



**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-2014-727-24

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:** 4478 Venician Road Condominium Association

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

**WATERWAY:** Ludlum Thorofare

**LOCATION:** Decimal Latitude: 39.155697° North; Longitude: -74.702460° West  
The project site is located along the southeastern shore of Ludlum Thorofare, approximately 1,600 feet southwest of the Sea Isle Boulevard bridge (County Route 625); at 4478 Venician Road; Block 44.05, Lots 99-100; 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 Ludlum 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 an existing, unpermitted 12' x 14' floating dock and remove an existing roof and railings from an existing 6.6' x 12' fixed pier. They propose to maintain (legalize) the fixed pier, along with a 3' x 14.5' ramp, 8' x 40' floating dock, two 3' x 23.8' floating finger piers, and one 4' x 23.8' floating finger pier, which would be relocated to be 4 feet from the property line (on the southwest side). The existing structures were present when the two existing owners purchased their respective properties (1998 and 2007). 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 310 cubic yards from an area 3,783 square feet (0.087 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.

As shown on the plan, the applicants seek authorization for an additional 115 cubic yards (425 total) to eliminate the indicated side slope adjacent to Lots 101-103 on the northeast side, in the event that the owner of that property obtains authorization for dredging. This office currently does not have an application for that property. However, an application is being processed for docks and dredging at Lots 97 and 98 on the southwest side (CENAP-OP-R-2014-1063-24).

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.

This office issued a permit to an earlier owner of this property on September 20, 1984, for a floating dock, ramp and dredging at this location (CENAP-OP-R-1984-235-4).

The State of New Jersey, Department of Environmental Protection, issued a Waterfront Development Permit for the dock legalization and modifications on May 1, 2014 (NJDEP # 0509-10-0003.2). They issued a separate permit, including a Water Quality Certificate and Acceptable Use Determination, on December 15, 2014 (NJDEP # 0509-10-0003.2).

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 legalize existing waterfront structures that were present at the subject property when the current owners purchased the properties (1998 & 2007);" and b) "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](mailto:James.N.Boyer@usace.army.mil), or by writing to this office at the above address.



Frank J. Cianfrani  
Chief, Regulatory Branch





## AREA MAP

MAP SOURCE: PORTION OF U.S.G.S. "SEA ISLE CITY" QUADRANGLE MAP



**HYLAND DESIGN GROUP, Inc.**

701 West Avenue, Suite 301, Ocean City, New Jersey 08226

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Fax: (609) 398-7366

[www.HylandDesignGroup.com](http://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

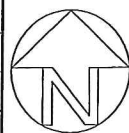
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PROJECT NO: 21637.01

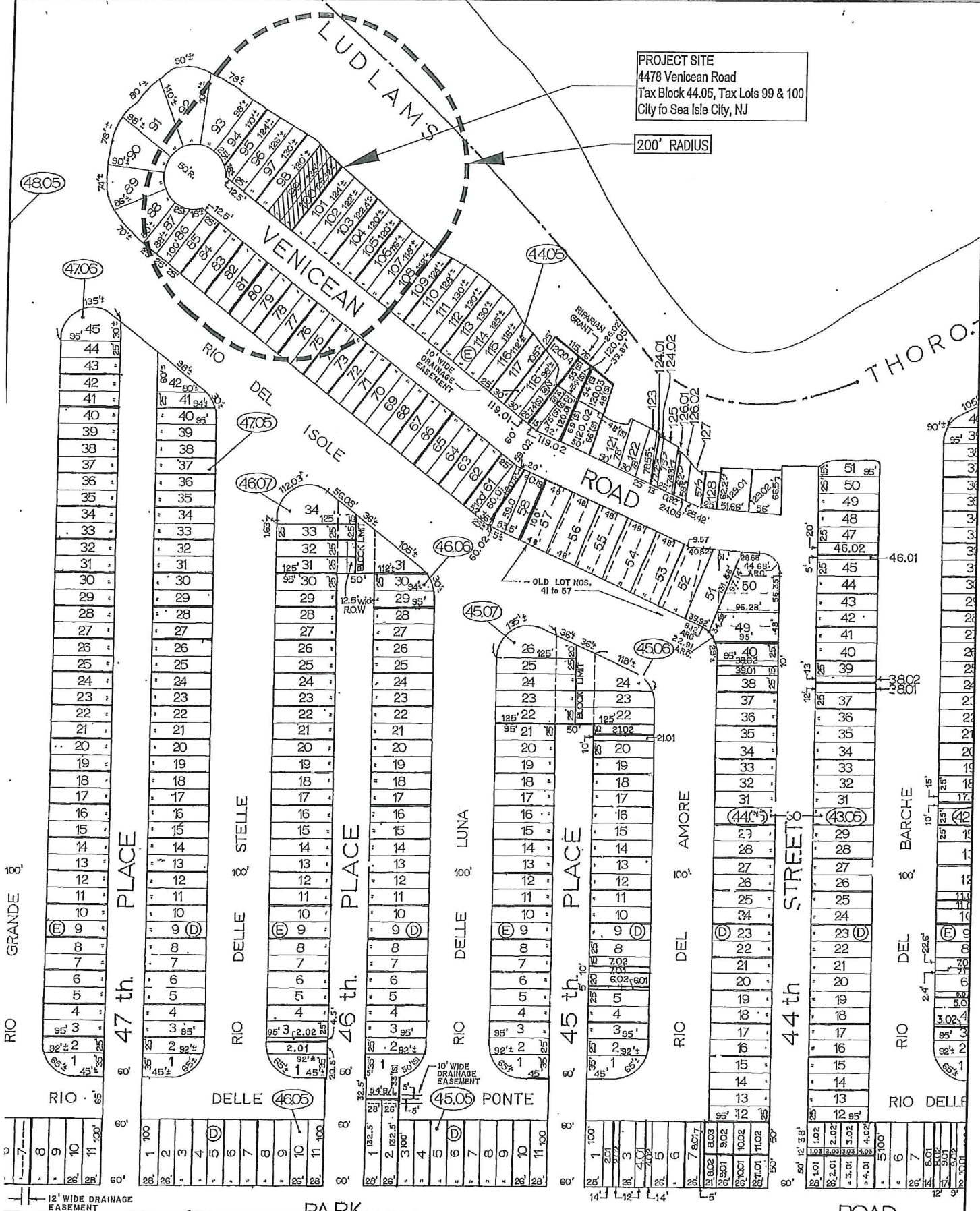
DRAWN BY: RDS

SCALE: 1" = 2,000'

FIGURE #: 1







PROJECT SITE  
4478 Venecian Road  
Tax Block 44.05, Tax Lots 99 & 100  
City of Sea Isle City, NJ

200' RADIUS

**TAX MAP**

P SOURCE: PORTION OF "CITY OF SEA ISLE CITY" TAX MAP  
P DATE: LAST REVISED 02.22.05  
MMENTS: PORTION OF TAX MAP No. 7

**HYLAND DESIGN GROUP, Inc.**  
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NJ State Bd. of Architects Cert. of Authorization No. 21AC00040300  
NJ State Bd. of Engineers and Surveyors Cert. of Authorization No. 24GA28087300  
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PROJECT NO: 21637.01  
DRAWN BY: RDS  
SCALE: 1" = 200'  
FIGURE #: 2





**PROJECT SITE**  
4478 Venicean Road  
Tax Block 44.05, Tax Lots 99 & 100  
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 Isle Lagoon

46th Place

Rio Delle Stelle Lagoon

47th Place

Rio Grande Lagoon

Dredge Pipe Outfall

CDF Outfall Pipe

**Containment Disposal Facility**  
(See Sheet V1.0)

CONTAINED DISPOSAL FACILITY



**HYLAND DESIGN GROUP, Inc.**  
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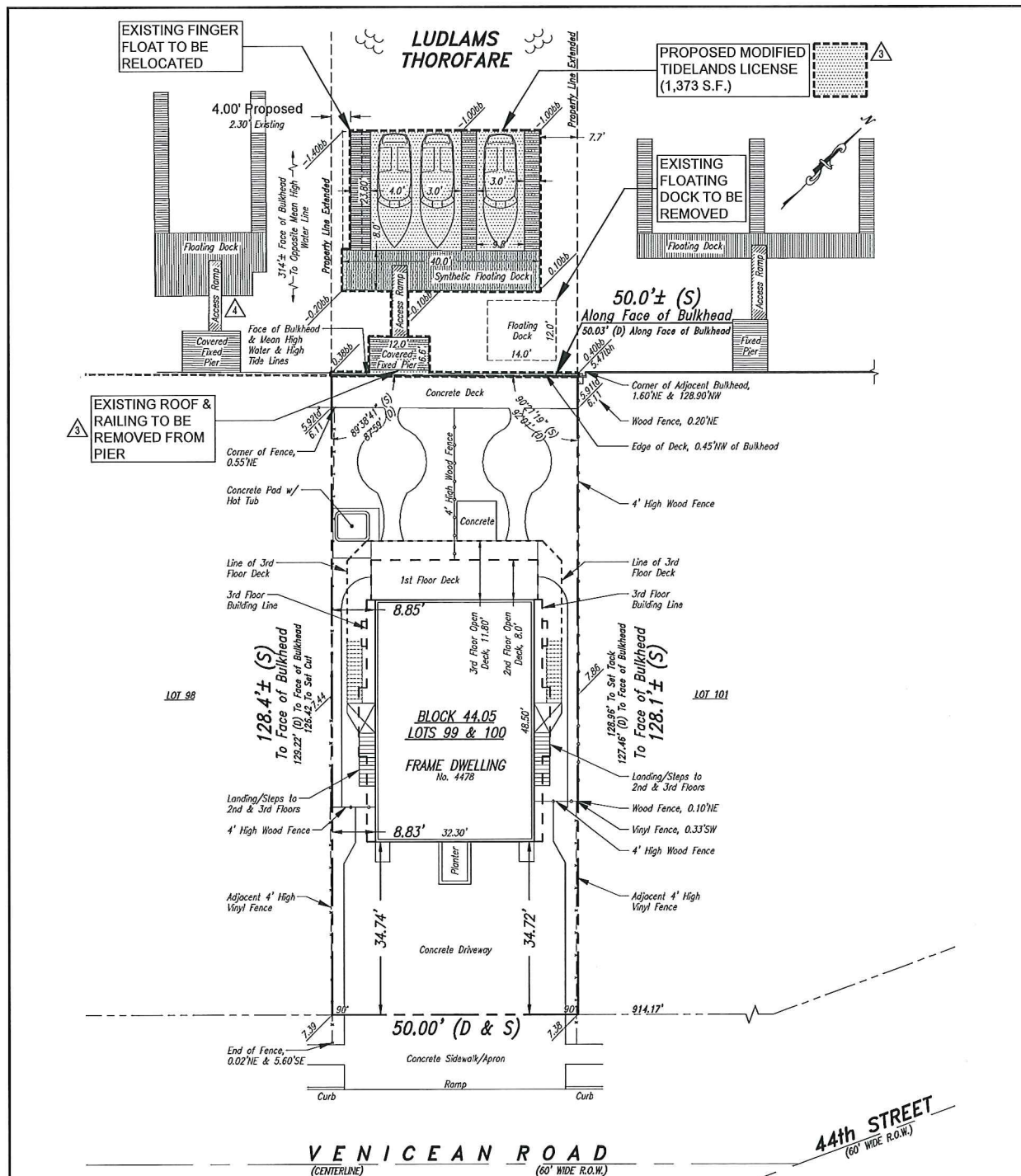
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PROJECT NO: 21637.02  
DRAWN BY: RDS  
SCALE: Not to Scale  
FIGURE #: 1









#### GENERAL NOTES:

1. EXISTING CONDITIONS SHOWN HEREON PER FIELD SURVEY PERFORMED BY HYLAND DESIGN GROUP, INC. AS SHOWN ON PLAN ENTITLED "SURVEY OF PREMISES" BEARING DRAWING No. V1.0 (Sheet 1 of 1) AND DATED DECEMBER 5, 2013.

#### ELEVATION DATA

REFERENCE DATUM: NAVD 1988  
BENCHMARK: TRIANGLE CUT ON NORTHWESTERN CURB OF VENICE ROAD

BENCHMARK ELEVATION IN NAVD 1988 DATUM AS OBTAINED THROUGH GPS MEASUREMENTS TO 0.10' PER GPS RTK PARAMETERS.

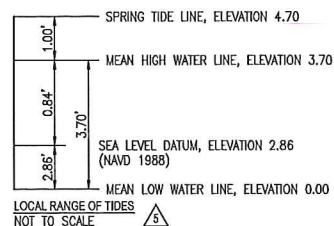
THE SITE ELEVATIONS SHOWN HEREON ARE BASED ON THE NOTED BENCHMARK AND DETERMINED THROUGH DIFFERENTIAL LEVELING TO 0.01'.

#### SURVEY LEGEND

(S) = (Survey) PROPOSED DIMENSION/INTERIOR ANGLE  
PER FIELD SURVEY PERFORMED BY HYLAND DESIGN GROUP, INC. ON OCTOBER 3, 2013  
(Deed) PROPERTY DIMENSION/INTERIOR ANGLE  
FOR "4478 VENICE ROAD CONDOMINIUM"  
MASTER DEED DATED JULY 30, 1993 AND  
RECORDED IN THE CAPE MAY COUNTY CLERK'S  
OFFICE ON AUGUST 18, 1993 IN DEED BOOK  
2383, PAGE 288

#### ELEVATION DATA LEGEND

0.00 EXISTING ELEVATION  
bb BOTTOM OF BAY  
td TOP OF DECK  
tbh TOP OF BULKHEAD



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• ENVIRONMENTAL CONSULTING • INTERIOR DESIGNERS

#### WATERFRONT DEVELOPMENT

4478 VENICE ROAD  
TAX BLOCK 44.05 TAX LOTS 99 & 100  
CITY OF SEA ISLE CITY, CAPE MAY COUNTY, NEW JERSEY

PREPARED FOR:  
ROBERT & DEBORA HAUGH

*John E. Halbruner*

John E. Halbruner  
REGISTERED PROFESSIONAL ENGINEER No. 4028  
IN THE STATE OF NEW JERSEY

PROJECT No: 21637.01

DRAWN BY: RDS

CHECKED BY: JEH

REVISION PAGE 1111/11-21

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Only after having a valid professional seal and

signature on all drawings and plans. The plan has been prepared specifically for the client

and shall not be used for any other project without the written consent of Hyland Design Group.

No.	DATE	DESCRIPTION
1.	12.23.13	INITIAL RELEASE
2.	02.03.14	Issued For Permit App.
3.	04.16.14	Revised Per NJDEP Review
4.	05.04.14	Revised Per ACOE Review
5.	03.25.15	Tidal Range Revised

SHEET TITLE:

WATERFRONT DEVELOPMENT PERMIT PLAN

GE1.0

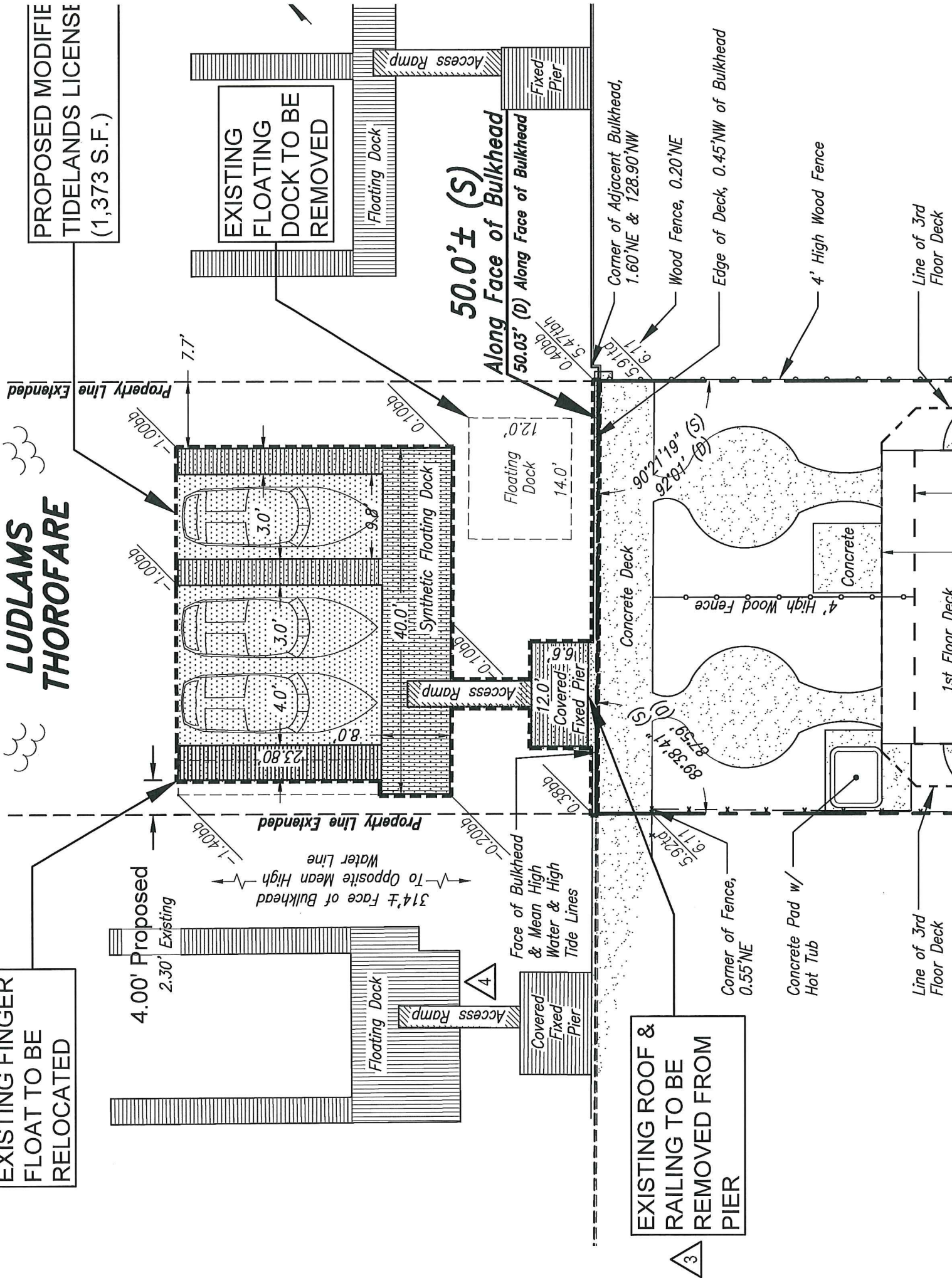
SHEET 1 OF 1



EXISTING FINGER  
FLOAT TO BE  
RELOCATED

**PROPOSED MODIFIED  
TIDELANDS LICENSE**  
**(1,373 S.F.)**

EXISTING  
FLOATING  
DOCK TO BE  
REMOVED



**EXISTING ROOF &  
RAILING TO BE  
REMOVED FROM  
PIER**

**50.0' ± (S)**  
**Along Face of Bulkhead**

---

**50.03' (D) Along Face of Bulkhead**

Corner of Adjacent Bulkhead,  
1.60'NE & 128.90'NW

Wood Fence, 0.20'NE

Edge of Deck, 0.45'NW of Bulkhead

4' High Wood Fence

Line of 3rd  
Floor Deck

1st Floor Deck

Line of 3rd  
Floor Deck

## Face of Bulk & Mean High Water & High Tide Lines

Corner of Fence,  
0.55'NE

Concrete Pad w/  
Hot Tub

4.00' Proposed  
2.30' Existing

Face of Bulkhead  
opposite Mean High -  
Water Line

## Floating Dock

$du$

4

[illegible][illegible][illegible]

11

1

Com

2.

## Conc

104

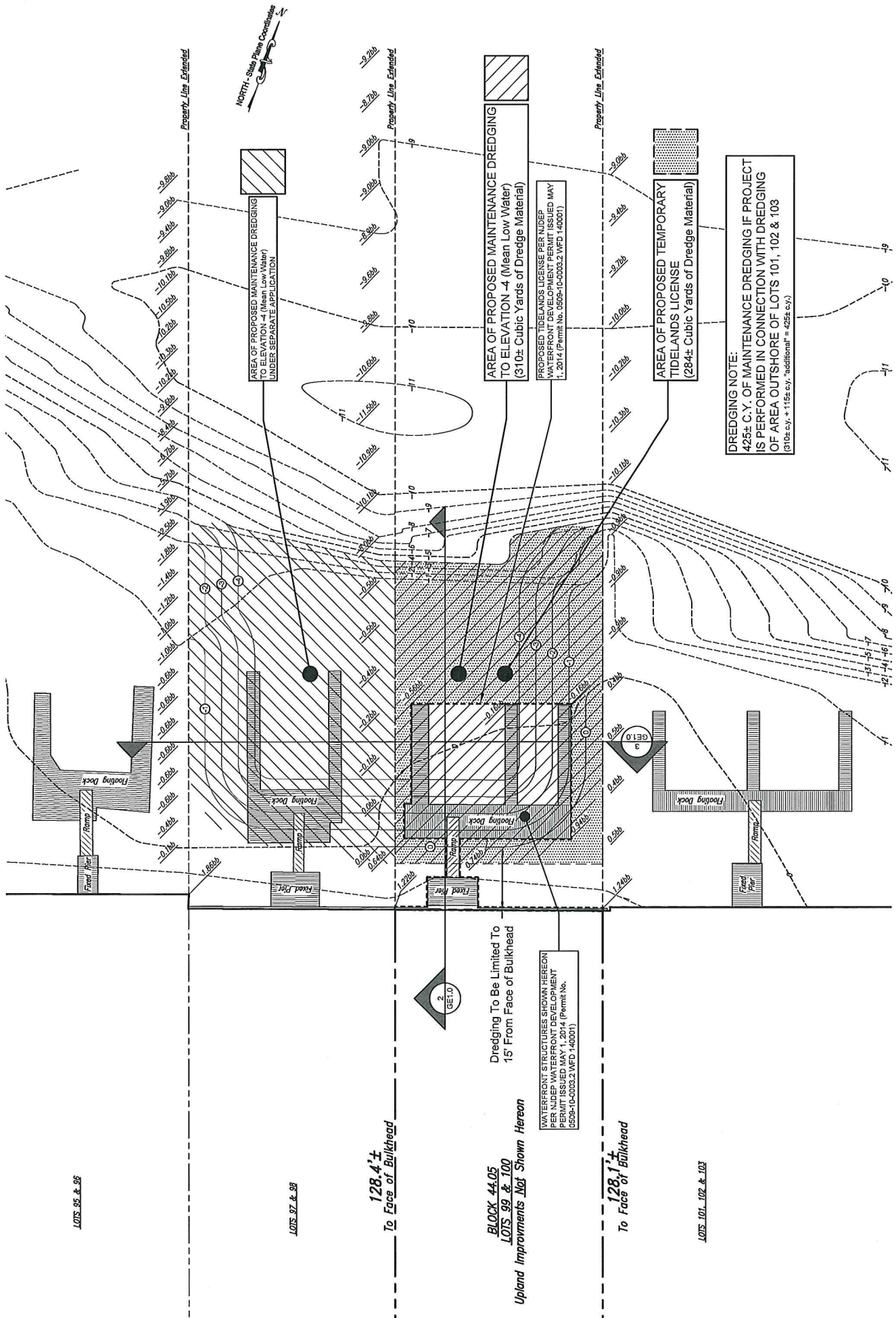
Line

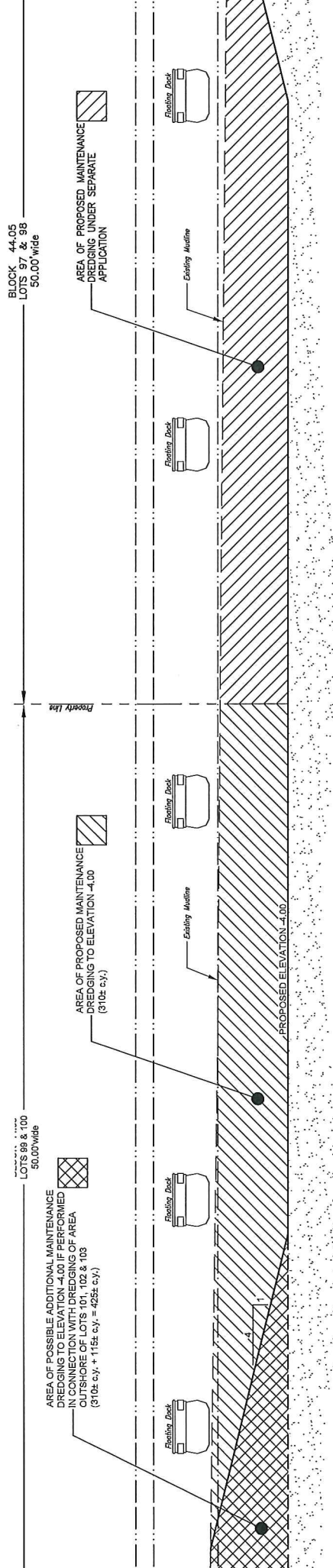
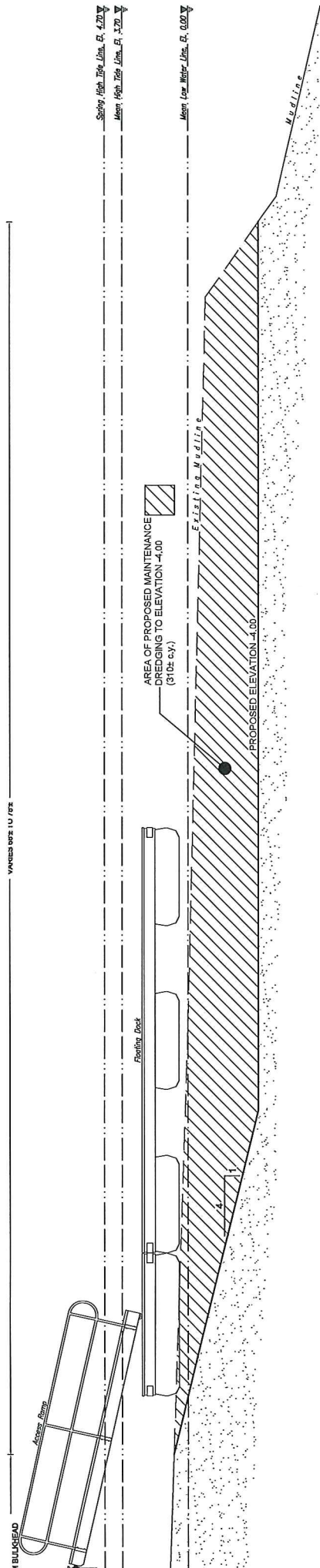
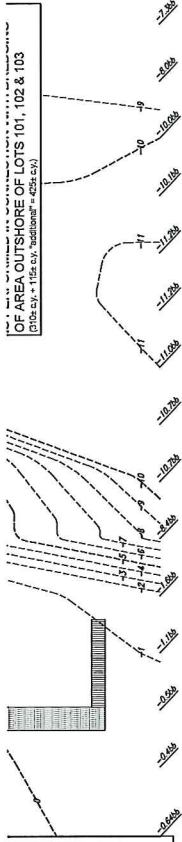
100/4

1









BLOCK 44.05  
LOTS 97 & 98  
50.00' wide

LOTS 99 & 100  
50.00' wide

AREA OF POSSIBLE ADDITIONAL MAINTENANCE  
DREDGING TO ELEVATION -4.00 IF PERFORMED  
IN CONNECTION WITH DREDGING OF AREA  
OUTSHORE OF LOTS 101, 102 & 103  
(310± c.y. + 115± c.y. = 425± c.y.)

AREA OF PROPOSED MAINTENANCE  
DREDGING TO ELEVATION -4.00  
(310± c.y.)

AREA OF PROPOSED MAINTENANCE  
DREDGING UNDER SEPARATE  
APPLICATION



Existing Mudline

PROPOSED ELEVATION -4.00

PROPOSED ELEVATION -4.00

PROPOSED ELEVATION -4.00

PROPOSED ELEVATION -4.00