



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**
501 East State Street, Station Plaza 5, 2nd Floor
PO Box 420 Mail Code 501-02A
Trenton, New Jersey 08625-0420
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/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." Please note that 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 SEP 08 2011
		Expiration Date SEP 08 2016
Permit Number/s 0000-11-0031.1 FHA 110001 0000-11-0031.1 FWW 110001	Type of Approval/s Flood Hazard Area Individual Permit Freshwater Wetlands General Permit No. 1	Enabling Statute/s N.J.S.A. 13:9B-1 N.J.S.A. 13:1D-1 et seq. N.J.S.A. 58:10A-1 et seq. N.J.S.A. 58:16A-50 et seq.
Applicant New Jersey Department of Environmental Protection Division of Engineering and Construction P.O. Box 420, Mail Code 501-01A Trenton, New Jersey 08625	Co applicant Pequannock Township Riverdale Borough Pompton Lakes Borough Wayne township	
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>This permit grants permission for the removal of fallen trees (including trees leaning 45 degrees or more over the channel) within the streams channels and to remove rubbish, trash and debris along the streams banks from the upstream limits at the Erie Lackawana railroad bridge crossing the Pequannock River in Riverdale and Pompton Lakes Boroughs and the Hamburg Turnpike bridge crossing the Wanaque River in Pompton Lakes Borough and the Hamburg Turnpike bridge crossing the Ramapo River in Pompton Lakes and Wayne Township to the downstream limit at the Pompton Plains Crossroads bridge crossing the Pompton River in Wayne Township. This permit also authorizes the removal of shoals, sediment, gravel and sand from three (3) locations including the Pequannock and Wanaque Rivers confluence at the Riverdale Road crossing in Pompton Lakes Borough, the Ramapo River off Shore Road in Wayne Township and the Pompton River at the Pompton Plains Crossroads in Wayne Township. This permit also includes the authorization to disturb state open waters and wetlands under Freshwater Wetlands General Permit No. 1.</p> <p>Note: You must notify the Department in writing at least seven (7) days prior to undertaking any activity authorized by this document. Please direct your notification to the project manager listed below, using the address or fax number shown above.</p>		
Project Location Pequannock Township Riverdale Borough Pompton Lakes Borough Wayne Township	Received by County Clerk	
Project Manager's Signature Document Prepared By: Dennis Contois Telephone: (609) 633-6563		

STANDARD CONDITIONS:

1. **Other necessary approvals:** Activities regulated under the Flood Hazard Area Control Act rules may also be subject to other Federal, State and/or local rules, plans and ordinances. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project. *N.J.A.C. 7:13-1.1(e)*
2. **Acceptance of approval:** If you undertake any activity authorized by this document, you thereby accept this document in its entirety and agree to adhere to all terms and conditions listed below. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal of this decision within a limited time as discussed in condition #3 below. You may also contact the project manager shown on the first page of this approval if you have any questions or concerns. *N.J.A.C. 7:13-9.5(a)*
3. **Appeal of approval:** In accordance with N.J.A.C. 7:13-18.1 (and N.J.A.C. 7:7A-1.7 for freshwater wetlands approvals), any person who is aggrieved by this decision may request a hearing within 30 days after notice of 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, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at www.state.nj.us/dep and the Checklist is available through the Division's website at www.state.nj.us/dep/landuse/forms/index.html. *N.J.A.C. 7:13-18.1*
4. **Duration of approval:** This document is valid for five years from its issuance date and shall not be extended. However, the Department can transfer an individual permit and/or verification with the sale of a property to a new owner pursuant to N.J.A.C. 7:13-14.1. *N.J.A.C. 7:13-9.4(a)*
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 the Flood Hazard Area Control Act rules, 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. *N.J.A.C. 7:13-9.5(b)1*
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. *N.J.A.C. 7:13-9.5(b)2*
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. *N.J.A.C. 7:13-9.5(b)3*
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. *N.J.A.C. 7:13-9.5(b)4*
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. *N.J.A.C. 7:13-9.5(b)5*

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. *N.J.A.C. 7:13-9.5(b)6*
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. *N.J.A.C. 7:13-9.5(b)7*
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. *N.J.A.C. 7:13-9.5(b)8*
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege. *N.J.A.C. 7:13-9.5(b)9*
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. *N.J.A.C. 7:13-9.5(b)10*
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 the Flood Hazard Area Control Act rules and subject the permittee to enforcement action pursuant to *N.J.A.C. 7:13-19. N.J.A.C. 7:13-9.5(b)11*
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 the Flood Hazard Area Control Act rules; 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. *N.J.A.C. 7:13-9.5(b)12*

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS *N.J.A.C. 7:13-9.5(c)*

17. This Flood Hazard Area Individual Permit does not grant approval to the permittee to conduct any regulated activities in State open waters, unless otherwise noted on the approved plans.
18. Construction equipment shall not be stored or staged within any channel, freshwater wetland or transition area. The use of equipment within the channel shall be minimized where possible to limit disturbance within the stream's channel.
19. All excavated material shall be disposed in a lawful manner and outside 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.
20. The removal of a shoal or sediment bar shall be limited to those areas shown on the approved plans and limited to an area that does not include mature trees.
21. All areas cleared for the purpose of accessing work area shall be restored utilizing native woody vegetation.

SPECIAL CONDITIONS FOR FRESHWATER WETLANDS GENERAL PERMIT NO. 1

22. This permit authorizes the temporary disturbance of freshwater wetlands, transition area and State open waters for the activities described on page 1 of this permit. The authorization of activities under this permit includes a transition area waiver which allows encroachment only in the area which the Department has determined to be necessary to accomplish the authorized activities. This permit also includes a Water Quality Certificate for these activities.
23. In order to protect State threatened wood turtle within and adjacent to the Pompton and Pequannock Rivers, the following measures proposed by the submitted application must be carried out:
 - a. In-stream work: In order to prevent adverse impacts to potentially hibernating turtles (between November 1 and April 1 of the calendar year), the permittee shall adhere to the application proposal to only remove tree stumps which are already significantly eroded/separated from the stream bank, and therefore do not require further bank excavation for removal. Excavation of embedded stumps after November 1 could potentially result in take of hibernating wood turtles.
 - b. Wetlands/Transition Area/Riparian Zone work: In order to prevent adverse impacts to transient wood turtles within the regulated areas (Freshwater Wetlands/Transition Areas/Riparian Zone) associated with the referenced watercourses, the permittee shall adhere to the standard practice and application proposal of utilizing all standard soil erosion and sediment control practices enclosing all access roads, staging, stockpiling or work areas. Once the silt fences are installed, the project manager, Tom Slowinski, must contact the Land Use Regulation Program to provide an opportunity for Department staff to survey the work area and clear any wood turtles from within the enclosed work area. As is typical, the permittee shall maintain the silt/debris fences throughout the project duration, which will also ensure that wood turtles do not re-enter the work area. Any wood turtles observed by the permittee, its agents or contractors should be reported to the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program (contact Brian Zarate at (908) 638-4127), and relocated if necessary from harms way.
24. In order to protect the State critically imperiled plant species "Small flower halfchaff Sedge" (*Hemicarpha micrantha*, State rank S-1), the permittee shall adhere to the submitted application's proposal concerning locations for proposed sediment/debris removal. The submitted application did not propose any such activities within 500 feet downstream of the first dam above the Ramapo's confluence with the Pomton River (the dam immediately downstream of an island known as Wayne Twp. Block 3403; Lot 1). As proposed, this

will satisfactorily eliminate any potential adverse impacts to, or direct take of, known *Hemicarpha micrantha* habitat which occurs within the "Pompton River Gravel Bar" Natural Heritage Priority Site.

25. This application was submitted prior to Hurricane Irene. Since conditions within the stream channels may have been altered, if a modification to the approved plans is required please notify this office prior to commencing with the changes.
26. The drawings hereby approved are two (2) sheets including one prepared by Darmofalski Engineering Associates, Inc., dated July 26, 2011, unrevised, entitled:

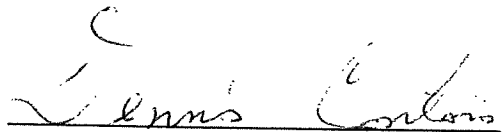
"PROPOSED DESNAGGING AND CLEANING OF THE PEQUANNOCK RIVER SITUATED IN THE TOWNSHIP OF PEQUANNOCK & BOROUGH OF RIVERDALE MORRIS COUNTY, NEW JERSEY"

"RIVER DE-SNAGGING & CLEANING", sheet No. 1 of 1

and a drawing prepared by Jeffrey C. Marsden, P.E. of H2M architects and engineers, dated April 5, 2011, last revised August 8, 2011 entitled:

"POMPTON LAKES DESILTING & DESNAGGING PROJECT FOR THE PEQUANNOCK RIVER AT THE RIVERDALE ROAD BRIDGE"

"DESILTING AND DESNAGGING PLAN", sheet No. 1 of 1.



Dennis Contois
Supervising Environmental Engineer
Bureau of Inland Regulation

9-8-2011
Date