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JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

LISA P. JACKSON
Commissioner

Mr. Brandon Phillips
Schoor DePalma
20 Waterview Blvd. P.O. Box 5245
Parsippany, New Jersey 07054-6245

MAR 29 2006

Re: Authorization for Freshwater Wetlands Statewide General Permit No. 17
File Number: 1920-05-0010.1 (FWW-050001)
Applicant: New Jersey Department of Transportation (Karen Minch)
Block: 3501 Lot: 12
Stillwater Township, Sussex County

Dear Mr. Phillips:

The Division of Land Use Regulation has reviewed the referenced application for a 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 Statewide General Permit No.17, which allows trail and/or boardwalk construction for use by pedestrians, bicycles, and other non-motorized methods of transport in freshwater wetlands, transition areas and State open waters.

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

Limit of Authorized Disturbance

Based on the site plan entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL PLANS PEDESTRIAN BRIDGE OVER TROUT BROOK" signed by Gregory Bitsko, P.E., dated 12/12/05 and unrevised, the authorized activity involves the disturbance of 0.13-acre of freshwater wetlands, and transition areas for the construction of a soil and woodchip nature trail as well as the placement of a relocated historic bridge for pedestrian use over the Trout Brook. Any additional disturbance of freshwater wetlands, State open waters or transition area 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 Division of Land Use Regulation.

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

The following special conditions must be met for the activity to be authorized under these permits:

1. Disturbance under this permit is limited to that shown on the approved site plan for activities related to the placement of the bridge over Pond Brook and grading associated with trail establishment within

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the vicinity of the bridge. Total wetland, state open waters and transition area disturbance is not to exceed 5,709 square feet (0.13-acre).

2. This Statewide General permit is subjected to all conditions contained in the previously issued Stream Encroachment permit, NJDEP File No. 1920-05-0010.1 FHA 050001.
3. Areas of temporary excavation must be restored with native, indigenous species. The stream bank must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc., except where rip-rap is required.
4. Bollards shall be placed at appropriate spacing to ensure that the bridge access points conforms to the width requirement of a maximum of 6 feet or a width that complies with the Barrier Free Subcode of the Standard Uniform Construction Code.
5. The permittee shall ensure that various regulated activities do not interfere with the natural hydrology of the area.
6. The permittee shall ensure that appropriate environmental educational signs are placed along the trail.
7. The permittee shall in consultation with the Historic Preservation Office (HPO) ensure that Bridge Q-25 is recorded to a Historic American Engineering Record HAER-like standard.
8. The permittee shall complete a Cultural Resources Digest (a NJDOT publication) for Bridge Q-25 as mitigation to comply with the conditional finding of "no adverse effect".
9. As applicable, Best Management Practices as defined at N.J.A.C. 7:7A-1.4 shall be utilized.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -5, the following general conditions must be met for the activity authorized under this Statewide General Permit:

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. All excavated material must be disposed of in a lawful manner outside of any regulated floodplain, open water, freshwater wetlands or adjacent transition areas, and in such a way as not to interfere with the positive drainage of the receiving area.
3. This permit is revocable in accordance with DEP regulations and State law.
4. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
5. 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.
6. No change in plans or specifications shall be made except with the prior written permission of the Department.

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7. 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 Department or the State a party in any suit or question of ownership of the property.
8. 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.
9. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
10. The permittee shall allow the Division the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
11. 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.

Transition Area

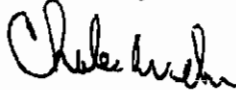
The wetlands affected by this permit authorization are of Exceptional resource value and the standard transition area or buffer required adjacent to these wetlands is 150 feet. This General Permit includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site 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-2.6.

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 of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, PO Box 402, NJ 08625. This request must include a completed copy of the Administrative Hearing Request Checklist.

Please contact Judy Burton of our staff at (609) 777-0454 or e-mail at judith.burton@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,



Charles Welch, Supervisor
Roadways and Infrastructure Unit
Division of Land Use Regulation

- c. Stillwater Township Municipal Clerk
Stillwater Township Municipal Construction Official
SHPO