



cc: Admin
Plan
Eng

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

Geoffrey Goll
Princeton Hydro, LLC
1108 Old York Road, PO Box 720
Ringoes, NJ 08551

OCT 15 2008

RE: Authorization for Freshwater Wetlands Statewide General Permit 18, Water Quality Certification, and Access Waiver for General Permits

File No.: 0000-07-0023.1

Activity No.: FWW-FWGP18-070001

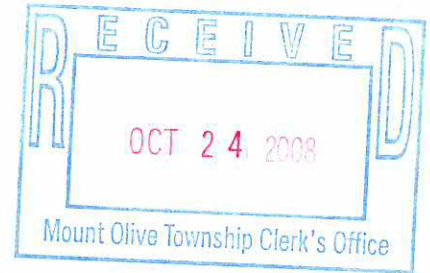
Applicant: Musconetcong Watershed Association

Block: 8500; Lot(s): 27

Mt. Olive Township, Morris County

Block: 119; Lot(s): 82.01

Hackettstown Town, Warren County



Dear Mr. Goll:

The Division of Land Use Regulation has reviewed the referenced applications for a Statewide General Permit 18 pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The Freshwater Wetlands Statewide General Permit 18 authorizes activities in State open waters, wetlands, and transition areas associated with the removal of a dam.

Limit of Authorized Disturbance

The authorized activity involves the disturbance of 0.96 of an acre of State open waters and wetlands for the removal of Sieber Grove Dam and subsequent removal of sediments and stabilization of the banks and existing channel. 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.

The Department has approved the following plans entitled "DAM REMOVAL AND RESTORATION, SIEBER GROVE DAM, TOWNSHIP OF MOUNT OLIVE AND TOWN OF HACKETTSTOWN, COUNTIES OF MORRIS AND WARREN" dated June 15, 2007, last revised September 29, 2008 and prepared by Mary L. Paist-Goldman of Princeton Hydro, LLC:

"DEMOLITION AND RESTORATION PLAN" sheet 2 of 5

"CROSS SECTIONS AND SOIL EROSION & SEDIMENT CONTROL DETAILS" sheet 3 of 5

"SOIL EROSION AND SEDIMENTATION CONTROL PLAN AND DETAILS" sheet 4 of 5

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 owner shall execute and record a conservation restriction covering the river and bank areas. The conservation restriction shall prohibit any development or regulated activity for five years from the date the dam is removed, in order to allow the stream corridor and associated wetlands in the lake bottom area to revert to their natural state. The conservation restriction shall include the land covered by the lake bottom and all associated wetlands, as they exist at the time the dam is removed. When the conservation restriction expires, the Department's jurisdiction under this chapter shall be based on existing conditions on the site.
2. In order to protect the trout maintenance/trout stocked waters and warmwater fish nest building and spawning habitat within the Musconetcong River, any proposed grading or construction activities within the banks is prohibited between March 15 through June 15 of each year. In addition any activity within the 100-year flood plain or flood hazard area of this watercourse which could introduce sediment into said stream or which could cause an increase in the natural level of turbidity is also prohibited during this period. 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.
3. In order to avoid direct impacts to foraging/roosting Indiana bats, the clearing of trees 6 inches diameter at breast height or greater may not occur within the entire project area from April 1 to November 15. Limited tree clearing during this time may be allowed subject to review and approval by the United States Fish and Wildlife Service (USFWS).
4. All excavated material and spoils must be disposed of in a lawful manner in accordance with the above referenced plan, 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. In addition, any accumulated sediment behind the existing dam shall be removed to avoid sedimentation of downstream areas.
5. The permittee shall minimize impacts on freshwater wetlands, transition areas, and/or State open waters through the use of best management practices including, but not limited to: replanting disturbed areas with indigenous wetland plants, stabilizing disturbed soils, and backfilling the uppermost 18 inches of any excavation with the original topsoil material.
6. All activities shall be conducted in accordance with a permit issued pursuant to N.J.A.C. 7:20 by the Department's Dam Safety Section in the Division of Engineering and Construction.
7. Once the dam is removed, the disturbed area shall be restored in accordance with the approved plans.

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 DEP 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 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.
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 Division 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.
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.

Transition Area

The wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to these wetlands 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 the standard transition area on-site shall require a separate transition area waiver from the Division. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

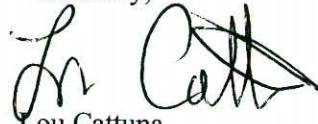
Appeal of Decision

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.

If you have any questions regarding this authorization, please contact Stacey MacEwan of our staff at (609) 777-0454. Please reference the above DEP file number.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Cattuna". The signature is stylized and written in cursive.

Lou Cattuna

Northern Delaware Region Supervisor
Bureau of Inland Regulation

c: Municipal Construction Official
Applicant