



024800-0001

State of New Jersey

Richard J. Codey
Acting Governor

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

Bradley M. Campbell
Commissioner

JAN 09 2006

NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Attention: Janet Fittipaldi

RE: Authorization for Freshwater Wetlands Statewide General Permits 10A and 11

LURP File No.: 1922-05-0011.1 FWGP10A 050001

1922-05-0011.1 FWGP11 050001

Applicant: NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Statute: N.J.S.A. 13:9B-1 et seq.

Location: Route 94 and Sand Hill Road Intersection
Township of Vernon
Sussex County

Dear Janet Fittipaldi:

The Land Use Regulation Program has reviewed the referenced application for Freshwater Wetlands 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 Freshwater Wetlands Statewide General Permit # 10A, which authorizes the upgrading of existing roads and attendant features in freshwater wetlands and/or transition areas where the activities are limited to 100 feet or less for each crossing of freshwater wetlands and/or State open waters; and the cumulative disturbance of freshwater wetlands, transition area, and State open waters onsite is limited to 0.25 acres or less. Also, the proposed activity is authorized by Freshwater Wetlands Statewide General Permit # 11, which authorizes activities in freshwater wetlands, transition areas, and/or State open waters for the construction of stormwater drainage outfall structures. **This authorization includes a Water Quality Certification.**

Limit of Authorized Disturbance

Based on the fifteen (15) plan sheets, entitled: "Environmental Plans for Route 94 & Sand Hill Road NJDOT Contract No. 035961497 Reconstruction, Widening, and Traffic Signal Installation," signed by Joseph J. Zarriello, and dated 8/3/05, the authorized activity involves the disturbance of 0.030 acres of State open water area and 0.019 acres of freshwater wetland

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** TOTAL PAGE.01 **

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transition area. Any additional disturbance of freshwater wetlands, State open waters, or transition areas 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

Conditions required under N.J.A.C. 7:7A-4.3(b)5 to ensure minimum impact to historic property(s) that may be eligible for listing in the New Jersey or National Register.

1) Recordation

The Stewart House, which is eligible for listing on the National Register as a good local example of a large residence that embodies the characteristics of several vernacular styles spanning the early nineteenth to the early twentieth centuries, will be documented and recorded to comparable intent, principle, and standard as defined in the Federal Register/Vol. 48, No. 90/Thursday, September 29, 1983 ("Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines") and will illustrate the structure within its setting. Recordation will only occur for the exterior of the building; the interior of the Stewart House will not be recorded. A copy of the documentation will be given to the Sussex County Historical Society, the New Jersey State Archives, and the Archibald Stevens Alexander Library-Special Collections and University Archives for permanent housing. Additionally, a copy will be provided to the New Jersey Historic Preservation Office for its library. (See **Attachment 1** for Documentation Standards/Schedule.)

2) Interpretive Signing

Language highlighting the development of the Stewart House corner will be developed in consultation with SHPO staff. The sign will be the NJDOT blue shield sign fabricated by the NJDOT Sign Shop.

3) Landscaping

Landscaping around the Stewart House will be developed in consultation with the SHPO staff and the NJDOT Bureau of Landscape and Urban Design.

4) Colored or Decorative Traffic Control Equipment

The project will utilize powder-coated traffic signal and components (i.e. signal poles, mast arms, meter cabinets, mast arm support assemblies, lighting arm assemblies, transformer bases, luminaries, etc.). The color will complement the street furniture

being utilized by the owner of the historic Stewart House. The meter cabinets will be placed in a visually non-intrusive location or be hidden through landscaping.

5) **Roadway Railing Design Appropriate to the Historic Properties**

If any guide rail is to be installed, the steel components of the Beam Guide Rail shall be coated with a polyester powder over organic zinc rich epoxy colored with a color matching or similar to color chip 20059 of the Federal Standard 595B Colors (July 1995).

6) **Data Recovery Scope of Work of the Stewart House Site (28Sx427)**

The Data Recovery will comply with **Attachment 2, Scope of Work for the Archeological Data Recovery at the Stewart House Site (28Sx427), Township of Vernon, Sussex County, New Jersey**. One bound original copy of the final report shall be provided to the SHPO upon completion. An artifact display will be developed for use by the owner of the Stewart House.

7) **Demarcation of the Sand Hill Site (28Sx426)**

Blaze orange fencing will be erected along the perimeter of the Sand Hill Site to prevent the contractor from accessing the area containing the site.

Freshwater Wetlands General Permit No. 10A

- 8) This Freshwater Wetlands General Permit 10A authorizes the disturbance of approximately 0.030 acres of State open waters of Black Creek for the lengthening of the replacement culvert to accommodate the addition of a left turning lane and shoulders on Route 94 at its intersection with Sand Hill Road. 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. 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.
- 9) 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.
- 10) 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.

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- 11) 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.
- 12) 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.
- 13) Excavation of the streambed area must be restored using native substrate to match the pre-existing stream bottom contours, except where riprap is required. Low-flow channel provisions must meet existing channel low-flow inverts upstream and downstream of the area of channel disturbance. Riprap placed at stream center must be fitted with a low-flow channel provision of naturalized stone and/or native materials.
- 14) 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 material.

Freshwater Wetlands General Permit No. 11

- 15) This Freshwater Wetlands General Permit 11 authorizes the filling of approximately 0.019 acres of freshwater wetland transition area for the installation of a stormwater outfall at the proposed stormwater basin in the southwest quadrant of the intersection of Route 94 and Sand Hill Road. 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.
- 16) The upper-most 18-inches of any temporary trench excavation is backfilled with the original native streambed material, and otherwise with 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 material. Excavations must be backfilled to the preexisting elevation, where feasible.
 - a) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.

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 NJDEP regulations and State law.

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- 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 in any way to 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 Enforcement, NJDEP (P.O. Box 401, 4th Floor, Trenton, NJ 08625-0401) with written notification 7 days prior to the start of the authorized work.
- 10) 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.

Water Quality Certificate

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

Appeal of Decision

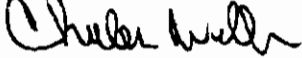
Any interested party who considers himself or herself aggrieved by this permit decision may request a hearing by addressing a written request for such hearing to the following address: Office of Legal Affairs, Department of Environmental Protection and Energy, P.O. Box 402, Trenton, NJ 08625-0402, Attention: Adjudicatory Hearing Requests.

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If you have any questions regarding this Freshwater Wetlands Statewide General Permit authorization, please contact William Mc Laughlin of my staff at the address above, phone (609) 984-0195, or email (William.McLaughlin@dep.state.nj.us). Please reference the permit file number in any communication concerning this action.

Sincerely,



Charles Welch
Supervising Environmental Specialist
Roadways and Infrastructure Unit
Land Use Regulation Program

Attachment (approved plans)

WMcL

C: Bureau of Enforcement
Township of Vernon, Clerk

C w/o Att

Steve Hardegen, HPO
Donna McCormack (Schoor DePalma Inc., 200 State Highway Nine, P.O. Box 900, Manalapan, NJ
07726-0900)