

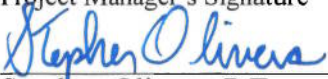


**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

501 East State Street, Station Plaza 5, 2<sup>nd</sup> Floor  
P.O. Box 439, Trenton, New Jersey 08625-0439  
Fax: (609) 777-3656 or (609) 292-8115  
www.state.nj.us/dep/landuse



**PERMIT**

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc."</p>		Approval Date <b>OCT 26 2009</b>
		Expiration Date <b>OCT 26 2014</b>
Permit Number/s 1810-09-0003.1 FHA090001 1810-09-0003.1 FHA090002 1810-09-0003.1 FWW090001 (IP)	Type of Approval/s Flood Hazard Area Verification Flood Hazard Area Individual Permit Freshwater Wetlands Individual Permit	Enabling Statute/s NJSA 13:1D-1 NJSA 58:10A-1 NJSA 13:9B NJSA 58:16A-50, et. seq.
Applicant New Jersey Department of Transportation 1035 Parkway Avenue, P.O. Box 600 Trenton, NJ 08625-0600		Owner (if different from applicant)
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>The construction of the Route 206 By-pass, in the Township of Hillsborough, Somerset County. This permit grants permission to construct five (5) stream crossings: Route 206 By-pass crossing Pike Run Tributary B, Route 206 By-pass crossing Royce Brook Tributary C, Route 206 By-pass crossing Royce Brook, relocated Route 206 crossing Royce Brook Tributary D, and Route 206 By-pass crossing Royce Brook Tributary E; to reconstruct four (4) existing crossings: Hillsborough Road crossing Pike Run Tributary B, Route 206 By-pass crossing Royce Brook Tributary E, proposed Ramp R crossing Royce Brook Tributary D, and a driveway culvert crossing Royce Brook Tributary B1; to construct stormwater outfall structures, construct two (2) utility crossings, construct three (3) detention basins, six (6) bioretention facilities, and install six (6) manufactured treatment devices. A Freshwater Wetlands Statewide Individual Permit authorizes the disturbance of a maximum of 4.338 acres of wetlands (3.785 permanent impacts, 0.553 acres of temporary impacts to be restored to pre-existing conditions), 12.879 acres of transition areas (10.989 acres of permanent impacts, 1.890 acres of temporary impacts to be restored to pre-existing conditions), 0.536 acres of state open water (0.315 permanent impacts, 0.221 acres temporary impacts to be restored to pre-existing condition) for a total disturbance of 17.753 acres of freshwater wetlands, transition area, and state open water.</p>		
Project Location Route 206 By-Pass from Old Somerville Road to Mountain View Road Township of Hillsborough Somerset County		Received by County Clerk
Project Manager's Signature  Stephen Olivera, P.E. Telephone: (609) 777-0454 Email: Stephen.Olivera@dep.state.nj.us		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**STANDARD CONDITIONS:**

1. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
2. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
3. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
4. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** 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 new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **Duty to minimize environmental impacts:** The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses

caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.

10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit 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. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the general permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
  - i. 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;
  - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
  - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
  - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
  - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;

- iii. Noncompliance: The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter; and
  - iv. Other information: 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.
17. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

#### **SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:**

18. The granting of this authorization shall not be construed in any way to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
19. In order to protect the FW2-NT Royce Brook, Royce Brook Tributary B, Royce Brook Tributary C, Royce Brook Tributary D, Royce Brook Tributary E, Pike Run, and Pike Run Tributary B, no construction, excavation, filling or grading, is permitted within the channel between **May 1 to June 30**. Furthermore, no construction, excavation, filling or grading is permitted in the riparian zone unless the applicant demonstrates that appropriate soil erosion control measures are in place that prevent sediment from reaching the channel. All proposed measures shall meet the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition. If a cofferdam is installed prior to the timing restriction, construction, excavation, filling or grading within the channel of Royce Brook, Royce Brook Tributary B, Royce Brook Tributary C, Royce Brook Tributary D, Royce Brook Tributary E, Pike Run, and Pike Run Tributary B is permitted within confines of the cofferdam during this restricted period.
20. In order to protect wood turtle habitat within and adjacent to Royce Brook and Royce Brook Tributary B, the following timing restrictions shall apply:
  - a. In-stream work (including stream bank excavation): In order to prevent adverse impacts to hibernating turtles, no site preparation, disturbance, grading, clearing or construction activity is permitted within the banks of the referenced watercourse between **November 1 and April 1** of the calendar year. If a cofferdam is proposed to completely enclose the work area, work may occur during this restricted period provided the coffer dam installation is completed prior to November 1 and thereafter completely precludes turtles

from accessing the work area to rest or hibernate. This must include appropriate bank-side fencing to preclude terrestrial access to the coffer dam work area. Immediately after installation, a Department approved herpetologist must thoroughly inspect the enclosed area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (contact Brian Zarate at (908) 638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the coffer dammed work area.

- b. Wetlands/Transition Area/Riparian Zone work: In order to prevent adverse impacts to wood turtles or their resting, breeding or foraging habitats within the regulated areas (Freshwater Wetlands/Transition Areas/Riparian Zone) associated with the referenced watercourses, no authorized activities may commence from **April 1 through May 30 and September 1 through November 15** of the calendar year unless the following measures have been taken. Prior to the commencement of site preparation, disturbance, grading, clearing or construction activity the permittee shall erect a silt/debris fence around the footprint of all proposed activities (temporary and permanent) sufficient to exclude small wildlife species, and specifically wood turtle, from entering the proposed construction area. Immediately thereafter, a Department approved herpetologist must thoroughly inspect the fenced-in work area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (contact Brian Zarate at (908) 638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area. The fence must be monitored weekly and maintained until project completion. The Department reserves the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
21. In order to protect potential summer habitat for the federally listed Indiana bat (*Myotis sodalists*), no tree clearing is permitted from **April 1 to September 20**. In addition, reforestation plans for the site shall include planting of suitable roost tree species for the Indiana bat.
22. 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.
23. 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.
24. Vegetation within 150 feet of the top of the bank of Royce Brook, Royce Brook Tributary B, Royce Brook Tributary C, Royce Brook Tributary D and Royce Brook Tributary E shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 150 feet of the top of any stream bank onsite shall be disturbed for any reason.

25. Vegetation within 50 feet of the top of the bank of Pike Run and Pike Run Tributary B shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason.
26. Upon completion of the project, all temporarily disturbed areas within 50 feet or 150 feet (in accordance with Conditions 24 and 25 of this permit) of the top of any stream bank onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 10.2(u).
27. All temporary disturbances must be permanently discontinued within six months after they are begun and all temporary disturbed areas must be restored to their original condition.
28. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any regulated flood hazard areas, 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.
29. The riprap proposed within each channel shall be carefully embedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, any void spaces within the riprap shall be filled with native substrate from the channel. No extraneous riprap is allowable.
30. **Construction activities shall not commence on Lot 1 of Block 153.06 prior to receiving State House Commission approval for a diversion of use on this Green Acres encumbered parcel.**
31. **An application for Project Authorization must be submitted to the Historic Preservation Office prior to the bidding of the project contract (Contract B).**
32. 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.
33. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
34. **Prior to the start of construction or site preparation, the permittee must submit to the Department a letter from the NJDOT's Division of Maintenance acknowledging its intent to honor its requirement to maintain each stormwater BMP approved under this permit, as shown on the approved plan, in accordance with Condition 33 of this permit. Failure of the NJDOT**

to honor its commitment shall result in an Enforcement action by the NJDEP's Bureau of Coastal and Land Use Enforcement against the NJDOT. The permittee shall forward this letter of intent to the project manager listed on the first page of this permit.

35. Prior to the start of any construction onsite, the applicant/owner shall sign a Department approved conservation restriction to guarantee the continued maintenance of the proposed nonstructural BMP's (the reforestation areas onsite), and protect them from degradation or removal. This restriction shall be included in the deed of the property and shall be recorded with the local County Clerk (the registrar of deeds and mortgages). This restriction shall run with the land and be binding upon all successive owners, and all land surveys of the property shall show the protected areas onsite. This restriction shall conform to the format and content of the model Grant of Conservation Restriction/Easement (Stormwater Management Strategies Protection Area), downloadable at [www.nj.gov/dep/landuse/forms/index.html#6](http://www.nj.gov/dep/landuse/forms/index.html#6). Please submit a copy of the draft restriction to Stephen Olivera of this office for review prior to recording, as well as the final restriction once filed. Regulated activities shall not commence onsite until the permittee has submitted adequate proof that this restriction has been recorded as required above and has received written confirmation of the same from the Department.
36. **Prior to construction**, the applicant shall submit details of the proposed utility line crossings and signed and sealed copies of the landscaping plan for each bioretention BMP.
37. **This permit does not authorize the construction of the alternate 9.1-meter arch culvert crossing the Royce Brook Tributary C.**
38. This Permit verifies the flood hazard area design flood elevation and riparian zone limits onsite as shown on the approved plans. **This verification does not approve the floodway lines shown on the approved plans.** A flood hazard area permit is required prior to undertaking any regulated activity within the verified flood hazard area or riparian zone onsite that is not covered under this permit. Please note that regulated activities may be prohibited or restricted within the riparian zone onsite. Regulated activities are defined in the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.4.
39. **Provisions of the Freshwater Wetlands Individual Permit**

Under cover of a Freshwater Wetlands Individual Permit, this portion of the permit authorizes the disturbance of a maximum of 4.338 acres of wetlands (3.785 acres of permanent impacts, 0.553 acres of temporary impacts to be restored to pre-existing conditions), 12.879 acres of transition areas (10.989 acres of permanent impacts, 1.890 acres of temporary impacts to be restored to pre-existing conditions), 0.536 acres of state open water (0.315 acres of permanent impacts, 0.221 acres of temporary impacts to be restored to pre-existing condition) for a total disturbance of 17.753 acres of freshwater wetlands, transition area, and state open water for the purpose of constructing the Route 260 Bypass between Old Somerville Road and Mountain View Road in Hillsborough Township. Any additional disturbance of freshwater wetlands, state open waters or transition areas shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation. In addition, this

permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

FRESHWATER MITIGATION PERMIT CONDITIONS:

Failure to comply with the standards herein constitutes a violation of the Freshwater Wetlands Protection Act and subjects the permittee to appropriate enforcement action and/or suspension or revocation of the permit.

Mitigation for the permanent loss of 3.785 acres of freshwater wetlands has been provided in excess through the preservation of a 136.1 acre Land Donation that was approved by the Wetland Mitigation Council at the September 14, 2009 meeting. At a 27:1 ratio, the impact to 3.785 acres of freshwater wetlands and State open waters would require the preservation of 102.195 acres of land. Since 136.1 acres are being preserved, the NJDOT has a credit of 33.91 acres of land preserved which is equal to 1.26 acres of credit within Watershed Management Area 10. The NJDOT must satisfy all conditions (conservation restriction, certification that site is free of contamination, has clear title and taxes paid, complete the donation to The Natural Lands Trust etc.) imposed by the Wetland Mitigation Council within the resolution memorializing the September 14, 2009 approval scheduled to be signed at the next Wetland Mitigation Council meeting on December 3, 2009.

1. Mitigate for the permanent loss of 0.324 acres of State open waters through an onsite or off-site mitigation project.
2. **The mitigation project must be conducted prior to or concurrent with the construction of the approved project.** 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. For example, when the project is 50 percent completed, the mitigation project cannot be less than 50 percent completed.
3. At least **90 days prior to the initiation of the regulated activities authorized by this permit**, for an on-site or off-site individual mitigation project, the permittee must submit a mitigation proposal to the Division of Land Use Regulation (Division) for review and approval. The mitigation proposal must include the creation, restoration and/or enhancement of an area of State open waters of equal ecological value to those that will be lost by the authorized activity. This proposal must include a proposed construction schedule for the mitigation project. **Prior to commencement of regulated activities authorized by this permit, the Division must approve of the proposed mitigation project in writing.** Failure to comply with this condition will subject the permittee to appropriate enforcement action.
4. If the permittee is proposing to construct a State open water creation or restoration project, one acre of creation or restoration must be performed for each acre disturbed.
5. In the event that there is a conflict between the permit conditions and the approved mitigation plans and proposal, the permit conditions take precedent.



6. This permit is not effective until the permittee has completed, signed and filed 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 15.14. The conservation restriction shall 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 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, within 10 days of approval of the final wetland mitigation proposal. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Division for verification.
7. At least thirty (30) days in advance of the start of construction of the State open water mitigation project, the permittee shall notify the Division, in writing, for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Division.
8. The mitigation designer must be present on-site during critical stages of construction of the mitigation project.
9. The permittee shall assume all liability for accomplishing corrective work should the Division determine that the compensatory mitigation has not been 100% successful. This responsibility is incumbent upon the permittee until such time that the Division makes the finding that the mitigation project is successful.
10. Within 30 days following completion 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. The Construction Completion Report shall contain, at a minimum, the following information:
  - a. A completed Wetland Mitigation Project Completion of Construction Form. This form is located on the Internet 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 State open water mitigation has been accomplished;
  - b. As-Built plans which depict final grade elevations at one foot contours.
  - c. Show on the as-built plans that the boundaries of the State open water mitigation area have been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface. The stakes must remain on the site for the entire monitoring period;
  - d. Photos of the constructed mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
  - e. The permittee shall post the mitigation area with permanent sign(s), which identify the site as a mitigation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials of the property is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law;

- f. The signs must also state the name of the permittee, Department's permit number along with a contact name and phone number.
11. If the Division determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Division until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan, all soil has been stabilized and there is no active erosion.
  12. The permittee shall monitor the mitigation project for 5 full growing seasons if it is a proposed forested or scrub/shrub wetland and 3 full growing seasons for an emergent wetland or State open water beginning the year 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. All monitoring reports must include the standard items identified in the checklists entitled Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist and the information requested below. The Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist are located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>.
  13. All monitoring reports must include all of the following information:
    - a. All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the mitigation project, as stated in the approved mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed;
    - b. All monitoring reports except the final one must include documentation of any invasive or noxious species (see below for list of species) colonizing the site and how they are being eliminated. The permittee is required to eliminate either through hand-pulling, application of a herbicide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period;
    - c. All monitoring reports except the final one must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed;
    - d. The final monitoring report must include documentation to demonstrate that the goals of the mitigation project, as stated in the approved mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);

- e. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period; and
14. 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:
    - a. That the goals of the mitigation project including acreage, as stated in the approved mitigation proposal and the permit, has been satisfied. The permittee must 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;
    - b. The site contains hydric soils or there is evidence of reduction occurring in the soil.
  15. If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan in order to meet the success criteria. The plan shall be submitted within 30 days of receipt of the letter from the Division indicating the mitigation project was a failure.
  16. If the permittee fails to perform mitigation within the applicable time period the acreage of mitigation required shall be increased by 20% each year after the date mitigation was to begin.

#### RIPARIAN ZONE COMPENSATION CONDITIONS:

1. Compensate for the permanent loss of 4.15 acres of forested, 0.76 acres of scrub/shrub, 0.64 acres of herbaceous and 1.31 acres of grassed riparian zones at a ratio of at least 2:1. Within 90 days of the date of issuance of this permit, the permittee must submit a plan to compensate for all Riparian zone Impacts. Please include all seed mixes proposed to be used within compensation areas as well as the type, size and proposed spacing of the trees and shrubs being planted. In addition, please specify how predation and invasive species will be addressed through the monitoring period. The Department understands that some temporary impacts may be included in these permanent impact numbers, for example scrub/shrub areas being converted to grass were counted as permanent impacts. Therefore some of these impacts may require a 1:1 compensation ratio instead of a 2:1 ratio. The permittee has agreed to identify and quantify these areas on the required compensation plan.
2. **The compensation project must be conducted prior to or concurrent with the construction of the approved project.** 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. For example, when the project is 50 percent completed, the compensation project cannot be less than 50 percent completed.

3. Temporary impacts to all grassed and active (within the last 5 years) agricultural fields within the riparian zone must be restored immediately following construction at a ratio of at least 1:1, by reseeding these areas with a Department-approved native seed mix.
4. All replanting of vegetation shall be accomplished in accordance with the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13).
5. As per N.J.A.C. 7:13-10.2, all riparian zone compensation for permanent impacts must be deed restricted against future development that would remove the vegetation being planted. The conservation restriction shall conform to the format and content of the Riparian Zone Compensation Area model conservation restriction found 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 compensation project are located, within 10 days of completion of construction of the compensation project. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Department for verification.
6. In the event that there is a conflict between the permit conditions and the approved riparian zone compensation plans and proposal, the permit conditions take precedent.
7. In accordance with N.J.A.C. 7:13-10.2, the permittee shall assume all liability for accomplishing corrective work should the Division determine that the compensatory compensation has not been 100% successful. Remedial work may include but is not limited to re-grading and/or replanting the riparian zone compensation site. This responsibility is incumbent upon the permittee until such time that the Division makes the finding that the riparian zone compensation project is successful.
8. Within 5 days following final grading of the riparian zone compensation site or the temporary restoration area, soil compaction must be eliminated should compaction occur during the construction process due to heavy equipment passing over the soil or similar activities. The compensation design consultant must be present to oversee this phase of the project or confirm with the Division that this activity has occurred prior to planting of the site.
9. As per N.J.A. C. 7:13-10.2, as part of the monitoring requirement for the sites, within 30 days following final planting of the compensation project, the permittee shall submit a Construction Completion report to the Division detailing as-built conditions (see below) and any changes to the approved riparian zone compensation plan that were made during construction. The Construction Completion Report shall contain, at a minimum, the following information:
  - a. Certification that the riparian zone compensation project has been constructed as designed and that the proposed area of compensation has been accomplished;
  - b. 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;
  - c. Photos of the constructed riparian zone compensation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
  - d. The permittee shall post the riparian zone compensation area with permanent sign(s), which identify the site as a riparian zone compensation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials on the

- property is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law;
- e. The signs must also state the name of the permittee, the Department's permit number along with a contact name and phone number.
10. If the Division determines that the riparian zone compensation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected.
  11. As per N.J.A.C. 7:13-10.2, the permittee shall monitor the riparian project for at least three (3) years beginning the year after the riparian zone compensation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation's project manager no later than December 31<sup>st</sup> of each full monitoring year.
  12. All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the riparian zone compensation project, as stated in the approved riparian zone compensation proposal and the permit will be satisfied. If the permittee is finding problems with the compensation project and does not anticipate the site will be a full success, then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed.
  13. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the riparian zone compensation project is either a success or a failure. The final monitoring report must document the following:
    - a. That the goals of the riparian zone compensation project including acreage as stated in the approved riparian zone compensation proposal and the permit has been satisfied.
    - b. The site has an 85 percent survival and 85 percent area coverage of the compensation planting which are species native to the area and similar to ones identified on the compensation planting plan. All plant species in the compensation area are healthy and thriving. All trees are at least 5 feet in height;
    - c. Documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species.

The drawings hereby approved are one hundred forty-four (144) sheets prepared by Dewberry-Goodkind, Inc., undated, certified June 22, 2009, unrevised, unless noted otherwise, and entitled:

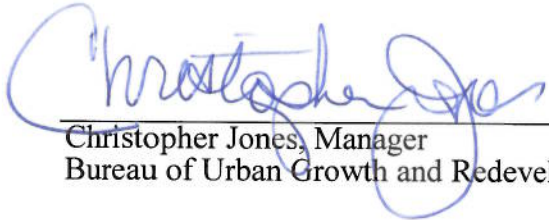
"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE U.S. 206 (1990)  
BYPASS SECTIONS 14A & 15A"

- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 8 of 151, last revised January 10, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 9 - 18 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 19 - 22 of 151, last revised October 8, 2009,

- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 23 - 26 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 27 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 28 - 30 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 31 & 32 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 33 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 34 – 36 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 37 - 46 of 151, unrevised,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 47 & 48 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 49 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 50 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 51 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 52 - 54 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 55 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 56 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 57 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 58 & 59 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 60 - 68 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 69 & 70 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 71 - 73 of 151,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheets 74 of 151, last revised October 8, 2009,
- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 75 of 151,

- NJDEP FLOOD HAZARD AREA PERMIT PLANS, sheet 76 of 151, last revised October 8, 2009,
- FLOOD HAZARD AREA AND FLOODWAY LIMITS PLANS, sheets 77 – 87 of 151,  
“NEW JERSEY DEPARTMENT OF TRANSPORTATION NJDEP FLOOD HAZARD AREA PERMIT APPLICATION ROUTE U.S. 206 (1990) BYPASS SECTIONS 14A & 15A TOWNSHIP OF HILLSBOROUGH COUNTY OF SOMERSET”
- STREAM PROFILES, sheets 88 – 92 of 151,
- STREAM CROSS SECTIONS, sheets 93 – 101 of 151, last revised June 24, 2009,
- STREAM CROSS SECTIONS, sheets 102 – 105 of 151,
- STREAM CROSS SECTIONS, sheet 106 of 151, last revised September 21, 2009,
- STREAM CROSS SECTIONS, sheets 107 – 119 of 151,
- STREAM CROSS SECTIONS, sheets 120 – 123 of 151, each sheet last revised June 24, 2009,  
“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE U.S. 206 (1990) BYPASS SECTIONS 14A & 15A”
- DETAILS AND TYPICAL SECTIONS, sheets 124 – 126 of 151, sheet 124 last revised September 1, 2009,
- STORMWATER BASIN PLAN BASIN NO. 1A & 1B, sheet 127 of 151,
- STORMWATER BASIN PLAN BASIN NO. 2, sheet 128 of 151,
- STORMWATER BASIN PLAN BASIN NO. 3, sheet 129 of 151,
- STORMWATER BASIN PLAN BASIN NO. 4, sheet 130 of 151,
- STORMWATER BASIN PLAN BASIN NO. 5, sheet 131 of 151,
- STORMWATER BASIN PLAN BASIN NO. 6, sheet 132 of 151,
- STORMWATER BASIN PLAN BASIN NO. 7, sheet 133 of 151,
- STORMWATER BASIN PLAN BASIN NO. 8, sheet 134 of 151,
- EXISTING BASIN AT RAIDER BOULEVARD, sheet 135 of 151,
- PIKE RUN TRIB. B CULVERT GENERAL PLAN AND ELEVATION, sheet 136 of 151,
- ROYCE BROOK TRIB. C CULVERT GENERAL PLAN AND SECTION, sheet 137 of 151,

- ROYCE BROOK BRIDGE GENERAL PLAN AND ELEVATION, sheet 138 of 151,
- ROYCE BROOK TRIB. B BRIDGE GENERAL PLAN AND ELEVATION, sheet 139 of 151,
- ROADWAY CROSS SECTIONS, sheets 140 -151 of 151.

  
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Christopher Jones, Manager  
Bureau of Urban Growth and Redevelopment

  
\_\_\_\_\_  
Date





## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
GOVERNOR

MARK N. MAURIELLO  
ACTING COMMISSIONER

Division of Land Use Regulation  
P.O.Box 439, Trenton, NJ 08625-0439  
Tel: (609) 777-0454 Fax: (609) 777-3656  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

November 16, 2009

Mr. Joseph Sweger  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton, NJ 08625-0600

Re: Flood Hazard Area Individual Permit and Freshwater Wetlands Individual Permit  
Permit No. 1810-09-0003.1 FHA090001/2, FWW090001  
Applicant: NJDOT  
Project: Route 206 By-pass  
Hillsborough Township; Somerset County

Dear Mr. Sweger:

This letter serves to amend the approved Flood Hazard Area Individual Permit and Freshwater Wetlands Individual Permit. In addition to the drawings approved in the original permit, the drawings hereby approved are one hundred and fifty seven (157) drawings referenced as *Route U.S. 206 (1990) Bypass Section 14A & 15A; from the vicinity of Existing Route U.S. 206 Over Pike Run To Triangle Road Extension; Contract No. 062960597, prepared by Dewberry-Goodkind, Inc., dated March 18, 2009, revised September 18, 2009.* All terms and conditions of the original permit remain in effect.

Please attach this letter to the approved permit. Please contact Stephen Olivera, P.E., at (609) 777-0454, or by email at [Stephen.Olivera@dep.state.nj.us](mailto:Stephen.Olivera@dep.state.nj.us), if you have any questions.

Sincerely,

Charles Welch  
Supervisor  
Bureau of Urban Growth and Redevelopment

c: Enforcement  
Municipal Construction Official



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation  
P.O. Box 439

Trenton, New Jersey, 08625  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

May 18, 2010

Ms. Janet Fittipaldi  
New Jersey Department of Transportation  
1035 Parkway Avenue, P.O. Box 600  
Trenton, NJ 08625-0600

Re: Correction Letter for Approved Flood Hazard Area/Freshwater Wetlands Permit  
File Number: 1810-09-0003.1 FHA090001, FHA090002, FWW090001  
Applicant: NJDOT  
Route 206 Bypass from Farm Road to Mountain View Road  
Township of Hillsborough, Somerset County

Dear Ms. Fittipaldi:

This letter serves to amend the referenced approved Flood Hazard Area and Freshwater Wetlands Permit. The Description of Authorized Activities and Limit of Disturbance within the above-referenced permit contained a typographical error.

Per this letter the error is being corrected and The Description of Authorized Activities and Limit of Disturbance should read as follows:

The construction of the Route 206 By-pass, in the Township of Hillsborough, Somerset County. This permit grants permission to construct five (5) stream crossings: Route 206 By-pass crossing Pike Run Tributary B, Route 206 By-pass crossing Royce Brook Tributary C, Route 206 By-pass crossing Royce Brook, relocated Route 206 crossing Royce Brook Tributary D, and Route 206 By-pass crossing Royce Brook Tributary E; to reconstruct four (4) existing crossings: Hillsborough Road crossing Pike Run Tributary B, Route 206 By-pass crossing **Royce Brook Tributary B**, proposed Ramp R crossing Royce Brook Tributary D, and a driveway culvert crossing Royce Brook Tributary B1; to construct stormwater outfall structures, construct two (2) utility crossings, construct three (3) detention basins, six (6) bioretention facilities, and install six (6) manufactured treatment devices. A Freshwater Wetlands Statewide Individual Permit authorizes the disturbance of a maximum of 4.338 acres of wetlands (3.785 permanent impacts, 0.553 acres of temporary impacts to be restored to pre-existing conditions), 12.879 acres of transition areas (10.989 acres of permanent impacts, 1.890 acres of temporary impacts to be restored to pre-existing conditions), 0.536

acres of state open water (0.315 permanent impacts, 0.221 acres temporary impacts to be restored to pre-existing condition) for a total disturbance of 17.753 acres of freshwater wetlands, transition area, and state open water.

If you have any questions regarding this authorization, please contact me in writing at the above address, by e-mail at [charlie.welch@dep.state.nj.us](mailto:charlie.welch@dep.state.nj.us) or by telephone at (609) 777-0454. Please reference the above file number in any communication.

Sincerely,



Charlie Welch, Supervisor  
Bureau of Urban Growth & Redevelopment  
Division of Land Use Regulation

c: Municipal Construction Official



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation  
P.O. Box 439

Trenton, New Jersey, 08625  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

May 28, 2010

Ms. Janet Fittipaldi  
New Jersey Department of Transportation  
1035 Parkway Avenue, P.O. Box 600  
Trenton, NJ 08625-0600

Re: Correction Letter for Approved Flood Hazard Area/Freshwater Wetlands Permit  
File Number: 1810-09-0003.1 FHA090001, FHA090002, FWW090001  
Permittee: NJDOT  
Route 206 Bypass from Farm Road to Mountain View Road  
Township of Hillsborough, Somerset County

Dear Ms. Fittipaldi:

This letter serves to amend the referenced approved Flood Hazard Area and Freshwater Wetlands Permit. Condition number 37 within the above-referenced permit reads as follows:

“This permit does not authorize the construction of the alternate 9.1-meter arch culvert crossing the Royce Brook Tributary C.”

Per this letter, Condition number 37 has been removed from the permit. This is because the construction of the alternate 9.1-meter arch culvert would not have an impact on watercourse hydraulics. Therefore, it is allowable.

Please attach this letter to the approved permit. If you have any questions please contact Stephen Olivera, P.E., at (609) 292-0060 or by email at [Stephen.Olivera@dep.state.nj.us](mailto:Stephen.Olivera@dep.state.nj.us).

Sincerely,

Peter DeMeo, P.E., Supervisor  
Bureau of Urban Growth & Redevelopment  
Division of Land Use Regulation

c: Municipal Construction Official