



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
dep.nj.gov/wlm/



PERMIT

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.

Approval Date

June 1, 2026

Expiration Date

May 31, 2031

Permit Number(s):

1219-21-0002.1 LUP250001

Type of Approval(s):

FWW GP7 Human-made Ditches/Swales in
Headwaters
TAW - Averaging Plan
Water Quality Certificate

Governing Rule(s):

N.J.A.C. 7:7A-1.1(a)

Permittee:

HCI DP Land Acquisition LLC
c/o David Hudson, President
1780 S. Post Oak Lane
Houston, TX 77056

Site Location:

Block(s) & Lot(s): [14, 1]
Municipality: Sayreville Borough
County: Middlesex

Description of Authorized Activities:

This document authorizes the construction of two warehouse buildings, associated driveways, parking lots, and stormwater facilities on the parcel referenced above.

This authorization to conduct activities in wetlands and/or waters includes the issuance of a Water Quality Certificate.

This permit is not valid, and no disturbance of any regulated area is authorized until the conservation restriction as noted in Pre-Construction Conditions and/or Special Conditions is recorded with the appropriate County officials and a record of said filing is submitted to the Division of Land Resource Protection (Division).

Prepared by:

Christopher Blaine

**Received and/or Recorded by
County Clerk:**

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.

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

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. 7:7A-22.

FWW GP7 Human-made Ditches/Swales in Headwaters	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	0.238	0
Transition areas	0	0
State open waters	0	0

Transition Area Waiver Averaging Plan	Transition Area Disturbance (Square Feet)
Reduction Area	1,660
Compensation Area	1,687

PRE-CONSTRUCTION CONDITIONS:

1. Within 90 days of the permit issuance and prior to construction (whichever occurs first), the property owner shall sign a Department-approved conservation restriction for the modified/restored transition areas on the subject parcel(s) in accordance with N.J.A.C. 7:7A-8.1(e). The conservation restriction shall apply to the compensation transition areas and shall preclude future disturbances within these protected footprints, unless said activity is permissible pursuant to the language of the deed restriction. The restriction shall be included on the deed and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages), in the county wherein the lands included in the permit are located. Said restriction shall run with the land and be binding upon all successive owners. All individual lot surveys and any future site development plans shall show the approved conservation restriction boundaries and wetland and modified transition area boundaries, and the line(s) shall be labeled with the above File and Activity number, the recordation date and deed book/page the conservation restriction is filed under, and with the following note: "Existing NJDEP Conservation Restriction Boundary". Any regulated activities undertaken on the site before a copy of this recorded restriction is submitted to the Department will be considered in violation of the Freshwater Wetlands Protection Act. The conservation restriction shall conform, verbatim, to the format and content of the model Conservation Restriction/Easement entitled "Transition Area Waiver Averaging Plan" on the Division's website at: http://www.nj.gov/dep/landuse/download/lur_036.pdf (compensation TA). A final digital copy of the recorded conservation restriction shall be forwarded to the Division's project manager via email at Christopher.Blaine@dep.nj.gov prior to the commencement of any regulated activities.
2. 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, and at the limits of the transition area as modified herein, which is sufficient to prevent the sedimentation of the remaining regulated areas or waters on and/or adjacent to site 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.

3. Prior to the commencement of site clearing, grading, or construction onsite, all existing trees near the project area which are not to be removed shall be marked and a protective construction fence shall be placed around each tree for the duration of construction until the site is stabilized.

SPECIAL CONDITIONS:

1. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 7.7, 8.2, 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. This authorization is based upon a Letter of Interpretation Line Verification issued by the Division of Land Resource Protection on September 8, 2021, under File and Activity No. 1219-21-0002.1 LLI210001. The Department has determined that the freshwater wetlands affected by this permit authorization are of intermediate and ordinary resource value and the standard transition area or buffer required adjacent to intermediate resource value wetlands is 50 feet, and no standard transition area is required adjacent to ordinary resource value wetlands. This authorization includes a limited transition area waiver, which allows encroachment only in that portion of the transition area determined by the Division to be necessary to access and 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. Construction equipment shall not be stored, staged, or driven within any regulated areas onsite, unless expressly approved by this permit or described on the approved plans.
4. All excess excavated material and construction debris shall be disposed of in a lawful manner offsite and outside of any regulated area or water, and in such a way as to not interfere with the positive drainage of the receiving area.
5. The wetland transition areas subject to the Transition Area Waiver Averaging Plan shall not be reduced to a width less than that shown on the approved plans.
6. Following construction and prior to certificate of occupancy, the permittee shall install a split rail fence or equivalent along the limits of the compensation and modified transition areas to ensure that subsequent activities onsite do not encroach into the conservation restriction areas and remaining wetlands and transition areas. The compensation transition area shall remain undisturbed and be allowed to revert to a natural state and not be maintained as a lawn or landscaped area.
7. To reduce the risk of harm to the federally listed endangered species Indiana bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis septentrionalis*), and the proposed federal listing species Tri-colored Bat (*Perimyotis subflavus*), and potential violation of the NJ Endangered and Nongame Species Conservation Act (ENSCA; N.J.S.A. 23:2a-1-13), and to reduce the risk of direct impacts to

sensitive habitat, the permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation onsite from **April 1 to September 30** of each calendar year.

8. This authorization 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 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 authorization or an Individual permit.

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 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://dep.nj.gov/wlm/eservices/lrp-eservices/>.

APPROVED PLAN(S):

The drawing) hereby approved consist of two (2) sheets prepared by Tung-To Lam, P.E. of Bohler, LLC, dated May 9, 2025, last revised July 31, 2025, and entitled:

“FRESH WATER WETLANDS PLAN, NJDEP PERMITTING PLAN FOR HANOVER COMPANY PROPOSED WAREHOUSES, MAP: 4, | BLK: 14 | LOT:1, 4000 BORDENTOWN AVENUE, BOROUGH OF SAYREVILLE, MIDDLESEX COUNTY, NEW JERSEY,” Sheet numbers C-01 and C-02.

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 <https://dep.nj.gov/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 <https://dep.nj.gov/wlm/forms/>). 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 <https://dep.nj.gov/oahdr/> 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:

Rebecca Grike, Environmental Specialist 4
Watershed & Land Management

c: Municipal Clerk, Sayreville Boro
Municipal Construction Official, Sayreville Boro
Agent (original) – Kristy Northrup