



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT**
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date October 18, 2023
		Expiration Date October 17, 2028
Permit Number(s): 1300-23-0003.1 LUP230001	Type of Approval(s): Flood Hazard Area Individual Permit Freshwater Wetlands General Permit 10B Freshwater Wetlands General Permit 11 Transition Area Waiver - Special Activity Linear Dev. Transition Area Waiver - Special Activity Stormwater Water Quality Certificate	Governing Rule(s): N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
Permittee: New Jersey Department of Transportation c/o John Mikusa 1035 Parkway Avenue Trenton, NJ 08625	Site Location: Route 66 Milepost 0.74 to 2.62 Townships of Ocean and Neptune, Borough of Tinton Falls Monmouth County	
Description of Authorized Activities: <p>This document authorizes the widening of Route 66 between Mileposts 0.74 and 2.62 and associated intersection, access, and stormwater management improvements within the flood hazard areas of Jumping Brook and Betty Brook, within the Townships of Ocean and Neptune and the Borough of Tinton Falls, Monmouth County. The document also includes Freshwater Wetlands General Permits 10B and 11 and Transition Area Waivers for Special Activities of Linear Development and Stormwater.</p> <p>This authorization to conduct activities in wetlands and/or waters includes the issuance of a Water Quality Certificate.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the Flood Hazard Area Control Act rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		
Prepared by: Michael Sheehan	Received and/or Recorded by County Clerk:	
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		
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. 7:13-24 and/or N.J.A.C. 7:7A-22.

FWW GP10B Minor Road Crossings	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.07	0.02
Transition areas	0.08	0.06
State open waters	0.01	0

FWW GP11 Outfalls/Intake Structures	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.02	0.01
Transition areas	0	0
State open waters	0.01	0

TAW - Special Activity Stormwater	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Transition areas	0.16	0

TAW - Special Activity Linear Development	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Transition areas	1.09	0.20

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.17
Temporary Disturbed (Not Calculated)	0.319

PRE-CONSTRUCTION CONDITIONS:

1. **Timing:** If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee shall comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then the permittee shall comply with such condition(s) within six months of the effective date of the permit, or provide evidence satisfactory to the Division that such condition(s) cannot be satisfied.

2. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.

SPECIAL CONDITIONS:

1. To avoid impacts to Northern Long-eared Bat (federally listed), Tricolored Bat (proposed federal listing), as well as nesting migratory bird species, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from April 1 through September 30 of each calendar year.
2. To protect General Game Species within the Bety's Brook and Jumping Brook from sediment generating activities, special caution shall be taken for any grading, excavation, or construction activities near the banks of the channel between May 1 thru June 30 of each year. In addition, any activity within the flood hazard area or riparian zone of this watercourse which does not minimize the introduction of sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity, is also prohibited anytime but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional measures are required to protect State-regulated resources, or 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.
3. 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.
4. All excavated and dredged material must be disposed of in a lawful manner outside of any flood hazard area, riparian zone, open water, freshwater wetland, and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
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. The Department has determined that this project is eligible for the linear development waiver of the Stormwater Management rules at N.J.A.C. 7:8-5.2(e). Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved green infrastructure best management practices, shall be reviewed and approved by the Department by obtaining a modification or new permit as appropriate prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.
7. The 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 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.

8. The Department has determined that the riparian zones onsite along the regulated waterways are 50-ft. Therefore, vegetation within 50-ft. from the top of banks associated with the watercourses onsite shall only be disturbed in the areas specifically shown on the approved drawings. Upon completion of the project, all temporarily disturbed areas, shall be restored, and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z).
9. The permittee shall ensure that a low-flow channel is maintained throughout and after construction, and that no restriction of flow occurs because of the project. To reestablish low-flow aquatic passage, natural stream bed material shall be stockpiled for the restoration of the channel. Riprap material shall be carefully embedded into the channel substrate to mimic the original physical characteristics of the channel and any void spaces shall be filled with native channel substrate. All temporarily disturbed areas shall be immediately restored to replicate pre-construction conditions of the channel such as shape, width, thalweg, meander, ratio of shallow areas to deep areas, anticipated flow rate and velocity, and substrate type.
10. In order to minimize turbidity downstream of the project area and to maintain the water quality of all applicable water course. Construction activities within the channel may only be performed in the dry or dewatered conditions. Any water pumped during dewatering or hydrostatic testing shall be discharged outside of regulated areas through a properly sized filter bag, or to a well vegetated upland area, or into a Soil Conservation District approved settling basin. Inflow waters shall be diverted downstream to maintain stream flow. The diverted waters shall be free of sediment and the area around the pump shall be screened to prevent entrainment of fish and other aquatic organisms.
11. The permittee shall prevent unset or raw concrete from encountering the waters of the channel(s) during all construction activities onsite; raw concrete is toxic to aquatic biota.
12. This authorization for a Flood Hazard Area permit does not grant permission to impact any freshwater wetlands, transition areas, or State open waters onsite. The permittee shall obtain appropriate Department-approved Freshwater Wetlands permit / waivers prior to the start of any regulated activities within these areas. Any disturbances to freshwater wetlands, transition area, or State open waters prior to obtaining the appropriate freshwater wetland permits from the Division of Land Resource Protection shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.).
13. This authorization is based upon a Letter of Interpretation Line Verification to be issued under separate cover by the Division of Land Resource Protection under File **1300-23-0003.1** and Activity **FWW230001**.
14. All authorized freshwater wetland and transition area vegetation within the project limit shall only be disturbed in the areas specifically shown on the approved drawings and upon completion of the project, all temporarily disturbed areas shall be replanted with native, non-invasive vegetation appropriate for the hydrologic conditions of the area.
15. Any pipes laid through freshwater wetlands, transition areas, or State open waters which have been authorized by a Department permit shall be properly sealed to prevent leaking or infiltration and designed to not form a path for groundwater to be discharged or drained from the freshwater wetland. Pipes and backfilled materials shall be placed entirely beneath the preexisting ground elevation.

16. The permittee shall take all measures necessary to ensure the authorized activities do not alter or interfere with the natural hydrology of the area.

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 the permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - 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.
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:
 - a. 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;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - 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; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.

20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management at the address listed on page one of this permit.

APPROVED PLANS:

The drawings hereby approved consist of eighty-three (83) sheets prepared by Taylor Wiseman & Taylor, dated October 2023, unrevised, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 66, JUMPING BROOK ROAD TO BOWNE ROAD/WAYSIDE ROAD,”

- “KEY MAP,” sheet 1 of 64,
- “PERMIT IMPACT TABULATION,” sheet 3 of 64
- “FLOOD HAZARD AREA PERMIT PLAN,” sheets 4 to 20 of 64,
- “CONSTRUCTION DETAILS,” sheets 38 and 39 of 64,
- “DRAINAGE & UTILITY PLAN,” sheets 40 to 59 of 64,
- “BASIN 1 EXHIBIT,” sheet 60 of 64,
- “BASIN 2 EXHIBIT,” sheet 61 of 64,
- “BASIN 3 EXHIBIT,” sheet 62 of 64,
- “BASIN 4 & 5 EXHIBIT,” sheet 63 of 64,

- “FILTER STRIP EXHIBIT,” sheet 64 of 64,
- “KEY MAP,” sheet 1 of 39,
- “PERMIT PLAN SHEET INDEX,” sheet 2 of 39,
- “PERMIT IMPACT TABULATION,” sheet 3 of 39,
- “FRESHWATER WETLANDS PERMIT PLAN,” sheets 4 to 20 of 39, and,
- “EXISTING CONDITIONS PLAN,” sheets 21 to 37 of 39.

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 Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management’s Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by
Damian T. Friebel
Date: 2023.10.18
15:05:43 -04'00'

Damian T. Friebel, P.E., Supervisor
Watershed & Land Management

- c: Sandra Blick, NJDOT
Township of Ocean Municipal Clerk
Township of Neptune Municipal Clerk
Borough of Tinton Falls Municipal Clerk

From: [Kosowski, Brett \[DEP\]](#)
To: [Ferris, Ariela \[DOT\]](#)
Cc: [Mikusa, John P. \[DOT\]](#); [Fairfax, Brenna \[DOT\]](#); [Bryan VanderGheynst](#); [Squazzo, Chris \[DEP\]](#)
Subject: RE: LU eSubmission Final Decision... PI #:1300-23-0003.1 - RT 66 MM 0.74 TO MM 2.62 - LUP230001
Date: Tuesday, November 21, 2023 4:36:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
Importance: High

Hello,

Regarding the freshwater wetland impact statement table found on permit page #2 (cited below), and associated with the issued permit referenced as:

- **NJDEP DLRP PI # 1300-23-0003.1-LUP230001.**

The NJDEP - Division of Land Resource Protection (DLRP) has **amended** the impact table to correct both FWGP10B and FWGP11 impacts below:

STATEMENT OF AUTHORIZED IMPACTS (AMENDED):

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-24 and/or N.J.A.C. 7:7A-22.

FWW GP11 Outfalls/Intake Structures	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.07	0.02
Transition areas	0.08	0.06
State open waters	0.01	0

FWW GP10B Minor Road Crossing	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.02	0.01
Transition areas	0	0
State open waters	0.01	0

Therefore, please be advised the new/updated freshwater wetland impacts have replaced the 'original' permit impacts for both FWGP10B and FWGP11. Please append this email to your issued permit. In addition, all other permit requirement and conditions remain affective. If you have and questions and/or comments, please contact me directly at Brett.Kosowski@dep.nj.gov. Thank you.

Sincerely,

Brett N. Kosowski