



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
www.state.nj.us/dep/landuse

BOB MARTIN
Commissioner

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

OCT 14 2011

Mr. Zakrollah Asadpour
NJDOT
P.O. Box 600
Trenton, NJ 08625

RE: **Freshwater Wetlands Statewide General Permits No. 10B, 11, and Water Quality Certification**
DLUR File No.: 1436-11-0005.1, FWW110001 & FWW110002
Applicant: NJDOT
Project: Route 10 and Commerce Blvd
Township of Roxbury, Morris County

Dear Mr. Asadpour:

The Division of Land Use Regulation has reviewed the referenced applications pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A.

The proposal to widen and reconfigure the Route 10 and Commerce Blvd intersection within wetlands and transition areas is authorized by a Statewide General permit 10B, which authorizes the expansion, widening, or upgrading of one or more existing paved or unpaved roads, including attendant features such as shoulders, sidewalks and embankments.

The proposal to construct two stormwater outfalls within freshwater wetlands is authorized by a Statewide General permit 11, which authorizes the construction of a stormwater outfall structure.

Limit of Authorized Disturbance

Based on the approved plan entitled "NJDEP WETLAND PERMIT PLAN, ROUTE 10 & COMMERCE BOULEVARD, WP-1," dated June 2, 2011, unrevised, and prepared by ARORA AND ASSOCIATES, P.C., the authorized areas of disturbance are:

- 8,130 sq. ft. (0.187 acres) of freshwater wetlands and 2,500 sq. ft. (0.057 acres) of transition areas via a Statewide General Permit #10B, and
- 774 sq. ft. (0.018 acres) of freshwater wetlands via a Statewide General Permit #11.

Permit Conditions

In addition to the standard conditions noted at N.J.A.C. 7:7A-5.10B and N.J.A.C. 7:7A-5.11, the following special conditions must be met for the activities authorized under Statewide General Permits #10B & 11, respectively. 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.).

1. Mitigate for the loss of 0.187 acres of forested wetlands through a monetary contribution to the Freshwater Wetlands Mitigation Council. In accordance with N.J.A.C. 7:7A-15.12, the Department has determined that the contribution amount shall be in the amount of \$ 56,100.00.
 - a. The monetary contribution must be made out to **New Jersey Natural Lands Trust**. On the memo line of the check, the applicant must state Attn: Mitigation Fund.
 - b. Along with the check, the applicant will need to include a letter explaining that it is a monetary contribution to the Wetland Mitigation Fund for NJDEP file #1436-11-0005.1 issued to **NJDOT** and located in Watershed Management Area **North and South Branch Raritan**. The check and letter must be sent to the attention of Mr. Bob Cartica, NJ Natural Lands Trust, PO Box 404, Trenton, NJ 08625. A copy of the check and cover letter must also be sent to Jo Dale Legg, NJDEP Staff to the Council, NJDEP, Division of Land Use Regulation, Mail Code 501-02A, PO Box 420, Trenton, NJ 08625-0420. A sample cover letter can be found at (<http://www.nj.gov/dep/landuse/forms/index.html>)
 - c. Construction of the regulated activities shall not begin until the Division issues a letter acknowledging receipt of the mitigation monetary contribution.
 - d. If the permittee fails to make the mitigation monetary contribution, and begins construction in regulated areas, then the mitigation monetary contribution shall be increased by 20% for each year after the date mitigation has not been paid. In addition, failure to comply with the standards herein constitutes a violation of the Freshwater Wetlands Protection Act and subjects the permittee to appropriate enforcement action and/or suspension or revocation of the permit.
2. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
3. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
4. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.
5. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed stormwater management system onsite for compliance with these rules.
6. The authorization of activities under Freshwater Wetlands Statewide General Permits #10B & 11

includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Division to be necessary to accomplish the authorized activities. In addition, these permits to conduct a regulated activity in a wetland includes the Division's approval of a Water Quality Certificate for these activities.

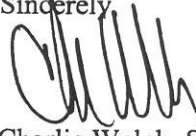
7. This authorization is valid for five (5) years from the date of this letter unless more stringent standards are adopted by rule prior to this date. The permittee shall allow an authorized Division representative the right to inspect the construction site.
8. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
9. This permit is revocable in accordance with the NJDEP regulations and State law.
10. The issuance of this permit shall not be deemed to affect in any way other actions by the Division on any future application.
11. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
12. No change in plans or specifications shall be made except with the prior written permission of the Division.
13. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Division or the State a party in any suit or question of ownership of the property.
14. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work on site have been obtained.
15. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
16. Acceptance of this decision and all conditions shall be assumed, unless the permittee requests an adjudicatory hearing to contest the permit and/or permit conditions, in accordance with the requirements of the Freshwater Protection Act rules at N.J.A.C. 7:7A-1.7.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, 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. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Becky Ehrenfeld of our staff at 609-777-0454, or by email at Becky.Ehrenfeld@dep.state.nj.us, should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Charlie Welch, Supervisor
Roadways & Infrastructure Unit
Bureau of Urban Growth & Redevelopment

cc. Township of Roxbury Construction Official