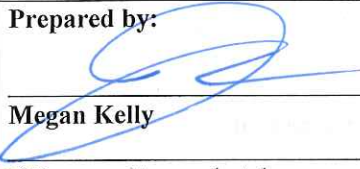


**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.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 limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p><b>Approval Date</b> July 1, 2019</p>
		<p><b>Expiration Date</b> June 30, 2024</p>
<p><b>Permit Number(s):</b>  0511-18-0005.1; FWW 180001 FWW 180002</p>	<p><b>Type of Approval(s):</b>  FWGP10A (very minor road crossing), FWGP2 (utility line), and Water Quality Certificate</p>	<p><b>Enabling Statute(s):</b>  N.J.S.A. 13:9B-1 et seq.</p>
<p><b>Permittee:</b>  New Jersey Department of Transportation (NJDOT) c/o Ms. Brenna Fairfax 1035 Parkway Avenue Trenton, NJ 08625</p>	<p><b>Site Location:</b>  Block(s) &amp; Lot(s): [N/A, N/A] Municipality: Upper Township County: Cape May</p>	
<p><b>Description of Authorized Activities:</b></p> <p>This permit authorizes the disturbance to 1,840 s.f. (0.043 acres) of freshwater wetlands transition areas, under a Freshwater Wetlands General Permit No. 2, and the disturbance to 1,540 s.f. (0.035 acres) of freshwater wetlands transition areas, under a Freshwater Wetlands General Permit No. 10A, for the construction of a Dynamic Message System (DMS) sign, guiderail protection for the sign, and an access pad to maintain the sign. The authorized activities are shown on the plan referenced at the end of this permit.</p> <p>The Division of Land Use Regulation has reviewed the referenced application for a General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-7. The activities allowed by this authorization shall comply with applicable conditions noted at N.J.A.C. 7:7-5.7, 7.2, 7.10A and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetland Protection Act (N.J.S.A. 13:9B-1 et. seq.).</p> <p>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.</p>		
<p><b>Prepared by:</b>   Megan Kelly</p>	<p><b>Received and/or Recorded by County Clerk:</b></p>	
<p>If the permittee undertakes any regulated activity authorized under a 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 permit and all conditions therein.</p>		
<p align="center"><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

**FRESHWATER WETLAND SPECIAL CONDITIONS:**

1. The total amount of disturbance associated with this authorization shall not exceed 1,770 s.f. (0.041 acres) of temporary impact and 70 s.f. (0.002 acres) of permanent impact to freshwater wetlands transition areas for the construction of the authorized activities under a Freshwater Wetlands General Permit No 2.
2. The total amount of disturbance associated with this authorization shall not exceed 40 s.f. (0.001 acres) of permanent impact and 1,500 s.f. (0.034 acres) of temporary impact to freshwater wetlands transition areas for the construction of the authorized activities under a Freshwater Wetlands General Permit No. 10.
3. This authorization for a General 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. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the permittee must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

**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. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area. In addition, 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 by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any noncompliance within twelve hours 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:
- a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. 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.
  8. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
    - a. 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;
    - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
    - c. 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.
  9. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
  10. 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.
  11. 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.
  12. 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.
  13. A permit shall be transferred to another person only in accordance with the regulations N.J.A.C. 7:7A-20.5.
  14. A permit can be suspended or terminated by the Department for cause as specified at N.J.A.C. 7:7A-20.8 and 20.9.
  15. 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.

16. 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.
17. 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, seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
18. 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.
19. 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.
20. Best management practices as defined at N.J.A.C. 7:7A-1.3, shall be followed whenever applicable.
21. If the permittee, before or during the work authorizes, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource and immediately notify the Department and proceed as directed.
22. 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 the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7A-1.4.

**APPROVED PLANS:**

The drawings hereby approved are entitled:

“New Jersey Department of Transportation, Route 47/347 & Route 49/50 Corridor Enhancement ITS and Operational Improvements, Contract No. 002018291”, dated December 6, 2018, unrevised, and prepared by Michael Baker International, Inc.

1. “NJDEP Freshwater Wetlands” (Sheet 4 of 4); and
2. “NJDEP Freshwater Wetlands GP2” (Sheets 11 & 15 of 15).

**APPEAL OF DECISION:**

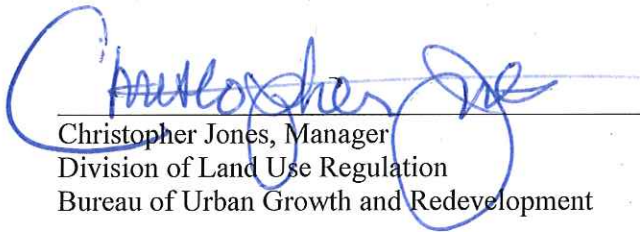
In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing



Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7<sup>th</sup> Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at [www.state.nj.us/dep/landuse/forms](http://www.state.nj.us/dep/landuse/forms). Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at [www.state.nj.us/dep/bulletin](http://www.state.nj.us/dep/bulletin). In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website [www.nj.gov/dep/odr](http://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 Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:

  
\_\_\_\_\_  
Christopher Jones, Manager  
Division of Land Use Regulation  
Bureau of Urban Growth and Redevelopment

\_\_\_\_\_  
Date 7/1/19

c: Ms. Brenna Fairfax, NJDOT, Permittee (Original)  
Upper Township Construction Official

