



State of New Jersey

Rt 31
From Franklin rd to
Rt 46.
Contract # 041124220

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

JUL 26 2019

NJDOT c/o Zakrollah Asadpour
1035 Parkway Ave, PO Box 600,
Trenton NJ, 08625

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 2100-19-0009.1
Activity Number: FWW190001
Applicant: NJDOT
Project: Route 31, Franklin Road (CR 634 to Route 46, paving, re-milling, guiderail replacement, curb ramps, curb replacement, side walk construction
Block(s) and Lot(s): NA, Route 31 ROW
Borough of Washington, Washington Township, Mansfield Township, Oxford Township, and White Township
Warren County

Dear Mr. Asadpour:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the NJDEP is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate

Based upon the information submitted and upon a site inspection on July 24, 2019, the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled:

“STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, PLANS OF ROUTE 31 FROM FRANKLIN ROAD (CR 634) TO ROUTE 46, CONTRACT NO. 046124220, RESURFACING, BOROGUH OF WASHINGTON, TOWNSHIPS OF WASHING, MANSFIELD, OXFORD & WHITE, WARREN”, dated May 22, 2019, unrevised and prepared by Thomas Dancsecs, PE of Pennoni Associates.

- “ENVIORNMENTAL & SOIL EROSION & SEDIMENT CONTROL PLANS”, sheets 53, 54, 57, 58, 59, 60, 64, 65, 74, 75, 76, 83, and 88 of 88.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above file number and the following note:

**""Freshwater Wetland Boundary Lines as verified by NJDEP
File No. 2100-19-0001.1 FWW 190001"**

Wetlands Resource Value Classification ("RVC")

In addition, the Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

Exceptional: W-1S1, W-12 through W-15, W-1S6, and WA-1 through WA-10 [150-foot wetland buffer]

Intermediate: Flag numbers WE-1 through WE-4, WD-1 through WD-4, WC-1 through WC-4, WB-1 through WB-17, [50-foot wetland buffer]

State Open Waters were identified within the following flagged features: WE and WD (Tributary to the Musconetcong), WC (Tributary to the Musconetcong), and W (Furnace Brook), or as shown on the referenced site plan pages 64 and 65 (Shabbecong Creek), 74 (Furnace Brook), and 88 (Pequest River). Under the Freshwater Wetlands Protection Act Rules, there are no standard transition areas required adjacent to State open waters.

The resource value classification may affect the requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-9 and 10), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-5 and 7) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-8). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information

The wetlands resource value classification is also based on the best information available to the Division. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.3 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.4. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

Please be advised that any surface water features on the site or adjacent to the site may possess flood hazard areas and/or riparian zones and development within these areas may be subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. The Division can verify the extent of flood hazard areas and/or riparian zones through a flood hazard area verification under the application procedures set forth at N.J.A.C. 7:13-5.1.

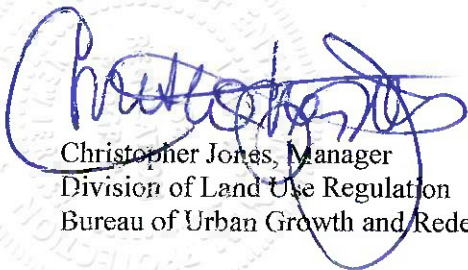
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Appeal Process

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.

Please contact Matthew Resnick of our staff by e-mail at Matthew.Resnick@dep.nj.gov or by phone at (609) 777-3955 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Christopher Jones, Manager
Division of Land Use Regulation
Bureau of Urban Growth and Redevelopment

c: Municipal Clerk
Municipal Construction Official
Agent (original)



**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.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 limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date JUL 26 2019
		Expiration Date JUL 25 2024
Permit Number(s): 2100-19-0001.1 FWW190002	Type of Approval(s): FWTW4L transition SAW linear development	Enabling Statute(s): N.J.S.A. 13:9B FWPA
Permittee: New Jersey Department of Transportation c/o Zakrollah Asadpour 1035 Parkway Ave Trenton, NJ 08625	Site Location: Block(s) & Lot(s): [N/A, N/A] Municipality: Washington Borough, Washington Township, Mansfield Township, Oxford Township, and White Township. County: Warren	
<p>Description of Authorized Activities: This permit authorizes the disturbance of 10,116 S.F. SF (0.232 of an acre) of transition area for the guide rail replacement and upgrade along Route 31, between mileposts 41.0 to 43.2 and mileposts 46.05 and 48.93, in Washington Borough, Washington Township, Mansfield Township, Oxford Township, and White Township, Warren County. The project is authorized under a Special Activity Transition Area Waiver for Linear Development at N.J.A.C. 7:7A-8.3(e).</p> <p>N.J.A.C. 7:7A-8 in the Freshwater Wetlands Protection Act Rules discusses the conditions under which the standard transition area may be modified if the Department determines that the modification will result in minimal environmental impact and that the modified transition area will continue to feature the purposes and functions set forth in N.J.A.C. 7:7A-3.3. Based upon a review of the submitted information, the Division of Land Use Regulation (Division) has determined that the proposed modified transition area as shown on the plans referenced below will continue to serve the functions of a transition area as detailed in the Act and implementing rules, provided that standard conditions set forth in section 7:7A-8 and all permit conditions are met. Any additional un-permitted disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans referenced herein 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.</p>		
Prepared by: Matthew Resnick	Received and/or Recorded by County Clerk:	
<p>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 as the permittee's agreement to abide by the permit and all conditions therein.</p>		

This permit is not valid unless authorizing signature appears on the last page.

This authorization is based upon a Letter of Interpretation Line Verification (File #2100-19-0001.1 FWW190001) issued by the Division concurrently with this permit. The Division has determined that the freshwater wetlands present on the property are of Intermediate and Exceptional resource value and have a standard required transition area of 50 and 150 respectively feet.

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 and at the limits of the modified transition area as authorized herein. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the wetland and modified transition area 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 wetland or modified transition area on site without the prior approval of the Department.

SPECIAL CONDITIONS:

1. The transition area associated with on the subject site may be reduced by 10,116 SF (0.232 of an acre) of surface area as shown on the referenced plan sheets.
2. All temporary disturbances must be permanently -discontinued within six months after they are begun, and all temporary disturbed areas must be restored to their original condition.
3. **Material Disposal:** All excavated material and construction debris 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. 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.
5. 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 noncompliance within twelve hours 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.
6. 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 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.
 9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. A permit shall be transferred to another person only in accordance with the regulations N.J.A.C. 7:7A-20.5.
 14. A permit can be suspended or terminated by the Department for cause as specified at N.J.A.C. 7:7A-20.8 and 20.9.
 15. 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.

16. 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. 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, seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
18. 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.
19. 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.
20. Best management practices as defined at N.J.A.C. 7:7A-1.3, shall be followed whenever applicable.
21. If the permittee, before or during the work authorizes, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(1), 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.
22. 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 at N.J.A.C. 7:7A-1.4.

APPROVED PLANS:

The drawings hereby approved are shown on seventeen (17) sheet(s) prepared by Thomas Dancsecs, PE of Pennoni Associates, dated May 22, 2019, unrevised collectively entitled:

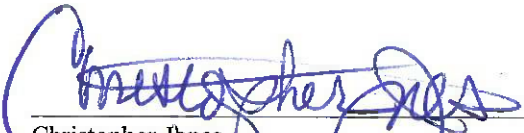
“STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, PLANS OF ROUTE 31 FROM FRANKLIN ROAD (CR 634) TO ROUTE 46, CONTRACT NO. 046124220, RESURFACING, BOROGUH OF WASHINGTON, TOWNSHIPS OF WASHING, MANSFIELD, OXFORD & WHITE, WARREN”

- “ENVIORNMENTAL & SOIL EROSION & SEDIMENT CONTROL PLANS”, sheets 50, 51, 53, 54, 57, 58, 59, 60, 64, 65, 74, 75, 76, 83, and 88 of 88.


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 Matthew Resnick of our staff by e-mail at Matthew.Resnick@dep.nj.gov or by phone at (609) 777-3955 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Approved By:



Christopher Jones,
Division of Land Use Regulation

Date 7/26/19


Original sent to Agent to record
c: Permittee