



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND RESOURCE PROTECTION**

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations 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 April 5, 2022
		Expiration Date April 4, 2027
Permit Number(s): 0000-22-0004.1 LUP220001	Type of Approval(s): Freshwater Wetlands Individual Permit Coastal Wetlands Permit Waterfront Development In-Water Individual Permit Waterfront Development Upland Individual Permit Water Quality Certificate	Governing Rule(s): N.J.A.C. 7:1-1.1(b) N.J.A.C. 7:7-1.1(a)
Permittee: Brenna Fairfax NJDOT 1035 Parkway Avenue PO Box 600 Trenton, NJ 08625	Site Location: Block(s) & Lot(s): [N/A, N/A] [N/A, N/A] Municipality: Brooklawn Borough, Westville Borough County: Camden	
Description of Authorized Activities: <p>This document authorizes the replacement of the Route 130 Bridge (Str. No. 0818-151) over Big Timber Creek in Brooklawn Borough, Camden County, and Westville Borough, Gloucester County. The authorized activities also include roadway improvements on adjacent roadways, drainage improvements, a new outfall, stormwater detention basin, flood wall protection for the roadway, and the temporary relocation of an existing overhead utility line adjacent to the northbound side of Route 130.</p> <p>This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.) as amended through October 5, 2021, Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1.1 et seq.) as amended through October 5, 2021, and Flood Hazard Area Control Act Rules (N.J.A.C. 7:13-1.1 et seq.) as amended through October 5, 2021, provided that all conditions to follow are met.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the FHACA rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		
Prepared by: Matthew Resnick	Received and/or Recorded by County Clerk:	
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		

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

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action.

Freshwater Wetlands Individual Permit	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.202	0.007
Transition Areas	0.423	0.67

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.443
Temporary Disturbed	0.012

Coastal Wetlands Permit	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Coastal Wetlands	0.007	0.005

WFD IP- Commercial/Industrial/ Public(Waterward)	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Tidal Open Water	0.005	0.140
Intertidal subtidal shallows (ISS)	0.024	0.246

SUBMERGED AQUATIC VEGETATION HABITAT CONDITIONS:

1. **At least 90 days prior to construction**, the applicant must perform a submerged aquatic vegetation (SAV) survey of the water areas in the vicinity of the proposed project. The survey should be performed between April and October during the SAV growing season. Surveys should be conducted in accordance with “Seagrass survey guidelines for New Jersey” (Lockwood 1991) and “Joint Federal Agency Submerged Aquatic Vegetation Survey Guidance for the New England Region”.
2. If any SAV plants are encountered within areas where permanent impacts are proposed, the SAV plants shall be transplanted to the maximum extent practicable (N.J.A.C. 7:7-9.6). Prior to the SAV transplant, a plan shall be provided to be reviewed and approved by the Department, indicating the receiving location for transplanting and the appropriate grades to reestablish SAV habitat.
3. The transplanted SAV shall be monitored annually for a minimum of 3 years to ensure establishment in the mitigation area (N.J.A.C. 7:7-17.10). In order to meet success criteria, transplanted SAV must meet pre-construction density and vegetative coverage as catalogued during the initial SAV survey.
4. If the SAV transplant does not meet the success criteria of pre-construction density and vegetative coverage at the end of the three-year monitoring period, additional mitigation will be required. This additional mitigation shall be provided at a 3:1 planting ratio. Wild celery (*Vallisneria americana*) shall be planted. The applicant shall submit a mitigation plan to the Department for review and

approval within 90 days of completion of the Year 3 monitoring activities conducted in accordance with the above permit condition. The plan shall provide details including, but not limited to, monitoring and success criteria for planted SAV and areas proposed for planting. The plantings shall be monitored annually for a minimum of three years.

5. To minimize impacts to SAV habitat, all turbidity barriers shall be installed prior to any in-water work being performed between **July 1** and **December 31** of each year and maintained for the duration of construction activities.
6. Silt fencing and/or floating turbidity barriers must be installed prior to and be maintained for the duration of any dewatering discharging effluent.
7. Work must be performed within existing and proposed rights-of-way and/or temporary construction easements. Excavators and other construction equipment used for construction purposes may not be staged or anchored in water areas outside of these boundaries.
8. Prior to any mitigation plantings of transplant plant material from a donor bed, in accordance with an approved mitigation plan, the applicant must obtain a Scientific Collecting Permit from the New Jersey Division of Fish and Wildlife.

STANDARD PRECONSTRUCTION CONDITIONS:

1. Prior to the construction of any structures and/or the placement of fill within any tidelands areas authorized under this permit, the permittee must apply to the Division's Bureau of Tidelands Management for a tidelands instrument (e.g., a license or lease) for the use and occupation of said tidelands. Tidelands staff will provide further guidance upon review for the timing of construction. All decisions concerning the issuance of any tidelands instrument is solely up to the Division's Bureau of Tidelands Management following the Tidelands Resource Council policy.
2. Prior to the start of construction, the Permittee is required to receive approval from the NJDEP Green Acres Program for the use of Green Acres encumbered property within the project boundaries.
3. 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
4. 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.
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 free flow 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.

SPECIAL CONDITIONS:

1. 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.

2. 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 at least four times per year and after every major storm totaling 1 inch of rainfall or more, the inspection and cleaning of all manufactured treatment devices per Department certification letters as found on www.njstormwater.org/treatment.html, and the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
3. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.
4. In order to protect anadromous fish species within the Big Timber Creek, no grading, construction or clearing is permitted within the water onsite between March 1st through June 30th of each calendar year. Furthermore, any activity outside the Creek, which would likely introduce sediment into the river 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 permittee has not taken proper precautions to ensure continuous compliance with this condition. If sediment control structures are installed prior to the timing restrictions stated above, construction behind the sediment control structures may proceed during the restricted period.
5. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
6. Raw, unset, or tremie concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
7. All excavated material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
8. 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.
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. The vegetation to be replanted shall:
 - i. 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;
- ii. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops; and
 - iii. In cases where replanting would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements to the extent feasible.
10. 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.
 11. This permit to conduct a regulated activity in a freshwater wetland, coastal wetland and tidal open water includes the Division's approval of a Water Quality Certificate for these activities.
 12. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.

FRESHWATER WETLANDS SPECIAL CONDITIONS:

1. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 7.2, and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.). 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.
2. Any pipes laid through wetlands, transition areas, or State open water must be properly sealed so as to prevent leaking or infiltration. Pipes and backfilled materials must be placed entirely beneath the pre-existing ground elevation.
3. The excavation within the wetlands and transition area must be backfilled with the original soil material or suitable material to within 18 inches of the surface. The upper 18 inches must be backfilled with the original topsoil material to the preexisting elevation and replanted with indigenous species.
4. All temporarily disturbed freshwater wetlands and transition areas must be restored to pre-construction conditions following the completion of the authorized activities.
13. All excavated areas shall be backfilled to preexisting elevations and with the original topsoil material in the uppermost 18 inches and be replanted with indigenous species suitable for the location.
14. The pipeline shall be properly sealed so as to prevent leaking or infiltration, designed so as not to form or provide a conduit for groundwater to be discharged or drained from a wetland, and placed entirely beneath the pre-existing ground elevation as shown on the approved plans herein.

FRESHWATER WETLAND, COASTAL WETLAND, AND INTERIDAL AND SUBTIDAL SHALLOWS PERMIT CONDITIONS- BANK ONLY:

1. **Within 30 days of the issuance of this permit**, the permittee shall mitigate for the loss of 0.075 acres of forested freshwater wetlands, 0.126 acres of emergent freshwater wetlands, 0.005 acres of intertidal and subtidal shallows, and 0.007 acres of coastal wetlands through the purchase of 0.213 wetland mitigation credits from an approved mitigation bank.

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.

Abbot Creek: Mark Renna, Evergreen Environmental, LLC, 709 Natures Way, Franklin Lakes, NJ 07417 and he can be reached at 201-644-7302 or 973-356-7164 or by email at mrenna@evergreenenv.com

2. **Within 60 days and prior to initiation of regulated activities**, the permittee shall submit proof of purchase for the amount of mitigation credits listed above to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Resource Protection at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
3. In the event that mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option **prior to the initiation of regulated activities**.

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS-TEMPORARY:

1. The permittee shall mitigate for the temporary disturbance of 0.007 acres of emergent wetlands through an on-site restoration project in accordance with the mitigation hierarchy. (N.J.A.C. 7:7A-11 et seq)
2. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a mitigation proposal/restoration plan to the Division of Watershed Protection and Restoration (Division) for review and approval. Activities authorized by this permit shall not begin until the permittee has obtained written approval of a mitigation plan from the Department (N.J.A.C. 7:7A-11.6(a)).
3. All mitigation shall be conducted immediately following completion of the activity that caused the disturbance and shall be continued to completion within six months after the end of the activity that caused the disturbance.
4. If the permittee fails to perform mitigation within the applicable time-period the acreage of mitigation required shall be increased by 20 percent each year after the date mitigation was to begin (N.J.A.C. 7:7A-11.3(c)).
5. If the 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](http://www.nj.gov/dep/landuse/forms/index.html) located at <http://www.nj.gov/dep/landuse/forms/index.html>.
- b. The permittee shall notify the Mitigation Unit at the Division of Land Resource Protection 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.
 - c. 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.
 - d. 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>.
 - e. If changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. The Division shall review the plan in accordance with N.J.A.C. 7:7A-11.7. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.
 - f. **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 Resource Protection in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
 - g. **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-11.12). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed [Wetland Mitigation Project Completion of Construction Form](http://www.nj.gov/dep/landuse/forms/index.html). 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 **all freshwater wetland and transition area projects** for a minimum of 5 years, unless otherwise stipulated within the approved mitigation proposal, beginning the first full growing season after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Watershed Protection and Restoration no later than December 31st of each full monitoring year (N.J.A.C. 7:7A-11.12(g)). All monitoring reports must include the standard items identified in the checklist entitled, "Wetland Mitigation Monitoring Project Checklist", which can be found at <http://www.nj.gov/dep/landuse/forms/index.html>.
- 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-11.12(i)). The Division will notify

the permittee in writing if the mitigation project is considered 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.

COASTAL WETLANDS MITIGATION PERMIT CONDITIONS-TEMPORARY:

1. The permittee shall mitigate for the temporary loss of 0.005 acres of coastal wetlands through an on-site restoration project.
2. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a mitigation proposal to the Division of Watershed Protection and Restoration (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.
3. All mitigation shall be conducted immediately following completion of the activity that caused the disturbance and shall be continued to completion within six months after the end of the activity that caused the disturbance.
4. 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 Coastal Wetland Mitigation Proposal](http://www.nj.gov/dep/landuse/forms/index.html) located at <http://www.nj.gov/dep/landuse/forms/index.html>.
 - b. The permittee shall notify the Mitigation Unit at the Division of Watershed Protection and Restoration 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.
 - c. 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.
 - d. 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 offsite 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>.

- e. If changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. 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.
- f. **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 Watershed Protection and Restoration in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
- g. **Within 60 days following the completion of the mitigation project**, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (N.J.A.C. 7:7-17.11(h)). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed Wetland Mitigation Project Completion of Construction Form that certifies the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished. This form is located at on the Division's website at: www.nj.gov/dep/landuse in the Mitigation tab of Forms & Checklists.
 - ii. An as-built plan of the completed mitigation area showing grading and any structures included in the approved mitigation proposal;
 - iii. Photographs, both pre and post construction, of the intertidal and subtidal shallows mitigation project including a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983; and
 - iv. Any changes to the approved mitigation plan that were made during construction and an explanation for the deviation(s).
- h. **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.
- i. The permittee shall monitor the mitigation for 5 full growing seasons beginning the year after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Watershed Protection and Restoration no later than December 31st of each full monitoring year (N.J.A.C. 7:7-17.13(e)). All monitoring reports must include the standard items identified in the checklists entitled [Wetland Mitigation Monitoring Project Checklist](#) and [Tidal Wetland Mitigation Monitoring Checklist](#). The [Wetland Mitigation Monitoring Project Checklist](#) and [Tidal Wetland Mitigation Monitoring Checklist](#) are located at <http://www.nj.gov/dep/landuse/forms/index.html>.

- j. 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. In accordance with N.J.A.C. 7:7-17.11(k), the mitigation project will be considered successful if the permittee demonstrates all of the following:
 - i. A completed Wetland Mitigation Project Completion of Construction Form that certifies the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished. This form is located at on the Division's website at: www.nj.gov/dep/landuse in the Mitigation tab of Forms & Checklists.
 - ii. An as-built plan of the completed mitigation area showing grading and any structures included in the approved mitigation proposal;
 - iii. Photographs, both pre and post-construction, of the tidal wetland mitigation project including a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983; and
 - iv. For Tidal Wetland creation projects only:
 - i. Documentation that the mitigation site meets the definition of a tidal wetland as defined at N.J.A.C. 7:7-9.27, including the results of monitoring over one or more successive lunar months (see N.J.A.C. 7:7-17.12(i)).
- k. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7-17.13(h)). 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. **At least 90 days prior to commencing regulated activities authorized by this permit**, the permittee shall submit a proposal to mitigate for the permanent loss of 0.263 acres of forested riparian zone vegetation and the temporary loss of 0.012 acres of scrub-shrub riparian zone vegetation. The proposal shall be designed in accordance with the standards at N.J.A.C. 7:13-13. 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)).
2. **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.
3. 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 0.263 mitigation credits from an approved wetland mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Watershed Protection and Restoration 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.

As of the date of this permit, there are no mitigation banks serving your 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.

4. If the permittee is considering conducting a creation, restoration or enhancement project, the following conditions shall apply:

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. 7:13-13.2(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 Watershed Protection and Restoration at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

5. For creation and restoration projects, 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. 7:13-13.15)
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. 7:13-13.12(c)). **The permittee shall submit monitoring reports to the Division of Watershed Protection and Restoration, 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.
9. For preservation projects, the application shall provide documentation showing that the proposed preservation area will fully compensate in accordance with N.J.A.C. 7:13-13.13 for the loss of functions and values caused by the disturbance.

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 or designee 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.
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 Watershed & Land Management by telephone at (609) 777-0454 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, project, or development 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;
 - 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; and
 - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
14. 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, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, 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.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.

16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
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 rules governing the herein approved permits.
23. A permit can be modified, 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, PO 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 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 Watershed & Land Management at the address listed on page one of this permit.

APPROVED PLANS:

The drawings hereby approved consist of thirty two (32) sheets prepared by Anthony M. Dimaggio of McCormick & Taylor Inc, dated January 2022, last revised March 29, 2022, unless otherwise noted and collectively entitled: "NJDEP PERMIT PLANS, ROUTE 130, BRIDGE OVER BIG TIMBER CREEK, CONTRACT NO. 025114260, BRIDGE REPLACEMENT":

- “NJDEP PERMIT PLANS”, sheets no. 1 through 10 of 10, sheets 1 through 9 last revised 3/28/22, sheet 10 last revised 3/31/22,
- “CONSTRUCTION PLAN” sheets no. 14 through 18 of 311,
- “DRAINAGE PLAN” sheets no. 25 through 29 of 311,
- “CONSTRUCTION DETAILS” sheets no. 33 through 37 of 311,
- “GENERAL PLAN & ELEVATION”, sheet no. 167 of 311,
- “TYPICAL SECTION”, sheet 170 of 311,
- “RETAINING WALL NO. 1 & 2 TYPICAL SECTIONS & DETAILS”, sheet 284 of 311,
- “FLOOD WALLS NO. 1 & NO. 4 GENERAL PLAN”, sheet 307 of 311,
- “FLOOD WALL NO. 2 GENERAL PLAN”, sheet 308 of 311,
- “FLOOD WALL NO. 3 GENERAL PLAN”, sheet 309 of 311; and,
- “FLOOD WALL TYPICAL SECTIONS”, sheet 310 of 311.

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Resource Protection at the address listed on page one of this permit. 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 www.nj.gov/dep/odr for more information on this process.

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

Approved By:

Janet Stewart, Section Chief
Bureau of Coastal Permitting
Division of Land Resource Protection

- c: Borough of Westville Clerk’s office
- Borough of Brooklawn Clerk’s office
- Borough of Westville Construction Official
- Borough of Brooklawn Construction Official