



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERSHED & LAND MANAGEMENT  
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.nj.gov/dep/landuse



## PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date <b>August 12, 2024</b>
		Expiration Date <b>August 11, 2029</b>
<b>Permit Number(s):</b> 0102-24-0001.1 LUP240002	<b>Type of Approval(s):</b> CAFRA Individual Permit-Commercial/Industry/Public WFD IP-Commercial/Industrial/Public (Waterward) Water Quality Certificate	<b>Governing Rule(s):</b> N.J.A.C. 7:7-1.1(a)
<b>Permittee:</b> Atlantic Shores Offshore Wind Services, LLC c/o Jennifer Daniels Dock 72, Floor 7 Brooklyn, NY 11250		<b>Site Location:</b> Block(s) & Lot(s): [567, 2] Municipality: Atlantic City County: Atlantic
<b>Description of Authorized Activities:</b> <p>This document authorizes the construction of a 20,000 SF warehouse/office building, parking and driveways, stormwater management facilities, a sewer main extension, three 4' x 34' gangways leading to three 9' x 92' floating docks, 15 dolphins, and three hydraulic cranes on pile-supported mono-masts, in association with a commercial development on the parcel(s) referenced above.</p> <p>This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.), as amended on October 5, 2021, provided that all conditions to follow are met.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		
<b>Prepared by:</b> Becky Mazzei		<b>Received and/or Recorded by County Clerk:</b>
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

## STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-29.

## PRE-CONSTRUCTION CONDITIONS:

1. This permit is not valid until such time as you have obtained a Department of the Army authorization. You are advised to contact the Philadelphia District at 215-656-6728 if your project is located south of the Manasquan River or the New York District at 212-264-3912 if your project is located north of the Manasquan River.
2. Prior to any construction or site preparation, the Permittee shall continue to coordinate with NJDEP on finalizing the design of the offsite public access project proposed by the Permittee. The project presently consists of the construction of a public access project along Annapolis Avenue for back bay public access in Atlantic City, Atlantic County. Should this project not be deemed acceptable by NJDEP, an alternate public access project proposal shall be submitted by the Permittee to NJDEP for review and approval within 90 days of NJDEP's written response to the Permittee that the proposed project or its project design is deficient or unacceptable.
3. Prior to any construction or site preparation and within 90 days of NJDEP's written approval of the public access project, the Permittee shall submit a draft escrow agreement (for review and approval by NJDEP) between NJDEP, the Permittee, and their attorney for placement of the funds necessary to design, permit and construct the NJDEP approved public access project in escrow. Within 30 days of execution of the escrow agreement, all the public access project funds shall be deposited in escrow in the attorney trust account of a licensed New Jersey attorney. The NJDEP approved public access improvements must be constructed prior to or concurrent with construction of the project authorized under this permit.
4. Prior to the start of the NJDEP approved public access improvements or the start of the project construction, but in no event later than 6 months from the date of issuance of the Permit, the Permittee in conjunction with the property owner shall record a conservation restriction dedicating the improvements for public access. The permittee shall include the conservation restriction on the deed and shall file the restriction with the Atlantic County Clerk's Office (the Registrar of Deeds and Mortgages). Said restriction shall run with the land and be binding upon the property owner and all successors and assigns. The conservation restriction shall conform, verbatim, to the format and content of the model Declaration of Restriction for Public Access to the Waterfront on the Division's website at [www.nj.gov/dep/landuse/forms.html](http://www.nj.gov/dep/landuse/forms.html). A complete copy of the recorded conservation restriction shall be emailed to the Division's Project Manager, Becky Mazzei, at [Becky.Mazzei@dep.nj.gov](mailto:Becky.Mazzei@dep.nj.gov) within 30 days of recordation of the conservation restriction.
5. Prior to the start of any construction onsite, the permittee/owner shall record a deed notice for all stormwater management measures authorized under this permit which shall be recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located. A form of deed notice shall be submitted to the Watershed and Land Management Program (Program) for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater

runoff quality, and stormwater runoff quantity standards at N.J.A.C. 7:8-5.3, 5.4, 5.5, and 5.6 and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to N.J.A.C. 7:8-5.8(d). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Program. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the Program is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the Program within 180 calendar days of the authorization granted by the Program.

6. In accordance with N.J.A.C.7:13-12.5(p), the deed for the lot on which the enclosure below the flood hazard area design flood elevation is constructed must be modified to explain that the enclosure is likely to be inundated by floodwaters, which may result in damage and/or inconvenience, to disclose the depth of flooding that the enclosure or garage would experience during the FEMA 100-year flood and flood hazard area design flood, if either elevation is known, to prohibit habitation of the enclosure or garage, and to explain that converting the enclosure or garage into a habitable area may subject the property owner to enforcement under N.J.A.C. 7:13. Within 90 calendar days of the issuance of this permit for the enclosure, a copy of the modified deed as filed with the local county clerk shall be provided to the Department at the address set forth at N.J.A.C. 7:13-1.3.
7. In accordance with N.J.A.C. 7:13-12.6(h), the deed for the lot on which the driveway and parking areas are constructed shall be modified to explain that the driveway and any associated parking area is likely to be inundated by floodwaters, which may result in damage and/or inconvenience, to disclose the depth of flooding that the driveway and any associated parking area would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood. The modified deed shall be recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the single-family home is located, and proof that the modified deed has been recorded is provided to the Department prior to the sooner of either the start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project), or 90 calendar days after the issuance of the permit.

#### **SPECIAL CONDITIONS:**

1. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.
2. 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 green infrastructure best management practices, shall be reviewed and approved by the Department by obtaining a modification or new permit as appropriate 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.

3. The elevation of the bottom of the lowest horizontal structural member for the proposed building shall be 16 feet NAVD and the generator platform shall be 14 feet NAVD as shown on the approved plans. The area below these elevations shall remain open and accessible to the passage of floodwaters at all times. In order to relieve hydrostatic and hydrodynamic pressure on the proposed building during flooding, breakaway walls and permanent flood vents shall be constructed beneath the lowest horizontal structural member to allow water to freely enter and exit during a flood as shown on the approved plans. The vents shall be maintained in good working order at all times and shall not be blocked under any circumstances. The foundation shall be constructed compliant with the requirements for coastal A zones and shall not incorporate structural fill.
4. Records indicate that the work authorized via this permit may be located within a grant issued to the City of Atlantic City on March 15, 1920 (Tidelands grant (Liber A-1 pg. 16 File 1276)). The permittee must read the terms and conditions of the grant carefully to ensure the permitted activities are compliant with the grant; within the boundaries of the grant; and, that the permittee has rights to the granted area. Questions may be directed to the Division's Bureau of Tidelands Management at (609) 292-2573.
5. Consistent with Assembly Bill, No. 2804, P.L. 2007, CHAPTER 113 the use of creosote treated material (or other descriptive term from the law) in the construction of the authorized structure(s) is prohibited.
6. This permit does not authorize dredging activities.
7. All debris, wood, trash, and other loose materials shall be discarded and legally disposed of offsite.
8. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.

**STANDARD CONDITIONS:**

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may,

upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.

7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
  - i. A description of the noncompliance and its cause;
  - ii. The period of noncompliance, including exact dates and times;
  - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
  - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
  - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.

14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at [CLU\\_tomsriver@dep.nj.gov](mailto:CLU_tomsriver@dep.nj.gov) at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.

Additionally, the permittee shall notify the Department in writing (at the address listed on page one of this permit) within five working days prior to commencement of operation of a CAFRA individual permit. At this time, the permittee shall certify that all conditions of the permit that must be met prior to operation of the development have been met.

27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://dep.nj.gov/wlm/eservices/lrp-eservices/>.

#### **APPROVED PLAN(S):**

The drawing(s) hereby approved consist of:

Two (2) sheets prepared by Paulus, Sokolowski and Sartor, LLC, dated December 20, 2023, last revised May 22, 2024, and entitled:

**“ATLANTIC SHORES OFFSHORE WIND SERVICES, LLC, OPERATIONS & MAINTENANCE FACILITY - NJDEP PERMIT PLANS, 801 NORTH MARYLAND AVENUE, BLOCK 567, LOT 2, CITY OF ATLANTIC CITY, ATLANTIC COUNTY, NEW JERSEY.”**

- a. **“CAFRA PERMIT PLAN,”** sht. 2A of 6
- b. **“CONSTRUCTION DETAILS,”** sheet 6 of 6

Four (4) sheets prepared by Paulus Sokolowski and Sartor Architecture and Engineering, PC, dated December 20, 2023, last revised May 22, 2024, entitled:

**“ATLANTIC SHORES OFFSHORE WIND, LLC,”**

- a. **“ARCHITECTURAL SITE PLAN,”** sheet A1
- b. **“PLAN - GROUND & 1ST FLOOR,”** sheet A2
- c. **“BUILDING ELEVATIONS & SECTIONS,”** sheet A4
- d. **“BUILDING ELEVATIONS,”** sheet A5

#### **APPEAL OF DECISION:**

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at <https://dep.nj.gov/bulletin/>). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at <https://dep.nj.gov/wlm/forms/>). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. Additionally, a copy of the hearing request shall be

submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management at (609) 777-0454.

Approved By:

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Janet Stewart, Manager  
Bureau of Coastal Permitting  
Watershed & Land Management

c: Municipal Clerk, Atlantic City  
Municipal Construction Official, Atlantic City  
Agent (original) – Scott McBurney