



**US Army Corps
of Engineers**

Philadelphia District
1650 Arch Street
Philadelphia, PA 19103-2004
Attn: CENAP-OPR

Special Public Notice

File Number: NAP-2024-00231-97

File Name: New Jersey State Programmatic General Permit-19

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Reference is made to Public Notice NAP-2024-00231-97 dated August 22, 2024, proposing the reissuance of New Jersey State Programmatic General Permit 19 (SPGP-19). 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, and minor maintenance dredging of mooring slips under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403). This general permit also authorizes the discharge of fill material between existing and proposed bulkheads under Section 404 of the Clean Water Act (33 U.S.C. 1344), and legalization of existing structures provided the structures/fill meet all conditions of this permit. This general permit is applicable to the navigable waters within the State of New Jersey within the geographic boundaries of both the Philadelphia District and the New York District of the U.S. Army Corps of Engineers.

The purpose of this general permit is to reduce duplication of effort between existing programs delivered by the State of New Jersey Department of Environmental Protection (NJDEP) and the US Army Corps of Engineers, as provided in 33 CFR §325.6(c)(3), for categories of common, uncontroversial activities with minimal impacts.

After a complete review of our file and full consideration of the comments and recommendations received in response to the above referenced public notice, SPGP-19 was reissued on December 31, 2024. This general permit has been reissued for a period of five (5) years. It expires on December 31, 2029. At that time, an assessment of the cumulative impacts of this general permit will be done to determine if the general permit should be reissued. This reissued general permit includes minor clarifications and rewording as well as the following changes:

- Clarified that this general permit cannot be used in designated Wild and Scenic Rivers (updated project description and removed condition).
- Changed conditions regarding bulkhead replacement from 18-inches to 24-inches waterward of existing (condition 9.i, 11.d., and 12.f.).
- Updated and clarified definition of Submerged Aquatic Vegetation (SAV) in definitions section.
- Clarified in special condition 9.i., that this condition does not apply to bulkhead replacements in shellfish habitat and SAV habitat and to refer to special conditions 11 and 12 for bulkhead replacements in these sensitive habitats.

- Added special condition 8 which refers to the conditional general 401 Water Quality Certificate (WQC) from the NJDEP.

Any person who wishes to perform work under the terms and conditions of this general permit n should apply to the New Jersey Department of Environmental Protection (NJDEP), Division of Land Resource Protection. If the State determines the proposed work conforms to this general permit, any Waterfront Development permit and/or Wetlands permit issued by the New Jersey Department of Environmental Protection, Division of Land Use Regulation, Bureau of Coastal Regulation, would also indicate that it includes the approval by this office (SPGP-19). If the NJDEP determines that the proposed project does not meet the terms and conditions of the general permit, then you must apply to the USACE directly for authorization by a different permit.

Furthermore, all existing or proposed structures, work or fill in navigable waters of the United States will not be considered approved by this general permit unless prior review and approval has been completed by the State. In the event that the State is unable to conclude that proposed work complies with this general permit, this office may review the proposed project for approval under this general permit or conclude that the proposed work must be reviewed under a different federal permit. No work under the general permit shall commence until verification is received by either the NJDEP or the U.S. Army Corps of Engineers.

A copy of the general permit is attached to this notice and can also be found on our website at <https://www.nap.usace.army.mil/Missions/Regulatory/>. Should you have any questions regarding this matter, please contact the POC indicated in the header of this Special Public Notice.

Todd A. Schaible
Chief, Regulatory Branch