



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

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| 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, | | Approval Date <div style="text-align: center; font-weight: bold; font-size: 1.2em;">AUG 13 2019</div> |
| | | Expiration Date <div style="text-align: center; font-weight: bold; font-size: 1.2em;">AUG 12 2024</div> |
| Permit Number(s): 0000-04-0029.1 WFD190001 0000-04-0029.1 WFD190002 0000-04-0029.1 CSW190001 0000-04-0029.1 FWW190001 | Type of Approval(s): IP Upland IP In-water Coastal wetlands permit FWIP WQC Water Quality Cert. | Enabling Statute(s): NJSA 12:3-1 et seq. TA; NJSA 12:5-3 et seq. WFD; NJSA 13:9A et seq. WA; NJSA 13:9B et seq. FWPA; NJSA 13:20-1 et seq. HWPPA; NJSA 40:55D-93-99 et seq. WQPA; NJSA 58:10A-1 et seq. WPCA; NJSA 58:11A-1 et seq. WQPA; NJSA 13:1D-29 et seq. 90-D CPL; NJSA 13:1D-1 et seq. RDCD. |
| Permittee: Brenna Fairfax NJDOT 1035 Parkway Ave, PO Box 600 Trenton, NJ 08625 | Site Location: Block(s) & Lot(s): [N/A, N/A] Municipality: Bellmawr & Runnemede Boroughs County: Camden Municipality: Deptford Township & Westville Borough County: Gloucester | |
| Description of Authorized Activities: This permit authorizes the construction of the I-295/Route 42 "Missing Moves" project, as shown on the approved plans referenced on the last page of this permit. The "Missing Moves" project includes the following activities: <ul style="list-style-type: none"> Roadway improvements along the northern end of Route 42 Southbound to connect the Missing Moves project to the I-295/I-76 Direct Connection project. Roadway widening along I-295 NB between Route 47 and the I-295 NB to Route 42 SB ramp. Roadway widening along I-295 SB from the Route 42 NB to I-295 SB ramp to Route 47. Raising and lengthening of the Creek Road over I-295 span to accommodate the new Route 42 to I-295 on/off ramps Re-location of the Leaf Avenue to Route 42NB access ramps approximately 700 feet to the south, where they will intersect with Benigno Boulevard at a new signalized intersection. Re-location of the Leaf Avenue to Route 42 SB ramps northerly approximately 100 feet. Construction of a roundabout at Harding Avenue to control traffic movements in the vicinity of the Leaf Avenue to Route 42 interchanges. Re-striping of Route 55 NB to allow for auxillary lanes to accommodate traffic within the project area. This permit includes a Water Quality Certificate for the above activities. | | |
| Prepared by: <u>Andrew Dromboski</u> Andrew Dromboski | Received and/or Recorded by County Clerk: | |
| 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 | | |
| This permit is not valid unless authorizing signature appears on the last page. | | |

SPECIAL CONDITIONS FOR A COASTAL PERMIT:

1. The permittee shall notify the Department in writing within five working days prior to commencement of operation of a CAFRA individual permit. At this time, the permittee shall certify that all conditions of the permit that must be met prior to operation of the development have been met.
2. No grading or excavation activities shall take place in areas of contaminated soils without prior authorization from either the NJDEP Site Remediation Program or an NJDEP approved Licensed Site Remediation Professional.
3. In order to protect anadromous fish species within Big Timber Creek and tributaries, no grading, excavation, or construction activities is permitted within the watercourse onsite between April 1 through June 30. In addition, any activity within the 100-year floodplain or flood hazard area of this watercourse or tributaries which would introduce sediment into said creek 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 soil conservation measures are required to protect State regulated resources or to suspend all regulated activities on-site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

SPECIAL CONDITIONS FOR A FLOOD HAZARD PERMIT:

1. The regulated activity shall not adversely affect low-flow aquatic passage in any regulated water.
2. All riparian zone vegetation that is temporarily cleared, cut, and/or removed to conduct a regulated activity, access an area where regulated activities will be conducted, or otherwise accommodate a regulated activity shall be replanted immediately after completion of the regulated activity, unless prevented by seasonal weather, in which case the vegetation shall be replanted as soon as conditions permit. The vegetation to be replanted shall:
 - a. Consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed. For example, herbaceous vegetation may be replaced with the same type of vegetation or with trees, but the trees in forested areas must be replaced with trees of equal or greater density and ecological function and value;
 - b. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops; and
 - c. In cases where replanting would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements to the extent feasible.
3. **Within 30 days of the issuance of this permit**, the applicant shall provide a signed and sealed analysis demonstrating the proposed bioretention basins can resist the effects of buoyancy from the seasonal high groundwater.

4. All excavated material and dredged material shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
5. 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.
6. 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.
7. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift, floatation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation of one foot above the flood hazard area design flood elevation. Furthermore, all structural components shall be designed to resist the same forces.
8. De-watering 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 cofferdams 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 freeflow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.
9. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
10. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
11. The riprap proposed within the channel shall be carefully imbedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, any void spaces within the riprap shall be filled with native substrate from the channel.
12. After all in-channel activities are completed, native stream bed material shall be replaced within the channel. This material shall be contoured to mimic the original physical characteristics of the channel (such as its shape, width, slope, thalweg, meander, and ratio of shallow areas to deep areas,) in order to provide low-flow aquatic passage throughout the entire disturbed area.
13. 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 low impact site design, 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.

14. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and manufactured treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.

SPECIAL CONDITIONS FOR A FRESHWATER WETLANDS PERMIT:

1. The total amount of permanent disturbance associated with this authorization shall not exceed 0.343 acres (14,941 SF) of freshwater wetlands, 4.675 acres (203,643 SF) of transition area and 0.094 acres (4,094.64 SF) of State Open Waters for the construction of the "Missing Moves" project.
2. The wetlands affected by this permit authorization are of Intermediate and Exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet and 150 feet, respectively. This permit includes a transition area waiver, which allows encroachment only in that portion of the transition area, which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.3. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules (N.J.A.C. 7:7A) for additional information.
3. If the permittee, before or during the work authorized, 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.

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

1. The permittee shall mitigate for the permanent loss of **0.138 acres** of forested wetlands, **0.205 acres** of emergent wetlands, and **0.094 acres** of State open waters. The permittee has proposed to purchase 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 **0.437 acres** of 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.

At this time, the following banks 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.

- Willow Grove Lake Wetlands Mitigation Bank – Heather Brecht, The Nature Conservancy – New Jersey Chapter, 2350 Route 47, Delmont, NJ 08314, Phone: (609) 861-4122, Fax: (609) 861-4420, or Email: heather.brecht@tnc.org
- **For impacts to State- Open Waters, Coastal Wetland, and Emergent Wetlands, only:** Abbot Creek-Contact Mark Renna, Evergreen Environmental, LLC, at (201)644-7302 (office) or 973-356-7164 or by email at mrenna@evergreenenv.com

2. **Within 60 days and prior to initiation of regulated activities**, the permittee shall submit proof of purchase for the number of mitigation credits listed above 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.
3. If the mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Land Use Regulation, Mitigation Unit to arrange for an alternative mitigation option **prior to the initiation of regulated activities**.
4. The permittee shall mitigate for the temporary disturbance of **0.133 acres** of forested freshwater wetlands and **1.218 acres** of forested transition area through an on-site restoration project.
 - a. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a comprehensive restoration plan for all temporary impacts to the Division of Land Use Regulation (Division) for review and approval. Specifically, please indicate size, location and number of plantings, location of invasive species as well as proposed control measures, protocol that will be used to restore the work areas. If any changes in grade, topography or hydrology are proposed include how restoration will proceed. Activities authorized by this permit shall not begin until the permittee has obtained written approval of a mitigation plan from the Department (N.J.A.C. 7:7A-15.11(a)1).
5. **All mitigation shall be conducted prior to or concurrent with the construction of the approved project** (N.J.A.C. 7:7A-15.3(a)1). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.
6. If the permittee fails to perform mitigation within the applicable time period, the acreage of mitigation required shall be increased by 20 percent each year after the date mitigation was to begin (N.J.A.C. 7:7A-15.3(b)).
7. The following conditions shall apply to the temporary restoration project:
 - 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 Freshwater Wetland Mitigation Proposal located at <http://www.nj.gov/dep/landuse/forms/index.html>.
 - b. The permittee shall obtain a secured bond or other financial surety acceptable to the Division from a firm licensed to provide such services in New Jersey. (N.J.A.C. 7:7A-15.13)
 - c. 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.
 - d. 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.

- e. 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>.
- f. 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. The Division shall review the plan in accordance with N.J.A.C. 7:7A-15.15. 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.
- g. **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.
- h. **Within 60 days following the final planting of the mitigation project**, the permittee shall submit a brief letter in lieu of a Construction Completion Report to the Division. The letter shall indicate the restoration work is complete and the freshwater wetlands were seeded with the appropriate seed mix as approved on the above cited restoration plan. The letter shall contain, at a minimum, the following information:
 - i. A completed [Wetland Mitigation Project Completion of Construction Form](http://www.nj.gov/dep/landuse/forms/index.html). This form is located at <http://www.nj.gov/dep/landuse/forms/index.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. 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. If the site is seeded in the fall, documentation may be submitted no sooner than the following spring. If the site is seeded in the spring, the documentation may be submitted during the current growing season.
- i. The permittee shall monitor **all freshwater wetland and transition area projects** for a minimum of 5 years, unless otherwise stipulated within the approved mitigation proposal, beginning the first full growing season after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year (N.J.A.C. 7:7A-11.12(g)). All monitoring reports must include the standard items identified in the checklist entitled, "Wetland Mitigation Monitoring Project Checklist", which can be found at <http://www.nj.gov/dep/landuse/forms/index.html>.

- i. Since the restoration area consists primarily of herbaceous plantings, a full monitoring period may not be required. Upon receipt of the documentation indicating that the restoration areas are seeded, and the first of the required monitoring reports shows that the restoration areas have successfully re-established, the Mitigation Unit will re-evaluate the duration of the monitoring period.
- j. 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. 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. 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 has 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.
- k. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7A-15.16(f)). 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.

RIPARIAN ZONE MITIGATION CONDITIONS:

1. The permittee shall mitigate for the permanent disturbance of **1.05 acres** of forested riparian zone and the temporary disturbance to **0.096 acres** of herbaceous riparian zone. The permittee has proposed to purchase 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 **1.14 acres** of 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.

At this time, the following bank is 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.

- Abbot Creek-Contact Mark Renna, Evergreen Environmental, LLC, at (201)644-7302 (office) or 973-356-7164 or by email at mrenna@evergreenenv.com
- 2. **Within 60 days and prior to 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 Land Use Regulation 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 bank, the permittee shall contact the Division of Land Use Regulation, Mitigation Unit to arrange for an alternative mitigation option **prior to the initiation of regulated activities**.
- 4. The permittee shall mitigate for the temporary disturbance of **0.096 acres** of herbaceous riparian zone through an on-site restoration project.
 - a. **At least 90 days prior to the initiation of regulated activities authorized by this permit**, the permittee shall submit a restoration plan for all temporary impacts to the Division of Land Use Regulation (Division) for review and approval. Specifically, please indicate size, location and number of plantings, location of invasive species as well as proposed control measures, protocol that will be used to restore the work areas. If any changes in grade, topography or hydrology are proposed include how restoration will proceed. Activities authorized by this permit shall not begin until the permittee has obtained written approval of a mitigation plan from the Department (N.J.A.C 7:13-13.2(b)).
- 5. **All mitigation shall be conducted prior to or concurrent with the regulated activity that causes the disturbance.** (N.J.A.C. 7:13-13.3(a)1). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.
- 6. The following conditions shall apply to the temporary restoration project:
 - 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 Freshwater Wetland Mitigation Proposal located at <http://www.nj.gov/dep/landuse/forms/index.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 riparian restoration 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 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 riparian zone conditions. The Division shall review the plan in accordance with N.J.A.C. 7:13-13.7. 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 60 days following the final planting of the mitigation project**, the permittee shall submit a brief letter in lieu of a Construction Completion Report to the Division. The letter shall indicate the restoration work is complete and the freshwater wetlands were seeded with the appropriate seed mix as approved on the above cited restoration plan. The letter shall contain, at a minimum, the following information:
 - i. A completed [Wetland Mitigation Project Completion of Construction Form](#). This form is located at <http://www.nj.gov/dep/landuse/forms/index.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. 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. If the site is seeded in the fall, documentation may be submitted no sooner than the following spring. If the site is seeded in the spring, the documentation may be submitted during the current growing season.
- h. The permittee shall monitor **all riparian zone restoration projects** for a minimum of 5 years, unless otherwise stipulated within the approved mitigation proposal, beginning the first full growing season after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year (N.J.A.C. 7:13-13.12(c)). All monitoring reports must include the standard items identified in the checklist entitled, "Wetland Mitigation Monitoring Project Checklist", which can be found at <http://www.nj.gov/dep/landuse/forms/index.html>.
- i. Since the restoration area consists primarily of herbaceous plantings, a full monitoring period may not be required. Upon receipt of the documentation

indicating that the restoration areas are seeded, and the first of the required monitoring reports shows that the restoration areas have successfully re-established, the Mitigation Unit will re-evaluate the duration of the monitoring period.

- i. 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. 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. 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 has 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.
- j. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7A-15.16(f)). 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.

INTERTIDAL-SUBTIDAL SHALLOWS MITIGATION CONDITIONS:

1. The permittee shall mitigate for the permanent loss of **0.26 acres** of intertidal and subtidal shallows. The permittee has proposed to purchase credits from a mitigation bank to satisfy a mitigation requirement. **Within 60 days and prior to initiation of regulated activities authorized by this permit**, the permittee shall submit proof of purchase for **0.26 acres** of 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.

At this time, the following bank(s) are approved to serve the project area:

- Abbot Creek-Contact Mark Renna, Evergreen Environmental, LLC, at (201)644-7302 (office) or 973-356-7164 or by email at mrenna@evergreenenv.com

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.

2. All mitigation shall be conducted prior to or concurrent with the construction of the approved project (**N.J.A.C. 7:7-17.3**). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.
3. The permittee shall mitigate for the temporary loss of **0.698 acres** of intertidal and subtidal shallows through the restoration of intertidal and subtidal shallows in-place and in-kind, at a restoration to loss ratio of 1:1, on the site where the temporary filling occurred.
 - a. **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 restoration site; and
 - b. Within 30 days of receiving Division approval of the conceptual restoration proposal, submit a final design of the restoration project.
4. Should the purchasing of credits from a mitigation bank servicing the area not be feasible, the following requirements will apply to an onsite or offsite intertidal subtidal shallows mitigation project resulting from permanent impacts:
 - a. Obtain a secured bond, or other financial surety acceptable to the Department, and in an amount consistent with the requirements at N.J.A.C. 7:7-17.
 - b. Complete, sign and file with the County Clerk (the Registrar of Deeds and Mortgages in some counties), a conservation restriction protecting the mitigation site that meets the requirements of N.J.A.C. 7:7-18.
 - c. 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.
 - d. In accordance with N.J.A.C. 7:7-17.11(h), within 60 days following the completion of the mitigation project, 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. 7:7-17.11(h)). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed Wetland Mitigation Project Completion of Construction Form that certifies the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished. This form is located at on the Division's website at: www.nj.gov/dep/landuse in the Mitigation tab of Forms & Checklists.
 - ii. An as-built plan of the completed mitigation area showing grading and any structures included in the approved mitigation proposal;

- iii. Photographs, both pre and post construction, of the intertidal and subtidal shallows mitigation project including a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983; and
 - (1) For ISS creation projects only, provide documentation that the mitigation site meets the definition of an intertidal and subtidal shallow as defined at N.J.A.C. 7:7-9.15; and
 - e. Monitor the mitigation site in accordance with N.J.A.C. 7:7-17.11(i), (j), and (k).
5. 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. 7:7-17.11(k)). This mitigation project will be considered successful if the permittee demonstrates all of the following:
- i. That the goals of the ISS mitigation project, including acreage as stated in the approved mitigation proposal and the permit, have been satisfied. The permittee shall submit a field delineation of the ISS mitigation project which shows the exact acreage of ISS in the mitigation area;
 - ii. The mitigation site is an intertidal and subtidal shallows area, as defined at N.J.A.C. 7:7-9.15, or tidal water. The documentation shall include tidal data, topography for the spring high tide line, photographs, and field observation notes collected throughout the monitoring period;
 - iii. The mitigation meets all applicable requirements of Subchapter 17 of the Coastal Zone Management Rules (N.J.A.C. 7:7-17);
 - iv. The mitigator has executed and recorded a conservation restriction that meets the requirements of N.J.A.C. 7:7-18.
6. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7-17.13(h)). The Division will notify the permittee in writing if the mitigation project is a failure and the permittee shall submit a revised mitigation plan or alternative mitigation proposal to satisfy the mitigation requirement. No financial surety will be released until such time that the permittee satisfies the success criteria.

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 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 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:
 - 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 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.
9. 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.
10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
11. 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.
12. 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.

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. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, and Freshwater Wetlands Permits, 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 in the rules.
15. 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.
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. A permit shall be transferred to another person only in accordance with the regulations.
18. A permit can be suspended or terminated by the Department for cause.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

APPROVED PLANS:

One-hundred sixty-six sheets (166) prepared by Dewberry Engineers Inc., undated and unrevised, unless otherwise noted, entitled:

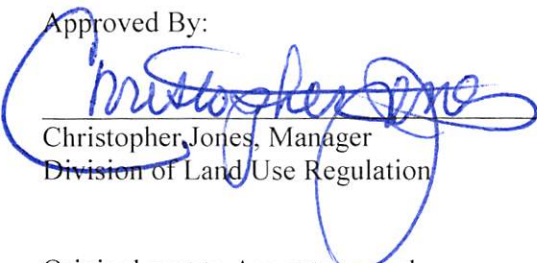
“NEW JERSEY DEPARTMENT OF TRANSPORTATION I-295 / ROUTE 42 MISSING MOVES CONTRACT NO. 025950541,”

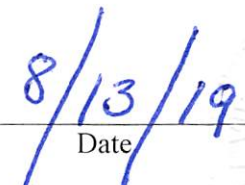
- “FLOOD HAZARD AREA PLANS,” sheets FH-2 through FH-37 of FH-37, sheets FH-7, FH-21 and FH-23 last revised August 6, 2019
- “CONSTRUCTION PLAN,” sheets C-2 through C-37 of C-37, sheets C-19 last revised June 12, 2019, sheets C-21 and C-23 last revised August 6, 2019
- “CONSTRUCTION DETAILS,” sheets DTL-1, DTL-2, DTL-5 through DTL-14 of DTL-14, sheet DTL-1 last revised May 4, 2019, sheets DTL-5, DTL-6, DTL-10 and DTL-12 last revised August 6, 2019,
- “STORMWATER BASIN PLAN BASIN NO. 1,” sheet SB-1 of SB-3,
- “STORMWATER BASIN PLAN BASIN NO. 2,” sheet SB-2 of SB-3,
- “STORMWATER BASIN PLAN BASIN NO. 3,” sheet SB-3 of SB-3,
- “BRIDGE GENERAL PLAN,” sheet 131 of 174,
- “BRIDGE ELEVATION AND SECTION,” sheet 132 of 174,
- “WALL NO. 9 AND NO. 10,” sheet 133 of 174,
- “WALL NO. 11 AND NO. 15,” sheet 134 of 174,
- “TYPICAL SECTIONS,” sheets TS-1 through TS-14 of TS-14, and,
- “PROFILES,” sheets P-1 through P-26 of P-26.
- “WATERFRONT DEVELOPMENT AND FRESHWATER WETLANDS PERMIT PLANS,” sheets 42-77 of 174, sheets 69-73 last revised 7/29/2019, sheets 61 and 63 last revised August 6, 2019.

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, 7th 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. 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. 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 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


 Date

Original sent to Agent to record
 c: Permittee
 Construction Official



