



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT
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www.nj.gov/dep/landuse



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 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.		Approval Date April 27, 2023
		Expiration Date April 26, 2028
Permit Number(s): 0000-21-0008.2 LUP220001 0000-21-0008.2 LUP230001 0000-21-0008.2 LUP220004	Type of Approval(s): FWW Individual Permit-Wetlands (not SFH/Duplex) CAFRA Individual Permit-Commercial/Industry/Public Coastal Wetlands-(not SFH/Duplex) WFD IP-Commercial/Industrial/Public (Waterward) FHA Verification (<i>Reissuance</i>) Water Quality Certificate (WQC)	Governing Rule(s): N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:7A-1.1(a) N.J.A.C. 7:13-1.1(b)
Permittee: Ms. Katharine Perry c/o Orsted 399 Boylston Street Boston, MA 02116	Site Location: State Waters & Onshore Block: 100 Lots: 1.05, 1.06, 1.07 Block: 41 Lot: 43 Block: 1000 Lot: 1 Ocean Township, Ocean County Block: 1001 Lots: 4.02 & 4.05 Block: 101 Lot: 1.02 Block: 479 Lot: 76 Lacey Township, Ocean County N/A, N/A – Rights-of-Way (ROWs) Upper Township, Cape May County Block: 1750 Lot: 1 Block: 3500 Lot: 1 Berkeley Township, Ocean County Block: 611.11 Lot: 137 N/A, N/A – Rights-of-Way (ROWs) Ocean City, Cape May County	
Description of Authorized Activities: This document authorizes the construction of the components of Orsted's Ocean Wind 1 offshore wind farm located within New Jersey State waters and onshore in the State. A detailed description of the authorized activities is available at the top of page 2 of this permit and further represented on the approved project plans referenced on pages 21 through 23 of this permit. This approval includes issuance of a Water Quality Certification (WQC). 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, Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1.1 et seq.), as amended on October 5, 2021, Flood Hazard Area Control Act Rules (N.J.A.C. 7:13-1.1 et seq.), as amended on October 5, 2021, and Stormwater Management Rules (N.J.A.C. 7:8-1.1 et seq.), operative on March 2, 2021, provided that all conditions to follow are met. <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>		
Prepared by Lindsey J. Davis, Environmental Scientist 3		Received and/or Recorded by County Clerk:
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.		
This permit is not valid unless authorizing signature appears on the last page.		

DESCRIPTION OF AUTHORIZED ACTIVITIES:

The overall project is the construction of Ocean Wind 1's offshore wind farm within their Bureau of Ocean Energy Management ("BOEM") Lease Area OCS-A 0498 off the coast of New Jersey. The portions of the overall project authorized under this State permit application within State waters and onshore include the following activities:

- Installation of a total of three (3) - 275 kV electric transmission cables utilizing jetting or trenching installation technology with a target burial depth of 4 feet of 1.2 meters below the seabed within State waters of the Atlantic Ocean. Two (2) of the three (3) cables will follow a route described below to a point of interconnection on the Oyster Creek Nuclear Generating Station property located in Lacey Township, Ocean County ("Oyster Creek cable route"). The remaining cable will follow a route described below to a point of interconnection on the B.L. England Generating Station property located in Upper Township, Cape May County ("B.L. England cable route").
- Along the Oyster Creek cable route:
 - o The two (2) cables will come onshore via HDD installation methods below the beach and dunes of Island Beach State Park in Berkeley Township, Ocean County and will terminate in the paved parking lot area of Swimming Area #2 of the park.
 - o The cable will then be installed through traditional open-cut methods along a path from the parking area to Shore Road and continue north along the road to a maintenance area workspace along the western shoreline of the park.
 - o The cables will then traverse Barnegat Bay through the use of open-cut/trenching and/or jetting installation methods to a point of the second landfall at a property known as Block 100, Lot 1.06 in Lacey Township, Ocean County, where the cables will come onshore.
 - o The cables will continue on a route within an existing disturbed area of Block 100, Lot 1.06 and will be installed through traditional open-cut methods. The cables continue on the established route to a point where HDD installation methods will be utilized to install the cables beneath Route 9 and the streambed of Oyster Creek.
 - o The cables will terminate within an existing private, paved roadway south of the Oyster Creek. Traditional open-cut methods of installation will continue from this point along the established cable route until reaching the location of the unmanned substation to be constructed on a portion of the Oyster Creek Nuclear Generating Station property, Block 1001, Lot 4.06 in Lacey Township, Ocean County.
 - o The authorized substation will occupy a 15 acre portion of the property and includes the construction of stormwater management measures, access roads, and landscaping.
- Along the B.L. England cable route:
 - o The cable will come onshore via horizontal directional drilling ("HDD") installation methods below the public beach and dunes in Ocean City, Cape May County and will terminate in the paved right-of-way of 35th Street.
 - o The cable will then be installed through traditional open-cut methods along a path following 35th Street in Ocean City to Roosevelt Boulevard, crossing Crook Horn Creek via HDD installation methods, continue along Roosevelt Boulevard to North Shore Road (Route 9).
 - o The cable will continue onto Clay Avenue from Route 9 to the location of the unmanned substation to be constructed on a portion of the B.L. England Generating Station property, Block 479, Lot 76 in Upper Township, Cape May County. The authorized substation will occupy a 15 acre portion of a former coal pile on the property. The substation construction includes the construction of stormwater management measures, access roads, and landscaping.

- The construction of associated infrastructure along the cable routes including, but not limited to, manholes, transition joint bays (“TBJs”), and duct banks.
- The maintenance dredging of the Oyster Creek Federal Channel to a depth of -10’ MLLW for safe passage of construction vessels in Barnegat Bay.

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; N.J.A.C. 7:7A-22.

FWW Individual Permit-Wetlands (not SFH/Duplex)	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Freshwater wetlands	1.522 acres	0.098 acres
Transition areas	3.448 acres	1.98 acres
State open waters	0	0.07 acres

Riparian Zone Vegetation	Area of riparian zone (Acres)
Temporary Disturbed	1.636 acres

Coastal Wetlands-(not SFH/Duplex)	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Coastal Wetlands	0.299 acres	5.338 acres

WFD IP-Commercial/Industrial/Public(Waterward)	Permanent Disturbance (Acres)
Shellfish habitat	29.077 acres

COASTAL PERMIT CONDITIONS:

1. This permit is issued subject to compliance with N.J.A.C 7:7-27.2, Conditions that apply to all coastal permits.
2. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit. Approvals include, but are not limited to, authorization from the US Army Corps of Engineers to conduct work below the high tide line and a Section 408 approval.
3. Additional development or other related construction will require either a modification to this permit #0000-21-0008.2 LUP220001 & LUP230001 or, a new permit depending on the size and scope of the proposed development as well as the activity status of the existing permit.
4. Prior to any construction or site preparation, the permittee must receive new Tideland licenses for the electric transmission cables and installation of the cables below the mean high water line

authorized by this permit. The applications for new Tidelands licenses are pending under file# 0000-21-0008.2 TDI220001, TDI220002, TDI220003 & TDI220004. Failure to comply with this condition will result in fines up to \$1000 plus \$100 per day, a higher fee for the conveyance and possible prosecution by the Attorney General's office to remove unauthorized structures and to pay use and occupancy charge.

5. **No activities authorized in Barnegat Bay under this permit may commence until a monetary contribution has been made to the Department's account for Shellfish Habitat Mitigation.** This contribution is based upon the area of shellfish habitat impacted by the electric transmission cable installations, the documented shellfish density, and the commercial value of the shellfish resource. The formula for assessing the monetary contribution is as follows:

$$C = \text{Area} * \text{Density} * \text{AV} * \text{PVF}$$

Where: C = Contribution

Area = Area, in square feet, of shellfish habitat impacted

Density = Applicable density of shellfish, in animals/square foot

AV = Annual value of the shellfish resource, which is set at \$0.25 per animal

PVF = Present Value Factor, which is set at 31.6

Hard Clam Density =	<u>High</u>	<u>Moderate</u>
	.75	.35

Soft Clam Density =	.75 (all cases)
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The impacted area of shellfish habitat is 29.077 acres (1,266,594.12 square feet). Using the above formula, **a monetary contribution of \$7,504,570.16 is required.** This contribution must be made to the Department's account for Shellfish Habitat Mitigation within 90 days of the issuance date of this permit. An invoice will be forwarded to the permittee in the amount of \$7,504,570.16. This contribution is based upon the impact acreage provided by the Applicant utilizing worst case scenario impacts. The Division reserves the right to modify the contribution amount if information is provided by the Applicant which demonstrates a reduction of the specified 29.077 acres of impact to shellfish habitat and the Division concurs the impacts have been reduced.

6. Prior to any construction activities in Barnegat Bay authorized by this permit, the permittee shall perform a submerged aquatic vegetation ("SAV") habitat pre-construction survey of the work area no more than six (6) months prior to construction and submit the survey results to the Department for review. The pre-construction survey methodology must be included in any SAV mitigation plan and be approved by the Department prior to execution. The pre-construction survey must be performed within the growing season window of mid-April through early November, but avoiding July, August, and early September may be necessary to avoid macroalgae blooms that can adversely affect survey results. Upon completion of the pre-construction survey, the permittee shall coordinate with the Department to develop a mitigation plan for the impacts to SAV. The Department must be provided with a mitigation plan at least 30 days prior to a planned start date for the pre-construction survey. Implementation of the required mitigation for impacts to SAV habitat shall be defined in the Department approved mitigation plan.
7. Prior to the commencement of site preparation, inclusive of site clearing, project staging, onsite storage of materials, pre-construction earth movement, other site disturbance, and all authorized activities, and within 90 days of the issuance of this permit authorization, the Permittee shall complete mitigation for the direct loss of Critical Wildlife Habitat:

- a. To the NJDEP Watershed and Land Management Program, Endangered & Threatened Species Unit, the Permittee shall first submit a proposal of mitigation for direct impacts to 16.119 acres of stopover habitat for migratory birds. After the mitigation proposal is accepted by the Division in writing, the Permittee shall then proceed with the placement of a conservation restriction over the approved mitigation site. The Permittee shall record the conservation restriction on the deed, and shall file the restriction with the appropriate County Clerk's Office (the Registrar of Deeds and Mortgages). The conservation restriction shall run with the land and be binding upon all successive owners. A copy of the recorded conservation restriction shall be forwarded to and received by the Division. No project site preparation and authorized activities may commence until the required conservation restriction has been recorded and a signed copy has been received by the Division of Land Resource Protection. Any activities undertaken on the site before a copy of the recorded restriction is received by the Division will be considered a violation of the Coastal Area Facility Review Act.
 - b. Within 90 days of the issuance of this permit authorization, the Permittee shall develop and submit a proposed "Barn Owl Breeding Habitat *Mitigation Proposal*" ("proposal") designed to address disturbance of barn owl breeding habitat in the vicinity of the authorized limit of disturbance on the B.L. England Generating Station property. An approvable proposal will include the installation and stewardship of two barn owl nest boxes on the B.L. England Generating Station property and will demonstrate that nest box structure, design, and locations have been vetted by the NJDEP Division of Fish & Wildlife. No component of the required barn owl breeding habitat mitigation effort may take place until the required proposal has been approved in writing by the Division of Watershed Protection and Restoration Endangered and Threatened Species Unit, indicating that the Permittee is authorized to commence with the installation of the nest box structures. No component of project site preparation, clearing, grading, or disturbance associated with the authorized activity(-ies) may take place until after the Permittee has demonstrated to the Department that the barn owl breeding habitat mitigation effort has been completed. Any regulated activities, including site preparation, undertaken on the site before proof of mitigation completion has been received by the Department will be considered a violation of the Coastal Area Facility Review Act.
8. Prior to any construction or site preparation, the permittee shall provide to the Department for review and approval a final, formal proposal outlining in detail the proposed offsite public access improvements which will be designed, permitted, and constructed by the permittee. The Department-approved public access improvements must be constructed prior to or concurrent with construction of the project authorized under this permit.
9. Concurrent with the construction of the offsite public access improvements, the permittee in conjunction with the property owner shall file 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 Ocean County and Cape May County Clerk's Office (the Registrar of Deeds and Mortgages). Said restriction shall run with the land and be binding upon all successive owners. 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. A copy of the recorded conservation restriction shall be emailed to the Division's Project Manager, Lindsey Davis, at Lindsey.Davis@dep.nj.gov within 30 days of filing of the conservation restriction.

10. To avoid impacts to Northern Long-eared Bat, Tricolored Bat (proposed federal listing), and nesting migratory bird species, the Permittee shall adhere to a seasonal restriction on the clearing of all woody vegetation from April 1 through September 30 of each calendar year.
11. To protect sensitive habitat for the State-listed Osprey, the permittee shall adhere to a seasonal restriction on the use of heavy construction equipment/machinery within 300 meters (1000 feet) of all active osprey nests along the project limit of disturbance from April 1 through August 31 of each calendar year. The initiation and implementation of work which generates disturbance (e.g., sound levels, visual interruption) that is out of character with what currently exists at or surrounding the anticipated work area during the restricted time period recommended above may result in the permittee being in violation of the “take” clause within State of New Jersey Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A-1). Please note that adherence to this seasonal restriction shall also be applied if nest building and nest occupancy is observed at any given osprey nest location during the months of March and April of the given calendar year of work.
12. No sediment generating activities (e.g. pile-driving, sheet driving, dredging, etc.) shall occur within State waters, including the Atlantic Ocean inlets and/or any tidal waterway, between March 1st and June 30th of each calendar year to protect anadromous fish and spawning activities during migration for diadromous fish.
13. The Permittee shall adhere to the provisions of the *City of Ocean City Beach Management Plan For the Protection of Federally & State-Listed Species* (dated January 2016 unless superseded by the most current edition) adopted by the Borough and created in coordination with the United States Department of the Interior Fish & Wildlife Service New Jersey Field Office and the New Jersey Department of Environmental Protection Division of Fish and Wildlife Endangered and Nongame Species Program. Particular attention must be given to provisions within “Protected” and “Precautionary” Zones outlined within the Beach Management Plan.
14. If activity of rare beach-nesting shorebird species (i.e. State- or federally listed threatened or endangered species, or migratory shorebird species of special concern), or a State-/Federally listed endangered beach plant population, is discovered at or near the permitted limit of disturbance, work and recreational use of the area shall cease until the Permittee has coordinated with, and guidance on habitat management practices can be issued by, the New Jersey Department of Environmental Protection and, potentially, the US Fish & Wildlife Service. Please note that this coordination may result in the need for the Permittee’s adherence to provisions as necessary to protect this sensitive habitat (e.g., seasonal restriction on regulated activities). The Department reserves the right to suspend all regulated activities onsite should it be determined that the Permittee has not taken proper precautions to ensure continuous compliance with these conditions.
15. Prior to commencement of project construction, there shall be an executed Ocean Wind Offshore Project Memorandum of Agreement among the Section 106 consulting parties, which includes the permittee, for the avoidance, minimization, and mitigation of project adverse effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act.
16. The permittee shall notify the Department’s Bureau of Marine Water Monitoring 30 days prior to the start of construction and/or site preparation for the work within Barnegat Bay and Peck Bay/Crook Horn Creek. Notification shall be made via email to the following addresses: lisa.dielmo@dep.nj.gov, debbie.watkins@dep.nj.gov, sarah.gentile@dep.nj.gov, and robert.schuster@dep.nj.gov. The permittee shall abide by any restrictions put in place by the Bureau of Marine Water Monitoring during construction and/or site preparation.

17. If any military munitions and explosives of concern (MECs) or unexploded ordinances (UXOs) are encountered during project construction, the permittee shall immediately notify the United States Coast Guard (USCG) of the munition and its location.
18. Any necessary remediation activities shall be conducted in accordance with all applicable regulations and under the supervision of a Licensed Site Remediation Professional.
19. Any work within the limits of the Great Egg Harbor Inlet and Pecks Beach or Great Egg Harbor Inlet to Townsends Inlet beach nourishment projects inshore of the 2,500-foot limit as measured from project baseline and/or at or below -35 feet NAVD88 within the US Army Corps of Engineers beach and dune design template (including slopes) is subservient to the to the construction, operation, maintenance, repair, rehabilitation and replacement of the Federal beachfill project and is subject to removal prior to future project-related construction.
20. The permittee shall conduct and provide to the Department pre-construction topographic and bathymetric surveys that capture the entire profile of the existing conditions between the HDD pit located at 35th Street in Ocean City and the offshore HDD pit before commencing construction.
21. The permittee shall conduct and provide to the Department post-construction topographic and bathymetric surveys that capture the entire profile of the existing conditions between the HDD pit located at 35th Street in Ocean City and the offshore HDD pit within 30 days of the completion of construction of the entry and exit HDD pits.
22. No excavation or grading of a beach or dune is authorized by this permit.
23. No disturbance to dune vegetation or dune fencing is authorized by this permit.
24. No disturbance to dune crossovers, including but not limited to split rail fencing, subsurface geotextile base matting, compacted I-5 surface, etc., within the City of Ocean City is authorized by this permit.
25. Beach berm elevations and widths shall not be lowered or lessened during temporary occupation within the limits of the Federal beach template during construction.
26. All occupations within the limits of the Federal beach template shall maintain and not alter any public access without the pre-approval of all local, State and Federal agencies including the USACE, the NJDEP's OCE, and NJDEP's Division of Land Resource Protection.
27. The permittee shall provide to the NJDEP's OCE as-built surveys for the entire length of the cable installed from the HDD pits in the Atlantic Ocean to the State's 3 nautical mile (nm) jurisdictional limit.
28. Prior to electric transmission cable installation, the permittee shall establish a hotline with contact information, including an email and a phone number. Protocols regarding unintended interaction with the cables and proposed nearby construction activities should be included with the hotline information. Coordination of the development of these protocols shall occur with NJDEP's OCE, the USACE, and the US Coast Guard.
29. Barges and other vessel hauls shall not rest on the bay bottom to the maximum extent practicable to eliminate the potential for scour.

30. Any landscaping of the properties shall be done with native plants to maximum extent practicable. The use of plastic or other impervious material under newly landscaped or gravel areas is prohibited. All sub-surface liners must be made of filter cloth or other permeable material.
31. Vegetation within a riparian zone shall only be disturbed in the areas specifically shown on the approved drawing(s). No other vegetation within a riparian zone shall be disturbed for any reason.
32. Upon completion of the project, all temporarily disturbed areas within a riparian zone shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z).
33. All excavated material must be lawfully disposed of outside any flood plain, open water, freshwater wetlands or transition area.
34. All debris generated from the construction is to be disposed of at an approved disposal site.

Oyster Creek Federal Channel Maintenance Dredging Conditions

1. Prior to dredging the Oyster Creek federal navigation channel, the permittee shall apply for a modification to this permit and submit:
 1. Sediment sampling results obtained in accordance with a sampling plan approved by the Office of Dredging and Sediment Technology,
 2. Current hydrographic survey including a calculation of the quantity of sediment to be dredged, and,
 3. Written consent from the proposed dredged material management site to accept the specified quantity of dredged material.

Cable Installation Conditions – West Coast of IBSP in Barnegat Bay (Prior Channel)

1. Prior to trenching and open-cut activities in the Prior Channel, the permittee shall apply for a modification to this permit and submit:
 1. Sediment sampling results obtained in accordance with a sampling plan approved by the Office of Dredging and Sediment Technology,
 2. Current hydrographic survey including a calculation of the quantity of sediment to be dredged, and,
 3. Written consent from the proposed dredged material management site to accept the specified quantity of dredged material.
2. Prior to in-water construction activities in the Prior Channel within Barnegat Bay, the permittee shall submit a Sediment Containment Plan for review and approval. Said plan shall detail the specific turbidity control methods and measures that will be utilized during construction to demonstrate that turbidity associated with cable installation will be minimized. Questions regarding the requirements of the Sediment Containment Plan should be directed to katherine.todoroff@dep.nj.gov.
3. Prior to the installation of the sheet pile for construction of open-cut areas, the area must be enclosed with a full-depth turbidity curtain and anchored. This sediment control measure shall be maintained for the duration of sheet pile installation and removal. In the instance where a turbidity curtain cannot be installed in shallow water, the applicant shall propose another measure of turbidity control and provide details in the sediment containment plan, specified in Prior Channel Condition No. 2 above.

4. The sheet pile cofferdam proposed for open-cut areas must extend 100' waterward of sediment core DS007. The open-end of the sheet pile enclosure must be enclosed with a full-depth turbidity curtain and anchored. This sediment control measure shall be maintained for the duration of sheet pile installation and removal.
5. Prior to jetting operations, an anchored, full-depth turbidity curtain must be installed in parallel along the entire length of the Prior Channel within Barnegat Bay. This sediment control measure shall be maintained for the duration of jetting operations.
6. Prior to trenching operations, the work area must be enclosed by a full-depth turbidity curtain and anchored. This sediment control measure shall be maintained for the duration of trenching within that specific area.
7. Open-cut areas supported by trenches are limited to thirty feet (30') in length, five feet (5') in width, and six and one-half feet (6.5') in depth below the mudline.
8. Sediment removal in open-cut areas shall be limited to approximately seventy-two cubic yards (72 yds³).
9. Trenching shall be restricted to the limits as depicted on the authorized plans. The depth of trenching shall be limited to a maximum depth of eleven and one-half feet below mean lower low water (-11.5' MLLW).
10. Sediment removal in proposed trench areas shall be limited to approximately fifty-two thousand six hundred seventy-five cubic yards (52,675 CY).

Cable Installation Conditions - Holtec Landfall in Barnegat Bay

1. Prior to trenching or open-cut activities for the Holtec Landfall, the permittee shall apply for a modification to the permit and submit:
 1. Sediment sampling results obtained in accordance with a sampling plan approved by the Office of Dredging and Sediment Technology,
 2. Current hydrographic survey including a calculation of the quantity of sediment to be dredged, and,
 3. Written consent from the proposed dredged material management site to accept the specified quantity of dredged material.
2. Prior to in-water construction activities associated with the Holtec Landfall, the permittee shall submit a Sediment Containment Plan for review and approval. Said plan shall detail the specific turbidity control methods and measures that will be utilized during construction to demonstrate that turbidity associated with cable installation will be minimized. Questions regarding the requirements of the Sediment Containment Plan should be directed to katherine.todoroff@dep.nj.gov.
3. Prior to the installation of the sheet pile for construction of open-cut areas, the area must be enclosed with a full-depth turbidity curtain and anchored. This sediment control measure shall be maintained for the duration of sheet pile installation and removal. In the instance where a turbidity curtain cannot

be installed in shallow water, the applicant shall propose another measure of turbidity control and provide details in the sediment containment plan, specified in condition Holtec Property Landing No. 2 above.

4. Prior to jetting operations, an anchored, full-depth turbidity curtain must be installed in parallel along the entire length of the Holtec route. This sediment control measure shall be maintained for the duration of jetting operations.
5. Prior to trenching operations, the work area must be enclosed by a full-depth turbidity curtain and anchored. This sediment control measure shall be maintained for the duration of trenching within that specific area.
6. Open-cut areas supported by trenches are limited to fifty feet (50') in length, five feet (5') in width, and six and one-half feet (6.5') in depth below the mudline.
7. Sediment removal in open-cut areas shall be limited to approximately one hundred and twenty cubic yards (120 yds³).
8. Trenching shall be restricted to the limits as depicted on the authorized plans. The depth of trenching shall be limited to a maximum of depth of twelve and one-half feet below mean lower low water (-12.5' MLLW).
9. Sediment removal in proposed trench areas shall be limited to approximately twenty-eight thousand five hundred sixty-eight cubic yards (28,568 CY).

Cable Installation Conditions – Ocean City, 35th Street HDD Landfall

1. The single HDD pit in the Atlantic Ocean is limited to two hundred forty-three feet (243') in length, one hundred thirty-four feet (134') in width, and ten feet (10') in depth below the mudline.
2. Sediment removal in the HDD pit in the Atlantic Ocean shall be limited to approximately two thousand cubic yards (2000 yds³).

Cable Installation Conditions: IBSP Oceanfront HDD Landfall

1. The two HDD pits in the Atlantic Ocean are limited to two hundred fifty feet (250') in length, one hundred fifty feet (150') in width, and thirteen feet (13') in depth below the mudline.
2. Sediment removal in the HDD pits in the Atlantic Ocean shall be limited to approximately three thousand six hundred yards per pit for an approximate total of seven thousand two hundred yards (7200 yds³).

In-Water Cable Installation & Maintenance Dredging Conditions – Sediment Removal

1. Side casting of dredge material is prohibited.
2. Use and/or location of all vessels, barges, equipment, etc. utilized for cable installations and maintenance dredging shall be properly coordinated with the U.S. Coast Guard.

3. Jetting shall be restricted to the limits as depicted on the authorized plans. The depth of cable burial installed by jetting technology shall be at least 4 feet (4') minimum below the seabed.
4. The applicant shall exercise caution and employ all reasonable controls to minimize the release of sedimentation into the adjacent waters during the dredging and deposition process.
5. All sediments from this project shall be removed using a closed clamshell environment bucket.
6. The dredge shall be operated to control the rate of descent of the bucket so as to maximize the vertical cut of the clamshell bucket while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e. overfilling the bucket). This will reduce the amount of free water in the dredged material, will avoid overfilling the bucket, and minimize the number of dredge bucket cycles needed to complete the dredging contract. The dredging contractor shall use appropriate software and sensors on the dredging equipment to ensure consistent compliance with this condition during the entire dredging operation. The independent dredging inspector shall monitor the operation of the software and sensors during the inspections as specified in the below conditions. Any malfunction of the software and sensors on the dredge at any time shall be immediately reported to the independent dredging inspector and the permittee by the dredging contractor and shall be immediately repaired to working order.
7. The closed clamshell environmental bucket shall be equipped with sensors to ensure complete closure of the bucket before lifting the bucket. Said sensors shall be operational during the entire dredging operation.
8. The closed clamshell environmental bucket shall be lifted slowly through the water, at a rate of 2 feet per second or less.
9. Dredged material shall be placed deliberately in the barge in order to prevent spillage of material overboard.
10. The discharge (i.e. "overflow") of water from the barge/scow into which dredged material is placed is prohibited.
11. All barges or scows used to transport sediment shall be of solid hull construction or be sealed with concrete.
12. The gunwales of the dredge scows shall not be rinsed or hosed during dredging except to the extent necessary to ensure the safety of workers maneuvering on the dredge scow.
13. All decant water holding scows shall be water tight and of solid hull construction.
14. Decant water from this project may only be discharged within the area of Barnegat Bay from where the sediments originated, in close proximity to the dredging contract area. Discharge to another receiving waterbody requires prior approval from the Department and may require a New Jersey Discharge Pollutant Elimination System/Discharge to Surface Water (NJDPES/DSW) permit.
15. All decant water shall be held in the decant holding scow a minimum of 24 hours after the last addition of water to the decant holding scow. Said water contained in the decant holding scow may only be discharge after this mandatory 24-hour retention time.

16. During pumping of the decant water from the holding scow, great care shall be taken to avoid re-suspending or pumping sediment which has settled in the decant holding scow.
17. Dewatering on land must be completed within a secured watertight container.
18. **REPORTING REQUIREMENTS:** At the completion of the project, the permittee shall submit the following information to the Department. This information shall be submitted within three months of completion of dredging.
 1. Start and finish date of work order(s).
 2. Post-dredge hydrographic survey.
 3. Completed "Notice of Completion of Dredging" attached for each work order(s)/completion of project.

Barnegat Bay In-Water Backfill Conditions

1. All backfill must be sourced from clean material and/or over 90% sand.
2. Trenches must be backfilled with a clamshell bucket. The bucket shall remain closed until it reaches the bottom of the trench.

FRESHWATER WETLANDS CONDITIONS:

1. This permit is issued subject to compliance with N.J.A.C 7:7A-9.3, Conditions applicable to an individual permit.
2. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.
3. The permittee shall ensure that the authorized activities do not interfere with the natural hydraulic characteristics of any wetlands, transition area, or State open water.
4. Access through wetlands and transition areas shall be only as depicted on the above-referenced plans.
5. This authorization for a Freshwater wetland Individual Permit (FWIP) is valid for a term not to exceed five (5) years from the date of this letter. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration.
6. The total amount of disturbance associated with this authorization shall not exceed a combined total of **7.118 acres** to state open waters, wetlands and transition areas. The wetlands affected by this permit authorization are of exceptional intermediate, and ordinary resource value. The standard transition area required adjacent to exceptional wetlands is 150ft. The standard transition area required adjacent to intermediate wetlands is 50ft. There is no transition area associated with ordinary resource value wetlands. Any additional disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans shall be considered a

violation of the Freshwater Wetlands Protection Act rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.

ENGINEERING CONDITIONS:

1. This permit is issued subject to compliance with N.J.A.C 7:13-5.6, Conditions that apply to an issued or reissued verification and N.J.A.C. 7:13-10.3 Conditions applicable to an individual permit.
2. **Recording of Permit:** This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter. **NOTE:** The following information is to be submitted to the clerk for all Flood Hazard Area Verifications:
 - a. The Department file number for the verification;
 - b. The approval and expiration dates of the verification;
 - c. A metes and bounds description of any flood hazard area limit and/or floodway limit approved under the verification;
 - d. The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification; and
 - e. The width and location of any riparian zone approved under the verification; and
 - f. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a flood hazard area. Certain activities in flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609) 777-0454 for more information prior to any construction onsite."
3. The Department has approved this permit because the project satisfies the requirements of the Flood Hazard Area Control Act Rules and Coastal Rules. The Department has not reviewed the proposed structure/s to determine compliance with the International Building Code or any other local construction codes or flood ordinances. The proposed building/s may therefore not fully comply with any such requirements. Please contact your municipal construction official for further information.
4. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation of one foot above the flood hazard area design flood elevation as shown on the approved plan sheets. Furthermore, all structural components shall be designed to resist the same forces.
5. The floor elevation labeled "12.0'" on the approved drawing(s) is the elevation of the lowest finished floor of the proposed building(s) at the B.L. England Substation project site. The construction of any habitable area below this elevation, such as a basement, is prohibited.
6. 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.

7. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
8. Prior to the start of any construction onsite, the applicant/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.
9. In accordance with N.J.A.C. 7:13-12.6(f), the deed for each lot on which the private roadway or parking area is constructed, as well as any lot served by the private roadway or parking area, and each lease or rental agreement for a unit within the multi-residence building served by a private roadway or parking area that lies below the flood hazard area design flood elevation shall be modified to:
 - i. Explain that the private roadway or parking area is likely to be inundated by floodwaters, which may result in damage and/or inconvenience; and
 - ii. Disclose the depth of flooding that the private roadway or parking area would experience during the FEMA 100-year flood, if available, and the flood hazard area design flood; and
 - iii. The modified deeds are recorded in the Office of the County Clerk or the registrar of deeds and mortgages of the county in which the building is located, and proof that the modified deed has been recorded is provided to the Department prior to the sooner of either:
 - 1) The start of any site disturbance (including pre-construction earth movement, removal of vegetation or structures, or construction of the project); or
 - 2) The date that is 90 calendar days after the issuance of the permit.
10. Construction may only occur while the stream area is dry or in a de-watered condition. No work may be performed where the stream channel is wet.

11. De-watering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain freeflow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.

MITIGATION CONDITIONS:

Wetlands Permanent Impact Mitigation Conditions

1. The permittee shall mitigate for the permanent loss of 0.302 acres of forested and 1.519 acres of emergent wetlands with the purchase of 1.821 credits from a mitigation bank serving the appropriate watershed management area.
2. At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options. **Within 60 days and prior to initiation of regulated activities**, the permittee shall submit proof of purchase for the amount of mitigation credits listed above to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Watershed Protection and Restoration at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

Great Bay Wetland Mitigation Bank - Contact Mark Renna of Evergreen Environmental, LLC at (201)644-7302 (office) or 973-356-7164 or at mrenna@evergreenenv.com

3. If mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Watershed Protection and Restoration, Mitigation Unit to arrange for an alternative mitigation option **prior to the initiation of regulated activities**.

Wetlands Temporary Impact Mitigation Conditions

1. The permittee shall mitigate for the temporary disturbance to 5.436 acres of emergent wetlands and 0.07 acres of open waters through an on-site restoration project. (N.J.A.C. 7:7A-11 et seq/N.J.A.C. 7:7-17.1)
2. Within 30 days of receipt of the permit, or at least 90 calendar days prior to the commencement of regulated activities authorized by the permit, the applicant shall submit to the Department for review a temporary restoration plan providing details regarding the number, type, size and location of restoration plantings and the contents of any seed mix, if applicable.
3. Regulated activities shall not commence until the temporary restoration plan has been reviewed and approved by the Department. (N.J.A.C. 7:7A-11.6(a)).
4. All mitigation shall be conducted immediately following completion of the activity that caused the disturbance and shall be continued to completion within six months after the end of the activity that caused the disturbance.
5. If the permittee fails to perform mitigation within the applicable time-period the activity shall be considered permanent and mitigation shall be required to replace the affected resource. (N.J.A.C. 7:7A-11.3(c)).
6. If the permittee is conducting a temporary restoration project, the following conditions shall apply:

- 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 Coastal Wetland Mitigation Proposal](http://www.nj.gov/dep/landuse/forms/index.html) located at <http://www.nj.gov/dep/landuse/forms/index.html>.
- b. The permittee shall obtain a secured bond or other financial surety acceptable to the Division from a firm licensed to provide such services in New Jersey. (N.J.A.C. 7:7-17.17)
- c. The permittee shall notify the Mitigation Unit at the Division of Watershed Protection and Restoration in writing **at least 30 days prior to the start of construction of the wetland restoration 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 offsite 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. If 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. 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 Watershed Protection and Restoration in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
- h. **Within 60 days following the completion of the mitigation project**, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (N.J.A.C. 7:7-17.11(h)). The Construction Completion Report shall contain, at a minimum, the following information:
 - 1) A completed Wetland Mitigation Project Completion of Construction Form that certifies the mitigation project has been constructed as designed and that the

proposed area of wetland restoration has been accomplished. This form is located at on the Division's website at: www.nj.gov/dep/landuse in the Mitigation tab of Forms & Checklists.

- 2) An as-built plan of the completed mitigation area showing grading and any structures included in the approved mitigation proposal;
 - 3) Photographs, both pre- and post-construction, of the intertidal and subtidal shallows mitigation project including a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983; and
 - 4) Any changes to the approved mitigation plan that were made during construction and an explanation for the deviation(s).
- i. **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.
- j. The permittee shall monitor the mitigation for 5 full growing seasons beginning the year after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Watershed Protection and Restoration no later than December 31st of each full monitoring year (N.J.A.C. 7:7-17.13(e)). All monitoring reports must include the standard items identified in the checklists entitled [Wetland Mitigation Monitoring Project Checklist](#) and [Tidal Wetland Mitigation Monitoring Checklist](#). The [Wetland Mitigation Monitoring Project Checklist](#) and [Tidal Wetland Mitigation Monitoring Checklist](#) are located at <http://www.nj.gov/dep/landuse/forms/index.html>.

Please note: The monitoring period may be reduced if the restoration is successful more quickly.

- k. 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. In accordance with N.J.A.C. 7:7-17.11(k), the mitigation project will be considered successful if the permittee demonstrates all of the following:
- 1) A completed Wetland Mitigation Project Completion of Construction Form that certifies the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished. This form is located at on the Division's website at: www.nj.gov/dep/landuse in the Mitigation tab of Forms & Checklists.
 - 2) An as-built plan of the completed mitigation area showing grading and any structures included in the approved mitigation proposal;
 - 3) Photographs, both pre and post-construction, of the tidal wetland mitigation project including a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
 - 4) 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

- 5) The site has less than 10 percent coverage by invasive or noxious species.

Please note: If the site is originally comprised of invasive species, the percent coverage and composition of invasive plants on the site shall be document in advance of the conduct of the activity. During restoration, the applicant shall make a good faith effort to avoid restoration with invasives, but the Department will consider the pre-construction site composition when determining whether this criteria has been satisfied.

7. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7-17.13(h)). 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.

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;
 - 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; and
 - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
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 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 at the address listed on page one of this permit.

APPROVED PLAN(S):

The project is shown on four (4) sets of plans and two (2) individual plan sheets. The first set of plans contains thirteen (13) sheets and is entitled “Ocean Wind 1 Offshore Wind Project Offshore Cable Routes”, all sheets dated 4/14/2023, unrevised, signed on 04/19/2023, prepared by Joseph P. Dennis, P.E. from HDR Engineering, Inc., and further identified as:

- Sheet 1, Drawing G001 – “Key Map”
- Sheet 2, Drawing G002 – “General Notes and Legend”
- Sheet 3, Drawing OF-OYC-C001 – “Oyster Creek Enlarged Plan (1 of 3)”
- Sheet 4, Drawing OF-OYC-C002 – “Oyster Creek Enlarged Plan (2 of 3)”
- Sheet 5, Drawing OF-OYC-C003 – “Oyster Creek Enlarged Plan (3 of 3)”
- Sheet 6, Drawing OF-OYC-C101 – “Oyster Creek Plan and Profile (1 of 2)”
- Sheet 7, Drawing OF-OYC-C102 – “Oyster Creek Plan and Profile (2 of 2)”
- Sheet 8, Drawing OF-OYC-C103 – “Oyster Creek Federal Channel (1 of 1)”
- Sheet 9, Drawing OF-BLE-C001 – “BL England Enlarged Plan (1 of 2)”
- Sheet 10, Drawing OF-BLE-C002 – “BL England Enlarged Plan (2 of 2)”
- Sheet 11, Drawing OF-BLE-C101 – “BL England Plan and Profile (1 of 1)”
- Sheet 12, Drawing C501 – “Site Details (1 of 2)”
- Sheet 13, Drawing C501 – “Site Details (2 of 2)”

The second set of plan contains six (6) sheets, all sheets dated 01/10/2023 with the exception of Sheet 5 dated 01/04/2023, all sheets last revised 01/10/2023, all sheets signed on 04/14/2023, prepared by Reilly J. School, P.E. from HDR Engineering, Inc., and further identified as:

- Sheet 1, Drawing HDD-OF-BLE-01T-5-001 – “32” OC3_A Crossing, BL England / 35th Street Crossing, Horizontal Directional Drill, Plan and Profile, Cape May County, New Jersey”
- Sheet 2, Drawing HDD-OF-BLE-01T-4-002 – “32” OC3_A Crossing, BL England / 35th Street Crossing, Offshore Workspace, Plan and Profile, Cape May County, New Jersey”
- Sheet 3, Drawing HDD-OF-OYC-04T-5-001 – “32” OC1_C Shore Approach, IBSP East Crossing (North), Horizontal Directional Drill, Plan and Profile, Ocean County, New Jersey”
- Sheet 4, Drawing HDD-OF-OYC-04T-5-002 - “32” OC1_C Shore Approach, IBSP East Crossing (North), Offshore Workspace, Plan and Profile, Ocean County, New Jersey”
- Sheet 5, Drawing HDD-OF-OYC-05T-5-001 – “32” OC2_C Shore Approach, IBSP East Crossing (South), Horizontal Directional Drill, Plan and Profile, Ocean County, New Jersey”
- Sheet 6, Drawing HDD-OF-OYC-05T-4-001 – “32” OC2_C Shore Approach, IBSP East Crossing (South), Offshore Workspace, Plan and Profile, Ocean County, New Jersey”

The third set of plans contains twenty-four (24) sheets, all sheets dated 07/20/2022, last revised 04/11/2023, signed on 04/12/2023, prepared by Katherine L. Hering, P.E. from E2 Project Management, LLC, and further identified as:

- Sheet 1, Drawing OL-BLE001 - “Key Map, Ocean Wind Offshore Wind Project, Ocean City/Upper Township, Cape May County, New Jersey”

Sheet 2, Drawing OL-BLE002 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Ocean City, Cape May County, New Jersey”
Sheet 3, Drawing OL-BLE003 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Ocean City, Cape May County, New Jersey”
Sheet 4, Drawing OL-BLE004 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Ocean City, Cape May County, New Jersey”
Sheet 5, Drawing OL-BLE005 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Ocean City, Cape May County, New Jersey”
Sheet 6, Drawing OL-BLE006 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township / Ocean City, Cape May County, New Jersey”
Sheet 7, Drawing OL-BLE007 - “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 8, Drawing OL-BLE008 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 9, Drawing OL-BLE009 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 10, Drawing OL-BLE010 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 11, Drawing OL-BLE011 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 12, Drawing OL-BLE012 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 13, Drawing OL-BLE013 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 14, Drawing OL-BLE014 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 15, Drawing OL-BLE015 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 16, Drawing OL-BLE016 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 17, Drawing OL-BLE017 - “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 18, Drawing OL-BLE018 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 19, Drawing OL-BLE019 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 20, Drawing OL-BLE020 - “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township, Cape May County, New Jersey”
Sheet 21, Drawing OL-BLE021 – “NJDEP Individual Permit Plan, Ocean Wind Offshore Wind Project, Upper Township / Ocean City, Cape May County, New Jersey”
Sheet 22, Drawing BLE022 - “Soil Erosion and Sediment Control Notes and Details, Ocean Wind Offshore Wind Project, Upper Township & Ocean City, Cape May County, New Jersey”
Sheet 23, Drawing BLE023 - “Detail Sheet, Ocean Wind Offshore Wind Project, Upper Township and Ocean City, Cape May County, New Jersey”
Sheet 24, Drawing BLE024 – “References, Ocean Wind Offshore Wind Project, Upper Township and Ocean City, Cape May County, New Jersey”

The fourth set of plans contains twenty-two (22) sheets dated 07/20/2022, last revised 04/11/2023, signed on 04/12/2023, prepared by Katherine L. Hering, P.E. from E2 Project Management LLC, and further identified as:

Sheet 1, Drawing OL-OC001 – “Key Map, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 2, Drawing OL-OC002 – “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 3, Drawing OL-OC003 – “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 4, Drawing OL-OC004 – “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 5, Drawing OL-OC005 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 6, Drawing OL-OC006 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 7, Drawing OL-OC007 – “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 8, Drawing OL-OC008 – “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 9, Drawing OL-OC009 – “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 10, Drawing OL-OC010 - “Site Constraints Map, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 11, Drawing OL-OC011 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 12, Drawing OL-OC012 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 13, Drawing OL-OC013 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 14, Drawing OL-OC014 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 15, Drawing OL-OC015 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 16, Drawing OL-OC016 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 17, Drawing OL-OC017 - “NJDEP Individual Permit Plans, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 18, Drawing OC018 - “Soil Erosion and Sediment Control Notes, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 19, Drawing OL-OC019 - “Soil Erosion and Sediment Control Notes and Details, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 20, Drawing OL-OC020 - “Details Sheet 1 Typical Details, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 21, Drawing OL-OC021 - “Details Sheet 2 HDD Hardstand Area & Scour Protection, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

Sheet 22, Drawing OL-OC022 - “References, Ocean Wind Offshore Wind Project, Oyster Creek Location, Lacey Twp, NJ 0875”

The first individual plan sheet is entitled “OCW01 Offshore Wind Farm – Peck Bay, Grading & Drainage Plan SH 1, Permitting”, dated 10/13/2022, last revised on 04/19/2023, signed on 04/21/2023, and prepared by Kevin Warrender, P.E. from Burns McDonnell.

The second individual plan sheet is entitled “OCW01 Offshore Wind Farm – BL England, Post Development Stormwater Management Plan, Civil”, dated 12/02/2022, last revised on 12/02/2022, signed on 04/21/2023, and prepared by Kevin Warrender, P.E. from Burns McDonnell.

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 www.nj.gov/dep/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 www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. 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 for more information on this process.

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

Approved By:

Jennifer Moriarty, Director
Division of Land Resource Protection
Watershed & Land Management

c: Municipal Clerks
Municipal Construction Officials
Agent (original) – David Brizzolara