STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(See Issuing Division below)

PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 0320-00-0005.1, 0320-00-0005.2	**Application No.**

Issuance Date	Effective Date	Expiration Date

Name and Address of Applicant New Jersey Department of Transportation 1035 Parkway Ave. CN600 Trenton, NJ 08625	**Name and Address of Owner** Applicant	**Name and Address of Operator** Applicant
Location of Activity/Facility *(Street Address)* Route 70 & Evesboro-Medford Road Medford Township, Burlington County Waterway: Tributary SW Branch Barton Run	**Issuing Division** Land Use Regulation Program	**Statute(s)** NJSA 13:9B-1 NJSA 58:10A

Type of Permit: Freshwater Wetland Individual, Freshwater Wetland Transition Area Waiver Averaging Plan, Water Quality Certificate	Maximum Approved Capacity, if applicable

This permit grants permission to: construct improvements at the intersection of Evesboro - Medford Road (County Route 618), an urban secondary arterial and State Route 70, a principal arterial. The object of the improvements is to reduce traffic congestion during weekday peak hours and summer weekends and to adequately service existing and anticipated volumes. This will be accomplished by widening travel lanes and providing center left turn lanes at intersections. These improvements to the roadway will not add any through lanes, but will widen the existing paved area by a range of up to 21 feet maximum on Evesboro-Medford Road and up to a maximum of 40 feet on Route 70. Therefore, the project will add 3.18 acres of new impervious surface. The chosen alternative will result in the loss of 0.078 acre of ordinary resource value wetlands, 1.257 acre of intermediate resource value wetlands, and 3.48 acres of transition areas located adjacent to intermediate resource value wetlands. The total area of wetland loss is 1.34 acres. The project is located at within the right-of -way of Route 70, Evesboro-Medford Road and Block 127 Lots 1 & 7; Block 130 Lots 2 & 3; Block 132.02, Lots 3 & 2.01 in Burlington Township, Burlington County.

Mitigate for the fill of 1.34 acres of Freshwater Wetlands .

PROJECT IS SHOWN ON APPROVED DRAWINGS LISTED ON PAGE 7 OF THIS PERMIT.

Prepared by: Andrew Gale
Andrew Gale

Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) _____ Title _____ Signature SEE LAST PAGE OF PERMIT Date _____

**The word permit means "approval, certification, registration, etc."*

(General Conditions are on Page Two)

Permit General Conditions

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.

2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.

3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.

4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.

5. The granting of this permit shall not be construed to in any was affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.

6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.

7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.

8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

IN ADDITION TO THE GENERAL CONDITIONS PRINTED ABOVE, THE FOLLOWING CONDITIONS SHALL ALSO APPLY:

9. Limit and Extent of Approval

   a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans.

   b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until the Department has granted a new approval.

10. Responsibilities of Applicant

a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.

b. No construction authorized by this permit may begin until the enclosed permit acceptance form has been signed by the applicant and is returned to the Land Use Regulation Program at P.O. Box 439, Trenton, New Jersey 08625-0439.By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.

c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.

11. Consistency with Areawide Water Quality Management Plan

Acting in its capacity as the Statewide Water Quality Management Planning Agency, the Department has found this project to be consistent with provisions and recommendation of the Tri-County Water Quality Management Plans. Please be advised that this determination shall no longer be valid if any modifications are made to the herein approved plans which would result in a change in the anticipated wastewater flow volumes (such as the addition of sewerage generating structures or a proposed increase in size to any previously proposed or herein approved structures), or if there is any change in the proposed method of wastewater treatment. Plans amended as such must be resubmitted to the Department for a new consistency determination prior to the commencement of the herein approved activities.

Prior to initiating construction, including the clearing of vegetation, the Permittee shall:

12. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work for the storage or staging of construction materials (including spoil piles), equipment, and workers vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers.

13. In order to avoid degradation of the water quality in the streams receiving stormwater runoff from the roadway, the stormwater management system shall require periodic inspections and maintenance. The "Water Quality Inlet Maintenance Notes", as shown on sheet 20 of the approved plans, represent the minimum acceptable maintenance schedule. Permittee is advised to conduct additional inspections, and maintenance of the inlets as necessary following major storm events.

14. The project must meet Soil Erosion and Sediment Control Standards and be approved by the Soil Conservation District. The applicant shall be responsible for daily inspections of the project area to determine if the erosion control measures are functioning as intended.

15. Any acid soils encountered must be stockpiled separately from non-acid soils as excavation proceeds. Acid soils, if present must be handled in accordance with the NJDEP Stream Encroachment Technical Manual, Section 3.6, and the requirements of the Burlington County Soil Conservation District.

16. Construction vehicle traffic shall be minimized in wetlands and wetlands transition areas to be temporarily disturbed. No storage of chemicals, oil, fuel or refueling of equipment shall occur within 100 feet of the wetlands along the project route.

17. Mitigate for the loss of a total of 1.34 acres of 0.001 acre of State open waters, 0.757 acres of Palustrine emergent wetlands and 0.586 acres of Palustrine forested wetlands through off-site enhancement project as detailed in condition number 1 below for the purpose of developing a mitigation plan for the wetlands being destroyed.

MITIGATION CONDITIONS

The following special conditions must be met for the activity to be authorized under these permits:

18. Mitigate for the loss of 0.001 acres of State open waters 0.757 acres of emergent and 0.586 acres of forested wetlands through an off-site enhancement project as detailed below.

a) The mitigation project must be conducted prior to or concurrent with the construction of the approved project.

b) The Permittee shall complete and sign the Department approved conservation restriction for the mitigation site (copy attached). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.

c) The Permittee shall notify the Land Use Regulation Program, in writing, at least 14 days in advance of the start of construction of the wetland mitigation project for an on-site pre-construction meeting between the Permittee, the contractor, the consultant and the Program.

d) Immediately following final grading of the site, a disc must be run over the site to eliminate compaction.

e) Immediately following the final grading of the mitigation site and prior to planting, the Permittee shall notify the Program for a post-grading construction meeting between the Permittee, contractor, consultant and the Program.

f) Immediately following final grading and planting of the wetland mitigation project, the Permittee shall notify the Land Use Regulation Program, in writing that the construction of the mitigation project has been completed in accordance with the approved plan. In addition to the notice, the Permittee shall submit as built plans of the site and photos with a photo location map of the completed project.

g) The Permittee shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited. The sign must also state the name of the engineering/environmental firm that designed and constructed the mitigation site with a phone number. In addition, the Permittee shall visibly mark/staked (oak stakes) the extent of the wetland mitigation area and ensure the stakes remain that way for the entire monitoring period with the location of those stakes shown on the as built plan.

h) If the Program determines that the mitigation project is not constructed in conformance with the approved plan, the Permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected.

i) The Permittee shall monitor the wetland mitigation project for 5 full growing seasons if it is a proposed forested wetland and for 3 full growing seasons for a scrub/shrub or emergent wetland after the mitigation project has been constructed. The Permittee shall submit monitoring reports to the Land Use Regulation Program no later than November 15th of each monitoring year (All monitoring report must include the standard items identified in the attachment and the information requested below).

i. Throughout the monitoring period, if phragmites becomes established on the site, it must be treated each year at the optimum time and as approved by the Department.

j) All monitoring report will include all the following information (see attached monitoring report checklist):

i. The monitoring reports submitted prior to the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the Permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);

ii. The monitoring reports submitted prior to the final one must include documentation that the site is progressing towards the 85 percent survival and percent areal coverage of mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. If the Permittee is finding problems with the mitigation project and does not anticipate the site will or has achieved the 85 percent survival and 85 percent areal coverage criteria then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. Documentation to demonstrate the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmities australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifloia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifloia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiforia* (Multiflora rose). If the site is more than 10 percent occupied by invasive or noxious species then the monitoring report must include a proposed remediation plan and a time frame in which it will be completed.

iv. Demonstrate through soil borings that a minimum six inch layer of A-Horizon was retained on the mitigation site and that a minimum of 80 mm of mulch was used throughout the site. If the site fails to meet this standard the monitoring report must include a proposed remediation plan and a time frame in which it will be completed. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil; and

v. The monitoring reports submitted prior to the final report must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the Permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

k) Once the required monitoring period has expired and the Permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the Permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The Permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows acres of emergent/scrub shrub/forested wetlands have been created/restored/enhanced;

ii. The site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. The site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmities australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifloia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thumbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifloia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiforia* (Multiflora rose);

iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

v. That the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

l) If the mitigation project is considered a failure, the Permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure.

APPROVED PLANS

The plans hereby approved shall consist of the set of sixteen (15) sheets of drawings entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 70 & EVESBORO – MEDFORD ROAD MEDFORD TOWNSHIP BURLINGTON COUNTY CONTRACT NO.012961463" prepared under the direction of Hollis F. Velvey III, N.J.P.E. for Taylor Wiseman Taylor, and dated July 20, 2000, unless otherwise noted.

Sheet # 7 is further identified as "PLAN SHEET INDEX"
Sheets # 12, 13 and 17 are further identified as "CONSTRUCTION PLANS"
Sheets # 19 through 25, EP-8 and EP-9 (last revised November 29, 2000) are further identified as "ENVIRONMENTAL PLANS"
Sheets # 37, 38 and 40 are further identified as "GRADES"
Sheet # 128 is further identified as "CONSTRUCTION DETAIL"

The plans hereby approved shall consist of a set of two (2) sheets of drawings entitled "WETLANDS PLANS ROUTE 70 & EVESBORO – MEDFORD ROAD IMPROVEMENTS" "Applicant: New Jersey Department of Transportation Block / Lot: Existing and Proposed Right-of-Way MEDFORD TOWNSHIP BURLINGTON COUNTY, NEW JERSEY" and dated prepared under the direction of Hollis F. Velvey III, N.J.P.E. for Taylor Wiseman Taylor, and dated November 30, 1999, last revised July 31, 2000.

Approved By: Richard H. Kropp, Director
Land Use Regulation Program

DATE: 3/2/01