than 10 percent coverage by invasive or noxious species.
  - iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,
  - v. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.
- l. 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 to be 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. **Within 60 days of the issuance of this permit**, the permittee shall submit a proposal to mitigate for the temporary disturbance of 1.37 acres of herbaceous riparian vegetation as well as the permanent loss of 0.247 acres of forested and 2.183 acres herbaceous 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)). Additionally, the permittee shall submit a restoration plan for areas of temporary disturbance to the Mitigation Unit for review and approval. The restoration plan shall consist of native vegetation and depict all seed mixes to be used within the temporarily impacted wetlands and invasive species control measures. The permittee shall continue to consult with the Mitigation Unit in order to design an approvable restoration plan for both temporary and permanent impacts to riparian zone vegetation.
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. As of the date of this permit, there are no mitigation banks serving your 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.
3. **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 <http://www.nj.gov/dep/landuse/forms/index.html>. 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 Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
4. 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 Land Use Regulation, no later than December 31<sup>st</sup> of each full monitoring year.**
  - a. 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.
  - b. The final monitoring report must include documentation and data demonstrating that:
    - i. The goals of the riparian zone mitigation as stated in the approved riparian zone mitigation proposal and the permit conditions have been satisfied.

- ii. 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
  - iii. The site is less than 10 percent occupied by invasive or noxious species; and
  - iv. The conservation restriction for the mitigation site has been executed and recorded.
5. 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.
6. 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.

#### **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 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 by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and

- d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. 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.
8. 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.
9. 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.
10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
11. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.
12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
13. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
14. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, and Freshwater Wetlands Permits, 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 the Division of Land Use Regulation at the address set forth in the rules.
15. 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.

16. 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.
17. A permit shall be transferred to another person only in accordance with the regulations.
18. A permit can be suspended or terminated by the Department for cause.
19. 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.
20. 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.
21. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
22. 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(ies) is being undertaken. Upon completion of the regulated activity(ies), 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.
23. 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.

**APPROVED PLANS:**

The drawings hereby approved are One hundred eighty two, (182) sheets prepared by the HNTB Corporation, dated and revised as noted below, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9T/NEW ROAD, CONTRACTS 1, 2 & 3, CONTRACT NOS. 000188000, 000188010 & 000188020”, dated September 20, 2017, revised as noted;

- FLOOD HAZARD AREA PLANS, sheet 1, drawing FHA-1, last revised December 12, 2017,
- FLOOD HAZARD AREA PLANS, sheets 2 and 4 through 18, drawing FHA-2 through FHA-18, last revised November 14, 2017,
- FLOOD HAZARD AREA PLANS, sheet 3, last revised January 12, 2018
- USACE PERMIT PLANS, sheets 1 through 19, drawings ACP-1 through ACP-19,
- CONSTRUCTION DETAILS, sheets 1 and 2, drawings CD-1, CD-2, last revised January 12, 2018,
- CONSTRUCTION DETAILS, sheets 3, drawings CD-3,

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, ROUTE 1&9/NEW ROAD, ST. PAULS AVENUE TO SECAUCUS ROAD, CONTRACT NO. 000028042, CITY OF JERSEY CITY, COUNTY OF HUDSON,” prepared by David N. Murray of the HNTB Corporation, dated September 20, 2017”

- GENERAL PLAN & ELEVATION, sheet 1,
- GENERAL PLAN & ELEVATION, sheet 13;

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, ROUTE 1&9/NEW ROAD, ST. PAULS AVENUE TO SECAUCUS ROAD, CONTRACT NO. 00018800, CITY OF JERSEY CITY, COUNTY OF HUDSON,” prepared by Richard J. Schaefer, of the HNTB Corporation, dated September 20, 2019”

- GENERAL PLANS & ELEVATION 1, sheet B-30 of B-71,
- GENERAL PLANS & ELEVATION 2, sheet B-31 of B-71,
- GENERAL PLANS & ELEVATION 3, sheet B-32 of B-71,
- GENERAL PLANS & ELEVATION 4, sheet B-33 of B-71,
- GENERAL PLANS & ELEVATION 5, sheet B-34 of B-71,
- GENERAL PLANS & ELEVATION 6, sheet B-35 of B-71,
- GENERAL PLANS & ELEVATION 7, sheet B-36 of B-71,
- GENERAL PLANS & ELEVATION 8, sheet B-37 of B-71,
- GENERAL PLANS & ELEVATION 9, sheet B-38 of B-71,
- GENERAL PLANS & ELEVATION 10, sheet B-39 of B-71,
- GENERAL PLANS & ELEVATION 11, sheet B-40 of B-71,
- TYPICAL RETAINING WALL SECTIONS, sheet B-41 of B-71
- GENERAL PLANS & ELEVATION 1, sheet B-42 of B-71,
- GENERAL PLANS & ELEVATION 2, sheet B-43 of B-71,
- GENERAL PLANS & ELEVATION 3, sheet B-44 of B-71,
- GENERAL PLANS & ELEVATION 4, sheet B-45 of B-71,
- GENERAL PLANS & ELEVATION 5, sheet B-46 of B-71,
- GENERAL PLANS & ELEVATION 6, sheet B-47 of B-71,
- TYPICAL RETAINING WALL SECTIONS, sheet B-48 of B-71

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9/NEW ROAD, FROM COUNTY ROAD TO SECAUCUS ROAD CONTRACT #1, CONTRACT NO. 000188000”

- CONSTRUCTION PLANS, pages C-1 through C-10,
- DRAINAGE PLANS, pages D-1 through D-10,
- PROFILES, pages P-1 through P-8,
- CROSS SECTIONS, pages X-1 through X-65,

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9/NEW ROAD, FROM COUNTY ROAD TO SECAUCUS ROAD CONTRACT #2, CONTRACT NO. 000028042”

- CONSTRUCTION PLANS, pages C-1 through C-5,
- DRAINAGE PLANS, pages D-1 through D-5
- PROFILES, pages P-1 through P-X
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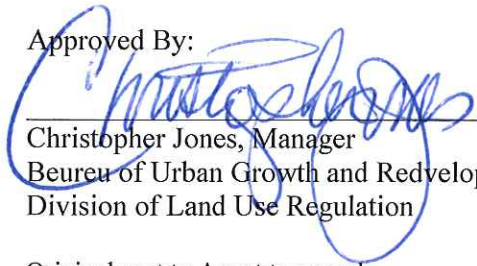
“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9/NEW ROAD, FROM COUNTY ROAD TO SECAUCUS ROAD CONTRACT #3, CONTRACT NO. 000188020”

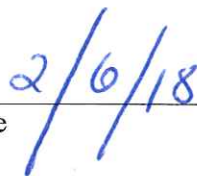
- CONSTRUCTION PLANS, pages C-1 through C-9,
- DRAINAGE PLANS, pages D-1 through D-9
- PROFILES, pages P-1 through P-X

In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7<sup>th</sup> Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at [www.state.nj.us/dep/landuse/forms](http://www.state.nj.us/dep/landuse/forms). Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at [www.state.nj.us/dep/bulletin](http://www.state.nj.us/dep/bulletin). 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 on this process.

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  
Bureau of Urban Growth and Redevelopment  
Division of Land Use Regulation

  
\_\_\_\_\_  
Date



Original sent to Agent to record  
c: Permittee  
Construction Official