




**STATE OF NEW JERSEY**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVISION OF LAND USE REGULATION**  
 Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
 Telephone: (609) 777-0454 or Fax: (609) 777-3656  
 www.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." 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 <b>MAR 13 2018</b>
		Expiration Date <b>MAR 12 2023</b>
<b>Permit Number(s):</b>  2104-04-0002.2 FHA170001 2104-04-0002.2 FWW170001	<b>Type of Approval(s):</b>  Flood Hazard Area General Permit 10 Freshwater Wetlands General Permit 10B	<b>Enabling Statute(s):</b>  NJSA 58:16A-50 NJSA 58:10A NJSA 13:1D-29 NJSA 13:1D-1 NJSA 13:9B-1
<b>Permittee:</b>  New Jersey Department of Transportation Attn: Zakrollah Asadpour 1035 Parkway Ave Trenton, NJ 08625	<b>Site Location:</b>  Block(s) & Lot(s): [N/A, N/A] Municipality: Blairstown Township County: Warren	
<b>Description of Authorized Activities:</b>  This permit authorizes the replacement of the superstructure of the Route 94 Bridge over Paulins Kill and the substructure repair of said bridge, in the township of Blairstown, Warren County, New Jersey, as shown on the plans referenced on the last page of this permit.		
<b>Prepared by:</b>  Christian Zografos	<b>Received and/or Recorded by</b> <b>County Clerk:</b>	
If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the permit and all conditions therein.		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**FLOOD HAZARD SPECIAL CONDITIONS:**

1. 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.
2. All riparian zone vegetation that is temporarily 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. The vegetation to be replanted shall:
  - a. 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;
  - b. 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
  - c. 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.
3. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed project for compliance with these rules.
4. 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.
5. 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.
6. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
7. In order to protect stocked trout within the Paulins Kill River, no grading, construction or clearing is permitted within any watercourse onsite between April 1st and June 15th. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition. If coffer dams or other water isolation measures are constructed prior to the timing restrictions stated above, construction within the cofferdams may proceed during the restricted period.

8. Vegetation within 150 feet of the top of the banks shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 150 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.
9. Upon completion of the project, all temporarily disturbed areas within 150 feet 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. 11.2(z).
10. This permit authorizes the temporary disturbance of approximately 426 square feet (0.010 of an acre) to shrub/scrub riparian zone vegetation for the installation of cofferdams associated with the repair and strengthening of piers and abutments of the Route 94 Bridge over the Paulins Kill River in Blairstown Township, Warren County.

#### **FRESHWATER WETLANDS SPECIAL CONDITIONS:**

1. This Freshwater Wetlands General Permit 10B authorizes the temporary disturbance of 0.046 acres of State open waters, 0.026 acres of freshwater wetlands, and 0.034 acres of transition area, as well as the permanent disturbance of 0.034 acres of wetlands transition area for the reconstruction of the Route 94 Bridge over Paulins Kill River, in Blairstown Township, Warren County. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area waiver which allows encroachment only in that portion of the transition area which has been determined by the Department to be necessary to accomplish the authorized activities.

#### **THREATENED AND ENDANGERED SPECIES CONDITIONS:**

1. In order to protect triangle floater and eastern lampmussel and their habitat within and immediately downstream of the project site, no site preparation, clearing, grading or disturbance may occur between the dates of April 1 and September 30 of the calendar year, unless otherwise approved by the division of Fish and Wildlife's Endangered and Nongame Species Program.
2. The applicant must ensure that any wet paint or stain associated with the proposed bridge improvements does not come into contact with the waterway. Any additional toxics added to the water will result in adverse impacts freshwater mussels.
3. Prior to the commencement of work, the applicant must develop and submit for review and approval a proposed impact avoidance plan designed to protect all mussel species which occur both in the immediate vicinity of the Route 94 bridge as well as downstream of the project site.

The plan should include best management plans (BMP's) such as use of appropriate timing restrictions, coffer dams, sediment barriers or silt curtains, and controls over alterations to water pH within the project area which will be employed prior to, during, and following implementation of the activities authorized. Details regarding the contents and objectives of the impact avoidance plan should be coordinated with the Division of Fish and Wildlife, Endangered and Nongame Species Program (contact: Jeanette Bowers-Altman, 856-629-0261) prior to its being submitted to the Division of Land Use Regulation's Threatened and Endangered Species Unit for review and written approval.

If impact avoidance is not feasible and all project minimizations, redesign or avoidance alternatives have been exhausted, the impact avoidance plan may consider mussel relocation

(especially for individuals occurring within the area of direct impact). If a relocation plan is required, details regarding the proposed relocation site downstream, including justification of habitat suitability, must be given and pictures of the intended relocation site must be provided. A monitoring plan must also be submitted with the proposed relocation plan. **No relocation work or project work (site preparation, clearing, grading or disturbance associated with the authorized project) may commence until the impact avoidance plan is approved in writing by both the Endangered and Nongame Species Program (contact: Jeanette Bowers-Altman, 856-629-0261) and the Division of Land Use Regulation's Threatened and Endangered Species Unit (contact: Christina Albizati, 609-292-1263).**

#### **STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.

8. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
9. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
11. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.
12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
13. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
14. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, the permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth in the rules.
15. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
16. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
17. A permit shall be transferred to another person only in accordance with the regulations.
18. A permit can be suspended or terminated by the Department for cause.

19. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
20. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
21. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
22. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
23. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

**APPROVED PLANS:**

The drawings hereby approved are twelve (12) sheets, prepared by DEWBERRY ENGINEER, INC., dated December 6, 2017 unrevised, unless noted otherwise and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, NJ ROUTE 94 BRIDGE OVER PAULINS KILL, CONTRACT NO. 009083040”

- “TITLE SHEET”, sheet no. 1 of 14,
- “FLOOD HAZARD AREA PERMIT PLAN - 1” sheet no. 3 of 14,
- “FLOOD HAZARD AREA PERMIT PLAN - 2” sheet no. 4 of 14,
- “FRESHWATER WETLANDS PERMIT PLAN - 1”, sheet no. 5 of 14,
- “FRESHWATER WETLANDS PERMIT PLAN - 2”, sheet no. 6 of 14,
- “TYPICAL SECTIONS” sheet nos. 7 & 8 of 14,
- “CONSTRUCTION PLAN” sheet nos. 9 & 10 of 14,
- “PROFILE” sheet no. 11 of 14,
- “GENERAL PLAN & ELEVATION” sheet no. 12 of 14,
- “ENVIRONMENTAL RESTORATION PLAN”, sheet no. 14 of 14.

**RIGHT TO APPEAL:**

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within 30 calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Adjudicatory Hearing Request form. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the form is available through the Division's website at [http://www.nj.gov/dep/landuse/download/lur\\_024.pdf](http://www.nj.gov/dep/landuse/download/lur_024.pdf). In addition to requesting a hearing, a request may be filed with the Department's Office of Dispute Resolution to determine whether the matter is suitable for mediation. Information concerning the dispute resolution process is available at [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr).

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:

*Stephen Olivera*

Stephen Olivera  
Environmental Engineer 3  
Division of Land Use Regulation

*3/13/18*

Date

Original sent to Agent  
c: Permittee  
Construction Official

