



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**  
501 East State Street, Station Plaza 5, 2<sup>nd</sup> Floor  
P.O. Box 439, Trenton, New Jersey 08625-0439  
Fax: (609) 777-3656 or (609) 292-8115  
www.state.nj.us/dep/landuse



**PERMIT**

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|--|---|--|
| <p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc."</p>   |   | <p>Approval Date<br/><b>SEP 23 2010</b></p>                                  |
|  |   | <p>Expiration Date<br/><b>SEP 23 2015</b></p>                                |
| <p>Permit Number/s<br/>0000-04-0017.1<br/>WFD100002 (IP In-water)<br/>CSW100002</p>  | <p>Type of Approval/s<br/>Waterfront Development<br/>Coastal Wetlands<br/>Water Quality Certificate</p> | <p>Enabling Statute/s<br/>NJSA 12:5-3<br/>NJSA 13:9A-1<br/>NJSA 58:10A-1</p> |
| <p>Applicant<br/>NJDOT c/o JoAnn Asadpour<br/>1035 Parkway Ave<br/>PO Box 600<br/>Trenton, NJ 08625</p>  | <p>Owner (if different from applicant)</p>  |  |
| <p>This permit grants permission to reconstruct approximately 2.8 miles of State Route 52 from Route 9 in Somers Point to Bay Avenue in Ocean City, including replacement of the existing bridge and causeway with a new elevated fixed structure spanning the Great Egg Harbor Bay. This permit also authorizes the construction of shoreline protection, dredging activities, a new visitor center, public fishing piers, and boat launches.</p> <p>This permit is authorized under and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq. By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.</p> |   |  |
| <p>Project Location<br/>Route 52 Causeway<br/>City of Somers Point and Ocean City<br/>Atlantic and Cape May Counties, New Jersey</p>   | <p>Received by County Clerk</p>   |  |
| <p>Project Manager's Signature<br/><i>Becky Ehrenfeld</i><br/>Becky Ehrenfeld<br/>Telephone: 609-777-0454<br/>Email: Becky.Ehrenfeld@dep.state.nj.us</p>   |   |  |
| <p align="center"><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>   |   |  |

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**STANDARD CONDITIONS:**

1. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
2. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
3. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
4. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **Duty to minimize environmental impacts:** The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.

10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
  - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
  - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
  - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
  - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
  - iii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter; and

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- iv. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
17. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

**SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:**

18. All necessary local, Federal, and other state approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities. Approvals from the following agencies may be required:
- U.S. Army Corps of Engineers
  - U.S. Coast Guard
  - NJDEP Bureau of Tidelands
19. To protect the anadromous fish run during migration and spawning, a timing restriction on in-water construction activities shall apply from **March 1 to June 30** of each year. If coffer dams are constructed prior to the timing restriction, construction within the cofferdams may proceed during the timing restriction. Dewatering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the stream channel.
20. The applicant shall maintain all soil erosion and turbidity controls for the life of the project. A floating turbidity barrier shall remain in place until all excavation is complete.
21. Vegetation within **50 feet** of top of the bank of Great Egg Harbor Bay and its tributaries shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
22. All temporarily disturbed sections of Great Egg Harbor Bay and its tributaries shall be restored to pre-construction conditions. Characteristics that shall be replicated include channel shape, width and meandering, ratio of shallow areas to deep areas, anticipated flow rate and velocity, and substrate type. Additionally, the channel bottom shall be restored to pre-construction elevations to ensure there is no loss of intertidal/subtidal shallows.
23. No raw concrete shall come in contact with the water. All geotextile mattresses and grout conveyances shall be tightly sealed to prevent leakage of grout/concrete. Any grout/concrete that comes in contact with the water must be removed immediately. No pumped water from grout/concrete operations may be discharged directly to the waterway. All pumped water shall be discharged to a holding tank and disposed of properly.
24. Positive means shall be taken to prevent any hot work, debris, or construction material from entering the waterway. This includes sandblasting material, paint, or epoxy and any concrete work by-products. If welding or burning is to take place, some type of flame-proof material shall be the uppermost protective containment material.
25. The upper-most 18 inches of any temporary trench excavation shall be backfilled with the original soil material if feasible, and otherwise with 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. Excavations must be backfilled to the pre-existing elevation, where feasible.

- a). The area above the excavation must be replanted with native, indigenous species.
  - b). The activity is designed so as not to interfere with the natural hydraulic characteristics of any wetlands or the watershed.
26. Prior to any site preparation, the permittee shall submit to this Division for review and approval a draft copy of a Conservation/Restriction easement for the Public Access Areas as shown on the above referenced plans, including the fishing pier(s), boat ramp(s) and associated parking area(s) authorized by this permit(s). Upon written approval from this Division, the permittee shall record this with the Atlantic and Cape May County Clerk(s) (the Registrar of Deeds and Mortgages). Said Restriction shall run and be binding upon all successive owners. **No fees shall be charged to the public for access and/or use to the fishing pier(s) and associated parking area(s) authorized by this permit(s). Any fees to be charged for the use of the public boat ramp must first receive written approval from NJDEP Division of Land Use Regulation.**
  27. Samples of new materials of the replacement bridge over the Ship Channel and elements such as, but not limited to, brick, mortar, pre-cast concrete, lighting, fencing, handrails, and painted finishes, shall be submitted to the HPO for review and approval. Samples may take the form of physical objects or printed visual representations, whichever form is more appropriate to the material or element as determined in consultation with the HPO.
  28. NJDOT shall include representatives of the HPO in any initial meeting(s) with the selected construction contractor and make available to HPO staff, at a mutually agreed upon time, the opportunity to visit the project site to inspect and comment upon demolition and construction of the project, not less than quarterly (every three (3) months).
  29. For all new landscaping or alternations in the vicinity of the Bay Front Historic District, NJDOT shall prepare a landscape plan developed by a New Jersey certified landscape architect.
  30. A permanent interpretive exhibit, approved by the HPO, shall be created for the proposed Ocean City Visitors Center. The exhibit shall include, but not be limited to, historic research, both written and visual of the Bay Front Historic District, Somers Mansion, the Route 52 Bridge over Ship Channel, Somers Point Circle, and the Dockside Marina. The exhibit design shall be carried out by/under direct supervision of a person meeting at a minimum the appropriate *Secretary of the Interior's Professional Qualification Standards [48 FR 44738-44739]*.
  31. NJDOT will ensure that an interpretive display will be produced as a supplement to the HAER recordation. This display will be in the nature of a large signboard consisting of approximately 16 square feet in area, and will concentrate on the existing bridge and its contribution to the development of Ocean City and the Jersey Shore during the automobile age. NJDOT and its design consultant will consult with the NJSHPO to attempt to reach a consensus on a conceptual design and layout for the display. Once a concept is developed, it will be conveyed to representatives of the cities of Somers Point and Ocean City for comment. The NJDOT and its consultant will then develop the final plan for the display, which will be submitted to the NJSHPO and the municipalities for final comment. It will be placed at the acquired Gulf Gasoline Station, located in Somers Point, adjacent to one of the historic resources, NJDOT will coordinate with the city of Ocean City in an attempt to have a duplicate version of the display placed at the city's visitors center.

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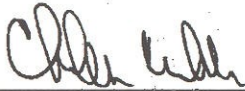
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32. NJDOT will develop a package of original resource materials used to produce the cultural resource survey reports and the HAER documentation, such as historic maps, digitize them, produce them in a CD format, and make copies available to local historic societies and school libraries.
33. Mitigation for the authorized disturbances to wetlands, intertidal/subtidal shallows, and open waters shall be performed in accordance with the mitigation plan approved by the Division on January 8, 2008.
34. All temporarily disturbed wetlands, transition areas, and riparian zones shall be planted with a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment. The local soil conservation service can provide information on the appropriate mixture based on the planting date and drainage.
35. In order to mitigate for the disturbance to the nesting colony of yellow-crowned night heron (*Nyctanassa violaceus*) and the breeding population of black-crowned night heron (*Nycticorax nycticorax*) at the rookery located on Garrets Island, Ocean City, NJDOT shall place funding for mitigation (minimum of \$100,000) in an escrow account or surety account. If the heron colony at the Visitor Center site remains active and viable for 3 years following construction, the money will be returned to NJDOT. If the Visitor Center site is abandoned as a heron nesting area and is not re-occupied within 3 years of the completion of the project, the escrow or surety money shall be made available to NJDEP for mitigation.
36. Pile driving is prohibited from April 1 through August 15 within 300 feet of the rookery nesting habitat shown on the above referenced plans.
37. Orange blaze plastic snow fence shall be erected and maintained to prevent any construction access to the rookery habitat and signs shall be posted during the nesting period restricting access to the rookery.
38. Following the completion of construction of the Visitor Center, NJDOT shall monitor the heron nesting habitat for the presence of nesting yellow and black-crowned herons for 3 years. Prior to the commencement of the 3 year post-construction monitoring, NJDOT shall submit a monitoring protocol to the Division of Land Use Regulation for review and approval. The protocol shall include methods for assessing the viability of the rookery.
39. Garbage cans shall be provided at the Somers Point boat ramp facility.
40. Dredge disposal at Malibu Beach shall be limited from September 1 through November 15 to avoid peak utilization periods by birds and the public.
41. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area, riparian zone, open water, Coastal freshwater wetland and adjacent transition area, except for the previously authorized disposal of dredge spoils at Malibu Beach. Disposal shall be conducted in such a way as to not interfere with the positive drainage of the receiving area.
42. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.

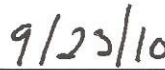
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- 43. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
- 44. This permit to conduct a regulated activity in a wetland or open water includes the Division's approval of a Water Quality Certificate for these activities.
- 45. The drawings hereby approved are nine (9) sheets prepared by Michael Baker, Jr., Inc., dated July 2, 2004, last revised June 2, 2010, entitled:  
  
"NEW JERSEY DEPARTMENT OF TRANSPORTATION, PERMIT PLANS, NJ ROUTE 52 (1) CAUSEWAY REPLACEMENT & SOMERS POINT CIRCLE ELIMINATION PROJECT, CONTRACT NO. 000048030", permit plans 5 to 13 of 15
- 46. Please be advised that all other conditions of the original permit(s) and subsequent modifications are to remain in force. A copy of this permit(s) shall be appended to the original permit(s) (0000-04-0017.1 CAF020001, WFD020001 & CSW020001). Failure to comply with any or all of the permit conditions may result in appropriate enforcement action, or suspension and revocation of permits.



Charlie Welch, Supervisor  
Roadways & Infrastructure Unit  
Bureau of Urban Growth & Redevelopment



Date

cc: City of Somers Point Construction Official  
Ocean City Construction Official  
Applicant