

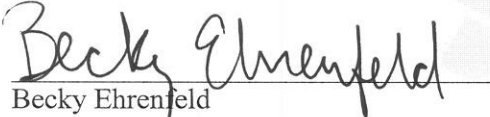


**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 420, Mail Code 501-02A,
Trenton, NJ 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>		Approval Date DEC 08 2011
		Expiration Date DEC 08 2016
Permit Number/s 1900-11-0001.1, FHA110001 FHA110002 FWW110001	Type of Approval/s Flood Hazard Area Verification Flood Hazard Area Individual Permit Freshwater Wetlands Individual Permit Water Quality Certification	Enabling Statute/s NJSA 13:1D-1 NJSA 58:10A-1 NJSA 13:9B NJSA 58:16A-50, et. seq.
Applicant NJDOT 1035 Parkway Avenue PO Box 600 Trenton, NJ 08625		Owner (if different from applicant)
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>This permit authorizes the realignment of Route 23 in Sussex Borough and the replacement of the Route 23 bridge over Papakating Creek in Wantage Township. The Route 23 realignment will include the construction of a new parallel southbound lane. The existing four-span bridge over Papakating Creek will be replaced with a new two-span structure.</p> <p>The Freshwater Wetlands Individual Permit authorizes the permanent disturbance of 0.002 acres of scrub shrub wetlands, 0.177 acres of herbaceous wetlands, and 0.004 acres of State open waters, and the temporary disturbance of 0.004 acres of forested, 0.005 acres of scrub shrub, and 0.094 acres of herbaceous wetlands, as well as 0.105 acres of State open waters, for the roadway realignment and bridge replacement.</p>		
Project Location Route 23 Sussex Realignment and Papakating Bridge Replacement Township of Wantage/Borough of Sussex, Sussex County		Received by County Clerk
Project Manager's Signature  Becky Ehrenfeld Telephone: (609) 777-0454 Email: Becky.Ehrenfeld@dep.state.nj.us		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

STANDARD CONDITIONS:

1. **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.
2. **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 Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
3. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department'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.
4. **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 Department for further information.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** 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 new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **Duty to minimize environmental impacts:** 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.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.
10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit 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. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all

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

12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the individual permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and 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 any records that must be kept under the conditions of the permit; and
 - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
 - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
 - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
 - iii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence 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; and
 - iv. **Other information:** 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. **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 IN ADDITION TO THE STANDARD CONDITIONS:

1. In order to protect the *general game fishery resource* within Clove Brook and Papakating Creek, any proposed grading or construction activities within the banks of this or any other watercourse on site are prohibited between **May 1 and June 30** of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse which could introduce sediment into said watercourse or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right 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.
2. Vegetation within **150 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 150 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
3. Upon completion of the project, all temporarily disturbed areas within **150 feet** of the top of any stream bank onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-10.2(u).
4. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
5. 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. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain freeflow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.

Wood turtle:

6. In order to protect State threatened Wood turtle and their habitat occurring within riparian areas adjacent to Clove Brook and Papakating Creek shall be fenced to preclude wood turtles from entering the work area. Specifically, work occurring on Sheets: 11/64, 12/64, 13/64, 14/64, 17/64, 18/64.
7. A qualified herpetologist should survey the area for wood turtle. The work area should be silt fenced. Any observed wood turtles should be moved out of the work area and reported to NJ's Endangered and Nongame Species Program (ENSP) (<http://www.state.nj.us/dep/fgw/ensp/rprtform.htm>). No in-stream excavation is permitted between **March 1 to May 30** and **September 1 to November 30**.

Indiana bat:

8. In order to protect Federally endangered Indiana bat, tree clearing activities shall be prohibited between **April 1 and September 30** of each year. If project implementation will involve tree clearing, please forward a construction schedule to the U.S. Fish and Wildlife Service (USFWS) –NJFO for review. If tree clearing is proposed during the restricted season, further consultation pursuant to Section 7 of ESA will be required per the USFWS.

Bog turtle:

9. The USFWS concurs with the results of the subject Phase II; no bog turtles were found within the project limit. The permittee agrees to include monitoring by a certified, qualified Bog turtle surveyor during certain construction activities. These activities include the following:
 - a. A certified, qualified bog turtle surveyor will be required on site between **November 30 and March 31** if any excavation activities are to occur in potential areas to ensure that bog turtle hibernacula are disturbed.

- b. A certified, qualified bog turtle surveyor will be required on site between **April 1 and November 29** for all construction activities up until an appropriate exclusion fence is erected to prevent turtles from entering the work area.
 - c. Once the exclusion fences are installed, a certified, qualified bog turtle surveyor will be required to be on site once a week to ensure that the exclusion fencing is in good repair.
 - d. Exclusion fencing should consist of reinforced silt fence that is keyed into the ground a minimum of six inches in upland areas and twelve inches in wetland areas. An orange construction fence will also be required to keep workers out of potential habitat areas. This fence will not be required if the exclusion fence is colored orange.
10. The permittee shall comply with all stipulations set forth in the Memorandum of Agreement between NJDOT, Federal Highway Authority (FHWA), and the State Historic Preservation Office (SHPO).
 11. The riprap proposed within the channel shall be carefully imbedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, any void spaces within the riprap shall be filled with native substrate from the channel.
 12. 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.
 13. All temporarily disturbed areas of the channel shall be restored to pre-construction conditions at the conclusion of the project.
 14. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area, riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
 15. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. 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.
 16. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
 17. This verification establishes the flood hazard area design flood elevation and the riparian zone limits, specifically along Clover Brook, onsite as shown on the approved plans. This verification does not establish the limits of the floodway along said brook; the hydraulics associated with this verification is only authorized for this project and cannot be used elsewhere along the brook. 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 that does not tie into work approved under this permit does not require prior approval under N.J.A.C. 7:13. An additional permit is required for undertaking work not already approved under this permit.

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

18. The permittee shall mitigate for the permanent disturbance of 0.002 acres of scrub shrub and 0.177 acres of herbaceous wetlands as well as 0.004 acres of State open waters and the temporary disturbance of 0.004 acres of forested, 0.005 acres of scrub shrub and 0.094 acres of herbaceous wetlands as well as 0.105 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. (N.J.A.C. 7:7A-15 et seq.)
19. **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.
20. 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)).
21. **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 the restoration of temporary impacts on site 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).
22. 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.
23. 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-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.
- 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 (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>.
- 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 is 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.
- I. 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 COMPENSATION CONDITIONS

24. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a proposal to provide compensation for the permanent disturbance of 0.303 acres of forested and 0.074 acres of grass riparian zone vegetation. In addition, the permittee shall restore the temporary impact to 1.69 acres of grassed riparian areas at a 1:1 ratio. The proposal shall be designed in accordance with the standards at N.J.A.C. 7:13-10.2(t) and (u).
25. **The compensation project must be conducted prior to or concurrent with the construction of the approved project.** Concurrent means that at any given time, the compensation must track at the same or greater percentage of completion as the project as a whole.
26. **Prior to the initiation of regulated activities authorized by this permit**, the permittee shall sign a Department approved conservation restriction to protect the compensation area from future development that would remove the vegetation planted. (N.J.A.C. 7:13-10.2(t)3) The conservation restriction shall conform to the format and content of the Riparian Zone Compensation 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 compensation 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 Department for verification.
27. The permittee shall monitor the riparian project for at least 3 years beginning the year after the riparian zone compensation project has been completed (N.J.A.C. 7:13-10.2(u)5). **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 must include documentation and field data demonstrating that the goals of the riparian zone compensation project will be achieved as stated in the approved riparian zone compensation proposal and the permit requirements will be satisfied. If the permittee is finding problems with the compensation project and does not anticipate the site will be a full success, recommendations on how to rectify the problems shall be included in the report with a time frame in which they will be completed.
 - b. The final monitoring report must include documentation and data demonstrating the following:

- i. That the goals of the riparian zone compensation project as stated in the approved riparian zone compensation proposal and the permit conditions have been satisfied.
 - ii. That at least 85 percent of the compensation plantings have survived and that at least 85 percent of the compensation area is established with native species similar to ones identified on the compensation planting plan. All plant species in the compensation area must be healthy and thriving. All trees must be at least 5 feet in height; and
 - iii. That the site is less than 10 percent occupied by invasive or noxious species.
28. If the riparian compensation project does not meet the success criteria established above the project shall be considered a failure and the permittee shall submit a revised riparian compensation plan. The revised plan shall be submitted within 60 days of receipt of notification from the Division indicating the riparian compensation project was a failure.
29. If the Division determines that the riparian zone compensation 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.
30. The drawings hereby approved are 35 sheets entitled, "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 23 SUSSEX BOROUGH REALIGNMENT & PAPA KATING CREEK BRIDGE REPLACEMENT, CONTRACT NO. 039970237," dated as noted, and prepared by PB AMERICAS, INC.
 - a. "Route 23 Sussex Borough Realignment & Papakating Creek Bridge Replacement, Contract No. 039970237,"
 - Typical Sections, sheets TS-1 thru TS-6 of TS-6, certified August 12, 2011,
 - Flood Hazard Area Permit, sheets FHA-1 thru FHA-10 of FHA-10, last revised November 11, 2011,
 - Flood Hazard Area Permit Papakating Creek Floodway and Flood Hazard Area, sheets FHA-P01 & FHA-P02 of FHA-P03, certified August 12, 2011,
 - Flood Hazard Area Permit Clove Brook Floodway and Flood Hazard Area, sheet FHA-P03 of FHA-P03, certified August 12, 2011,
 - Construction Details, sheet CD-01 of CD-06, last revised December 7, 2011,
 - Construction Details, sheets CD-02, CD-03 & CD-06 of CD-06, certified August 12, 2011,
 - b. "Route 23 Sussex Borough Realignment & Papakating Creek Bridge Replacement, Wantage Township and Sussex Borough Municipality, Sussex County,"
 - General Plan and Elevation, bridge sheet B5 of B64,
 - Profile and Working Point Layout Plan, bridge sheet B7 of B64, and
 - c. "Route 23 Sussex Borough Realignment & Papakating Creek Bridge Replacement, Contract No. 039970237, Wetland Permit Plans, sheets WPP-1 thru WPP-10 of WPP-10," signed April 8, 2011.



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

12/8/11

Date

Cc: Township of Wantage Construction Official
Borough of Sussex Construction Official