




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

501 East State Street, Station Plaza 5, 2<sup>nd</sup> Floor  
P.O. Box 439, Trenton, New Jersey 08625-0439  
Fax: (609) 777-3656 or (609) 292-8115  
www.state.nj.us/dep/landuse



**PERMIT**

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc."</p>		<p>Approval Date July 15, 2009</p>
		<p>Expiration Date July 15, 2014</p>
<p>Permit Number/s  File No.: 1904-09-0001.1 FWW 090001 (FWIPW)</p>	<p>Type of Approval/s  Freshwater Wetlands Individual Permit Water Quality Certificate</p>	<p>Enabling Statute/s  N.J.S.A. 12:5-3 N.J.S.A. 13:1D-1 N.J.S.A. 13:9B-1 N.J.S.A. 58:10A-1</p>
<p>Applicant:  NJDOT 1035 Parkway Avenue Trenton, NJ 08625</p>	<p>Owner (if different from applicant):  N/A</p>	
<p>This Freshwater Wetlands Individual Permit authorizes the disturbance of a maximum of 0.547 acre (23,827.32 SF) of wetlands, 3.451 acres (150,325.56 SF) transition areas, and 0.317 acre (13,721.40 SF) of state open water for a total disturbance of 4.3159 acres (188,000.604 SF, both temporary and permanent) for the purpose of reconstructing, realigning, and widening Route 260 from M.P. 98.4 to M.P. 99.6.</p> <p>Any additional disturbance of freshwater wetlands, State open waters or transition areas shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained from the Division of Land Use Regulation prior to the start of the disturbance. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.</p>		
<p>Project Location:  Route 206/Waterloo &amp; Brookwood Road Roadway Improvements Township of Byram Sussex County New Jersey</p>	<p>Received by County Clerk</p>	
<p>Prepared by:  </p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

Standard Conditions:

1. Extent of approval: This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written approval of the Division. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. Acceptance of permit: If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
3. Recording with County Clerk: You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Division showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Division's address and fax number are shown on the first page of this permit.
4. Notice of Construction: You must notify the Division in writing at least 7 days before you begin any work approved by this permit. The Division's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
5. Expiration date: All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Division for further information.)
6. Rights of the State: This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. Other responsibilities: You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

Special Conditions:

8. This permit is subject to all the terms and conditions contained in the Individual Flood Hazard Area Permit obtained for the project, Permit No. 1904-09-0001.1 FHA090001 (IP), approved 6/9/09.
9. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by approved drawings. Such use of regulated areas applies to the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit.
10. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
11. Please be advised that Block 70, Lot 10 in Byram Township, Sussex County, is Green Acres encumbered property. Any use beyond what is shown on the approved permit plans would constitute a diversion per Green Acres rules (N.J.A.C. 7:36-26). Any permanent disturbance or conveyance of any property interest in Block 70 Lot 10 may require NJDEP Commissioner and State House Commission approval.
12. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
13. In order to protect potential summer habitat for the federally listed Indiana bat (*Myotis sodalists*), no tree clearing is permitted along entire project area from April 1 to November 15. In addition, reforestation plans for the site should include planting of suitable roost tree species for the Indiana bat. The USFWS recommends including the following tree species in the proposed mitigation package:

- *Acer rubrum*
- \**Acer saccharinum*
- \**Acer saccharum*
- *Betula alleghaniensis*
- *Betula populifolia*
- *Carya cordiformis*
- *Carya ovalis*
- \**Carya ovata*
- *Fraxinus americana*
- \**Fraxinus pennsylvanica*
- *Pinus strobus*
- \**Populus deltoides*
- \**Quercus alba*
- *Quercus palustris*
- *Quercus rubra*
- *Quercus stellata*
- \**Ulmus Americana*
- *Ulmus rubra*

\*preferred roost tree species

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14. No authorized activities can commence until a Phase I bog turtle survey is conducted and forwarded to the USFWS for review (refer to control number 09-FA0193). If the Service determines bog turtle habitat exists within the project area, no authorized activities can commence within (the determined) bog turtle habitat from May 1 through October 30 of the calendar year unless the following measures have been taken:
- a. Prior to the commencement of any site preparation, disturbance, grading, clearing or construction activity the permittee must erect a silt/debris fence around the footprint of all proposed activities (temporary and permanent) sufficient to exclude small wildlife species, and specifically bog turtle, from entering the proposed construction area.
  - b. Immediately thereafter, a Department approved herpetologist must thoroughly inspect the fenced-in work area for bog turtles. Any turtles found must be immediately reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (contact Brian Zarate at (908) 638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area. 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.
15. In order to protect wood turtle habitat within and adjacent to Lubbers Run, the following timing restrictions shall apply:
- a. In-stream work (including stream bank excavation): In order to prevent adverse impacts to hibernating wood turtles, no site preparation, disturbance, grading, clearing or construction activity is permitted within the banks of the referenced watercourse between November 1 and April 1 of the calendar year. If a coffer dam is proposed to *completely* enclose the work area, work may occur during this restricted period provided the coffer dam installation is *completed* prior to November 1 and thereafter completely precludes turtles from accessing the work area to rest or hibernate. This must include appropriate bank-side fencing to preclude terrestrial access to the coffer dam work area. Immediately after installation, a Department approved herpetologist must thoroughly inspect the enclosed area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (contact Brian Zarate at (908) 638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the coffer dammed work area.
  - b. Wetlands/Transition Area/Riparian Zone work: In order to prevent adverse impacts to wood turtles 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. 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. Immediately thereafter, a Department approved 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 (contact Brian Zarate at (908) 638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area. 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.

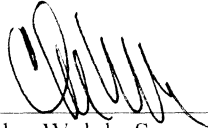
16. In order to protect the trout stocked Lubber's Run, no construction, excavation, filling or grading, is permitted within the channel between March 15 through June 15 of each year. Furthermore, no construction, excavation, filling or grading is permitted in the riparian zone unless the applicant demonstrates that appropriate soil erosion control measures are in place that prevent sediment from reaching the channel. All proposed measures shall meet the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90. 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 a cofferdam is installed prior to the timing restriction, construction, excavation, filling or grading within the channel of Lubbers Run is permitted within confines of the cofferdam during this restricted period.
17. If a cofferdam is installed prior to the timing restrictions noted above, construction, excavation, filling or grading within the channel of Lubbers Run is permitted within confines of the cofferdam during this restricted period.
18. *Prior to* commencement of site clearing, grading or construction, the permittee shall erect a silt fence and a construction debris fence, such as an orange snow fence, at the limits of disturbance. These fences shall remain in place and be maintained throughout the duration of construction, and until such time as the site is stabilized.
19. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
20. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
21. No change in plans or specifications shall be made except with the prior written permission of the Department.

#### Freshwater Wetlands Mitigation Permit Conditions:

Failure to comply with the standards herein constitutes a violation of the Freshwater Wetlands Protection Act and subjects the permittee to appropriate enforcement action and/or suspension or revocation of the permit.

22. 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.

23. Mitigate for the loss of 0.472 acres of freshwater wetlands through the purchase of mitigation credits as detailed in condition 3 below.
24. Purchase credits from the Mitigation Bank as detailed: Prior to the initiation of regulated activities authorized by this permit, the permittee must submit proof of the purchase of 0.472 acres of mitigation credits to Jill Aspinwall, from the Division of Land Use Regulation (Division) at (609) 777-0454. To purchase credits from the mitigation bank the permittee must contact Barbara Brummer, Director, The Nature Conservancy - New Jersey Chapter at (908) 879-7262. For more information about the approved wetland mitigation banks in the State go to the following web page:  
<http://www.state.nj.us/dep/landuse/fw/mittigate/mcouncil.html#banks>
25. The drawings hereby approved are depicted in twenty one (21) plan sheets entitled, Route U.S. 206 and Waterloo/Brookwood Roads; from the vicinity of Acorn Street to the climbing lane on Route U.S. 206 Northbound; Contract No. 098970231; Grading, Paving and Structures; Township of Byram; Sussex County; prepared by The RBA Group, dated January 2009, revised June 8, 2009.



Charles Welch, Supervisor  
Roadways & Infrastructure Unit  
Bureau of Urban Growth & Redevelopment

7/15/09

Date

cc: Byram Township Construction Official  
DLUR Enforcement  
Tina Shutz, NJDOT  
Jill Aspinwall, DLUR  
Kevin Koslosky, Green Acres Program