



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT**
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>		<p>Approval Date September 22, 2022</p>
		<p>Expiration Date September 21, 2027</p>
<p>Permit Number(s): 1511-22-0004.1 LUP220001</p>	<p>Type of Approval(s): Flood Hazard Area Individual Permit</p>	<p>Governing Rule(s): N.J.A.C. 7:13-1.1(b)</p>
<p>Permittee: New Jersey Department of Transportation c/o John Mikusa 1035 Parkway Avenue PO BOX 600 Trenton, New Jersey 08625</p>	<p>Site Location: Block(s) & Lot(s): [16001, 1] Municipality: Township of Jackson County: Ocean</p>	
<p>Description of Authorized Activities:</p> <p>This document authorizes the replacement of the existing Forest Resource Education Center (F.R.E.C.) Access Road Bridge over the Toms River on the parcel(s) referenced above.</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>		
<p>Prepared by: Sheldon Piggot</p>	<p>Received and/or Recorded by County Clerk:</p>	
<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>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

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, pursuant to N.J.A.C. 7:13-2.18.

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.239
Temporary Disturbed	0

PRE-CONSTRUCTION CONDITIONS:

1. Prior to commencement of any construction or site preparation activities, the applicant shall obtain valid Freshwater wetland permit(s) from the New Jersey Pinelands Commission. These permits shall be provided to the Department prior to commencement of construction.

SPECIAL CONDITIONS:

1. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed project for compliance with these rules; specifically, the proposed basin has not been reviewed by the Department. Therefore, issuance of this permit shall not be construed that said basin meets any municipal stormwater management regulations that may apply.
2. 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.
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. 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.
6. To protect trout waters within *Toms River*, no grading, excavation, construction, or clearing is permitted within any channel onsite between **March 1 through June 15**. Furthermore, any activity outside a channel but within a riparian zone, which would likely introduce sediment into the channel and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to

suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

7. Vegetation within [150-ft.] 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-ft.] of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
8. To minimize turbidity downstream of the project area and to maintain the water quality of *Toms River*, construction within the channel may only be performed in the dry or de-watered conditions. Any dewatering 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 dewatering areas 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 shall not be placed across the entire stream channel.
9. To avoid impacts to Northern Long-eared Bat (federally listed) and nesting migratory bird species, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from **April 1 through September 30** of each calendar year.
10. To prevent adverse impacts to State-listed Northern Pine Snakes, Timber Rattlesnakes and their resting, breeding or foraging habitats, no authorized activities may commence until the following measures have been taken:
 - i. Prior to the commencement of site preparation, disturbance, grading, clearing or construction activity the permittee shall construct an exclusion fence (i.e., heavy-duty silt fence no less than four-feet high) around the footprint of *all* proposed activities (temporary and permanent), inclusive of staging areas, to preclude snakes from entering the project area.
 - ii. Immediately thereafter, a qualified and experienced venomous snake monitor with valid NJDEP-issued Scientific Collecting Permit must thoroughly inspect the fenced-in work area for snakes and other herpetological species. Any State-listed (endangered, threatened, special concern) snake species found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (<http://www.state.nj.us/dep/fgw/ensp/rprtform.htm>), and safely relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area.
 - iii. The exclusion fences must be monitored weekly and maintained until project completion.
 - iv. 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.

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; and
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
14. The permittee 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 PLAN(S):

The drawing(s) hereby approved consist of twenty-one (21) sheet(s) prepared by Hardesty & Hanover, LLC, dated March 2022, revised August 2022, and entitled:

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION PLANS OF F.R.E.C. ACCESS ROAD, BRIDGE OVER TOMS RIVER CONTRACT NO. OCE153230 KEY MAP”-Sheet No. 1 of 67,

“NEW JERSEY DEPARTMENT OF TRANSPORTATION F.R.E.C. ACCESS ROAD, BRIDGE OVER TOMS RIVER CONTRACT NO. OCE153230”

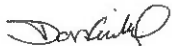
- “RIPARIAN ZONE PLAN”- Sheet No. 3 of 68,
- “TYPICAL SECTIONS”-Sheet No. 13 & 14 of 68,
- “CONSTRUCTION PLAN”-Sheet No. 16 & 17 of 68,
- “PROFILES”- Sheet No. 21 of 68,
- “GRADES”- Sheet No. 22 of 68,
- “GENERAL PLAN AND ELEVATION”- Sheet No. 55 of 68,
- “BRIDGE TYPICAL SECTION”-Sheet No. 56 of 68,
- “EXCAVATION AND BACKFILL PLAN AND DETAILS”-Sheet No. 58 of 68,
- “SOUTHWEST WINGWALL PLAN AND ELEVATION”-Sheet No. 59 of 68,
- “SOUTHEAST WINGWALL PLAN AND ELEVATION”-Sheet No. 60 of 68,
- “NORTHWEST WINGWALL PLAN AND ELEVATION”-Sheet No. 61 of 68,
- “NORTHEAST WINGWALL PLAN AND ELEVATION”-Sheet No. 62 of 68,
- “SOUTHEAST GABION WALL PLAN AND ELEVATION”-Sheet No. 63 of 68,
- “NORTHWEST GABION WALL PLAN AND ELEVATION”-Sheet No. 64 of 68,
- “GABION WALL”-Sheet NO. 65 of 68,
- “SOUTH SHEETING PLAN AND ELEVATION”-Sheet No. 66 of 68,
- “NORTH SHEETING PLAN AND ELEVATION”-Sheet No. 67 & 68 of 68,

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 Watershed & Land Management 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 Watershed & Land Management's Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by Damian
T. Friebel
Date: 2022.09.22 10:01:06
-04'00'

Damian T. Friebel, P.E., Supervisor
Bureau of Flood Hazard & Stormwater Management
Watershed & Land Management

c: Municipal Clerk, Township of Jackson