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State of New Jersey

Department of Environmental Protection

Land Use Regulation Program
P O Box 439, 501 East State Street
Trenton, NJ 08625-0439
Fax: (609) 292-8115
www.state.nj.us/dep/landuse

Bradley M. Campbell
Commissioner

Richard J. Codey
Acting Governor

JAN 18 2005

Mr. Pat McHugh
RBA Group
One Evergreen Place
P.O. Box 1927
Morristown, NJ 07962

RE: Authorization for Freshwater Wetlands Statewide General Permit (FWGP) Nos. 10A, 7, 11 and Transition Area Waiver (TAW)

LURP File No.: 1900-03-0005.3 - FWGP10A, 11, 7, TW4L 040001
Applicant: NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625
Project: Route 94 Drainage Improvements (MP 40.98 to MP 41.36)
Vernon Township, Sussex County
Black Creek, Walkkill River

Dear Mr. McHugh:

The Land Use Regulation Program 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. 10A, 11, 7, and a Special Activity Transition Area Waiver** for linear development, which authorize activities in freshwater wetlands, transition areas, and/or State open waters for the construction or expansion of road crossings, including attendant features such as shoulders, sidewalks, and embankments, utilities, and drainage structures. **This authorization includes a Water Quality Certification.**

Limit of Authorized Disturbance

The authorized activities are the minimum necessary disturbances to wetlands, State open waters, and transition areas for the replacement of one existing culvert, construction of 8-foot shoulders, construction of new stormwater drainage system including two new outfall structures, according to documents received October 22, 2004. This permit authorization is based on the following plan sheets prepared by Frederick F. Schemer and undated:

- Five (5) plan sheets numbered EP1, EP8, EP9, EP10 EP11 entitled, "Environmental Plans."

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.

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

1. The total amount of disturbance to regulated areas associated with this Freshwater Wetlands General Permits No. 7, 10A, 11, and Special Activity Waiver for Linear Development authorization shall not exceed 0.017 acres of wetlands (0.006 acres FWGP10A) (0.010 FWGP11) (0.001 FWGP7) and 0.111 acres of transition area (0.037 acres FWGP10A) (0.007 FWGP11) (0.066 Transition Area Waiver for Linear Development). This authorization includes a Water Quality Certification.

2. The amount of riprap or other energy dissipating material placed shall be the minimum necessary to prevent erosion, and shall not exceed 10 cubic yards of fill per outfall, unless a larger amount is required in order to comply with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90.

3. Temporary disturbances including those associated with the temporary construction access must be restored through grading and landscaping as necessary and include:

- (a) The area of temporary disturbance to transition areas must be replanted with native, indigenous species. The areas should be planted with native trees that are known to grow to sufficient height to provide partial shade for the open water areas in the vicinity. This replanting shall be performed immediately after activities that will temporarily disturb the environment.

4. In order to protect the trout-maintenance resources for the State open waters draining to the Black Creek, grading or construction activities within the State open waters draining to this stream are prohibited between **March 15 thru June 15** 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.

5. 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.

6. The temporary storage of equipment, materials, and refueling activities shall not be located in regulated areas of open water, wetlands, or transition areas.

7. Downstream areas must be protected from excess turbidity during construction. Silt fences and turbidity barriers must be installed prior to the commencement of construction activities and encompass work areas.

8. A temporary dewatering basin or filter bags must be installed for in-stream work where return discharges can release turbid water downstream. Any dewatering requires use of a filtering method to settle out suspended sediments. The return water is to be discharged to a receiving area encompassed by turbidity barrier.

9. The disposal of excess excavated material and demolition debris must be placed and/or temporarily stockpiled outside of freshwater wetlands, transition areas, State open waters, and areas regulated under the Flood Hazard Area Control Act Rules.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

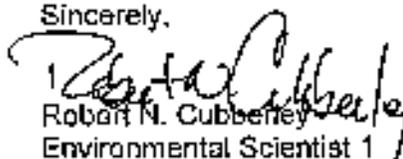
1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP 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 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.
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 Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. Prior to grading or land disturbances in the vicinity of the Simpson Mine prehistoric site (28-SX-412) and/or the Campbell prehistoric site, approval of the grading plans is required from the NJ State Historic Preservation Office.
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.

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, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact William Mc Laughlin of our staff at (609) 984-0194, at the address listed above, or by email William.McLaughlin@dep.state.nj.us. Please reference the above file number in all correspondence.

Sincerely,


Robert N. Culleney
Environmental Scientist 1
Land Use Regulation Program

WMcL

- c. Bureau of Enforcement
Dave Zmoda, NJDOT E-team
Vernon Township Municipal Clerk
Vernon Township Municipal Construction Official