



**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



<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>	<p>Approval Date DEC 02 2016</p>
<p>Expiration Date DEC 01 2021</p>	

<p>Permit Number(s): 1813-16-0007.1 FWW160001 1813-16-0007.1 FHA160001</p>	<p>Type of Approval(s): Freshwater Wetlands Individual Permit Flood Hazard Area Individual Permit</p>	<p>Enabling Statute(s): NJSA 13:9B FWPA NJSA 58:16A FHACA</p>
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<p>Permittee: New Jersey Department Transportation 1035 Parkway Ave Trenton, NJ 08625</p>	<p>Site Location: Block(s) & Lot(s): [N/A, N/A] Municipality: Montgomery Twp County: Somerset</p>
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Description of Authorized Activities:

The reconstruction of Route 206 over Crusier Brook in the Township of Montgomery, Somerset County, New Jersey. The widening and realignment of the Route 206 Bridge over Crusier Brook, the conversion of the bridge from a three span structure to a two span structure, the modification of Crusier Brook to accommodate the new span, and minor stormwater improvements.

This permit authorizes the permanent disturbance of **0.065 of an acre** of freshwater wetlands, **0.353 of an acre** of freshwater wetland transition area, and **0.013 of an acre** of State Open Waters, the temporary impact to **0.012 of an acre** of freshwater wetland transition areas, and **0.103 of an acre** of State Open Waters authorized under Freshwater Wetlands Individual Permit.

This permit is authorized under, and in compliance with, the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 et seq, and the Flood Hazard Area Control Act, 7:13-1.1 et seq,. The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:7-27.2(c)13.

<p>Prepared by: _____ Matthew Resnick</p>	<p>Received and/or Recorded by County Clerk:</p>
<p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.</p>	

This permit is not valid unless authorizing signature appears on the last page.

SPECIAL CONDITIONS:

1. Pursuant to the procedures outlined in the December 22, 1993 Memorandum of Agreement among the Service, Environmental Protection Agency, and the New Jersey Department of Environmental Protection, and the United States Fish and Wildlife Services, the Permittee must abide by a tree cutting timing restriction from April 1 through September 30 to protect Indiana Bat (*Myotis sodalist*).
2. Through consultation with the State Historic Preservation Office (HPO), the New Jersey Department of Transportation shall, prior to project implementation, submit to HPO for review and comment, plans, specifications and design elements, to ensure that the design, character, and construction of the replacement bridge is compatible with the historic character and setting (including landscaping) of the Mettler-Garretson House and is in conformance with the *Secretary's Standards for the Treatment of Historic Properties*.
3. Prior to any construction activities on Green Acres encumbered properties, the New Jersey Department of Transportation must receive written authorization from the Green Acres Program.
4. The approved project relocates a regulated water or otherwise alters its top of bank such that the limit of the riparian zone encroaches further onto an offsite property. Pursuant to N.J.A.C. 7:13-12.1(f), the relocation of a riparian zone further onto an offsite property is considered an adverse impact to a property not owned by the permittee. Prior to the start of construction, the permittee must obtain written permission from the owners of any adversely impacted property. Written permission shall include the following:
 - i. An explanation of the nature and purpose of the project;
 - ii. An estimate of the length of time regulated activities will occur;
 - iii. An estimate of the extent to which the adversely impacted property will be affected by flooding or stormwater discharges and the frequency at which these impacts are expected to occur; and
 - iv. The notarized signature of all owners of the adversely impacted property

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

1. The permittee shall mitigate for the permanent disturbance of 0.065 acres of forested wetlands and 0.013 acres of state open waters 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 N.J.A.C. 7:7A-15.7.
 - a. The Department acknowledges the intent to purchase credits from a mitigation bank. Please submit a letter of intent or correspondence from the mitigation banker demonstrating the reservation of credits.
2. The permittee shall mitigate for the temporary disturbance of 0.103 acres of state open waters through an on-site restoration project in accordance with the mitigation requirements. (N.J.A.C. 7:7A-15. et seq). Please submit a specific restoration plan.
3. **All mitigation shall be conducted prior to or concurrent with the construction of the approved project** (N.J.A.C. 7:7A-15.3(a)1). 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-15.3(b)).
5. **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-15.11(a)1).
6. 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.
7. 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 0.078 acres of 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.

Wyckoff Mills Wetland Mitigation Bank

The contact for this bank is Ron Prann from Shaw Environmental & Infrastructure, Inc. and he can be reached at (609) 588-6345 or 609-731-5400

Cranbury Wetland Mitigation Bank

The contact for this bank is Doug Lashley and he can be reached at (410) 987-5500 or by email at Doug@greenvestus.com.

7. The following conditions shall apply to the (creation, restoration or enhancement) project:
 - 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-15.14. 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 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Mitigation Unit, NJDEP Division of Land Use Regulation for verification. (N.J.A.C. 7:7A-15.14(a))
 - 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. In the event that 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-15.15. 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 30 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-15.16). 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.
- j. **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.

- k. The permittee shall monitor (forested and/or shrub scrub wetland mitigation projects for 5 full growing seasons and emergent wetland or State open water mitigation projects for 3 full growing seasons) beginning the year after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year (N.J.A.C. 7:7A-15.16(c)). 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>.
- l. 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.
- m. 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-15.16(f)). 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.

RIPARIAN ZONE MITIGATION CONDITIONS:

1. **Within 60 days of the issuance of this permit**, the permittee shall submit a proposal to mitigate for the loss of 0.195 acres of forested and 0.076 acres of maintained lawn riparian zone vegetation. The proposal shall be designed in accordance with the standards at N.J.A.C. 7:13-13.
2. **Within 60 days of the issuance of this permit**, the permittee shall submit a proposal to mitigate for the temporary loss 0.027 acres of of maintained lawn riparian zone vegetation. The proposal shall be designed in accordance with the standards at N.J.A.C. 7:13-13.

3. **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. 7:13-13.2(b)).
4. **All mitigation shall be conducted prior to or concurrent with the regulated activity that causes the disturbance.** (N.J.A.C. 7:13-13.3(a)1). 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.
5. **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.
6. 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. 7:13-13.11(c)). **The permittee shall submit monitoring reports to the Division of Land Use Regulation, no later than December 31st 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.
7. 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.

8. 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.

ADDITIONAL CONDITIONS FOR A FLOOD HAZARD PERMIT:

1. The regulated activity shall not adversely affect low-flow aquatic passage in any regulated water.
2. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.
3. In order to protect general warm water game fish within Crusers Brook and the unnamed tributary to Crusers Brook, no grading, construction or clearing is permitted within any watercourse onsite between May 1st and June 31th. 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 are constructed prior to the timing restrictions stated above, construction within the cofferdams may proceed during the restricted period(s).
4. De-watering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by a turbidity barrier.
5. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
6. 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.
7. Vegetation within 50 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 50 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.
8. This permit authorizes the permanent disturbance 14,920 SF (0.34 of an acre) to forested riparian zone vegetation and the permanent disturbance of 3,354 SF (0.076 of an acre) to maintained herbaceous riparian zone vegetation for the reconstruction of Route 206 over Crusers Brook.
9. All riparian zone vegetation that is 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. Portions of the riparian zone occupied by an authorized structure need not be replanted.
 - i. Except as provided in (ii) below, the vegetation replanted shall:
 - (1) 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; and

(2) 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.

- ii. In cases where replanting in accordance with (i) above 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 of (i) above to the extent feasible.

ADDITIONAL CONDITIONS FOR A FRESHWATER WETLANDS PERMIT:

1. The regulated activities shall not occur in the proximity of a public water supply intake.
2. Limit of Authorized Disturbance: This Freshwater Wetlands Individual Permit authorizes the permanent disturbance of **0.065** of freshwater wetlands, **0.353 of an acre** of freshwater wetland transition areas, and **0.013 of an acre** of State open waters. This permit also authorizes the temporary impact of **0.012 of an acre** of freshwater wetland transition areas and **0.103 of an acre** of State Open Waters. The wetlands affected by this permit authorization are of Intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. This Individual Wetlands 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. 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 discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material.
4. Any structure or fill authorized shall be maintained as specified in the construction plans.
5. If activities under the Individual Permit involve excavation or dredging, the applicant shall use an acceptable disposal site for the excavated or dredged material. No material shall be deposited or dewatered in freshwater wetlands, transition areas, State open waters or other environmentally sensitive areas. The Department may require testing of dredged material if there is reason to suspect that the material is contaminated. If any dredged material is contaminated with toxic substances, the dredged material shall be removed and disposed of in accordance with Department-approved procedures.
6. The amount of rip-rap or other energy dissipating material shall not exceed the minimum necessary to prevent erosion, as calculated under the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90.
7. 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.

8. For any excavated area in freshwater wetlands, transition areas, and/or State open waters, the excavation shall be backfilled to the preexisting elevation, the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material if feasible, the area above the excavation shall be replanted, in accordance with applicable BMPs, with indigenous wetlands species.
9. Any pipes laid through wetlands, transition areas, or State open waters shall be:
Properly sealed so as to prevent leaking or infiltration; Designed so as not to form a path for groundwater to be discharged or drained from the wetland; and placed entirely beneath the pre-existing ground elevation unless the applicant shows that placing some or all of the pipe above ground would be more environmentally beneficial.
10. This permit to conduct a regulated activity in a State open water includes the Division's approval of a Water Quality Certificate for these activities.

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 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, pursuant to the regulations.
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 Division of Land Use Regulation by telephone at (609) 292-0060 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.

- i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue, and;
 - iv. 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:
 - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. 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.
 14. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
 15. 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.
 16. 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.

17. The permittee shall perform any mitigation required under the permit prior to or concurrently with regulated activities.
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 regulations.
23. A permit can be 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 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.
27. 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.
28. 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:

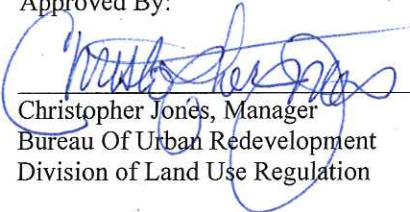
The drawings hereby approved are thirty eight (38) sheets prepared by Christopher D. Dwyer PE of Buchart Horn, Inc, dated July 2016, un revised, and collectively entitled:

“STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, PLANS OF ROUTE 206, CRUSERS BROOK BRIDGE (41), CONTRACT NO. 061960596, GRADING, PAVING, & STRUCTURES, MONTGOMERY TOWNSHIP, SOMERSET COUNTY”

- “KEY MAP”, sheet 1;
- “CONSTRUCTION PLANS”, drawings C-1 through C-4, sheet number 2 through 5;
- “ENVIRONMENTAL & SOIL EROSION & SEDIMENT CONTROL PLANS”, drawings EP-1 through EP-8, sheets 6 through 13;
- “DRAINAGE AND UTILITY PLANS”, drawings DU-1 through DU-3, sheets 14 through 16;
- “DRAINAGE DETAILS (BIORETENTION AND MTD)”, drawing DU-4, sheet 17;
- “PROFILES”, drawings P-1 and P-2, sheets 18 and 19;
- “GRADES”, drawings G-1 through G-3, sheets 20 through 22;
- “CROSS SECTIONS”, drawings X-1 through X-6, sheets 23 through 28;
- “GENERAL PLAN AND ELEVATION”, sheet 29;
- “CONSTRUCTION SEQUENCING”, sheet 30;
- “CULVERT EXTENSION GENERAL PLAN AND ELEVATION”, sheet 31;
- “FLOOD HAZARD AREA PLAN”, drawing FHA-1, sheet 32;
- “RIPARIAN ZONE PLAN -1”, drawing RZ-1, sheet 38;
- “RIPARIAN ZONE PLAN -2”, drawing RZ-2, sheet 39;
- “WETLAND DELINEATION PLAN”, drawing number WDP-1, sheet 40;
- “WETLAND PLAN -1”, drawing WL-1, sheet 41;
- “WETLAND PLAN -2”, drawing WL-2, sheet 42;
- “CONSTRUCTION DETAILS”, drawing DTL-1, sheet 43.

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
Bureau Of Urban Redevelopment
Division of Land Use Regulation

12/2/16

Date

Original sent to Agent to record
c: Permittee