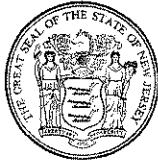


**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/dep/landuse



*mailed
10/18/10*

PERMIT

| | | |
|--|--|--|
| <p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc."</p> | | <p>Approval Date</p> <p align="center">OCT 18 2010</p> |
| | | <p>Expiration Date</p> <p align="center">OCT 18 2015</p> |
| <p>Permit Number/s</p> <p>1532-10-0008.1 CAF100001 (CAFRA IP) WFD100001 (IP In-water) FWW100001 (GP-18)</p> | <p>Type of Approval/s</p> <p>CAFRA Individual Permit Waterfront Development Individual Permit Freshwater Wetlands General Permit #18 Water Quality Certificate</p> | <p>Enabling Statute/s</p> <p>NJSA 12:5-3 NJSA 13:9B-1 NJSA 13:19-1 NJSA 58:10A-1</p> |
| <p>Applicant</p> <p>NJDOT 1035 Parkway Ave Trenton, NJ 08625</p> | <p>Owner (if different from applicant)</p> | |
| <p>This permit authorizes the construction of a new spillway structure on the lake side of Pohatcong Lake Dam, and the construction of two culverts extending from the lake to Tuckerton Creek on the downstream side of the dam. The culverts will include a fish ladder to allow the passage of anadromous fish.</p> <p>This permit is authorized under, and in compliance with, the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq. By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.</p> | | |
| <p>Project Location</p> <p>Pohatcong Lake Dam/Route 9</p> <p>Borough of Tuckerton Ocean County, New Jersey</p> | <p>Received by County Clerk</p> | |
| <p>Project Manager's Signature</p> <p><i>Becky Ehrenfeld</i></p> <p>Becky Ehrenfeld Telephone: 609-777-0454 Email: Becky.Ehrenfeld@dep.state.nj.us</p> | | |
| <p align="center">This permit is not valid unless authorizing signature appears on the last page.</p> | | |

STANDARD CONDITIONS:

1. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
2. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
3. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
4. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** 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 new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **Duty to minimize environmental impacts:** The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.

10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit 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. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
 - i. 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;
 - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
 - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
 - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
 - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
 - iii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including

exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter; and

- iv. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.

- 17. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

- 18. All necessary local, Federal, and other state approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities. Approvals from the following agency may be required:
 - a. NJDEP Bureau of Dam Safety and Flood Control
 - b. Philadelphia District of the Army Corps of Engineers
- 19. For any manipulation of the water level in Pohatcong Lake, a current and valid Water Lowering Permit must be obtained from the Bureau of Freshwater Fisheries. Please call 908-236-2118 for further information.
- 20. *Prior to the construction of the fish ladder*, the permittee shall obtain written approval of the fish ladder design from the U.S. Fish & Wildlife Service (USFWS), and shall submit this approval to the Division of Land Use Regulation. For further information, please contact Curt Orvis of USFWS at 413-253-8288.
- 21. In order to protect *anadromous and warm-water fish* within Pohatcong Lake and Tuckerton Creek, any proposed grading or construction activities within the banks of this or any other stream on site are prohibited from **March 1 to June 30** of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse which could introduce sediment into said stream or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right 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.
- 22. Vegetation within **300 feet** of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing. No other vegetation within 300 feet of the top of bank of any watercourse onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
- 23. **FRESHWATER WETLANDS STATEWIDE GENERAL PERMIT #18**
This permit authorizes the disturbance of **8,974 SF (0.206 acres)** of State open waters, **933 SF (0.021 acres)** of wetlands, and **2,425 SF (0.056 acres)** of wetlands transition areas, for the construction of a spillway and two culverts at Pohatcong Lake Dam, under a Freshwater Wetlands Statewide General Permit #18, as depicted on the approved plans.

24. All temporarily disturbed areas shall be replanted with native, non-invasive species at the conclusion of the project.
25. The permittee shall comply with the January 7, 2008 MOA between NJDOT and SHPO, with the exception that Stipulation 3 of the MOA shall be revised to require archeological Monitoring-during-Construction of a 2" gas service line in a private driveway.
26. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
27. 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.
28. *Prior to the commencement of site clearing*, grading or construction, the permittee shall erect a silt fence and a construction debris fence, such as an orange snow fence, at the limits of disturbance. These fences shall remain in place and be maintained throughout the duration of construction, and until such time as the site is stabilized.
29. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
30. This permit authorization includes the Division's approval of a Water Quality Certificate for these activities.
31. The drawing hereby approved is one (1) plan sheet entitled, "NEW JERSEY DEPARTMENT OF TRANSPORTATION, NJDEP PERMIT PLAN, ROUTE 9 POHATCONG LAKE DAM, CONTRACT NO. 063950216," dated March 2010, last revised on August 12, 2010, and prepared by TAYLOR WISEMAN & TAYLOR.



Charles Welch, Supervisor
Bureau of Urban Growth & Redevelopment

10/18/10

Date

cc: Borough of Tuckerton Construction Official
Applicant