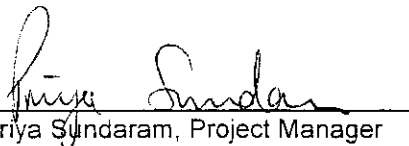


STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(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. 0000-05-0031.1CAF050001,WFD050001.FWW050001		Application No. 0000-05-0031.1CAF050001,WFD050001.FWW050001
Issuance Date <b>FEB 07 2006</b>	Effective Date Same as issuance date	Expiration Date <b>FEB 07 2011</b>
Name and Address of Applicant NJDOT 1035 Parkway Avenue, P.O.Box 600 Trenton, NJ 08625-0600	Name and Address of Owner Applicant	Name and Address of Operator Applicant
Location of Activity/Facility (Street Address) Statewide - Maintenance	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:19 (CAFRA) NJSA 12:5-3 (WDA) NJSA 13:9A (CWA 1970) NJSA 13:9B (FWPA) NJSA 58:10A (WQCA)
Type of Permits: CAFRA, Waterfront Development, Coastal Wetlands, Freshwater Wetlands GP1, Water Quality Cert.		Maximum Approved Capacity, if applicable
<p><b>This permit grants permission to:</b> Conduct highway maintenance activities including mowing or removal of vegetation and debris from drainage facilities, safety zones and certain areas to maintain sight distance. Maintenance activities will take place throughout the state and will be done within NJDOT and NJ Transit rights-of-ways and easements, as described in the application for Statements of Compliance with Rules on Coastal Zone Management for State Highway/Railway Maintenance Activities Statewide, Multiple Counties, New Jersey", dated August 12, 2005 and prepared by Amy S. Greene Environmental Consultants, Inc.. A Water Quality Certification is provided as part of this authorization.</p> <p>The issuance of this permit is in no way construed as a relinquishment by the State of New Jersey of any tidelands right, title or interest in the subject property or in any land surrounding it.</p> <p>This permit is authorized under and in compliance with all applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.) specifically, <b>Intertidal and Subtidal Shallows</b> 7:7E-3.15, <b>Wetlands</b> 7:7E-3.27, <b>Wetland Buffers</b> 7:7E-3.28, <b>Intermittent Stream Corridors</b> 7:7E-3.32 and <b>Endangered or Threatened Wildlife or Plant Species Habitat</b> 7:7E-3.38 and in compliance with the Freshwater Protection Act Rules at N.J.A.C 7:7A. This permit also includes a Water Quality Certificate for these activities.</p> <p>The Permittee shall allow an authorized representative of the Department of Environmental Protection the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b)4.</p>		
Prepared by:	 Priya Sundaram, Project Manager	
Revised Date	Approved by the Department of Environmental Protection	
	Name (Print or Type) <u>Charlie Welch</u>	Title <u>Supervisor</u>
	Signature <u>SEE FINAL PAGE</u>	Date _____

\*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

### Limit of authorized disturbance

Based upon the information submitted, the activities authorized by Statewide General Permit No. 1 involves the temporary disturbance of Freshwater Wetlands, State Open Waters and/or Transition Areas for the maintenance of existing state highways drainage facilities and site distance and safety zone vegetation maintenance as described in the statement of compliance dated August 12, 2005. Any additional disturbance of freshwater wetlands, transition areas 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.

The activities authorized by CAFRA, Waterfront Development and Coastal Wetlands permits involve the temporary disturbance of open tidal wetlands and/or regulated upland areas for the maintenance of existing state highways drainage facilities and site distance and safety zone vegetation maintenance. Any additional disturbance of freshwater wetlands, transition areas 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.

### Transition Areas

The Freshwater Wetlands affected by this permit authorization will be of ordinary, intermediate or exceptional resource value, requiring a 0, 50 and 150 foot Transition Areas respectively. This permit includes a transition area waiver which allows encroachment only in that portion of the transition area that has been determined by the Program to be necessary to accomplish the authorized activities. Any additional regulated activities conducted within the standard Transition Area on site 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-6.2(a).

### PERMIT CONDITIONS

The activities allowed by this authorization shall comply with the following conditions as well as the conditions noted at N.J.A.C. 7:7A-9.2 and 9.3.

### Special Conditions

Maintenance activities shall be performed using the procedures and Best Management Practices (BMPs) as noted in the above referenced document: "Statement of Compliance with Rules on Coastal Zone Management for State Highway/Railway Maintenance Activities Statewide Multiple Counties, New Jersey", dated August 12, 2005 and prepared by Amy S. Greene Environmental Consultants, Inc. Additionally, the following BMPs shall be followed whenever applicable:

1. Maintenance of the drainage facilities shall be limited to the removal of sediment and debris and mowing of vegetation, as necessary to ensure that the drainage facility will function as it was originally designated / or permitted. Maintenance does not include enlargement of a stormwater management structure including drainage features, excavation below the original bottom of the structure or any other change in its design.
2. Maintenance of the drainage features shall not include disturbance to its banks or its vegetation. Where access is needed to bring in equipment, disturbance must be kept to the minimum necessary for access. The use of heavy equipment within the drainage features shall be avoided to the maximum extent practicable.
3. The Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-9.3(b) requires that the maintenance activities not adversely affect known threatened and endangered species habitat. Where necessary, the activity shall be achieved in a manner which would result in minimal environmental impacts to these habitats. As a result, we suggest NJDOT notify the NJDEP, Division of Fish and Wildlife, Endangered and Non-Game Species and the U.S. Fish and Wildlife Service in writing 60 days prior to initiating any maintenance activities within the areas of municipalities where known populations of Bog Turtles, Knieskern's Beaked-Rush and Swamp Pink occur (see attached list).

If any activities are planned within or adjacent to ditches and swales near known populations of the Bog Turtle, pursuant to the procedures outlined in the December 22, 1993 Memorandum of Agreement among the Service, the U.S. Environmental Protection Agency, and the New Jersey Department of Environmental Protection, a Bog Turtle Habitat Survey of each specific project site must be conducted by a recognized qualified bog turtle surveyor according to Service survey guidelines. Both positive and negative results of any survey must be forwarded to the Service to determine if further for review is necessary. The survey must include the survey method used and the qualifications of the surveyor including project specifications and details.

If any activities are planned within or adjacent to ditches and swales near known populations of the Knieskern's Beaked-Rush, a vegetative survey of these affected areas must be conducted by a qualified biologist to determine the presence or absence of the species. The Service may be contacted for assistance in arranging a survey for this species. Both positive and negative results of any survey must be forwarded to the Service for review. The survey must include the survey method used and the qualifications of the surveyor including project specifications and details.

The NJDOT is also required to adhere to the standard timing restrictions listed below for the following Freshwater Wetlands Endangered or Threatened Species Habitats where applicable. The NJDOT is required to contact Mr. Larry Torok of the Land Use Regulation Program at (609) 292-8262 prior to conducting any instream or near stream work to obtain the appropriate timing restrictions that would apply to that particular water course.

**Amphibians**

**Timing Restriction**

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Blue-spotted Salamander	March 1 - August 1 for breeding sites
Tiger Salamander	December 1 - July 1 for breeding sites
Long-tailed Salamander	December 1 - August 1 for breeding sites
Pine Barren Tree Frog	May 1 - September 1 for breeding sites
Southern Gray Tree Frog	May 1 - September 1 for breeding sites

**Birds**

Pied-billed Grebe	April 15 to August 1
Bald Eagle	December 15 through July 31 and November 15 - March 1
Northern Harrier	March 1 - July 15
Cooper's Hawk	March 1 - July 15
Peregrine Falcon	March 1 - July 15
American Bittern	April 15 - August 1
Yellow-crowned Night Herons	April 15 - August 15
Black-crowned Night Herons	April 15 - August 15
Osprey	March 15 - August 15

Northern Goshawk	March 1 - July 15
Red-shouldered Hawk	March 1 - July 15
Black Rail	May 1 - August 15
Barred Owl	March 1 - July 15
Red-headed wood pecker	May 15 - August 15
Piping Plover	March 15 - August 15
Least Tern	May 1 - August 31
Black Skimmer	May 1 - August 15
Red Knot	May 1 - June 10

**Reptiles**

Bog Turtles	November 1 - April 30 for instream work only. May 1 - October 30 - herpetologist needs to check work area for turtles.
Wood Turtles	November 1 - April 1 for instream work only. April 1 - May 30 and Sept. 1 - Nov. 15 - herpetologist needs to check work area for turtles.
Timber Rattlesnake	North: September 15 - May 30 and South: October 1 - May 15

**Species of Special Concern**

Great Blue Heron	March 15 - August 15
Horseshoe Crabs	April 15 - June 30

- Maintenance activities are not permitted within wetlands or waters which are located within a component of either a Federal or State Wild or Scenic River system, nor in a river designated as a "study river" for possible inclusions in the system while the river is in an official study status. To determine the applicability of this permit, when in the vicinity of the areas described above, the NJDOT shall notify the Program 60 days prior to initiating any maintenance activities. The Program will notify the NJDOT of any potential impact to the designated river, and will notify the NJDOT if the permit can be used at the specific location.
- All maintenance performed in the vicinity of known or suspected contamination shall be performed in accordance with NJDEP Field Procedures Manual (May 1992).
- Maintenance activities shall avoid known shellfish habitat areas, finfish migratory pathways and/or areas of submerged aquatic vegetation wherever feasible. Where necessary, activities should be achieved in a manner which would result in the least disturbance to these areas. In addition, the NJDOT shall employ

all appropriate best management practices as outlined in the attached document entitled, "No-Harm/Best Management Practices for Wildlife Habitat along Utility-Line Rights of Ways, New Jersey Department of Environmental Protection, Division of Fish and Wildlife, Endangered and Nongame Species Program", dated September 23, 2004 within shellfish habitat, finfish migratory pathways and submerged vegetation areas.

All areas of disturbance within tidal waters shall be analyzed for potential occurrence of the resource(s) of concern prior to disturbance of the work area. Upon determination that the proposed maintenance activity is to be located within one of these special resources areas, NJDOT shall observe all appropriate timing restrictions and best management practices as outlined in the above referenced document.

For **Shellfish Habitat**: The NJDOT shall adhere to any/all seasonal timing restrictions according to the Shellfish Growing Water Classification Charts published annually by the Department's Bureau of Marine Water Monitoring. In addition, the permittee is also required to adhere to the recommended Time-of-Year Restrictions for listed Freshwater Mussel species in New Jersey. The following restrictions applies to instream work only:

Dwarf Wedgemussel (*Alasmidonta heterodon*) - April 1 - June 15 and August 1 - November 1

Brook floater (*Lasmigona varicosa*) - April 1 - June 30 and August 1 - September 30

Green floater (*Lasmigona subviridis*) - April 1 - June 30 and Aug 1 - September 30

Yellow lampmussel (*Lampisilis cariosa*) - April 1 - June 30 and August 1 - October 30

Tidewater mucket (*Leptodea ochracea*) - April 1 - June 15 and September 15 - November 1

Eastern pondmussel (*Ligumia nasuta*) - May 15 - July 30 and August 1 - September 30

For **Finfish Migratory Pathways**: Particular efforts to minimize turbidity shall be made when disturbance is to be conducted within waterways that support fish runs as listed in the document entitled, "Locations of Anadromous American Shad and River Herring during their spawning period in New Jersey's Freshwaters including known migratory impediments and fish ladders", dated November 2000 and prepared by the NJDEP's Division of Fish and Wildlife's Bureau of Freshwater Fisheries Southern Regional Office at 220 Blue Anchor Road, Sicklerville, NJ 08081. The permittee is required to adhere to the following timing restrictions while conducting instream work within the Delaware River drainage:

Mouth of the Delaware Bay up to the Delaware Memorial Bridge): March 1 - June 30.

Delaware Memorial Bridge to above the mouth of Rancocas Creek: March 15 - June 30.

Above the Rancocas Creek to the New York border - American Shad - October 1 - November 30. All other fish - April 1 - June 30.

All other waterways that drain in to the Raritan Bay or the Atlantic Ocean directly that support Shad runs - October 1 - November 30

Waterways classified as spawning areas for warm water fish: May 1 - June 30

Resident Pickerel-Ice out to April 30

Resident Walleye - April 1 to May 30

Any maintenance work which may introduce sediments into streams containing fish species which are seasonally protected, will have associated with timing restrictions to protect the fishery resource. Unless approved by the Program to commencement of construction work within trout production or trout maintenance associated watercourse is prohibited during the timing restrictions enumerated below.

**Classification**

**Restriction Dates**

Trout Production Waters:

General/brook/brown/trout 9/15 - 3/15

Rainbow trout 2/1 - 4/30

Trout Maintenance/Stocked Waters 3/15 - 6/15

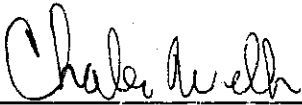
**For areas of Submerged Vegetation Habitat** particular attention shall be made to minimize turbidity from maintenance activities to be located in tidal waters in the vicinity of submerged vegetation habitat. Additionally, any upland locations in the vicinity of submerged vegetation habitat must utilize all appropriate soil erosion/sediment control measures to prevent sediment from entering the waterway.

7. Any maintenance activities subject to the jurisdiction of the Hackensack Meadowlands Development Commission must obtain authorization from the Commission prior to performing the maintenance activities.
8. Any maintenance activities subject to the jurisdiction of the New Jersey Pinelands Commission must obtain authorization from the Commission prior to performing the maintenance activities.
9. NJDOT shall be responsible for any actions of it's employees or contractors that result in a violation of this permit authorization. Any such outstanding violations must be resolved with NJDEP's Bureau of Coastal and Land Use Enforcement within 60 days of completion of this project.
10. All debris, sediments and vegetative material cleaned or removed from a location shall be properly disposed of in an approved site. No materials shall be disposed of in a regulated area such as wetlands, state open waters, wetland transition areas or 100 year flood plain. The discharge of sediments from stormwater conveyance pipes and structures into wetlands or waters is prohibited.

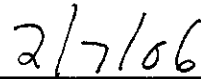
**Coastal Permit General Conditions**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment 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.



Charles Welch, Supervisor  
Division of Land Use Regulation



Date

C: Bureau of Coastal and Land Use Enforcement