

## DEPARTMENT OF THE ARMY PERMIT

### PERMITTEE AND PERMIT NUMBER:

New Jersey Department of Transportation  
Route 72 Manahawkin  
CENAP-OP-R-2012-328-35

### ISSUING OFFICE:

Department of the Army  
U.S. Army Corps of Engineers, Philadelphia District  
Wanamaker Building - 100 Penn Square East  
Philadelphia, Pennsylvania 19107-3390

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### PROJECT DESCRIPTION:

Construction of a new parallel bridge adjacent to the existing Route 72 Manahawkin Bay Bridge, rehabilitation of the existing Bay Bridge, rehabilitation of three other trestle bridges over Hilliard's Thorofare, East Thorofare, and West Thorofare, rehabilitation of wetlands on the U.S. Fish and Wildlife Edwin B. Forsythe Wildlife Refuge Cedar Bonnet Unit, and construction of a new outfall associated with the Ship Bottom storm water reconstruction, located in Stafford Township and Ship Bottom Borough, Ocean County, New Jersey.

All work is to be completed in accordance with the approved plan(s).

### PROJECT LOCATION:

Township of Stafford and Borough of Ship Bottom, Ocean County, New Jersey

### PERMIT CONDITIONS:

#### General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2020. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.



2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All work performed in association with the above noted project shall be conducted in accordance with the project plans identified as **“Permit Plans Set #2, Route 72 Manahawkin Bay Bridges Contract NOs 025113850, 026118012, 026118013 and 026118014”**, sheets PP2-1 through PP2-12, signed October 23, 2012, last revised September 7, 2012, prepared by Parsons Brinckerhoff, Inc.; **“Permit Plans Submerged Aquatic Vegetation, Route 72 Manahawkin Bay Bridges Contract NOs 025113850, 026118012, 026118013 and 026118014”**, sheets SAV-1 through SAV-12, signed October 23, 2012, unrevised, prepared by Parsons Brinckerhoff, Inc.; **“NJDEP Resources Compensation Plan, Route 72 Manahawkin Bay Bridges Contract NOs 025113850, 026118012, 026118013 and 026118014”**, one sheet, dated July 31, 2012, unrevised, prepared by Parsons Brinckerhoff, Inc.; **“BRIDGE PROFILE, Route 72 Manahawkin Bay Bridges Contract NO 026118014”**, one sheet, dated April 11, 2012, unrevised, prepared by Parsons Brinckerhoff, Inc.; **“Ship Bottom Permit Plans, Route 72 Manahawkin Bay Bridges Contract NOs 025113850, 026118012, 026118013 and 026118014”**, sheets SB-1 and SB-2 of SB-12, dated July 31, 2012, unrevised, prepared by Parsons Brinckerhoff, Inc.; and **“US Army Corps of Engineers R.O.W. Mitigation Plan, Route 72 Manahawkin Bay Bridges Contract NOs 025113850, 026118012, 026118013 and 026118014”**, sheets ACE-1 and ACE-2, signed December 20, 2012, unrevised, prepared by Parsons Brinckerhoff, Inc. The project plans provide for the Construction of a new parallel bridge adjacent to the existing Route 72 Manahawkin Bay Bridge, rehabilitation of the existing Bay Bridge, rehabilitation of three other trestle bridges over Hilliard’s Thorofare, East Thorofare, and West Thorofare, rehabilitation of wetlands on the U.S.



Fish and Wildlife Edwin B. Forsythe Wildlife Refuge Cedar Bonnet Unit, and construction of a new outfall associated with the Ship Bottom storm water reconstruction located in Stafford Township and Ship Bottom Borough, Ocean County, New Jersey. The purpose, as defined by FHWA in their NEPA EA, of the proposed project is to maintain the Route 72 Causeway bridges and approach roadways in order to provide continuous vehicular access to Long Beach Island communities and maintain suitable coastal evacuation egress and maritime passage in the Intracoastal Waterway.

2. Construction activities shall not result in the permanent disturbance or alteration of greater than 2.50 acres of waters of the United States. Of this total, permanent impacts to wetlands is approximately 0.18 acres and tidal open water comprise the remaining 2.32 acres of impacts. Of the 2.32 acres of impacts to water of the U.S., 1.48 acres shall remain waters of the U.S. and 0.84 acres would be permanently lost. Temporary impacts to wetlands is approximately 0.28 acres. Temporary impacts to waters is approximately 0.34 acres. All temporary impacts to wetlands shall be restored to pre-disturbance grades and seeded/planted within 90 days of completion of the authorized permanent work associated with the temporary impacts. Should you require additional time to complete the restoration work, you must notify this office 15 days prior to the restoration deadline and seek a modification to this permit. Construction activities on a portion of the U.S. Fish and Wildlife Service Edwin B Forsythe Refuge, Cedar Bonnet Island, to off-set impacts to State resources shall not result in the disturbance or alteration of 15.12 acres of degraded wetlands within a former confined disposal facility. Work on the Cedar Bonnet Island refuge involves the removal of 110,000 cubic yards of dredged material, installation of tidal channels into the restored wetland complex and the partial removal of existing berms around the island. The overburden material will be stored within the uplands on the refuge.

3. You may not perform regulated work until such time as the New Jersey Department of Environmental Protection (NJDEP) has issued a Section 401 Water Quality Certification and Coastal Zone Management consistency certification. Once the State has issued the required Section 401 WQC and CZM consistency certification, you should complete and sign the enclosed *Notification/ Certification of Work Commencement Form* (Enclosure 1) and submit it to this office at least 10 days prior to the commencement of authorized work. All notifications required by this condition shall be in writing and shall be transmitted to this office by registered mail. Oral notifications are not acceptable. This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed *Notification/Certification of Work Completion/Compliance Form* (Enclosure 2).

4. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.

5. Representatives of the U.S. Army Corps of Engineers shall be permitted to inspect the project during construction and mitigation monitoring in order to collect any samples, to conduct any tests deemed necessary or to inspect work for permit compliance.

6. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.



7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (This special condition is applicable to Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act of 1899.)

8. Soil erosion and sedimentation controls shall be installed in accordance with the approved plans and requirements by the various county soil conservation districts prior to any earth moving activity and maintained for the duration of the disturbance until such time as the soils are stabilized. The permittee shall monitor all erosion and sediment controls daily and repair as needed to maintain compliance with the approved plans, conditions contained in this permit and any requirements of the various county soil conservation districts.

9. You shall perform the pre- and post- monitoring program outlined in the November 30, 2012 "USACE Section 404 SAV Mitigation Plan" for the areas identified within the Temporary Construction Easement as shown on the approved plans. Should it be determined, through the monitoring program, that submerged aquatic vegetation is adversely affected (as defined in the November 30, 2012 report) by the project, you shall implement the mitigation measures prescribed in the report.

10. You shall compensate for the unavoidable loss of 0.84 acres of Federally regulated waters of the U.S., specifically submerged aquatic vegetation habitat, through the implementation of the November 30, 2012 "USACE Section 404 SAV Mitigation Plan". Compensation for lost waters involves the planting of SAVs at a 3:1 ratio and monitoring.

11. You shall compensate for the unavoidable loss of 0.18 acres of Federally regulated wetlands by implementing the compensatory mitigation package you proposed as shown on the approved plan above and according to the November 30, 2012 "USACE Section 404 Wetland Mitigation Plan". The compensatory mitigation package provides for the creation and enhancement of 1.22 acres of tidal wetlands immediately adjacent to Route 72 and U.S. Fish and Wildlife Service Edwin B. Forsythe Refuge Cedar Bonnet Island Unit.

12. The 404 compensatory mitigation work shall be initiated prior to or concurrently with the authorized work in Waters of the United States. Furthermore, you shall complete all grading of the 404 mitigation site no later than 12 months from initiation of regulated work with planting occurring immediately following grading plan review and approval by this office. Should grading completion coincide with a period outside the growing season, planting shall occur no later than the beginning of the following growing season and be completed no later than June 30 of that year.

13. You shall complete and execute the (Enclosure 4) joint NJDEP/Corps conservation easement entitled "GRANT OF CONSERVATION RESTRICTION/EASEMENT (Non-Routine Mitigation Site/Mitigation Banks) for the mitigation sites prior to the start any regulated work. You shall record the signed conservation restriction/easement on NJDOT Right-of Way and As-



built plans and/or with the Ocean County Clerk or Recorder and provide evidence to this office within 30 days of the recordation.

14. In order to protect Winter Flounder (*Pseudopleuronectes americanus*), no in-water work shall occur between January 1<sup>st</sup> and May 31<sup>st</sup> of any given year. Work performed within cofferdams shall not constitute in-water work.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act.

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Bruce Dawkins  
(PERMITTEE)

1/17/2013  
(DATE)



This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
\_\_\_\_\_  
(District Engineer) (DATE)  
Frank J. Cianfrani, Chief, Regulatory Branch

for John C. Becking, P.E.  
Lieutenant Colonel, U.S. Army  
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEEEE)

\_\_\_\_\_  
(DATE)