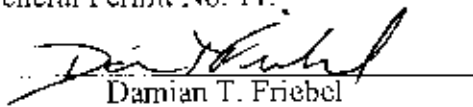




STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
(See Issuing Division below)
P E R M I T *



<p>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.</p>		
Permit No. 1904-03-0010.1 FIIA030001(Stream Encroachment) 1904-03-0010.1 FWW030001(FWGP2) 1904-03-0010.1 FWW030002(FWGP11)		Application No.
Issuance Date OCT 22 2003	Effective Date OCT 22 2003	Expiration Date OCT 22 2008
Name and Address of Applicant New Jersey Department of Transportation 1035 Parkway Avenue P.O. Box 600 Trenton, NJ 08625	Name and Address of Owner	Name and Address of Operator
Location of Activity/Facility <i>(Street Address)</i> Block: N/A Lot: N/A Twp.: Byram County: Sussex	Issuing Division Land Use Regulation Program	Statute(s) NJS 13:9B-1 NJS 13:1D-1 NJS 58:10A-1 NJS 58:16A-50, et. seq.
Type of Permit Stream Encroachment Freshwater Wetlands	Maximum Approved Capacity, if applicable	
<p>This permit grants permission to:</p> <p>construct an outfall structure within the floodplain of Cranberry Lake, located northwesterly of the intersection of Route 206 and Tamarack Road, in Byram Township, Sussex County, New Jersey. This permit also authorizes the disturbance of 0.01 of an acre of freshwater wetlands associated with the construction of a utility lines, authorized by Statewide general permit No. 2 and the disturbance of 0.02 of an acre of State open waters for the construction of an outfall structure under General Permit No. 11.</p> <p>Prepared By:  Damian T. Friebe</p> <p>(See page 7 for Section Chief's signature.)</p>		
Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) _____ Title _____ Signature _____ Title _____	

01/23/03

990501-0002

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,

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and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.

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

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- 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.
- 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. All necessary local, Federal, and other State approvals must be obtained by the applicant prior to the commencement of the herein permitted activities. Approvals from the local Soil Conservation District is required. The soil erosion control standards as set forth in the "New Jersey Standards for Soil Erosion and Sediment Control", November 1999, must be strictly adhered to and maintained. The applicant will be responsible for installing and maintaining a sediment barrier around all soils disturbed by the project activities that are sufficient to prevent the sedimentation of Clove Brook, which is a trout production water.
 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 materials.
 15. Prior to construction, the project site must be surveyed for the presence of turtles at an appropriate time of year (May thru September) when wood turtles and/or bog turtles are active and can be found and removed from the construction site to safe areas. Immediately following the survey, the construction site must be encompassed by silt fence or other small-meshed fencing or cofferdam to prevent turtles from re-entering the construction area. Unless the survey and fence/cofferdam can be provided at the appropriate time prior to construction, construction activities are not permitted from **October 1 thru April 1** of each year to protect turtles within NJDEP jurisdictional areas.
 16. In order to protect the trout maintenance waters in the project area, any proposed grading, pile driving, or construction activities within the banks of this or any other stream on site are prohibited between **April 1 thru June 30** of each year. If cofferdams are installed prior to the timing restriction, work may continue during the restriction period within the confines of the cofferdam. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse, which could introduce sediment into said streams or which could cause an increase in the natural level of turbidity, is also prohibited during this period. The Department reserves the

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- 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.
17. Disturbed areas of floodplain must be stabilized to ensure sediment will not migrate to the stream channel during the above-mentioned work restricted period.
 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 Cranberry Lake, tributaries to Musconetcong River or any other State open waters.
 19. Disturbed lake banks and adjacent areas are to be restored using native plant materials including woody vegetation that grows to a height to replace lost shading of the water areas and provide adequate buffer area.
 20. Prior to construction in Green Acres encumbered lands, the applicant shall complete the necessary coordination with the Green Acres Program through the property owner.
 21. Freshwater Wetlands General Permit No. 11
 - a. This Freshwater Wetlands General Permit No. 11 authorizes the disturbance of a maximum of 0.02 acres of State open waters. This permit authorizes the construction of an outfall with 12 cubic yards of riprap scour protection at Cranberry Lake. 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.
 - b. The upper-most 18-inches of any temporary trench excavation must be 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 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.
 1. The area above the excavation must be replanted with native, indigenous species.
 2. The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.
 - c. 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

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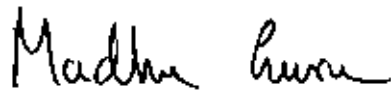
- construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit.
- d. If dewatering of cofferdams is necessary, such operation must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The lake area to receive return water discharged from cofferdams must be encompassed by turbidity barrier. The turbidity barrier must be anchored to the shoreline at both ends to encompass the entire work area.
22. Freshwater Wetlands General Permit No. 2
- a. This Freshwater Wetlands General Permit No. 2 authorizes the disturbance of a maximum of 0.01 acres of freshwater wetlands. This permit authorizes the construction of an underground telephone line within the wetlands transition area and seven (7) temporary utility poles including one pole within the wetland area. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area access waiver which has been determined by the Department to be necessary to accomplish the authorized activities.
23. The proposed stormwater discharge approved by this permit did not require a review of stormwater management calculations as this project does not propose any additional impervious areas. In the future any additional stormwater proposed to be piped to this system, will require new approvals from this office.
24. The drawings hereby approved are five (5) sheets prepared by DEWBERRY-GOODKIND, INC. CONSULTING ENGINEERS, dated July 2003, unrevised, unless otherwise noted, entitled:
- "NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE U. S. 206"
- "LEGEND AND GENERAL NOTES CAT SWAMP MOUNTAIN" Sheet No 2 of 6,
- "TAMARACK ROAD TYPICAL SECTIONS AND DETAILS" Sheet No 3 of 6, last revised October 16, 2003,
- "CAT SWAMP MOUNTAIN TYPICAL SECTIONS AND DETAILS" Sheet No 4 of 6,

Stream Encroachment Program Interest No. 1904-03-0010.1 FIA030001
Freshwater Wetland Program Interest No. 1904-03-0010.1 FWW030001
Freshwater Wetland Program Interest No. 1904-03-0010.1 FWW030002

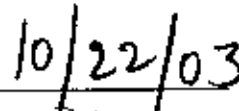
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"TAMARACK ROAD CONSTRUCTION PLAN" Sheet Nos 5 & 6 of 6.



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



Date