



CERTIFIED MAIL/RETURN RECEIPT REQUESTED

December 11, 2012

Job No. 01231-107000

**Re: New Jersey Freshwater Wetlands Protection Act and
Flood Hazard Area Control Act
Multi-permit Application
Block 71.02 Lot 1; Block 62 Lot 10 Bedminster Township
Somerset County, New Jersey**

This letter is to notify you that an application has been submitted to the New Jersey Department of Environmental Protection for activities regulated under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) and Flood Hazard Area Control Act (N.J.A.C. 7:13). The Department regulates construction within wetlands, wetland transition areas (buffers), flood hazard areas and riparian zones adjacent to certain waters. As part of the application the applicant is requesting the Department to verify the extent of these areas on the subject property.

This project requests approval of the following Freshwater Wetland Protection Act authorizations:

- Letter of interpretation (establishes the official boundary line of any regulated freshwater wetlands, open waters, or transition areas on the property, and if freshwater wetlands are present, identifies their resource value).
- General permit authorization (authorizes regulated activities, such as construction or development, in wetlands and adjacent transition areas).

The following activities in wetlands and buffers are proposed as part of the application for this project and would be allowed under the above referenced approvals:

- Cutting or clearing of vegetation for access;
- Placement of pavement or other impervious surface; and
- Placement of one or more buildings or other structures.

This project requests approval of the following Flood Hazard Area Control Act authorizations:

- Verification (a flood hazard area verification does not approve any construction. A separate application must be made to the Department if regulated activities are proposed within these areas).

A copy of the permit application is on file at the Municipal Clerk's Office in the town in which the property is located. You may review the application there or call the NJDEP at (609) 777-0456 to make an appointment to visit the NJDEP offices in Trenton.



The Freshwater Wetlands Protection Act rules are located at N.J.A.C. 7: A copy of these rules is in the county law library in your county courthouse or you may view these rules on the NJDEP website at www.state.nj.us/dep/landuse.

As part of the NJDEP's review, NJDEP personnel may visit the property, and the portion of any neighboring property that lies within 150 feet, to perform a site inspection. This site inspection will involve a visual inspection and, possibly, minor soil borings using a 4" diameter hand auger. The inspection will not result in any damage to vegetation or to property improvements.

The NJDEP welcomes any comments you may have on the application. If you wish to comment on the application, comments should be submitted to the NJDEP *in writing* within 15 days after you receive this letter. However, written comments will continue to be accepted until the NJDEP makes a decision on the application. Comments cannot be accepted by telephone. Please submit any comments you may have *in writing, along with a copy of this letter*, to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
Attn: Somerset County Section Chief

When the NJDEP has decided whether or not the application qualifies for the requested approvals, NJDEP will notify the municipal clerk of the final decision on the application. If you have questions about this application, you can contact the agent listed below.

Sincerely,

KDC Solar SA55, LLC
1545 US Route 206
Suite 100
Bedminster, NJ 07921

Agent Contact Information: Robert R. Fiorile, Associate
Birdsall Services Group
611 Industrial Way West, Eatontown, NJ 07724
Phone: (732) 380-1700 ext. 1357

Enclosures



State of New Jersey
Department of Environmental Protection
 Division of Land Use Regulation Application Form (LURP-2)
 501 E. State Street Mail Code 501-02A P.O. Box 420
 Trenton, NJ 08625-0420
 www.nj.gov/dep/landuse



PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted)

1. **Applicant Name:** KDC Solar SA55 LLC Email: _____

Address: 1545 US Route 206, Suite 100 City: Bedminster

State: NJ Zip: 07921 Daytime Phone: (908) 212-9061 Ext.: _____ Cell Phone: _____

2. **Agent Name:** Robert R. Fiorile Firm: Birdsall Services Group Email: rfiorile@birdsall.com

Address: 611 Industrial Way West City: Eatontown

State: NJ Zip: 07724 Daytime Phone: (732) 380-1700 Ext.: 1357 Cell Phone: (732) 604-0045

3. **Property Owner Name:** Jefferson W. Kirby and S. Dillard Kirby as Trustees Under the Residuary Trust under the Fred M. Kirby, II 2008 Revocable Trust Email: _____

Address: 17 De Hart Street, PO Box 151 City: Morristown

State: NJ Zip: 07963 Daytime Phone: _____

4. **Project Name:** Kirby Property Solar Array Site Location (Street Address): 305 Country Club Road

Zip: 07921 Municipality: Township of Bedminster County: Somerset

Block(s): 62 & 71.02 Lot(s): Lot 10 (Block 62) & Lot 1 (Block 71.02)

N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: E (x): 449,624 N (y): 656,376

Raritan River NB (SB to

Nearest Waterway: Raritan River – North Branch Watershed: Lamington Subwatershed: 02030105070

5. **Fees:** Total Fee: \$20,954.00 Project Cost: N/A Check No: _____

6. **Project Description:** Letter of Interpretation - Line Verification; Statewide General Permit 10 and FHA Verification;

_____ **Waiver Request ID #(s):** _____

7. **Application(s) for:** Check all that apply (Please follow directions on page 5)

	Application Type	Fee Amt	Amt Paid
	Flood Hazard Area		
<input checked="" type="checkbox"/>	FHA Verification	\$1,000.00	75%
<input type="checkbox"/>	FHA Individual Permit		
<input type="checkbox"/>	FHA Hardship Waiver		
<input type="checkbox"/>	FHAGP1 / Chan Clean w/o Sed Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP1 / Chan Clean w/Sed Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP2A / Ag - Bank Restoration		
<input type="checkbox"/>	FHAGP2B / Ag - Channel Cleaning		
<input type="checkbox"/>	FHAGP2C / Ag - Road Crossing		
<input type="checkbox"/>	FHAGP2D / Ag - Wetlands Restoration		
<input type="checkbox"/>	FHAGP2E / Ag - Livestock Ford		
<input type="checkbox"/>	FHAGP2F / Ag - Livestock Fence		
<input type="checkbox"/>	FHAGP2G / Ag - Livestock Water Intake		

	Application Type	Fee Amt	Amt Paid
<input type="checkbox"/>	FHAGP3 / Bridge/Culvert Scour Protection		
<input type="checkbox"/>	FHAGP4 / Stormwater Maintenance		
<input type="checkbox"/>	FHAGP5 / Building Relocation		
<input type="checkbox"/>	FHAGP6 / Rebuild Damaged Home	No Fee	No Fee
<input type="checkbox"/>	FHAGP7 / Residential in Tidal FHA		
<input type="checkbox"/>	FHAGP8 / Utility Crossing <50acres		
<input type="checkbox"/>	FHAGP9 / Road Crossing <50acres		
<input type="checkbox"/>	FHAGP10 / Stormwater Outfall <50acres		
<input type="checkbox"/>	Revision of a GP, IP or Verification		
<input type="checkbox"/>	Transfer of an Approval		
<input type="checkbox"/>	FHA Ind Permit Equivalency/CERCLA		
	Stormwater Review Fees		
<input type="checkbox"/>	Fee for all Stormwater Reviews		

	Application Type	Fee Amt	Amt Paid
	Applicability Determination		
<input type="checkbox"/>	Coastal Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Highlands Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Flood Hazard Area Applicability	No Fee	No Fee
<input type="checkbox"/>	Executive Order 215	No Fee	No Fee
	CAFRA		
<input type="checkbox"/>	Individual Permit		
<input type="checkbox"/>	Exemption Request		
<input type="checkbox"/>	Permit Modification		
<input type="checkbox"/>	CAFGP5 / Amusement Pier Exp		
<input type="checkbox"/>	CAFGP6 / Beach/Dune Maintenance		
<input type="checkbox"/>	CAFGP7 / Voluntary Reconstruction		
<input type="checkbox"/>	CAFGP8 / New Single Family or Duplex		
<input type="checkbox"/>	CAFGP9 / Reconstruct Single Fam/Dup		
<input type="checkbox"/>	CAFGP10 / New Bulkhead/Fill Lagoon		
<input type="checkbox"/>	CAFGP11 / Revetment		
<input type="checkbox"/>	CAFGP12 / Gabions		
<input type="checkbox"/>	CAFGP13 / Support Facilities/ Marina		
<input type="checkbox"/>	CAFGP14 / Reconst Bulkhead A/MHWL		
<input type="checkbox"/>	CAFGP15 / Hazard Waste Clean-up		
<input type="checkbox"/>	CAFGP16 / Landfall of Utilities		
<input type="checkbox"/>	CAFGP17 / Recreat Facility Public Park		
<input type="checkbox"/>	CAFGP18/BulkheadConstuc/Fill upland		
<input type="checkbox"/>	CAFGP21 / Shoreline Stabilization		
<input type="checkbox"/>	CAFGP22 / Avian Nesting Structures		
<input type="checkbox"/>	CAFGP23 / Electrical Sub Facility		
<input type="checkbox"/>	CAFGP24 / Legalize Filling of Tidelands		
<input type="checkbox"/>	CAFGP25 / Construct Telecom Tower		
<input type="checkbox"/>	CAFGP26 / Tourism Ind Construction		
<input type="checkbox"/>	CAFGP27 / Geotechnical Borings		
<input type="checkbox"/>	CAFGP29 / Habitat Creation/Enhance		
<input type="checkbox"/>	CAFGP30 / 1 to 3 Turbines < 200 Feet		
<input type="checkbox"/>	CAFGP31 / Wind Turbines < 250 Feet		
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA		
	Waterfront Development		
<input type="checkbox"/>	WDGP10 / New Bulkhead/Fill Lagoon		
<input type="checkbox"/>	WDGP14 / Reconstruct Bulkhead		
<input type="checkbox"/>	WDGP19/Dock/Piers, Boat Lifts Lagoon		
<input type="checkbox"/>	WDGP20 / Minor Maint Dredge Lagoon		
<input type="checkbox"/>	WDGP21 / Shoreline Stabilization		
<input type="checkbox"/>	Individual Permit/Upland		
<input type="checkbox"/>	Individual Permit/Inwater		
<input type="checkbox"/>	Zane Letter		
<input type="checkbox"/>	Modification		
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA		
	Highlands		
<input type="checkbox"/>	Emergency Permit		
<input type="checkbox"/>	Pre-application Meeting		
<input type="checkbox"/>	Preservation Area Approval		
<input type="checkbox"/>	PAA with Waiver		
<input type="checkbox"/>	Resource Area Determination footprint		
<input type="checkbox"/>	Resource Area Determination <acre		
<input type="checkbox"/>	Resource Area Determination >acre		
<input type="checkbox"/>	HPAAGP 1/ Habitat Creation/Enhance		
<input type="checkbox"/>	HPAAGP 2 Bank Stabilization		
	Consistency Determination		
<input type="checkbox"/>	Water Quality Certificate		
<input type="checkbox"/>	Federal Consistency	No Fee	No Fee
<input type="checkbox"/>	HMC Water Quality Certificate		

	Application Type	Fee Amt	Amt Paid
	Coastal/Tidal Wetlands		
<input type="checkbox"/>	Coastal/Tidal Wetlands Permit		
<input type="checkbox"/>	Coastal Wetland Permit Modification		
	Freshwater Wetlands		
<input type="checkbox"/>	FWGP1 / Main. & repair Exist Feature		
<input type="checkbox"/>	FWGP2 / Utility Crossing		
<input type="checkbox"/>	FWGP3 / Discharge of Return Water		
<input type="checkbox"/>	FWGP4 / Hazard Site Invest/Cleanup		
<input type="checkbox"/>	FWGP5 / Landfill Closure		
<input type="checkbox"/>	FWGP6 / Filling of NSWC		
<input type="checkbox"/>	FWGP6A /TA- Filling of NSWC		
<input type="checkbox"/>	FWGP7 / Fill ditch / swale		
<input type="checkbox"/>	FWGP8 / House Addition		
<input type="checkbox"/>	FWGP9 / Airport Sightline Clearing		
<input checked="" type="checkbox"/>	FWGP10A / Very Minor Road Crossing	\$600.00	100%
<input type="checkbox"/>	FWGP10B / Minor Road Crossing		
<input type="checkbox"/>	FWGP11 / Outfalls / Intakes		
<input type="checkbox"/>	FWGP12 / Survey / Investigation		
<input type="checkbox"/>	FWGP13 / Lake Dredging		
<input type="checkbox"/>	FWGP14 / Water Monitoring		
<input type="checkbox"/>	FWGP15 / Mosquito Control		
<input type="checkbox"/>	FWGP16 / Habitat Create / Enhance	No Fee	No Fee
<input type="checkbox"/>	FWGP17 / Trails / Boardwalks		
<input type="checkbox"/>	FWGP17A / Multiuse paths		
<input type="checkbox"/>	FWGP18 / Dam Repairs		
<input type="checkbox"/>	FWGP19 / Dock or Pier		
<input type="checkbox"/>	FWGP20 / Bank Stabilization		
<input type="checkbox"/>	FWGP21 / Above Ground Utility		
<input type="checkbox"/>	FWGP23 / Expand Cranberry		
<input type="checkbox"/>	FWGP24 / Spring Developments		
<input type="checkbox"/>	FWGP25 / Malfunction Septic System	No Fee	No Fee
<input type="checkbox"/>	FWGP26 / Channel / Stream Clean		
<input type="checkbox"/>	FWGP27 / Redevelop Disturbed Site		
<input type="checkbox"/>	FWGP Modification		
<input type="checkbox"/>	FWGP Extension		
<input type="checkbox"/>	Individual Wetlands Permit		
<input type="checkbox"/>	Individual Open Water Permit		
<input type="checkbox"/>	Individual Permit Mod. Major/Minor		
<input type="checkbox"/>	Individual Permit Extension		
<input type="checkbox"/>	Wetlands Exemption		
<input type="checkbox"/>	Permit Equivalency/CERCLA		
	Letter of Interpretation		
<input type="checkbox"/>	Presence Absence		
<input type="checkbox"/>	Presence Absence Footprint		
<input type="checkbox"/>	Delineation		
<input checked="" type="checkbox"/>	Verification	\$11,604.00	100%
<input type="checkbox"/>	Extension		
	Transition Area Waiver		
<input type="checkbox"/>	Averaging Plan		
<input type="checkbox"/>	Reduction		
<input type="checkbox"/>	Hardship Reduction		
<input type="checkbox"/>	Special Activity Stormwater		
<input type="checkbox"/>	Special Activity Linear Development		
<input type="checkbox"/>	Special Activity Redevelopment		
<input type="checkbox"/>	Special Activity Individual Permit		
<input type="checkbox"/>	Exemption		
<input type="checkbox"/>	Modification Major/Minor		
<input type="checkbox"/>	Extension		

Both the Applicant and Property owner's section must be filled out for all Land Use Regulation Applications

A. APPLICANT SIGNATURE

I certify under penalty of law that the information provided in this document is true and accurate. I am aware that there are significant civil and criminal penalties for submitting false or inaccurate information. (If corporate entity, print/type the name and title of person signing on behalf of the corporate entity.)

Signature of Applicant/Owner

Date
Thomas P. Lynch, Executive Vice President
KDC Solar SA55

Print Name
1545 US Route 206, Suite 100, Bedminster, NJ

Print Address

Signature of Applicant/Owner

Date

Print Name

Print Address

B. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the owner of the property upon which the proposed work is to be done. This endorsement is certification that the owner grants permission for the conduct of the proposed activity. In addition, I hereby give unconditional written consent to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection or survey of the project site.

In addition, the undersigned property owner hereby certifies:

- 1. Whether any work is to be done within an easement – Yes: No:
- 2. Whether any part of the entire project (e.g., pipeline, roadway, cable, transmission line, structure, etc.) will be located within property belonging to the State of New Jersey-Yes: No:
- 3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres – Yes: No:
- 4. Whether any part of this project requires a Section 106(National Register of Historic Places) Determination as part of a federal permit or approval – Yes: No:

Signature of Owner

Date
Jefferson W. Kirby and S. Dillard Kirby as Trustees Under the Residuary Trust under the Fred M. Kirby, II 2008 Revocable Trust

Print Name
17 DeHart Street, PO Box 151, Morristown, NJ

Print Address

Signature of Owner

Date

Print Name

Print Address

C. APPLICANT'S AGENT

NOTE: Notary seal is required for Flood Hazard Area (SEA) applications.

I Thomas P. Lynch, the Applicant/Owner, authorize to act as my agent/representative in all matters pertaining to my application the following person:

Name Robert R. Fiorile

Occupation/Profession Associate, Birdsall Services Group

(Signature of Applicant/Owner)

AGENT'S CERTIFICATION

Sworn before me this day of

I agree to serve as agent for the above-mentioned applicant

_____ 20 ____

(Signature of Agent)

Notary Public

D. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS, SURVEYOR'S OR ENGINEER'S REPORT

I hereby certify that the plans, specifications and engineer's report, if any, applicable to this project comply with the current rules and regulations of the New Jersey Department of Environmental Protection with the exceptions as noted. In addition, I certify the application is complete as per the appropriate checklist(s).

Signature

Sean Savage, P.E.

Type: Name and Date

Vice President, Birdsall Services Group, Inc.

Position, Name of Firm

E. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)

I certify under penalty of law that I have personally examined the information submitted in the document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate and complete in accordance with the appropriate checklist(s). I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Signature

Robert R. Fiorile

Type: Name and Date

Associate, Birdsall Services Group

Position, Name of Firm

Please note: In addition to the standard paper submission, an electronic copy of the entire application, including plans, may be submitted on CDROM to assist the Department in the review this application. Plans should be submitted as a CAD file or Shapefile, referenced in NJ state plane feet NAD83. Please do NOT send the electronic version via E-Mail.