



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Land Use Regulation  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 777-3656  
www.state.nj.us/dep/landuse

JON S. CORZINE  
Governor

MARK N. MAURIELLO  
Acting Commissioner

MAR 05 2009

Mr. Nicholas Caiazza  
NJDOT  
1035 Parkway Avenue  
Trenton, NJ 08625-0600

RE: Modification of Freshwater Wetlands Statewide General Permit 10 - **REVISED**  
Applicant Name: NJDOT  
LURP File No.: 1409-07-0002.1FWW080001  
Statute: N.J.S.A. 13:9B-1 et seq.  
Block: N/A; Lot: N/A  
Dover Township, Morris County

Dear Mr. Caiazza:

The Division of Land Use Regulation has reviewed the referenced application for a Freshwater Wetland Statewide General Permit #10 modification authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-14.3(f).

It has been determined that the freshwater wetlands present on or adjacent to the above referenced property are of intermediate resource value. Pursuant to N.J.A.C. 7:7A-6, a standard transition area of 50 feet is required adjacent to these wetlands.

### Limit of Authorized Disturbance

Based on plans sheet entitled, "Permit Modification Plan, Route 46 and Route 15, Contract No. 038960701", November 20, 2008, unrevised and prepared by HNTB Corporation, the authorized activities involves the disturbance of a total of 0.15 acres of state open waters (0.05 acres), freshwater wetlands (0.03 acres) and wetland transition areas (0.07 acres) under a major modification of a Freshwater General Permit #10B.

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 Division of Land Use Regulation.

Permit Conditions

1. In addition to the conditions noted at N.J.A.C. 7:7A-7, 7:7A-9.2 and 7:7A-9.3, the activities allowed by this authorization shall comply with all of the conditions of the previously issued Stream Encroachment Permit #1409-07-0002.1 FHA070001 and Freshwater Wetlands Permit #1409-07-0002.1 FWW070001 issued on August 15, 2007.
2. Prior to construction, the applicant must submit for review and approval a Flood Hazard Area Permit modification for the previously approved Stream Encroachment Permit # 1409-07-0002.1FHA070001 for the activities authorized by this permit modification.
3. Disturbance under this permit modification is limited to that shown on the above referenced approved site plan for the construction of the temporary bridge. Total wetland, state open waters and transition area disturbance for the Route 46 & Route 15 interchange improvement project is not to exceed 8, 013 square feet (0.18 acres).
4. After completion of the Route 46 bridge construction, the authorized temporary bridge including all pipe piles shall be removed and the area restored to its original condition.
5. 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..

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.) and the Flood Hazard Area Control Act (N.J.S.A. 13:1D-1).

Waiver of Transition Area for General Permit 10

The authorization of activities under this Freshwater Wetlands Statewide General Permit modification includes a transition area waiver. This waiver allows encroachment only in that portion of the transition area that has been determined by the Division to be necessary to accomplish the authorized activities.

Any additional prohibited activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Division. Prohibited activities within a transition area are defined at N.J.A.C. 7:7A-6.2(a).

The freshwater wetlands and waters boundary line determined previously must be shown on any future site development plans submitted to NJDEP. The lines should be labeled with the following note:

"Freshwater Wetlands/Waters boundary line and Transition Area Boundary Line as verified by NJDEP".

#### Water Quality Certificate for General Permit Activity

This letter of authorization to conduct a regulated activity in a wetland or open water includes the Division's approval of a Water Quality Certificate for these activities

#### Duration of Authorization/Notification of Work

**This authorization is valid for a term not to exceed five years from the date of the original permit issued on December 10, 2007.** If the term of the authorization exceeds the expiration date of this permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new freshwater wetlands Permit authorization or an individual permit.

This permit does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

The permittee shall allow an authorized Division representative the right to inspect the construction site. The permittee will notify, in writing, the NJDEP, Enforcement, Bureau of Coastal and Land Use Enforcement at 1510 Hooper Avenue, Toms River, NJ 08753 7 days prior to commencement of work authorized this letter.

#### Appeal of Decision

Any interested person 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, P.O.Box 402, Trenton, New Jersey 08625-0402, Attention: Adjudicatory Hearing Requests.

Pursuant to the Freshwater Wetlands Protection Rules, specifically N.J.A.C. 7:7A-12.8, written request for an administrative hearing must be received by the Department at the above address within 30 days of the date of the DEP Bulletin publishing date, or the date of receipt of this permit decision letter, whichever is later.

This written request must include a complete copy of the attached Administrative Hearing Request Checklist and all information identified in Section III of that list.

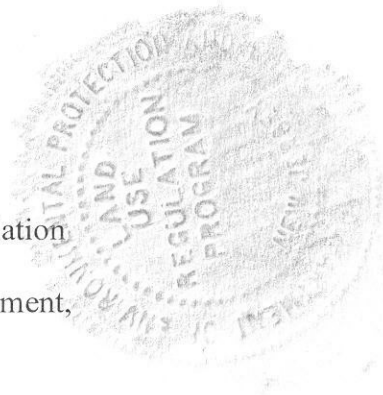
In order to promote inter-governmental cooperation in management of our natural resources, a copy of this decision shall be shared with appropriate local and federal agencies.

If you have any questions regarding this Freshwater Wetlands Permit authorization, please contact Ms. Priya Sundaram of our staff at (609) 292-8262. Please reference the permit number in any communication concerning this action.

Sincerely,



Charlie Welch, Supervisor  
Division of Land Use Regulation



- c. Bureau of Coastal and Land Use Compliance and Enforcement,  
Toms River Office  
Dover Township Clerk  
Dover Township Planning Board  
Morris County Planning Board