PERMITS

EXHIBIT A

NJDEP APPROVED PERMIT

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

Division of Land Use Regulation
Mail Code 501-02A, P.O. Box 420,
Trenton, NJ 08625-0420
Fax # (609) 777-3656

PERMIT

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.	Approval Date September 2, 2011 Expiration Date September 2, 2016

Permit Number/s	Type of Approval/s	Enabling Statute/s
0504-10-0004.1	CAFRA Individual Permit	N.J.S.A. 13:19.1
CAFRA100001	Waterfront Development In Water Individual Permit	N.J.S.A. 12:5-3
WFD100001,	Coastal Tidal Wetlands Permit, Freshwater Wetlands	N.J.S.A. 13:9A-1
CTW100001,	General Permit 10A, Freshwater Wetlands General permit 11	N.J.S.A 13:9B-1
FWW100001,	Water Quality Certificate	N.J.S.A. 58-10A-1
FWW100002		

Applicant	Owner (if different from applicant)
Dale M. Foster, Cape May County Engineer., 4 Moore Road Cape May County Court House, New Jersey 08210	

This permit authorizes the disturbance of 0.16 ac (7104 SF) to Mapped Coastal Wetlands, **0.23 ac (10055 SF)** to Freshwater Wetlands, and **0.07 ac (2847 SF)** to Intertidal Subtidal Shallows, for the reconstruction and elevation of Sea Isle Boulevard from the Garden State Parkway Interchange 17 Northbound ramp to just west of the Ludlam Thorofare Bridge. As part of this project Sea Isle Boulevard and the Garden State Parkway Interchange 17 Northbound ramp are proposed to be raised by four feet in order to be above the 100 year flood elevation, three tidal equalizer culverts along Sea Isle Boulevard will be replaced with larger tidal culverts, the Garden State Parkway Interchange 17 will be realigned to meet current standards, and improvements will be made to the Sunset Creek recreational area to provide better access to the public.

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 and Freshwater Wetlands Protection Act, under 7:7A-1.1 et seq. By issuance of this permit, the State of New Jersey does not relinquish its land ownership or claim to any portion of the subject property or adjacent properties. The permittee shall allow an authorized Division representative the authority of the construction pursuant to N.J.A.C. 7:7E-1.5(b)4.

Project Location:	Received by Mayor's Clerk
Sea Isle Boulevard, from GSP Interchange 17 to Ludlam Thorofare Bridge Dennis Township Cape May County	
Project Manager's Signature Matthew Resnick Telephone: 609-292-0060 Email: Matthew.Resnick@dep.state.nj.us	

This permit is not valid unless authorizing signature appears on the last page.

STANDARD CONDITIONS:

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.

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.*

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

Notice of Construction: You must notify the Department in writing at least 7 days before you begin any work approved by this permit.

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.)

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 the State a party in any suit or question of ownership.

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:

1. 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:

   A. U.S. Army Corps of Engineers
   B. Bureau of Tidelands Management

2. Prior to the start of any construction activities within Tidelands encumber properties, the permittee must obtain a Tidelands Instrument from the Bureau of Tidelands Management. 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 and pay use and occupancy charges.

3. Within 30 days of permit issuance, the permittee shall submit to this Division, for review and approval, a draft conservation restriction for the Sunk's Creek Restoration Area to be preserved onsite as shown on the approved plan. This restriction shall preserve this area in its enhanced state in perpetuity as public open space. The applicant shall file the deed restriction with the County Clerk's Office and provide the Division with verification of filing within 60 days of approval by the Division. Said restriction shall run with the land and be binding upon all successive owners.

4. The permittee shall be responsible for the continued maintenance of the turtle exclusion fencing depicted on the approved plans.

5. The approved project is shown on the following plan sheets entitled;

   County of Cape May, "PERMIT PLANS SEA ISLE BOULEVARD (C.R. 625), FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLUM THOROFARE" Sheets PP 1- PP23, dated June 10, 2011, unrevised, and prepared by John Eric Henson P.E. of McCormick Taylor Inc.

   County of Cape May "TYPICAL SECTIONS, SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE" dated August 22, 2011, unrevised and prepared by John Eric Henson P.E. of McCormick Taylor Inc.

   County of Cape May "SITE PLANS, SUNK'S CREEK RECREATIONAL AREA SITE PLAN" dated August 22, 2011, unrevised and prepared by John Eric Henson P.E. of McCormick Taylor Inc.

6. 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.

5. In order to protect nesting Osprey pairs, the permittee must verify occupancy of this platform prior to the commencement of work in this area. If the platform is occupied during the breeding season, all work within 1000 ft /300 m of this platform must be suspended from **March 15** until **September 1** of the given work year and the applicant must contact the Division of Land Use Regulation.

7. In order to protect winter flounder spawning habitat a timing restriction of **January 1st** through **May 31th** for all in water construction activities and any construction activities that would introduce debris and sedimentation into the Sunks Creek and associated tidal waterways. All silt control structures and any in water cofferdams must be placed prior to or after the timing restriction period.

8. In order to protect anadromous fish species a timing restriction of **March 1st** through **June 31st** for all in water construction activities and any construction activities that would introduce debris and sedimentation into the Sunks Creek and associated tidal waterways. All silt control structures and any in water cofferdams must be placed prior to or after the timing restriction period.

9. If any geodetic control reference mark is found onsite, the New Jersey Geodetic Control Survey must be contacted at least 60 days prior to its disturbance, and arrangements made to protect its position.

10. All channels within the project boundaries shall not be disturbed for any reason.

11. No vegetation within 300 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.

12. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

13. Raw or unset concrete shall not come into contact with the waters of Sunk's Creek or adjoining tidal waterways for any reason.

14. 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.

FRESHWATER WETLANDS PERMIT CONDITIONS

15. This permit authorizes the disturbance of **9659 SF (0.22 ac)** to freshwater wetlands areas to realign the Garden State Parkway Interchange 17 Northbound Ramp, raise a portion of Sea Isle Boulevard about the 100 year flood elevation and to widen the access road that ties into Sunk's Creek recreational under a Freshwater Wetlands General Permit 10A.

16. This permit authorizes the disturbance **396 SF (0.009 ac)** to freshwater wetlands areas to reconstruct an existing outfall structure associated piping infield of the Garden State Parkway Interchange 17 Northbound Ramp and associated piping under a Freshwater Wetlands General Permit 11.

17. 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.

18. 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.

19. 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.

MITIGATION CONDITIONS

1. The permittee shall mitigate for the permanent impact to 0.07 acres of intertidal subtidal shallows, 0.12 acres of coastal wetlands and 0.23 acres of freshwater wetlands. In addition, the permittee shall mitigate for the temporary impact to 0.04 acres of coastal wetlands.

2. All mitigation shall be conducted prior to or concurrent with the construction of the approved project (N.J.A.C. 7:7E-3.27h(3). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.

3. At least 90 days prior to the initiation of regulated activities authorized by this permit, for an on-site or off-site individual mitigation project, the permittee must submit a more detailed mitigation proposal to the Division of Land Use Regulation (Division) for review and approval. The Division has reviewed the conceptual mitigation plan that was submitted with the permit application and will contact the permittee to discuss the plan in more detail before a final plan is submitted. Prior to commencement of regulated activities authorized by this permit, the Division must approve of the proposed mitigation project in writing.

4. If the applicant is considering obtaining land to satisfy a mitigation requirement, the Department strongly recommends that the permittee obtain the Department's conceptual review of any land being considered as a potential mitigation area.

5. If the permittee is considering purchasing credits from a mitigation bank to satisfy the mitigation requirement, prior to the initiation of regulated activities authorized by this permit, the permittee shall contact the Mitigation Unit to discuss the availability of mitigation credits to satisfy the above impacts. The freshwater wetland impacts fall within the freshwater service area of the Stipson's Island Mitigation Bank and the applicant can purchase freshwater credits up to the amount available within the bank at a 1:1 ratio. The coastal wetlands and intertidal subtidal shallows impacts fall within the Atlantic Drainage tidal service area of the bank; however, the bank is limited to selling 500 square feet of credits for impacts to coastal wetlands and intertidal subtidal shallows which will not satisfy the entire mitigation requirement. The contact information for the bank sponsor is:

   - Stipson's Island Bank – Contact Mark Renna of Evergreen Environmental, LLC at 973-305-0643 or 973-356-7164 or at mrenna@evergreenenv.com

6. The following conditions shall apply to the creation, restoration and enhancement project(s):

   a. Prior to the initiation of regulated activities authorized by this permit the permittee shall submit a final design of the mitigation project for approval and include all of the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located at http://www.nj.gov/dep/landuse/forms/index.html.

   b. Prior to the completion of the mitigation project, the permittee shall complete, sign and file with the County Clerk (the Registrar of Deeds and Mortgages in some counties), a conservation restriction that meets the requirements of N.J.A.C. 7:7E-3.27(h)6. The conservation restriction shall include the wetland and required transition area and conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: http://www.nj.gov/dep/landuse/forms/index.html. The applicant is required to include a metes and bounds description shown on a map. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Mitigation Unit, NJDEP Division of Land Use Regulation for verification. (N.J.A.C. 7:7A-15.14(a))

c. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing at least 30 days prior to the start of construction of the wetland mitigation project to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.

d. To ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape, the mitigation designer shall be present on-site during all critical stages of mitigation construction and during the restoration of any temporarily impacted areas. Critical stages of construction include but are not limited to herbicide applications, earthmoving activities, planting, and inspections.

e. The permittee shall be responsible for ensuring that best management practices are used throughout construction to control the spread and colonization of highly invasive plants. Specifically, all equipment, especially tracks and tires, must be thoroughly cleaned every time equipment or vehicles move from an area containing invasive plants or from off-site to the mitigation area. In addition, soil containing root fragments and above-ground vegetative material from invasive plants shall be carefully managed during earthmoving activities and disposed of at a suitable off site location rather than mulched and reused or stockpiled elsewhere on the site. For information on the specific species that are considered to be invasive, please refer to the Invasive Plant Atlas at http://www.invasiveplantatlas.org/index.html.

f. In the event that changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. The Division shall review the plan in accordance with N.J.A.C. 7:7A-15.15. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.

g. Within 30 days of final grading of the mitigation site and prior to planting, the permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.

h. Within 30 days following the final planting of the mitigation project, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction (N.J.A.C. 7:7E-3B.5(b) and N.J.A.C. 7:7E-3B.5(c)1). The Construction Completion Report shall contain, at a minimum, the following information:

i. A completed Wetland Mitigation Project Completion of Construction Form. This form is located at http://www.nj.gov/dep/landuse/forms/index.html and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;

ii. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;

iii. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983; and

iv. For ISS creation projects only:

(1) Documentation that the mitigation site meets the definition of an intertidal subtidal shallow, that it is permanently or twice daily submerged from the Spring high tide to a depth of four feet below mean low water.

j. Within 30 days following final planting of the mitigation project, the permittee shall post the mitigation area with permanent signs which identify the site as a wetland mitigation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law. The signs must also state the name of the permittee, a contact name and phone number, and the Department's permit number.

k. The permittee is required to monitor the mitigation project according to the following schedule, and to submit monitoring reports to the Division of Land Use Regulation no later than November 15 of each full monitoring year (see N.J.A.C. 7:7E-3B.5(d)):

i. The intertidal subtidal portion of the mitigation project shall be monitored for a lunar month after construction until the Department has determined that the project has been successfully completed (see N.J.A.C. 7:7E-3B.5(c)1). If the Department determines that intertidal subtidal shallows mitigation is not successful, then the post construction monitoring shall be repeated the following lunar month (s) until the site has been deemed successful.

ii. Other wetland mitigation projects shall for monitored for 5 full growing seasons and emergent wetland or State open water mitigation projects for 3 full growing seasons) beginning the year after the mitigation project has been completed.

l. The monitoring report, required in k. above, shall include all of the following information for the intertidal subtidal shallows portion of the project:

i. A USGS quad map showing the location of the mitigation site; a county road map showing the location (including lot and block) of the mitigation site; copy of an aerial photograph of the mitigation site. The point(s) of access to the mitigation site must be clearly indicated on all maps;

ii. A copy of the permit that included the mitigation requirement;

iii. A brief description of the mitigation;

iv. Photographs of the mitigation site with a location map indicating the location and direction for each photograph and indicating the tidal stage at the time the photo was taken;

v. An assessment of the planted vegetation (if any was required) and any species that are naturally colonizing the site. This assessment shall include data sheets from the sampling points which describe the vegetation present, the percent coverage of the vegetation and the location of the water table;

vi. Based on the approved water budget prepared in accordance with N.J.A.C 7:7E-3B.2(a)7, documentation demonstrating that the mitigation site is a wetland or intertidal or subtidal shallows. The documentation shall include, as appropriate, monitoring well data, stream gauge date, photographs and/or field observation notes collected throughout the post-construction monitoring period;

vii. Documentation, based on field data, that the approved goals of the mitigation project prepared pursuant to N.J.A.C. 7:7E-3B.2(a), are satisfied;

viii. A narrative evaluating the success/failure of the project in accordance with N.J.A.C. 7:7:E-3B.5;

ix. In the event that the mitigation is a failure in accordance with N.J.A.C. 7:7:E-3B.5, a narrative description of proposed actions that will permanently rectify the problems.

m. For the non intertidal subtidal shallows portion of the project, all monitoring reports shall include the standard items identified in the checklists entitled Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist and the information requested below. The Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist are located on the Internet at http://www.nj.gov/dep/landuse/forms/index.html

n. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure (see N.J.A.C. 7:7E-3B.5(b)3. This mitigation project will be considered successful if the permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project, including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit have been satisfied. The permittee shall submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;

ii. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes, which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving and all trees must be at least five feet in height;

iii. The site is less than 10 percent coverage by invasive or noxious species.

iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

v. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.

o. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7E-3B.5(d)9). The Division will notify the permittee in writing if the mitigation project is considered to be a failure. Within 30 days of notification, the permittee shall submit a revised mitigation plan to meet the success criteria identified above for Division review and approval. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated above.

Charlie Welch, Supervisor
Bureau of Urban Growth & Redevelopment
Division of Land Use Regulation

Date 9/2/11

cc: NJDEP Bureau of Coastal and Land Use Enforcement
Dennis Township Clerks Office
Dennis Township Construction Official
Cape May County County Planning Board
Cape May County Clerk's Office

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey, 08625
www.state.nj.us/dep/landuse

BOB MARTIN
Commissioner

OCT 21 2011

Dale M. Foster, Cape May County Engineer
4 Moore Road
Cape May County Court House,
New Jersey, 08210

RE: **CAFRA Individual Permit, Waterfront Development In Water Individual Permit, Coastal Wetland Permit, Freshwater Wetlands General Permit No. 10B, General Permit No. 11 and Water Quality Certification**
DLUR File No.: 0504-10-0004.1
CAF100001 Individual Permit, WFD100001 Individual Permit,
CSW100001 Permit, FWW100001 General Permit 10B,
FWW100002 General Permit 11.
Applicant Name: Cape May County
Project: Elevation of Sea Isle Blvd
Township of Dennis, Cape May County

Dear Mr. Foster:

This letter serves as an amendment to the CAFRA Individual Permit, Waterfront Development In Water Individual Permit, Coastal Wetland Permit, Freshwater Wetlands General Permit No. 10B, General Permit No. 11 and Water Quality Certification originally dated September 2, 2011. The changes to the permit are to amend the following special conditions;

8. In order to protect anadromous fish species a timing restriction of **March 1st** through **June 31st** for all in water construction activities and any construction activities that would introduce debris and sedimentation into the Sunks Creek and associated tidal waterways. All silt control structures and any in water cofferdams must be placed prior to or after the timing restriction period.

The condition should be as follows;

8. In order to protect anadromous fish species a timing restriction of **March 1st** through **June 30st** for all in water construction activities and any construction activities that would introduce debris and sedimentation into the Sunks Creek and associated tidal waterways. All silt control structures and any in water cofferdams must be placed prior to or after the timing restriction period.

OCT 25 2011

McCormick Taylor, Inc.

11. No vegetation within 300 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.

The condition should be as follows;

11. No vegetation within 300 feet of the top of any stream bank onsite shall be disturbed for any reason, except as authorized by this permit and shown on the approved plans. This condition applies to all channels onsite regardless of the contributory drainage area.

Please contact Matthew Resnick of our staff at 609-777-0454, or by email at Matthew.Resnick@dep.state.nj.us, should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

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

cc. Walter Marks,Senior Planner Environmental Project Manager
McCormick Taylor, Inc.
700 East Gate Drive, Suite 201
Mount Laurel, NJ 08054

Dennis Township Construction Official
Dennis Township Clerk's Office

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
Mail Code 501-02A, P.O. Box 420,
Trenton, NJ 08625-0420
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

RECEIVED AUG 13 2012

Mr. Walter Marks
McCormick Taylor, Inc.
700 East Gate Drive, Suite 201
Mount Laurel, NJ 08054

AUG 09 2012

RE: Mitigation Approval
Roadway Median and Sunks Creek Bulkhead Mitigation Sites
Dennis Township, Cape May County
NJDEP File No: 0504-10-0004.1

Dear Mr. Marks:

The Division of Land Use Regulation (Division) is writing in response to your request for approval of the proposed Roadway Median and Sunks Creek Bulkhead Mitigation Sites and the following plans are approved:

"County Of Cape May PLANS OF SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLUM THOROFARE COMPENSATORY MITIGATION PLANS ROADWAY MEDIAN MITIGATION SITE SUNKS CREEK BULHEAD MITIGATION SITE" Sheet 1 of 17, as prepared by McCormick Taylor, Inc., and dated June 28, 2012;

"COUNTY OF CAPE MAY **GENERAL NOTES** SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLUM THOROFARE" Sheet 2 of 17, as prepared by McCormick Taylor, Inc., and dated June 28, 2012, last revised July 30, 2012;

"COUNTY OF CAPE MAY **GENERAL LEGEND** SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLUM THOROFARE" Sheet 3 of 17, as prepared by McCormick Taylor, Inc., and dated June 28, 2012;

"COUNTY OF CAPE MAY **CONSTRUCTION PLANS** SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLUM THOROFARE" Sheets 4-6 of 17, as prepared by McCormick Taylor, Inc., and dated June 28, 2012;

"COUNTY OF CAPE MAY **SITE PLAN AND CROSS SECTIONS** SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLUM THOROFARE" Sheet 7 of 17, as prepared by McCormick Taylor, Inc., and dated June 28, 2012, last revised July 30, 2012;

"COUNTY OF CAPE MAY **CROSS SECTION** SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLUM THOROFARE" Sheets 8 – 17 of 17, as prepared by McCormick Taylor, Inc., and dated June 28, 2012.

We look forward to working with you as the project progresses. Please contact me at (609) 777-0454 or by email at jodale.legg@dep.state.nj.us, should you have any questions concerning this letter.

Sincerely,

Susan D. Lockwood

Susan Lockwood, Supervisor
Mitigation Unit
Division of Land Use Regulation

Cc: Mr. Dale M. Foster, P.E. Cape May County Department of Public Works Office of the County Engineer, 4 Moore Road, Cape May Court House, N.J. 08210

Mr. Davis Caplan, U.S. Army Corps of Engineers, Philadelphia District Regulatory Branch, 100 Penn Square East, Wanamaker Building, Philadelphia, P.A. 19107-3390

EXHIBIT B

USACE APPROVED PERMIT

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

AUG 22 2012

REPLY TO
ATTENTION OF
Regulatory Branch
Application Section II

SUBJECT: CENAP-OP-R-2010-0538
COUNTY OF CAPE MAY SEA ISLE BOULEVARD CR 625
NJDEP#: 0504-10-0004.1

Mr. Walter Marks
McCormick Taylor, Incorporated
700 East Gate Drive, Suite 201
Mt. Laurel, New Jersey 08054

Dear Mr. Marks:

This is in regard to your company's proposal, on behalf of the County of Cape May, to reconstruct and elevate Sea Isle Boulevard (County Route 625) from the Garden State Parkway east to the Ludlam's Thorofare bridge. The site is located in Dennis Township, Cape May County, New Jersey.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and/or the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Based upon our review of the information you have provided, it has been determined that the proposed work is approved by the existing Department of the Army Nationwide Permit (NWP) described below.

Nationide Permit 23. Approved Categorical Exclusions. Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:
(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and
(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.
The Office of the Chief of Engineers may require additional conditions, including preconstruction notification, for authorization of an agency's categorical exclusions under this NWP.

RECEIVED
AUG 24 2012
McCormick Taylor, Inc.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Sections 10 and 404)

You are advised that this verification of NWP authorization is valid for two (2) years from the date of this letter, unless the NWP authorization is modified, suspended, or revoked. In the event that the NWP authorization is reissued and/or modified during that time period, this two-year expiration date will remain valid, provided the activity complies with any subsequent reissuance and/or modification of the NWP authorization.

The enclosed table (Enclosure 1) identifies those NWPs which require a preconstruction notification (PCN) to the Corps of Engineers, those which have been regionally conditioned by the Division Engineer, and those which have been denied 401 Water Quality Certification (WQC) and/or Coastal Zone Management (CZM) consistency by the State. It is noted that CZM consistency from the State is only required for those activities in or affecting a State's coastal zone. Additionally, some of the NWPs do not involve a discharge of dredged or fill material, and as such, do not require a 401 WQC. For those NWPs not requiring a 401 WQC, the appropriate rows and columns have been identified with the term "NA". If the State has denied the required WQC and/or not concurred with the Corps' CZM consistency determination, the NWP authorization is considered denied without prejudice until an individual project specific WQC and/or CZM approval is obtained. This approval must be obtained in order for the activity to be authorized under the NWP and a copy provided to this office before work begins. Any project specific conditions required by the State for the WQC and/or CZM approval will automatically become part of the NWP authorization.

You should carefully note that this NWP authorization is based upon your agreement to comply with the terms and conditions of this NWP (Enclosure 2), including any and all attached project specific special conditions listed below. Initiation of any authorized work shall constitute your agreement to comply with all of the NWP's conditions. You should also note that the authorized work may be subject to periodic inspections by a representative of this office. The verification of a Nationwide Permit including all general and special conditions is not subject to appeal.

PROJECT SPECIFIC SPECIAL CONDITIONS:

1. This approval is for the re-construction and elevation of Sea Isle Boulevard (County Route 625). The work involves the loss of 0.35 acre of tidal emergent wetlands and 0.07 acre of open waters below the high tide line for the re-placement of 3 tidal equalizer pipes and road fill. The site is located between the Garden State Parkway east and the Ludlam Thorofare bridge, in Dennis Township, Cape May County, New Jersey. All work performed in association with the above noted project shall be conducted in accordance with the 23-page project plan set prepared by McCormick Taylor, Incorporated for the County of Cape May and entitled "County of Cape May, Permit Plans, Sea Isle Boulevard, (C.R. 625), From Garden State Parkway to Bridge Over

Ludlam Thorofare," Sheet 1 prepared and signed on 10/24/11, Sheets 2-10, 12, 15-17, and 19-23 of 23 prepared and signed on 6/14/11, Sheets 11 and 18 of 23 prepared and signed on 6/23/11, and Sheets 13 and 14 of 23 last revised 04/12/12.

2. Construction activities shall not result in the disturbance or alteration of greater than 0.42 acre of waters of the United States including open waters below the high tide line and wetlands.

3. Any deviation in construction methodology or project design from that shown on the above noted drawings or repair plan must be approved by this office, in writing, prior to performance of the work. This includes all modifications deemed necessary by the contractor at the time of construction. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.

4. This office shall be notified prior to the commencement of authorized work by completing and signing the enclosed Notification/ Certification of Work Commencement Form (Enclosure 3). This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form (Enclosure 4). All notifications required by this condition shall be in writing. The Notification of Commencement of work may be sent to this office by facsimile or other electronic means; all other notification shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

6. That the proposed bulkhead construction at Sunks Creek shall not result in the discharge of any dredged and/or fill material waterward of the high tide line and shall not result in the loss of vegetated wetlands.

7. That this permit does not obviate the permittee from obtaining any State or local assent required by law for the activity authorized.

8. That bulkhead construction shall be performed in a manner which does not disturb or destroy the salt marsh fringe located along the waterway.

9. That the permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wavewash from passing vessels and/or ice flows within the waterway. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and/or ice flows and the permittee shall not hold the United States liable for any such damage.

10. That the permittee shall compensate for the loss of 0.35 acre of wetlands and 0.07 acre of open tidal waters resulting from project construction as described in Special Condition 17 below. The compensation shall be constructed in accordance with
A) a 17-page plan set prepared by Cape May County and entitled "County of Cape May, Plans of Sea Isle Boulevard, (C.R. 625), From Garden State Parkway to Bridge Over Ludlam Thorofare, Compensatory Mitigation Plans, Roadway Median Mitigation Site, Sunks Creek Bulkhead Mitigation Site," Federal Project Number STP-0115(104), Sheets 1, 3-6, and 8-17 signed 6/28/12 (un-revised), Sheets 2 and 7 signed 7/30/12 and
B) a report prepared in March 2012 entitled "Compensatory Mitigation Proposal for NJ Department of Environmental Protection Wetlands and Intertidal /Subtidal Shallows and US Army Corps of Engineers Wetlands/Open Waters of the United States, Sea Isle Boulevard, Dennis Township, Cape May County, NJ," prepared by McCormick Taylor for Cape May County Department of Public Works, Office of the County Engineer," Sections VII through XII of the report last revised 7/27/2012.

11. That the wetland compensation areas shall be stabilized using a commercially available warm season grass seed mixture composed of native wetland grass species such as switch-grass (Panicum virgatum), deer-tongue (Dichanthelium clandestinum), indian grass (Sorghastrum nutans) and big bluestem (Andropogon gerardi). Non-native grass species such as tall fescue (Festuca rubra), redtop (Agrostis alba) and birdfoot trefoil (Lotus corniculatus) shall not be used in the mitigation site.

12. That the permittee shall monitor the wetlands compensation sites for five consecutive growing seasons, and submit to this office two monitoring reports per season for the first two years and one report for the remaining three years documenting the development of the compensation sites during the immediate past portions of the growing season One report shall be received by this office in July and in October of each year for the first 2 years and 1 report in October for the remaining three years. Each monitoring report shall contain the following information: surface and groundwater elevations, percent survival of planted stock, other activities performed to allow for plant survival and coverage, the required activities performed for management of non-native and/or invasive plants, and representative photographs of the site. Further compensatory activities may be required if this office determines that the development of the sites is un-satisfactory.

13. For the compensation sites, the permittee shall follow the project and mitigation construction schedule included in Section XII of the report described in Special Condition 10(B) above with the following additions described below.
A) The permittee shall submit to this office notification of completion of excavation activities associated with the approved compensatory mitigation within 1 week of completion. Separate notifications may be submitted for completion of each separate compensatory action (i.e. wetland creation, wetland enhancement/restoration, and Sunks Creek open water creation/bulkhead construction).

B) The permittee shall submit to this office a one foot interval contour survey map of the approved wetland compensatory mitigation activities within 60 days of completion of excavation

activities. The surveys shall be submitted to the District Engineer for review and approval prior to initiation of seeding and/or planting.

C) The permittee shall submit an "as-built" survey and cross-section of the open water area created at the Sunks Creek bulkhead to be submitted no later than 60 days past bulkhead construction. The survey and cross-section shall include the depiction and elevations of the mean high water, mean low water, and high tide lines..

14. That the wetland compensatory mitigation sites shall have a minimum of 85% plant survival and seed coverage rate after the first growing season. Failure to achieve this survival rate will require the replacement of all dead plants with new stock or other remedial measures until a permanent stand of vegetation is established over the mitigation site. Statistically valid proof of 85% survival and coverage (as applicable) is required.

15. That the permittee shall complete all compensation prior to or concurrent with completion of the road construction project.

16. Your responsibility to complete the required compensatory mitigation as set forth in Special Conditions 10 through 15 will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.

17. In March of 2012, the permittee's agent submitted a draft deed restriction document for consideration to provide in-perpetuity protection of the compensatory mitigation sites. The permittee shall continue in coordination with this office in the finalization of the draft document. Furthermore, the permittee shall submit a conservation plan (survey) which shall be referenced in the final draft document (currently under review). The plan shall be received by this office no later than 60 days of the date of this approval letter. Upon receipt of written approval of the document and conservation plan from this office, the permittee shall then submit the final recorded and executed document and conservation plan (as originally approved in draft) and all associated attachments within 90 days of the date of written approval.

18. That efforts shall be made to keep construction debris from entering the waterway or wetland. Debris in the waterway or wetland shall be removed within 24 hours of site work completion.

19. All debris arising from removal of the existing pipes and bulkhead and wetland mitigation activities shall be removed from the shoreline within 24 hours of site work completion. and prevented from entering the waterway.

20. That this permit does not authorize the following without prior written approval:

A) any dredging at the project site;

B) the replacement or re-construction of utilities in regulated waters;

C) the placement of structure or discharge of fill within regulated waters for temporary access or de-watering.

21. That all material to be used as fill shall be obtained from an upland source and shall be free of oil and grease, asphalt, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt.

22. That the authorized excavation, filling and associated activities shall be performed in accordance with the State and/or County standards for Soil Erosion Sediment Control.

23. That all equipment required to traverse wetland areas shall be supported on mats.

24. That the U.S. Army Corps of Engineers shall be notified a minimum of 14 days prior to all Pre-Construction Conferences.

25. That 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 the permit document is at the project site throughout the period the work is underway.

26. That upon completion of the authorized work, all areas disturbed during construction shall be returned to their topographic and vegetative condition prior to project implementation unless otherwise authorized herein.

27. That appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date.

28. That disturbed areas shall be restored as soon as possible to avoid continued erosion. The permittee shall submit final erosion and sedimentation control plans to this office, including specifications as to restoration and re-planting of temporarily-disturbed wetlands and waters, for review and approval.

29. That no regulated activities shall commence until
A) the in-perpetuity protection document and plan described in Special Condition 17 have been executed as approved in draft form; and
B) this office has received and approved of final erosion and sedimentation control plans as discussed in Special Condition 28 above.

30. Please note that this verification of Nationwide Permit 23 is valid for 2 years past the date of issuance and that the current Nationwide Permits shall expire on or about March 17, 2017. Should the regulated work extend beyond 2 years from the issuance of this letter and later verification letters (if required), the permittee must re-apply for verification of this nationwide permit. Should the regulated work extend beyond March 17, 2017, a new nationwide permit verification (or "grandfathering" letter if applicable) may be required to complete such regulated activities.

Also enclosed is a pre-addressed postal card (Enclosure 5) soliciting your comments on the processing of your application. Any comments, positive or otherwise, on the procedures, timeliness, fairness, etc., may be made on this card. If you should have any questions regarding this matter, please contact David Caplan at 215-656-6731 or write to the above address.

Sincerely,

Frank J. Cianfrani
Chief, Regulatory Branch

Enclosures

Copies Furnished:

NJDEP, LURP (Trenton, NJ)
NMFS (Gloucester, MA)
NMFS (Sandy Hook, NJ)
USCG, 5th District (Portsmouth, VA)
USFWS (Annapolis, MD)
Mr. Keith Skilton, Federal Highway Administration, 840 Bear Tavern Road, West Trenton, New Jersey, 08628
Mr. Dale Foster, Cape May County Engineer, 4 Moore Road, Cape May Courthouse, New Jersey, 08210

US Army Corps
of Engineers
Philadelphia District

NOTICE

This Department of the Army permit contains important permit terms and conditions. Please read the permit and all terms and conditions carefully.

Work authorized by this permit may be inspected for compliance at any time.

It is your responsibility, as permittee, to ensure that all work authorized by the permit, including all work performed by contractors, be performed in strict compliance with all terms and conditions of the permit. Failure to do so may result in a determination by the District Engineer to suspend, modify, or revoke your permit (33 CFR 325.7). It may also subject you to the enforcement procedures contained at 33 CFR 326.4 and 326.5, including civil and criminal action and the possible imposition of civil penalties and criminal fines up to $50,000.00 per day per violation.

If you have any questions about, or need to modify, any of the terms and conditions of this permit, you are requested to contact the Philadelphia District Office at (215) 656-6728.

NWP CZM and WQC Status Table: Delaware, New Jersey, Pennsylvania (2012)

NWP #	PCN	DE CZM	DE WQC	NJ CZM	NJ WQC	PA CZM	PA WQC
NWP 1	NO	ISSUED	N/A	ISSUED	N/A	ISSUED	N/A
NWP 2	NO	ISSUED	N/A	DENIED	N/A	ISSUED	N/A
NWP 3	YES *	DENIED #	DENIED #	DENIED	DENIED	ISSUED	ISSUED
NWP 4	NO	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED
NWP 5	NO	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 6	NO	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 7	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 8	YES	DENIED	N/A	DENIED	N/A	ISSUED	N/A
NWP 9	NO	ISSUED	N/A	DENIED	N/A	ISSUED	N/A
NWP 10	YES *	ISSUED	N/A	DENIED	N/A	ISSUED	N/A
NWP 11	YES*	ISSUED	N/A	DENIED	N/A	ISSUED	N/A
NWP 12	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 13	YES *	DENIED #	DENIED #	DENIED	DENIED	ISSUED	ISSUED
NWP 14	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 15	YES *	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 16	NO	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 17	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 18	YES *	DENIED #	DENIED #	DENIED	DENIED	ISSUED	ISSUED
NWP 19	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 20	NO	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 21	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 22	YES *	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 23	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 24	NO	ISSUED	N/A	ISSUED	N/A	ISSUED	N/A
NWP 25	YES *	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 27	YES *	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 28	YES	ISSUED	N/A	DENIED	N/A	ISSUED	N/A
NWP 29	YES	DENIED #	DENIED #	DENIED	DENIED	ISSUED	ISSUED
NWP 30	YES *	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED
NWP 31	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 32	N/A	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 33	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 34	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 35	YES	ISSUED	N/A	DENIED	N/A	ISSUED	N/A
NWP 36	YES *	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 37	YES	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED
NWP 38	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 39	YES	DENIED #	DENIED #	DENIED	DENIED	ISSUED	ISSUED
NWP 40	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED
NWP 41	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED
NWP 42	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED
NWP 43	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED
NWP 44	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED
NWP 45	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 46	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED
NWP 48	YES	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED	ISSUED
NWP 49	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 50	YES	ISSUED	ISSUED	DENIED	DENIED	ISSUED	ISSUED
NWP 51	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED
NWP 52	YES	DENIED	DENIED	DENIED	DENIED	ISSUED	ISSUED

Note: *A PCN is required under certain circumstances. Review the terms of the NWP, general conditions, or regional conditions to identify those circumstances. # The State of Delaware has denied the CZM and WQC for this NWP in critical resource waters only.

ENCLOSURE 1

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR §§ 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR § 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. **Navigation**. (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. **Aquatic Life Movements**. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. **Spawning Areas**. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. **Migratory Bird Breeding Areas**. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds**. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. **Suitable Material**. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. **Water Supply Intakes**. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. **Adverse Effects From Impoundments**. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows**. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains**. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment**. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls**. Appropriate soil erosion and sediment controls must be used and maintained in effective

ENCLOSURE 2

operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.
(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.
(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.noaa.gov/fisheries.html respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under

the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.
(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical

resource waters will be no more than minimal.

23. **Mitigation**. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:
(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.
(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.
(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).
(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.
(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.
(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.
(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.
(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.
(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.
(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24.Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may

require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality**. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. **Coastal Zone Management**. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. **Regional and Case-By-Case Conditions**. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. **Use of Multiple Nationwide Permits**. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. **Transfer of Nationwide Permit Verifications**. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."
(Transferee)

(Date)

30. **Compliance Certification**. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:
(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
(c) The signature of the permittee certifying the completion of the work and mitigation.

31. **Pre-Construction Notification**. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:
(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental

effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.
(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.
(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. For a linear project, this determination will include an evaluation of the individual crossings to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to intermittent or ephemeral streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51 or 52, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects. When making minimal effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.
2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.
3. If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (a) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (c) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period, with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

NOTIFICATION/CERTIFICATION OF WORK COMMENCEMENT FORM

Permit Number: CENAP-OP-R-2010-0538 (NWP-23)
State Permit #: 0504-10-0004.1
Name of Permittee: Cape May County
Project Name: CAPE MAY COUNTY SEA ISLE BOULEVARD CR 625
Waterway: Sunks Creek
County: Cape May State: New Jersey
Compensation/Mitigation Work Required: Yes ☒ No ☐

TO: U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building - 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390
Attention: CENAP-OP-R

I have received authorization to: raise the level of the existing highway through tidal marsh including replacement of 4 pipes within Sunks Creek and adjacent wetlands. The project extends from the Garden State Parkway to Ludlam Thorofare, in Dennis Township, Cape May County, New Jersey.

The work will be performed by:

Name of Person or Firm_____

Address: _____

_____

I hereby certify that I have reviewed the approved plans, have read the terms and conditions of the above referenced permit, and shall perform the authorized work in strict accordance with the permit document. The authorized work will begin on or about _____ and should be completed on or about _____.

Please note that the permitted activity is subject to compliance inspections by the Army Corps of Engineers. If you fail to return this notification form or fail to comply with the terms or conditions of the permit, you are subject to permit suspension, modification, revocation, and/or penalties.

_____ _____
Permittee (Signature and Date) Telephone Number

_____ _____
Contractor (Signature and Date) Telephone Number

NOTE: This form shall be completed/signed and returned to the Philadelphia District Office a minimum of 10 days prior to commencing work.

NOTIFICATION/CERTIFICATION OF WORK COMPLETION/COMPLIANCE FORM

Permit Number: CENAP-OP-R-2010-0538 (NWP-23)
State Permit #: 0504-10-0004.1
Name of Permittee: Cape May County
Name of Contractor:
Project Name: CAPE MAY COUNTY SEA ISLE BOULEVARD CR 625
Waterway: Sunks Creek
County: Cape May State: New Jersey

Within 10 days of completion of the activity authorized by this permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building - 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390
Attention: CENAP-OP-R

Please note that the permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to return this notification form or fail to perform work in compliance with the permit, you are subject to administrative, civil and/or criminal penalties. Further, the subject permit may be suspended or revoked.

The authorized work was commenced on _____.

The authorized work was completed on _____.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the above noted permit.

_____	_____
Signature of Contractor	Signature of Permittee
Address:_____	Address: _____
_____	_____
Telephone Number:_____	Telephone Number:_____

For project located in areas identified as shellfish habitat, you must include with this form a bill of lading; sales order or any other document(s) demonstrating non-polluting materials were purchased and utilized for your project. I hereby certify that I and/or my contractor have utilized non-polluting materials as defined in the above noted permit.

_____	_____
Signature of Contractor	Signature of Permittee

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

REPLY TO
ATTENTION OF

OCT 15 2013

Regulatory Branch
Application Section II

SUBJECT: CENAP-OP-R-2010-0538
COUNTY OF CAPE MAY SEA ISLE BOULEVARD CR 625
NJDEP#: 0504-10-0004.1
Latitude: 39.165332 Longitude: -74.716934

Mr. Dale Foster
Cape May County Engineer
4 Moore Road
Cape May Courthouse, New Jersey, 08210

Dear Mr. Foster:

Reference is made to Department of the Army Nationwide Permit verification letter, dated August 22, 2012, authorizing the County of Cape May, to re-construct and elevate Sea Isle Boulevard (County Route 625) from the Garden State Parkway east to the Ludlam Thorofare bridge. The site is located in Dennis Township, Cape May County, New Jersey.

Special Conditions 17 and 28 of the verification letter requires prior approval of both the in-perpetuity protection document and plan for the mitigation sites (Condition 17) and erosion and sedimentation control plans (Condition 28). Your agent has submitted such materials as required. Therefore, Special Condition 28 of this verification of Nationwide Permit 15 is hereby modified as follows:

" 28. That appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date. This includes compliance with all county conservation district requirements including all plans approved by the Cape Atlantic Conservation District in their letter of September 20, 2011 (Application Number 274-11). It should be noted that this office is in receipt of a 16-page plan set prepared by McCormick Taylor Incorporated and entitled "County of Cape May, Environmental Plans, Sea Isle Boulevard, (C.R. 625) From Garden State Parkway to Bridge Over Ludlam Thorofare," all signed and sealed on 8/24/12 but dated as follows: Sheet EP-1 on 10/24/2011, EP-1A/1B both on 9/12/2011, EP-2 to EP-13 on 9/7/11, and EP-14 on 9/8/11. The permittee's agent has insured that such plans directly reflect those plans approved by the Cape Atlantic Conservation District as mentioned above."

Additionally, in partial compliance with Special Condition 17, this office has approved of the draft conservation easement and the accompanying conservation plans prepared by McCormick Taylor Incorporated as follows:

A) entitled "Exhibit D, Roadway Median Mitigation Site, County of Cape May, Sea Isle Boulevard (C.R. 625), From Garden State Parkway to Bridge Over Ludlam Thorofare, Parcel CRE2B, Township of Dennis, County of Cape May, October, 2013";
B) entitled "Exhibit D, Sunks Creek Bulkhead Mitigation Site, County of Cape May, Sea Isle Boulevard (C.R. 625), From Garden State Parkway to Bridge Over Ludlam Thorofare, Parcel CRE2A, Township of Dennis, County of Cape May, October, 2012"; and
C) a document entitled "Grant of Conservation Restriction/Easement Sunks Creek Bulkhead Mitigation Site and Roadway Median Mitigation Site prepared by the County of Cape May as received by this office on October 10, 2013 (Enclosure 1).

As required by Special Condition 17, the permittee shall now submit the final recorded and executed document and conservation plans (as approved herein in draft) and all associated attachments within 90 days of the date of this approval.

Additionally, with regard to an electronic mail message received on October 10, 2013 from your agent, this office has modified Special Condition 10 to allow for changes in the mitigation construction and monitoring schedule due to a year's passage of time with no construction. The special condition now reads as follows:

"10. That the permittee shall compensate for the loss of 0.35 acre of wetlands and 0.07 acre of open tidal waters resulting from project construction as described in Special Condition 17 below. The compensation shall be constructed in accordance with
A) a 17-page plan set prepared by Cape May County and entitled "County of Cape May, Plans of Sea Isle Boulevard, (C.R. 625), From Garden State Parkway to Bridge Over Ludlam Thorofare, Compensatory Mitigation Plans, Roadway Median Mitigation Site, Sunks Creek Bulkhead Mitigation Site," Federal Project Number STP-0115(104), Sheets 1, 3-6, and 8-17 signed 6/28/12 (un-revised), Sheets 2 and 7 signed 7/30/12 and
B) a report prepared in March 2012 entitled "Compensatory Mitigation Proposal for NJ Department of Environmental Protection Wetlands and Intertidal /Subtidal Shallows and US Army Corps of Engineers Wetlands/Open Waters of the United States, Sea Isle Boulevard, Dennis Township, Cape May County, NJ," prepared by McCormick Taylor for Cape May County Department of Public Works, Office of the County Engineer," Sections VIII through XII of the report last revised 7/27/2012, Section VII of the report last revised 10/4/13."

All other conditions to which this permit was made subject remain in full force and effect.

If you should have any questions regarding this matter, please contact David Caplan at (215) 656-6731 or David.J.Caplan@ usace.army.mil or write to the above address.

Sincerely,

Frank J. Cianfrani
Chief, Regulatory Branch

Copies Furnished:

NJDEP, LURP (Trenton, NJ)
NMFS (Gloucester, MA)
NMFS (Sandy Hook, NJ)
USCG, 5th District (Portsmouth, VA)
USFWS (Pleasantville, NJ)
Mr. Keith Skilton, Federal Highway Administration, 840 Bear Tavern Road, West Trenton, New Jersey, 08628
Mr. Walter Marks, McCormick Taylor, Incorporated, 700 East Gate Drive, Suite 201 Mt. Laurel, New Jersey 08054

EXHIBIT C

COMPENSATORY MITIGATION PLANS

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)

County of Cape May

PLANS OF

SEA ISLE BOULEVARD (C.R. 625)

FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

COMPENSATORY MITIGATION PLANS

ROADWAY MEDIAN MITIGATION SITE
SUNKS CREEK BULKHEAD MITIGATION SITE

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	KEY
2	GENERAL NOTES
3-6	CONSTRUCTION PLANS
7	SITE PLANS (BULKHEAD ONLY)
8-17	CROSS SECTIONS

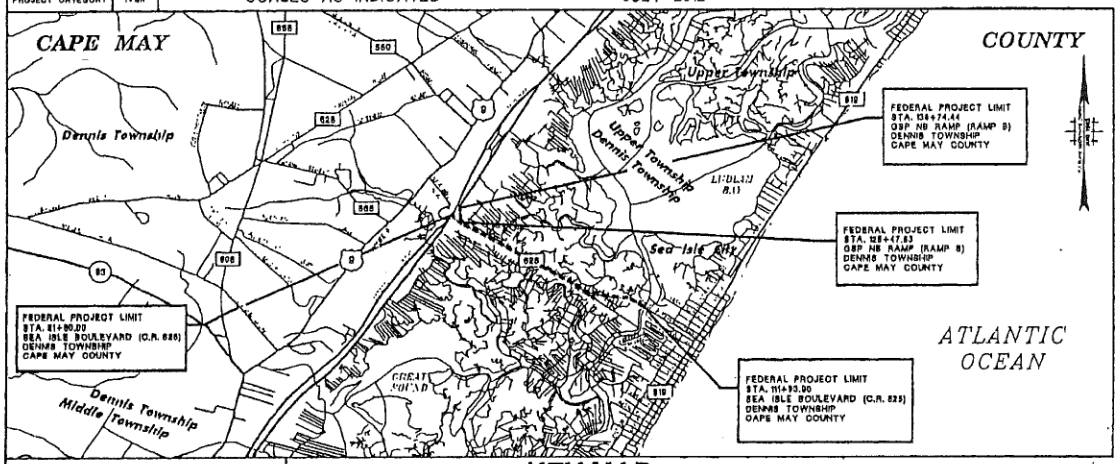
TOWNSHIP OF DENNIS

CAPE MAY COUNTY

PROJECT CATEGORY 1-2R

SCALES AS INDICATED

JULY 2012



TYPE OF HIGHWAY- URBAN MINOR ARTERIAL

KEY MAP

2500' 0 2500'
SCALE IN FEET

MID-POINT OF PROJECT
LONGITUDE: 74°43'03" W
LATITUDE: 39°09'56" N

FEDERAL PROJECT LIMITS

SEA ISLE BOULEVARD (C.R. 625) FROM STA. 21+50.00 TO STA. 111+93.90
LENGTH OF FEDERAL PROJECT = 9043.90 LIN. FT. OR 1.713 MILES

NORTHBOUND RAMP TO G.S.P FROM STA. 128+47.83 TO STA. 138+74.44
LENGTH OF FEDERAL PROJECT = 1026.61 LIN. FT. OR 0.194 MILES

TOTAL LENGTH OF FEDERAL PROJECT = 10070.51 LIN. FT. OR 1.907 MILES

EXHIBIT C

"CHANGES MADE TO THESE PLANS SINCE SIGNATURE BY THE CONSULTANT MAY BE DETERMINED BY COMPARISON OF THE PLANS FILED AT THE COUNTY WITH THOSE FILED AT THE OFFICE OF THE CONSULTANT."

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA28044300

DATE: 6/28/12

JOHN ERIC BENSON, P.E.

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04258500

McCormick Taylor

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)

ADMINISTRATIVE REQUIREMENTS

1. THE MITIGATION DESIGNER (MD), AS DESIGNATED BY THE COUNTY, WILL ACT AS THE AGENT AND LIAISON FOR THE COUNTY FOR ALL MITIGATION SITE ACTIVITIES; INCLUDING ALL NJDEP AND USACE COORDINATION, MEETINGS, INSPECTIONS, APPROVALS, ETC. THE CONTRACTOR AND RESIDENT ENGINEER ARE TO COORDINATE AND PERFORM ALL MITIGATION SITE ACTIVITIES AS DIRECTED BY THE MD.

2. THIS COMPENSATORY MITIGATION PROPOSAL MUST BE APPROVED IN WRITING BY THE NJDEP AND USACE PRIOR TO THE COMMENCEMENT OF ANY SIB RECONSTRUCTION WORK.

3. NO CHANGES TO THE MITIGATION DESIGN ARE ALLOWED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE NJDEP AND USACE. ALL MODIFIED PLANS THAT MAY RESULT FROM MITIGATION SITE FIELD ADJUSTMENTS AND/OR CORRECTIVE WORK MUST BE SIGNED, DATED, AND SEALED.

4. ALL MITIGATION SITE WORK MUST OCCUR DURING AND MUST BE COMPLETED WITHIN THE CONSTRUCTION SCHEDULE OF THE OVERALL PROJECT. THE CONTRACTOR WILL BE RESPONSIBLE FOR ENSURING THAT MITIGATION SITE CONSTRUCTION IS CONCURRENT WITH THE CONSTRUCTION OF THE OVERALL PROJECT. CONCURRENT MEANS THAT AT ANY GIVEN TIME, THE MITIGATION MUST TRACK AT THE SAME OR GREATER PERCENTAGE OF COMPLETION AS THE PROJECT AS A WHOLE. THE SEQUENCE OF CONSTRUCTION PROPOSED FOR THIS PROJECT PROVIDES FOR ACCEPTABLE CONCURRENT MITIGATION. THE CONTRACTOR WILL BE REQUIRED TO SUBMIT A SCHEDULE TO THE MD THAT MEETS THE CONCURRENCY REQUIREMENT, INCLUDING PROJECTED DATES FOR ALL GRADING AND PLANTING ACTIVITIES. THEREAFTER, THE CONTRACTOR MUST SUBMIT A MODIFIED SCHEDULE TO THE MD IN ALL CASES WHEN THE TIMELINE FOR PROJECTED MITIGATION ACTIVITIES / MILESTONES IS AFFECTED. ANY SIGNIFICANT CHANGE TO THE APPROVED TIMELINE FOR MITIGATION SITE ACTIVITIES, AS DETERMINED BY THE MD, SHALL BE SUBJECT TO REVIEW AND APPROVAL BY BOTH THE NJDEP AND USACE PRIOR TO COMMENCEMENT OF SUCH ACTIVITIES.

5. THE MD MUST BE PRESENT ON-SITE DURING ALL CRITICAL STAGES OF MITIGATION CONSTRUCTION AND DURING THE RESTORATION OF ANY TEMPORARILY IMPACTED AREAS. CRITICAL STAGES OF MITIGATION CONSTRUCTION WILL INCLUDE, AS APPLICABLE BUT NOT LIMITED TO, ALL HERBICIDE APPLICATIONS, INVASIVE VEGETATION/BOX REMOVAL, EQUALIZER PIPE RECONSTRUCTION, EXISTING VEGETATION, PLANTINGS, EXISTING BULKHEAD REMOVAL, PLACEMENT OF MITIGATION SITE EROSION/SEDIMENT CONTROLS, ON-SITE AGENCY MEETINGS, AND INSPECTIONS.

6. ON-SITE PRE-CONSTRUCTION MITIGATION MEETING: AT LEAST 30 DAYS PRIOR TO THE START OF ANY WETLAND MITIGATION SITE CONSTRUCTION, THIS ON-SITE MEETING IS TO BE ARRANGED BY THE MD VIA WRITTEN NOTIFICATION TO NJDEP MITIGATION UNIT AND THE USACE. ATTENDEES ARE TO INCLUDE THE COUNTY, CONTRACTOR, MD, NJDEP, AND THE USACE. AT THIS MEETING, EXISTING VEGETATION AND OTHER SITE FEATURES, INCLUDING CHANNELS, WILL BE IDENTIFIED FOR PRESERVATION. THE CONTRACTOR SHALL MARK OUT ALL SUCH AREAS WITH STAKES AND/OR CAUTION FENCE AS DIRECTED BY THE MD. THE CONTRACTOR SHALL ALSO PROVIDE A SURVEY OF THE MARK OUT AREAS TO THE MD. ALL SUCH AREAS ARE TO REMAIN UNDISTURBED FOR THE PROJECT DURATION, EXCEPT FOR MINOR, UNAVOIDABLE TEMPORARY DISTURBANCES FOR WHICH THE CONTRACTOR SHALL FIRST OBTAIN THE APPROVAL OF THE MD. ALL TEMPORARILY DISTURBED AREAS SHALL BE RESTORED BY THE CONTRACTOR TO THE SATISFACTION OF THE MD. SEE GRADING NOTES FOR MORE INFORMATION.

7. POST-GRADING / PRE-PLANTING MEETING: WITHIN 30 DAYS OF FINAL GRADING OF THE WETLAND MITIGATION SITE AND PRIOR TO PLANTING, THIS MEETING IS TO BE ARRANGED BY THE MD VIA WRITTEN NOTIFICATION TO NJDEP MITIGATION UNIT AND THE USACE. ATTENDEES ARE TO INCLUDE THE COUNTY, CONTRACTOR, MD, NJDEP, AND USACE. THE WRITTEN AGENCY NOTIFICATION WILL INCLUDE A ONE-HALF FOOT INTERVAL CONTOUR SURVEY MAP OF THE WETLAND MITIGATION SITE UPON COMPLETION OF EXCAVATION / GRADING ACTIVITIES; WHICH THE USACE MUST APPROVE PRIOR TO INITIATION OF SEEDING AND/OR PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PRODUCING THIS SURVEY AND PROVIDING TO THE MD.

8. PERMANENT SIGNS: WITHIN 30 DAYS AFTER FINAL PLANTING OF THE WETLAND MITIGATION SITE, THE CONTRACTOR MUST POST PERMANENT SIGNS IDENTIFYING THE WETLAND MITIGATION SITE, WHICH MUST ALSO INCLUDE SEVERAL USE RESTRICTIONS AND CONTACT INFORMATION AS DETAILED UNDER MITIGATION CONDITION 6.J OF THE APPROVED NJDEP PERMIT. A SIGN DETAIL AND PROPOSED LOCATIONS ARE PROVIDED WITH THE COMPENSATORY MITIGATION PLANS.

9. CONSTRUCTION COMPLETION REPORT: WITHIN 30 DAYS OF FINAL PLANTING OF THE WETLAND MITIGATION SITE, THE COUNTY MUST SUBMIT A CONSTRUCTION COMPLETION REPORT TO THE NJDEP AND USACE, DETAILING AS-BUILT CONDITIONS AND ANY MODIFICATIONS TO THE APPROVED MITIGATION PLAN THAT WERE MADE DURING MITIGATION SITE CONSTRUCTION. THIS REPORT IS TO INCLUDE ALL REQUIRED FORMS; AS-BUILT PLANS; TABULATION OF ALL PLANTED SPECIES AND QUANTITIES; PHOTOS AND PHOTO KEY MAP; AND WILL ALSO INCLUDE DOCUMENTATION OF OWSRS CREATION AT THE BULKHEAD SITE. THE CONTRACTOR SHALL ASSIST THE MD BY PROVIDING SURVEY AND AS-BUILT PLANS FOR BOTH THE WETLAND MITIGATION SITE AND THE BULKHEAD REPLACEMENT SITE; AS WELL AS QUANTITIES OF PLANTED SPECIES.

BEST MANAGEMENT PRACTICES REQUIREMENTS

1. REFERENCE TO THE APPROVED PLANS: ALL ASPECTS OF THE APPROVED ENVIRONMENTAL/PERMIT PLANS; INCLUDING THE LISTED ENVIRONMENTAL NOTES AND COMMITMENTS AND THE LISTED CONDITIONS UNDER ALL PERMITS AND THEIR RESTRICTIONS, ARE INCORPORATED BY REFERENCE INTO THIS COMPENSATORY MITIGATION PROPOSAL. HOWEVER, ENVIRONMENTAL NOTE AND COMMITMENT NO. 37 SHALL ONLY BE APPLICABLE TO THE FRESHWATER WETLAND AT THE GSP RAMP 8 INFIELD. ALL EXCAVATION, GRADING, AND PLANTING ACTIVITIES AT THE WETLAND BOUNDED BY OLD SEA ISLE BLVD. AND SEA ISLE BLVD. (STATIONS 86-01) ARE TO BE CONDUCTED IN ACCORDANCE WITH THE COMPENSATORY MITIGATION PLANS.

2. DISPOSAL OF UNDESIRABLE INVASIVE VEGETATION, SOILS, AND DEBRIS: THE RESIDENT ENGINEER/CONTRACTOR MUST LOCATE SUITABLE OFF-SITE LOCATIONS FOR THE DISPOSAL OF UNDESIRABLE VEGETATION, SOILS, AND DEBRIS. THE MD WILL IDENTIFY INVASIVE VEGETATION AND THE UNDERLYING SOILS TO BE REMOVED. THIS DISPOSAL REQUIREMENT ALSO INCLUDES ALL DEBRIS ARISING FROM REMOVAL OF EXISTING PIPES, TIMBER HEADWALLS/WINGWALLS, AND BULKHEAD MATERIALS. SUCH MATERIALS ARE TO BE DISPOSED AT LEGAL LANDFILLS ACCORDING TO APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS. ALL DEBRIS, PARTICULARLY TEMPORARILY STOCKPILED INVASIVE VEGETATION AND THE UNDERLYING SOILS, MUST BE PROTECTED WITH APPROPRIATE SEED MEASURES; AND MUST BE REMOVED FROM THE PROJECT LIMITS WITHIN 24 HOURS OF COMPLETION OF SUCH WORK.

3. CONSTRUCTION EQUIPMENT / SOIL COMPACTION: IT IS VITAL THAT SOILS WITHIN THE WETLAND MITIGATION SITE ARE NOT COMPACTED. THEREFORE, THE CONTRACTOR MUST PERFORM AS MUCH CLEARING AND GRADING WORK AS POSSIBLE FROM SEA ISLE BOULEVARD AND ITS SLOPE AREA. THIS MAY BE ACCOMPLISHED VIA LONG-REACH BOOM EQUIPMENT OR ALTERNATIVE METHOD AT THE DISCRETION OF THE CONTRACTOR. PERFORM FINAL GRADING FROM THE SITE INTERIOR AND GRADE OUTWARDS, WHILE DECOMPACTING THE UNDERLYING SOILS AS THE EQUIPMENT IS EXITING. SOILS ARE TO BE FREE OF COMPACTION UPON COMPLETION OF GRADING WORK. THIS MAY BE ACCOMPLISHED VIA DISC HARROW OR ALTERNATIVE METHOD AT THE DISCRETION OF THE CONTRACTOR. ANY CLEARING/GRADING WORK THAT MAY REQUIRE EQUIPMENT WITHIN THE WETLAND MITIGATION SITE MUST BE PERFORMED WITH SMALL, LIGHT-WEIGHT EQUIPMENT, AS APPROVED BY THE MD. ALL EQUIPMENT REQUIRED TO TRAVERSE WETLANDS IN THE WETLAND MITIGATION SITE ARE TO BE SUPPORTED ON MATS TO MINIMIZE SOIL COMPACTION. TREATED TIMBER IS PROHIBITED FOR THE ENTIRE PROJECT. ONLY NON-POLLUTING AND NON-TREATED TIMBER MATTING WILL BE ALLOWED. IN ADDITION, ALL EQUIPMENT, ESPECIALLY TRACKS AND TIRES, ARE TO BE THOROUGHLY CLEANED EVERY TIME EQUIPMENT OR VEHICLES MOVE FROM AN AREA CONTAINING INVASIVE PLANTS, OR FROM OFF-SITE TO THE MITIGATION AREA. ANY PROPOSED CHANGES TO THE ABOVE CONSTRUCTION METHODOLOGY MUST BE DISCUSSED WITH AND APPROVED BY THE MD; AND MAY REQUIRE PREREQUISITE REVIEW AND APPROVAL BY THE US ARMY CORPS OF ENGINEERS AND THE NJDEP.

4. HERBICIDES: IF AND WHEN DETERMINED NECESSARY BY THE MD, THE APPLICATION OF HERBICIDES SUCH AS GLYPHOSATE/RODEO MUST BE APPROVED BY BOTH THE USACE AND NJDEP; AND CONDUCTED BY A LICENSED APPLICATOR. THE CONTRACTOR AND/OR APPLICATOR WILL BE RESPONSIBLE FOR SECURING ALL REQUIRED PERMITS TO CONDUCT HERBICIDE APPLICATION.

5. HYDRIC SOIL SOURCES: EXISTING SUITABLE HYDRIC SOILS (I.E., DEVOID OF INVASIVE VEGETATION AND ROOTS, AS DETERMINED BY THE MD) WILL BE STOCKPILED FROM REGRADING ACTIVITIES FOR USE AT THE PROPOSED WETLAND CREATION SITES. TEMPORARILY STOCKPILE SUCH SOILS IN UPLANDS ADJACENT TO THE CREATION SITES, NEAR STATIONS 88+00 AND 93+00. IF ADDITIONAL SOILS ARE REQUIRED, ONLY CLEAN HIGH QUALITY TOPSOIL, OF THE SAME PH AND ORGANIC CONTENT AS THE EXISTING HYDRIC SOILS, ARE BE LEGALLY OBTAINED AND BROUGHT TO THE SITE BY THE CONTRACTOR TO COMPLETE THE PROPOSED GRADING. SUCH SOILS WILL EVENTUALLY CONVERT TO HYDRIC CONDITIONS BASED ON THE DESIGNED HYDROLOGIC REGIME, WHICH WILL BE VERIFIED DURING THE POST-CONSTRUCTION MONITORING PROGRAM.

PLANTING NOTES

1. PLANT PLUGS AT 12 INCH SPACING FROM CENTERS.
2. PLUGS ARE TO BE INSERTED INTO THE GROUND TO THE TOP OF GROWING SUBSTRATE WITH GROUND FIRMLY PLACED AROUND THE PLUG TO PREVENT THE PLUG FROM BEING UPROOTED.
3. SPARTINA ALTERNIFLORA PLUGS ARE TO BE PLANTED BETWEEN ELEVATION 1.0 TO 2.0 WITHIN ANY DISTURBED AND NEWLY CREATED CHANNELS.
4. SPARTINA PATENS PLUGS ARE TO BE PLANTED BETWEEN ELEVATION 2.0 TO 2.7, CONCENTRATED AT ELEVATION 2.5.
5. PLANTING SHALL OCCUR ALONG THE ENTIRE LENGTH OF ALL DISTURBED AND NEWLY CREATED CHANNELS EXTENDING AT LEAST 6 FEET FROM THE TOP OF THE CHANNEL (ELEVATION 2.5).
6. SPARTINA PATENS PLANTING AREA SHALL BE PLANTED WITH ALTERNATING PLANTED AND UNPLANTED AREAS (IN ADDITION TO CHANNEL PLANTINGS). PLANTED AREAS ARE TO ENCOMPASS AN AREA OF 500 TO 1000 SQ. FT. AND UNPLANTED AREAS AN AREA OF NO MORE THAN 500 SQ. FT.
7. SEED ALL DISTURBED AREAS SURROUNDING THE WETLAND SITE FROM ELEVATION 3.0 AND ABOVE WITH THE WETLAND SLOPE SEED MIX.
8. RESTORE DISTURBED WETLAND AREAS AT THE EQUALIZER PIPE REPLACEMENT NORTH OF SEA ISLE BLVD, APPROX. STATIONS 91+75 (L) TO 92+50 (L), WITH SPARTINA PATENS PLUGS.

GRADING NOTES

1. IN PREPARATION FOR THE ON-SITE PRE-CONSTRUCTION MITIGATION MEETING: FROM APPROXIMATELY STA. 85+50 TO STA. 91+00, STAKE THE SITE'S PROPOSED CHANNEL CENTER LINE AT 50 FOOT INTERVALS; AND STAKE THE ELEVATION 2.5 OUTER LIMITS AT 100 FOOT INTERVALS.
2. DURING THE ON-SITE PRE-CONSTRUCTION MITIGATION MEETING: ADD OR ADJUST STAKES AND STAKE OUT SITE GRADE ADJUSTMENTS TO THE PLANS AS DIRECTED BY THE MD. THESE CHANGES MAY INVOLVE ADJUSTMENTS IN CHANNEL LOCATION AND REDUCTION IN REQUIRED GRADING DEPTHS.
3. THE MAIN INTENT OF THE SITE GRADING IS TO EXPAND THE EXTENT OF THE WETLAND AND OBTAIN A SITE ELEVATION SUITABLE FOR THE BULK OF THE SITE TO SUPPORT THE GROWTH OF SPARTINA PATENS - ELEVATION 2.5.
4. PERFORM ALL GRADING AND SOIL DECOMPACTING ACTIVITIES PER BMP NOTE NO. 3.
5. RETAIN THE WIDTH, DEPTH AND CENTER OF THE EXISTING CHANNELS TO THE EXTENT POSSIBLE. NO WORK IS TO OCCUR WITHIN EXISTING CHANNELS EXCEPT FOR MAKING CONNECTION WITH NEW CHANNEL AREAS.
6. LIMIT DISTURBANCE/GRADING OF EXISTING WETLAND AREAS BELOW ELEVATION 2.5 TO ONLY WHAT IS REQUIRED TO BRING THE REST OF THE SITE TO DESIGNATED GRADE.
7. FINAL GRADE OUTSIDE OF THE CHANNELS IS TO BE WITHIN +/- 0.25 FEET OF THE DESIGNATED GRADE. THE GROUND IS TO RETAIN HUMMOCKY (UNDULATING) CONDITIONS WITHIN THE ACCEPTABLE +/- 0.25 FOOT GRADE DIFFERENTIAL.
8. SOILS REMOVED WITHIN THE WETLAND WHICH ARE FREE OF INVASIVE PHRAGMITES AUSTRALIS ARE TO BE STOCKPILED IN UPLAND AREAS. SEE BMP REQUIREMENT NO. 5 FOR MORE INFORMATION.
9. UPON ACHIEVING THE DESIGNATED GRADES FOR THE SITE, IDENTIFY ALL AREAS WITHIN ELEVATION 3.0 THAT ARE NOT COMPRISED OF AT LEAST 10% ORGANIC MATERIAL WITHIN THE TOP 6 INCHES OF THE SURFACE. PLACE THE STOCKPILED TOPSOIL OVER THESE AREAS AT A DEPTH OF AT LEAST 3 INCHES WHILE MAINTAINING THE +/-0.25 ALLOWABLE GRADE DIFFERENTIAL.

WETLAND SLOPE SEED MIX

COMMON NAME	SCIENTIFIC NAME	MINIMUM % PURITY	MINIMUM % GERMINATION	% OF TOTAL WEIGHT OF MIXTURE
BIG BLUE STEM	ANDROPOGON GERARDI	99	90	33
SHOWY TICK TREFOIL	DESMODIUM CANADENSE	95	80	3
SLENDER GOLDENTOP	EUPATORIUM CAROLINIANA	98	80	3
OX EYE SUNFLOWER	HELIOPSIS HELIANTHOIDES	95	80	3
ANNUAL RYE	LOLIUM MULTIFLORUM	98	90	28
SPOTTED BEEBALM	MONARDA PUNCTATA	95	80	3
SWITCHGRASS	PANICUM VIRGATUM	92	80	25
INDIANGRASS	SORGHASTRUM NUTANS	92	80	15

EXHIBIT C

COMPENSATORY MITIGATION PLANS

GN-1

COUNTY OF CAPE MAY

GENERAL NOTES

SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.
CERTIFICATION OF AUTHORIZATION NO. 24GA28024300
DATE: 7/20/12
JOHN ERIC HERSON P.E.
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04028300

2 / 17

McCormick Taylor

COUNTY OF CAPE MAY STANDARD LEGEND

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)

Linear Features

Existing	PROPOSED	
	W	Water Main (Size)
	G	Gas Main (Size)
	T	Telephone Conduit
	E	Electric Conduit (Highway or Utility)
	CTV	Cable TV
	FO	Fiber Optic
(Size & Type) (Over 30" - Trace to Start)	(SIZE & TYPE)	Sanitary Sewers or Storm Drains
		Pavements (Concrete or Bituminous)
		Shoulders
		Curbs
(F) (C)	(C) (F)	Slopes (Cut & Fill)
5+00	10+00	Base Line
		Twp., City, County Lines
Existing R.O.W. Line	PROPOSED R.O.W. LINE	Right of Way Lines (Access Permitted)
Existing R.O.W. & No Access Line	PROP. R.O.W. & NO ACCESS LINE	Right of Way Lines (No Access)
		Easements
		Property Line
		Turtle Exclusion Fence
		Reset Fence
		Beam Guide Rail
		Noise Walls
		Wetland Limit Line
		Silt Fence
	HS	Silt Fence, Heavy Duty
Ditch	DITCH	Ditches
		Railroad Tracks
		Tree Line
		Bulkhead / Permanent Sheeting
	FTB	Floating Turbidity Barrier

Topographical Features

Existing	PROPOSED	
		Inlets (Label Type)
"E"	"ES"	Inlets (Type ES)
		Manholes (Label Type or Utility)
		Reset (Inlets or Manholes)
		Reconstructed (Inlets or Manholes)
		Cast Iron Extension (Frame or Ring) (Inlet or Manhole)
		New Manhole Casting, Square Frame, Circular Cover
		R.O. End Section or C.M. Headwall
		Headwalls
		Headwalls & Aprons
W		Water Gate Valves
		Reset Water Gate Valves
G		Gas Gate Valves
		Reset Gas Gate Valves
Hyd		Hydrants
		Reset Hydrants
		Utility Pole (Type & Number)
	TEMP	Temporary Utility Pole
		Traffic Signal
J.B.	J.B.	Junction Box
		Fiber Optic Junction Box
J.B. & Lgnd	J.B.	Junction Box Foundation
		Signs
		Vertical Panels
		Guide Rail End Terminals
		Beam Guide Rail Anchorages
Mon.		Monuments
		ROW Monument (ROW Control Points)
	TEST PIT NUMBER	Test Pit
Boring Number	BORING NUMBER	Borings (Boring Number)
		Deciduous Tree (Size, Kind)
		Evergreens
		Bush
		Hedges
		Swamp
		Slotted Guide Rail Terminal
		Beam Guide Rail Anchorage
		Extender Terminal
		Inlet Filters, Type 1
		Inlet Filters, Type 2

Double Reference Codes

E-DOQ - EST. & DIST. OF QTY - ROADWAY
TS - TYPICAL SECTIONS
PSI - PLAN SHEET INDEX
C - CONSTRUCTION PLANS
EP - ENVIRONMENTAL PLANS
D - DRAINAGE PLANS
P - PROFILES
T - TIES
G - GRADES
TC - TRAFFIC CONTROL (AND STAGING PLANS)
E - ELECTRICAL PLANS
TSP - TRAFFIC SIGNAL PLANS
HL - HIGHWAY LIGHTING PLANS
L - LANDSCAPE PLANS
SL - SIGN LOCATION PLANS
TSS - TRAFFIC SIGNING AND STRIPING PLANS
STD - SIGN TEXT DETAILS
MS - METHOD OF CROSS SECTIONS
X - CROSS SECTIONS
DTL - CONSTRUCTION DETAILS
S - SITE PLANS
ES - EARTHWORK SUMMARY
WD - WETLAND DELINEATION PLANS
PP - PERMIT PLANS
GN - GENERAL NOTES

Environmental Features

SPRING HIGH TIDE LINE / ARMY CORPS HIGH TIDE LINE EL. 3.26' (NAVD 88)

MEAN HIGH WATER LINE EL. 1.44' (NAVD 88) - CURRENTLY FLOWED

MEAN LOW WATER LINE EL. -2.44' (NAVD 88) - CURRENTLY FLOWED

MEAN LOWER LOW WATER LINE EL. -2.90' (NAVD 88) - CURRENTLY FLOWED

— —L.O.D.— LIMIT OF DISTURBANCE (L.O.D.)

Miscellaneous Symbols

Removal of Pavement

PROFILE — LEVEL LINE

High Point

Low Point

B.M. Bench Mark

Proposed Bridge — Bridge Approach Slabs and Transition Slabs

N.J. Plane Coordinate System

North Arrow To Be Used On Standard Construction Sheets Where Bearings Refer To N. J. Plane Coordinate System

N.T.S.

ABBREVIATIONS USED IN THIS CONTRACT

AH., BK.	AHEAD, BACK
℄, B.L.	BASELINE
B.M.	BENCH MARK
B.T.	BELL TELEPHONE
BIT., BITUM.	BITUMINOUS
BLDG.	BUILDING
℄, C.L.	CENTERLINE
C.I.P.	CAST IRON PIPE
C.M.P.	CORRUGATED METAL PIPE
CONC.	CONCRETE
CULV.	CULVERT
D, DIA.	DIAMETER
D.C.	DROP CURB
DE	DITCH EXCAVATION
DEP., DP	DEPRESSED CURB
DH	DRILL HOLE
DWY	DRIVEWAY
E.B., W.B., N.B., S.B.	EASTBOUND, WESTBOUND NORTHBOUND, SOUTHBOUND
EL., ELEV.	ELEVATION
EXIST.	EXISTING
GR.	GRATE
HT.	HEIGHT
H.W.	HEADWALL
HYD.	HYDRANT
INV.	INVERT
IP	IRON PIN
J.B.	JUNCTION BOX
LT., RT.	LEFT, RIGHT
L.O.P.	LIMIT OF PAVEMENT (PAVING)
L.O.M.	LIMIT OF MILLING
M.B.	MAILBOX
M.P.	MILE POST
MAX.	MAXIMUM
MIN.	MINIMUM
NO.	NUMBER
N.T.S.	NOT TO SCALE
PAV'T.	PAVEMENT
PERF.	PERFORATED
P.G.L.	PROFILE GRADE LINE
℄, P.L.	PROPERTY LINE, PROFILE LINE
PK	PARKER KAYLON MASONRY NAIL
POC, P.O.C.	POINT ON CURVE
POL, P.O.L.	POINT ON LINE
POT, P.O.T.	POINT ON TANGENT
PRC, P.R.C.	POINT OF REVERSE CURVE
PROP.	PROPOSED
PT, P.T.	POINT OF TANGENCY
PVC, P.V.C.	POLYVINYL CHLORIDE PIPE, POINT OF VERTICAL CURVATURE
PVI, P.V.I.	POINT OF VERTICAL INTERSECTION
PVT, P.V.T.	POINT OF VERTICAL TANGENCY, PAVEMENT
R	RADIUS
RCCP, R.C.C.P.	REINFORCED CONCRETE CULVERT PIPE
RCP, R.C.P.	REINFORCED CONCRETE PIPE
RMC, R.M.C.	RIGID METALLIC CONDUIT
RNMC, R.N.M.C.	RIGID NON-METALLIC CONDUIT
ROW, R.O.W.	RIGHT OF WAY
R.R.	RAILROAD
RTE., RT.	ROUTE
SAN.	SANITARY
SDWK.	SIDEWALK
S.H.D.	STATE HIGHWAY DEPARTMENT
SHLD.	SHOULDER
℄, S.L.	SURVEY LINE
S.O.D.	SUBSURFACE OUTLET DRAIN
STY.	STORY
T	TANGENT
TBA	TO BE ABANDONED
TBR	TO BE REMOVED
TEL.	TELEPHONE
TEMP.	TEMPORARY
THK., TH.	THICK
TYP.	TYPICAL
U.D.	UNDERDRAIN
UP, U.P.	UTILITY POLE
VAR.	VARIABLE, VARIES
W.C.V.C.	WHITE CONCRETE VERTICAL CURB
WM	WATER METER
X-SECT	CROSS SECTION

HORIZONTAL DATUM

NORTH AMERICAN DATUM OF 1983 (NAD 83)
NATIONAL GEODETIC SURVEY (NGS) CONTROL STATION PID: JU4426
NATIONAL GEODETIC SURVEY (NGS) CONTROL STATION PID: JU4303

VERTICAL DATUM

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
NATIONAL GEODETIC SURVEY (NGS) CONTROL STATION PID: JU2394
NATIONAL GEODETIC SURVEY (NGS) CONTROL STATION PID: JU2134

EXHIBIT C — COMPENSATORY MITIGATION PLANS

C-1 / C-4

COUNTY OF CAPE MAY

GENERAL LEGEND

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.
CERTIFICATION OF AUTHORIZATION NO. 24GA28014300
DATE: 6/28/12
JOHN ERIC HUDSON, P.E.
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04035500

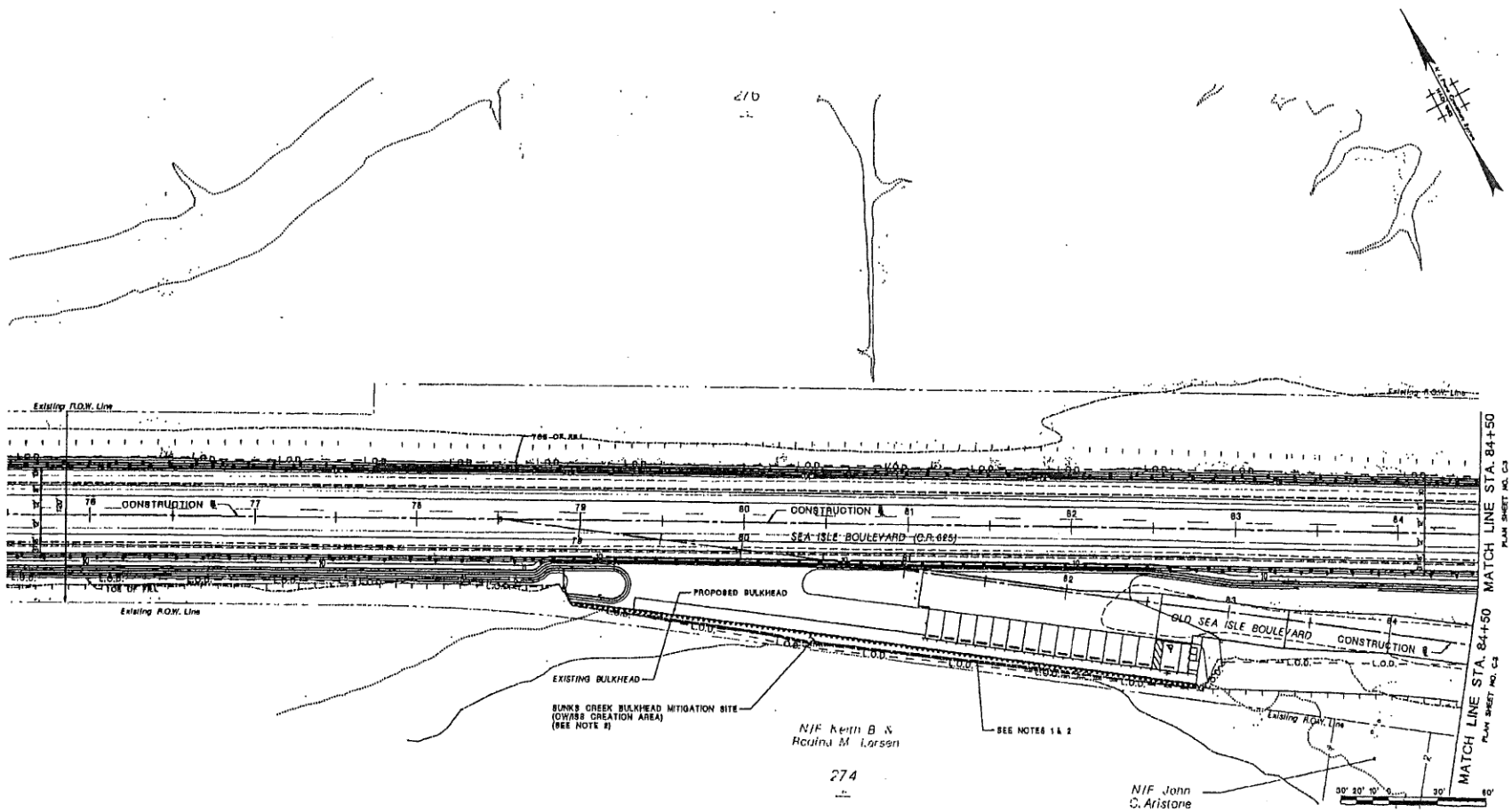
3 / 17

McCormick Taylor

DENNIS TOWNSHIP

COUNTY OF CAPE MAY

STATE	FEDERAL PROJECT NO.
N.J.	STP-0116(104)



NOTE:

1. SEE SITE PLAN 8-1 (7) FOR ENLARGED VIEW AND CROSS-SECTION.
2. SUNKS CREEK BULKHEAD MITIGATION SITE (OW/ASS CREATION AREA) IS THE AREA BETWEEN EXISTING AND PROPOSED BULKHEADS.

EXHIBIT C

COMPENSATORY MITIGATION PLANS

C-3 / C-4

COUNTY OF CAPE MAY

CONSTRUCTION PLANS

SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA28014300

JOHN ERIC HANSON, P.E. DATE: 6/29/12

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04308900

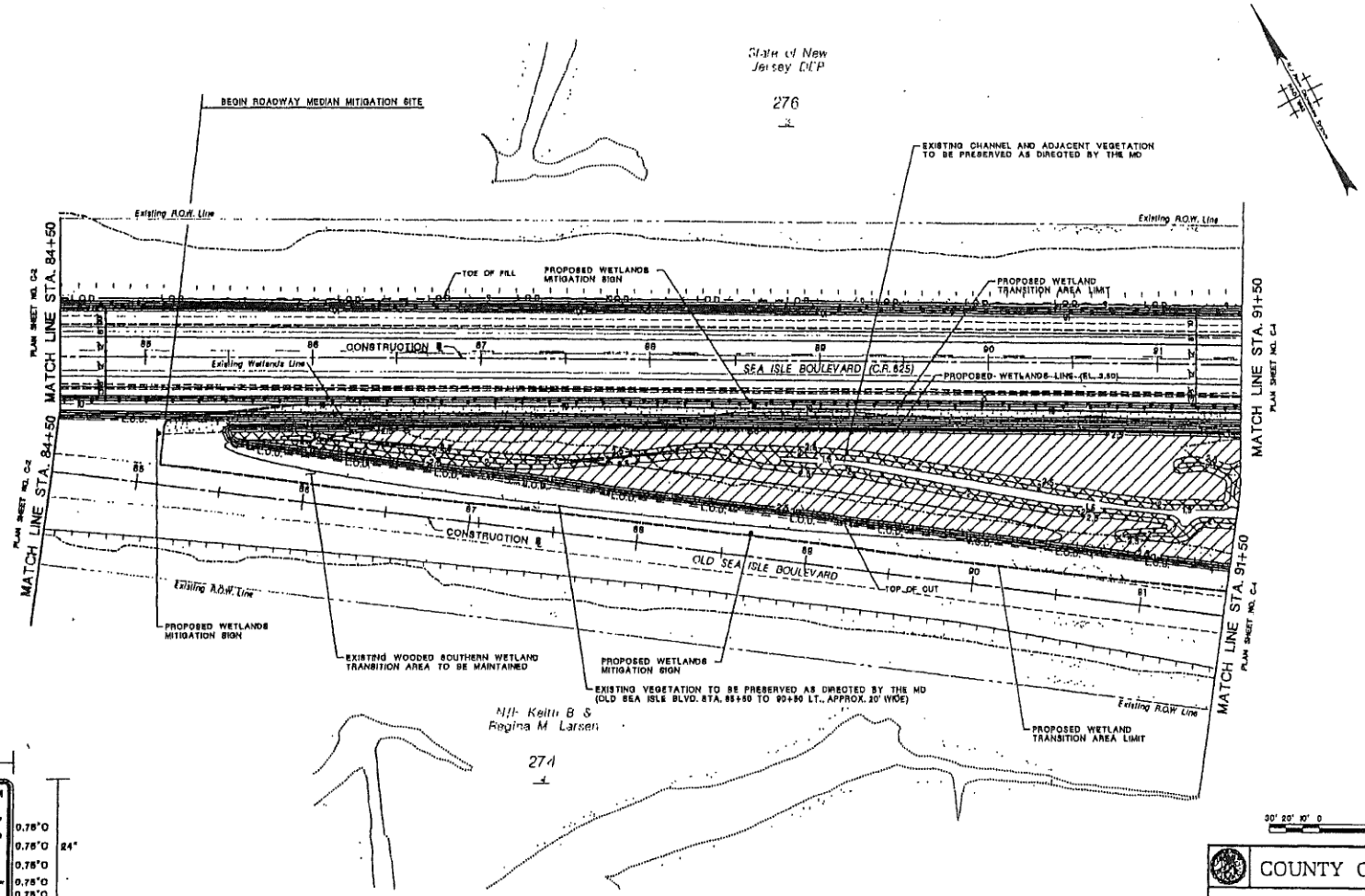
4 / 17

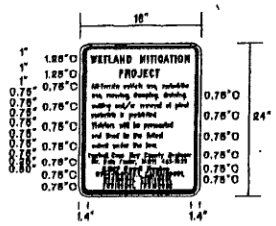
McCormick Taylor

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)

DENNIS TOWNSHIP

COUNTY OF CAPE MAY





WETLANDS MITIGATION SIGN

COLORS:
TEXT - BLACK
BACKGROUND - WHITE

LANDSCAPE SCHEDULE:

ITEM No.	SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	REMARKS
808025P		9,980 SF	SEE WETLAND TRANSITION AREA SEEDING MIXTURE TABLE (SHEET 2, GN-1)		FERTILIZING AND SEEDING, TYPE WT
811120M		20330 UNITS	SALT MEADOW GRASS	SPARTINA PATENS	PERENNIAL, 2" PLUG
811120M		11400 UNITS	SMOOTH CORDGRASS	SPARTINA ALTERNIFLORA	PERENNIAL, 2" PLUG

EXHIBIT C

COMPENSATORY MITIGATION PLANS

30' 20' 10' 0 30' 60'

C-3 / C-4

COUNTY OF CAPE MAY

CONSTRUCTION PLANS

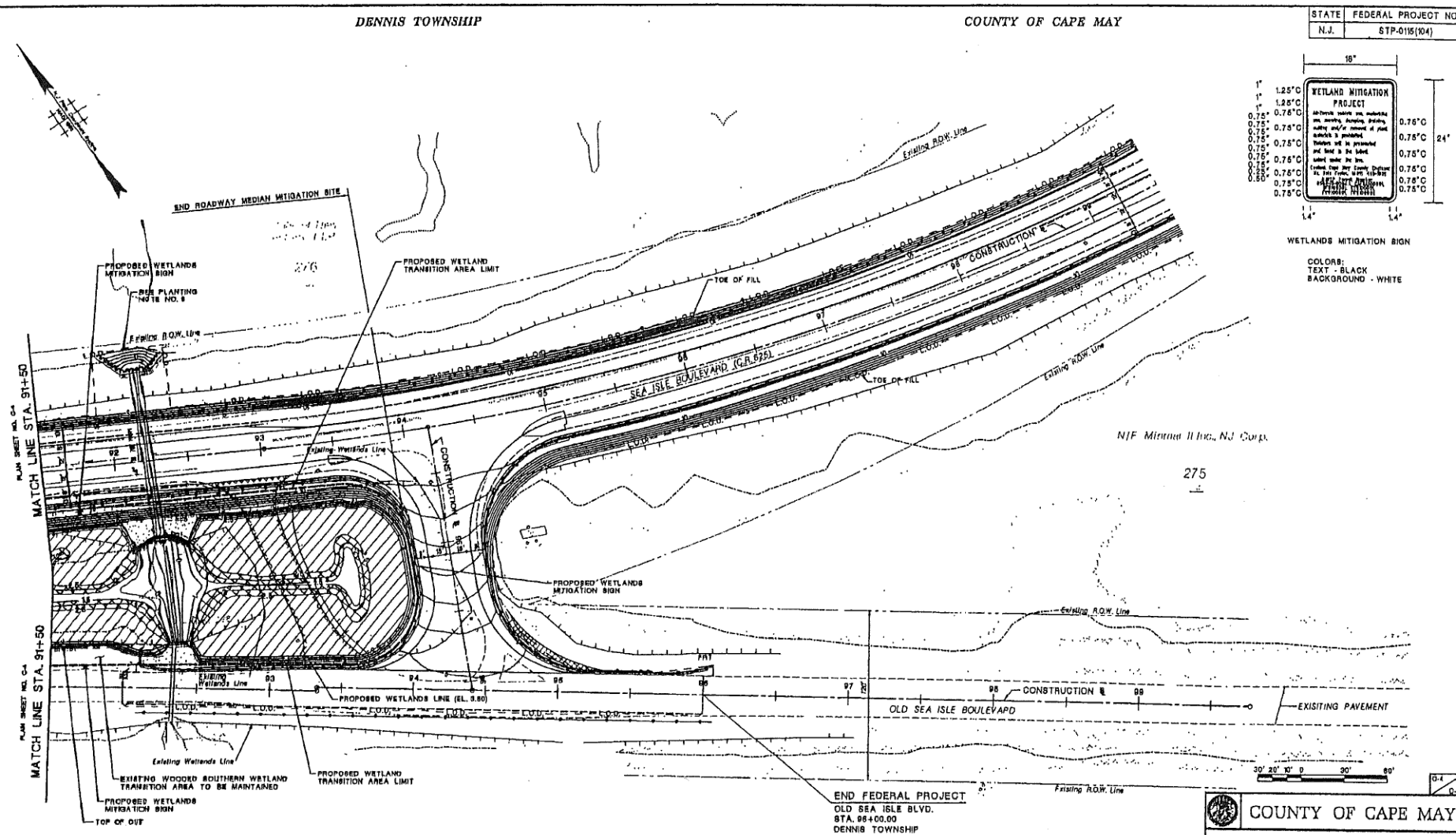
SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.
CERTIFICATION OF AUTHORIZATION NO. 24GA28044200
DATE: 6/28/12
JOHN ENIO HENSEL, P.E.
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04258300

5 / 17

McCormick Taylor

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



LANDSCAPE SCHEDULE:

ITEM No.	SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	REMARKS
806025P		5,400 SF	SEE WETLAND TRANSITION AREA SEEDING MIXTURE TABLE (SHEET 8, SN-1)		FERTILIZING AND SEEDING, TYPE WT
611120M		2000 UNITS	SALT MEADOW GRASS	SPARTINA PATENS	PERENNIAL, 2" PLUG
611120M		1000 UNITS	SMOOTH CORDGRASS	SPARTINA ALTERNIFLORA	PERENNIAL, 2" PLUG

EXHIBIT C

COMPENSATORY MITIGATION PLANS

COUNTY OF CAPE MAY

CONSTRUCTION PLANS

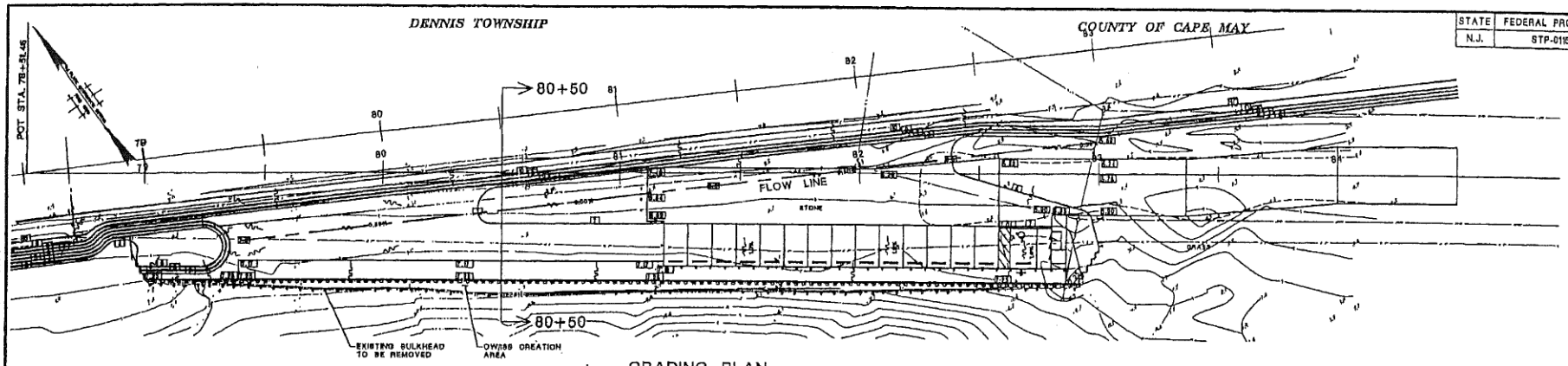
SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.
CERTIFICATION OF AUTHORIZATION NO. 24GA28094300
DATE: 6/28/19
JOHN ERIC NEWSON, P.E.
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04[illegible]

6
17

McCormick Taylor

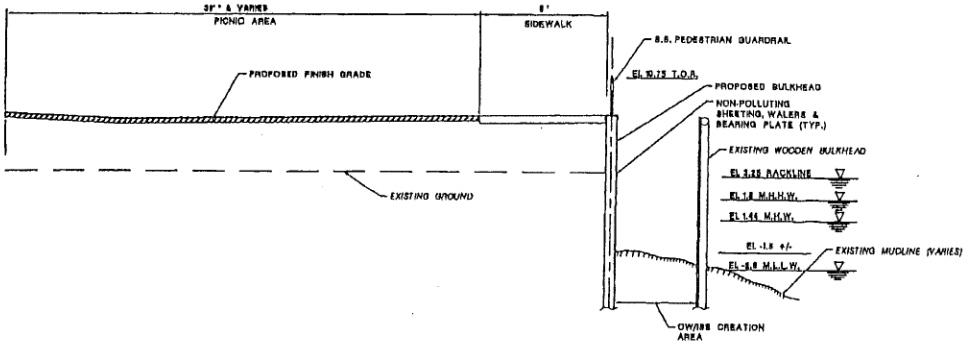
STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



GRADING PLAN

0 10 20 40 60 80 100 FEET

SCALE 1" = 20'



STA. 80+50

N. T. S.

LEGEND:

PROPOSED BULKHEAD

GENERAL NOTES:

1. PORTABLE RESTROOMS TO BE LEASED AND SUPPLIED BY OTHERS.
2. REFERENCE: PROFILE SHEET P-11 OLD SEA ISLE BOULEVARD-WEST PROFILE.

EXHIBIT C

COMPENSATORY MITIGATION PLANS

S-1 / S-1

COUNTY OF CAPE MAY

SITE PLAN AND CROSS SECTION

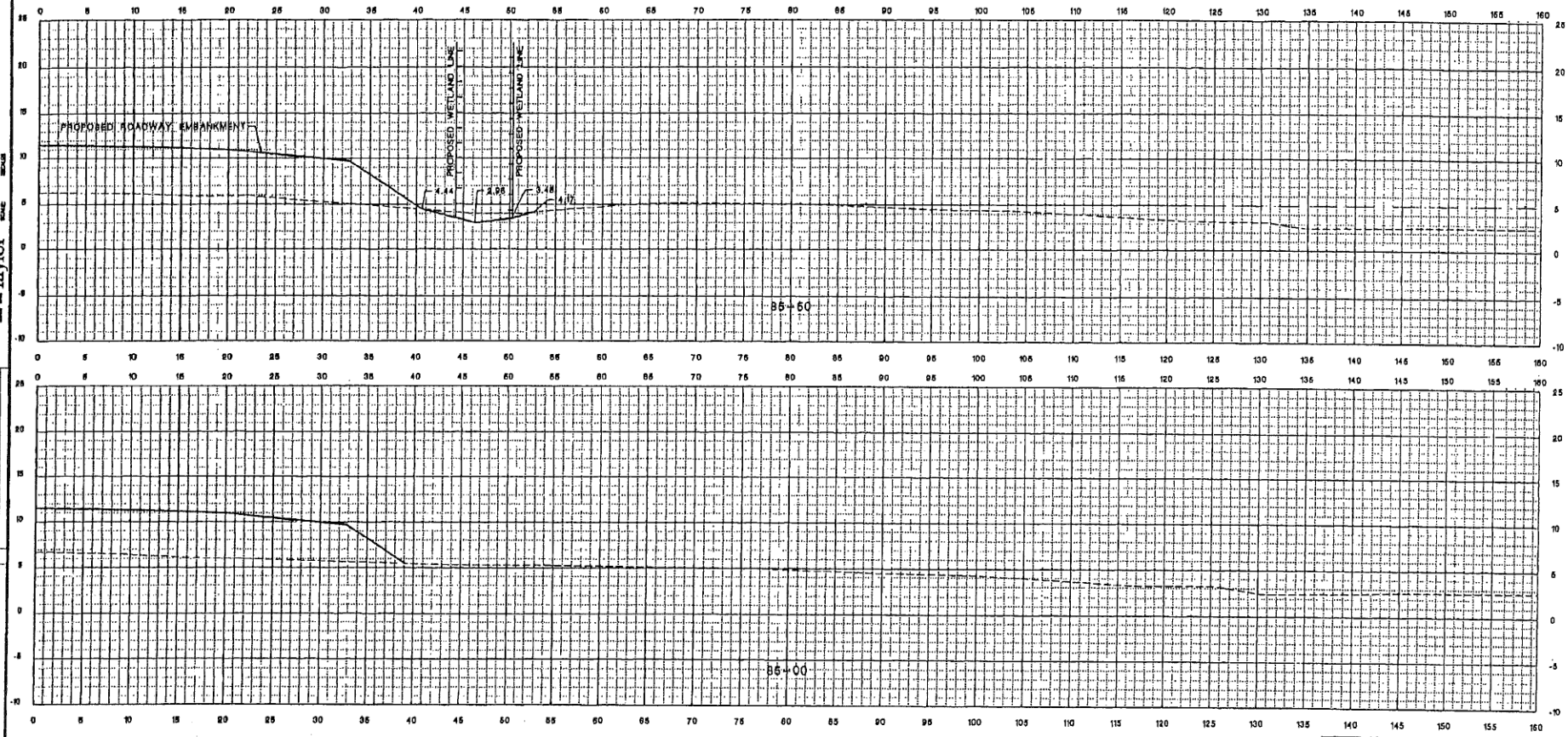
SUNKS CREEK BULKHEAD MITIGATION SITE
SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.
CERTIFICATION OF AUTHORIZATION NO. 24GA28044200
DATE: 7/20/12
JOHN ERIC HANSON, P.E.
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE02458500

7 / 17

McCormick Taylor

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



McCormick Taylor

EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 85+00 - 85+50 X-1 / X-10

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA280(4300)

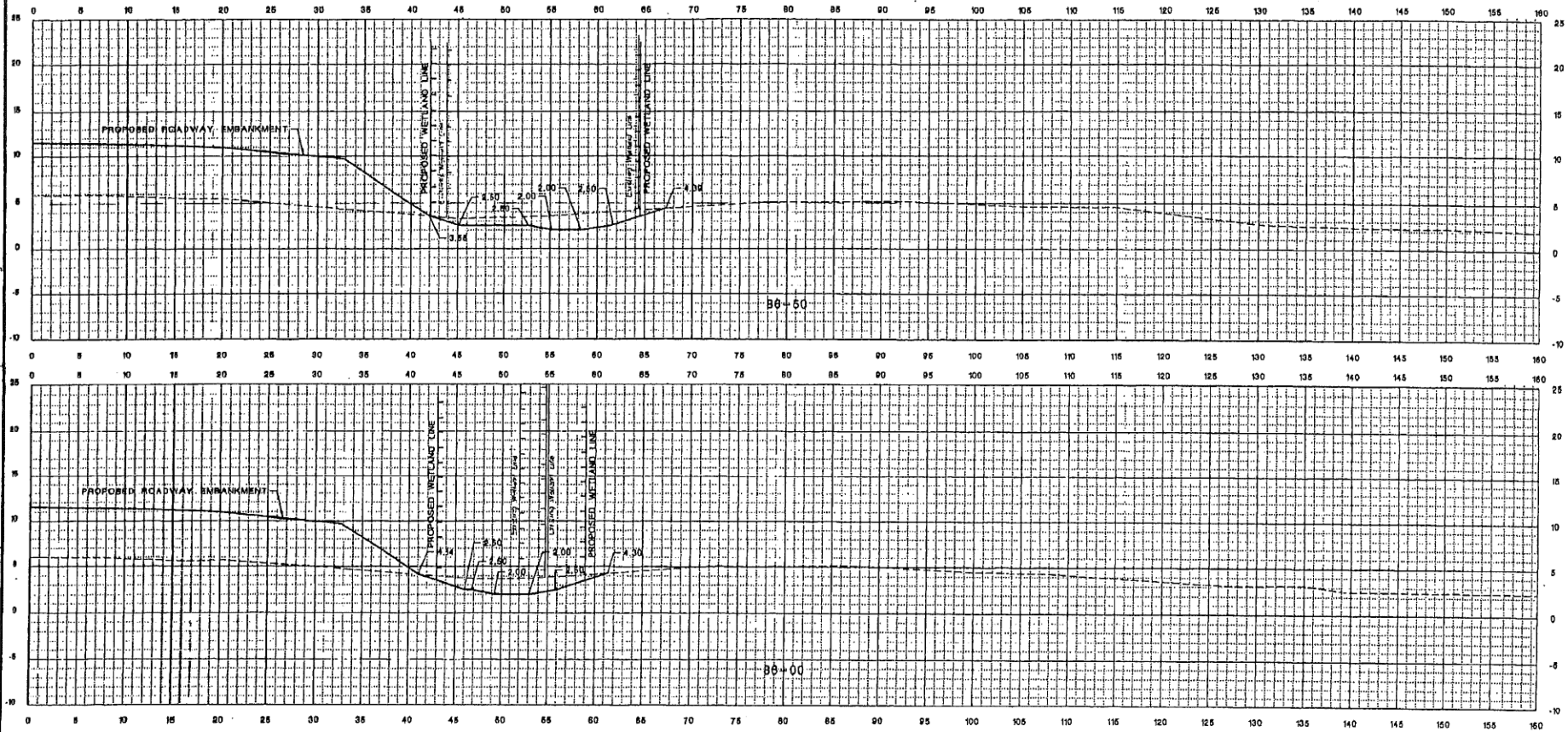
DATE: 6/28/12

JOHN ERIC HEYSON, P.E.

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04255300

8 / 17

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



McCormick Taylor

EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 86+00 - 86+50 | X-2 / X-10

COUNTY OF CAPE MAY

CROSS SECTION

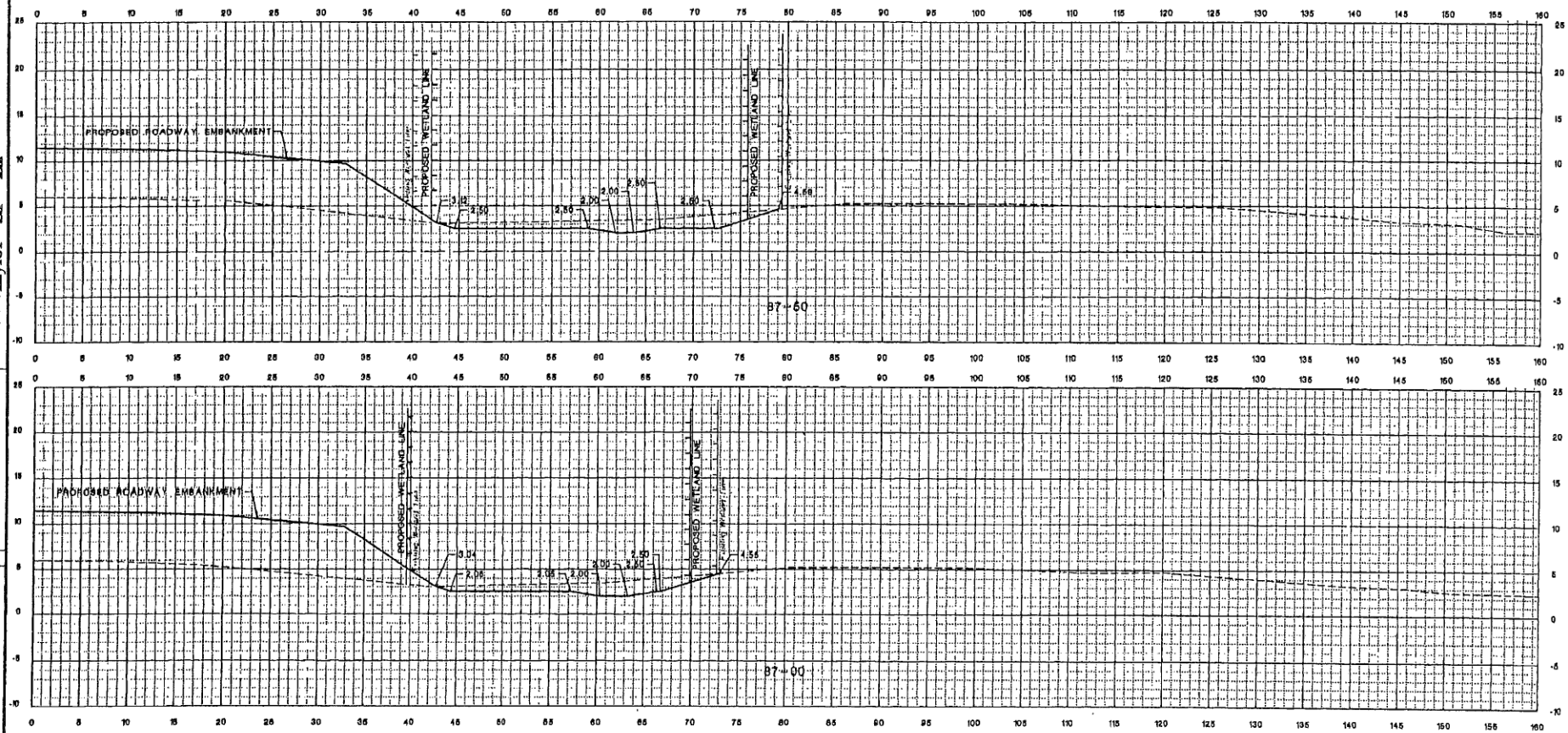
ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.
CERTIFICATION OF AUTHORIZATION NO. 24GA28044200
DATE: 6/28/02
JOHN ERIC HANSON, P.E.
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04286600

9 / 17

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



McCormick Taylor

EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 87+00 - 87+50

X-3 / X-19

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA28044300

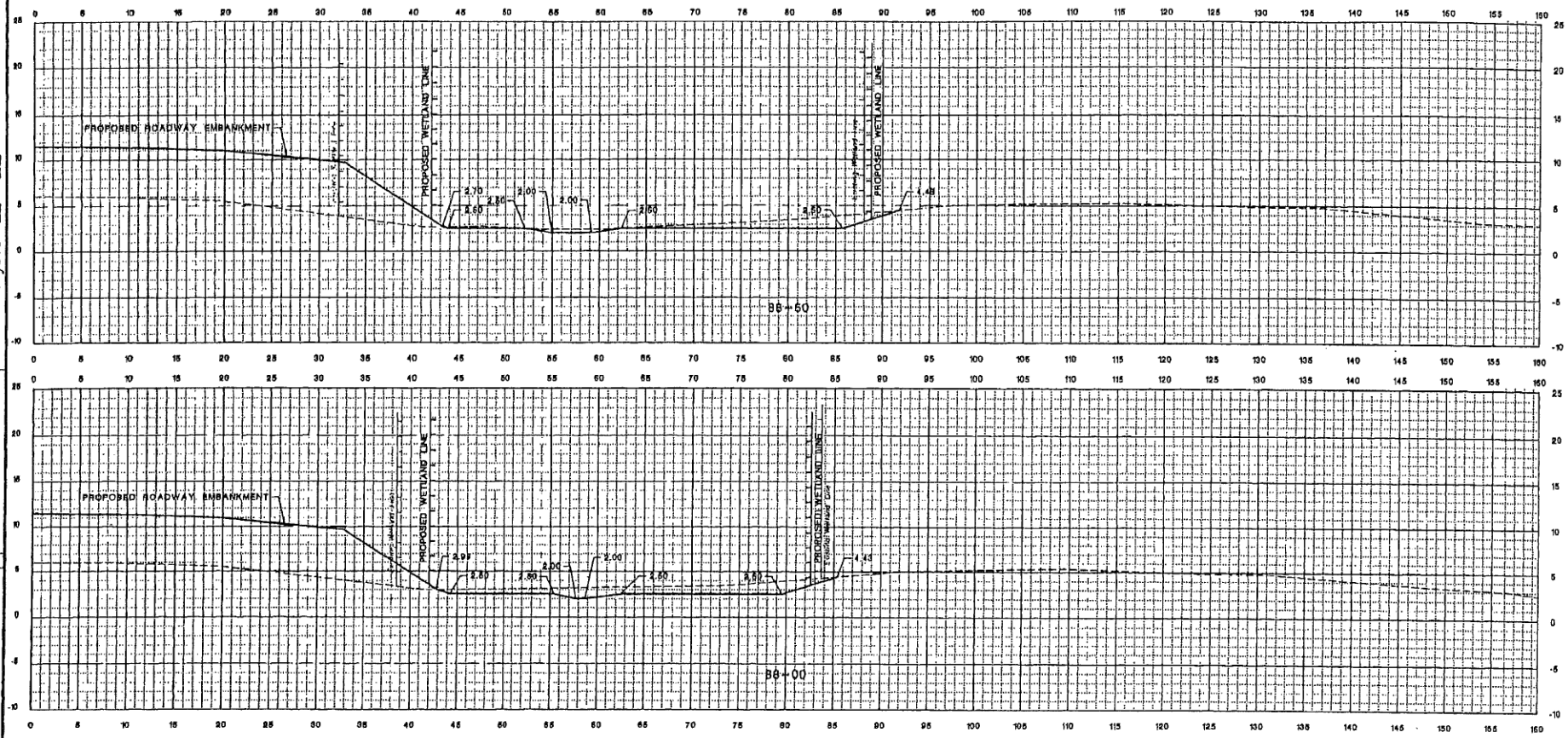
DATE: 4/28/12

JOHN ERIC HENSON, P.E.

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04258600

10 / 17

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



McCormick Taylor

C.R. 625 B.L. STA. 88+00 - 88+50 X-4 X-10

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

DERIVATION OF AUTHORIZATION NO. 24GA28034000

DATE: 6/28/02

JOHN ERIC HANSON, P.E.

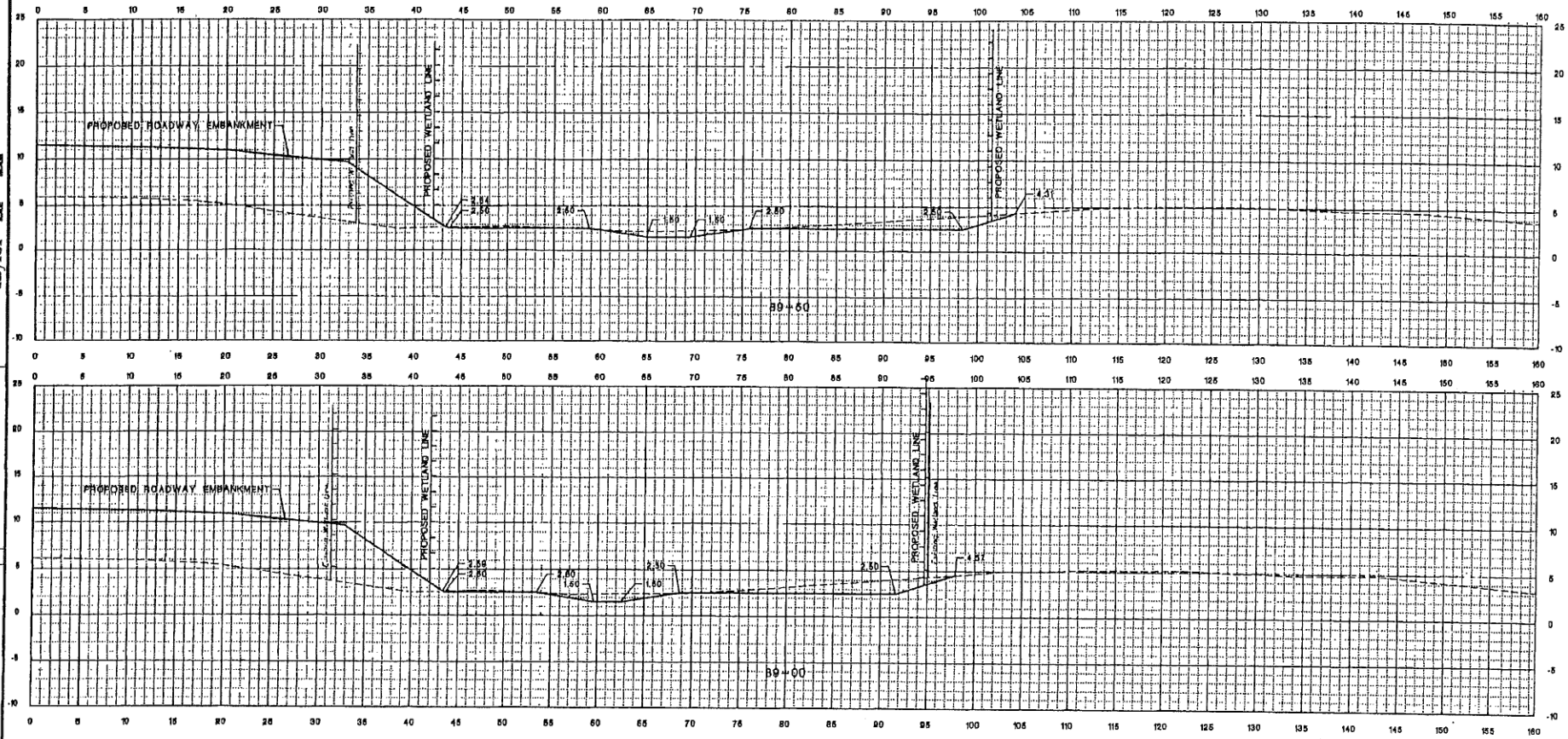
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04288590

11
17

EXHIBIT C

COMPENSATORY MITIGATION PLANS

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



McCormick Taylor

EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 89+00 - 89+50

X-8 / X-10

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA29044200

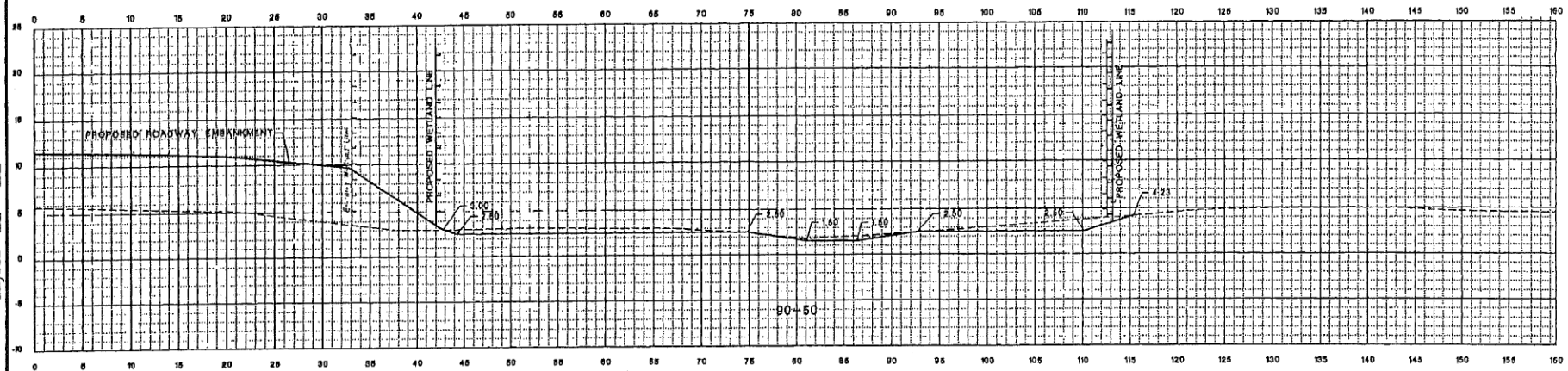
DATE: 6/29/12

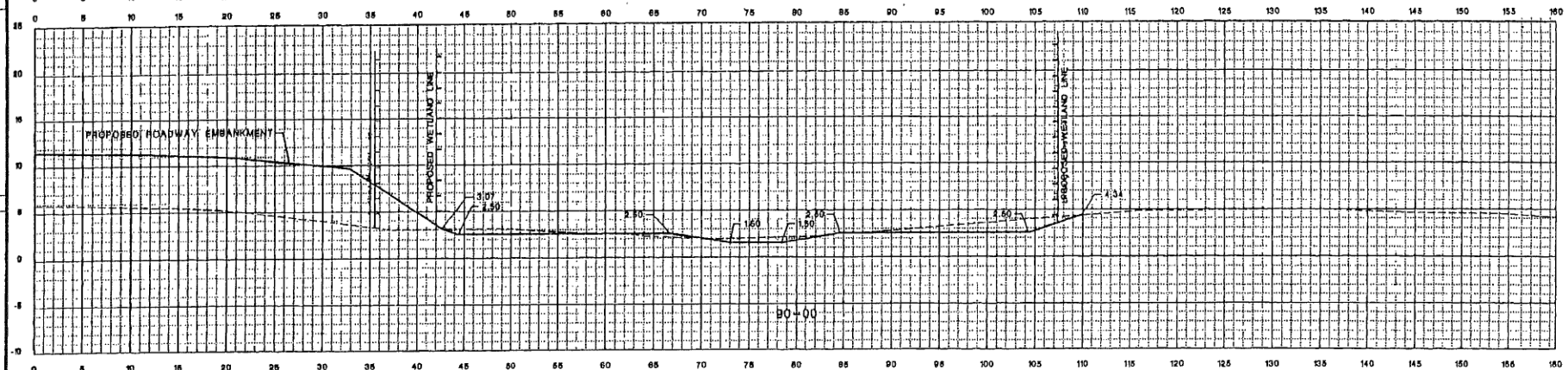
JOHN LINO HANSON, P.E.

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE01888500

12 / 17

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)





McCormick Taylor

EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 90+00 - 90+50 X-6 X-10

COUNTY OF CAPE MAY

CROSS SECTION

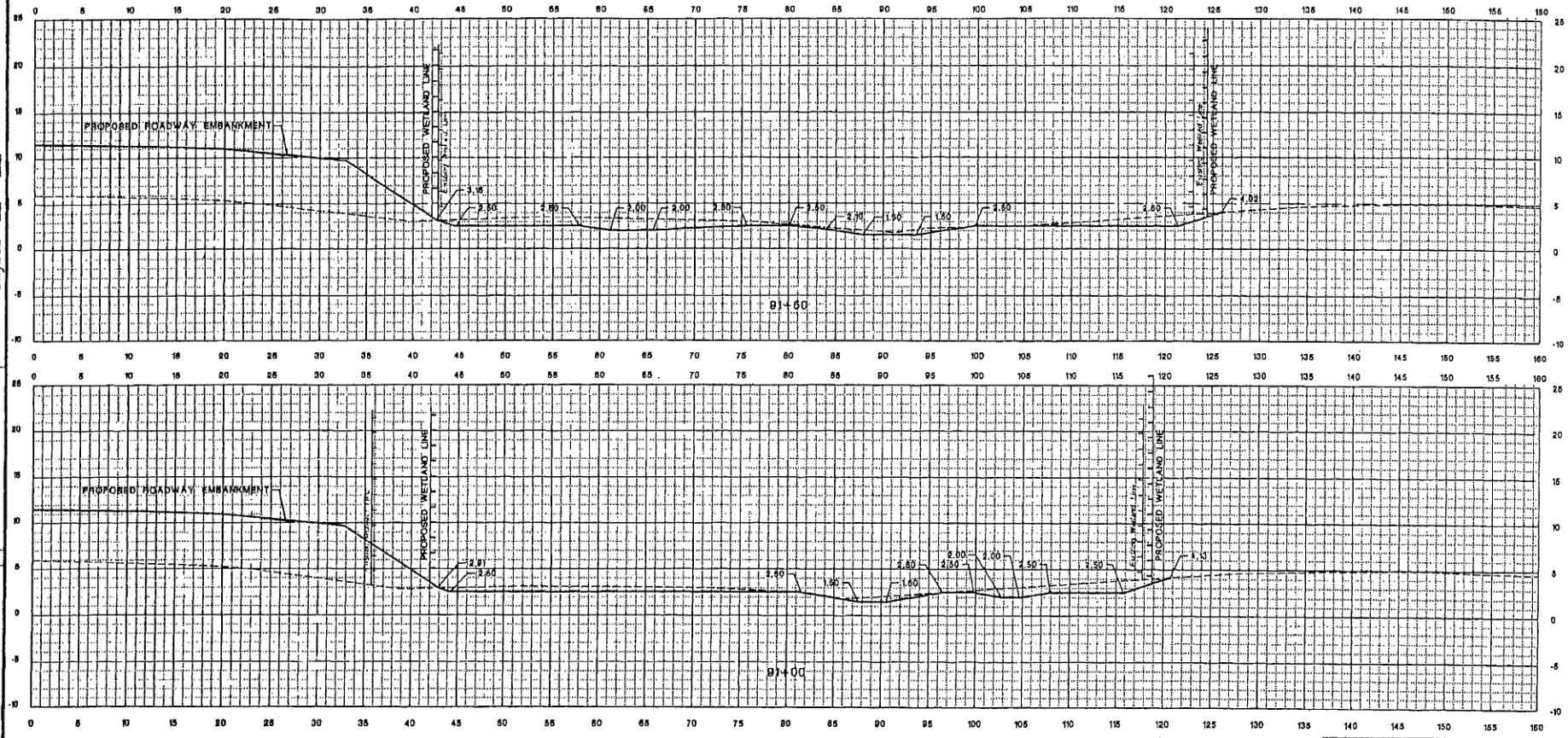
ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.
CERTIFICATION OF AUTHORIZATION NO. 24GA28044500
DATE: 6/28/12
JOHN ERIC HANSON P.E.
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04266900

13
17

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)



McCormick Taylor

C.R. 625 B.L. STA. 91+00 - 91+50

X-7 / X-10

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA28004300

DATE: 6/18/12

JOHN ERIC HENSON, P.E.

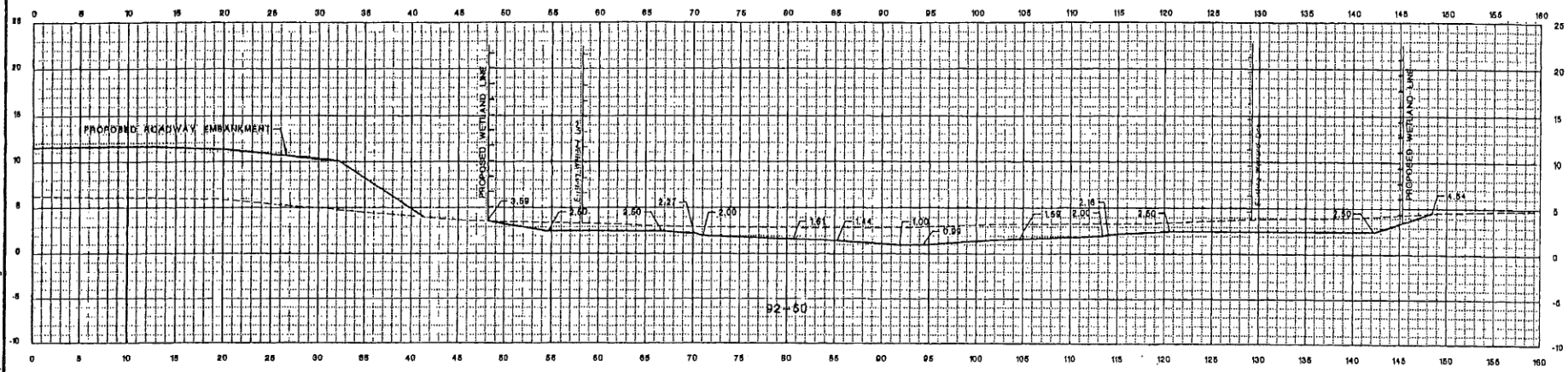
NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04266600

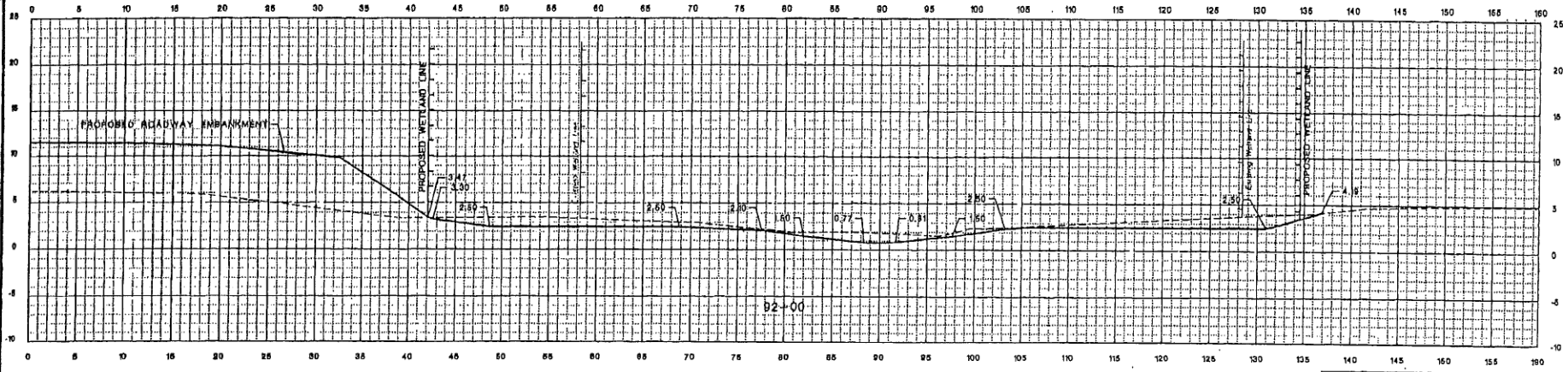
14 / 17

EXHIBIT C

COMPENSATORY MITIGATION PLANS

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)





McCormick Taylor

EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 92+00 - 92+50

X-8 / X-10

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA28044300

DATE: 6/28/12

JOHN ERIC HENSON, P.E.

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04268300

16 / 17

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)

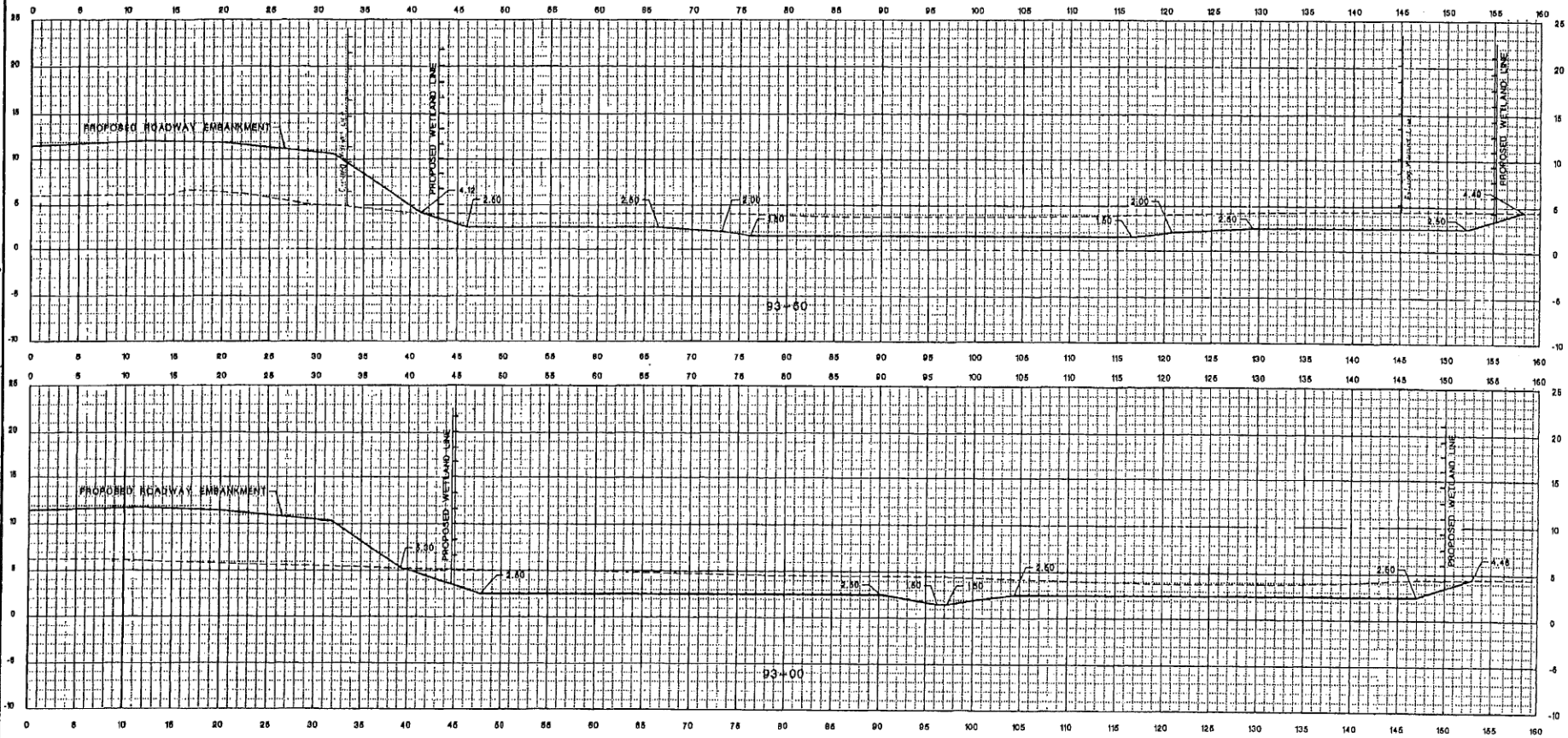


EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 93+00 - 93+50

X-9 / X-10

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. [illegible]

DATE: 6/28/17

JOHN ERIC HEASON, P.E.

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. [illegible]

16 / 17

McCormick Taylor

STATE	FEDERAL PROJECT NO.
N.J.	STP-0115(104)

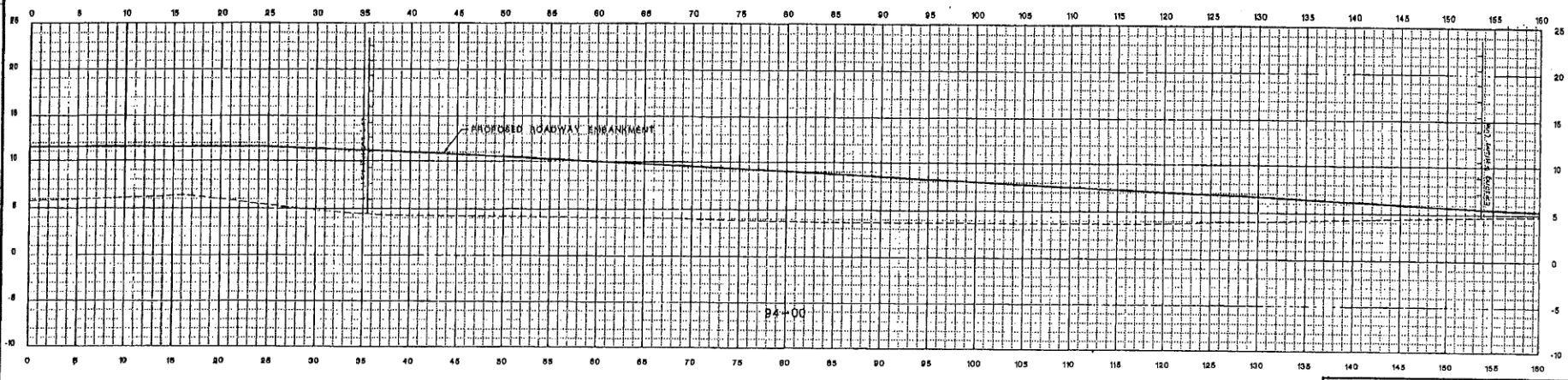


EXHIBIT C

COMPENSATORY MITIGATION PLANS

C.R. 625 B.L. STA. 94+00 - 94+00

X-10 / X-10

COUNTY OF CAPE MAY

CROSS SECTION

ROADWAY MEDIAN MITIGATION SITE

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO
BRIDGE OVER LUDLAM THOROFARE

McCormick Taylor, Inc.

CERTIFICATION OF AUTHORIZATION NO. 24GA28041300

DATE: 6/28/17

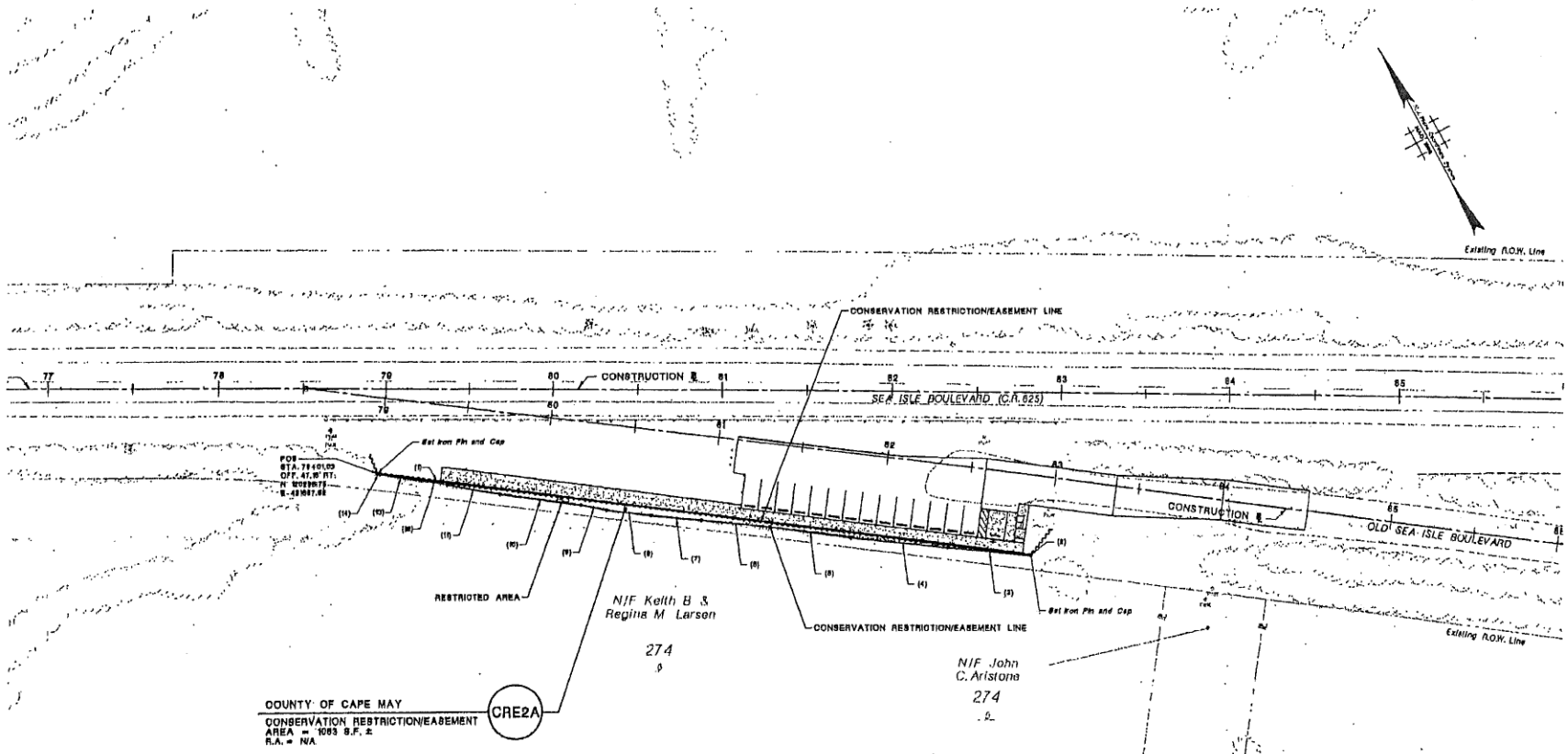
JOHN ERIC HENSON, P.E.

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24GE04244900

17 / 17

EXHIBIT D

SURVEY BOUNDARIES AND LEGAL DESCRIPTION OF RESTRICTED AREA



SUNKS CREEK BULKHEAD MITIGATION SITE

EXHIBIT D

30' 20' 10' 0 30' 60'

PARCEL CRE2A ROW DESCRIPTION	
COURSE NO.	DESCRIPTION
(1)	S61°51'24"E (C), 100.17' (S)
(2)	S59°59'44"W (C), 5.82' (S)
(3)	N66°07'44"W (C), 49.53' (S)
(4)	N66°37'22"W (C), 68.99' (S)
(5)	N65°47'38"W (C), 48.89' (S)
(6)	N65°57'48"W (C), 40.74' (S)
(7)	N66°07'41"W (C), 29.63' (S)
(8)	N64°37'50"W (C), 29.71' (S)
(9)	N60°W'55"W (C), 32.18' (S)
(10)	N63°57'58"W (C), 49.51' (S)
(11)	N61°47'5"W (C), 51.52' (S)
(12)	N53°56'44"W (C), 36.44' (S)
(13)	N52°50'27"W (C), 25.30' (S)
(14)	N40°01'8"W (C), 17.4' (S)

LEGEND:
(C) - CALCULATED
(S) - SCALED

REFERENCES:
TAX ASSESSMENT MAP, TOWNSHIP OF DENNIS, CAPE MAY COUNTY, SCALE: 1" = 400', APRIL 1, 1960, SHEET 31, REVISED BY 04-02-1999

DATUM:
NORTH AMERICAN DATUM OF 1983 (NAD 83)

CONSTRUCTION PROJECT: SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE, GRADING AND PAVING

NOTE: THIS PLAN WAS PREPARED BY McCORMICK TAYLOR, INC. AND GIBSON ASSOCIATES, P.A. CERTIFIES THAT THIS MAP COMPLIES WITH THE PROVISIONS OF THE "MAP FILING LAW", TITLE 46, CHAPTER 23; THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS ADMINISTRATIVE RULES AND REGULATIONS CHAPTER 40.

10/23/13
Mark Gibson, M.L.S. LIC. NO. 24GS03211800 DATE:
GIBSON ASSOCIATES, P.A.;
822 SEA ISLE BLVD. OCEANVIEW, NJ 08230

10/25/13
Anthony M. DiMaggio, N.J.P.E. LIC. NO. 24GE04158600 DATE:
McCORMICK TAYLOR, INC.
700 EAST GATE DRIVE, SUITE 201, MT. LAUREL, NJ 08054

COUNTY OF CAPE MAY

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE

PARCEL CRE2A

TOWNSHIP OF DENNIS

COUNTY OF CAPE MAY
OCTOBER, 2013

McCormick Taylor

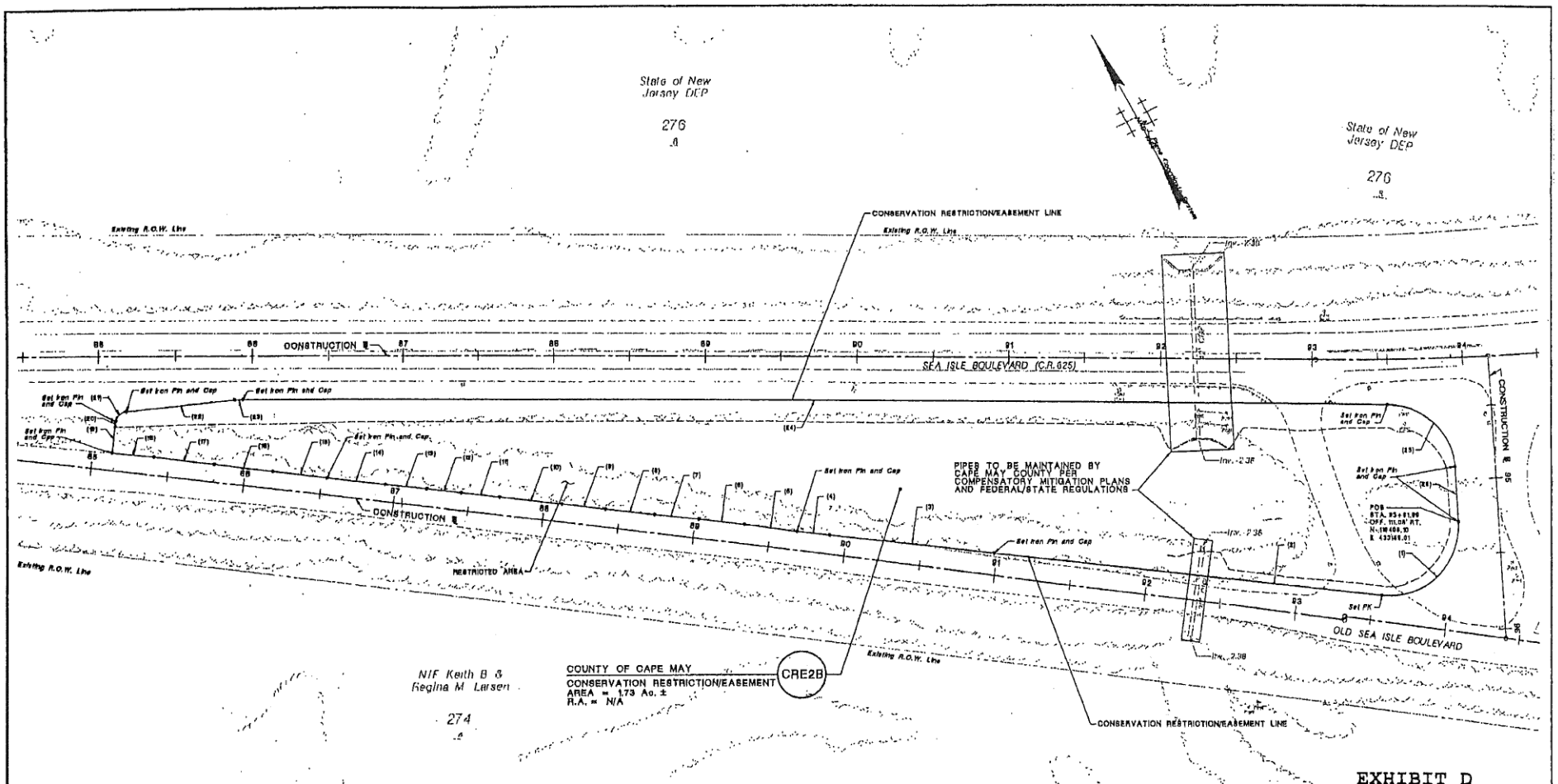


EXHIBIT D

30' 20' 10' 0 30' 60'

ROADWAY MEDIAN MITIGATION SITE

PARCEL CRE2B ROW DESCRIPTION			
COURSE NO.	DESCRIPTION	COURSE NO.	DESCRIPTION
(1)	R = 49' (C), L = 78.99' (S)	(14)	N58°35'05"W (C), 39.67' (S)
(2)	N85°48'24"W (C), 267.73' (S)	(15)	N54°15'54"W (C), 25.87' (S)
(3)	N86°51'16"W (C), 108.16' (S)	(16)	N54°07'52"W (C), 68.10' (S)
(4)	N42°51'05"W (C), 51.47' (S)	(17)	N59°07'09"W (C), 59.39' (S)
(5)	N83°55'28"W (C), 64.77' (S)	(18)	N66°16'30"W (C), 27.06' (S)
(6)	N84°47'51"W (C), 80.48' (S)	(19)	N34°47'40"E (C), 16.78' (S)
(7)	N86°51'58"W (C), 39.87' (S)	(20)	N84°43'26"E (C), 1.64' (S)
(8)	N84°47'59"W (C), 92.80' (S)	(21)	R = 7.00' (C), L = 10.99' (S)
(9)	N84°59'05"W (C), 88.99' (S)	(22)	S87°54'31"E (C), 70.92' (S)
(10)	N84°49'11"W (C), 41.80' (S)	(23)	R = 30' (C), L = 9.64' (S)
(11)	N83°10'07"W (C), 38.94' (S)	(24)	S81°16'39"E (C), 796.30' (S)
(12)	N84°51'41"W (C), 25.42' (S)	(25)	R = 49' (C), L = 97.34' (S)
(13)	N86°16'01"W (C), 37.64' (S)	(26)	N84°43'51"W (C), 37.04' (S)

NOTE: THIS PLAN WAS PREPARED BY McCORMICK TAYLOR, INC. AND GIBSON ASSOCIATES, P.A. CERTIFIES THAT THIS MAP COMPLIES WITH THE PROVISIONS OF THE "MAP FILING LAW", TITLE 46, CHAPTER 23; THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS ADMINISTRATIVE RULES AND REGULATIONS CHAPTER 40.

LEGEND:
(C) - CALCULATED
(S) - SCALED

REFERENCES:
TAX ASSESSMENT MAP, TOWNSHIP OF DENNIS, CAPE MAY COUNTY, SCALE: 1" = 400', APRIL 1, 1980, SHEET 31, REVISED BY 04-06-1988

DATUM:
NORTH AMERICAN DATUM OF 1983 (NAD 83)

CONSTRUCTION PROJECT: SEA ISLE BOULEVARD (C.R. 625) FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE, GRADING AND PAVING

Mary Gibson, N.J.P.L. LIC. NO. 24GS03621900 DATE: 10/23/19
GIBSON ASSOCIATES, P.A.:
822 SEA ISLE BLVD. OCEANVIEW, NJ 08230

Anthony M. DiMaggio, N.J.P.E. LIC. NO. 24GE04128600 DATE: 10/23/19
McCORMICK TAYLOR, INC.
700 EAST GATE DRIVE, SUITE 201, MT. LAUREL, NJ 08054

COUNTY OF CAPE MAY

SEA ISLE BOULEVARD (C.R. 625)
FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE

PARCEL CRE2B

TOWNSHIP OF DENNIS

COUNTY OF CAPE MAY
OCTOBER, 2019

McCormick Taylor
Engineers • Planners • Surveyors

EXHIBIT D

LEGAL DESCRIPTION
SUNKS CREEK BULKHEAD MITIGATION SITE

An Easement in certain lands and premises situate, lying and being in the Township of Dennis, in the County of Cape May and the State of New Jersey and more particularly described as follows:

Parcel CRE2A, as indicated on a map attached hereto and made a part hereof, marked "Exhibit D", entitled: "COUNTY OF CAPE MAY, SEA ISLE BOULEVARD (C.R. 625), From Garden State Parkway to Bridge over Ludlam Thorofare, PARCEL CRE2A, Township of Dennis, County of Cape May, October 2012"; and also being construction project: "SEA ISLE BOULEVARD (C.R. 625), FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE, GRADING AND PAVING"

Parcel CRE2A, including specifically all the land and premises located approximately 6000 feet more or less east of Garden State Parkway along Sea Isle Boulevard (C.R. 625), and more particularly described as follows:

BEGINNING at a deflection point in the centerline of the as built corrugated sheet pile bulkhead return and the centerline of the as built corrugated sheet pile bulkhead along Sunks Creek with its intersection with current waterward face of the existing deteriorated timber bulkhead sheeting along Sunks Creek as located on September 17, 2012. Said point intended to be located at Sta. 79+01.03, offset 47.18 feet right from the Sea Isle Boulevard baseline. Said intersection and deflection point also intended to have a New Jersey State Plane Coordinate System (NJSPC) North American Datum of 1983 (NAD 83) value of Northing 120268.75 feet and Easting 431867.62 feet, Thence;

1. South 54 degrees, 25 minutes, 26 seconds East, along the as-built centerline of the corrugated sheet piling bulkhead along Sunks Creek, a distance of 390.23 feet to a point where said line intersects the as-built centerline of the bulkhead return at Station 82+91.25, 48.03 right, Thence;

2. South 20 degrees, 56 minutes, 44 seconds West, a distance of 0.52 to a point in the waterward face of the previously existing deteriorated timber bulkhead along Sunks Creek, the following eleven courses along said waterward face of said deteriorated bulkhead;

3. North 56 degrees, 10 minutes, 44 seconds West, a distance of 49.62 feet to a point, Thence;

4. North 55 degrees, 37 minutes, 22 seconds West, a distance of 56.99 feet to a point, Thence;

5. North 53 degrees, 47 minutes, 36 seconds West, a distance of 48.29 feet to a point, Thence;

6. North 55 degrees, 51 minutes, 45 seconds West, a distance of 40.74 feet to a point, Thence;

7. North 56 degrees, 01 minutes, 41 seconds West, a distance of 29.63 feet to a point, Thence;

8. North 54 degrees, 31 minutes, 40 seconds West, a distance of 26.71 feet to a point, Thence;

9. North 50 degrees, 15 minutes, 33 seconds West, a distance of 15.15 feet to a point, Thence;

10. North 53 degrees, 57 minutes, 38 seconds West, a distance of 48.54 feet to a point, Thence;

11. North 51 degrees, 41 minutes, 57 seconds West, a distance of 32.22 feet to a point, Thence;

12. North 52 degrees, 36 minutes, 44 seconds West, a distance of 15.64 feet to a point, Thence;

13. North 52 degrees, 59 minutes, 27 seconds West, a distance of 25.3 feet to the northwestern terminus of said deteriorated bulkhead, Thence;

14. North 40 degrees, 07 minutes, 19 seconds West, a distance of 1.74 feet to the point and place of BEGINNING.

BEING also known as the proposed SUNKS CREEK BULKHEAD MITIGATION SITE, as indicated on a map attached hereto and made a part hereof, marked "Exhibit C", entitled: "COUNTY OF CAPE MAY, Plans of SEA ISLE BOULEVARD (C.R. 625), From Garden State Parkway to Bridge over Ludlam Thorofare, COMPENSATORY MITIGATION PLANS, Roadway Median Mitigation Site, Sunks Creek Bulkhead Mitigation Site", prepared by McCormick Taylor, Inc., Key Map dated July 2012, Sheets 1, 3, 4, 5, 6, and 8-17 signed June 28, 2012; Sheets 2 and 7 signed July 30, 2012;

Containing within the above described bounds 1063 square feet, or 0.02 acres, be the same, more or less.

Parcel CRE2A, consisting of the permanent right to access, construct, reconstruct and maintain all features as far as the line marked "Conservation Restriction/Easement Line", as shown on the aforesaid maps. The all improvements shown are for illustration purposes only. The County reserves the right to place all improvements as far as the line marked "Conservation Restriction/Easement Line", as shown on the aforesaid maps, subject to the stipulations and clauses of the document entitled "GRANT OF CONSERVATION RESTRICTION/EASEMENT, SUNKS CREEK BULKHEAD MITIGATION SITE AND ROADWAY MEDIAN MITIGATION SITE", of which this legal description is a part thereof;

AND ALSO, the location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the County of Cape May within it's sole discretion and upon such terms and conditions as it determines;

AND ALSO any ownership, reversionary or associated right, title and interest that the owner may have in SEA ISLE BOULEVARD (C.R. 625), contiguous to the above described premises as shown on the aforesaid map;

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises;

10/21/13

MARK J. GIBSON, PLS (date)
NJ License No. 32115

EXHIBIT D

LEGAL DESCRIPTION
ROADWAY MEDIAN MITIGATION SITE

An Easement in certain lands and premises situate, lying and being in the Township of Dennis, in the County of Cape May and the State of New Jersey and more particularly described as follows:

Parcel CRE2B, as indicated on a map attached hereto and made a part hereof, marked "Exhibit D", entitled: "COUNTY OF CAPE MAY, SEA ISLE BOULEVARD (C.R. 625), From Garden State Parkway to Bridge over Ludlam Thorofare, PARCEL CRE2B, Township of Dennis, County of Cape May, October 2012"; and also being construction project: "SEA ISLE BOULEVARD (C.R. 625), FROM GARDEN STATE PARKWAY TO BRIDGE OVER LUDLAM THOROFARE, GRADING AND PAVING"

Parcel CRE2B, including specifically all the land and premises located approximately 7000 feet more or less east of Garden State Parkway along Sea Isle Boulevard (C.R. 625), and more particularly described as follows:

BEGINNING at a point of curvature of a curve connecting the Northwesterly line of a Proposed Roadway Median Mitigation Site with the Northeasterly line of a Proposed Roadway Median Mitigation Site. Said point being located at Station 93+91.99, 111.03' Right. Said point also having New Jersey State Plane Coordinate System (NJSPC) North American Datum of 1983 (NAD 83) value of Northing 119498.10 feet and Easting 433159.01 feet, Thence;

1. Along a curve to the right having a radius of 46.00 feet, through a subtended angle of 99 degrees, 30 minutes, 45 seconds, an arc length of 79.89 feet (chord length of 70.22 feet and a chord bearing of South 74 degrees, 28 minutes, 13 seconds West) to a point of tangency at Station 93+43.70, 157.99' right, Thence;

2. North 55 degrees, 46 minutes, 24 seconds West, a distance of 257.72 feet to a point, Thence;

3. North 55 degrees, 14 minutes, 15 seconds West, a distance of 109.18 feet to a point, Thence;

4. North 54 degrees, 54 minutes, 50 seconds West, a distance of 21.47 feet to a point, Thence;

5. North 53 degrees, 52 minutes, 26 seconds West, a distance of 34.71 feet to a point, Thence;

6. North 54 degrees, 41 minutes, 27 seconds West, a distance of 30.46 feet to a point, Thence;

7. North 55 degrees, 24 minutes, 56 seconds West, a distance of 29.57 feet to a point, Thence;

8. North 54 degrees, 47 minutes, 53 seconds West, a distance of 32.50 feet to a point, Thence;

9. North 54 degrees, 28 minutes, 50 seconds West, a distance of 28.83 feet to a point, Thence;

10. North 54 degrees, 40 minutes, 11 seconds West, a distance of 41.20 feet to a point, Thence;

11. North 55 degrees, 10 minutes, 17 seconds West, a distance of 25.96 feet to a point, Thence;

12. North 54 degrees, 34 minutes, 41 seconds West, a distance of 23.42 feet to a point, Thence;

13. North 55 degrees, 13 minutes, 27 seconds West, a distance of 27.54 feet to a point, Thence;

14. North 55 degrees, 13 minutes, 02 seconds West, a distance of 39.67 feet to a point, Thence;

15. North 54 degrees, 14 minutes, 54 seconds West, a distance of 35.97 feet to a point, Thence;

16. North 54 degrees, 07 minutes, 22 seconds West, a distance of 38.10 feet to a point, Thence;

17. North 53 degrees, 51 minutes, 09 seconds West, a distance of 39.95 feet to a point, Thence;

18. North 55 degrees, 18 minutes, 20 seconds West, a distance of 27.05 feet to a point at Station 85+09.34, 66.02' right, Thence;

19. North 34 degrees, 41 minutes, 40 seconds East, a distance of 18.18 feet to a point, Thence;

20. North 34 degrees, 43 minutes, 26 seconds East, a distance of 4.04 feet to a point of curvature, Thence;

21. Along a curve to the right having a radius of 7.50 feet, through a subtended angle of 77 degrees, 52 minutes, 13 seconds, an arc length of 10.19 feet (chord length of 9.43 feet and a chord bearing of North 73 degrees, 39 minutes, 33 seconds East) to a point of tangency, Thence;

22. South 67 degrees, 24 minutes, 21 seconds East, a distance of 70.92 feet to a point of curvature, Thence;

23. Along a curve to the right having a radius of 50.00 feet, through a subtended angle of 06 degrees, 07 minutes, 22 seconds, an arc length of 5.34 feet (chord length of 5.34 feet and a chord bearing of South 64 degrees, 20 minutes, 40 seconds East) to a point of tangency, Thence;

24. South 61 degrees, 16 minutes, 59 seconds East, a distance of 756.33 feet to a point of curvature at Station 93+49.65, 30.30' right, Thence;

25. Along a curve to the right having a radius of 45.00 feet, through a subtended angle of 85 degrees, 59 minutes, 50 seconds an arc length of 67.54 feet (chord length of 61.38 feet and a chord bearing of South 18 degrees, 17 minutes, 04 seconds East) to a point of tangency, Thence;

26. South 24 degrees, 42 minutes, 51 seconds West, a distance of 37.04 feet to the point and place of BEGINNING.

BEING also known as the proposed ROADWAY MEDIAN MITIGATION SITE, as indicated on a map attached hereto and made a part hereof, marked "Exhibit C", entitled: "COUNTY OF CAPE MAY, Plans of SEA ISLE BOULEVARD (C.R. 625), From Garden State Parkway to Bridge over Ludlam Thorofare, COMPENSATORY MITIGATION PLANS, Roadway Median Mitigation Site, Sunks Creek Bulkhead Mitigation Site", prepared by McCormick Taylor, Inc., Key Map dated July 2012, Sheets 1, 3, 4, 5, 6, and 8-17 signed June 28, 2012; Sheets 2 and 7 signed July 30, 2012;

Containing within the above described bounds 75573 square feet, or 1.73 acres, be the same, more or less.

Parcel CRE2B, consisting of the permanent right to access, construct, reconstruct and maintain all features as far as the line marked "Conservation Restriction/Easement Line", as shown on the aforesaid maps. All improvements shown are for illustration purposes only. The County reserves the right to place all improvements as far as the line marked "Conservation Restriction/Easement Line", as shown on the aforesaid maps, subject to the stipulations and clauses of the document entitled "GRANT OF CONSERVATION RESTRICTION/EASEMENT, SUNKS CREEK BULKHEAD MITIGATION SITE AND ROADWAY MEDIAN MITIGATION SITE", of which this legal description is a part thereof

AND ALSO, the location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the County of Cape May within it's sole discretion and upon such terms and conditions as it determines;

AND ALSO any ownership, reversionary or associated right, title and interest that the owner may have in SEA ISLE BOULEVARD (C.R. 625), contiguous to the above described premises as shown on the aforesaid map;

SUBJECT, HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises;

10/21/13

MARK J. GIBSON, PLS (date)
NJ License No. 32115