



**US Army Corps
of Engineers®**
Philadelphia District

NOTICE

This Department of the Army permit contains important permit conditions. Please read the permit and all conditions carefully.

Work authorized by this permit may be inspected for compliance at any time.

It is your responsibility, as permittee, to ensure that all work authorized by the permit, including all work performed by contractors, be performed in strict compliance with all terms and conditions of the permit. Failure to do so may result in a determination by the District Engineer to suspend, modify, or revoke your permit (33 CFR 325.7). It may also subject you to the enforcement procedures contained at 33 CFR 326.4 and 326.5, including civil and criminal action and the possible imposition of civil penalties and criminal fines up to \$50,000.00 per day per violation.

You are also reminded to complete and submit to this office the notice of commencement and completion forms attached to this authorization.

If you have any questions about, or need to modify, any of the terms and conditions of this permit, you are requested to contact the Philadelphia District Office at (215) 656-6728 or NAPREGULATORY@usace.army.mil.



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DEPARTMENT OF THE ARMY
STATE PROGRAMMATIC GENERAL PERMIT
NEW JERSEY SPGP-19

PERMITTEE AND PERMIT NUMBER:

New Jersey State Programmatic General Permit-19 (SPGP-19)

ISSUING OFFICE:

Department of the Army
U.S. Army Corps of Engineers, Philadelphia District
1650 Arch Street
Philadelphia, Pennsylvania 19103-2004

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the conditions specified below.

PROJECT DESCRIPTION: This General Permit authorizes the construction of proposed and maintenance of existing piers, docks, gangway/ramps, stairs/ladders, mooring piles, boat lifts, breakwaters; the replacement of existing serviceable bulkheads, including the discharge of associated backfill; and minor mechanical maintenance dredging of mooring slips. This General Permit may be used for after-the-fact authorization (i.e., legalization) of existing structures and fill mentioned above so long as the structure and/or fill meets all conditions of this permit.

This General Permit does not authorize the following activities: i) Any other activity not specified in this General Permit; ii) Filled piers/docks or breakwaters; iii) Construction of structures for storage of petrochemicals, pollutants, or hazardous products; iv) Any structures or work within the Cape May Canal - proposed work/structures within this waterway will require submission of a separate permit application to the Philadelphia District Engineer; v) Any structure or fill activity in areas named in Acts of Congress or Presidential Proclamations as Natural Landmarks, National Rivers, National Wilderness Areas, National Wildlife Refuges, National Seashores, National Recreation Areas, National Lakeshores, National Parks, National Monuments, National Wild and Scenic Rivers System, National Wild and Scenic River System or any river officially designated a "study river" (e.g., Maurice River and Egg Harbor River), and such areas as may be established under Federal Law for similar and related purposes, such as estuaries and marine sanctuaries; and vi) Work reasonably related to another activity requiring an Individual Department of the Army Permit application and approval by the District Engineer, Corps of Engineers.

The District Engineer retains discretionary authority to require, on a case-by-case basis, submission of an Individual Department of the Army permit application for proposed work when it is determined that such a review would be in the public interest (i.e., potential for significant impact on environmental resources, effect on navigation, etc.).

PROJECT LOCATION: Navigable waters of the United States in the State of New Jersey. This General Permit is applicable to navigable waters located within the geographic boundaries of both the Philadelphia District and the New York District, U.S. Army Corps of Engineers.

PERMIT CONDITIONS:

General Conditions

1. This General Permit will expire on **December 31, 2029**. The time limit for completing the work authorized by this General Permit ends on this date. In the event that this General Permit is reissued/extended, any activity which has been authorized under the terms and conditions of this General Permit will remain authorized until such time that the required State permit/authorization issued with the General Permit expires, provided the authorized activity complies with any subsequent re-authorization or modification of this General Permit.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 3, below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you sell the property associated with this General Permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization (see transfer section below).
4. If a conditioned Water Quality Certification and/or conditioned Coastal Zone Management consistency concurrence been issued for your project, you must comply with conditions specified in the certification as Special Conditions to this General Permit.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the conditions of your permit.

Special Conditions:

1. In order for activities to be approved by this General Permit, the activities must be reviewed and receive the approval(s) of the New Jersey Department of Environmental Protection (NJDEP), pursuant to N.J.S.A. 12:5-3 (Waterfront Development Permit), N.J.S.A. 13:9A-1 et seq (Coastal Wetlands Permit) and New Jersey Water Pollution Control Act, N.J.S.A. 58:10A (Water Quality Certificate) and any revisions thereto. Additionally, in order for work to be approved under this General Permit, you must be furnished a copy of this General Permit from the NJDEP at the time you receive your State approval or written approval that your project is authorized by this General Permit from the U.S. Army Corps of Engineers.
2. This General Permit is not applicable to work which is authorized by the State due to failure of the State to make a permit decision within the review period mandated by State Law and/or regulation, as per N.J.A.C. 7:1C, unless the State has reviewed the project, determined it compliant with applicable State rules and regulations and the terms of this General Permit, and issues a State permit. This General Permit is not applicable when work is authorized by the State as part of a settlement agreement or administrative consent order unless the State has reviewed the project, determined it compliant with applicable State rules and regulations and the terms of this General Permit, and issues a State permit. This General Permit is not applicable

when work is authorized by or eligible for an exemption such as in State regulations N.J.A.C. 7:7-2.4(d)6 and 7 ("Zanes").

3. That the activities authorized by this General Permit may be used for non-commercial purposes only. This General Permit may be used for non-commercial municipal projects provided the project complies with all terms and conditions of this permit.

4. The applicant shall notify the appropriate Corps District at least **10 days prior to the commencement** of authorized work by completing and signing the enclosed "Notification of Commencement" form. The applicant shall notify the appropriate Corps District **within 10 days of the completion** of the authorized work by completing and signing the enclosed "Notification of Completion" form. All notifications required by this condition shall be in writing and shall be transmitted to the appropriate office by mail or e-mail provided on the forms. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. The Corps may impose other special conditions on a project authorized pursuant to this General Permit where it is determined necessary to minimize adverse environmental effects or based upon any other factor of the public interest.

6. It is your responsibility, as permittee, to ensure that all work authorized by the permit, including all work performed by contractors, be performed in strict compliance with all conditions of the permit. Any activities not specifically identified and authorized herein shall constitute a violation of the of this permit, in whole or in part, and may result in the institution of such legal proceedings as the United States Government may consider appropriate.

7. All work performed under the authorization of this General Permit must be consistent with the New Jersey Coastal Zone Management (CZM) program. Any conditions in the required State authorization required for compliance with the State CZM program are conditions of this authorization by reference.

8. Piers, docks, breakwaters, bulkheads, outfalls, and all other structures shall conform to the following specifications except where otherwise noted in the Special Conditions:

a. No more than one (1) pier/dock per buildable lot. Piers/docks with "L" or "T" ends are considered one (1) pier/dock for the purpose of this condition. Finger piers are excluded for this condition (see definitions).

b. No more than four (4) designated mooring spaces per buildable lot (see definitions) except where otherwise specified (see Special Conditions 10 and 11).

c. Piers and docks, as well as other structures such as personal watercraft platforms, subject to this General Permit shall be limited to a maximum width of eight (8) feet except where otherwise specified (see Special Conditions 11 and 12).

d. All floating structures (such as docks and personal watercraft platforms) shall be constructed as to rest at least two (2) feet above the waterway floor at all times. This may be accomplished with the use of chocks, stoppers, or other devices where necessary.

e. All breakwaters shall be constructed at least 18 inches above the bottom of the waterway with a minimum spacing of three (3) inches between sheathing.

f. Under normal circumstances, a minimum of 3/8", 1/2", 3/4", or 1" space is to be provided for 4", 6", 8-10", or 12" wide planks, respectively, for fixed piers/dock structures. The use of light-transmitting materials such as grated or latticed decking that is designed for the passage of light through the open spaces may also be used, provided the total open space is equal to or greater than that of plank spacing.

g. The structures subject to this General Permit shall not extend more than 20 percent of the width of the adjacent waterway measured from Mean Low Water Line and in no instances exceed 250 feet channelward of the Mean High Water Line.

h. The structures subject to this General Permit shall be constructed a minimum of 50 feet outside of any authorized Federal/State navigation channel/project, except within the West Canal and along Inside Thorofare from Portland Avenue to Albany Avenue, Ventnor, New Jersey. Proposed structures within the West Canal and Inside Thorofare shall be a minimum of 25 feet outside of the authorized Federal navigation channel. Existing authorized structures presently located within the buffer zone must meet these buffer zone requirements if they are proposed for reconstruction in the future.

i. The replacement or repair of an existing bulkhead may not extend more than 24-inches channelward of the authorized bulkhead, unless the NJDEP, Division of Land Use Regulation in accordance with New Jersey "Coastal Engineering" rule N.J.A.C. 7:7-15.11(d)(2), determines that the additional encroachment is acceptable.

j. This General Permit authorizes the extension and/or replacement of existing stormwater outfall structures constructed through an existing bulkhead, provided the outfall pipe(s) does not extend more than 12 inches from the face of the bulkhead.

9. In order to avoid impacts to Federally listed species, the following conditions shall apply to all authorized work:

a. Piles shall not exceed 12 inches in diameter.

b. Steel pipe piles or steel sheet piles are not authorized by this General Permit.

c. Impact hammers may only be used if a wooden cushion block is placed atop each pile to be driven; otherwise, a vibratory hammer must be used.

d. Pile driving activities must use a "soft start" or warning strike to the pile. A soft start will continue for 15 minutes before full-force pile driving.

e. This permit does not authorize activities in designated critical habitat.

10. The following condition shall apply to work conducted in shellfish habitat (see definition):

a. No more than two (2) designated mooring spaces per buildable lot within shellfish habitat.

b. All boats shall be moored in boat lifts when practicable.

c. All structures must be constructed with alternative materials, such as plastic, natural cedar or other untreated wood, polymer coated pressure-treated wood, concrete or other inert products. Creosote and un-coated pressure-treated lumber (i.e. preservative treatment such as CCA-C, ACZA, CC, ACQ, etc.) (Wolmanized®) which are susceptible to leaching are not acceptable for the purpose of this General Permit in shellfish habitat.

d. Any replacement or repair of a bulkhead in shellfish habitat shall be “in-place” (on original alignment) unless certified by an engineer that up to a 24-inch extension channelward of the authorized bulkhead is warranted by either: i) the infeasibility of in-place construction, or ii) extenuating environmental considerations, e.g., containment of contaminants.

11. The following conditions shall apply to work conducted in Submerged Aquatic Vegetation (SAV) habitat (see definition):

a. This permit shall not permit floating structures (such as docks and personal watercraft platforms) in SAV habitat.

b. Piers and docks subject to this General Permit over SAV habitat shall be limited to a maximum width of four (4) feet.

c. The height of structures in SAV habitat shall be a minimum of four (4) feet above the Mean High Water Line.

d. No more than two (2) designated mooring spaces per buildable lot within SAV habitat.

e. A minimum water depth of four (4) feet at Mean Low Water must be present in the area where boats will be moored.

f. Any replacement or repair of a bulkhead in SAV habitat shall be “in-place” (on original alignment) unless certified by an engineer that up to a 24-inch extension channelward of the authorized bulkhead is warranted by either: 1) the infeasibility of in-place construction, or 2) extenuating environmental considerations, e.g., containment of contaminants.

12. The following conditions shall apply to work conducted in wetlands and mudflats (see definitions):

a. Piers and docks subject to this General Permit which would cross wetlands and/or mudflats shall be limited to a maximum width of four (4) feet.

b. The height of structures, as measured from the lowermost portion of the deck structure, shall be a minimum of four and half (4.5) feet over the wetland floor.

c. All construction equipment working on wetlands shall be supported on mats. Any wetlands disturbed during construction shall be restored to pre-project conditions.

13. The following conditions apply to mechanical maintenance dredging (see definition):

a. The quantity of material dredged shall not exceed 1,000 cubic yards.

b. Dredged materials shall be placed on upland portions of the subject property and stabilized in a manner to prevent erosion and sedimentation into the waterway or wetlands; or otherwise deposited in an approved location.

c. Dredging shall not be performed from January 01 to May 31 of any given year to protect certain life stages of winter flounder. This does not apply south of the Atlantic City Expressway within Atlantic and Cape May Counties.

d. Dredging in Submerged Aquatic Vegetation and shellfish habitat is not authorized by this General Permit.

e. Dredging in the Delaware or Hudson Rivers is not authorized by this General Permit.

14. Damage to structures/vessels: The permittee hereby recognizes the possibility that the structures permitted may be subject to damage by wave wash from passing vessels. The issuance of this General Permit does not relieve the permittee from taking all proper steps to ensure the integrity of the structures permitted and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

15. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (This Special Condition is applicable to Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act of 1899).

16. Any archeological artifacts discovered during the performance of work under the authorization of this General Permit must be adequately protected and their discovery promptly reported to the District Engineer.

17. The applicant must notify the District Engineer if the authorized activity may affect any historic properties listed, or determined to be eligible, or which the applicant has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of National Historic Preservation Act have been satisfied and that the activity is authorized. Furthermore, that if the permittee before or during prosecution of the work authorized encounters a historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing in the National Register, he shall immediately notify the District Engineer.

18. No activity authorized under this General Permit shall adversely affect any Federally-listed threatened or endangered species, as identified under the Endangered Species Act of 1973, or result in the destruction or adverse modification of critical habitat of such species. If the activity may affect listed species or critical habitat, or is likely to jeopardize proposed species, or likely to result in the adverse modification of proposed critical habitat, the Corps shall initiate and complete a Section 7 consultation or conference, as appropriate, in accordance with the Endangered Species Act of 1973 prior to authorization of the activity under this General Permit.

19. No discharge of dredged, excavated or fill material or structures may consist of unsuitable material or solid waste (e.g., trash, debris, car bodies, etc.) and all material discharged must be free from toxic pollutants in toxic amounts pursuant to Section 307 of the Clean Water Act.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this General Permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this General Permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this General Permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with

such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

SAMPLE

DEFINITION OF TERMS:

Buildable Lot- a single parcel or multiple contiguous parcels of land which supports a residential building.

Finger Pier- a relatively short, narrow pier projecting from a larger structure. Finger piers accompany a mooring space and function as a walkway for access to a moored vessel.

Maintenance Dredging- the removal of accumulated sediment from previously authorized and legally dredged boat moorings.

Mooring Space- boat slips, boatlifts, and personal watercraft moorings such as lifts and platforms. Davits which lift and store watercraft on land are not considered to be mooring spaces for the purpose of this General Permit.

Mudflat- broad, unconsolidated intertidal and subtidal soft bottom areas characterized by organic materials and fine-grained particles (generally smaller than sand). Mudflats are persistent habitats that lack visible structures and are “unvegetated”, though colonization by photosynthetic algae is an important component of mud flats. Mudflats are important for a variety of vertebrate and invertebrate species that depend on the soft bottom condition for foraging, spawning, nursery, and refuge habitat; nearly all native coastal fish species use mud flat habitat throughout some portion of their life cycle. Mudflats also play a very important role in biogeochemical cycling as they trap, filter and process nutrients and organic matter. Additionally, mudflats can buffer wave energy, reducing shoreline erosion. Mudflats are considered Special Aquatic Sites as per the 404(b)(1) Guidelines.

Submerged Aquatic Vegetation (SAV) Habitat- For the purpose of this permit, “Submerged Aquatic Vegetation (SAV) Habitat” is as defined in the State of New Jersey Department of Environmental Protection “Coastal Zone Management Rules” N.J.A.C. 7:7-9.6 as water areas supporting or documented as previously supporting rooted, submerged vascular plants such as widgeon grass (*Ruppia maritima*), sago pondweed (*Potamogeton pectinatus*), horned pondweed (*Zannichellia palustris*), and eelgrass (*Zostera marina*). If during a site-specific review, the NJDEP Marine Resource Administration (MRA) has decided that a part of its mapped habitat lacks the physical characteristics necessary for supporting or continuing to support the documented submerged vegetation species, such a site would be excluded from the habitat definition for the purpose of this General Permit. SAV Habitat designations can be found on maps listed on the NJDEP website at <https://www.nj.gov/dep/landuse/sav.html>.

Shellfish Habitat- For the purpose of this permit, “Shellfish Habitat” is as defined in State of New Jersey Department of Environmental Protection “Coastal Zone Management Rules” N.J.A.C. 7:7-9.2(1)1-4. Those shellfish areas designated by the NJDEP as “condemned” and/or “prohibited” for the purpose of harvesting shellfish, shall continue to be considered as shellfish habitat for the purposes of this General Permit. Shellfish habitat designations can be found on maps listed on the New Jersey Department of Environmental Protection website at <http://www.nj.gov/dep/landuse/shellfish.html>.

Wetland- As defined by Section 404 of the Clean Water Act, wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are considered Special Aquatic Sites as per the 404(b)(1) Guidelines.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(District Engineer)

Todd A. Schaible

Chief, Regulatory Branch

(Date)

For: Jeffrey M. Beeman, P.E.

Lieutenant Colonel, Corps of Engineers

District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(Transferee)

(Date)