



**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 <b>March 13, 2024</b>
		Expiration Date <b>March 12, 2029</b>
<b>Permit Number(s):</b> 2113-23-0005.1 LUP230001	<b>Type of Approval(s):</b> FHA Indiv Permit- Bridge/Culvert/Footbridge/Low Dam FWW Individual Permit-Wetlands (not SFH/Duplex) Water Quality Certificate	<b>Governing Rule(s):</b> N.J.A.C. 7:13-1.1(b) N.J.A.C. 7:7A-1.1(a)
<b>Permittee:</b> Matthew Wilityer NJDOT 1035 Parkway Ave. Ewing, NJ 08618	<b>Site Location:</b> Route 46 Bridge over Paulins Kill River Municipality: Knowlton Twp County: Warren	
<b>Description of Authorized Activities:</b>  This document authorizes the reconstruction of Route 46 Bridge over Paulins Kill, on the parcel(s) referenced above.  This approval includes a Water Quality Certification (WQC).  <i>The Department has determined that the herein approved activities meet the requirements of the (FHACA) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i>		
<b>Prepared by:</b>  <b>Michael Tropiano</b>	<b>Received and/or Recorded by County Clerk:</b>	
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.		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**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. 7:13-2.18; N.J.A.C. 7:7A-22.

<b>FWW Individual Permit-Wetlands (not SFH/Duplex)</b>	<b>Permanent Disturbance (Acres)</b>	<b>Temporary Disturbance (Acres)</b>
<b>Freshwater wetlands</b>	0.075	0
<b>Transition areas</b>	0.425	0
<b>State open waters</b>	0.373	0.021

<b>Riparian Zone Vegetation</b>	<b>Area of riparian zone (Acres)</b>
<b>Permanent Disturbed</b>	0.407
<b>Temporary Disturbed</b>	0

**PRE-CONSTRUCTION CONDITIONS:**

1. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.
2. If activities authorized below the MHWL do not commence within three years of the initial survey work (May 26<sup>th</sup>, 2023), the Permittee is required to conduct freshwater mussel survey work once again at and within 300 meters downstream and 100 meters upstream of the project footprint of disturbance unless otherwise guided by the Department in consultation with the Division of Fish & Wildlife Endangered & Nongame Species Program. Revisions to the Impact Avoidance Plan may be required thereafter additional survey work.
3. The Permittee shall notify the NJDEP Division of Watershed Protection and Restoration (Attn: Endangered and Threatened Species Unit, [etsu@dep.nj.gov](mailto:etsu@dep.nj.gov)) no less than seven working days before the commencement of regulated activities.

**SPECIAL CONDITIONS:**

1. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 9, 10 and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.). Any additional un-permitted disturbance of freshwater wetlands, State open waters, 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 disturbance.

2. The Department has determined that the freshwater wetlands affected by this permit authorization are of exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 150 feet. This general 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 onsite 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. In order to protect trout maintenance waters within the onsite watercourses from sediment generating activities, any grading, excavation, or construction activities within the stream or the banks of the stream are prohibited **March 15<sup>th</sup> through June 15<sup>th</sup> of each year**. In addition, any activity within the flood hazard area or riparian zone of this watercourse which does not minimize the introduction of sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity, is also prohibited anytime but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional measures are required to protect State regulated resources, or the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
4. To avoid impacts to Indiana Bat, Northern Long-eared Bat, Tricolored Bat, as well as nesting migratory bird species, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from **April 1 through September 30 of each calendar year**.
5. The Permittee shall adhere to the provisions of the Impact Avoidance Plan submitted to, reviewed, and approved by the Department on 8 February 2024 entitled, " Freshwater Mussel Impact Avoidance Plan NJDOT Job. No. 0220522 Normandeau Associates Project No. 24813.000" prepared by Normandeau Associates for NJDOT dated 17 January 2024.
6. The Permittee shall maintain the authorized terrestrial wildlife passage structures in working condition and all circumstances necessary (e.g., topography, wildlife passage materials, etc.) for the successful passage of terrestrial wildlife species along Paulins Kill under Route 46 at (Structure No. 2107-156) located at Milepost (MP) 0.74 in perpetuity.
7. This authorization for a General Permit is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

### **FRESHWATER MITIGATION PERMIT CONDITIONS BANK ONLY:**

1. The permittee shall mitigate for the permanent disturbance of 0.373 acres of State open waters and 0.075 acres of forested wetlands through the purchase of 0.448 mitigation credits from an approved wetland mitigation bank.

At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options.

**Clove Brook:** Contact: Mark Renna, Evergreen Environmental, LLC, 709 Natures Way, Franklin Lakes, NJ 07417 and he can be reached at 201-644-7302 or 973-356-7164 or by email at [mrenna@evergreenenv.com](mailto:mrenna@evergreenenv.com)

**Oxford Western:** Contact: Chet Romano, Ecologic Resources Group, LLC, 1049 Broadway Suite 1, West Long Branch, NJ 07764 and he can be reached at 732-571-1777 or via email at [chetromano@gmail.com](mailto:chetromano@gmail.com)

**Pequest River:** Contact: Mark Renna, Evergreen Environmental, LLC, 709 Natures Way, Franklin Lakes, NJ 07417 and he can be reached at 201-644-7302 or 973-356-7164 or by email at [mrenna@evergreenenv.com](mailto:mrenna@evergreenenv.com)

**Willow Grove Lake:** Contact: Heather Brecht, The Nature Conservancy – New Jersey Chapter, 200 Pottersville Rd., Chester, NJ, 07930, Phone: (609) 861-4122, Fax: (609) 861-4420, or Email: [heather.brecht@tnc.org](mailto:heather.brecht@tnc.org)

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 Watershed Protection and Restoration at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
3. If mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option **prior to the initiation of regulated activities**.

### **RIPARIAN ZONE MITIGATION CONDITIONS**

1. **Within 30 days of the issuance of this permit**, the permittee shall mitigate for the loss of 0.108 acres of scrub/shrub riparian zone and 0.299 acres of forested riparian zone through the purchase of 0.407 riparian mitigation credits from an approved mitigation bank.

At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation Unit for the most up to date service area information if you would like additional options.

**Oxford Western:** Contact: Chet Romano, Ecologic Resources Group, LLC, 1049 Broadway Suite 1, West Long Branch, NJ 07764 and he can be reached at (732) 571-1777 or via email at [chetromano@gmail.com](mailto:chetromano@gmail.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 Watershed Protection and Restoration at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

3. In the event that mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option **prior to the initiation of regulated activities.**

#### **FLOOD HAZARD AREA SPECIAL CONDITIONS:**

1. 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.
2. 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.
3. 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.
4. 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.
5. Construction may only be performed in dry or de-watered conditions. No work may be performed in wet conditions.
6. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.

#### **STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.

5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
  - i. A description of the noncompliance and its cause;
  - ii. The period of noncompliance, including exact dates and times;
  - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;

- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action; and
  - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
  15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
  16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
  17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
  18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
  19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
  20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
  21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
  22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
  23. A permit can be modified, suspended, or terminated by the Department for cause.
  24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.

25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at [CLU\\_tomsriver@dep.nj.gov](mailto:CLU_tomsriver@dep.nj.gov) at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://www.nj.gov/dep/landuse/epermit.html>.

#### **APPROVED PLAN(S):**

**“NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF STRUCTURAL ENGINEERING ROUTE 46, BRIDGE OVER PAULINS KILL KNOWLTON TOWNSHIP WARREN COUNTY”**, dated November 2023, last revised February 29, 2024, unless otherwise noted:

**“GENERAL PLAN & ELEVATION”**, sheet 7 of 11;

**“TYPICAL SECTIONS”**, sheet 8 of 11, last revised January 25, 2024; and

**“PROPOSED DETAILS”**, sheet 9 of 11.

#### **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](http://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](http://www.nj.gov/dep/landuse/forms.html)). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information on this process.

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

Approved By:

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Ryan J. Anderson, Manager  
Watershed & Land Management

c: Municipal Clerk, Knowlton Twp  
Municipal Construction Official, Knowlton Twp  
Agent (original) – Valerie Hrabal