



**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-2014-1063-24

Date
APR 17 2015

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit 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 issuance of a Department of the Army permit for the work described below.

APPLICANT: 4482 Venicean Road Condominium Association

AGENT: Hyland Design Group
701 West Avenue, Suite 301
Ocean City, New Jersey 08226

WATERWAY: Ludlam Thorofare

LOCATION: Decimal Latitude: 39.155671° North; Longitude: -74.702634° West
The project site is located along the southeastern shore of Ludlam Thorofare, approximately 1,600 feet southwest of the Sea Isle Boulevard bridge (County Route 625); at 4480-4482 Venicean Road; Block 44.05, Lots 97-98; in Sea Isle City, Cape May County, New Jersey. The property contains a two-unit condominium residence. A location map is included with this notice.

ACTIVITY: The applicant proposes to modify and legalize an existing dock arrangement and perform maintenance dredging by hydraulic (pipeline method) in Ludlam Thorofare. It is proposed to dredge to a maximum depth of 4 feet below MLW. The dredged material would be transported by 10-inch plastic pipe, sunk to the waterway bottom, to an existing confined disposal facility (CDF) owned by the City of Sea Isle City, located along the southwest side of Rio Grande Lagoon at Ludlum Thorofare.

The applicant proposes to remove a 4.7' x 20.7' section of an existing, unpermitted floating dock and remove an existing roof and railings from an existing 8' x 12' fixed pier. They propose to maintain (legalize) the fixed pier, along with a 3' x 19' ramp, 8' x 23.5' floating dock, one 4' x 24.5' floating finger pier, one 3.5' x 28.2' floating finger pier, and three mooring pilings. The existing structures were present when the two existing owners purchased their respective properties (2000 and 2005). As such, details regarding specific materials in the existing structural elements (pilings, stringers, etc.) and their exact age are unknown, and they may contain pressure-treated wood. However, the existing floats, as well as the decking on the fixed pier and ramp, consist of synthetic (non-polluting) materials.

The applicant proposes to dredge 317 cubic yards from an area 3,605 square feet (0.083 acre) in size. The dredged material would be transported by 10-inch plastic pipeline from the dredge site along Ludlam Thorofare for a short distance, then within Rio Grande Lagoon, and into the CDF. The pipe would be anchored to the bottom within the waterway, and would be elevated above the wetland surface outside the CDF.

An application is being processed for docks and dredging at Lots 99 and 100 on the northeast side (CENAP-OP-R-2014-727-24).

The applicant has requested authorization for ten (10) years of maintenance dredging for the same dredging method, location, depth and disposal (through the year 2025). It is anticipated that approximately two additional maintenance dredging events may be required over the 10-year period, with a maximum total of up to 1,000 additional cubic yards.

The applicant estimates that the structures are approximately 100 feet from the edge of the federal navigation channel (New Jersey Intra-Coastal Waterway, or NJ-ICW), and the proposed dredging would be no closer than 60 feet from the NJ-ICW. The dredge pipe would be located outside the NJ-ICW.

The State of New Jersey, Department of Environmental Protection, issued a Waterfront Development Permit for the dock legalization and modifications on October 20, 2014 (NJDEP # 0509-10-0004.1). They issued a separate permit, including a Water Quality Certificate and Acceptable Use Determination, on December 26, 2014 (NJDEP # 0509-10-0004.1).

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) "Adverse impacts to the waters of the United States as a result of the discharge of return water associated with the proposed hydraulic dredging will be minimized by holding the dredged material in the CDF for a period long enough to allow for sedimentation and removal of suspended solids from the return water before discharging thereby limiting the solid components of the return water to the greatest extent possible. In addition, the discharge of the return water will be limited during times of high winds, waves and tidal action to the greatest extent practicable in an effort to control the dispersion of the decanted water thereby decreasing turbidity levels and minimizing adverse impacts to light penetration for organisms. As stated above, it is anticipated that the dredge pipe will be elevated on a suitable structure as it crosses the wetlands to the CDF in order to minimize potential impacts to the wetlands."
- b) "Compensatory mitigation should not be required as it is expected that there will be no loss of waters or wetlands of the United States as a result of the proposed minor dredging and any minimal impacts will be temporary due to the aforementioned practices."

PURPOSE: The applicant's stated purpose is: a) "to provide sufficient water depths during low tide for unhindered navigation in and out of the mooring areas."

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). A preliminary 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 63, indicates that the proposed project, as described in this public notice, would not have a substantial (i.e. not more than minimal) adverse effect on the EFH of any managed

species. We have determined that winter flounder (Pseudopleuronectes americanus) is the only managed species with EFH that would potentially be adversely affected by the project.

Analysis of the Effects: This EFH determination is made based on the fact that shallow water habitat (proposed to be dredged) would be impacted by the proposed dredging. While the winter flounder adults and juveniles are highly motile, and would be able to avoid the equipment being used at the project site, eggs and larvae of these species may be affected. Any Department of the Army permit issued for the proposed work would include 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 would prohibit dredging from January 1 through May 31. The specific dates may be adjusted following coordination with the National Marine Fisheries Service. In addition, some of the existing structures, such as pilings, which are proposed to remain, may contain pressure-treated wood (i.e. polluting materials). The extent of this material and its age is unknown, as it existed when the property was purchased. However, the existing floats and the decking on the fixed pier and ramp are synthetic, i.e. non-polluting material. Since the site has been mapped as shellfish habitat, an additional EFH conservation measure proposed by the Corps would be to require the use of all non-polluting materials for any future repair, rehabilitation or replacement of any authorized structures.

As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. The project would not have more than minimal impact on the EFH of any other managed species. Significant cumulative impacts are not anticipated, since the effects on EFH would be mostly temporary from dredging, the depths would not change substantially, no bottom disturbance is proposed from any structures, and effects of any remaining polluting materials are minimal. No substantial adverse effects on prey species are anticipated. The proposed disposal site is an existing, active upland confined disposal facility. Any potential impacts from suspended sediments in the return water would not be more than minimal, and would not occur during the seasonal restriction.

Corps of Engineers View: Based upon the above analysis, the Corps of Engineers has determined that the proposed project would not have a substantial adverse effect (i.e. not more than minimal adverse effect) on the EFH of managed species, or upon their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. This includes direct, indirect, site-specific and/or habitat-wide impact on EFH. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH. Any Department of the Army permit issued for the proposed work would include a seasonal restriction prohibiting dredging from January 1 through May 31 in order to ensure that impacts resulting from the project would not be more than minimal. In addition, any permit would include the condition for non-polluting materials as described above. No other conservation recommendations are proposed at this time to further minimize the adverse effect on these species. This determination may change as a result of consultation with the National Marine Fisheries Service.

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.

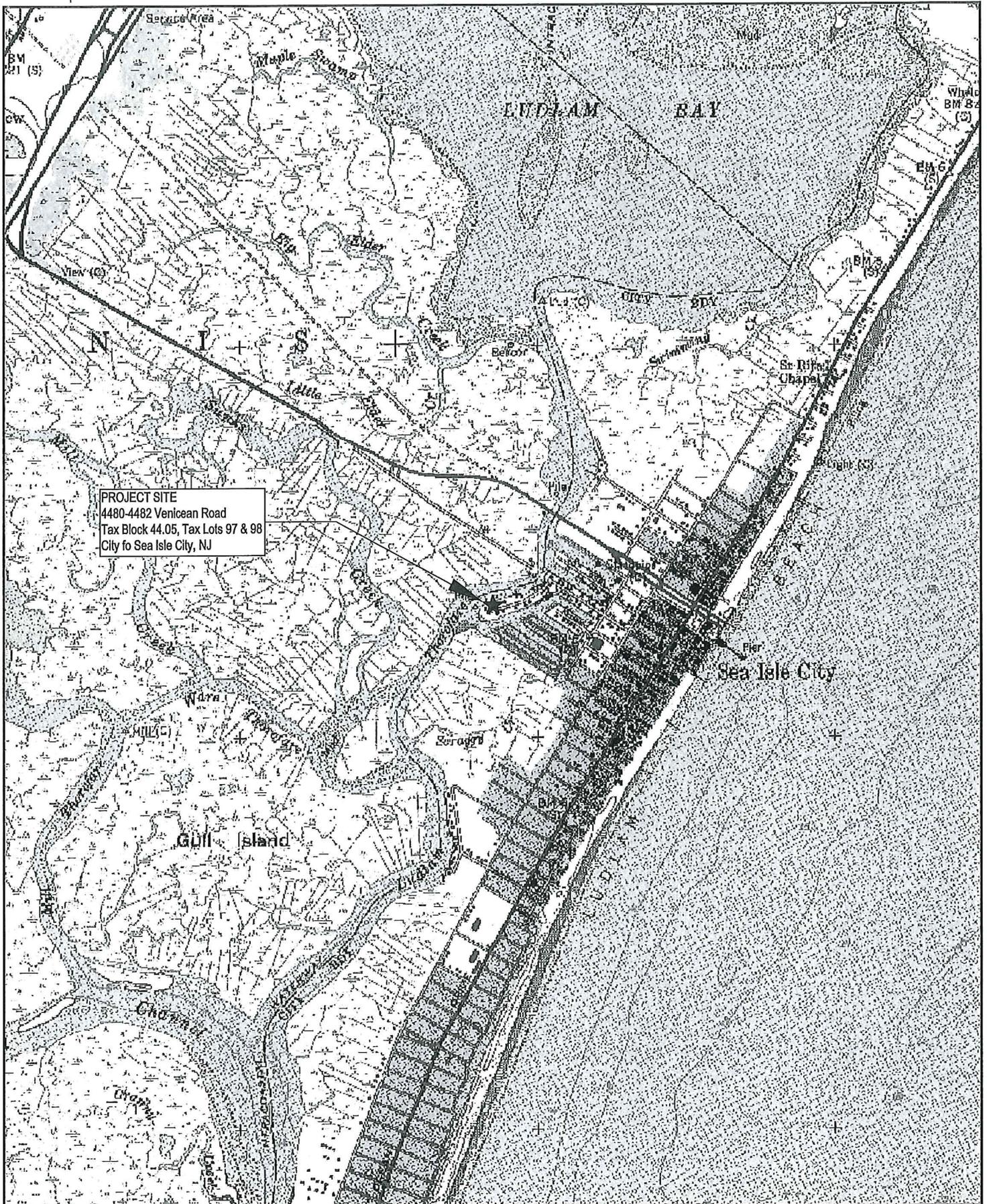
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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.

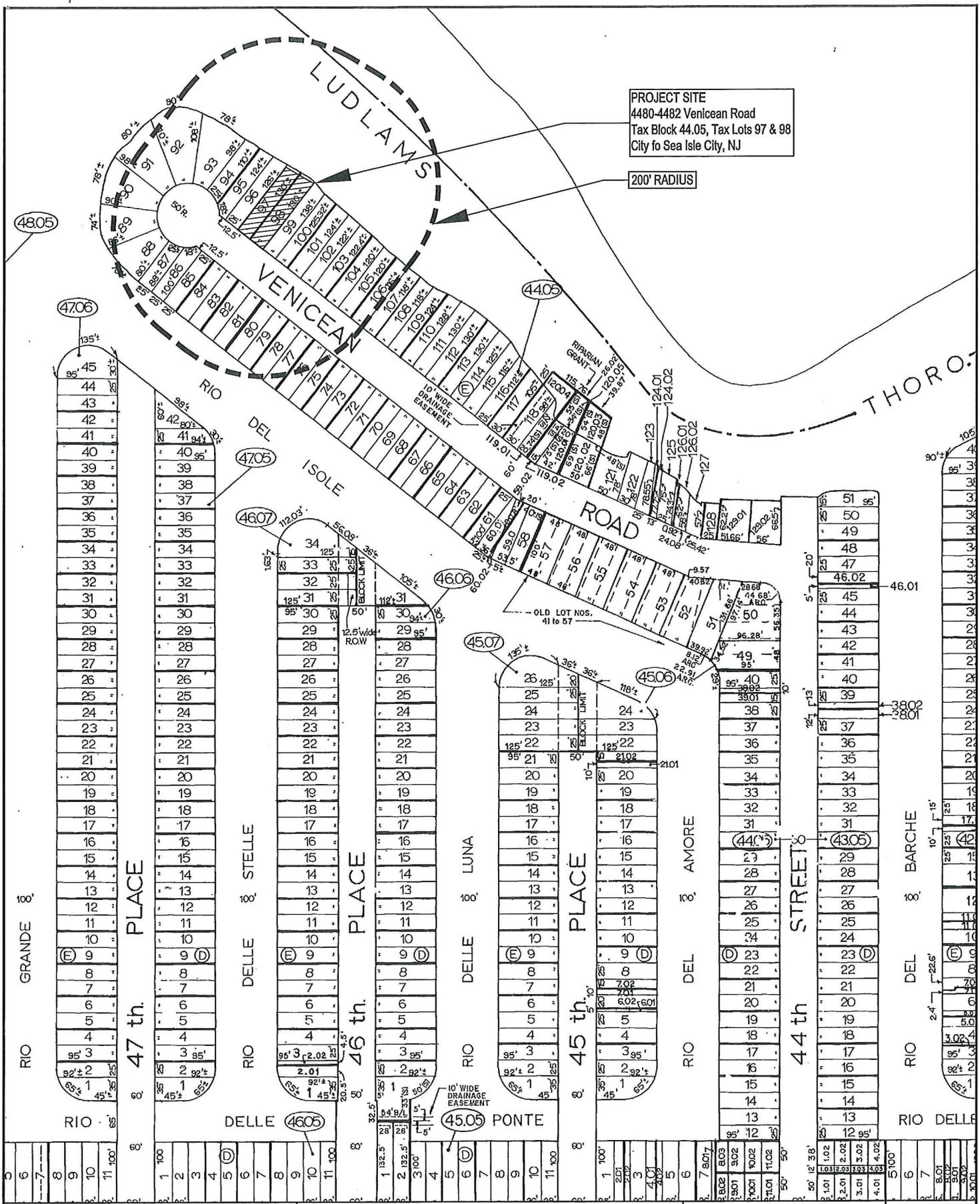


Frank J. Cianfrani
Chief, Regulatory Branch



P:\21890.01 Stavola 4480 Venicean Rd - SIC13 CAD Drawings\Report Figures.dwg Area Map 9/30/2014 10:27:03 AM

AREA MAP		 HYLAND DESIGN GROUP <small>NJ State Bd. of Architects Cert. of Authorization No. 21AC00040300 NJ State Bd. of Engineers and Surveyors Cert. of Authorization No. 24GA280887300</small> ENGINEERS • ARCHITECTS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS	PROJECT NO: 21890.01	
MAP SOURCE: PORTION OF U.S.G.S "SEA ISLE CITY" QUADRANGLE MAP			DRAWN BY: RDS	
			SCALE: 1" = 2,000'	
			FIGURE #: 1	



PROJECT SITE
 4480-4482 Venicean Road
 Tax Block 44.05, Tax Lots 97 & 98
 City of Sea Isle City, NJ

200' RADIUS

<p>TAX MAP</p> <p>MAP SOURCE: PORTION OF 'CITY OF SEA ISLE CITY' TAX MAP MAP DATE: LAST REVISED 02.22.05 COMMENTS: PORTION OF TAX MAP No. 7</p>		<p>HYLAND DESIGN GROUP, Inc. 701 West Avenue, Suite 301, Ocean City, New Jersey 08226 Phone: (609) 398-4477 Fax: (609) 398-7366 www.HylandDesignGroup.com</p> <p><small>NJ State Bd. of Architects Cert. of Authorization No. 21AC00040300 NJ State Bd. of Engineers and Surveyors Cert. of Authorization No. 24GA280887300</small></p> <p>ENGINEERS • ARCHITECTS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS</p>		<p>PROJECT NO: 21890.01</p> <p>DRAWN BY: RDS</p> <p>SCALE: 1" = 200'</p> <p>FIGURE #: 2</p>		
--	--	--	--	---	--	--

P:\21890.01 Stavola 4480 Venicean Rd., SICV, CAU Drawings\Dredge piping 4-7-15.dwg, Area Map, 4/17/2015 12:10:22 PM

PROJECT SITE
 4480-4482 Venicean Road
 Tax Block 44.05, Tax Lots 97 & 98
 City of Sea Isle City, NJ

PROPOSED PIPE
 1,400± L.F., 10" dia. Plastic Dredge
 Pipe to be Anchored to Bottom of
 Channel. All Pipe Anchors will be
 Installed to Avoid Wetland Impacts

Green Channel Marker

Ludlams Thorofare

Venicean Road

Rio Del Isole Lagoon

46th Place

Rio Delle Stelle Lagoon

47th Place

Rio Grande Lagoon

Ludlams Thorofare

Dredge Pipe Outfall

CDF Outfall Pipe

Containment Disposal Facility
 (See Sheet V1.0)

CONTAINED DISPOSAL FACILITY

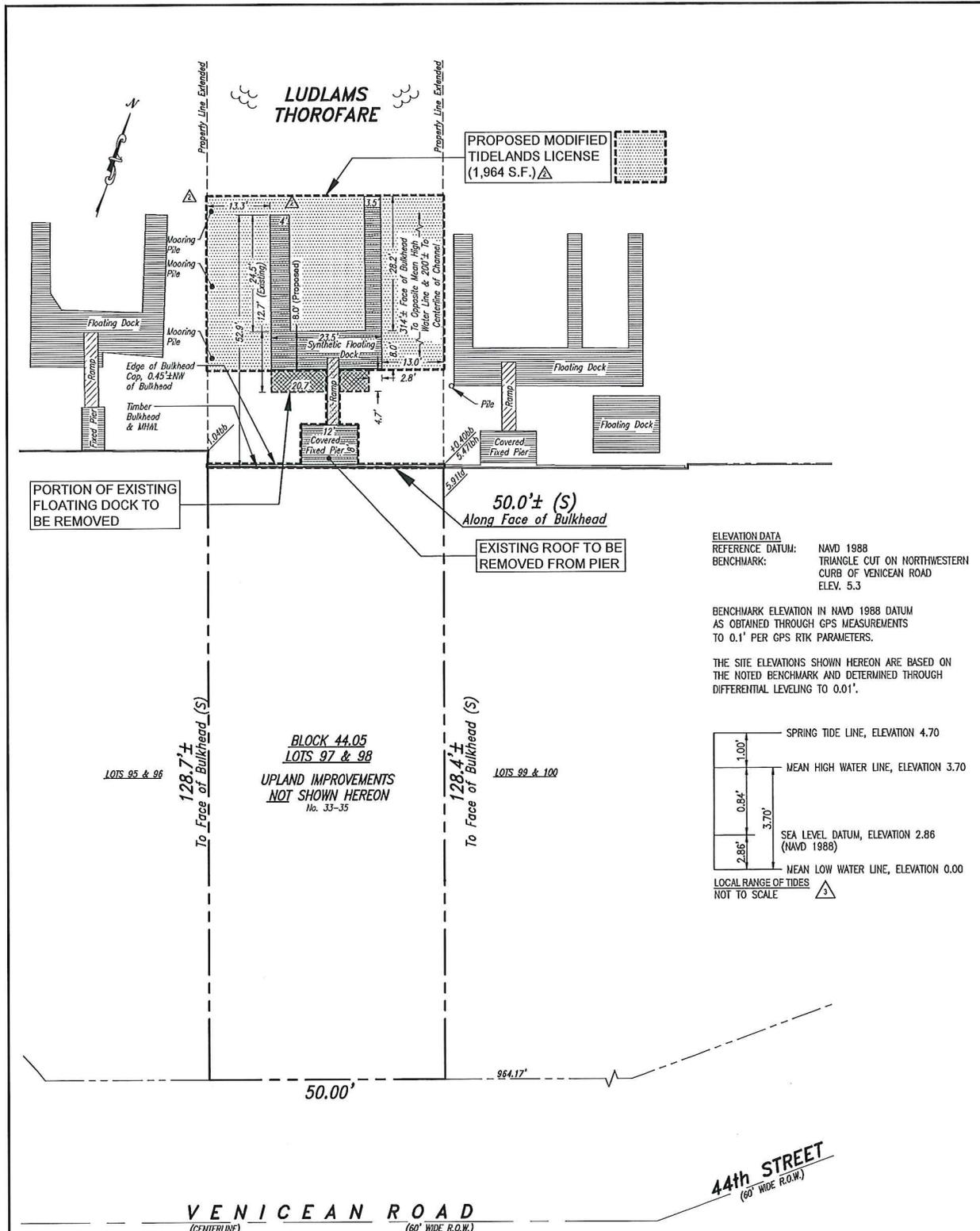
HYLAND DESIGN GROUP, Inc.
 701 West Avenue, Suite 301, Ocean City, New Jersey 08226
 Phone: (609) 398-4477
 Fax: (609) 398-7366
 www.HylandDesignGroup.com

NJ State Bd. of Architects Cert. of Authorization No. 21AC00040300
 NJ State Bd. of Engineers and Surveyors Cert. of Authorization No. 24GA280887300

ENGINEERS • ARCHITECTS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS

PROJECT NO:	21890.01
DRAWN BY:	RDS
SCALE:	Not to Scale
FIGURE #:	1

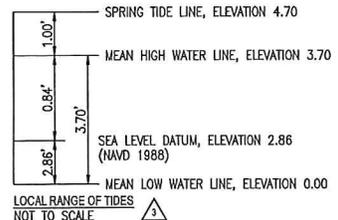




ELEVATION DATA
 REFERENCE DATUM: NAVD 1988
 BENCHMARK: TRIANGLE CUT ON NORTHWESTERN CURB OF VENICEAN ROAD
 ELEV. 5.3

BENCHMARK ELEVATION IN NAVD 1988 DATUM AS OBTAINED THROUGH GPS MEASUREMENTS TO 0.1' PER GPS RTK PARAMETERS.

THE SITE ELEVATIONS SHOWN HEREON ARE BASED ON THE NOTED BENCHMARK AND DETERMINED THROUGH DIFFERENTIAL LEVELING TO 0.01'.



PERMIT PLAN

SCALE: 1" = 20'

GENERAL NOTES
 1. EXISTING CONDITIONS SHOWN HEREON PER FIELD SURVEY PERFORMED BY HYLAND DESIGN GROUP, INC. ON OCTOBER 3, 2012.

SURVEY LEGEND		ELEVATION DATA LEGEND	
(Survey)	PROPOSED DIMENSION/INTERIOR ANGLE	0.00	EXISTING ELEVATION
(S)	PER FIELD SURVEY PERFORMED BY HYLAND DESIGN GROUP, INC. ON OCTOBER 3, 2013	bb	BOTTOM OF BAY

HYLAND DESIGN GROUP

Hyland Design Group, Inc.
 701 West Avenue, Suite 301
 Ocean City, New Jersey 08226
 (o) 609.398.4477
 (f) 609.398.7366
 www.HylandDesignGroup.com

The "Single Source Advantage"
 • ENGINEERS • ARCHITECTS • SURVEYORS • PLANNERS
 • ENVIRONMENTAL CONSULTING • INTERIOR DESIGNERS

WATERFRONT DEVELOPMENT

4480-4482 VENICEAN ROAD
 TAX BLOCK 44.05 TAX LOT 97 & 98
 CITY OF SEA ISLE CITY, CAPE MAY COUNTY, NEW JERSEY

PREPARED FOR:
 4482 Venicean Road Condominium Association

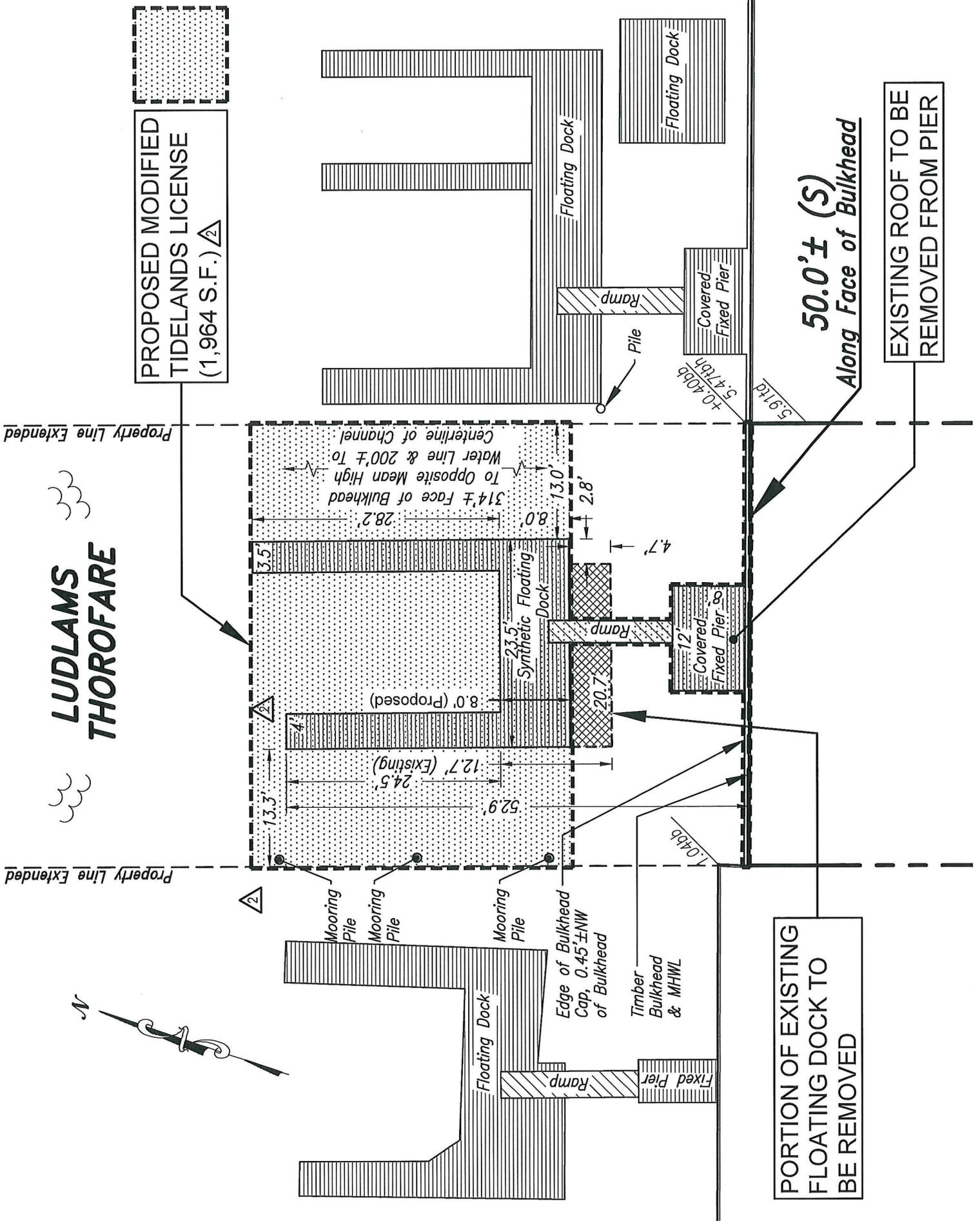
J.P.E. Halbruner

John E. Halbruner
 SURVEYOR, LICENSE NO. 6102
 AN INDENTURED AGENT OF THE STATE

PROJECT No:	No.	DATE	DESCRIPTION	SHEET TITLE
21890.01	1.	07.15.14	INITIAL RELEASE	WATERFRONT DEVELOPMENT PERMIT PLAN GE1.0
	2.	05.18.14	Revised Per NJDEP Reviewer & HDG 09.16.14 Site Visit	
	3.	02.25.15	Tidal Range Revised	

SHEET 1 OF 1

LUDLAM'S THOROFARE



PROPOSED MODIFIED
TIDELANDS LICENSE
(1,964 S.F.)

EXISTING ROOF TO BE
REMOVED FROM PIER

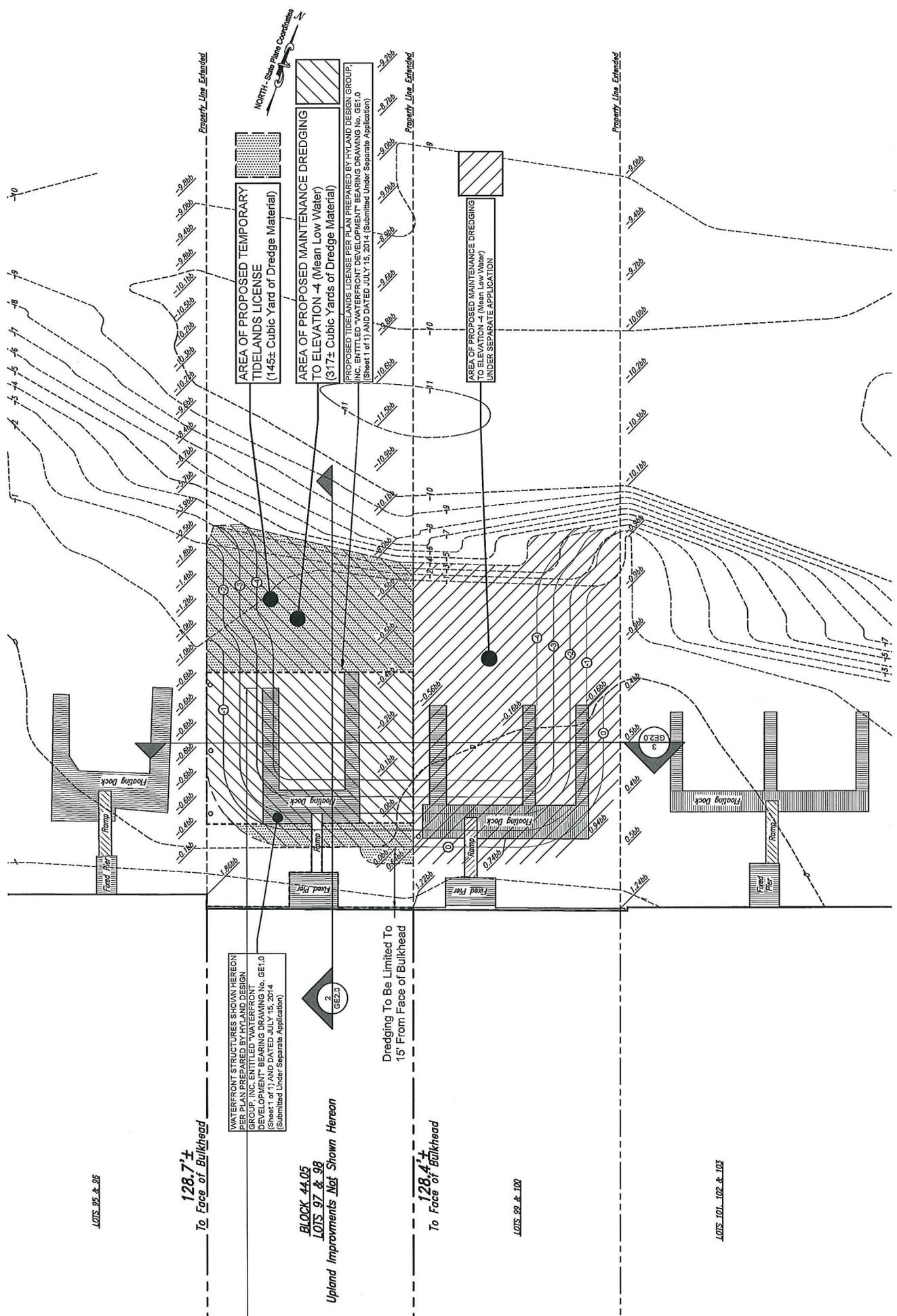
PORION OF EXISTING
FLOATING DOCK TO
BE REMOVED

50.0' ± (S)
Along Face of Bulkhead

Property Line Extended

Property Line Extended





LOTS 92 & 96

128.7'±
To Face of Bulkhead

WATERFRONT STRUCTURES SHOWN HEREON PER PLAN PREPARED BY HYLAND DESIGN DEVELOPMENT BEARING DRAWING NO. GE1.0 (SHEET 1 OF 1) AND DATED JULY 15, 2014 (SUBMITTED UNDER SEPARATE APPLICATION)

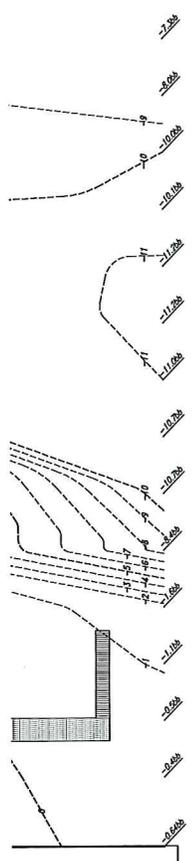
BLOCK 44.05
LOTS 97 & 98
Upland Improvements Not Shown Hereon

Dredging To Be Limited To 15' From Face of Bulkhead

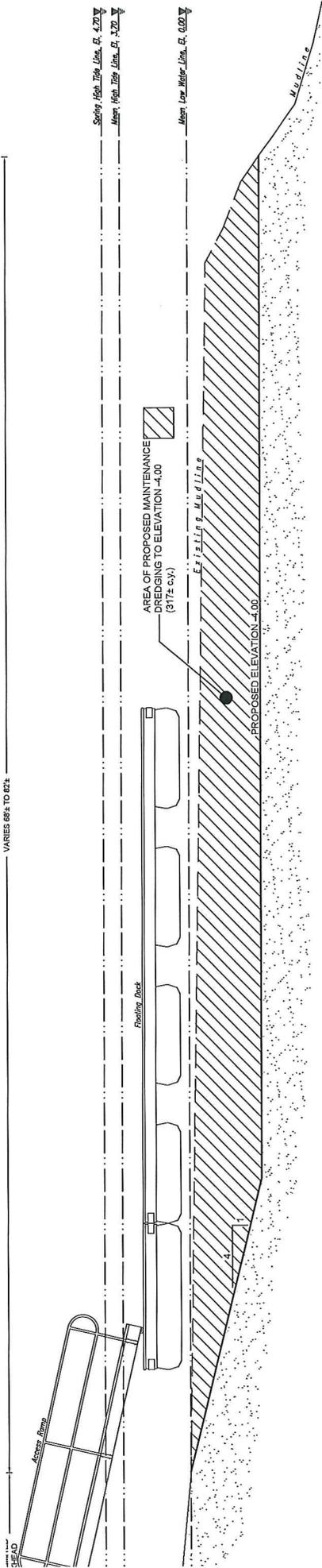
128.4'±
To Face of Bulkhead

LOTS 92 & 102

LOTS 101, 102 & 103



VARIES 60% TO 82%



BLOCK 44.05
LOTS 99 & 100
50.00' wide

LOTS 87 & 88
50.00' wide

