




**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 AUG 07 2018
		Expiration Date AUG 06 2023
Permit Number(s): 1911-18-0001.1 FHA180001 1911-18-0001.1 FHA180002 1911-18-0001.1 FWW180001	Type of Approval(s): Flood Hazard Area Individual Permit Flood Hazard Area Verification Freshwater Wetlands Individual Permit	Enabling Statute(s): N.J.S.A. 13:9B-1 et seq. N.J.S.A. 58:10A-1 et seq. N.J.S.A. 13:20-1 et seq. N.J.S.A. 58:11A-1 et seq. N.J.S.A. 58:16a-50 et seq. N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:1D-1 et seq.
Permittee: Zakrollah Asadour New Jersey Department of Transportation PO Box 600 Trenton, NJ 08625-0600	Site Location: Block: 36, Lots: 48.02, 49, 50, 51, 53, 55, 56, & 57; Block: 41, Lots: 1, 3, & 7; Block: 43, Lot: 2; Block: 60, Lot: 7.01, 7.02, 7.03, 7.04, 8, 9, 10, & 15 Municipality: Township of Hardyston County: Sussex	
Description of Authorized Activities: <p>This permit authorizes the construction of roadway improvements at four locations along Route 23 in flood hazard area and riparian zone of Lake Stockholm Brook and a tributary to Franklin Pond Creek in the Township of Hardyston, Sussex County, New Jersey as shown on the plans referenced on the last page of this permit. Specifically, the authorized activities along Route 23 include station 100+00 to 129+55 consisting of the realignment of Snufftown Road, superelevation of the roadway, a retaining wall, and stormwater management infrastructure including two stormwater outfalls, station 168+00 to 171+00 consisting of restriping, station 205+05 to 234+00 consisting of superelevation, drainage improvements, and pavement reconstruction, and raising the profile of Beaver Lake Road from station 0+11.75 to 90+00. This permit verifies the flood hazard area design flood elevation of Lake Stockholm Brook on site ranges from 101.8 feet to 1008.6 feet NAVD and the flood hazard area design flood elevation of the tributary to Franklin Pond Creek ranges on site from 762.2 feet to 870.7 feet NAVD.</p> <p>This permit authorizes the permanent disturbance of 0.184 acres and the temporary disturbance of 1.618 acres of freshwater wetlands and the permanent disturbance of 0.562 acres of freshwater wetland transition areas for the construction activities detailed above under a Freshwater Wetlands Individual Permit as shown on the plans referenced on the last page of this permit. This authorization to conduct activities in freshwater wetlands includes the issuance of a Water Quality Certificate.</p>		
Prepared by:  Michael Sheehan	Received and/or Recorded by County Clerk:	
<p>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.</p>		
This permit is not valid unless authorizing signature appears on the last page.		

FLOOD HAZARD AREA SPECIAL CONDITIONS:

1. All excavated material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
2. 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.
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. 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 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.
5. Vegetation within 300 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing(s). No other vegetation within 300 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.
6. 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.

7. In order to protect trout within Lake Stockholm Brook and tributaries, and Franklin Pond Creek and tributaries, no grading, excavation, or construction activities is permitted within the watercourse onsite between September 15 through March 15. In addition, any activity within the 100-year floodplain or flood hazard area of this watercourse or tributaries which would introduce sediment into said creek 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 soil conservation measures are required to protect State regulated resources or to suspend all regulated activities on-site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
8. Indiana Bat/Northern Long-eared Bat: Regulated areas on site feature documented and suitable habitat for Indiana bat and northern long-eared bat. In order to prevent adverse impacts to Indiana bat and northern long-eared bat, the clearing of trees 3 inches diameter at breast height or greater may not occur on-site from April 1 to November 15.
9. Wood Turtle: 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:
 - a. 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.
 - b. 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.
 - c. The fence must be monitored weekly and maintained until project completion.
10. This verification establishes the flood hazard area design flood elevation, the floodway limits and the riparian zone limits onsite as 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. Please note that regulated activities may be prohibited or restricted within the floodway and riparian zone onsite. Regulated activities are defined in the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.4. Work outside both the verified flood hazard area and riparian zone does not require prior approval under N.J.A.C. 7:13.

RIPARIAN ZONE MITIGATION CONDITIONS:

1. The permittee shall compensate for the **permanent** disturbance to **1.004** acres of forested riparian zone through the off-site preservation of the following 8.5 acres of forested riparian zone, all located in Hardyston Township, Sussex County:

Block 36, Lot 53: 1.1 acres;
Block 36, Lot 52: 2.0 acres;
Block 36, Lot 55: 2.3 acres; and

Block 60, Lot 8: 3.1 acres; as shown on Figure 2 entitled "Proposed Mitigation Sites; New Jersey Department of Transportation; Route 23 Roadway Improvements Project; Holland Mountain Road Section; Hardyston Township, Sussex County" undated but included in the "NJDEP Mitigation Proposal; Route 23 Corridor Improvements; Hardyston Township, Sussex County;" dated February 2018 and prepared by AECOM.

2. **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(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.
3. **Prior to the initiation of regulated activities authorized by this permit**, the applicant must demonstrate that the conservation restriction has been filed for the preservation of the above-referenced site.
4. The permittee shall **submit a restoration plan** to mitigate for the **temporary** disturbance to **1.817** acres of forested riparian zone through an on-site restoration project.
5. All mitigation shall be conducted immediately following completion of the activity that cause the disturbance, and shall be continued to completion within six months after the end of the activity that caused the disturbance.
6. If the permittee fails to perform mitigation within the applicable time period the activity shall be considered permanent and mitigation shall be required to replace the affected resource.
7. If the Division determines that the above-referenced preservation and restoration project has not been completed in conformance with the conditions above, the permittee will be notified in writing by the Department and will have 60 days to submit a proposal to indicate how the mitigation will be provided.

FRESHWATER WETLAND PERMIT CONDITIONS:

1. The total amount of disturbance associated with this authorization shall not exceed 0.003 acres of Ordinary resource value wetlands, .031 acres of intermediate resource value wetlands and 0.148 acres of exceptional resource value wetlands.
2. This permit authorizes the disturbance of approximately .184 acres of freshwater wetlands water for the Route 23 Corridor Improvements Project under Individual Permit. The wetlands affected by this permit authorization are of Ordinary, Intermediate, and Exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 0 feet, 50' and 150' respectively. This 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 regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules (N.J.A.C. 7:7A-1.1 et seq.) for additional information.

3. Any additional un-permitted disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.
4. This authorization for an Individual Permit is valid for a term not to exceed five years from the date of this letter. 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 permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.
5. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, Mail Code 401-04C, 401 East State Street, PO Box 420, Trenton, NJ 08625-0420, at least seven days prior to the commencement of site preparation, or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction that was required as part of this permit.

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

1. The permittee shall mitigate for the permanent disturbance of **0.184 acres** of emergent wetlands through an on-site or off-site creation, restoration or enhancement project or with the purchase of credits from a mitigation bank serving the appropriate watershed management area in accordance with the mitigation hierarchy (N.J.A.C. 7:7A-11 et seq).
2. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a mitigation proposal to the Division of Land Use Regulation (Division) for review and approval. Activities authorized by this permit shall not begin until the permittee has obtained written approval of a mitigation plan from the Department (N.J.A.C. 7:7A-11.6(a)).
3. **All mitigation shall be conducted prior to or concurrent with the construction of the approved project** (N.J.A.C. 7:7A-11.3(a)). 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.
4. If the permittee fails to perform mitigation within the applicable time period the acreage of mitigation required shall be increased by 20 percent each year after the date mitigation was to begin (N.J.A.C. 7:7A-11.3(c)).
5. If the applicant is considering obtaining land to satisfy a mitigation requirement, the Department strongly recommends that the permittee obtain the Division's conceptual review and approval of any land being considered as a potential mitigation area.

6. If the permittee is purchasing credits from a mitigation bank to satisfy a mitigation requirement, prior to the initiation of regulated activities authorized by this permit, the permittee shall submit proof of purchase for 0.184 mitigation credits from an approved wetland mitigation bank 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.

At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options.

Oxford, owned by ERG. Contact: Jim Kasten at (732) 571-1777 or at jkasten@erg-america.com ;

OR

Pio Costa, owned by Pio Costa. Contact: Carmen Pio Costa at (973) 575-1706 or at carmen@piocosta.com .

7. If the permittee is considering conducting a creation, restoration or enhancement project, the following conditions shall apply:
- a. **Prior to the initiation of regulated activities** authorized by this permit the permittee shall submit a final design of the mitigation project for approval and include all of the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located at <http://www.nj.gov/dep/landuse/forms/index.html>.
 - b. **Prior to the completion of the mitigation project**, the permittee shall complete, sign and file 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-12.1. The conservation restriction shall include the wetland and required transition area and 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 applicant is required to include a metes and bounds description shown on a map. Within 180 days of the issuance of the mitigation approval, the recorded conservation restriction shall be provided to the Mitigation Unit, NJDEP Division of Land Use Regulation for verification. (N.J.A.C. 7:7A-12.1 et. seq.)
 - c. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing **at least 30 days prior to the start of construction of the wetland mitigation project** to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.
 - d. To ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape, the mitigation designer shall be present on-site during all critical stages of mitigation construction and during the restoration of any temporarily impacted areas. Critical stages of construction include but are not limited to herbicide applications, earthmoving activities, planting, and inspections.
 - e. The permittee shall be responsible for ensuring that best management practices are used throughout construction to control the spread and colonization of highly invasive plants. Specifically, all equipment, especially tracks and tires, must be thoroughly cleaned every time equipment or vehicles move from an area containing invasive plants or from off-site

to the mitigation area. In addition, soil containing root fragments and above-ground vegetative material from invasive plants shall be carefully managed during earthmoving activities and disposed of at a suitable off site location rather than mulched and reused or stockpiled elsewhere on the site. For information on the specific species that are considered to be invasive, please refer to the Invasive Plant Atlas at <http://www.invasiveplantatlas.org/index.html>.

- f. If changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. The Division shall review the plan in accordance with N.J.A.C. 7:7A-11.7. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.
- g. **Within 30 days of final grading of the mitigation site and prior to planting**, the permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
- h. **Within 60 days following the final planting 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 (N.J.A.C. 7:7A-11.12 et. seq.). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed Wetland Mitigation Project Completion of Construction Form. This form is located 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 wetland creation, restoration or enhancement has been accomplished;
 - ii. As-Built plans which depict final grade elevations at one foot contours and 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; and
 - iii. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983.
- i. **Within 30 days following final planting of the mitigation project**, the permittee shall post the mitigation area with permanent signs which identify the site as a wetland mitigation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law. The signs must also state the name of the permittee, a contact name and phone number, and the Department's permit number.
- j. The permittee shall monitor **all freshwater wetland and transition area projects** for a minimum of 5 years, unless otherwise stipulated within the approved mitigation proposal, beginning the first full growing season after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year (N.J.A.C. 7:7A-11.12(g)). All

monitoring reports must include the standard items identified in the checklist entitled, "Wetland Mitigation Monitoring Project Checklist", which can be found at <http://www.nj.gov/dep/landuse/forms/index.html>.

- k. 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:
 - i. That the goals of the wetland mitigation project, including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit have been satisfied. The permittee shall 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;
 - ii. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes, which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving and all trees must be at least five feet in height;
 - iii. The site has less than 10 percent coverage by invasive or noxious species.
 - iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,
 - v. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.
- l. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7A-11.12(i)). The Division will notify the permittee in writing if the mitigation project is considered to be a failure. Within 30 days of notification, the permittee shall submit a revised mitigation plan to meet the success criteria identified above for Division review and approval. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated above.

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. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area. In addition, 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 noncompliance within twelve hours 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 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. A permit shall be transferred to another person only in accordance with the regulations N.J.A.C. 7:7A-20.5.
14. A permit can be suspended or terminated by the Department for cause as specified at N.J.A.C. 7:7A-20.8 and 20.9.
15. 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.
16. 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. 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, seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
18. 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.
19. 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.
20. Best management practices (defined at N.J.A.C. 7:7A-1.3 shall be followed whenever applicable.
21. If the permittee, before or during the work authorizes, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(1), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource and immediately notify the Department and proceed as directed.

22. 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 at N.J.A.C. 7:7A-1.4.

APPROVED PLANS:

The drawings hereby approved are seventy-nine (79) sheets prepared by AECOM Technical Services, Inc., undated and unrevised, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION RT.23 CORRIDOR IMPROVEMENTS CONTRACT NO. 026950262”

- “TYPICAL SECTIONS,” sheets TS-1 through TS-5 of TS-5,
- “PLAN SHEET INDEX,” sheet PS-1 of PS-1,
- “NJDEP PERMIT PLANS,” sheets PP-1 through PP-14 of PP-14,
- “PROFILES,” sheets P-1 through P-9 of P-9,
- “GRADES,” sheets G-1 through G-14 of G-14,
- “METHOD OF CROSS SECTIONS,” sheets MS-1 and MS-2 of MS-2,
- “CROSS SECTIONS,” sheets X-1 through X-32 of X-32,
- “CONSTRUCTION DETAIL,” sheets CD-1 and CD-2 of CD-2; and

three (3) sheets prepared by AECOM USA, Inc., undated and unrevised, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF STRUCTURAL ENGINEERING ROUTE 23 CORRIDOR IMPROVEMENTS CONTRACT NO. 026950262 TOWNSHIP OF HARDYSTON COUNTY OF SUSSEX”

- “GENERAL PLAN AND ELEVATION – 1,” sheet B1 of B3,
- “GENERAL PLAN AND ELEVATION – 2,” sheet B2 of B3, and
- “WALL DETAILS,” sheet B3 of B3.

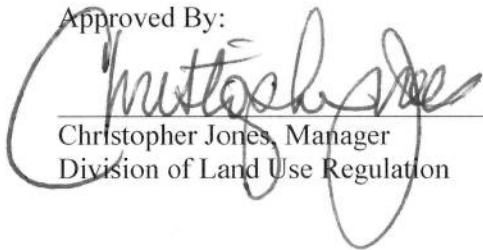
1911-18-0001.1 FHA180001 Flood Hazard Area Individual Permit
1911-18-0001.1 FHA180002 Flood Hazard Area Verification
1911-18-0001.1 FWW180001 Freshwater Wetlands Individual Permit

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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, 7th Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/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.state.nj.us/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 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

8/7/18

Date

Original sent to Agent to record

c: Permittee
Construction Official