

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND RESOURCE PROTECTION
 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

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.		Approval Date September 21, 2020
		Expiration Date September 20, 2025
Permit Number(s): 0900-09-0002.1 LUP200001	Type of Approval(s): WFD -In Water Individual Permit WFD- Upland Individual Permit FWW Individual Permit FHA Individual Permit HMC WQC	Governing Rule(s): N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
Permittee: NJDOT c/o Amber Cheney 1035 Parkway Ave, PO Box 600 Trenton, NJ 08625	Site Location: Block(s) & Lot(s): [N/A, N/A] [N/A, N/A] Municipality: Kearny Town, Jersey City County: Hudson	
Description of Authorized Activities: This document reauthorizes the ongoing construction activities related to the replacement of the Route 7 Bridge over the Hackensack River (approximately 200 feet from its existing location), the realignment of Fish House Road, and the reconstruction of associated access ramps (to/from new bridge and local roadways), embankments, retaining walls, and stormwater management facilities in the Town of Kearny and City of Jersey City, Hudson County.		
Prepared by: Matthew Resnick	Received and/or Recorded by County Clerk:	
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.		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-2.1; N.J.A.C. 7:7-2.1

FWW Individual Permit	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	1.380	0.258
Transition areas	1.285	0.322

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.406
Temporary Disturbed	0.83

WFD IP	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Intertidal subtidal shallows (ISS)	0.013	0.401
Tidal Open Waters	0	5.836

HMC Water Quality Certificate	Area of wetlands (Acres)
Permanent Disturbed	0.007
Temporary Disturbed	0

PRE-CONSTRUCTION CONDITIONS

1. All necessary local, Federal, and other state approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities.
2. The Tidelands License #0900-09-0002.1 TDI090001 for the occupation 80,000 square feet of currently flowed tidelands associated with the construction easement of Wittpenn Bridge is not paid to date. Within 30 days of the issuance of this permit, please contact the Bureau of Tidelands at 609-292-2573 to request additional copies of your delinquent bills.
3. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project

4. 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. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.

STATE HISTORIC PRESERVATION OFFICE SPECIAL CONDITIONS

1. The permittee has been in consultation with the HPO since 2002 pursuant to Section 106 of the National Historic Preservation Act. An amended Memorandum of Agreement was executed on February 7, 2019 (HPO-B2019-049) and the permittee continues to complete the stipulations of the agreement. The permittee shall ensure that effects to historic and archaeological resources are 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(l).
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 Resource Protection** 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.

FRESHWATER WETLAND SPECIAL CONDITIONS

1. This permit to conduct a regulated activity in Freshwater Wetlands includes the Division's approval of a Water Quality Certificate for these activities
2. 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.
3. Any pipes laid through wetlands, transition areas, or State open water must be properly sealed so as to prevent leaking or infiltration. Pipes and backfilled materials must be placed entirely beneath the pre-existing ground elevation.
4. Any excavation within the wetland or wetland transition area, shall be backfilled to the preexisting elevation and the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material.

WATERFRONT DEVELOPMENT SPECIAL CONDITIONS

1. In order to demonstrate compliance with the rule Public Trust Rights (N.J.A.C. 7:7-9.48) and Public Access Rule (N.J.A.C. 7:7-16.9), prior to, or concurrent to construction activities, the applicant shall ensure the following public access improvements are constructed within the Town of Kearny and City of Jersey City, Hudson County:
 - a. A six-foot wide sidewalk shall be provided along the south side of the new Wittpenn Bridge, which will extend from the proposed pedestrian facilities constructed at the Newark Avenue/Charlotte Avenue/1&9T intersection in Jersey City to sidewalks constructed along Fish House Road and will provide connectivity across the Hackensack River and connectivity of the waterfronts in Kearny and Jersey City. Full width outer shoulders shall be provided in both directions along the Route 7 corridor to accommodate bicyclists.
 - b. A mid-block crosswalk with pedestrian ramps shall be installed on Fish House Road to provide a safe crossing location for pedestrians to gain access to the Hackensack River waterfront located on the east side of Fish House Road.
 - c. NJDOT shall install underground conduit and junction boxes as part of the proposed project that can be utilized as part of a signalized pedestrian crossing when warranted by pedestrian traffic.
2. In order to protect anadromous fish species within the Hackensack River, no grading, construction or clearing is permitted within the River onsite between March 1st through June 30th of any calendar year. Furthermore, any activity outside the River, which would likely introduce sediment into the river 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 or cofferdams are installed prior to the timing restrictions stated above, construction behind the sediment control structures may proceed during the restricted period.
3. In order to protect migrating and spawning Winter Flounder within the Hackensack no grading, construction or clearing is permitted within near-shore (sub-tidal) waters up to 20 inches in depth, in low to moderate tidal velocity areas, and in waters between 5 - 32 ppt salinities onsite between January 1st through May 31st of any calendar year. Furthermore, any activity outside the River, which would likely introduce sediment into the river 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 or cofferdams are installed prior to the timing restrictions stated above, construction behind the sediment control structures may proceed during the restricted period.
4. 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.

FLOOD HAZARD AREA SPECIAL CONDITIONS

1. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8 without the use of any BMP's. Any future expansion or alteration of the approved site layout and/or land cover 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.
2. 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.
3. 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 and inlets at least four times per year and after every major storm totaling 1 inch of rainfall or more, the inspection and cleaning of any and all mechanical treatment devices in accordance with the Departments certification letters (downloadable at <https://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.
4. Vegetation within 50 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.
5. All riparian zone vegetation that is cleared, cut, and/or removed to conduct a regulated activity, access an area where regulated activities will be conducted, or otherwise accommodate a regulated activity shall be replanted immediately after completion of the regulated activity, unless prevented by seasonal weather, in which case the vegetation shall be replanted as soon as conditions permit. Portions of the riparian zone occupied by an authorized structure need not be replanted. The vegetation to be replanted shall:
 - i. Consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed. For example, herbaceous vegetation may be replaced with the same type of vegetation or with trees, but the trees in forested areas must be replaced with trees of equal or greater density and ecological function and value;

- ii. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops; and
 - iii. In cases where replanting would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements to the extent feasible.
6. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
7. Raw, unset, or tremie concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
8. The riprap proposed within any channel onsite shall be carefully imbedded 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.

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 Division of Land Resource Protection 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 written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
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 the Division of Land Resource Protection at the address listed on page one of this permit.

APPROVED PLAN(S)

The drawing(s) hereby approved consist of one hundred and thirty seven (137) sheet(s) prepared by Eric Boschen of Dewberry Engineers INC, dated 6/18/20, last revised as noted below, and entitled:

“STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, PLANS OF ROUTE 7 HACKENSACK RIVER WITTPENN BRIDGE, NJDEP FLOOD HAZARD AREA PERMIT PLANS, CONTRACT NO. 041068090, CITY OF JERSEY CITY, TOWN OF KEARNY, COUNTY OF HUDSON”

- Title Sheet, sheet 1 of 135;
- “PLAN SHEET INDEX”, sheet 3 of 135, drawing PSI-1/PSI-1, last revised 9/11/20;1
- “FLOOD HAZARD AREA PERMIT PLANS”, sheets 4 through 22 of 135, drawings FHA-1 through FHA-19 of FHA-19, last revised 9/11/20;
- “ROADWAY CROSS SECTIONS”, sheets 23 through 81 of 135, drawings X-1 through X-59 of X-59;
- “TYPICAL SECTIONS”, sheets 82 through 88 of 135, drawings TS-1 through TS-7 of TS-7;
- “PROFILES”, sheets 89 through 101 of 135, drawing P-1 through P-13 of P-13;
- “CONSTRUCTION DETAILS”, sheet 102 of 135, drawing DTL-1 of DTL-1;
- “GENERAL PLAN AND ELEVATION”, sheet 104 of 135;
- “GENERAL PLAN AND ELEVATION I –VI”, sheets 105 through 110 of 135;
- “TYPICAL CROSS-SECTIONS 1-6”, sheets 123 through 128 of 135.

“STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, PLANS OF ROUTE 7 HACKENSACK RIVER WITTPENN BRIDGE, NJDEP WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT PLANS AND WATER QUALITY CERTIFICATE, CONTRACT NO. 041068090, CITY OF JERSEY CITY, TOWN OF KEARNY, COUNTY OF HUDSON”

- Title sheet, sheet 1 of 40;
- “PLAN SHEET INDEX”, sheet 3 of 40, drawing PSI-1 of PSI-1, last revised 9/11/20;
- “WATERFRONT DEVELOPMENT AND INDIVIDUAL WETLAND PERMIT PLAN”, sheets 4 through 23 of 40, drawings WP-1 through WP-20 of WP-20, last revised 9/11/20.

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 www.nj.gov/dep/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 www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Resource Protection at the address listed on page one of this permit. In

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 the Division of Land Resource Protection's Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by
Christopher Jones

Christopher Jones, Manager
Bureau of Urban Growth and Redevelopment
Division of Land Resource Protection

C: Municipal Clerk, Kearny Town, Jersey City
Municipal Construction Official, Kearny Town, Jersey City
Eric Boschen, Dewberry Engineers INC, 200 Broadacres Drive, Suite 410, Bloomfield NJ, 070003