



**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

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.

Approval Date

JAN 03 2017

Expiration Date

JAN 02 2022

Permit Number(s):

0000-12-0020.2 FWW160001

Type of Approval(s):

FWGP10B minor road crossing

Enabling Statute(s):

NJSA 13:9B FWPA
NJSA 40:55D-93-99 WQPA
NJSA 58:10A WPCA

Permittee:

Zakrollah Asadpour
PO Box 600
Trenton, NJ 08625

Site Location:

Block(s) & Lot(s): [N/A, N/A] [N/A, N/A]
Municipality: Kingwood, Delaware Township
County: Hunterdon

Description of Authorized Activities:

The repaving of US Route 29 in Delaware and Kingwood Townships, Hunterdon County, from mile post 24.5 to 27.4 and from mile post 30.4 to mile post 33.7. This permit also authorizes the replacement of the guiderail and regrading of the earthen berm on the western/southbound side of US Route 29 between milepost 30.4 to milepost 33.7.

This permit authorizes the temporary disturbance of **0.054 of an acre** of freshwater wetland transition areas authorized under Freshwater Wetlands General Permit 10B.

This permit is authorized under, and in compliance with, the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 et seq. The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:7-27.2(c)13.

Prepared by:


Matthew Resnick

**Received and/or Recorded by
County Clerk:**

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.

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

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 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, pursuant to the regulations.
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 Division of Land Use Regulation by telephone at (609) 292-0060 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 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 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 under;
12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
13. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
14. 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.
15. 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.
16. 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.
17. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
18. A permit shall be transferred to another person only in accordance with the regulations.
19. A permit can be suspended or terminated by the Department for cause.
20. 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.
21. 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; and
22. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
23. 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(ies) is being undertaken. Upon completion of the regulated activity(ies), 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.

24. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

ADDITIONAL CONDITIONS FOR A FRESHWATER WETLANDS PERMIT:

1. Limit of Authorized Disturbance under Freshwater Wetlands General Permit No.10B - The authorized activity involves the temporary disturbance of 0.054 of an acre of freshwater wetland transition areas for the replacement of an existing guiderail and removal of berm on the southbound side of US Route 29 under a General Permit No. 10B. Any additional disturbance of freshwater wetlands, State open waters and/or transition areas shall be considered a violation of the Freshwater Wetlands Protection Act unless a permit is obtained prior to the start of the disturbances from the Division of Land Use Regulation.
2. The regulated activities shall not occur in the proximity of a public water supply intake;
3. The activity shall not adversely affect properties which are listed or are eligible for listing on the New Jersey or National Register of Historic Places unless the applicant demonstrates to the Department that the proposed activity avoids or minimizes impacts to the maximum extent practicable or the Department determines that any impact to the affected property would not impact the property's ability to continue to meet the criteria for listing at N.J.A.C. 7:4-2.3 or otherwise negatively impact the integrity of the property or the characteristics of the property that led to the determination of listing or eligibility.
4. If the permittee, before or during the work authorized, encounters a possible historic property, as described at N.J.A.C. 7:7A-12.2(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource, immediately notify the Department and proceed as directed.
5. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material.
6. Any structure or fill authorized shall be maintained as specified in the construction plans.
7. If activities under the general permit involve excavation or dredging, the applicant shall use an acceptable disposal site for the excavated or dredged material. No material shall be deposited or dewatered in freshwater wetlands, transition areas, State open waters or other environmentally sensitive areas. The Department may require testing of dredged material if there is reason to suspect that the material is contaminated. If any dredged material is contaminated with toxic substances, the dredged material shall be removed and disposed of in accordance with Department-approved procedures.
8. In order to protect trout species within the Warford Creek, no grading, construction or clearing is permitted within any watercourse onsite between September 15st and March 15th. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse 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. If coffer dams are constructed prior to the timing restrictions stated above, construction within the cofferdams may proceed during the restricted period(s).

- 9. In order to protect trout species within the Lockatong Creek, no grading, construction or clearing is permitted within any watercourse onsite between March 15st and June 15th. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse 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. If coffer dams are constructed prior to the timing restrictions stated above, construction within the cofferdams may proceed during the restricted period(s).
- 10. All remaining watercourses within the project area have a timing restriction of May 1st and July 31st for general game fish. No grading, construction or clearing is permitted within any of these watercourses during this period. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse 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. If coffer dams are constructed prior to the timing restrictions stated above, construction within the cofferdams may proceed during the restricted period(s).
- 11. In order to protect nesting bald eagles between mile posts 24.5 through 27.4. and mile posts 30.4-33.7, in Delaware and Kingwood Townships, Hunterdon County, no work is permitted 12/15 through 7/31.

APPROVED PLANS:

The drawings hereby approved are forty seven (47) sheets prepared by Julius R. Arief, of Louis Berger, dated November 22, 2016, unrevised, and collectively entitled:

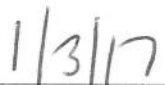
“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORATION, PLANS OF ROUTE 29, LOCKATONG CREEK TO DELAWARE & RARITAN CANAL STATE PARK, RESURFACING, ENVIRONMENTAL PLANS, TOWNSHIP OF DELAWARE, TOWNSHIP OF KINGWOOD, HUNTERDON COUNTY”

- “TYPICAL SECTION”, drawing number TS-1 of TS-1,
- “ENVIRONMENTAL PLANS”, drawing EN-4 through EN-47, of EN-47.

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: 

 Charlie Welch, Supervisor
 Division of Land Use Regulation



 Date

Original sent to Agent to record
c: Permittee