



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. 1215-04-0001.1 FHA040001(Stream Encroachment) 1215-04-0001.1 FWW040001(FWGP10B) 1215-04-0001.1 FWW040001(FWGP11)	Application No.
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Issuance Date APR 06 2004	Effective Date APR 06 2004	Expiration Date APR 06 2009
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Name and Address of Applicant New Jersey Department of Transportation 1035 Parkway Avenue Trenton, NJ 08625	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.: North Brunswick County: Middlesex	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:9B-1 NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
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Type of Permit Stream Encroachment Freshwater Wetlands	Maximum Approved Capacity, if applicable
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This permit grants permission to:

replace a section of an existing culvert beneath Route 130, along Mae Run, located southwesterly of the intersection of George Road and Route 130, in the Township of North Brunswick, Middlesex County, New Jersey. The authorized activity involves the disturbance of 0.12 of an acre of State open waters, freshwater wetlands and transition area for the culvert replacement under General Permit No. 10B and the disturbance of 0.12 of an acre of State open waters, freshwater wetlands and transition area for the replacement of headwalls and associated rip-rap under General Permit No 11.

Prepared By:
Damian T. Friebel

(See page 6 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.

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- 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. Soil erosion controls will be installed prior to construction and maintained for the duration of the disturbance until soils have been stabilized.
14. A soil erosion control plan approval must be obtained from the Soil Erosion Control District for the project.
15. 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.
16. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by approved drawings. Such use of regulated areas applies to the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant must direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit.
17. In order to protect the general fishery resources for the State open waters of the Mae Brook, grading or construction activities within the State open waters of this or any ~~other stream on site are prohibited between May 1 to 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.
18. 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 Mae Brook.
19. Disturbed stream banks and adjacent areas are to be restored using native plant materials to ensure stabilization of the banks of this section of Mae Brook in the project area.
20. Provisions of the Freshwater Wetlands Statewide General Permit Nos. 10B & 11

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- a. This Freshwater Wetlands General Permit 10B authorizes the disturbance of a maximum of 0.12 acres of State open water, freshwater wetlands, and wetland transition area. The Freshwater Wetlands Statewide General Permit No. 10B authorizes the replacement and repair of the existing culvert. This Freshwater Wetlands General Permit 11 authorizes the disturbance of a maximum of 0.12 acres of State open water, freshwater wetlands, and wetland transition area. The Freshwater Wetlands Statewide General Permit No. 11 authorizes the placement of headwall with associated rip-rap.
 - b. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a wetland transition area waiver for disturbance which has been determined by the Department to be necessary to accomplish the authorized activities. 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.
21. Dewatering of cofferdams 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. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the stream channel.
 22. The total amount of permanent wetland, transition area or State open water disturbance associated with this authorization must not exceed 0.25 acres.
 23. The amount of riprap or other energy dissipating material placed must be the minimum necessary to prevent erosion, and shall not exceed 142 square meters of fill, 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.
 24. 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.~~
 25. The upper-most 18-inches of any temporary trench excavation is backfilled with the original soil material if feasible, and otherwise with clean suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and must 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 area above the excavation must be replanted with native, indigenous species.
 - b. The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.

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26. All substrate removed for construction activities, must be stockpiled outside of freshwater wetlands, transition areas and State open waters. The replaced native substrate must be placed to meet existing stream bottom invert and cross-channel profile as found immediately upstream and downstream of the crossing.
27. The proposed rip-rap must be embedded in the stream bed and be concave shaped to concentrate low water flows.
28. Prior to any construction activities, the project site must be surveyed for the presence of wood turtles at an appropriate time of of year (May through September) when wood turtles are active and can be found. Any turtles encountered must be removed form the construction site to safe areas. Immediately following the survey, the construction site must be encompassed by silt fencing or other small mesh fencing to prevent wood turtles from re-entering the construction area. Unless the survey and fence can be provided at the appropriate time prior to construction, construction activities are not permitted from November 15 through April 1 of each year within the stream and stream banks to protect hibernating turtles. Construction activities are not permitted during April 1 to June 30 of each year within NJDEP jurisdictional areas in order to protect emerging wood turtles.
29. No raw concrete shall come into contact with the water. Any grout/concrete that comes in contact with the water must be removed immediately. No pumped water from grout/concrete operations may be discharged directly to the stream corridor. All pumped waer must be discharged to a holding tank and disposed of properly.
30. In-stream sediment filter bags shall remain in place untill all in-water work is complete. These barriers shall be removed once work is complete.
31. The drawings hereby approved are four (4) sheets prepared by THE RBA GROUP, not dated, unrevised , unless otherwise noted, entitled:

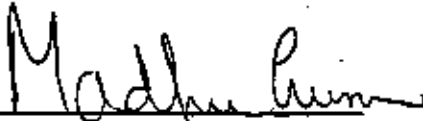
**"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 130 OVER
MAE BROOK NORTH BRUNSWICK TOWNSHIP MIDDLESEX COUNTY"**

"STREAM ENCROACHMENT PLAN 1 OF 2" Sheet No. 2 of 10,

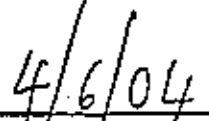
"STREAM ENCROACHMENT PLAN 2 OF 2" Sheet No. 3 of 10,

"CULVERT STRUCTURE DETAILS 1 OF 2" Sheet No. 9 of 10, last revised
March 24, 2004,

"CULVERT STRUCTURE DETAILS 2 OF 2" Sheet No. 10 of 10,



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



Date