

**Appendix A**

**General Permit 24 and Flood Hazard Area Individual Permit (NJDEP)**



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

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 633-2289 or Fax: (609) 777-3656  
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 <b>JAN 12 2018</b>
		Expiration Date <b>JAN 11 2023</b>
<b>Permit Number(s):</b> 0121-17-0003.1 CZM170001 0121-17-0003.2 FHA170001	<b>Type of Approval(s):</b> General Permit 24 Flood Hazard Area Individual Permit	<b>Enabling Statute(s):</b> N.J.S.A. 13:19-1 CAFRA N.J.S.A. 58:16A-50 FHA
<b>Permittee:</b> Mr. Wes Swain c/o City of Somers Point 1 West New Jersey Avenue Somers Point, New Jersey 08244	<b>Site Location:</b> Project Location: Somers Point-Mays Landing Road See the Description of Authorized Activities below for the block and lots. Municipality: City of Somers Point County: Atlantic	
<p><b>Description of Authorized Activities:</b> The General Permit 24 authorizes the removal of existing Phragmites and other invasive species along Somers Point-Mays Landing Road and the construction of an embankment utilizing dredge material from the dredging of Higbee Marina above the mean high water line along the road to provide habitat for native pollinator species. The embankment will be constructed within the right-of-way of Somers Point-Mays Landing Road and on Block 1953, Lot 1.01, Block 1952, Lot 1, Block 1950, Lot 1, Block 1949, Lot 1, Block 1948, Lot 1, and Block 1947, Lot 1. The Flood Hazard Area Individual Permit authorizes the removal of existing stones on the marina parking area and the placement of dredge material from the dredging of Higbee Marina in a tidal flood hazard area to raise the elevation of the parking area. The stones will be placed back on the parking area following the placement of the dredge material. The work under the Flood Hazard Area Individual Permit will take place on Block 1953, Lot 1.01. The work is shown on the approved plans referenced on the last page of this permit.</p> <p>Prior to any work performed below the high tide line, the permittee must receive authorization from the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The Army Corps of Engineers Philadelphia District should be contacted directly at 215-656-6728.</p> <p>This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.), as amended on December 18, 2017, provided that all conditions to follow are met.</p> <p>The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8.</p>		
<b>Prepared by:</b> <i>Lindsey J. Davis</i> Lindsey J. Davis, Environmental Scientist 2	<b>Received and/or Recorded by County Clerk:</b>	
<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 HEREIN.</p>		
<p><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

**SPECIAL CONDITIONS:**

1. Prior to ANY construction or site preparation, the existing stones located on Block 1953, Lot 1.01 in the area of the proposed embankment shall be removed.
2. Within 90 days of permit issuance, the property owner of Block 1953, Lot 1.01 must submit to the Division an application for a Waterfront Development Individual In-water Permit to attempt to legalize the existing dock structures on the property. This is not to be construed as a commitment to approve or deny any future application. Legalization of the existing dock structures is based upon compliance with the applicable Coastal Zone Management Rules at N.J.A.C. 7:7-1.1 et. seq.
3. To protect sensitive habitat for the State-listed osprey, the permittee shall adhere to a seasonal restriction on the use of heavy construction equipment/machinery within 300 meters of any active osprey nest along the project limit of disturbance from April 1<sup>st</sup> through August 31<sup>st</sup> of each calendar year. The initiation and implementation of work which generates disturbance (e.g. sound levels, visual interruption) that is out of character with what currently exists at or surrounding the anticipated work area during the restricted time period recommended above may result in the permittee being in violation of the “take” clauses within State of New Jersey (Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1) and federal (Migratory Bird Treaty Act, 16 USC 703-712) statutes.
4. All sediment barriers and other soil erosion control measures must be installed prior to the start of any clearing, grading or construction on site, and must be maintained in proper working condition throughout the entire duration of the project.
5. All sub-surface liners must be made of filter cloth or other permeable material.
6. The embankment shall be planted with native pollinator species following the installation of the embankment.
7. In accordance with N.J.A.C.7:13-12.6(g)4, the permittee must provide signs in the parking lot indicating that the lot will be subject to inundation during flood events.
8. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of this authorization is at the project site throughout the period the work is underway and available for review by any person.
9. This permit does not authorize any disturbance to any existing wetlands for construction of the project.
10. All areas of temporary disturbance shall be restored to its pre-existing condition and grade.
11. No staging of equipment may occur in wetlands.
12. All debris generated from the proposed project is to be disposed of at an approved disposal site.
13. This permit does not authorize dredging activities. If dredging is required in the future, a new Waterfront Development application showing compliance with Maintenance Dredging at N.J.A.C. 7:7-12.6 or New Dredging at N.J.A.C. 7:7-12.7 will be required to be submitted to this Division.

**STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit;
2. The issuance of a permit does not convey any property rights or any exclusive privilege;
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit;
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site;
5. 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;
6. 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 the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit, pursuant to the regulations;
7. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties;
8. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores;
9. The permittee shall allow an authorized representative of the Department, 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, at reasonable times, any records that must be kept under the conditions of the permit; and
  - iii. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under;
10. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified;
11. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment;
12. A permit shall be transferred to another person only in accordance with the regulations;

13. A permit can be suspended or terminated by the Department for cause;
14. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit;
15. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities;
16. The permittee shall not cause or allow 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 while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas; and
17. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

#### **ADDITIONAL CONDITIONS FOR A COASTAL PERMIT:**

1. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address listed on the first page of this permit.
2. This authorization for a General Permit is valid for five years from the date of issuance. This authorization may be extended one time for five years, in accordance with the requirements at N.J.A.C. 7:7-3.7. All regulated activities being conducted pursuant to this authorization shall immediately cease on the date the authorization expires. If the authorization expires and the permittee intends to commence or continue the regulated activities, the permittee shall obtain a new authorization or permit under this chapter authorizing the regulated activities. The Department shall issue a new authorization only if the project is revised where necessary to comply with the requirements in effect when the application for the new authorization is declared complete for review.

#### **APPROVED PLANS:**

The project is shown on plans entitled "City of Somers Point, Atlantic County, New Jersey, Resiliency Project", dated 5/1/2017, prepared by James A. Mott, P.E., P.L.S. from Mott Associates, LLC, and further identified as:

Sheet 5 of 13 – "Grading & Site Plan Phase I", last revised on 1/8/2018  
Sheet 6 of 13 – "Grading & Site Plan Phase I", last revised on 1/8/2018  
Sheet 7 of 13 – "Grading & Site Plan Phase II", last revised on 1/8/2018  
Sheet 8 of 13 – "Grading & Site Plan Phase II", last revised on 1/8/2018  
Sheet 9 of 13 – "Landscaping Plan", last revised on 12/30/2017  
Sheet 10 of 13 – "Landscaping Plan", last revised on 12/30/2017  
Sheet 11 of 13 – "Landscaping Plan", last revised on 12/30/2017  
Sheet 13 of 13 – "Construction Details", last revised on 7/7/2017

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within 30 calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Adjudicatory Hearing Request form. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the form is available through the Division's website at [http://www.nj.gov/dep/landuse/download/lur\\_024.pdf](http://www.nj.gov/dep/landuse/download/lur_024.pdf). In addition to requesting a hearing, a request may be filed with the Department's Office of Dispute Resolution to determine whether the matter is suitable for mediation. Information concerning the dispute resolution process is available at [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr).

If you need clarification on any section of this permit or the conditions of this permit, please contact Lindsey J. Davis of our staff by email at [Lindsey.Davis@dep.nj.gov](mailto:Lindsey.Davis@dep.nj.gov) or by phone at (609)633-2289.

Approved By:



\_\_\_\_\_  
Ryan J. Anderson, Bureau Chief  
Bureau of Coastal Regulation  
Division of Land Use Regulation

1/12/18

\_\_\_\_\_  
Date

Original sent to Agent to record

c: Permittee  
NJDEP Bureau of Coastal and Land Use Enforcement, Toms River  
City of Somers Point Municipal Clerk  
City of Somers Point Municipal Construction Official

