



**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.
Issuance Date DEC 19 2005	Effective Date DEC 19 2005	Expiration DEC 19 2010
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
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.
Type of Permit Stream Encroachment	Maximum Approved Capacity, if applicable	
<p>This permit grants permission to:</p> <p>replace an existing culvert, outfall structure and construct roadway improvements for Route 94 over <u>Mountain Creek</u>, 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.</p> <p>Prepared By: <u><i>D. Friebel</i></u> Damian T. Friebel</p> <p>(See page 5 for Section Chief's signature.)</p>		
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,

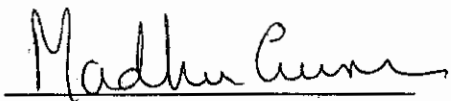
“ROUTE 94 & SAND HILL ROAD IMPROVEMENT PROJECT ENVIRONMENTAL PLANS”

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

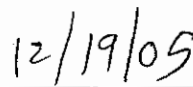
“STREAM PROFILE” Sheet No. 6 of 15,

“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