

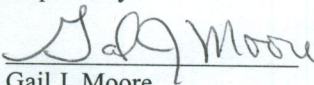


**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/dep/landuse



PERMIT

<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." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date FEB 25 2011
		Expiration Date FEB 25 2016
Permit Number(s) #1508-10-0022.1 CAF 100001 WFD 100001 FWW100001, FWW100002, FWW100003	Type of Approval(s) CAFRA Individual Permit Waterfront Development Permit Freshwater Wetlands General Permits #2, #10B, #11, Water Quality Certificate	Enabling Statute(s) N.J.S.A. 13:19-1 N.J.S.A. 12:5-3 N.J.S.A. 13:9B-1 N.J.S.A. 58:10-1
Applicant New Jersey DOT Attn: George Kuhn 1035 Parkway Avenue Trenton, NJ 08625	Site Location Blocks: R.O.W. Lots: R.O.W. Municipality: Eagleswood Township County: Ocean	
<p>Description of Authorized Activities and Limit of Disturbance To reconstruct the existing bridge on U.S. Route 9 over the Westecunk Creek, all adjoining guide rail and end terminals, and the existing storm drainage system along the east side of Route 9 and south of Westecunk Creek. To construct new sidewalks on both sides of the new bridge, a 300 foot extension of the 8" diameter public sewer line within the Route 9 right-of-way, and a 4" diameter service lateral to the house on the southeast corner of the project area.</p> <p>The proposed project is as shown on plans in two sheets. Sheet 13/14 is entitled "New Jersey Department of Transportation, NJDEP Riparian & FHAZ Permit Plan, Reconstruction of U.S. Route 9 Bridge over Westecunk Creek" and sheet 14/14 is entitled "New Jersey Department of Transportation, NJDEP Wetland Permit Plan, Reconstruction of U.S. Route 9 Bridge over Westecunk Creek", both sheets dated July 2, 2010, sheet 13/14 last revised February 25, 2011, sheet 14/14 last revised October 29, 2010, and both sheets prepared by Greenman-Pedersen, Inc., N.J.P.E. License #24GA27959500.</p> <p>The proposed project is also shown on plans in nine sheets entitled New Jersey department of Transportation, Route 9, Contract No. 066960176, undated, sheet 1 of 9 last revised February 25, 2011, all other sheets last revised November 11, 2010, and prepared by Greenman-Pedersen, Inc., N.J.P.E. License #24GA27959500.</p> <p>This work is conditionally acceptable under the Coastal Zone Management Rules (N.J.A.C. 7:7E-1.1 <u>et seq.</u>), Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1.1 <u>et seq.</u>).</p> <p>Prepared by  Gail J. Moore</p>		
<p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH IN THIS PERMIT.</p>		<p>Received or Recorded by County Clerk</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

Issuance of this permit in no way relinquishes, and shall not be construed as a relinquishment by the State of New Jersey of any tidelands right, title, ownership/interest in the subject property or in any land surrounding same.

CAFRA AND WATERFRONT DEVELOPMENT STANDARD CONDITIONS:

1. **Extent of approval:**
 - a. This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed herein. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings.
 - b. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties. Approved work may be altered only with the prior written approval of the Department.
 - c. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the 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*.
3. **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
4. **Permit Condition:** This permit is issued subject to compliance with N.J.A.C. 7:7-1.5 Permits and Permit Conditions.
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page unless otherwise extended by the Division. 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 permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:**
 - a. This permit is revocable and subject to modification by the State with due cause.
 - b. Representatives from the State have the statutory authority to enter and inspect this site to confirm compliance with this permit and may suspend construction or initiate enforcement action if work does not comply with this permit.
 - c. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.

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7. **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.

CAFRA AND WATERFRONT DEVELOPMENT SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

1. The permittee must receive a Tidelands grant, lease or license. Failure to comply with this condition will result in fines up to \$1000 plus \$100 per day, a higher fee for the conveyance and possible prosecution by the Attorney General's Office to remove unauthorized structures and to pay use and occupancy charges.
2. Prior to site preparation or construction, the permittee must submit, for review and approval, a mitigation proposal for the 207 square feet of Intertidal/Subtidal shallows impacts.
3. All temporary impacts to the Intertidal/Subtidal shallows will be restored to pre-construction conditions.
4. Prior to commencement of site preparation and/or construction, the permittee must obtain Treatment Works Approval or proof that Approval is not required.
5. All debris generated from the construction shall be disposed of at an approved disposal site.
6. All excavated material and dredged spoils shall be disposed of in a lawful manner. For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
7. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
8. An Air Permit from Air Quality Permitting is required for any fuel combustion equipment greater than or equal to 1 million BN/Hour.
9. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit.
10. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.

FRESHWATER WETLANDS 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.).

1. This permit authorizes: the disturbance of 0.006 acres of freshwater wetlands transition area to construct a 366 foot extension of the 8" diameter public sewer line and a 4" diameter service lateral under a Freshwater Wetlands general Permit 2; the disturbance of 0.02 acres of freshwater wetlands and 0.09 acres of transition area to construct a road crossing under a Freshwater

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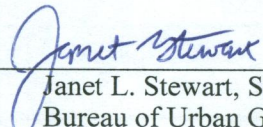
Wetlands General Permit 10B; and the disturbance of 0.001 acres of State open waters to construct stormwater outfall structures under a Freshwater Wetlands General Permit 11.

2. This permit authorizes the disturbances of 14,922 sf to the riparian zone for the reconstruction of the bridge, the road widening, and the reconstruction of the storm drainage system. 6,682 square feet of this disturbance is temporary in nature and must be replanted within 60 days of completion of construction.
3. In order to protect anadromous fisheries resources, no in-stream work may occur from March 15th through June 30th of any year.
4. In order to protect shortnose sturgeon, there may be no in-water/sediment generating activity from March 1st through June 30th of any year. If coffer dams are in place outside of the timing restriction, then work may continue inside the coffer dam in the dry area.
5. All activities shall comply with the specifications and requirements in the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90, including activities which are exempted from or not regulated by those Standards.
6. For any excavated area in freshwater wetlands, transition areas, and/or State open waters, the following requirements apply:
 - The excavation shall be backfilled to the preexisting elevation;
 - The uppermost 18 inches of the excavation shall be backfilled with the original topsoil material if feasible; and
 - The area above the excavation shall be replanted, in accordance with applicable BMPs, with indigenous wetlands species.
7. Any pipes laid through wetlands, transition areas, or State open waters shall be:
 - Properly sealed so as to prevent leaking or infiltration;
 - Designed so as not to form a path for groundwater to be discharged or drained from the wetland; and
 - Placed entirely beneath the pre-existing ground elevation unless the applicant shows that placing some or all of the pipe above ground would be more environmentally beneficial.
8. The permittee shall comply with all conditions as noted at N.J.A.C. 7:7A-4.3 Conditions that apply to all General Permit Authorizations and N.J.A.C. 7:7A-13.2 Establishing permit conditions.

FRESHWATER WETLANDS 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, or subject to modification or change at any time, when in judgement of the Department of Environmental Protection of the State of New Jersey, such revocation, modification or change shall be necessary.
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 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.
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 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 authorization is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
8. A copy of this authorization 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 Use 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.
11. The Division of Land Use Regulation has not reviewed this application for consistency with the Areawide Water Quality Management Plan and the issuance of this permit shall not be construed as an approval of any wastewater management plan for this project or site. There shall be no construction of any sewage generating structures unless and until the proposed development has been found to be consistent with the appropriate areawide water quality management plan.



Janet L. Stewart, Supervisor
Bureau of Urban Growth & Redevelopment
Division of Land Use Regulation

2/25/11

Date

c: Bureau of Coastal and Land Use Enforcement, Toms River
Eagleswood Township Construction Official