



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, New Jersey 08625
FAX # (609) 777-3656
Web Site: www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

DEC 10 2007

Nicholas Dogias, Project Manager
New Jersey Department of Transportation
1035 Parkway Avenue
PO Box 600
Trenton, New Jersey 08625-0600

Re: **Authorization for Freshwater Wetlands Statewide General Permit No. 10B**
File Number: 1409-07-0002.1 (FWW 070001)
Applicant: New Jersey Department of Transportation
Block: N/A Lot: N/A
Town of Dover, Morris County

Dear Mr. Dogias:

The Division of Land Use Regulation reviewed the referenced application for a 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 Statewide General Permit No.10B, which allows the construction of new road crossings, the expansion, widening or upgrading of existing roads or drives and activities necessary to reduce horizontal curves in an existing paved road to comply with NJDOT safety regulations.

This letter of authorization to conduct a regulated activity in a wetland or open water includes a **Water Quality Certificate** for these activities.

Limit of Authorized Disturbance

Based on the site plan entitled "PERMIT PLAN ROUTE 46 SECTIONS 7L AND 8K CONTRACT NO. 038960701 (PP-1 AND PP-2)" signed by Scott E. Burrowes, PE, with revised date 11/12/07, the authorized activity involves the disturbance of **0.031 acre of State open waters, freshwater wetlands and transition areas.** These disturbances are associated with activities for the replacement of Route 46 crossing over the Rockaway River, the Morristown and Erie rail line and Route 15, as well as the widening and realignment of Routes 46 and Route 15. Any additional disturbance of freshwater wetlands, State open waters or transition area 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.

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

The following special conditions must be met for the activity to be authorized under this permit:

1. All conditions of the previously issued **Stream Encroachment Permit (1409-07-0002.1 FHA 070001)** shall remain in effect.

2. Disturbance under this permit is limited to that shown on the approved site plan for activities related to improvements of Route 46 and Route 15. Total wetland, state open waters and transition area disturbance is not to exceed 1,349 square feet (0.031 acre).
3. The Historic Preservation Office (HPO) have found the project to have a **conditional no adverse effect** provided that any ground disturbance within the former location of the Morris Canal-generally west of the West Blackwell Street (westbound) overpass shall be monitored by or under the supervision of persons meeting the Secretary of the Interior's Professional Qualification Standards for archaeologists, and in conformance with a proposal to be reviewed and approved by HPO staff.
4. In order to prevent bog turtle (*Clemmys muhlenbergii*) and wood turtle (*Clemmys insculpta*) encroachment into the construction site, a toed-in (buried) double layer of silt fence or other small-meshed fencing to prevent turtles from entering the construction area shall encompass the limit of project disturbance; in particular, the double silt fence should be placed within wetlands associated with the Rockaway River. Placement and monitoring of the double silt fence shall be performed under the supervision of a recognized, qualified turtle surveyor. Fence conditions shall be monitored every 2 weeks from **March 15 through October 15 and immediately after storm events**. Also, any turtles or other species found within the work area shall be released to adjacent suitable habitat outside of the construction area, and a siting report shall be filed with the Division of Fish and Wildlife - Non-Game Program.
5. 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.
6. 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.
7. As applicable, Best Management Practices as defined at N.J.A.C. 7:7A-1.4 shall be utilized.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -5, the following general conditions must be met for the activity authorized under this Statewide General Permit:

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. All excavated material must be disposed of in a lawful manner outside of any regulated floodplain, open water, freshwater wetlands or adjacent transition areas, and in such a way as not to interfere with the positive drainage of the receiving area.
3. This permit is revocable in accordance with DEP regulations and State law.
4. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
5. 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.
6. No change in plans or specifications shall be made except with the prior written permission of the Department.
7. The granting of this authorization shall not be construed to in any way 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.

8. 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.
9. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
10. 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 with written notification 7 days prior to the start of the authorized work.
11. 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.

Appeal of Decision

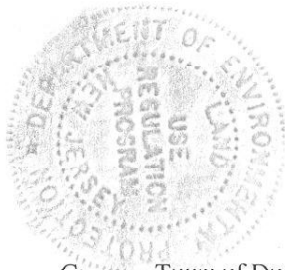
In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Judy Burton of our staff at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,



Charles Welch, Supervisor
Roadways and Infrastructure Unit
Division of Land Use Regulation



C. Town of Dover Municipal Clerk
Town of Dover Construction Official

RECEIVED

MAR 24 2008

Bureau of
Environmental Project Support

RECEIVED

JAN 18 2008

PROJECT MANAGEMENT