

960521-0021



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. 2113-06-0001.1 FHA 060001 (Stream Encroachment) 2113-06-0001.1 FWW 060001 (GP-10A)	Application No.
---	-----------------

Issuance Date APR 11 2006	Effective Date APR 11 2006	Expiration Date APR 11 2011
------------------------------	-------------------------------	--------------------------------

Name and Address of Applicant New Jersey DOT David Zmoda 1035 Parkway Ave PO Box 600 Trenton NJ 08625	Name and Address of Owner	Name and Address of Operator
--	---------------------------	------------------------------

Location of Activity/Facility (Street Address) Block: n/a Lot: n/a Twp.: Knowlton County: Warren	Issuing Division Division of Land Use Regulation	Statute(s) NJSA 13:9B-1 NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
--	---	---

Type of Permit Stream Encroachment	Maximum Approved Capacity, if applicable
---------------------------------------	---

This permit grants permission to:
widen and replace an existing bridge along Route 94 over Yards Creek and construct an outfall structure and a retaining wall, located approximately 1500 feet northeasterly of the intersection of Route 94 and Mount Pleasant Road, in Knowlton Township, Warren County, New Jersey. This permit also 10A authorizes the disturbance of 0.034 acre (1,474 square feet) of wetlands, State open water and transition area for the installation of a replacement bridge and associated roadway improvements on Route 94 across Yards Creek under a Freshwater Wetlands General Permit 10A.

Prepared By: Julia Handley
Julia Handley

(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.
- 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.

Terms And Conditions

12. Soil erosion controls must be installed prior to construction and maintained for the duration of the disturbance until soils have been stabilized. A soil erosion control plan approval must be obtained from the Soil Erosion Control District for the project.
13. Any discharge of dredged or fill material must consist of 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 materials.
14. 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.
15. In order to protect trout-production resources as well as wood turtle (*Clemmys insculpta*) hibernation within Yards Creek, grading or construction activities within the State open waters of this or any other stream on site are prohibited between **October 1 thru April 1** 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 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.
16. Fencing must be installed around active construction areas and excavations to prevent turtle access, and instruct workers to remove all turtles encountered out of harms way ad placed in a safe areas of similar habitat.
17. The streambed must be left intact and any in-stream disturbances must to its original inverts and cross-channel profile configuration using native streambed substrate.
18. The proposed span must be adequately sized so that the streambed will remain stable in-place under storm events without the aid of in-stream armoring.
19. The streambed must not be disturbed between the cofferdams. Dewatering of cofferdams must ensure that the water quality of Yards Creek is maintained by adhering to the following:
 - a) Turbidity barrier must be placed around all work areas, but the barrier will not restrict any stream channel by more than 50% of its cross-section. The turbidity barrier must be placed parallel with the stream flow and anchored at the shorelines at points upstream and downstream of the work areas so that stream flows can be maintained at the channel center and outside the work areas.
 - b) Turbid water from cofferdam and/or other excavation area dewatering must be routed to temporary sediment basins or filter membrane containers.

Terms And Conditions

- c) The temporary filtering mechanisms must be sized appropriately to provide retention or filtration of water sufficient to ensure removal of suspended particulates prior to return discharge.
 - d) The return water from the filtering facilities must be discharged to an area that is encompassed by turbidity barrier or silt fence to prevent migration of turbidity or soil erosion.
 - e) The Permittee must monitor for suspended sediments in nearby streams on a daily basis when any construction/demolition and dewatering is taking place. If sediment discharge is detected, then the project must cease until more appropriate preventative measures are put in place.
20. 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.
21. Freshwater Wetlands General Permit No. 10A
- This Freshwater Wetlands General Permit 10A authorizes the disturbance of 0.034 acre (1,474 square feet) of wetlands, State open water and transition area for the installation of a replacement bridge and associated roadway improvements on Route 94 across Yards Creek. This permit includes a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish the authorized activities. 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 Division of Land Use Regulation. 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.
22. The amount of rip-rap or other energy dissipating material placed shall be the minimum necessary to prevent erosion, and shall not exceed 200 cubic yard 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. In addition, the rip rap material used shall be a natural stone similar in appearance to the material found in the area.
23. 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.
24. The drawings hereby approved are eighteen (18) sheets prepared by CHERRY, WEBER & ASSOCIATES, undated, signed January 17, 2006 unless otherwise noted, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 94 SECTION
(4) YARDS CREEK BRIDGE N.J.D.E.P. PERMIT PLANS”

Terms And Conditions

"CONSTRUCTION PLAN" Sheet No. 2,

"GRADING AND SOIL EROSION AND SEDIMENT CONTROL PLAN" Sheet
No. 3,

"PROFILE – ROUTE 94" Sheet No. 4,

"PROFILE – YARDS CREEK" Sheet No. 5,

"STREAM PLAN" Sheet No. 6,

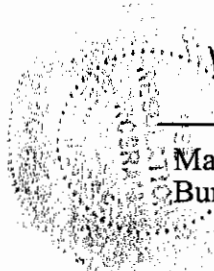
"CROSS SECTIONS – RT. 94" Sheet Nos. 7 & 8,

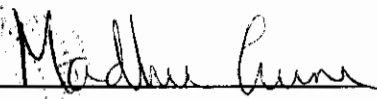
"CROSS SECTIONS – YARDS CREEK" Sheet Nos. 9 to 17,

"SOIL EROSION & SEDIMENT CONTROL NOTES & DETAILS" Sheet No. 18,
last revised March 29, 2006,

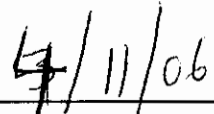
Also approved is one sheet prepared by CHERRY, WEBER & ASSOCIATES, undated,
unrevised, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF
STRUCTURAL ENGINEERING GENERAL PLAN AND ELEVATION N.J.D.E.P.
PERMIT PLANS ROUTE 94 SECTION 4 KNOWLTON TOWNSHIP WARREN
COUNTY" Sheet No.19.





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



Date