



State of New Jersey

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

James E. McGreevey
Governor

August 5, 2003

Manny Viteri
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625

AUG 18 2003

PROJECT MANAGEMENT
RECEIVED

RE: Authorization for Freshwater Wetlands Statewide General Permit 10A

LURP File No.: 2104-03-0002.1 FWW 030001
Applicant: Mr. Manny Viteri
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625
Statute: N.J.S.A. 13:9B-1 et seq.
Location: Hope Road Bridge
Township of Blairstown, Warren County
unnamed tributary – Paulins Kill, Upper Delaware River

Dear Mr. Viteri:

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 allows upgrading of existing roads and attendant features in freshwater wetlands 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.

Limit of Authorized Disturbance

Based on plans, six (6) sheets, entitled: "Environmental Plans Hope Road Bridge (Co. Rte. 521) over Lackawanna Railroad Contract No. 005983090", dated April 29, 2003 and prepared by Richard W. Dunne, P.E., the authorized activity involves the disturbance of State open waters for the realignment of Hope Road with the placement of culvert pipes and rip-rap scour protection at the downstream end of the cross-drain culvert. Any additional disturbance of freshwater wetlands 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.

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

- 1) The total amount of disturbance associated with this authorization shall not exceed 0.15 acres of wetlands and 0.424 acres of transition area (access waiver).
- 2) 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.
- 3) The riprap apron shall be keyed into the hillside with a 12" x 12" toe at the outside edge.
- 4) The activities as shown on the above-referenced plans which show approximately 30 cubic yards of rip-rap to be installed below the top of bank as energy dissipation are hereby approved under this Freshwater Wetlands General Permit #10A. According to the eligibility requirements for the general permit #10A, the amount of rip-rap or other energy dissipating material used shall be the minimum necessary to prevent erosion, and shall not exceed 200 cubic yards of fill below the top of bank or high water mark, 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.
- 5) The rehabilitation of the existing Hope Road Bridge over the former Delaware, Lackawanna, and Western Railroad New Jersey Cut-Off and the design, character, and construction of the proposed parallel new roadway bridge shall be responsive to the recommended treatments described in the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards),
 - a) A preservation covenant or maintenance agreement for the existing Hope Road Bridge shall be executed, and
 - b) The NJ Department of Transportation shall consult with and afford the NJ Historic Preservation Office an opportunity to review and approve a complete set of project plans and specifications for conformity with the Standards prior to the conclusion of design and the initiation of the construction bidding process,
 - i. Review for conformity with the Standards shall take into consideration, The new bridge's compatibility with the character, configuration, and materials (concrete arch), texture (including rustification), and workmanship of the main span and the materials, configuration, and treatments of the parapets and/or railings,

- ii. The rehabilitation of the historic bridge will consider character, materials, durability, and workmanship.

In addition to the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under these Statewide General Permits:

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.
- 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.

Transition Area

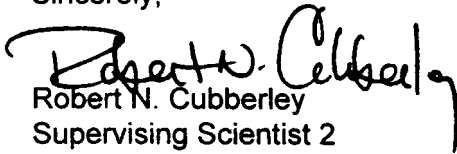
The wetland affected by this permit authorization is of intermediate resource value and the standard transition area or buffer required adjacent to it is 50 feet. This General Permit includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within standard transition areas shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

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.

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 (WMcLaugh@dep.state.nj.us). Please reference the permit file number in any communication concerning this action.

Sincerely,


Robert N. Cubberley
Supervising Scientist 2
Bureau of Land Use Regulation

Attachment (approved plans)

WMcL

C: w/att Bureau of Enforcement, Trenton Office
 Municipal Clerk, Borough of Allendale
 Municipal Borough Planning Board, Borough of Allendale
 w/o att Bergen County Planning Board
 Andrea Tingey, SHPO
 Section Chief, Bergen County