



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. 1920-05-0010.1 FHA 050001 (Stream Encroachment)	Application No.
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Issuance Date FEB 23 2006	Effective Date FEB 23 2006	Expiration Date FEB 23 2011
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Name and Address of Applicant NJDOT 1035 Parkway Avenue P.O. Box 600 Trenton, NJ 08625-0600	Name and Address of Owner	Name and Address of Operator
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Location of Activity/Facility (Street Address) Block: 3501 Lot: 12 Twp.: Stillwater County: Sussex	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
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Type of Permit Stream Encroachment	Maximum Approved Capacity, if applicable
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This permit grants permission to:

construct a pedestrian bridge within the floodplain of Trout Brook, located approximately 2,000 feet southwesterly of the intersection of CR 612 and CR 619, within Lot No. 12 of Block No. 3501, in the Township of Stillwater, Sussex County, New Jersey.

Prepared By: Julia Handley
 Julia Handley

(See page 5 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.

Terms And Conditions

- 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.
12. 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.
13. Soil erosion controls will 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.
14. 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 materials.
15. Prior to the start of construction activities, the applicant must obtain a Freshwater Wetlands permit or Transition Area Waiver for the proposed construction within freshwater wetlands, wetland transition areas or State open waters on site, in accordance with N.J.A.C. 7:7A-1.1 et seq. from the Division of Land Use Regulation. Specifically, a review of this project indicates that a general permit #17 shall be obtained for the construction of the nature trail and installation of footbridge across Trout Brook. This stream encroachment permit has been approved because the project satisfies the requirements of the Flood Hazard Area Control Act Rules. This decision does not in any way indicate that the required Freshwater Wetlands permit will also be approved. No construction may begin within the wetlands, transition areas, or open waters until necessary approvals are obtained from the Department.
16. In order to protect trout-stocked resources of Trout Brook, grading or construction activities within the State open waters of this or any other watercourse on site are prohibited between **March 15 thru June 30** 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 watercourse or which could cause an increase in the natural level of turbidity is also prohibited during this period. Also, initial instream/bank disruption must not occur between **November 1 thru April 1** to protect hibernating Wood turtles (*Clemmys insculpta*). 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.
17. Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish, from coming in contact with the waters of Trout Brook.

Terms And Conditions

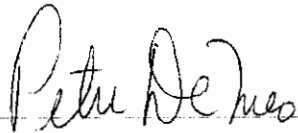
18. Workers must be instructed to remove all turtles encountered out of harms way and to place them in a safe area of similar habitat type.
- ~~19. Fencing (i.e., black silt-fencing with staked hay-bale backing) must be installed around active construction areas and excavations to prevent turtle access.~~
20. The drawings hereby approved are three (3) sheets prepared SCHOOR DEPALMA ENGINEERS AND CONSULTANTS, dated September 30, 2005, unrevised, entitled:


“NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF STRUCTURAL ENGINEERING PEDESTRIAN BRIDGE OVER TROUT BROOK MUNICIPALITY STILLWATER TOWNSHIP COUNTY SUSSEX”

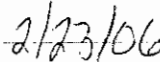
“GENERAL PLAN AND ELEVATION” Sheet 1 of 3,

“TYPICAL SECTION, PROFILE AND WORKING POINTS” Sheet 2 of 3,

“CROSS SECTIONS POND BROOK BASELINE STA. 1+00 – 3+00” Sheet 3 of 3.



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

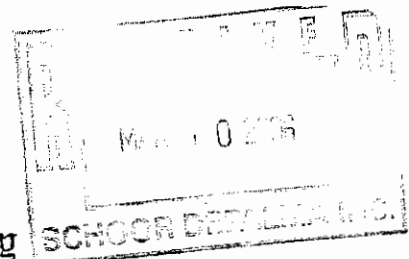


Date



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION



JON S. CORZINE
Governor

Land Use Regulation Program
501 East States St., P.O. Box 439
Trenton, NJ 08625 - 0439
Fax # (609) 292-8115, 777-3656
www.state.nj.us/dep/landuse

LISA P. JACKSON
Acting Commissioner

Dear Sir or Madam:

Enclosed, please find an approved construction permit. Please read it carefully and return the attached *permit acceptance form* if you agree with our decision. Construction may begin only after you have completed and returned this form. The project manager listed on the first page is available to discuss any concerns or questions you may have. If you consider yourself aggrieved by our decision, you may also request a hearing by completing the requirements of the attached *administrative hearing request checklist and tracking form*.

Please keep your permit and any approved drawings at the construction site for the duration of the project. It is helpful if you have the proper documentation readily available when my staff inspects your work. If you have received a stream encroachment permit, please complete and return the attached construction notice at least fourteen days before construction is scheduled to begin. For all permits, please complete and return the attached *completion notice*, properly signed and sealed by a professional engineer licensed in New Jersey, within thirty (30) days of the completion of the project.

If a tidelands grant, lease or license is required as a permit condition, this permit is not valid until the Bureau of Tidelands Management has delivered the necessary conveyances. Construction prior to the receipt of the necessary conveyances is in violation of State law and will subject you to fines up to \$1000.00 plus \$100.00 per day. Furthermore, the cost for the tidelands instrument may be higher since the property claimed will be appraised as improved property. You may be required to remove any unauthorized structures placed in tidelands claimed areas.

Sincerely,

Mark Mauriello, Director
Land Use Regulation Program

w/attachments

Adjudicatory Hearing Request Checklist and Tracking Form

I. Permit Decision or Other Department Decision Being Appealed:

Issuance Date of Decision Document

Document Number (If any)

II. Please provide Name, Address and Phone No. of:

Person Requesting Hearing

Name of Attorney (If applicable)

Address

Address

Phone No.

Phone No.

III. If you are the applicant or permittee, please include the following information with your hearing request:

- A. The date you received the permit decision or other decision which you are appealing;
- B. A copy of the decision document;
- C. The findings of fact and conclusions of law you are appealing;
- D. A statement as to whether or not you raised each legal and factual issue during the permit application process;
- E. Suggested revised or alternative permit conditions;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of our hearing request to the Office of Administrative Law; and
- I. This form completed; signed and dated with all of the information listed above, including attachment to:

1. 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:

With a copy to:

2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____

IV. If you are a person other than the applicant or permittee, please include the following information with your hearing request:

- A. The date you or your agent received notice of the permit decision, and a copy of the permit decision;
- B. Evidence that a copy of your hearing request has been delivered to the applicant for the permit decision which is the subject of your hearing request (e.g., certified mail return receipt);
- C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
- D. A description of our participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
- E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or an explanation of how your interests are affected by the permit decision;
- F. Suggested revised or alternative permit conditions;
- G. An estimate of the time required for the hearing;
- H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and
- J. This form completed, signed and dated with all the information listed above, including attachments to

- 1. 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;

With a copy to:

- 2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____

**ACCEPTANCE OF
REVOCABLE CONSTRUCTION PERMIT/S**

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625

Review Engineer: _____

Engineering Section: _____

Permit Number(s): _____

Date Issued: _____

The undersigned hereby accepts the above referenced revocable permit/s, subject to the terms and conditions included therein, including but not limited to the right of the State to revoke said permit/s with cause, and also subject to all provisions of law, rules, and regulations of any applicable government agency.

Signature: _____

Printed Name: _____

Title/Affiliation: _____

Attest:

(To be properly witnessed, signed, and sealed)

CONSTRUCTION REPORT

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625

Review Engineer: _____

Engineering Section: _____

Permit Number(s): _____

Date Issued: _____

Applicant: _____

Name of Project: _____

Municipality /county: _____

Date Construction is to Begin: _____

I hereby give notice that construction will begin on the above noted project on the date stated above (must give at least 14 days notice). Also, as required by condition 7 of the stream encroachment permit, a copy of the above referenced permit/s along with all approved drawings shall be available for inspection at the project site throughout construction

Engineer's Signature and Seal: _____

New Jersey's License Number: _____

Date: _____

COMPLETION REPORT

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625

Review Engineer: _____

Engineering Section: _____

Permit Number(s): _____

Date Issued: _____

Applicant: _____

Name of Project: _____

Municipality /county: _____

Date Completion: _____

I hereby give notice that construction will begin on the above noted project on the date stated above (must give at least 14 days notice). Also, as required by condition 7 of the stream encroachment permit, a copy of the above referenced permit/s along with all approved drawings shall be available for inspection at the project site throughout construction

Engineer's Signature and Seal: _____

New Jersey's License Number: _____

Date: _____