



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT**
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date March 23, 2022
		Expiration Date March 22, 2027
Permit Number(s): 0270-21-0001.1 LUP220001	Type of Approval(s): Flood Hazard Area Individual Permit Freshwater Wetlands General Permit 10A Water Quality Certificate	Governing Rule(s): N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
Permittee: New Jersey Department of Transportation c/o Zakrollah Asadpour 1035 Parkway Avenue Trenton, NJ 08625	Site Location: Location: New Jersey Route 208 ROW Municipality: Township of Wyckoff County: Bergen	
Description of Authorized Activities: <p>This permit authorizes the replacement of the existing 65"x40" corrugated metal arch pipe conveying an unnamed tributary to Deep Brook crossing New Jersey Route 208 with a 53"x34" reinforced concrete elliptical pipe within the Township of Wyckoff, Bergen County. Additional improvements authorized include the reconstruction of culvert headwalls, conduit outlet protection, and the replacement of guiderail. This permit also includes a Freshwater Wetlands General Permit 10 A. This authorization to conduct activities in wetlands and/or waters includes the issuance of a Water Quality Certificate.</p>		
Prepared by: Michael Sheehan	Received and/or Recorded by County Clerk:	
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-24 and N.J.A.C. 7:7A-22.

FWW GP10A Very Minor Road Crossings	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0	0
Transition areas	0	0
State open waters	0.034	0

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.028
Temporary Disturbed	0

PRE-CONSTRUCTION CONDITIONS:

1. Prior to the commencement of site clearing, grading or construction, the permittee shall have a silt fence or sediment barrier erected at the limits of disturbance authorized herein. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the remaining riparian zone and State open waters from encroachment by construction vehicles or activities. These fences shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized. No regulated activities, including grading or clearing may occur in the remaining riparian zone or State open waters on site without the prior approval of the Department.

FRESHWATER WETLANDS PERMIT CONDITIONS:

1. This permit authorizes the permanent disturbance of 0.028 acres (1,226 square feet) of State open waters for the reconstruction of the Route 208 culvert over a tributary to Deep Brook under a Freshwater Wetlands Statewide General Permit No.10A. This permit to conduct a regulated activity in a State open water includes the Department’s approval of a Water Quality Certificate for this activity. 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.
2. 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.

3. Regulated areas on site feature documented and suitable habitat for Indiana bat. In order to prevent adverse impacts to Indiana bat, the clearing of trees 5 inches diameter at breast height or greater may not occur on site from April 1 through September 30.
4. All precautions must be taken to prevent raw concrete (e.g., abutments/footings) from coming in contact with the waters of the tributary. Raw concrete is toxic to aquatic biota.
5. No construction equipment shall be stored, staged, or driven within any channel, freshwater wetland or transition area.

FLOOD HAZARD AREA PERMIT CONDITIONS:

1. The Department has determined that the required riparian zone adjacent to the regulated water affected by the project is 50 feet from the top of the bank. This permit authorizes 0.018 acres (763 square feet) of permanent disturbance to riparian zone vegetation for the reconstruction of the Route 208 culvert over a tributary to Deep Brook, as shown on the approved plans. In addition, this permit authorizes the disturbance of 0.011 acres (463 square feet) of actively disturbed riparian zone vegetation. Vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area. Any additional disturbance to the riparian zone shall be considered a violation of the Flood Hazard Area Control Act Rules unless a permit is obtained, prior to the start of the disturbance, from the Division of Land Resource Protection.
2. In order to protect general game fish species within the tributary to Deep Brook, no grading, excavation, or construction activities are permitted within the watercourse onsite from **May 1 through July 31 of each calendar year**. In addition, any activity within the riparian zone of this watercourse or tributaries which would introduce sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity is also prohibited anytime, but especially during this period. The Division 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.
3. The existing migration patterns of aquatic life in the channel shall not be inhibited as a result of this project. This includes the maintenance and/or creation of a low-aquatic fish passage within the disturbed channel and throughout any proposed in-channel structure wherever possible. In addition, any temporarily disturbed areas of the channel shall be restored using native soils and indigenous, non-invasive vegetation.
4. 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).
5. Construction may only be performed only under conditions where the stream area is dry or de-watered conditions. No work may be performed where the stream channel is wet.
6. 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.

7. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.
8. All excavated material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - 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.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - a. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - 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; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.

18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management at the address listed on page one of this permit.

APPROVED PLANS:

The approved plans consist of eight (8) sheets prepared by Michael Baker International, Inc., plan set undated, unrevised, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 208, WYCKOFF TWP., BERGEN CO., CULVERT REPLACEMENT CONTRACT NO. 006113550,”

- “NJDEP FRESHWATER WETLANDS PERMITTING PLAN,” sheet 6 of 11,

- "NJDEP FLOOD HAZARD AREA PERMITTING PLAN," sheets 4 through 8 of 18, and
- "CONSTRUCTION DETAILS," 17 and 18 of 18.

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management's Technical Support Call Center at (609) 777-0454.

Approved By:

Stephen Olivera, Environmental Engineer 3
Watershed & Land Management

c: Agent (original) – Lori Wade, P.E., Michael Baker International, Inc.
Municipal Clerk, Wyckoff Twp