



**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-2010-0311-24** Date

---

Application No. **CENAP-OP-R-2010-0311-24** 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  
861 Asbury Avenue  
Ocean City, New Jersey 08226

**AGENT:** ACT Engineers  
1 Washington Boulevard, Suite 3  
Robbinsville, NJ 08691

**WATERWAY:** Beach Thorofare

**LOCATION:** Dredge area: Latitude 39.283175° N; Longitude: -74.579975°  
Off-load areas: Route 52 CDF: 39.285164° N; -74.581215°  
2<sup>nd</sup> Street: 39.288879° N; -74.570380°

The proposed dredging site is located in Beach Thorofare, at the mouth of Snug Harbor, immediately northeast of the Route 52 bridge, between 8<sup>th</sup> and 9<sup>th</sup> Streets, in the City of Ocean City, Cape May County, New Jersey.

For the dredging project described below, the City of Ocean City is proposing two alternate off-loading sites for transferring dredged material from barges or scows: a) the off-loading wharf directly across Beach Thorofare from Snug Harbor, associated with the Route 52 CDF; and b) a County-owned park located at 202 Bay Avenue (immediately south of 2<sup>nd</sup> Street and the bay), identified as Block 215, Lots 3, 3.01, 4 and 4.01, in Ocean City.

**ACTIVITY:**

On July 24, 2018, this office issued Department of the Army permit number CENAP-OP-R-2010-311-24 to the City of Ocean City to perform maintenance dredging of various lagoons, bay-front areas, marinas and State-designated navigation channels. The permit authorizes maintenance dredging to a depth of 6 feet below mean low water (-6' MLW). The permit included authorization to maintain a previously constructed access road in wetlands at the CDF known as Site 83. It expires December 31, 2028.

The previously-issued permit authorized two alternate dewatering/disposal areas for dredged material (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, Lot 17; and b) a CDF situated along the new Route 52 causeway on Garrets Island, between Block 850, Lot 6, and Block 1750, Lot 16, which was relocated and reconstructed as part of the Route 52 causeway and bridge project. Under the current permit, multiple off-site locations have been identified by the permittee for off-site transfer of dredged material for beneficial reuse, in accordance with Acceptable Use Determinations (AUDs) issued by the State of New Jersey (Department of Environmental Protection). These sites are located in various counties in southern New Jersey.

The City has requested modification of their permit to construct an advanced maintenance sediment trap within Beach Thorofare proximate to the mouth of Snug Harbor. The proposed trap would be an area approximately 1 acre in size, 335 feet long by 132 feet wide (at an elevation of -6' MLW). The proposed sediment trap has been designed to a maximum depth at elevation -16' MLW with 4H:1V side slopes. In order to construct the sediment trap, approximately 18,600 cubic yards would be dredged by mechanical (bucket) method, with the dredged material placed on barges or scows. The proposed site for the sediment trap is within the area previously authorized for maintenance dredging (to -6' MLW). The difference in volume between the currently authorized depth and the proposed elevation within the trap area is 10,610 cubic yards. Off-loading or transfer of the dredged material for subsequent off-site beneficial reuse would be at one of the sites identified above in "LOCATION." Material off-loaded at the Route 52 site would be transferred to that adjacent CDF for future off-site transfer to approved beneficial reuse sites. Any material off-loaded at the 2<sup>nd</sup> Street site would be transported in sealed trucks directly to such beneficial reuse sites. The proposed work is scheduled to begin in September 2019, and extend through March 2020.

The City has applied to the New Jersey Department of Environmental Protection for their necessary authorization for the proposed work (NJDEP File Numbers 0508-10-0032.1 and 0508-17-0028.1).

**PURPOSE:** The applicant's stated purpose, as presented in their original permit application, was "to provide navigable waters in all areas of the back bay, lagoons and canals of Ocean City for recreational and commercial boating; and, interstate commerce. To provide a 10-year comprehensive, proactive dredged material management plan." The applicant has stated that Snug Harbor continues to experience a high rate of sediment deposition, and that the lagoon, including its mouth, has required dredging annually since 2015. They have stated that the intent of the currently-proposed project is "to aid in reducing the need for continual maintenance dredging;" and it is "an effort to minimize adverse impacts, reduce dredging needs and subsequent management of dredged material."

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) may be present in the action area. There is no designated or proposed critical habitat for such species in the action area. As part of our processing of the existing Department of the Army permit, the Philadelphia District determined that the currently authorized work was not likely to adversely affect federally-listed species under the jurisdiction of the National Marine Fisheries Service (NMFS, Protected Resources Division). This office completed the necessary consultation with NMFS pursuant to Section 7 of the ESA, as amended, for that permit action. A determination of "no effect" was made with respect to federally-listed species under the jurisdiction of the U.S. Fish and Wildlife Service. We have determined that the currently-proposed work (sediment trap within the authorized dredge area) does not change our prior determinations under the ESA.

The decision whether to modify the permit as requested 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.

As part of processing the previously issued permit, this office determined that the permit actions as proposed were limited to areas previously impacted by dredging, or are of such limited nature and scope, that little likelihood exists for the proposed actions to impact a historic property. This determination remains unchanged for the proposed work that is the subject of this notice.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with NOAA Fisheries (NMFS, Habitat Conservation Division) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). As part of our processing of the existing Department of the Army permit, the Philadelphia District determined that EFH is present within the project area. This office evaluated the potential effects of the proposed actions on EFH as part of that permit action, and we determined that the proposed work would have an adverse effect on EFH, but that the adverse effect would not be substantial (i.e. not more than minimal). We consulted with NMFS as required; and we included permit conditions to protect fisheries resources. We have determined that the currently-proposed work (sediment trap within the authorized dredge area) does not change our prior determination in this regard. All special conditions that were made a part of the original permit remain in full force and effect.

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 was issued by the State of New Jersey for the work that was originally authorized by this office. 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.

Compensatory Mitigation: The applicant is not proposing any placement of dredged or fill material in waters or wetlands at the dredging site. As such, compensatory mitigation has not been proposed and is not anticipated.

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.

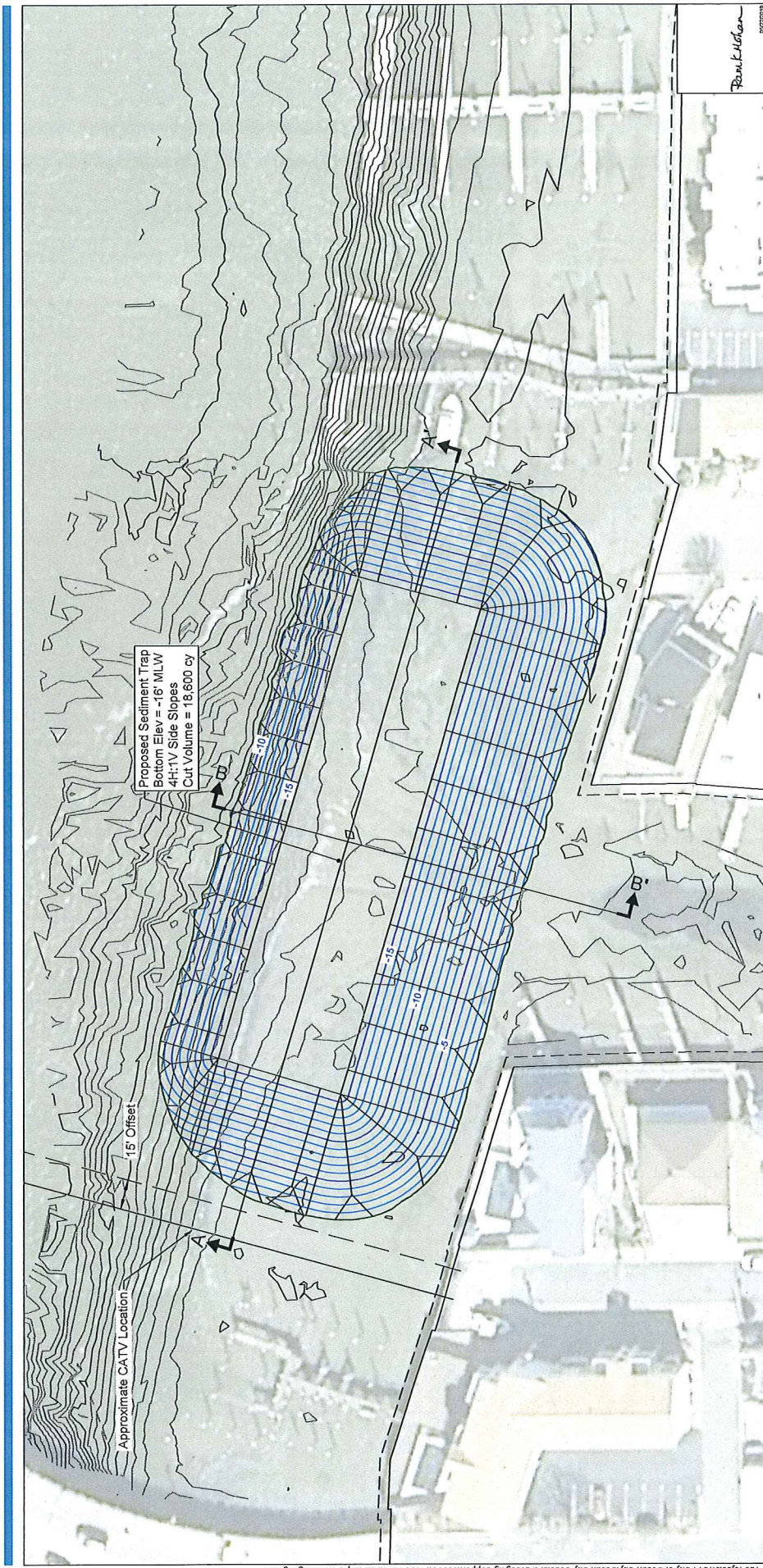
Additional information concerning this permit application may be obtained by calling James Boyer at (215) 656-5826, by electronic mail to [James.N.Boyer@usace.army.mil](mailto:James.N.Boyer@usace.army.mil), or by writing to this office at the above address.

Edward E. Bonner  
Chief, Regulatory Branch



State of New Jersey, Esri, HERE, Garmin, INCREMENT P, USGS, METINASA, EPA, I

“Ocean City” U.S.G.S. Quadrangle



Proposed Sediment Trap  
 Bottom Elev = -16' MLW  
 4H:1V Side Slopes  
 Cut Volume = 18,600 cy

15' Offset

Approximate CATV Location

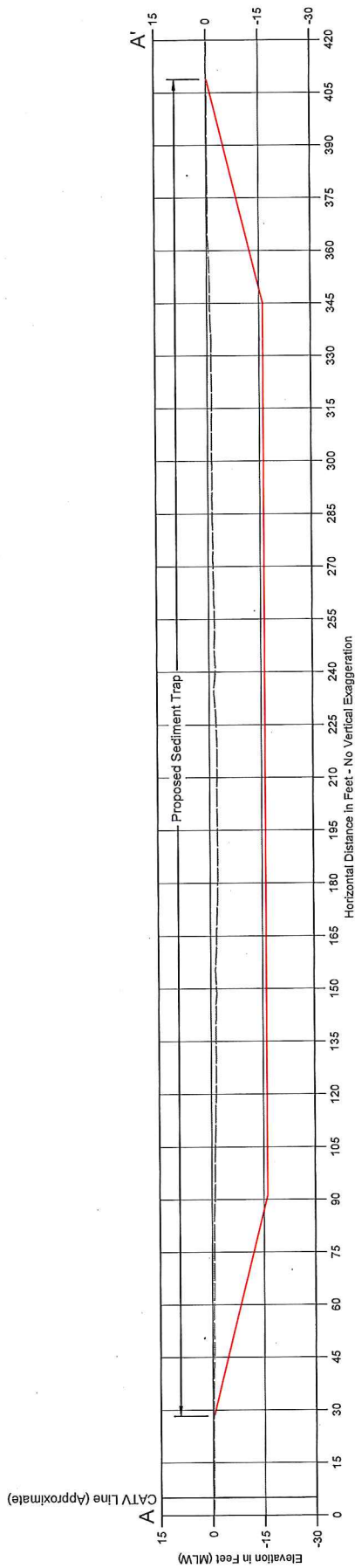
SOURCE: Pre-dredge bathymetry was conducted by ACT Engineers on 2/26/18. Pre-dredge Snug Harbor bathymetric survey was conducted by ACT Engineers on 11/07/18. Aerial imagery was obtained from the NJIN information warehouse, dated 2007.  
 HORIZONTAL DATUM: New Jersey State Plane, NAD83, U.S. Feet.  
 VERTICAL DATUM: Mean low water (MLW).  
 NOTES: Location of CATV utility shown is approximate and for informational purposes only. Contractor shall field locate utility prior to start of work and determine necessary offsets.

**LEGEND:**  
 — Bathymetry Contours (2018/03/05, 1' & 5' Intervals)  
 — Proposed Sediment Trap Contours (1' & 5' Intervals)  
 A — Cross Section Location and Designation

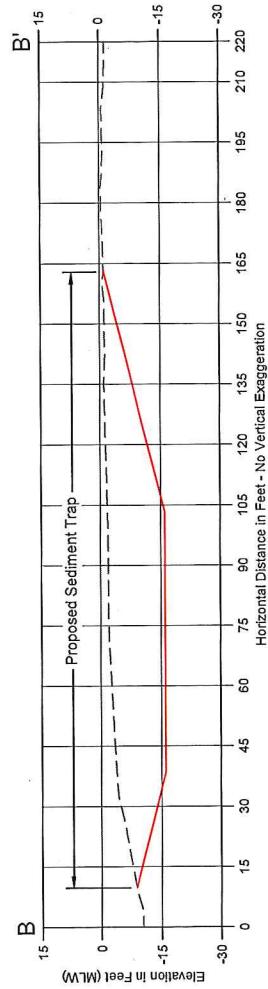
Rankin  
 0 50  
 Scale in Feet

Figure 1  
 Snug Harbor Advanced Maintenance Trap  
 Back Bay Dredging - Dredge Prism  
 City of Ocean City, NJ





LEGEND:  
 --- Design Bathymetry (2/28/18+09/05/18)  
 --- Required Dredge Line



NOTE: Location of CATV utility shown is approximate and for informational purposes only. Contractor shall field locate utility prior to start of work and determine necessary offsets.

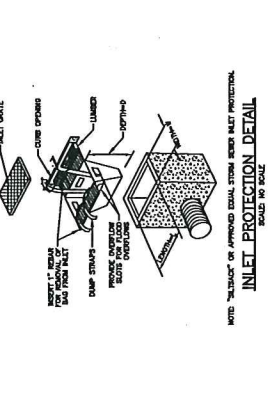
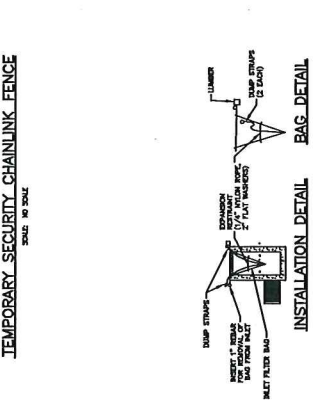
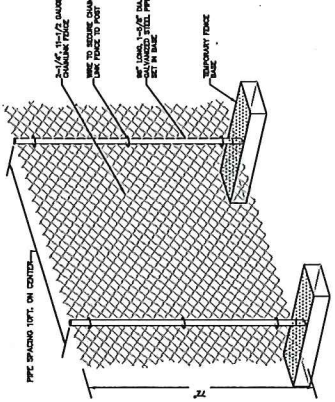
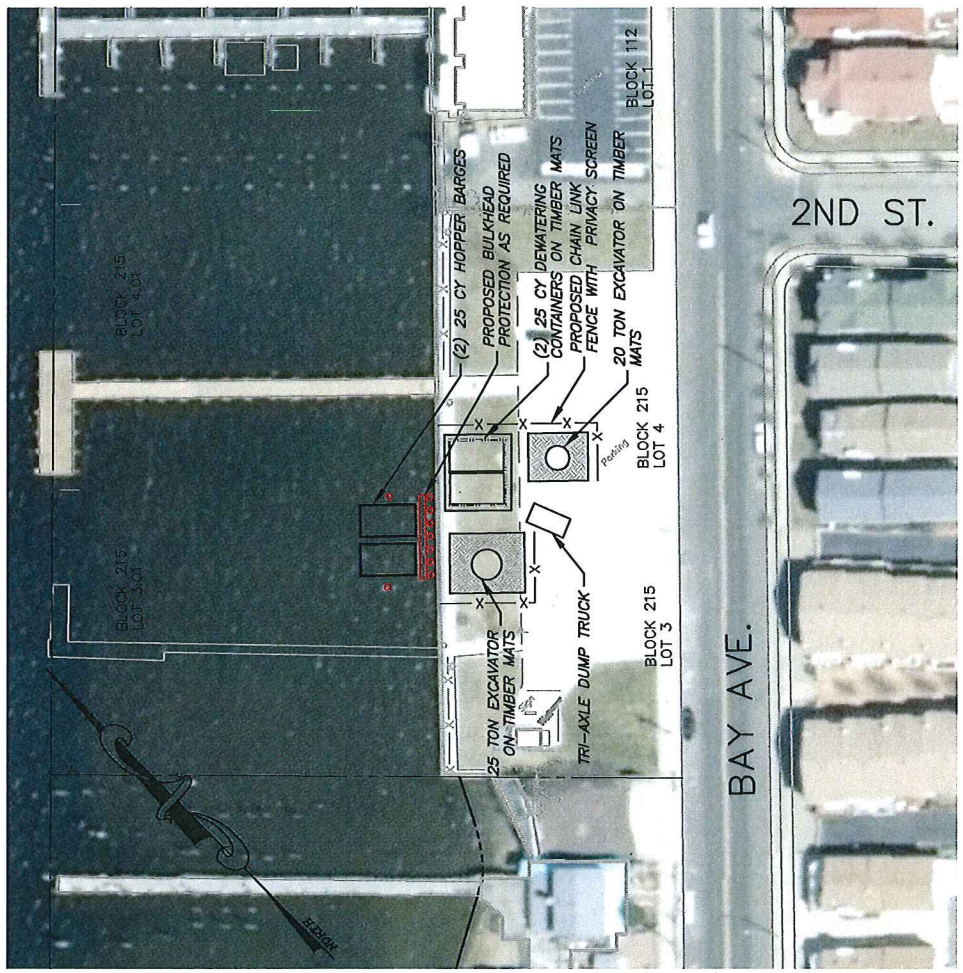
Rockwell  
 00222018

Figure 2  
 Snug Harbor Advanced Maintenance Trap  
 Back Bay Dredging - Dredge Prism  
 City of Ocean City, NJ





1. PARCELS (AND THEIR RIPARIAN LOTS) ARE ENCUMBERED BY GREEN ACRES AS FUNDED PARKLAND (GA PROJECT NO. 0508-01-057-02) BLOCK 215 LOT 3, 4.01 (RIPARIAN) LOT 3, 3.01 (RIPARIAN) LOT 4, 4.01 (RIPARIAN) LOT 4. PROVIDE INLET SEDIMENT PROTECTION AS REQUIRED. PROVIDE BULKHEAD PROTECTION AS REQUIRED.
- 2.
- 3.



COUNTY OFFLOADING EXHIBIT  
FOR  
OCEAN CITY DREDGING 2019-2020  
LOTS 3, 3.01, 4 & 4.01 BLOCK 215



OCEAN CITY      CAPE MAY COUNTY      NEW JERSEY

**ACT**  
**ENGINEERS, INC.**  
A SMALL BUSINESS ENTERPRISE  
1 WASHINGTON BOULEVARD SUITE 3  
ROBBINSVILLE, NJ 08869  
Voice (609) 918-0200  
www.actengineers.com

CIVIL ENGINEERING    LAND SURVEYING    ENVIRONMENTAL PERMITTING  
NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24643736800