

**Acceptance of
Revocable Construction Permits***Mail To:*

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
Trenton, New Jersey 08625

NJDEP Permit Manager: William Mc Laughlin
Permit Number(s): 0701-04-0002.1 WFD 040001, FWLI 040002
Route 21 and Terry Street Interchange
Date Issued: January 11, 2005

The undersigned hereby accepts the above referenced revocable permit/s, subject to the terms and conditions included therein, including but not limited to the right of the State to revoke said permit/s with cause, and also subject to all provisions of law, rules, and regulations of any applicable government agency.

Signature of Applicant:

Printed Name:

Project:

Date:

Attest: _____

(To be properly witnessed, signed, and sealed)

c:

New Jersey Department of Environmental Protection
Land Use Regulation Program

WATERFRONT DEVELOPMENT LAW

ENVIRONMENTAL REPORT N.J.A.C. 7:7E-1.1 et seq.

Application No. 0701-04-0002.1 WFD 040001
Applicant: NJDOT
Consultant: Earth Tech Corp.
Project: Route 21 and Terry Street Interchange
Municipalities: Belleville Twp,
USGS Quad: 41 Orange
Watershed Mgt: 170 Lower Passaic & Saddle
Watershed: Passaic Rr Lower (Nwk Bay to Saddle)
Subwatershed: Passaic R Lwr (Second Rr to Saddle Rr)
NJ SWQS Stream Classification: FW-2 NT/SE2
Project Manager: William Mc Laughlin
Project Engineer: Nabil Andrews
Site Inspection: GIS, field 9/23/04.

Project Description: Safety improvements for the Route 21 and Terry Street Interchange located within the waterfront upland area. Improvements include: extension of an acceleration lane to 1,070 feet with a 300 foot taper, extension of a deceleration lane to 530 feet with a 180 foot taper, guide rail and highway lighting relocation, new inlets in the highway median that will connect to the existing drainage system, filter fabric and stone non-vegetative surface area between the edge of pavement and the guide rail, and reconstruction of one outfall headwall with no change in the pipe diameter.

Freshwater Wetlands Protection Act Rules (7:7A)

Letter of Interpretation, presence/absence determination requested. No wetland or transition areas to be impacted by the project.

Rules on Coastal Zone Management (7:7E): (Includes amendments up to January 1, 2003).

The Director of the Land Use Regulation Program hereby finds the applicable findings as required by Sections 10 and 11 of the CAFRA statute (N.J.S.A. 13:19-1 et. seq.) and the Rules on Coastal Zone Management will be met to the satisfaction of the Bureau of Coastal Regulation. The issuance of these permits are contingent upon compliance with the conditions below and failure to comply with any or all conditions may result in appropriate enforcement action and revocation of this permit.

In addition, the New Jersey Department of Environmental Protection, Land Use Regulation Program, acting pursuant to Section 307 of the Federal Coastal Zone Management Act of 1972 (P.L. 92-583) as amended, find that the activities authorized herein are consistent with the New Jersey Coastal Zone Management Program, provided the following permit conditions are met. This finding was made with reference to New Jersey "The Rules on Coastal Zone Management" (N.J.A.C. 7:7E) as amended March 3, 2003, specifically 7:7E-8.

SUMMARY OF WETLAND AND OPEN WATER IMPACT

Wetland/Open Water	Impacted Area	Wetland Type & Impact Amount
Freshwater Wetlands	No wetland impacts.	N/A
Coastal Wetlands	N/A	N/A
Open Water	Passaic River approximately 50 feet from project not impacted.	N/A
Subtidal & Intertidal Shallows	Passaic River not impacted	N/A

Wetland Buffers (7:7E-3.28) – The project will not disturb transition areas located adjacent to intermediate resource value wetlands. Compliance to this Rule is met.

Historic and Archaeological Resources (7:7E-3.36) – According to the CED for the project, a FHWA/SHPO Agreement of 7/6/00 provided a "no effect" determination with conditions. Per Steve Hardegan of HPO, the conditions include:

Specimen Trees (7:7E-3.37) -- A *Morus alba* specimen was found located in the northwest quadrant of the intersection approximately 150 feet from the exit ramp to Terry Street. The tree measured about 10' 4" circumference. The State record is 17' 9", therefore the tree is not 85% of the record and not a specimen.

Endangered or Threatened Wildlife or Vegetation Species Habitat (7:7E-3.38) – No habitat or species listed under the BGIS Landscape Project mapping for the project area.

No rare flora or fauna was found during field investigations of the site which was conducted by NJDEP on September 23, 2004 and other times by the consultant to the applicant.

Geodetic Control Reference Marks (7:7E-47) – Prior to disturbance of any geodetic control reference marks, NJDOT's Geodetic Survey Unit must be notified at least 60 days prior to the disturbance, according to permit condition.

Geodetic control reference marks are traverse stations and benchmarks established by the NJ Geodetic Control Survey pursuant to P.L. 1934, C.116. The disturbance of a geodetic control reference mark is discouraged. If a mark must be disturbed then appropriate notification and procedures for protecting the position must be followed.

With adherence to permit conditions, the project complies with the geodetic control reference mark rule.

Acceptability Conditions for Uses (7:7E-4.2)

(q) Outfalls and Intakes – The project will include the reconstruction of one stormwater outfall headwall with no change in pipe diameter. The stormwater reenters the existing stormwater drainage system.

Subchapter 6- General Location Policies

Rule on Location of Linear Development (7:7E-6.1) - As explained in the applicant's Compliance Statement Report, the Program finds: 1) the chosen alternative is the most prudent and feasible alignment; 2) there are no permanent loss of unique or irreplaceable areas; 3) no impacts to wetlands and open water areas are proposed; and 4) the chosen alternative alignment is located within the existing transportation corridor to the maximum extent feasible. Therefore, the Program finds compliance to this Rule is met.

Basic Location Policy (7:7E-6.2) - The Program finds: 1) the new pavement area will provide for public health, safety and welfare by the upgrade to the current design standards; 2) By using the existing right of way, the project preserves public and private property, wildlife, and marine fisheries. Therefore, compliance to this Rule is met.

Secondary Impacts (7:7E-6.3) - The Program finds the applicant's proposal to replace the existing roadway configuration will not increase capacity or provide for new access that would have potential for secondary impacts. The replacement of an existing structure with modern design standards should have a positive impact of improved public safety. Therefore, Compliance to this Rule is met.

Subchapter 7 – Use Rules

Transportation Use Rules (7:7E-7.5) - The applicant has defined a clear need for the interchange upgrades within the existing alignment; the interchange is not safe for conveying bicycle and pedestrian usage; the design will not preclude fishing access; the interchange is not the appropriate location for public transportation stop, however the project facilitates a public transportation route; visual and physical access is provided via the interchange. The interchange will not induce new development, but will provide a safer passage thru the site. Therefore, compliance to this Rule is met.

Subchapter 8 - Resource Rules

Water Quality (7:7E-8.4) - The applicant is required to provide erosion and sediment controls to maintain the existing quality of the Passaic River in the vicinity of the project for the duration of the construction activities. Long-term water quality management is discussed in the next section for stormwater management. The applicant will be required to minimize the potential for short-term temporary impacts by installing erosion controls to limit construction activities to the minimum area necessary to perform the reconstruction and operational improvements in the area without impacting wetlands or transition areas. Silt fence, inlet protections, turbidity barriers and other methods required by the "Standards for Soil Erosion and Sediment Control in New Jersey" will be installed. Compliance to this Rule is met with the installation of these mitigation techniques prior to construction.

Stormwater Management (7:7E-8.7) - The project does not propose 0.25 acres of impervious surface area. Therefore, the project does not meet a major discharge project subject to the new stormwater management rules.

Vegetation (7:7E-8.8) - By using the existing alignment, impacts to vegetated areas are avoided or minimized to the maximum extent practicable, as according to the applicant's Compliance Statement. Temporary disturbance areas will be restored immediately upon completion of the project disturbances. Lawn areas impacted by the project will be vegetated as required by permit

condition. Additional landscape improvements will be made to the formerly unused right of way through selective thinning of trees and improved grading and restoration activity.

Air Quality (7:7E-8.10) – Although the project is not included in either the approved Surface Transportation Improvement Plan nor the Metropolitan Planning Organization's conforming transportation plan, the air sensitive receptors at the Main Street/Terry Street intersection are about 350 feet from the project area, according to the Categorical Exclusion Document. No additional lanes are proposed. Therefore, the Program finds compliance to this Rule is met.

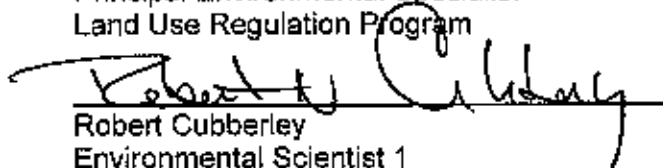
Public Access to the Waterfront (7:7E-8.11) – Limited public access will be provided through the landscaping and enhancement of NJDOT right of way previously acquired as part of the Rt. 21 construction project. Additional public access must be provided in the future legalization of the historic construction of Rt. 21. The construction of the local park satisfies the public access requirement only for the limited Terry Street Ramp Project.

Scenic Resources and Design (7:7E-8.12) – The project does not preclude existing visual access to scenic resources. The project makes vehicular traffic safer access to scenic areas.

Traffic (7:7E-8.14) – The applicant has demonstrated that the proposed project is designed to replace functionally obsolete acceleration/deceleration lanes and enhance the safety of the existing roadway. The Program finds it is in agreement with the applicant's analysis of the need for this new transportation facility. Compliance to this rule is met.



William Mc Laughlin
Principal Environmental Specialist
Land Use Regulation Program



Robert Cubberley
Environmental Scientist 1
Land Use Regulation Program

WMcL