



**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
MAR 03 2015

Expiration Date
MAR 02 2020

Permit Number(s): 0300-14-0003.1 WFD 140001 WFD 140002 CSW 140001 FWW 140001	Type of Approval(s): Waterfront Development IP Upland Waterfront Development In Water Coastal Wetland Freshwater Wetland GP18 Water Quality Certificate	Enabling Statute(s): NJSA 12:5-3 WFD NJSA 13:9A WA NJSA 13:9B FWPA NJSA 58:10A WPCA
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Permittee:


 NJ Dept. of Transportation
 1035 Parkway Ave
 Trenton, NJ 08625

Site Location:

 Route 130 and Crystal Lake Dam
 Municipality: Bordentown and Mansfield Townships
 County: Burlington

Description of Authorized Activities:

The rehabilitation of Route 130 and Crystal Lake Dam. This permit authorizes the disturbance of 0.883 acres of freshwater wetlands and the temporary disturbance of 1.451 acres of freshwater wetlands under Statewide general permit no. 18 and the permanent disturbance of 0.023 acres of mapped coastal wetlands and the temporary disturbance of 0.012 acres of mapped coastal wetlands under the Wetland Act of 1970. The In-Water Waterfront Development Permit authorizes the permanent disturbance of 0.173 acres of intertidal/subtidal shallows and the temporary disturbance of 0.230 acres of intertidal/subtidal shallows.

Prepared by:


 Charlie Welch

**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.

1. **Responsibilities:**
 - a. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, authorizing and/or supporting documents and approved plans and drawings.
 - b. A copy of this permit, other authorizing documents, records and information including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents upon request.
2. **Permit modification:** Plans and specifications in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.
3. **Duty to minimize environmental impacts:** 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. 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 this 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
4. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee, its contractors nor subcontractors shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee, its contractors or subcontractors shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary.
5. **Sediment control:** Development which requires soil disturbance, creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3-1.14.
6. **Rights of the State:**
 - a. This permit does not convey any property rights of any sort, or any exclusive privilege.

- b. Upon notification and presentation of credentials, the permittee shall allow Department representatives or their designated agents, to enter upon the project site and/or where records must be kept under the conditions of this permit, inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit, and sample or monitor for the purposes of determining compliance. Failure to allow reasonable access shall be considered a violation of this permit and subject the permittee to enforcement action.
 - c. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.
7. **Duty to Reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit authorization, the permittee must apply for and obtain a new permit authorization.
8. **Transfer of Permit:** This permit may not be not transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.
9. **Other Approvals:** The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan or ordinance.
10. **Noncompliance:**
 - a. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.
 - b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence 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.
11. **Appeal of Permit:** In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request

must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. 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 for more information about this process.

12. If you begin any activity approved by this permit, you thereby accept this document in its entirety, and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled to request an appeal within a limited time as detailed on the attached administrative hearing request checklist and tracking form.
13. This authorization for a General Permit is valid for a term not to exceed five years from the date of this letter. 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 applicant must comply with the requirements of the new regulations by applying for a new General Permit authorization or an Individual permit.

SPECIFIC CONDITIONS:

14. Activities under this Freshwater Wetlands General Permit No. 18 shall comply with all applicable requirements at N.J.A.C. 7:7A-4.3, Conditions that apply to all general permits.
15. All activities shall be conducted pursuant to N.J.A.C. 7:20 by the Department's Dam Safety Section in the Division of Engineering and Construction and pursuant to N.J.A.C.7:7A-5.18(d).
16. The permittee shall minimize impacts on freshwater wetlands, transition areas, and/or State open waters through the use of best management practices including, but not limited to: replanting disturbed areas with indigenous wetland plants, stabilizing disturbed soils, and backfilling the uppermost 18 inches of any excavation with the original topsoil material pursuant to N.J.A.C. 7:7A-5.18(d)4.
17. Wetlands Not Verified: This permit does not verify the full extent of wetlands on-site. If the applicant is proposing further construction activities on-site they are encouraged to apply for a Verification type Letter of Interpretation (LOI) from this office. This type of LOI will verify the extent of wetlands on the property and determine the resource value of those wetlands.
18. All temporary disturbances must be permanently discontinued within six months after they are begun and all temporary disturbed areas must be restored to their original condition.

19. Water Quality Certificate: This permit to conduct a regulated activity in a wetland or open water includes the Division's approval of a Water Quality Certificate for these activities.
20. Stormwater Management: The decision to authorize this Freshwater Wetlands General Permit No. 18 did not include a review for compliance with the Stormwater Management Regulations at N.J.A.C. 7:8. The Division of Land Use Regulation notes that the proposed development does not meet the definition of a major development as defined in N.J.A.C. 7:8-1.2. As such, the issuance of this Freshwater Wetlands General Permit No. 18 should not be construed as an indication that this project meets any municipal stormwater management regulations which may apply.
21. All or parts of the water bodies contained within this project area are considered to be within an anadromous species migration corridor. To protect the anadromous species spawning run in this area, as well as the water-water fishery resource, a timing restriction from March 1 through June 30 is required on any in-water disturbance, sediment generating activities and pile driving. Therefore, no grading, construction or clearing is permitted within any watercourse onsite between the dates as shown above of each year. 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.
22. During construction, all excavation must be adequately monitored for the presence of acid-producing deposits. If any such deposits are encountered, the Flood hazard Area Control Act Rules at N.J.A.C. 7:13 must be implemented.
23. Activities under this Freshwater Wetlands General Permit No 18 shall not increase the normal water surface elevation over the historic elevation as of the date the dam was originally completed.
24. Prior to any construction activities, the permittee must obtain authorization from the State Historic Preservation Office.
25. To prevent adverse impacts to the State threatened Eastern Pond Mussel (*Ligumia nastua*), the permittee shall complete a survey to investigate the occurrence of State and/or federally listed freshwater mussel species in the immediate vicinity of the proposed Crystal Lake Dam project location. No in-water and/or sediment generating activities are authorized until the survey details have been approved by this Division, in coordination with the Division of Fish & Wildlife, Endangered and Nongame Species Program.

The required survey shall include the following: (1) be conducted between May 1 and September 31 of the calendar year, (2) comprehensively survey the project footprint, including a 50' buffer, (3) include visual survey and random excavation survey techniques, (4) the survey shall be conducted 100 meters upstream and 300 meters downstream of the proposed work areas(s) to assess the potential to impact mussels in the vicinity of the proposed activities. The survey

summary and results shall be submitted to this Division in coordination with the Endangered and Nongame Species Program to determine as to whether further coordination/surveying will be required. The results of these survey(s) may result in the requirement of monitoring of any located mussels and/or relocation.

26. To prevent adverse impacts to hibernating wood turtles (*Glyptemys insculpta*) within and adjacent to Crystal Creek and Crystal Lake, the permittee shall install, by November 1, the proposed coffer dams as shown on the approved plans. The proposed coffer dams shall completely enclose the work area to preclude turtles from accessing the project area to rest and/or hibernate. In addition to the coffer dams, the permittee shall install a silt/exclusionary fence to prevent wood turtles from entering the construction area. The authorized activities are prohibited between November 1 and April 1 and September 1 to November 15 of each year in the event that the coffer dams are not installed by November 1.
27. Immediately after installation of the project area enclosure, a qualified herpetologist must thoroughly inspect the enclosed area for wood turtles. Any wood turtles found must be reported immediately to this Division, in coordination with the Division of Fish & Wildlife, Endangered and Nongame Species Program and relocated outside of the project area.
28. To protect the State-listed bald eagle (*Haliaeetus leucocephalus*) and its foraging habitat, there shall be no removal of any tree within the project area of with a diameter at breast height of eight inches or greater. In addition, to protect active wintering habitat, the permittee shall consult with this Division, in coordination with the Division of Fish & Wildlife, Endangered and Nongame Species Program prior to the use of heavy machinery from November 15 to March 1 of each calendar year.

MITIGATION CONDITIONS:

Coastal and Intertidal Subtidal Shallow Mitigation Conditions:

1. The permittee shall mitigate for the permanent loss of 0.023 acres (1,009 s.f.) of coastal wetlands, and 0.173 acres (7,522 s.f.), of intertidal subtidal shallows through an on and/or off-site creation or restoration and enhancement project or with the purchase of credits from a mitigation bank serving the appropriate watershed management area.
2. The mitigation project shall be conducted prior to or concurrent with the construction of the approved project.
3. 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 Land Use Regulation (Division) Mitigation Unit for review and approval. Prior to commencement of regulated activities authorized by this permit, the Division must approve of the proposed mitigation project in writing.
4. If the permittee is proposing to construct an intertidal subtidal shallows creation project, one acre of creation must be performed for each acre disturbed. If the permittee is proposing a non-intertidal/subtidal shallow wetlands enhancement or creation project, the ratio of wetlands enhanced to wetlands disturbed shall be two acres of enhancement for each acre disturbed sufficient to replace loss of ecological value from the permitted project

and shall be approved by the Division. The following conditions and information must be adhered to when performing mitigation.

5. If the applicant is considering obtaining land to satisfy a mitigation requirement, the Department strongly recommends that the permittee obtain the Division's conceptual review and approval of any land being considered as a potential mitigation area. Within 30 days of the issuance of this permit submit for review and approval a conceptual plan showing the location and proposed hydrology of the mitigation site.
6. 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 mitigation credits from an approved wetland mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
7. 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 located at <http://www.nj.gov/dep/landuse/forms.html>.
 - b. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation 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. In the event that 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 Land Use Regulation 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. 7:7E-3B.5(b) and N.J.A.C. 7:7E-3B.5(c)1). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed Wetland Mitigation Project Completion of Construction Form which can be found at <http://www.nj.gov/dep/landuse/forms.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;
 - 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; and
 - iv. For ISS creation projects only: Documentation that the mitigation site meets the definition of an intertidal subtidal shallow, that it is permanently or twice daily submerged from the Spring high tide to a depth of four feet below mean low water.
- 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 is required to monitor the mitigation project according to the following schedule, and to submit monitoring reports to the Division of Land Use Regulation no later than November 15 of each full monitoring year (see N.J.A.C. 7:7E-3B.5(d)):
 - i. The intertidal subtidal portion of the mitigation project shall be monitored for a lunar month after construction until the Department has determined that the project has been successfully completed (see N.J.A.C. 7:7E-3B.5(c)1). If the Department determines that intertidal subtidal shallows mitigation is not successful, then the post construction monitoring shall be repeated the following lunar month (s) until the site has been deemed successful.

- ii. Other wetland mitigation projects shall for monitored for 5 full growing seasons and emergent wetland or State open water mitigation projects for 3 full growing seasons) beginning the year after the mitigation project has been completed.
- j. The monitoring report, required in i. above, shall include all of the following information for the intertidal subtidal shallows portion of the project:
- i. A USGS quad map showing the location of the mitigation site; a county road map showing the location (including lot and block) of the mitigation site; copy of an aerial photograph of the mitigation site. The point(s) of access to the mitigation site must be clearly indicated on all maps;
 - ii. A copy of the permit that included the mitigation requirement;
 - iii. A brief description of the mitigation;
 - iv. Photographs of the mitigation site with a location map indicating the location and direction for each photograph and indicating the tidal stage at the time the photo was taken;
 - v. An assessment of the planted vegetation (if any was required) and any species that are naturally colonizing the site. This assessment shall include data sheets from the sampling points which describe the vegetation present, the percent coverage of the vegetation and the location of the water table;
 - vi. Based on the approved water budget prepared in accordance with N.J.A.C. 7:7E-3B.2(a)7, documentation demonstrating that the mitigation site is a wetland or intertidal or subtidal shallows. The documentation shall include, as appropriate, monitoring well data, stream gauge data, photographs and/or field observation notes collected throughout the post-construction monitoring period;
 - vii. Documentation, based on field data, that the approved goals of the mitigation project prepared pursuant to N.J.A.C. 7:7E-3B.2(a), are satisfied;
 - viii. A narrative evaluating the success/failure of the project in accordance with N.J.A.C. 7:7E-3B.5; In the event that the mitigation is a failure in accordance with N.J.A.C. 7:7E-3B.5, a narrative description of proposed actions that will permanently rectify the problems.
- k. For the non-intertidal subtidal shallows portion of the project, all monitoring reports shall include the standard items identified in the checklists entitled Wetland Mitigation Monitoring Project Checklist and Coastal Wetland Mitigation Monitoring which can be found at <http://www.nj.gov/dep/landuse/forms.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 (see N.J.A.C. 7:7E-3B.5(b)3. 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

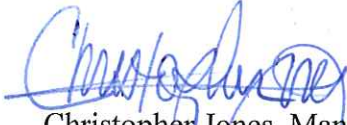
mitigation area must be healthy and thriving and all trees must be at least five feet in height;

- iii. The site is 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. 7:7E-3B.5(d)9). 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.

APPROVED PLAN: The drawing hereby approved is one (1) sheet prepared by New Jersey Department of Transportation, entitled: "NJDEP Freshwater/Coastal Permit Plan, Route 130 Crystal Lake Dam, Contract No. 053023090," dated September 2014, unrevised.

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
Bureau of Urban Growth & Redevelopment
Division of Land Use Regulation

3/3/15
Date

- C: Construction Code Official, Mansfield & Bordentown Townships
Sarah Hatala, Bureau of Dam Safety
Kristen Symansky, DLURP
Vincent Maresca, SHPO