



**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. 1922-05-0011.1 FHA050001(Stream Encroachment)	Application No.
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Issuance Date DEC 19 2005	Effective Date DEC 19 2005	Expiration DEC 19 2010
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Name and Address of Applicant New Jersey Department of Transportation 1035 Parkway Avenue Trenton, NJ 08625-0600	Name and Address of Owner	Name and Address of Operator
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Location of Activity/Facility (Street Address) Block: N/A Lot: N/A Twp.: Vernon County: Sussex	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
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Type of Permit Stream Encroachment	Maximum Approved Capacity, if applicable
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This permit grants permission to:

replace an existing culvert, outfall structure and construct roadway improvements for Route 94 over Mountain Creek, a tributary to Black Creek, located southwesterly of the intersection of Route 94 and Sand Hill Road, in the Township of Vernon, Sussex County, New Jersey.

Prepared By: 
Damian T. Friebel

(See page 5 for Section Chief's signature.)

Revised Date	Approved by the Department of Environmental Protection	
	Name (Print or Type) _____	Title _____
	Signature _____	Title _____

Terms And Conditions

This permit is subject to the following terms and 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 way 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.
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. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
 - 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 a new approval has been granted by the Department.

Terms And Conditions

10. Method of Construction

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

11. 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 Department. 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.

Terms And Conditions

- d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.
12. All excavated material must be disposed of in a lawful manner outside of 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.
13. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill materials.
14. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
15. In order to protect the warmwater fisheries resources for the State open waters of the Black Creek, grading or construction activities within the State open waters of this or any other stream on site are prohibited between **May 1 thru June 30** of each year. In addition, any activity within the 100-year floodplain or flood hazard area draining to this watercourse which could introduce sediment into said stream(s) or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
16. Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish, from coming in contact with the waters of Black Creek.
17. Disturbed stream banks and adjacent areas are to be restored using native plant materials to ensure stabilization of the banks of the Black Creek in the project area.
18. Dewatering of cofferdams or other construction areas must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center.

Terms And Conditions

19. Excavation of the streambed area must be restored using native substrate to match the pre-existing stream bottom contours, except where riprap is placed behind cofferdam sheeting for erosion control.
20. The applicant must obtain a freshwater wetlands permit for the proposed construction within freshwater wetlands, State open waters, and/or transition areas on site, in accordance with N.J.A.C. 7:7A-1.1 et seq. from the Land Use Regulation Program (LURP). Specifically, a review of this project indicates that Freshwater Wetlands General Permits shall be obtained prior to the construction of the proposed road widening, drainage facilities, and culvert replacement within these areas. The Freshwater Wetlands Permit also requires that authorized activities do not adversely affect properties, which are listed or are eligible for listing on the New Jersey or National Register of Historic Places. This decision does not in any way indicate that the required freshwater wetlands permit will also be approved. No construction may begin within any wetlands, transition area, or open waters until all necessary approvals are obtained from the Department.
22. The drawings hereby approved are eight (8) sheets prepared by SCHOOR DEPALMA, dated July 2005, unrevised, entitled:

"STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL PLANS FOR ROUTE & SAND HILL ROAD NJDOT CONTRACT NO. 035961497 RECONSTRUCTION, WIDENING, AND TRAFFIC SIGNAL INSTALLATION TOWNSHIP OF VERNON SUSSEX COUNTY" Sheet No. 1 of 15,

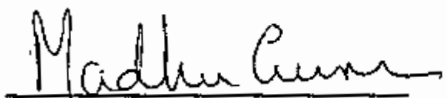
"ROUTE 94 & SAND HILL ROAD IMPROVEMENT PROJECT ENVIRONMENTAL PLANS"

"SOIL EROSION CONTROL PLANS" Sheet Nos. 2, 3, 4 & 5 of 15,

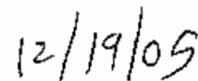
"STREAM PROFILE" Sheet No. 6 of 15,

"STREAM SECTION LOCATION PLAN" Sheet No. 7 of 15,

"GENERAL PLAN AND ELEVATION SHEET NO. 1" Sheet No. 13 of 15.



Madhu Guru, P.E., Section Chief,
Bureau of Inland Regulation



Date



State of New Jersey

Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

JAN 09 2006

NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Attention: Janet Fittipaldi

RE: Authorization for Freshwater Wetlands Statewide General Permits 10A and 11

LURP File No.: 1922-05-0011.1 FWGP10A 050001
1922-05-0011.1 FWGP11 050001

Applicant: NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Statute: N.J.S.A. 13:9B-1 et seq.

Location: Route 94 and Sand Hill Road Intersection
Township of Vernon
Sussex County

Dear Janet Fittipaldi:

The Land Use Regulation Program has reviewed the referenced application for Freshwater Wetlands Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Freshwater Wetlands Statewide General Permit # 10A, which authorizes the upgrading of existing roads and attendant features in freshwater wetlands and/or transition areas where the activities are limited to 100 feet or less for each crossing of freshwater wetlands and/or State open waters; and the cumulative disturbance of freshwater wetlands, transition area, and State open waters onsite is limited to 0.25 acres or less. Also, the proposed activity is authorized by Freshwater Wetlands Statewide General Permit # 11, which authorizes activities in freshwater wetlands, transition areas, and/or State open waters for the construction of stormwater drainage outfall structures. **This authorization includes a Water Quality Certification.**

Limit of Authorized Disturbance

Based on the fifteen (15) plan sheets, entitled: "Environmental Plans for Route 94 & Sand Hill Road NJDOT Contract No. 035961497 Reconstruction, Widening, and Traffic Signal Installation," signed by Joseph J. Zarriello, and dated 8/3/05, the authorized activity involves the disturbance of 0.030 acres of State open water area and 0.019 acres of freshwater wetland

transition area. Any additional disturbance of freshwater wetlands, State open waters, or transition areas shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. 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.).

Special Conditions

Conditions required under N.J.A.C. 7:7A-4.3(b)5 to ensure minimum impact to historic property(s) that may be eligible for listing in the New Jersey or National Register.

1) Recordation

The Stewart House, which is eligible for listing on the National Register as a good local example of a large residence that embodies the characteristics of several vernacular styles spanning the early nineteenth to the early twentieth centuries, will be documented and recorded to comparable intent, principle, and standard as defined in the Federal Register/Vol. 48, No. 90/Thursday, September 29, 1983 ("Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines") and will illustrate the structure within its setting. Recordation will only occur for the exterior of the building; the interior of the Stewart House will not be recorded. A copy of the documentation will be given to the Sussex County Historical Society, the New Jersey State Archives, and the Archibald Stevens Alexander Library-Special Collections and University Archives for permanent housing. Additionally, a copy will be provided to the New Jersey Historic Preservation Office for its library. (See **Attachment 1** for Documentation Standards/Schedule.)

2) Interpretive Signing

Language highlighting the development of the Stewart House corner will be developed in consultation with SHPO staff. The sign will be the NJDOT blue shield sign fabricated by the NJDOT Sign Shop.

3) Landscaping

Landscaping around the Stewart House will be developed in consultation with the SHPO staff and the NJDOT Bureau of Landscape and Urban Design.

4) Colored or Decorative Traffic Control Equipment

The project will utilize powder-coated traffic signal and components (i.e. signal poles, mast arms, meter cabinets, mast arm support assemblies, lighting arm assemblies, transformer bases, luminaries, etc.). The color will complement the street furniture

being utilized by the owner of the historic Stewart House. The meter cabinets will be placed in a visually non-intrusive location or be hidden through landscaping.

5) Roadway Railing Design Appropriate to the Historic Properties

If any guide rail is to be installed, the steel components of the Beam Guide Rail shall be coated with a polyester powder over organic zinc rich epoxy colored with a color matching or similar to color chip 20059 of the Federal Standard 595B Colors (July 1995).

6) Data Recovery Scope of Work of the Stewart House Site (28Sx427)

The Data Recovery will comply with **Attachment 2, Scope of Work for the Archeological Data Recovery at the Stewart House Site (28Sx427), Township of Vernon, Sussex County, New Jersey**. One bound original copy of the final report shall be provided to the SHPO upon completion. An artifact display will be developed for use by the owner of the Stewart House.

7) Demarcation of the Sand Hill Site (28Sx426)

Blaze orange fencing will be erected along the perimeter of the Sand Hill Site to prevent the contractor from accessing the area containing the site.

Freshwater Wetlands General Permit No. 10A

- 8) This Freshwater Wetlands General Permit 10A authorizes the disturbance of approximately 0.030 acres of State open waters of Black Creek for the lengthening of the replacement culvert to accommodate the addition of a left turning lane and shoulders on Route 94 at its intersection with Sand Hill Road. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
- 9) In order to protect the warmwater fisheries resources for the State open waters of the Black Creek, grading or construction activities within the State open waters of this or any other stream on site are prohibited between **May 1 thru June 30** of each year. In addition, any activity within the 100-year floodplain or flood hazard area draining to this watercourse which could introduce sediment into said stream(s) or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
- 10) Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish, from coming in contact with the waters of Black Creek.

- 11) Disturbed stream banks and adjacent areas are to be restored using native plant materials to ensure stabilization of the banks of the Black Creek in the project area.
- 12) Dewatering of cofferdams or other construction areas must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center.
- 13) Excavation of the streambed area must be restored using native substrate to match the pre-existing stream bottom contours, except where riprap is required. Low-flow channel provisions must meet existing channel low-flow inverts upstream and downstream of the area of channel disturbance. Riprap placed at stream center must be fitted with a low-flow channel provision of naturalized stone and/or native materials.
- 14) Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material.

Freshwater Wetlands General Permit No. 11

- 15) This Freshwater Wetlands General Permit 11 authorizes the filling of approximately 0.019 acres of freshwater wetland transition area for the installation of a stormwater outfall at the proposed stormwater basin in the southwest quadrant of the intersection of Route 94 and Sand Hill Road. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.
- 16) The upper-most 18-inches of any temporary trench excavation is backfilled with the original native streambed material, and otherwise with clean suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material. Excavations must be backfilled to the preexisting elevation, where feasible.
 - a) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.

General conditions:

- 1) 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.
- 2) This permit is revocable in accordance with NJDEP regulations and State law.

- 3) The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
- 4) 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.
- 5) No change in plans or specifications shall be made except with the prior written permission of the Department.
- 6) The granting of this authorization shall not be construed in any way to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
- 7) 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 onsite have been obtained.
- 8) A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
- 9) The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP (P.O. Box 401, 4th Floor, Trenton, NJ 08625-0401) with written notification 7 days prior to the start of the authorized work.
- 10) This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Water Quality Certificate

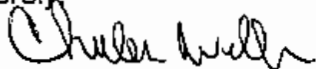
This letter of authorization to conduct a regulated activity in a wetland or open water includes the Program's approval of a Water Quality Certificate for these activities.

Appeal of Decision

Any interested party who considers himself or herself aggrieved by this permit decision may request a hearing by addressing a written request for such hearing to the following address: Office of Legal Affairs, Department of Environmental Protection and Energy, P.O. Box 402, Trenton, NJ 08625-0402, Attention: Adjudicatory Hearing Requests.

If you have any questions regarding this Freshwater Wetlands Statewide General Permit authorization, please contact William Mc Laughlin of my staff at the address above, phone (609) 984-0195, or email (William.McLaughlin@dep.state.nj.us). Please reference the permit file number in any communication concerning this action.

Sincerely,



Charles Welch
Supervising Environmental Specialist
Roadways and Infrastructure Unit
Land Use Regulation Program

Attachment (approved plans)

WMcL

C: Bureau of Enforcement
Township of Vernon, Clerk

C w/o Att

Steve Hardegen, HPO
Donna McCormack (Schoor DePalma Inc., 200 State Highway Nine, P.O. Box 900, Manalapan, NJ
07726-0900)