



**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>		Approval Date February 1, 2024
		Expiration Date January 31, 2029
Permit Number(s): 0000-23-0022.1 LUP230001	Type of Approval(s): FHA Individual Permit-Other TAW - Special Activity Individual Permit	Governing Rule(s): N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
Permittee: Matthew Wilityer NJDOT 1035 Parkway Avenue PO Box 600 Trenton, NJ 08625	Site Location: Route 15 – MM 7.2 to MM 13.8 Municipality: Sparta Twp County: Sussex	
Description of Authorized Activities: <p>This document authorizes the maintenance of rockwall mitigation measures along Route 15, on the parcel(s) referenced above.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) 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: Michael Tropiano	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, pursuant to N.J.A.C. 7:13-24 and N.J.A.C. 7:7A-22.

TAW - Special Activity Individual Permit	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0	0
Transition areas	0.185	0.533
State open waters	0	0

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.008
Temporary Disturbed	0.144

PRE-CONSTRUCTION CONDITIONS:

1. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.

SPECIAL CONDITIONS:

1. Where impacts are proposed along a Trout Maintenance waterway: In order to protect trout maintenance waters and general game fish from sediment generating activities, any grading, excavation, or construction activities within the stream or the banks of the stream are prohibited between **March 15th through July 31st of each year**. In addition, any activity within the flood hazard area or riparian zone of this watercourse which does not minimize the introduction of sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity, is also prohibited anytime but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional measures are required to protect State regulated resources, or 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.
2. Where impacts are proposed along a Trout Production waterway: In order to protect trout production waters from sediment generating activities, any grading, excavation, or construction activities within the stream or the banks of the stream are prohibited between **September 15th through March 15th**

of each year. In addition, any activity within the flood hazard area or riparian zone of this watercourse which does not minimize the introduction of sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity, is also prohibited anytime but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional measures are required to protect State regulated resources, or 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.

3. To avoid impacts to Indiana Bat, Northern Long-eared Bat, and Tricolored Bat, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from **April 1 through November 15 of each calendar year.**
4. The isolated wetland “NB 10-NB 19” depicted on Sheet 9/30 has potential to be a vernal habitat.
 - a. To avoid timing restrictions on work, the permittee shall install a silt fence around the perimeter of the wetland depicted on sheet 9/30.
 - b. The silt fence must be maintained in working condition until project completion.
5. To protect habitat for Wood Turtles (State-listed, threatened) within and adjacent to the project area, the Permittee shall adhere to the following:
 - A. To prevent adverse impacts to hibernating turtles (i.e. in-stream work including stream bank excavation):
 - i. No site preparation, disturbance, grading, clearing or construction activity is permitted within the banks of the referenced watercourse between November 1 and April 1 of each calendar year.
 - a. If a coffer dam or similar structure is proposed to *completely* enclose the work area, work may occur during this restricted period provided the coffer dam installation is *completed* prior to November 1 and thereafter completely precludes turtles from accessing the work area to rest or hibernate. This must include appropriate bank-side fencing to preclude terrestrial access to the coffer dam work area. Immediately after installation of the work area enclosure, a qualified herpetologist must thoroughly inspect the enclosed area for wood turtles. Please note the qualified herpetologist is required to obtain a scientific collecting permit from NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) (http://www.state.nj.us/dep/fgw/exotic_apps.htm). Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (<https://dep.nj.gov/njfw/conservation/reporting-rare-wildlife-sightings/>), and carefully relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the coffer dammed work area. Once this inspection is complete, authorized activities may commence within the coffer dammed work area.
 - B. To prevent adverse impacts to resting, breeding or foraging habitats for wood turtles within the regulated areas (Freshwater Wetlands/Transition Areas/Riparian Zone) associated with the referenced watercourses no authorized activities may commence from April 1 through May 30 and September 1 through November 15 of the calendar year *unless* the following measures have been taken:
 - i. Prior to the commencement of site preparation, disturbance, grading, clearing or construction activity within landscape valued as habitat for threatened or endangered herptile species, the Permittee shall install a temporary fence made of synthetic filtration fabric or geo-textile filtration fabric around the footprint of *all* proposed activities

(temporary and permanent) that is sufficient in height to preclude small wildlife species from entering the proposed work area.

- ii. Upon installation, a qualified herpetologist with a valid Scientific Collecting Permit issued by the NJDEP DFW-ENSP shall survey the work area. Any wood turtles and other State-listed species found must be reported to the NJDEP DFW-ENSP (<https://dep.nj.gov/njfw/conservation/reporting-rare-wildlife-sightings/>), and safely relocated outside of the proposed work area. The qualified herpetologist shall be present during all onsite work (e.g., clearing of vegetation, demolition, excavation, site preparation, etc.) and shall survey the fenced in work area prior to commencement of work each day of activity and throughout each work day to “clear” the project limit of disturbance, temporary workspaces, and staging areas of amphibians and reptiles. Work activity shall cease where any animals are observed until the qualified herpetologist can carefully move the animal to safety beyond the exclusion fence.
 - iii. The exclusion fence must be monitored weekly and maintained in satisfactory working condition until project completion.
- C. 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.
6. This authorization for a Individual Permit is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit’s expiration.
 7. 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.
 8. 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.
 9. 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.
 10. 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.
 11. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.
 12. The Department has determined that this project is eligible for the linear development waiver of the Stormwater Management rules 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 green infrastructure components, 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.

RIPARIAN ZONE MITIGATION CONDITIONS:

1. **Prior to the initiation of regulated activities**, the permittee shall mitigate for the loss of **0.023 acres** of forested riparian zone vegetation, **0.064 acres** of scrub/shrub riparian zone vegetation, and **0.036 acres** of herbaceous riparian zone vegetation through the purchase of **0.123** riparian 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.

For portions of the project within Watershed Management Area 1: **Oxford Western Mitigation Bank**. Contact Chet Romano, Ecological Resources Group, LLC. Phone: (732) 571-1777. Email: chetromano@gmail.com.

For portions of the project within Watershed Management Area 2: **Clove Brook Mitigation Bank**. Contact Mark Renna, Evergreen Environmental, LLC. Phone (201) 644-7302 or (973) 356-7164. Email: mrenna@evergreenenv.com.

2. **Prior to the 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 Watershed Protection and Restoration 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 banks, 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**.

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 email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov at least 3 days prior to commencement of site

preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.

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 through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://www.nj.gov/dep/landuse/epermit.html>.

APPROVED PLAN(S):

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION PLANS OF ROUTE 15 CORRIDOR, ROCKFALL MITIGATION CONTROL A CONTRACT NO.007238000 ROCKFALL MITIGATION FRESHWATER WETLANDS TRANSITION AREA WAIVER PERMIT SUBMISSION SEPTEMBER 2023”, sheets 1 through 30 of 30, unrevised and prepared by John L. Beatty Jr.

and

“STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION PLANS OF ROUTE 15 CORRIDOR, ROCKFALL MITIGATION CONTROL A CONTRACT NO.007238000 ROCKFALL MITIGATION FLOOD HAZARD AREA INDIVIDUAL PERMIT SUBMISSION SEPTEMBER 2023”, sheets 1 through 30 of 30, unrevised and prepared by John L. Beatty Jr.

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 Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. 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:

Ryan J. Anderson, Manager
Watershed & Land Management

c: Municipal Clerk, Sparta Twp
Municipal Construction Official, Sparta Twp
Agent (original) – Robert Zalewski