

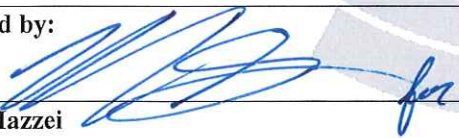


**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.nj.gov/dep/landuse



**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>FEB 22 2019</b>
		Expiration Date <b>FEB 21 2024</b>
<b>Permit Number(s):</b>  1924-18-0006.1 FHA180001 FHA180002 FWW180002	<b>Type of Approval(s):</b>  Flood Hazard Area Individual Permit Hardship Exception Flood Hazard Area Verification Special Activity Waiver for Redevelopment	<b>Enabling Statute(s):</b>  N.J.S.A. 58:11A-1 et seq. N.J.S.A. 58:10A-1 et seq. N.J.S.A. 58:16A-50 et seq. N.J.S.A. 13:1D-1 et seq. N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:9B et seq.
<b>Permittee:</b>  NJDOT c/o Mr. Brendan Brock 1035 Parkway Ave Trenton, NJ 08625	<b>Site Location:</b>  Block 2, Lot 41 Municipality: Wantage County: Sussex	
<b>Description of Authorized Activities:</b>  This permit authorizes the reconstruction of the crew building, storage building, and bulk storage area, fuel tank, and the legalization of a salt shed that was constructed within 25 feet of top of bank of Papakating Creek, at the NJDOT Sussex Maintenance Yard in Wantage Township, Sussex County, as shown on the plans referenced at the end of this permit.		
<b>Prepared by:</b>   _____ Becky Mazzei	<b>Received and/or Recorded by 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>		

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

1. This portion of the permit verifies the flood hazard area design flood elevation and riparian zone limits onsite as shown on the approved plans. The Department has determined that knowledge of the floodway is not required to determine compliance with the Flood Hazard Area Control Act Rules and therefore the limits of the floodway are not verified.
2. **Within 30 days of the issuance of this permit**, the applicant shall provide a metes and bounds description of the flood hazard area as approved under this permit to the Department.
3. This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. NOTE: The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:
  - a. The Department file number for the verification;
  - b. The approval and expiration dates of the verification;
  - c. A metes and bounds description of any flood hazard area limit and/or floodway limit approved under the verification;
  - d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification;
  - e. The width and location of any riparian zone approved under the verification; and
  - f. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite."
4. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
5. All 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.
6. All excavated material 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 the *warmwater fisheries* of Papakating Creek, any activity which would likely introduce sediment into the watercourse and/or increase its turbidity is not permitted between **May 1** and **June 30** of each year. 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.
8. Vegetation within 150 feet of any top of bank 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.
9. Wetlands/Transition Area/Riparian Zone work: In order to prevent adverse impacts to wood turtles, a State listed threatened species, 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:

1. 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.
2. Immediately thereafter, a qualified 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 (<http://www.state.nj.us/dep/fgw/ensprprtform.htm>), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area.
3. 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.

10. The authorized activities shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.
11. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8 without the use of BMPs. Any future expansion or alteration of the approved site layout, 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.

#### **SPECIAL CONDITIONS FOR A FRESHWATER WETLANDS PERMIT:**

1. This permit authorizes the permanent disturbance of 1,069 SF (0.025 ac), the temporary disturbance of 16,280 SF (0.374 ac), and the restoration of 9,273 SF (0.213 ac) of freshwater wetlands transition areas for the reconstruction of the NJDOT Sussex Maintenance Yard under a Special Activity Waiver for Redevelopment.

#### **RIPARIAN ZONE MITIGATION CONDITIONS:**

1. The permittee shall compensate for the permanent disturbance to 0.14 acres of herbaceous riparian zone through an on-site project as shown on the plans entitled "RIPARIAN ZONE RESTORATION PLAN;" sheet C-108B, dated 11/12/2018, last revised 1/11/19 and prepared by Bryan Vanderghenst, P.E. NV5.
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.

3. **Prior to the initiation of regulated activities authorized by this permit**, the permittee shall sign a Department approved conservation restriction to protect the mitigation area from future development that would remove the vegetation planted. (N.J.A.C. 7:13-13.2(g)) The conservation restriction shall conform to the format and content of the rules at N.J.A.C. 7:13-14 and the Riparian Zone Mitigation Area model located at <http://www.nj.gov/dep/landuse/forms/index.html>. The restriction shall be included on the deed and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties) in the county wherein the lands of the mitigation project are located. A metes and bounds description shown on a map must be included within the recorded conservation restriction. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
4. The permittee shall monitor the riparian project for at least 5 years beginning the year after the riparian zone mitigation project has been completed (N.J.A.C. 7:13-13.12(c)). **The permittee shall submit monitoring reports to the Division of Land Use Regulation, no later than December 31<sup>st</sup> of each full monitoring year.**
  - a. All monitoring reports except the final one should include the requirements and goals of the mitigation proposal and a detailed explanation of the ways in which the mitigation has or has not achieved progress toward those goals. If mitigation has not achieved progress, the report shall also include a list of corrective actions to be implemented and a timeline for completion.
  - b. The final monitoring report must include documentation and data demonstrating that:
    - i. The goals of the riparian zone mitigation as stated in the approved riparian zone mitigation proposal and the permit conditions have been satisfied.
    - ii. At least 85 percent of the mitigation plantings have survived and that at least 85 percent of the mitigation area is established with native species similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving. All trees must be at least 5 feet in height; and
    - iii. The site is less than 10 percent occupied by invasive or noxious species; and
    - iv. The conservation restriction for the mitigation site has been executed and recorded.
5. If the riparian mitigation project does not meet the success criteria established above the project shall be considered a failure and the permittee shall submit a revised riparian mitigation plan. The revised plan shall be submitted within 60 days of receipt of notification from the Division indicating the riparian mitigation project was a failure.
6. If the Division determines that the riparian zone mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing by the Department and will have 60 days to submit a proposal to indicate how the project will be corrected.

**STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s).

Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.

2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
8. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
9. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
11. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and

- c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
13. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
14. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, and Freshwater Wetlands Permits, the permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth in the rules.
15. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
16. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
17. A permit shall be transferred to another person only in accordance with the regulations.
18. A permit can be suspended or terminated by the Department for cause.
19. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
20. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
21. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
22. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all

excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.

23. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

**APPROVED PLANS:**

The drawings hereby approved are 6 sheets entitled, "NEW ROAD MAINTENANCE CREW FACILITY, NJDOT SUSSEX MAINTENANCE YARD," dated and revised as noted, and prepared by NV5.

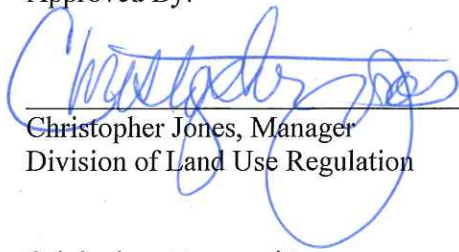
- a. "EXISTING CONDITIONS & FHA CONSTRAINTS PLAN," Sheet EC-2, dated November 12, 2018, last revised February 5, 2019,
- b. "SITE LAYOUT AND DIMENSIONING PLAN," Sheet C-102, dated April 10, 2018, unrevised,
- c. "GRADING AND UTILITY PLAN," Sheet C-103, dated April 10, 2018, unrevised,
- d. "ENVIRONMENTAL PLAN 2: SPECIAL ACTIVITY TRANSITION AREA WAIVER FOR REDEVELOPMENT," Sheet C107, dated April 10, 2018, last revised on February 5, 2019,
- e. "RIPARIAN ZONE DISTURBANCE PLAN," Sheet C-108A, dated November 12, 2018, last revised on January 11, 2019,
- f. "RIPARIAN ZONE RESTORATION PLAN," Sheet C-108B, dated November 12, 2018, last revised on January 11, 2019,

**RIGHT TO APPEAL:**

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

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

Approved By:

  
\_\_\_\_\_  
Christopher Jones, Manager  
Division of Land Use Regulation

\_\_\_\_\_  
Date 2/22/19

Original sent to permittee

c: Township of Wantage Construction Official