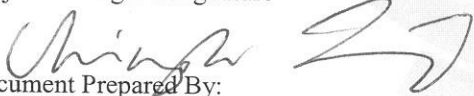




**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**
501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Please note that violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date JUN 07 2012
		Expiration Date JUN 07 2017
Permit Number/s 2104-11-0006.1 FHA 110001 IP 2104-11-0006.1 FWW 110002 GP21 2104-11-0006.1 FWW 110001 GP10A	Type of Approval/s Flood Hazard Area Individual Permit Freshwater Wetland General Permit	Enabling Statute/s NJSA 13:1D-1 NJSA 13:9B-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Applicant New Jersey Department of Transportation Attn: Zack Asadpour 1035 Parkway Ave. P.O. Box 600 Trenton, NJ 08625		Owner (if different from applicant)
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>This permit grants permission to replace the Route 94 bridge crossing over Paulina Creek, in the Township of Blairstown, Warren County. In addition, this permit authorizes the permanent disturbance of 0.001 acres and the temporary disturbance of 0.007 acres of State open waters, and the permanent disturbance of 0.016 acres and the temporary disturbance of 0.018 acres of freshwater wetlands transition areas, under a Freshwater Wetlands Statewide General Permit 10A; and the temporary disturbance of 0.002 acres of State open waters, the temporary disturbance of 0.010 acres of freshwater wetlands, and the temporary disturbance of 0.014 acres of freshwater wetlands transition areas, under a Freshwater Wetlands Statewide General Permit 21.</p> <p>Note: You must notify the Department in writing at least seven (7) days prior to undertaking any activity authorized by this document. Please direct your notification to the project manager listed below, using the address or fax number shown above.</p>		
Project Location Route 94 Township of Blairstown, Warren County		Received by County Clerk
Project Manager's Signature  Document Prepared By: Chingwah Liang Telephone: (609) 777-0454 E-mail: chingwah.liang@dep.state.nj.us		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

STANDARD CONDITIONS:

1. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
2. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
3. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
4. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **Duty to minimize environmental impacts:** The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.

2104-11-0006.1 FHA 110001 IP

2104-11-0006.1 FWW 110002 GP21

2104-11-0006.1 FWW 110001 GP10A

10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
 - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
 - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
 - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
 - iii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a

2104-11-0006.1 FHA 110001 IP

2104-11-0006.1 FWW 110002 GP21

2104-11-0006.1 FWW 110001 GP10A

description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter; and

iv. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.

17. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

18. All excavated material and dredged spoils 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.
19. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the project site for compliance with these rules.
20. The limits of the flood hazard area are not verified under this permit.
21. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.
22. *Prior to any in-water construction activities*, including the placement of the coffer dams & grout bags, a survey must be done between April 1 and September 30 for the presence of triangle floater in the project areas to determine if the mussels are in danger of being crushed or otherwise directly impacted by project activities. If eastern lampmussel triangle floater (or any other state listed species) is found during the survey, and they will be directly impacted by the placement of the grout bags or other construction work or equipment, the mussels must be re-located to a safe, suitable habitat outside of the project area in consultation with the NJDEP Endangered and Nongame Species Program (ENSP), c/o Jeanette Bowers at Jeanette.Bowers@dep.state.nj.us or 856-629-0261.
23. In order to protect state threatened species eastern lampmussel AND triangle floater, no in-stream work may occur between **April 1 and September 30** of each year. PLEASE NOTE, if coffer dams are in place outside of the timing restriction, then work may continue inside the coffer dam in the dry.
24. In order to protect wood turtle habitat within and adjacent to Paulina Creek, the following timing restrictions shall apply:
- a. In-stream work (including stream bank excavation): In order to prevent adverse impacts to hibernating turtles, no site preparation, disturbance, grading, clearing or construction activity is permitted within the banks of the referenced watercourse between **November 1 and April**

1 of the calendar year. [If a coffer dam is proposed to *completely* enclose the work area, work may occur during this restricted period provided the coffer dam installation is ***completed*** prior to November 1 and thereafter completely precludes turtles from accessing the work area to rest or hibernate. This must include appropriate bank-side fencing to preclude terrestrial access to the coffer dam work area. Immediately after installation, a Department approved herpetologist must thoroughly inspect the enclosed area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, ENSP (contact Brian Zarate at 908-638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the coffer dammed work area.]

- b. Wetlands/Transition Area/Riparian Zone work: In order to prevent adverse impacts to wood turtles or their resting, breeding or foraging habitats within the regulated areas (Freshwater Wetlands/Transition Areas/Riparian Zone) associated with the referenced watercourses, no authorized activities may commence from **April 1 through May 30** and **September 1 through November 15** of the calendar year *unless* the following measures have been taken:
- i. Prior to the commencement of site preparation, disturbance, grading, clearing or construction activity the permittee shall erect a silt/debris fence around the footprint of *all* proposed activities (temporary and permanent) sufficient to exclude small wildlife species, and specifically wood turtle, from entering the proposed construction area.
 - ii. Immediately thereafter, a Department approved herpetologist must thoroughly inspect the fenced-in work area for wood turtles. Any wood turtles found must be reported to the NJDEP, Division of Fish and Wildlife, ENSP (contact Brian Zarate at 908-638-4127), and relocated outside of the proposed work area. Once this inspection is complete, authorized activities may commence within the fenced work area.
 - iii. The fence must be monitored weekly and maintained until project completion. The Department reserves the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
25. In order to protect the *trout maintenance waters* of Paulina Creek, no grading, construction or clearing is permitted within any watercourse on-site between March 15 and June 15 of each year. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
26. Vegetation within **150 feet** of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 150 feet of the top of any stream bank on-site shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
27. Upon completion of the project, all temporarily disturbed areas within **150 feet** of the top of any stream bank on-site shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 10.2(u).

2104-11-0006.1 FHA 110001 IP
2104-11-0006.1 FWW 110002 GP21
2104-11-0006.1 FWW 110001 GP10A

28. Due to the presence of wood turtle habitat in the project area, all temporarily disturbed areas shall be replanted with a combination of the following woody and herbaceous plants: blueberries, blackberries, strawberries, violets, cinquefoil, red maple, alders, white birch, and/or poplars.

29. **Provisions of the Freshwater Wetlands Statewide General Permits 10A and 21**

This portion of the permit authorizes the permanent disturbance of **0.001 acres** and the temporary disturbance of **0.007 acres** of State open waters, and the permanent disturbance of **0.016 acres** and the temporary disturbance of **0.018 acres** of freshwater wetlands transition areas, for the replacement of the existing culvert at MP 9.69 on Route 94 over Paulina Creek, under a Freshwater Wetlands Statewide General Permit 10A. In addition, this permit also authorizes the temporary disturbance of **0.002 acres** of State open waters, the temporary disturbance of **0.010 acres** of freshwater wetlands, and the temporary disturbance of **0.014 acres** of freshwater wetlands transition areas, for the temporary relocation of overhead utility lines at culvert at MP 9.69 on Route 94 over Paulina Creek, under a Freshwater Wetlands Statewide General Permit 21. The authorization of activities under these Freshwater Wetlands Statewide General Permits includes a transition area waiver which allows encroachment only in that portion of the transition area 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.

30. The drawings hereby approved are eight (8) sheets, prepared by Malick & Scherer, P.C., undated and unrevised, unless otherwise noted, entitled,

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 94, OVER BRANCH OF PAULINS KILL, CONTRACT NO. 010103840”

“TYPICAL SECTIONS”, sheet 2 of 19

“GENERAL LEGEND”, sheet 3 of 19

“PERMIT PLAN”, sheet 4 of 19, last revised May 8, 2012

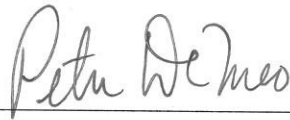
“PROFILES”, sheet 5 of 19

“GRADES”, sheet 6 of 19


“CROSS SECTIONS”, sheets 7 to 8 of 19

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, STATE ROUTE 94, CONTRACT NO. 010103840”

“GENERAL PLAN & ELEVATION”, sheet 9 of 19



Peter DeMeo
Supervisor
Bureau of Urban Growth and Redevelopment



6/7/12

Date