



**US Army Corps
of Engineers**
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-2010-311-24

Date
OCT 13 2015

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received a request to modify a Department of the Army permit, which was previously issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning the modification of the previously issued Department of the Army permit for the work described below.

APPLICANT: City of Ocean City

ADDRESS: 115 12th Street
Ocean City, New Jersey 08226

AGENT: Junetta N. Dix Consulting, Inc.
213 East Seaview Avenue
Linwood, New Jersey 08221

WATERWAY: Beach Thorofare, Great Egg Harbor Bay and various artificial lagoons

LOCATION: The currently valid permit authorizes dredging along the back-bay shoreline area of the City of Ocean City, Cape May County, New Jersey. The specific areas authorized to be dredged under CENAP-OP-R-2010-311-24 include (from south to north):

- 1) Clubhouse and Bluefish Lagoons, on either side of Waterway Road;
- 2) South Harbor and adjacent lagoons, on the southwest side of Spruce Road;
- 3) Sunny Harbor, on the southwest side of Arkansas Avenue;
- 4) Venetian Bayou, on the southwest side of 17th Street;
- 5) Carnival Bayou, on the southwest side of 16th Street;
- 6) Glen Cove, on the southwest side of 10th Street;
- 7) Snug Harbor, on the southwest side of 8th Street;
- 8) various bay-front areas along Beach Thorofare/Great Egg Harbor Bay, between 8th Street and the mouth of North Point Lagoon (near Battersea Road), including, Favorite Harbor Condominiums, Bay Villas, Bayside Center, and Municipal Marina;
- 9) North Point Lagoon ("The Lagoon"), on the northeast side of Battersea Road; and
- 10) Brittany Drive (at Cardiff Road).

Additional areas authorized to be dredged under a separate permit (CENAP-OP-R-2004-992-24) include (from south to north):

- 1) Nor'Easter and Sunset Bay Condominiums, on either side of 7th Street;
- 2) Bay Club Condominiums, on the northeast side of 4th Street;
- 3) Great Egg Villas, on the southwest side of 2nd Street; and
- 4) Harbor House Condominiums, on the northeast side of 2nd Street.

There are two alternate authorized disposal areas under these permits (both are within the City of Ocean City): a) an existing upland confined disposal facility (CDF) known as "Site 83," situated along the north side of Roosevelt Boulevard at Block 3350.01, Lot 17; and b) a newly relocated/reconstructed CDF situated within New Jersey Department of Transportation right-of-way for Route 52 on Garrets Island, between Block 850, Lot 6, and Block 1750, Lot 16.

The site of the proposed additional work, which is the subject of this notice, is located along the north side of Roosevelt Boulevard (County Route 623), between Bay Avenue and the bridge over the New Jersey Intracoastal Waterway, in the City of Ocean City, Cape May County, New Jersey. It is the same lot and block as CDF # 83 indicated above (i.e., Block 3350.01, Lot 17).

ACTIVITY: On July 23, 2012, this office issued Department of the Army permit number CENAP-OP-R-2010-311-24 to the City of Ocean City for the maintenance dredging of various lagoons, bay-front areas and bay-front marinas (see "LOCATION" above). In addition, on July 12, 2012, this office modified and extended Department of the Army permit number CENAP-OP-R-2004-992-24, which authorized such dredging within additional areas of the City (see "LOCATION" above). Both permits expire on December 31, 2022. The permits authorize dredging by hydraulic method, although CENAP-OP-R-2010-311-24 has been modified to include mechanical (bucket) dredging of certain areas.

Under the subject permit (CENAP-OP-R-2010-311-24), an initial volume of 295,955 cubic yards (CY) is authorized to be dredged from 74.11 acres of waterway, along with an additional 220,000 CY of maintenance dredging over the 10-year duration of the permit (following initial dredging). Under the modified/extended permit (CENAP-OP-R-2004-992-24), an additional initial volume of 30,671 CY is authorized to be dredged from 8.10 acres of waterway (above and beyond what was originally authorized), with an additional 30,000 CY over the 10-year duration of this permit.

Disposal is authorized at either of two sites: a) an existing confined (diked) disposal facility (CDF) known as Site 83; and b) a newly relocated/reconstructed CDF along the new Route 52 causeway on Garrets Island (see specific descriptions under "LOCATION" above). In 2012, the applicant altered Site 83 to create storage capacity for 100,000 CY. Improvements included raising the dikes and other earth-work within the CDF. Temporary impacts to wetlands surrounding Site 83 were previously authorized from: a) the placement of dredge pipeline from the waterway (Peck Bay) to the CDF (400 square feet); and b) temporary construction mats (20 feet wide, 370 square feet) for equipment to access the site from barges for earth-work (along Peck Bay). The existing outlet or discharge pipe to Bayberry Cove for release of return water after dewatering was authorized to be removed and replaced with a new one in a different location, resulting in approximately 205 square feet of additional temporary wetland impact from

the installation of the new pipe. The pipe itself is authorized to remain in place on the surface for the duration of the permit. The Route 52 CDF would have storage capacity for 12,000 CY. Two additional areas of temporary wetland impact are authorized at this location from the placement of dredge pipeline: a) 525 square feet for pipeline coming from the north; and b) 650 square feet for pipeline coming from the south.

In order to maintain the capacity necessary to fully dredge all the authorized volume, the approved project plans require removal of material from both CDFs. At Site 83, the currently approved method is mechanical removal from the CDF and placement on barges for transport to a public boat ramp approximately one-half mile to the southeast, adjacent to the Roosevelt Boulevard bridge, on the east bank of Crook Horn Creek. Material would be off-loaded to trucks at this location for transport to an existing commercial mining and recycling facility known as A & H Mining & Recycling, LLC, located at Block 410.01, Lots 99.01 and 99.02, in Lower Township, Cape May County, New Jersey, for disposal, recycling or reuse in upland, nonwetland areas. A location map for this site/facility is included. This process at Site 83 would require the same temporary wetland disturbance from construction mats as described above (up to 14 days). Material at the Route 52 CDF would be placed directly into trucks, with no wetland disturbance.

In addition to two permit modifications to allow mechanical dredging of certain areas, a separate permit modification was issued to the City on July 2, 2015, to approve an alternate off-site upland location for transport of 50,000 CY dredged material from CDF 83 by the currently approved method of removal, i.e. placement on barges and transfer to trucks. The alternate site is a designated stockpile area within the former City of Wildwood Landfill. No additional material is currently proposed to be relocated to that alternate site.

New Proposed Work:

No additional changes are being proposed to the authorized dredging or to the approved off-site location for final disposal of dredged material. However, the applicant has proposed to construct a temporary access road from Roosevelt Boulevard to CDF # 83. The proposed roadway would be approximately 1,550 feet long, with a cart-way (top width for travel) of 20 feet, and a total disturbance width of 40 feet, consisting of the 20' cart-way, 10' wide side slopes (i.e. 30' width at bottom of embankment), and an additional 10 feet to account for settling/disturbance. The proposed impact area would include two (2) truck staging/loading areas (one along Roosevelt Boulevard and one along the CDF). The total area of proposed wetland impact is 1.27 acres.

The City proposes to use the road to remove dredged material in order to create capacity; then perform dredging as authorized under the permit, followed by a second round of material removal before removing the road and restoring the wetlands to their original elevation and grade. Their proposed schedule and timing of the various components of the project are as follows:

- a) Road construction, up to 60 days (Dec 2015-Jan 2016).
- b) First round of removal of material from CDF, up to 150 days (Feb-Jun 2016).
- c) Dredging, up to 180 days (Jul-Dec 2016).
- d) Second round of removal of material from CDF, up to 180 days (Jan-Jun 2017).
- e) Removal of road and wetland restoration, up to 180 days (Jun-Dec 2017).

The proposed roadway includes three (3) piped crossings of tidal channels within the wetlands. These waters, subject to the ebb and flow of the tide, are navigable waters under the Corps' regulations. In 1966, Section 10 authority for bridges over navigable waters was transferred to the U.S. Coast Guard. The City must obtain any necessary Section 10 authorization from the U.S. Coast Guard for those crossings. The Corps of Engineers has Section 404 jurisdiction over the proposed discharge of fill material associated with the roadway project. The Corps of Engineers retains Section 10 jurisdiction over the authorized dredging and dredge pipe placement.

The City has received a Waterfront Development Permit and Water Quality Certificate for the proposed work from the New Jersey Department of Environmental Protection, Office of Dredging and Sediment Technology, on September 29, 2015 (NJDEP File No. 0508-15-0026.1 WFD150001 and CSW150001). Their current NJDEP permit for dredging was issued on June 25, 2012 (NJDEP File No. 0508-10-0032.1 WFD110001).

The applicant has stated the following as their position with regard to (a) avoidance and minimization of impacts to aquatic resources and (b) compensatory mitigation for such impacts:

a) "The proposed access road, necessary to economically and efficiently empty CDF#83, is a temporary structure that is intended to remain in place long enough to empty the CDF and then, will be removed. To minimize adverse impacts to the waters of the United States, a number of best management practices will be implemented. A silt fence and/hay bales will be installed along the outer limits of the proposed footprint of disturbance. This footprint of disturbance is proposed to be a maximum of 40-feet, with an expected area of roadway and side slopes not to exceed 30-feet in width. An extra 5-feet of temporary disturbance has been allowed for on either side of the proposed access road so that any "mud wave" (squishing of material out from the roadway into the adjacent marsh) can be totally restored, after use of the road has been completed and the material removed. Appropriately designed side slopes, as shown on Sheet 2 of the submitted plans, are proposed to ensure the stabilization of the roadway shoulder. Finally, geotextile fabric will also be utilized to further prevent the erosion of the material into the adjoining waters of the United States."

All areas of temporary disturbance – either from the road itself or the mud wave will be fully restored, upon completion of the project. Pipes are proposed under the two tidal creek crossings to minimize adverse impacts to the area hydrology and tidal flow. These pipes have been sized so as not to restrict tidal flow." and

b) "The proposed activity is temporary and, once use of has been completed, the roadway will be completely removed and the area restored back to pre-existing grades. All temporary fill material will be removed and the area replanted with indigenous vegetation. The wetlands disturbance is temporary and accordingly, mitigation to enhance, restore or create new wetlands is not necessary."

PURPOSE: The applicant's previously stated purpose as presented in the original public notice of the application was "to remove accumulated sediment that restricts navigation in all of the lagoons located in Ocean City as well as the access points to the existing bayfront marinas located north of 9th Street. Maintenance dredging is also required to remove accumulated sediment in the individual boat slips within the lagoons and bayfront marinas." Their stated purpose for the requested modification is "to promote tourism and economic viability to the City

of Ocean City by maintaining navigation of the back bays. Without dredging, the City waterways are not navigable. Without emptying CDF # 83, there is no economically viable option for dredged material containment and disposal.”

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue (or modify) a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit (or modification) will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). This office previously prepared an assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 53, as part of the original permit process. The assessment

indicated that the dredging and disposal project may have an adverse effect on the EFH of winter flounder (Pseudopleuronectes americanus). This determination was made based on the fact that shallow water habitat would be impacted by dredging. While the adults and juveniles would be able to avoid the dredging equipment, eggs and larvae may be affected. The previously issued Department of the Army permit for this project includes a seasonal restriction on dredging operations in order to ensure that impacts resulting from the project would not be more than minimal. The seasonal restriction prohibits dredging from January 1 through May 31. The new proposed work (i.e. temporary access road in wetlands) would not affect or change the prior determination with regard to EFH. The project would not have more than minimal impact on the EFH of any other managed species, and no additional measures or restrictions are proposed to protect EFH as a result of the new proposed work.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

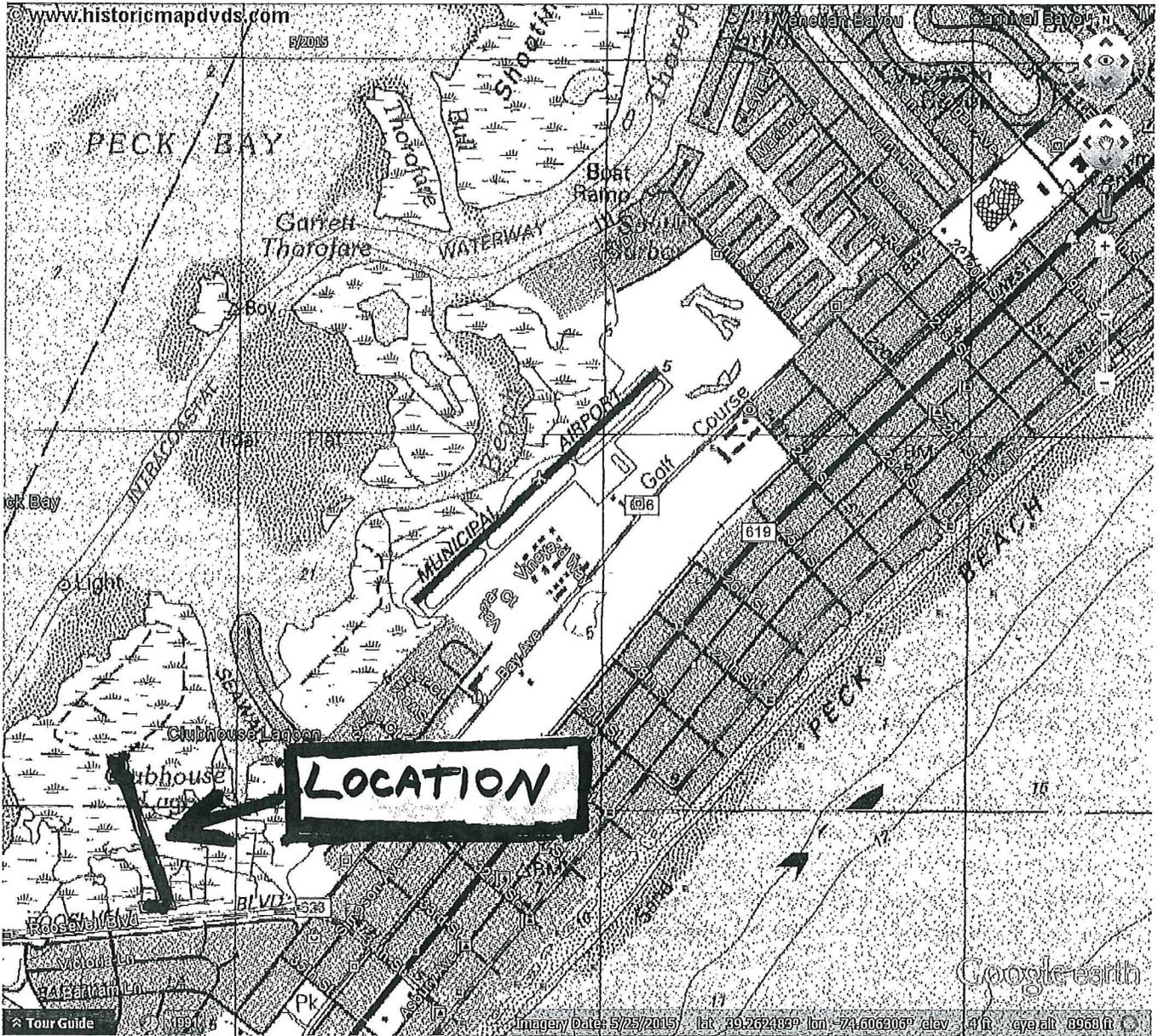
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

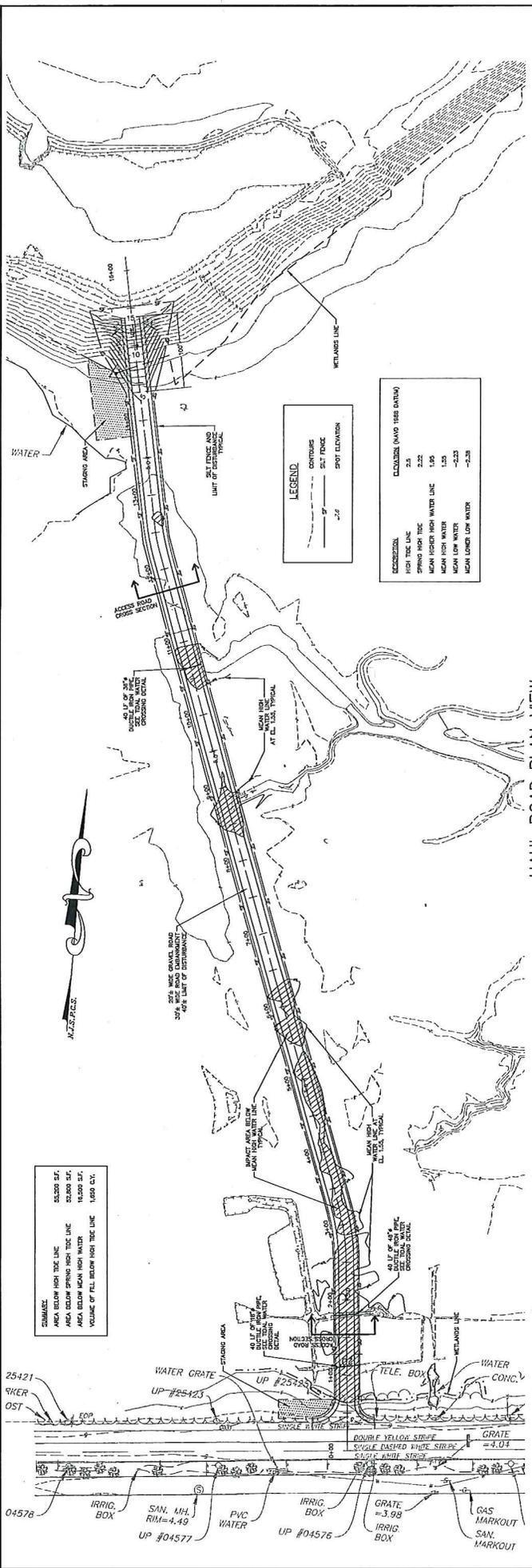
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling James Boyer at (215) 656-5826, by electronic mail to James.N.Boyer@usace.army.mil, or by writing to this office at the above address.


Frank J. Cianfrani
Chief, Regulatory Branch



Project location (southwest corner of "Ocean City" USGS Quadrangle), over-lay onto Google Earth.



HAUL ROAD PLAN VIEW
SCALE 1"=40'

COORDINATE SYSTEM
 HORIZONTAL DATUM: NAD 1983, BASED ON OBSERVATIONS BY ACT ENGINEERS, INC. IN JULY 2015 AND MONUMENT #483334784.2 AND #483334784.4.
 VERTICAL DATUM: NAVD 1983, BASED ON GPS MEASUREMENTS BY ACT ENGINEERS, INC. IN JULY 2015 AND REFERRING TO NATIONAL GEODETIC MONUMENT #483334784.2 AND #483334784.4.

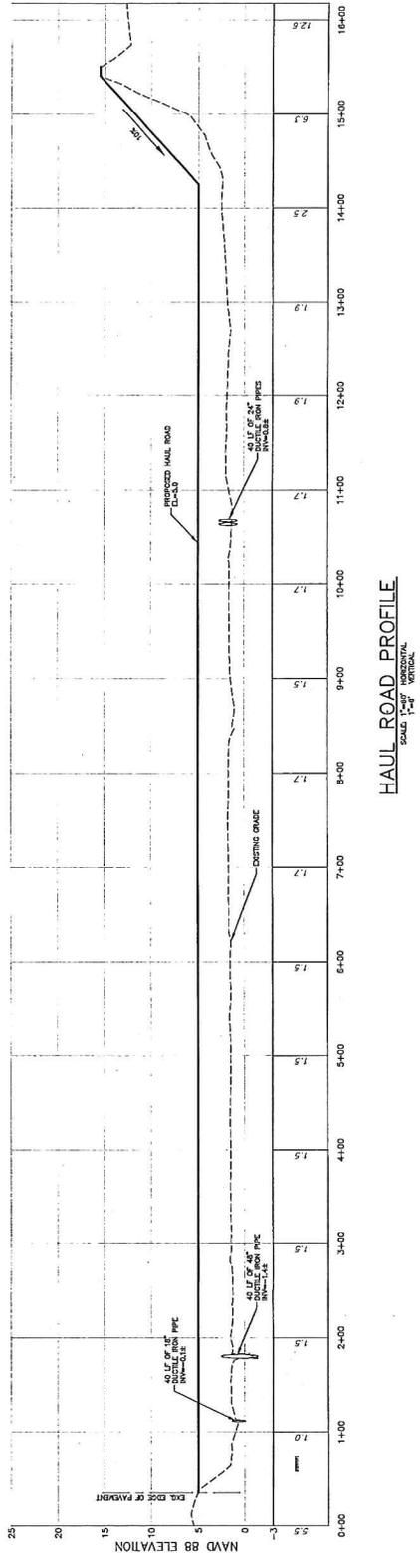
GENERAL NOTES
 1. TOPOGRAPHY SHOWN FOR THE CDF, PROPOSED HULL ROAD, AND EXISTING HULL ROAD WAS PERFORMED BY ACT ENGINEERS, INC. IN JULY 2015.
 2. 2015 GROUND TOPOGRAPHY SHOWN HEREON WAS PERFORMED BY FRALINGER ENGINEERING AND SURVEYING, INC. IN JULY 2015.
 3. WETLANDS SHOWN HEREON WAS OBTAINED FROM NAD83 TIDAL WETLANDS MAPPING.
 4. TOTAL ELEVATIONS BASED ON:
 TOTAL DATUM NOAA TIDAL STATION 8534836 (LONGPORT, NJ 1083-2001).
 (TOTAL EPOCH 1983-2001).
 TOPOGRAPHY AND WETLANDS MAPPING WAS PROVIDED BY OBSERVATIONS BY ACT ENGINEERS, INC.

LEGEND
 --- CONTOURS
 --- SET FENCE
 --- SPOT ELEVATION

SECTIONAL	ELEVATION (NAVD 1983 DATUM)
HIGH TIDE LINE	2.5
SPRING HIGH TIDE	2.25
MEAN HIGHER HIGH WATER LINE	1.95
MEAN HIGH WATER	1.65
MEAN LOWER HIGH WATER	1.35
MEAN LOW WATER	1.05
MEAN LOWER LOW WATER	0.75

SUMMARY

AREA BELOW HIGH TIDE LINE	50,000 S.F.
AREA BELOW SPRING HIGH TIDE LINE	30,000 S.F.
AREA BELOW MEAN HIGH WATER	10,000 S.F.
VOLUME OF FILL BELOW HIGH TIDE LINE	1,000 C.Y.



HAUL ROAD PROFILE
 SCALE 1"=4' VERTICAL
 1"=40' HORIZONTAL

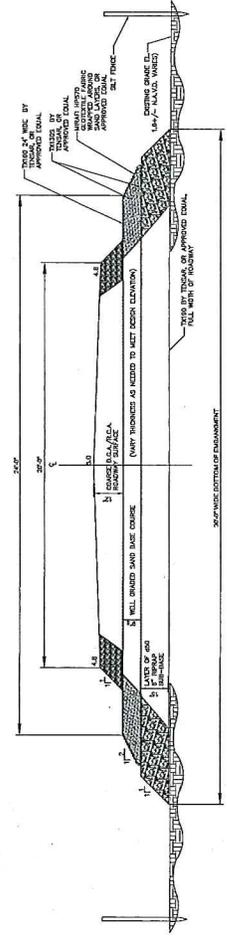
ACT ENGINEERS, INC.
 1 WASHINGTON BOULEVARD
 HOBOKEN, NJ 07030
 WWW.ACTENGINEERS.COM
 (201) 961-1000
 NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24603328100

ROBERT E. KORKUCH
 NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO. 24603328100

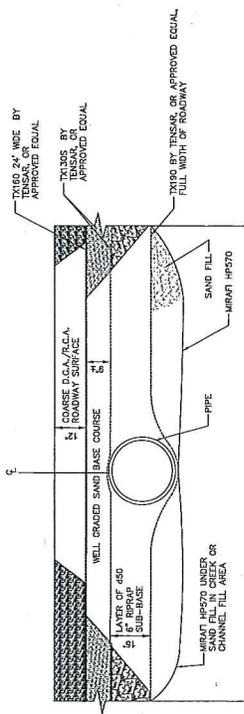
PERMIT PLAN
 HULL ROAD FROM
 SITE 83 CDF
 SITUATED IN
 OCEAN COUNTY
 OCEAN CITY
 NEW JERSEY

DATE: 1 OF 2

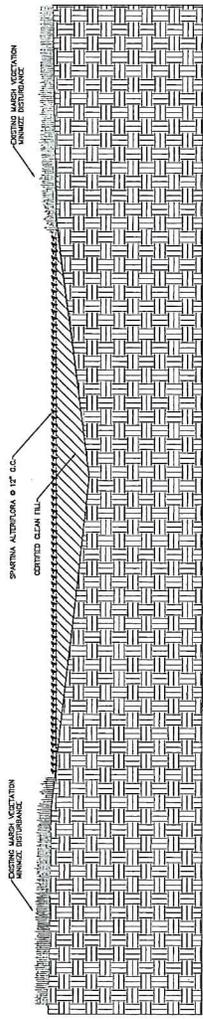
- NOTES:**
1. GEOTEXTILE IS TO BE PLACED ABOVE GEOTEXTILE FABRIC WHEREVER SHOWN TOGETHER.
 2. THICKNESS OF WELL GRADED SAND BASE COURSE TO VARY AS NEEDED TO MEET ROAD SURFACE GRADES.
 3. JOINTS IN DUCTILE IRON PIPES TO BE MECHANICALLY RESTRAINED TO PRECLUDE SEPARATION OF JOINT RESULTING FROM ANTICIPATED SETTLEMENT.



ACCESS ROAD CROSS-SECTION
NOT TO SCALE



TIDAL WATER CROSSING DETAIL
NOT TO SCALE

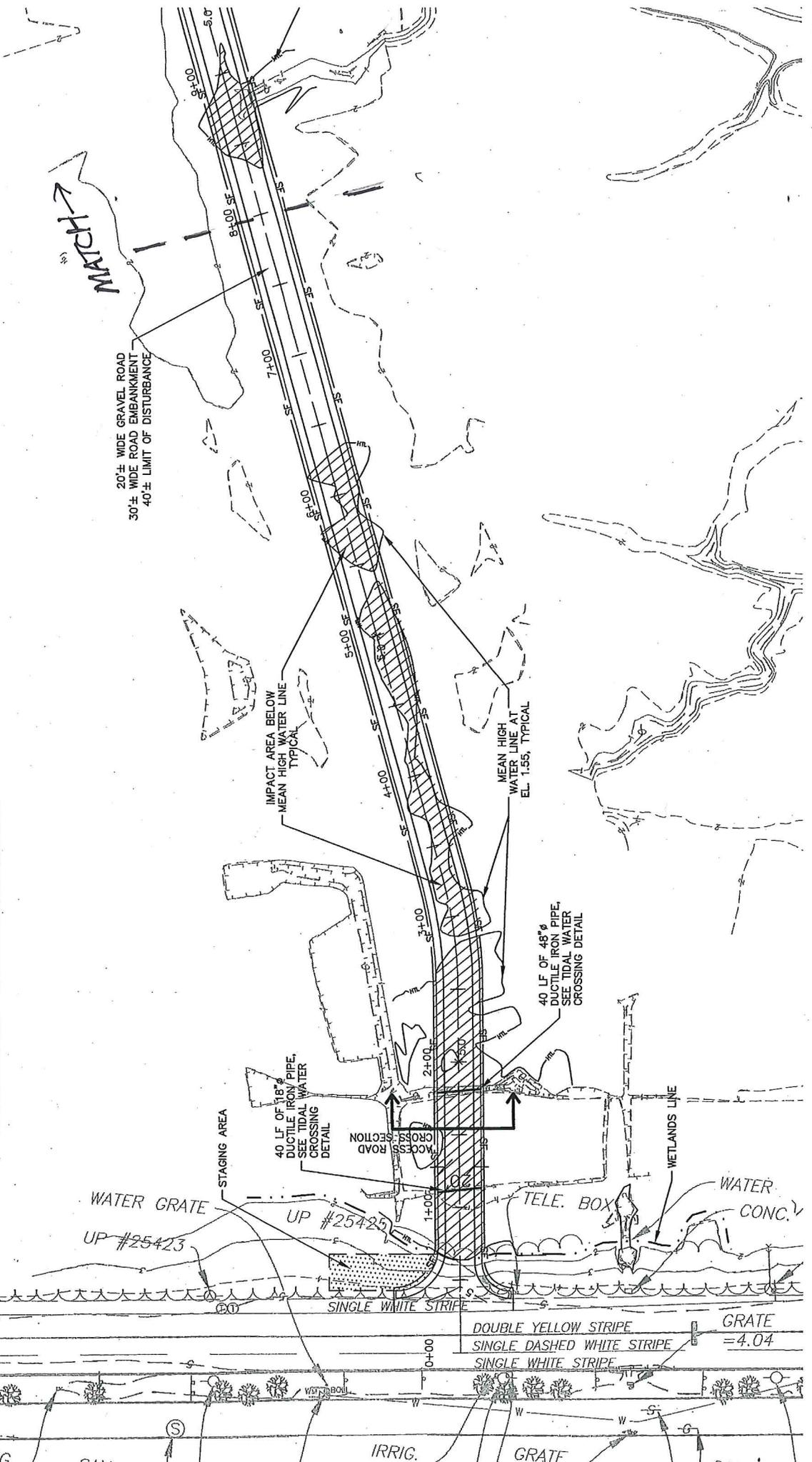


RESTORATION DETAIL
NOT TO SCALE

PROJECT NO. 150720-00 DRAWING NO. 150720-00 DATE: 8/2/15 ACT ENGINEERS, INC. 2 OF 2	SECTION DETAILS HALL ROAD FROM SITE 83 CDF 020M CITY NEW JERSEY	 ACT ENGINEERS, INC. 1000 ROUTE 100 SUITE 100 NEW JERSEY 07030 WWW.ACTENGINEERS.COM CONTACT: 908.246.0300	 ROBERT E. KORKUCH NEW JERSEY PROFESSIONAL ENGINEER, LIC. NO. 24603288100	SHEET NO. 2 OF 2 DATE: 8/2/15



SUMMARY	
AREA BELOW HIGH TIDE LINE	55,200 S.F.
AREA BELOW SPRING HIGH TIDE LINE	52,800 S.F.
AREA BELOW MEAN HIGH WATER	16,500 S.F.
VOLUME OF FILL BELOW HIGH TIDE LINE	1,650 C.Y.



5421
KER
ST

EOP

WATER GRATE

UP #25423

40 LF OF 18" DUCTILE IRON PIPE, SEE TIDAL CROSSING DETAIL

ACCESS ROAD CROSS SECTION

40 LF OF 48" DUCTILE IRON PIPE, SEE TIDAL WATER CROSSING DETAIL

MEAN HIGH AT WATER LINE AT EL 1.55, TYPICAL

IMPACT AREA BELOW MEAN HIGH WATER LINE TYPICAL

20'± WIDE GRAVEL ROAD
30'± WIDE ROAD EMBANKMENT
40'± LIMIT OF DISTURBANCE

MARCH

DOUBLE YELLOW STRIPE
SINGLE DASHED WHITE STRIPE
SINGLE WHITE STRIPE
GRATE = 4.04

IRRIG.

IRRIG.

GRATE

WATER CONC.

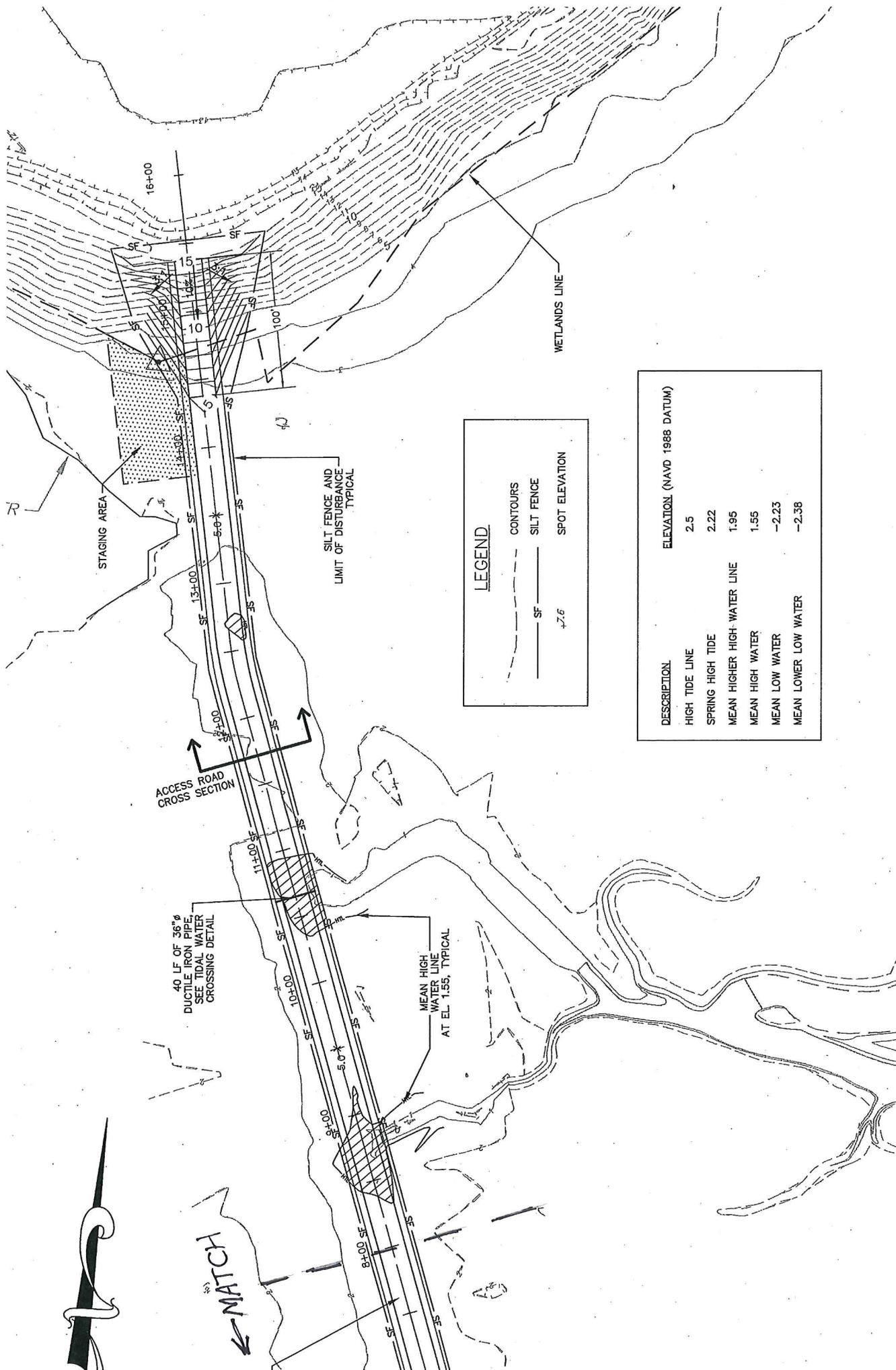
WETLANDS LINE

TELE. BOX

UP #25425

SINGLE WHITE STRIPE

STAGING AREA



LEGEND

- CONTOURS
- SF - SILT FENCE
- +7.6 SPOT ELEVATION

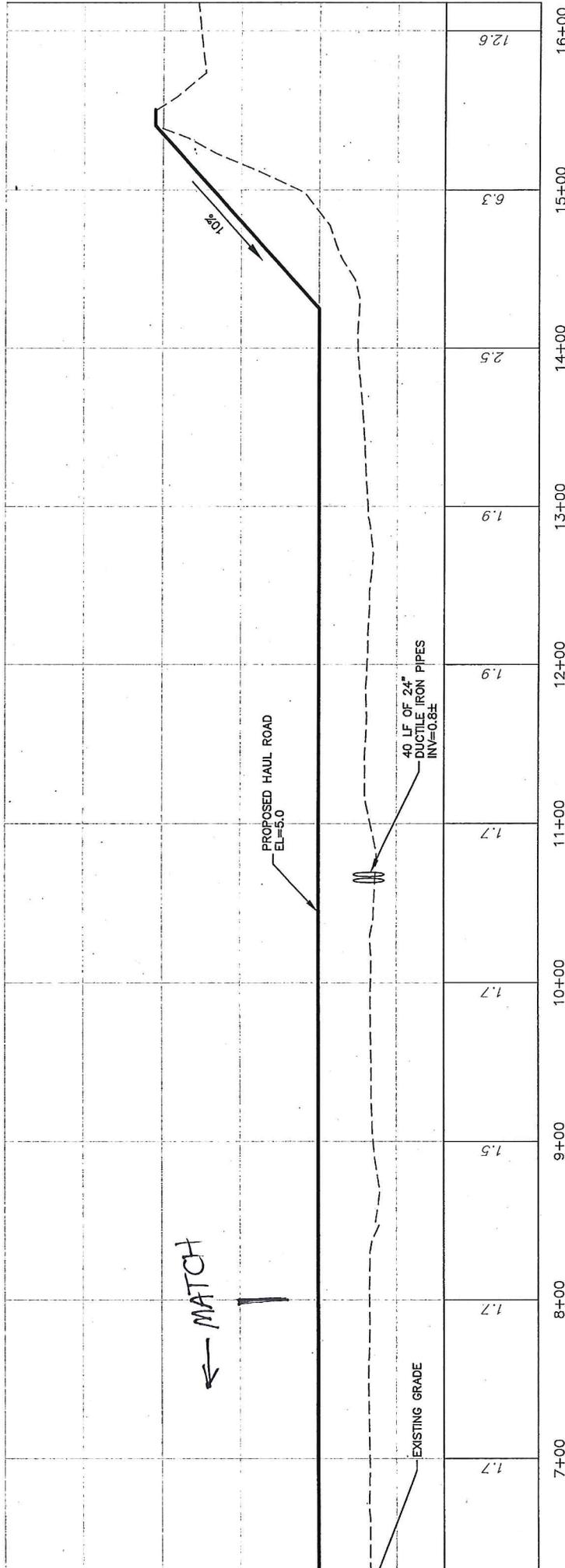
DESCRIPTION	ELEVATION (NAVD 1988 DATUM)
HIGH TIDE LINE	2.5
SPRING HIGH TIDE	2.22
MEAN HIGHER HIGH WATER LINE	1.95
MEAN HIGH WATER	1.55
MEAN LOW WATER	-2.23
MEAN LOWER LOW WATER	-2.38

HAUL ROAD PLAN VIEW

SCALE: 1"=60'

PAUL ROAD FLAIN VIEW

SCALE: 1"=60'



HAUL ROAD PROFILE

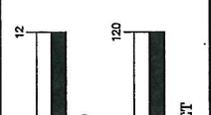
SCALE: 1"=60' HORIZONTAL
1"=6' VERTICAL

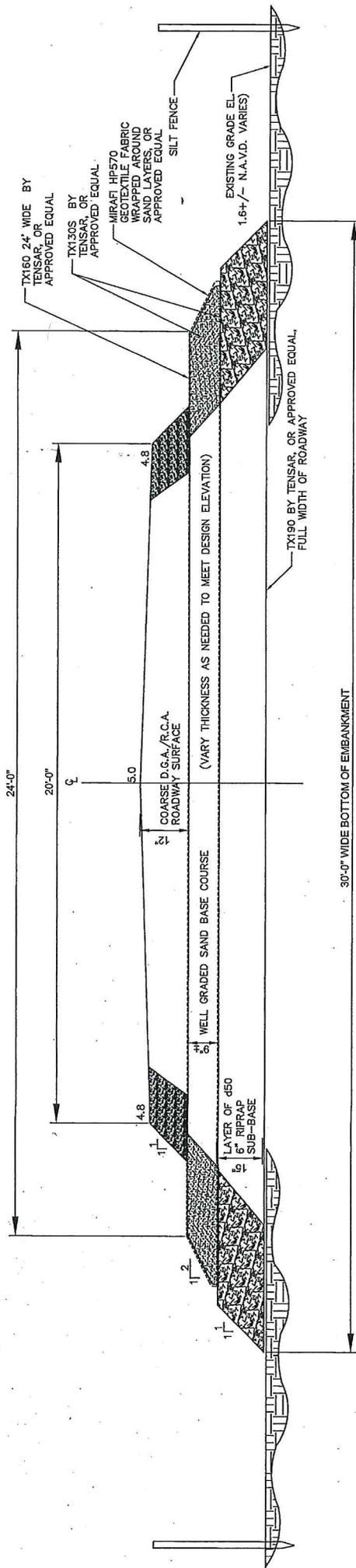
Robert E. Korkuch

ROBERT E. KORKUCH
NEW JERSEY PROFESSIONAL ENGINEER LIC. NO. 24GE03268100

PERMIT PL/ HAU ROAD FR SITE 83 CDF
SITUATED IN CAPE MAY COUNTY
OCEAN CITY

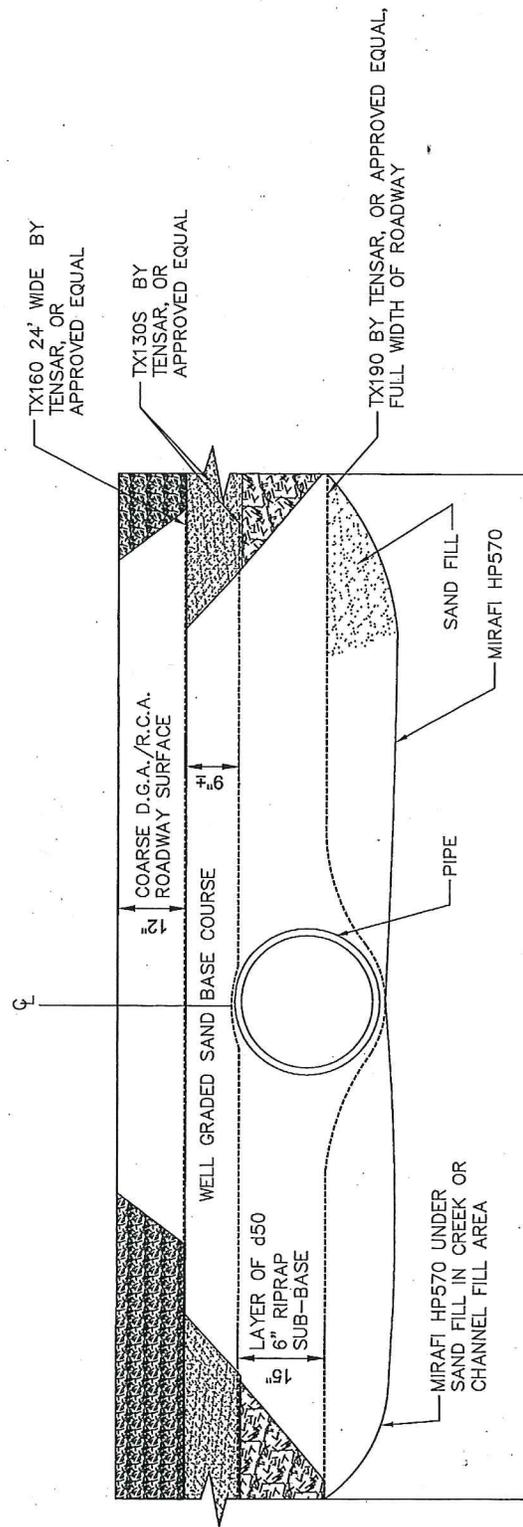
ACT ENGINEERS, INC.
A WOMAN-OWNED BUSINESS ENTERPRISE
1 WASHINGTON BOULEVARD SUITE 3 ROBINNSVILLE, NJ 08691
Voice (609) 918-0200 www.actengineers.com
CIVIL ENGINEERING □ LAND SURVEYING □ ENVIRONMENTAL PERMITTING
NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24CA2793690





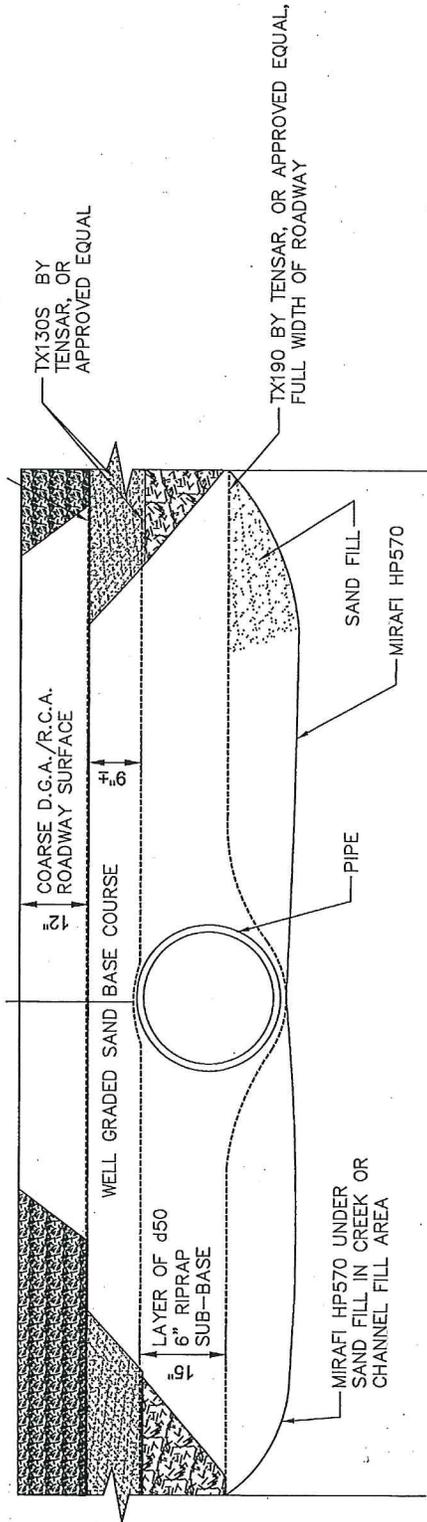
ACCESS ROAD CROSS-SECTION

NOT TO SCALE



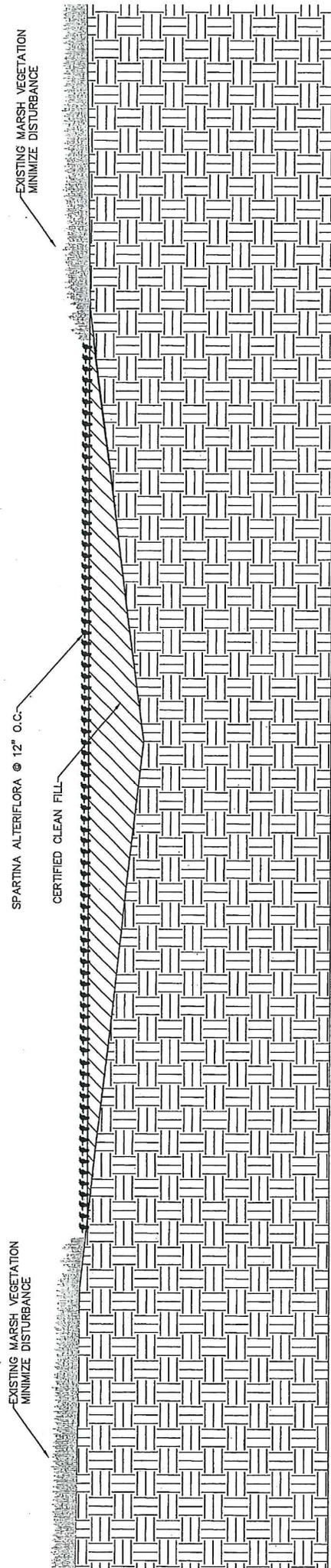
TIDAL WATER CROSSING DETAIL

NOT TO SCALE



TIDAL WATER CROSSING DETAIL

NOT TO SCALE



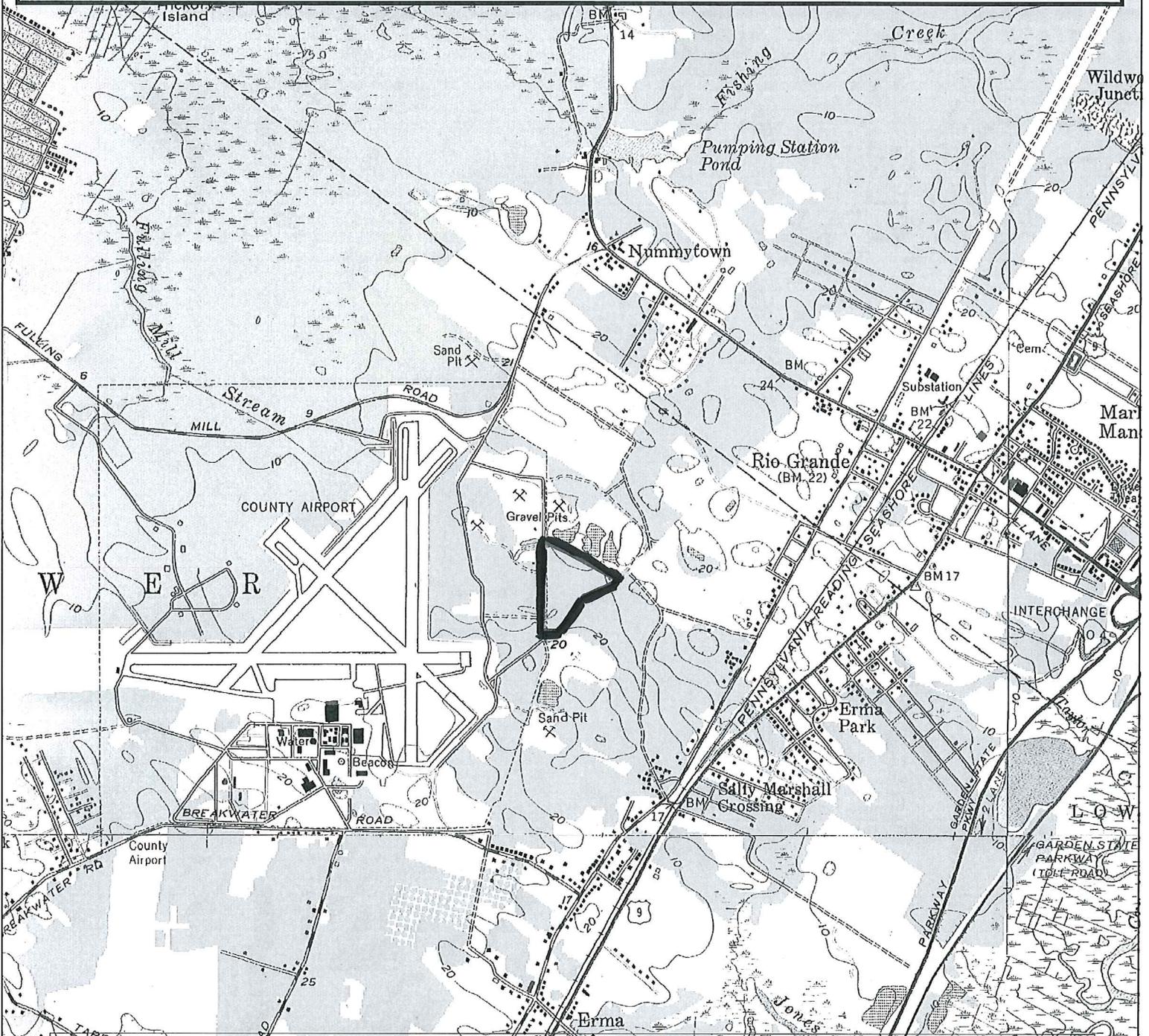
RESTORATION DETAIL

NOT TO SCALE

FIGURE 6 - A & H RECYCLING AND MINING FACILITY MAP

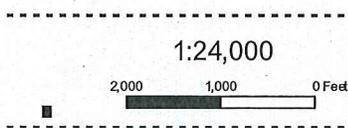
Block 410.01, Lot 99.01

Lower Township, Cape May County, NJ



LEGEND:

 PROJECT BOUNDARY



SOURCE DATA:

PROJECT BOUNDARY:
Heads-up digitizing based on 2007 Orthophoto Digital Imagery downloaded from the NJDEP, www.STATE.NJ.US/DEP/GIS

BASE SOURCE DATA:
USGS data downloaded from 2000 DeLorme, 3-D Topo Quads. (Quad. - Rio Grande, NJ)

This map complies with the National Map Accuracy Standards. This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

Water's Edge
Environmental, LLC

P.O. Box 118, Ocean City, NJ 08226

Phone: 609-249-3744

Fax: 609-249-3860

E-mail: bschuler@watersedgelc.com

Map Prepared by Bryan M. Schuler

Map Created in July 2011

Project No. 654