



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

Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420
Fax: (609) 777-3656
www.state.nj.us/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date SEP 04 2012
		Expiration Date SEP 04 2017
Permit Number(s) 0102-05-0020.2, CAF120001	Type of Approval(s) CAFRA Individual Permit	Enabling Statute(s) N.J.S.A. 13:19-1
Applicant DGMB Casino LLC 1133 Boardwalk Atlantic City, NJ 08401	Site Location Block(s) and Lot(s): 1; 142 & 142.01 Municipality: City of Atlantic City County: Atlantic	
<p>Description of Authorized Activities and Limit of Disturbance Reconstruct a portion of Steeplechase Pier, upon which a ± 16,000 square foot restaurant, bar and retail space will be constructed.</p> <p>The proposed project is shown on the following plans:</p> <ol style="list-style-type: none"> 1. Six (6) sheets entitled "Margaritaville Landshark Bar & Grill At Resorts Casino Hotel", dated June 1, 2012, last revised August 10, 2012, and prepared by SOSH Architects. 2. Five (5) sheets entitled "Margaritaville Landshark Bar & Grill Regulatory Submittal Set City of Atlantic City, Atlantic County, New Jersey Block 1 Lots 142 & 142.01", dated June 1, 2012, last revised August 22, 2012, and prepared by Arthur W. Ponzio Co. & Associates, Inc. 3. One (1) sheet consisting of Drawing No. S-001, entitled "Plan Section General Notes", dated June 8, 2012, last revised August 10, 2012, and prepared by DeSimone. 4. Two (2) sheets, prepared by J. Adamson and Associates, LLC, dated June 14, 2012, last revised August 10, 2012, and entitled as follows: <ol style="list-style-type: none"> a. Sheet L-1 is entitled "Landscape Plan" b. Sheet L-2 is entitled "Landscape Details" <p>This permit is authorized under, and in conditional compliance with, the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq., and is compliant with N.J.S.A. 13:19-10 (Section 10 of the New Jersey Coastal Area Facility Review Act), as referenced within the Summary Report prepared by Division staff on September 4, 2012.</p>		
Prepared by: <u>Janet L. Stewart</u> Janet L. Stewart, Supervisor	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Received or Recorded by County Clerk</div>	
<p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH IN THIS PERMIT.</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

CONDITIONS APPLICABLE TO ALL LAND USE PERMITS:

1. In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through Division's website at <http://www.nj.gov/dep/landuse/forms/lurpaahr.pdf>. 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 the website www.nj.gov/dep/odr for more information about this process;
2. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, supporting documents and approved drawings; and
 - i. Plans and specification in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department in writing;
 - ii. If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Department that such condition(s) cannot be satisfied; and
 - iii. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as suspension and/or termination of the permit; This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action, should it be determined that a violation has occurred onsite;
3. It shall not be a defense for this permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;
4. 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;
5. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any 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 this 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. This permit can be modified, suspended or terminated for cause. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit;
8. This permit does not convey any property rights of any sort, or any exclusive privilege;
9. A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request.

- i. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and
 - ii. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit;
10. The permittee shall allow an authorized representative of the Department, upon notification under current rule and upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action;
 - iv. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules;
11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department;
12. The permittee shall provide reports to the Department as follows:
 - i. Monitoring results shall be reported at the intervals specified elsewhere in this permit;
 - ii. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence 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;
 - iii. 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;
13. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 through 1.14. and must obtain any required approvals from the local Soil Conservation District;
14. If any condition or this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest;
15. This permit is not transferable to any person unless the transfer is approved by the Department;
16. The permittee must obtain any and all other Federal, State and/or local approvals. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project;
17. While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris,

equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary;

18. All excavated material and dredge material shall be disposed of in a lawful manner. (For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area);

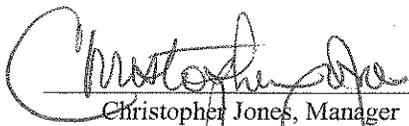
19. This permit or Verification shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

1. This permit does not authorize the construction of any seasonal beach structures.
2. Prior to occupation of the facility, the permittee shall provide to the Division documentation from the local water and sewer purveyors demonstrating that there is adequate capacity within the water and sewer systems to accommodate the proposed development.
3. No storage/stockpiling/staging of any construction-related materials or parking of vehicles or other equipment shall occur within any portion of the public beach and/or dune area.
4. Any beach and/or dune areas which are temporarily impacted by construction activities shall be restored to pre-construction conditions immediately upon completion of construction. The permittee shall be the party responsible for retaining the Army Corps of Engineers dune profile under the reconstructed Pier.
5. The permittee shall obtain a modification to the Army Corps of Engineers easement which will impose on the permittee the responsibility to maintain the dune profile under and around the new structure (in the event of storm erosion of the dune). This is to ensure that the storm protection value of the federal dune design is preserved.
6. The permittee shall do the following during and after construction:
 - a. Where necessary, restore the federal design template of the dune in the areas of the existing beach structures (bathrooms, lifeguard station, etc.); and,
 - b. Replant the dunes on either side of the project footprint with appropriate native coastal species.
7. Prior to construction, the permittee shall submit an evacuation plan approved by the Atlantic City Office of Emergency Management.
8. The permittee shall provide signage along the Boardwalk at the entrance to the reconstructed Steeplechase pier indicating the location and availability of the public access features (restrooms, showers, changing facilities, public access points, etc.).
9. Service to the Margaritaville Landshark Bar & Grill across the Boardwalk shall be restricted to the period between 12 AM and 8 AM.

- 10. 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 site plan, which would affect water quality shall be reviewed and approved by the Department prior to construction.
- 11. All excavated material shall be disposed of in a lawful manner outside of any regulated open water, freshwater wetland or adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
- 12. The development shall conform to all applicable State and Federal regulations, standards and guidelines and be consistent with the strategies of New Jersey's State Implementation Plan (SIP).
- 13. The development shall conform with all applicable State and Federal regulations, standards and guidelines for the handling and disposal of solid and hazardous wastes, including the Solid Waste Management Act, N.J.S.A. 13:1E et seq., the Solid Waste Management rules, N.J.A.C. 7:26, the Recycling rules, N.J.A.C. 7:26A, and the Hazardous Waste rules, N.J.A.C. 7:26G.
- 14. 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 this permit.
- 15. Consistency with the Areawide Water Quality Management Plan

The Division of Land Use Regulation has not reviewed this application for consistency with the applicable Areawide Water Quality Management Plan or the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15. As such, the issuance of this permit shall not be construed as an approval of any wastewater management plan for this project or site. There shall be no construction of any sewage generating structures unless and until the proposed development has been found to be consistent with the appropriate areawide water quality management plan. For information regarding the water quality planning process, please contact the Department's Division of Land Use Planning at (609) 984-6516.



 Christopher Jones, Manager
 Bureau of Urban Growth & Redevelopment
 Division of Land Use Regulation

9/4/12
 Date

c: Bureau of Coastal and Land Use Enforcement, Toms River, attn: Harry Nicol
 Atlantic County Planning Board
 City of Atlantic City Construction Official