

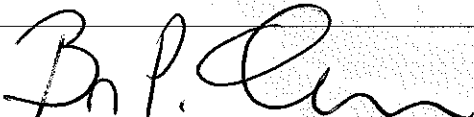


**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

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



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 7/17/2014
		Expiration Date 7/17/2024
Permit Number(s): 1600-04-0001.1 FWW130001	Type of Approval(s): FWIPW Individual Permit WET FHAIP Individual Permit FHA Verification Water Quality Certificate	Enabling Statute(s): NJSA 13:9B FWPA NJSA 58:16A FHACA NJSA 58:10A WPCA
Permittee: Zakrollah Asadpour NJDOT 1035 Parkway Ave, P O Box 600 Trenton, NJ 08625	Site Location: Block(s) & Lot(s): ROW Municipality: Clifton City County: Passaic	
Description of Authorized Activities: <p>The permit authorizes the roadway improvements to the merge/interchange of Route 46 and Route 3 and the intersections of Valley Road, Clove Road, Great Notch Road, and Notch Road.</p> <p>This Permit authorizes the permanent disturbance of 17,555 square feet (0.403 acres) of wetlands, the permanent disturbance of 107,550 square feet (2.469 acres) and temporary disturbance of 3,790 square feet (0.087 acres) of wetland transition areas, the permanent disturbance of 14,505 square feet (0.333 acres) and temporary disturbance of 2,178 square feet (0.050 acres) of State open waters, and 82,844 square feet (1.902 acres) of permanent riparian zone disturbance and 28,809 square feet (0.645 acres) of temporary riparian zone disturbance. The impacts to these regulated areas are necessary for the road improvements listed above.</p> <p>This permit is authorized under and in conditional compliance with the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 et seq. and Flood Hazard Area Control Act Rules, N.J.A.C. 7:13 et seq., as referenced within the Summary Report prepared by Division Staff.</p>		
Prepared by:  <hr/> Brian Quinn	Received and/or Recorded by County Clerk:	
<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>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

SPECIAL CONDITIONS:

1. **Recording of Permit:** This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. **NOTE:** The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:
 - a. The Department file number for the verification;
 - b. The approval and expiration dates of the verification;
 - c. A metes and bounds description of any flood hazard area limit and/or floodway limit approved under the verification;
 - d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification; and
 - e. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite."
2. **Material Disposal:** All excavated material and dredge 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.
3. The total amount of disturbance associated with this authorization shall not exceed the permanent disturbance of **17,555 square feet (0.403 acres)** of wetlands, the permanent disturbance of **107,550 square feet (2.469 acres)** and temporary disturbance of **3,790 square feet (0.087 acres)** of wetland transition areas, the permanent disturbance of **14,505 square feet (0.333 acres)** and temporary disturbance of **2,178 square feet (0.050 acres)** of State open waters, and **82,844 square feet (1.902 acres)** of permanent riparian zone disturbance and **28,809 square feet (0.645 acres)** of temporary riparian zone disturbance.
4. 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.
5. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, NJDEP, P.O. BOX 422, East State Street, Trenton, NJ 08625-0422, 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 or easement, if one was required as part of the permit.
6. Any dewatering must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from dewatering areas must be encompassed by turbidity barrier.
7. Any and all precautions must be taken to prevent raw concrete [e.g. abutments/footings] from coming in contact with the waters of the tributary; raw concrete is toxic to aquatic biota.

8. The permittee shall be responsible for preserving and minimizing vegetation disturbances within the wetland transition areas. All temporary disturbances around the proposed construction shall be replanted with native herbaceous and woody vegetation where applicable and not maintained as lawn or landscaped area.
9. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
10. In order to protect the general warm water game species within the Third River, any proposed grading or construction activity, which could introduce sediment into State open waters or which could cause an increase in the natural level of turbidity, is **prohibited** between May 1 and June 30 of each year.
11. All necessary local, Federal, and other State approvals must be obtained by the applicant prior to the commencement of the herein permitted activities.
12. No riprap is permitted within the channel, unless expressly approved by this permit and/or described on the approved plans. After all in-channel activities are completed, native stream bed material shall be replaced within the channel. This material shall be contoured to mimic the original physical characteristics of the channel (such as its shape, width, slope, thalweg, meander, and ratio of shallow areas to deep areas,) in order to provide low-flow aquatic passage throughout the entire disturbed area.
13. 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.
14. 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.
15. Upon completion of the project, all temporarily disturbed areas within 50 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. 10.2(u).
16. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8 with the use of the linear development waiver 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.

17. This portion of the permit establishes the flood hazard area design flood elevation along the Third River onsite as shown on the approved plans. Another flood hazard area permit is required prior to undertaking any regulated activity within the verified flood hazard area onsite that is not specifically approved herein. The floodway shown on the plans is specifically not verified under this application, and it may not be relied upon for future work in this area.
18. The proposed trenched sewer main near Valley Road must be covered by as much stable material consisting of native substrate in the channel as feasible, protected above by a 0.25-inch thick stainless steel plate, and encased with six inches of concrete around the sides and bottom.
19. The proposed gas line to be attached to the propose Great Notch Road Culvert must be firmly attached to the roadway's culvert so that no part of the line, its encasement or any attachment device extends above the roadway profile or across the bridge or culvert opening.
20. The proposed subsurface detention basins must be constructed of water-proof material to ensure that no groundwater can enter the system and occupy the volume required for detention.
21. The flood hazard permit is valid for 10 years from the approval date stamped on this permit. The freshwater wetland permit is valid for 5 years from the approval date stamped on this permit but may be extended beyond this date if needed.

STANDARD CONDITIONS:

1. **Responsibilities:**
 - a. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, authorizing and/or supporting documents and approved plans and drawings.
 - b. A copy of this permit, other authorizing documents, records and information 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 upon request.
2. **Permit modification:** Plans and specifications in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.
3. **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. 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 this 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
4. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee, its contractors nor subcontractors shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris

or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee, its contractors or subcontractors 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. Only clean non-toxic fill shall be used where necessary.

5. **Sediment control:** Development which requires soil disturbance, creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3-1.14.
6. **Rights of the State:**
 - a. This permit does not convey any property rights of any sort, or any exclusive privilege.
 - b. Upon notification and presentation of credentials, the permittee shall allow Department representatives or their designated agents, to enter upon the project site and/or where records must be kept under the conditions of this permit, inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit, and sample or monitor for the purposes of determining compliance. Failure to allow reasonable access shall be considered a violation of this permit and subject the permittee to enforcement action.
 - c. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.
7. **Duty to Reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit authorization, the permittee must apply for and obtain a new permit authorization.
8. **Transfer of Permit:** This permit may not be transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.
9. **Other Approvals:** The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan or ordinance.
10. **Noncompliance:**
 - a. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.
 - b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 420, Mail Code: 401-04C, Trenton, NJ 08625, 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.

11. **Appeal of Permit:** In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. 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 about this process.

MITIGATION CONDITIONS:

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

1. The permittee shall mitigate for the temporary disturbance of **0.087 acres** of transition area, **0.050 acres** of State open waters and permanent disturbance of **2.469 acres** transition area, **0.333 acres** of State open waters, **0.403 acres** freshwater 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-15 et seq)
 - a. The applicant has conceptually proposed to mitigate for the impacts resulting from the proposed project as follows;
 - i. Applicant shall restore all temporary impacts in-kind. *–Mit Unit will need a restoration plan submitted for review and approval.*
 - ii. Applicant shall use the limited mitigation opportunities onsite- *Applicant will have to employ the usual due diligence to ensure no contamination concerns, encumbrances etc. exist onsite*
 - iii. Applicant shall purchase credits from an approved mitigation bank within the service area of the project for the remaining wetlands and open water impacts. *– At present 2 banks Service the project area MRI3 & Pio Costa.*
2. **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.
3. 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)).
4. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a mitigation proposal and restoration plan for areas of temporary disturbance 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).

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 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.

MRI-3 Mitigation Bank -Contact Mark Renna of Evergreen Environmental, LLC, at 973-305-0643 or 973-356-7164 or at mrenna@evergreenenv.com

Pio Costa Wetland Mitigation Bank – Contact Carmen Pio Costa at (973) 575-1706

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. The permittee shall obtain a secured bond or other financial surety acceptable to the Division from a firm licensed to provide such services in New Jersey. (N.J.A.C. 7:7A-15.13)
 - c. **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))
 - d. 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.
 - e. 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.
 - f. 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>.

- g. 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.
- h. **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.
- i. **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>.

- I. 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 yeafeet 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.
- 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 COMPENSATION CONDITIONS

1. **Within 60 days of the issuance of this permit**, the permittee shall submit a proposal to provide 2:1 compensation for the permanent loss of **1.140** acres of forested and non-forested riparian zone vegetation. The proposal shall be designed in accordance with the standards at N.J.A.C. 7:13-10.2(t) and (u). In addition, the applicant shall submit a restoration plan for temporary impacts to **0.410** acres of riparian zone vegetation.
 - a. The applicant has conceptually proposed to mitigate for the impacts resulting from the proposed project as follows:
 - i. Conduct an onsite mitigation project totaling 0.41 acres of forested and 0.01 acres of grassed riparian zone. The remaining riparian mitigation will be conducted via an off-site project. – *Submit a full proposal for review and approval for both the onsite and offsite projects.*
 - ii. Restore all temporary impacts in-kind. – *Submit a restoration plan for review and approval.*
 - iii. Mitigate for all permanent impacts at a 2:1 ratio. *If trees will be planted to mitigate for permanent impacts to areas that are currently maintained*

lawn/grassed areas, the Department will consider accepting mitigation at a 1:1 ratio for those areas, because the mitigation will provide an overall environmental uplift.

- iv. *Make use of the limited mitigation opportunities onsite- In order for the Department to accept the suggested onsite mitigation, the Applicant will have to employ due diligence to ensure there are no contamination issues, encumbrances (for example existing easements) etc. onsite.*
2. **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.
 3. **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 attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
 4. The permittee shall monitor the riparian project for at least 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.
 5. 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.

6. 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.

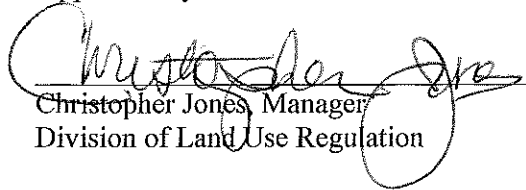
APPROVED PLANS:

The drawings hereby approved are One Hundred and Thirty Five (135) sheets prepared by Stantec Consulting Services, undated, unrevised, unless otherwise noted, prepared by russel saputo, P.E. and entitled:

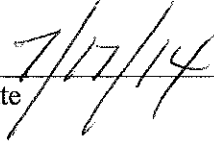
- “NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 3, ROUTE 46, VALLEY ROAD, NOTCH/RIFLE CAMP ROAD INTERCHANGE, CONTRACT NO. 059950189”
 - Freshwater Wetland & State Open Water Impact Plans WE-1, 2, 3,4,5, 6, 7, 8, and 9: not revised
 - Freshwater Wetland & State Open Water Impact Plans WE-4 and WE-5: last rev. 6-2-2014
 - Drainage Plans D-1, 2, 4, 13, 14, 16 thru 22: not revised
 - Drainage Plans D-3 and D-5: last rev. 6-12-2014
 - Drainage Plans D-6 thru D-11: last rev. 6-18-2014
 - Drainage Plans D-12 and D-15: last rev. 6-14-2014
 - Outfall Profiles: not revised
 - Detail Sheet DTL-01, 06, 07, and 08: not revised
 - Detail Sheet DTL-02: last rev. 6-3-2014
 - Detail Sheets DTL-03 and DTL-09: last rev. 6-14-2014
 - Detail Sheets DTL-04 and DTL-05: last rev. 6-14-2013
 - FHA Verification Plan FHV-1: last rev. 6-17-2014
 - FHA Verification Plan FHV-2: last rev. 6-17-2014
 - FHA Verification Plan FHV-3: last rev. 6-18-2014
 - FHA Verification Plan FHV-4: last rev. 6-17-2014
 - FHA and Riparian Zone Impact and Mitigation Plans FL-1, 7, 8 and 9: not revised
 - FHA and Riparian Zone Impact and Mitigation Plans FL-2, 3 and 4: last rev. 6-2-2014
 - FHA and Riparian Zone Impact and Mitigation Plans FL-5: last rev. 6-18-2014
 - FHA and Riparian Zone Impact and Mitigation Plans FL-6: last rev. 6-23-2014
 - Roadway Cross Sections X-1 thru X-58: last rev. 6-12-2014
 - General Plan & Elevation Sheets 117 through 136 with 120 and 127 of 137: last revised 6-24-2014
 - Detail Sheet: not revised.

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

Approved By:



Christopher Jones, Manager
Division of Land Use Regulation



Date

Original sent to Agent to record
c: Permittee