

**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-2014-01236** Date

Application No. **CENAP-OP-R-2014-01236** 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: Dr. Diane Schiereck, c/o Jared Fertman, Esquire, 34 North 7th Street
Apartment 6C, Brooklyn, NY 11249

AGENT: M.V. Engineering, LLC, 102 N. Main Street
Cape May Courthouse, NJ 08210

WATERWAY: Lagoon on Wading River approximately 2.1 miles upstream from the
confluence of Wading River with the Mullica River; the confluence of the
Wading River with Mullica River is approximately 8.5 miles upstream of
Great Bay

LOCATION: 39 Robinson Road, Bass River Township, New Gretna, Burlington
County, NJ 08224 Block 2 Lot 1-A
Latitude: 39.584932° N Longitude: -74.482215° W

ACTIVITY: Mechanical dredging of man-made lagoon and boat basin with construction of approximately 155 linear feet of bulkhead at a single family residential property. The lagoon is approximately 1,335 ft. long and the boat basin is approximately 0.10 acre. Dredging would be to -4.0 ft. below mean low water (MLW) and includes dredging of approximately 0.38 acre of wetlands, dominated by phragmites, that has grown in the lagoon. The approximately 155 linear foot bulkhead would replace an existing deteriorated bulkhead. The agent for the applicant has indicated that filling of an area of approximately 0.02 acre area of wetlands will be required for construction of the bulkhead; detailed drawings for the bulkhead construction have not been provided as of the date of this notice, but would be required by this office prior to issuance of any permit. Estimated volume of dredged material is approximately 7,500 cubic yards. The dredged material will be loaded into barges for transport to the Garden State Dredging CDF/facility site (James Hemingway) located at Block 753.01, Lot 38, Lower Township, Cape May County, NJ. The Garden State Dredging CDF site is authorized to accept raw dredged

material under the terms and conditions specified in the operating Acceptable Use Determination issued April 15, 2013.

Figures and/or drawings, Exhibits E-1 to E-8, that accompany this notice provide additional information with regard to the proposed project.

PURPOSE: Sediments have accumulated in the lagoon since it was first excavated circa 1954; this has rendered the lagoon non-navigable during all, or significant segments of the tide cycle. Dredging will enable navigation to and from the Wading River, and restore the basin for recreational use and boat mooring for private use at a single family lot. Construction of bulkhead will provide stabilization of uplands and for docking of boats for recreational use only.

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 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 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 thirty (30) 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 effect 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 32. The proposed project, as described in this public notice, may adversely effect EFH. In order to avoid or minimize impacts to EFH species no in-water work will be authorized between January 1st and May 31st of any year. The Philadelphia District has made the preliminary determination that, with the noted seasonal restriction, the site-specific adverse effects are not likely to be substantial. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Following a joint permit processing meeting on August 12, 2015, NJDEP issued a conditional dredge permit on August 17, 2015; the permit was conditioned "on any negative impact on (submerged aquatic vegetation) SAV". Subsequent to this permit issuance a recognized SAV expert in New Jersey conducted a preliminary submerged aquatic vegetation (SAV) onsite survey and provided a report which stated, in part: "In conclusion, the survey found no presence of above ground or below ground SAV biomass or seeds". The report also provided a "professional opinion" that this site does not represent existing SAV habitat".

New Jersey Department of Environmental Protection, Office of Dredging and Sediment Technology issued a Modification of the Individual Waterfront Development Permit/Water Quality Certificate/Coastal Wetlands Permit Application No: 0301-14-0004.1 CSW 140001, WFD 140002, Project: Diane Schiereck Block: 2 Lot(s): 1-A, Bass River Township, Burlington County as a modification of the existing permit issued August 17, 2015 to correct typographical errors and reference the correct approved plans for the proposed project.

On April 10, 2008, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency published a *Final Rule on Compensatory Mitigation for the Losses of Aquatic Resources* (33 CFR 325 and 332 and 40 CFR 230). The rule took effect on June 9, 2008. In accordance with 33 CFR Part 325.1(d)(7) of the rule, the applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable and has further documented that compensatory mitigation is not necessary. The following aspects and features of the project demonstrate the applicant's efforts in this regard. The width of channel dredging has been reduced to minimize the volume of dredging, originally proposed, from + 9443 CY to + 7500 CY (a 20% reduction), thereby also minimizing the extent of phragmites wetlands vegetation to be eliminated, reduced approximately 37%, from approximately 0.60 acre to approximately 0.38 acre. In addition, the proposed removal of approximately 927 square feet (0.02 acre) of phragmites wetlands and backfilling behind the bulkhead is extremely small in scope; and will have no significant detrimental impact on the overall adjacent aquatic and wetland environments. These wetlands encroached behind the bulkhead as a result of deterioration of the timber sheeting and subsequent erosion; repair/reconstruction of the bulkhead affords protection and stabilization of the adjacent uplands.

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.

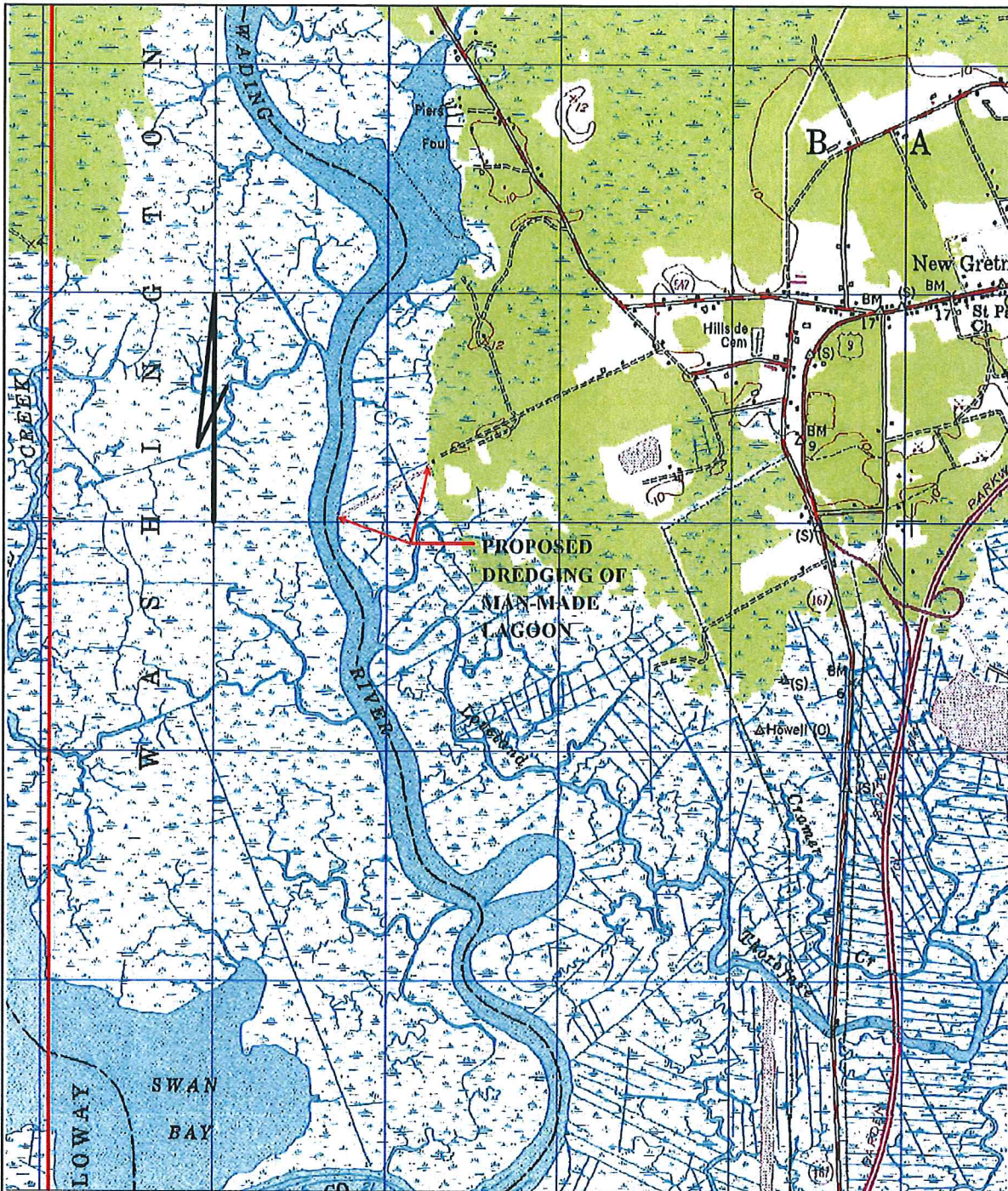
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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 Michael Green at 215-656-6836, via email at Michael.F.Green@usace.army.mil, or writing this office at the above address.

Samuel L. Reynolds
Acting Chief, Regulatory Branch



NJ Plane Coordinates: N(y) = 273,581 feet

E(x) = 496,817 feet

SOURCE: USGS Quadrangle Location Map

FIGURE 2

Scale: 1" = 2000'

M V ENGINEERING, LLC

102 N. Main Street, P.O. Box 484

Cape May Court House, NJ 08210

(609)465-7080 tel

(609)465-3973 fax

PROJECT SITE:

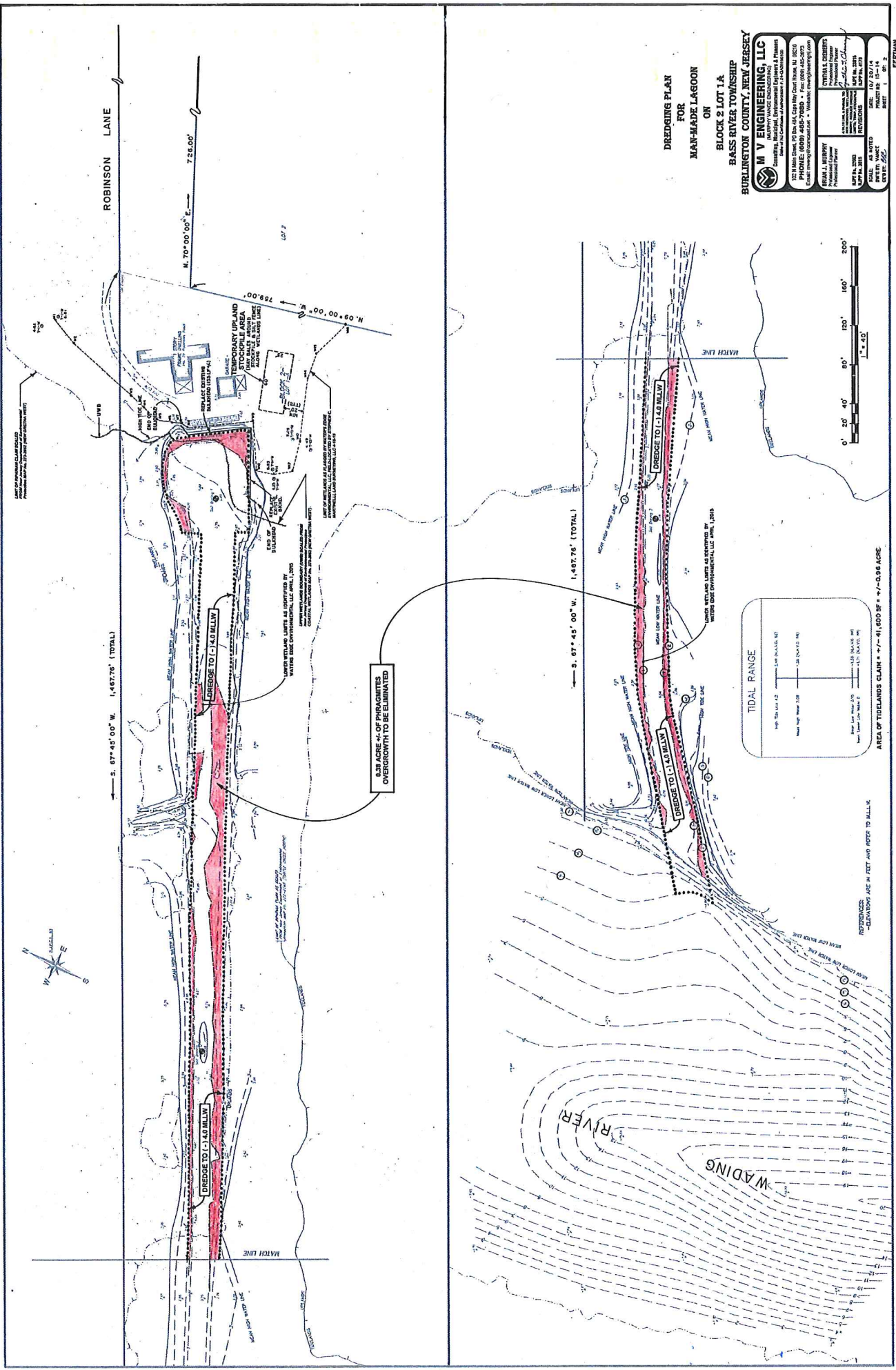
39 Robinson Road

Block 2 Lot 1A

Bass River Township

Burlington County, New Jersey

PROJECT NO.: 15-14



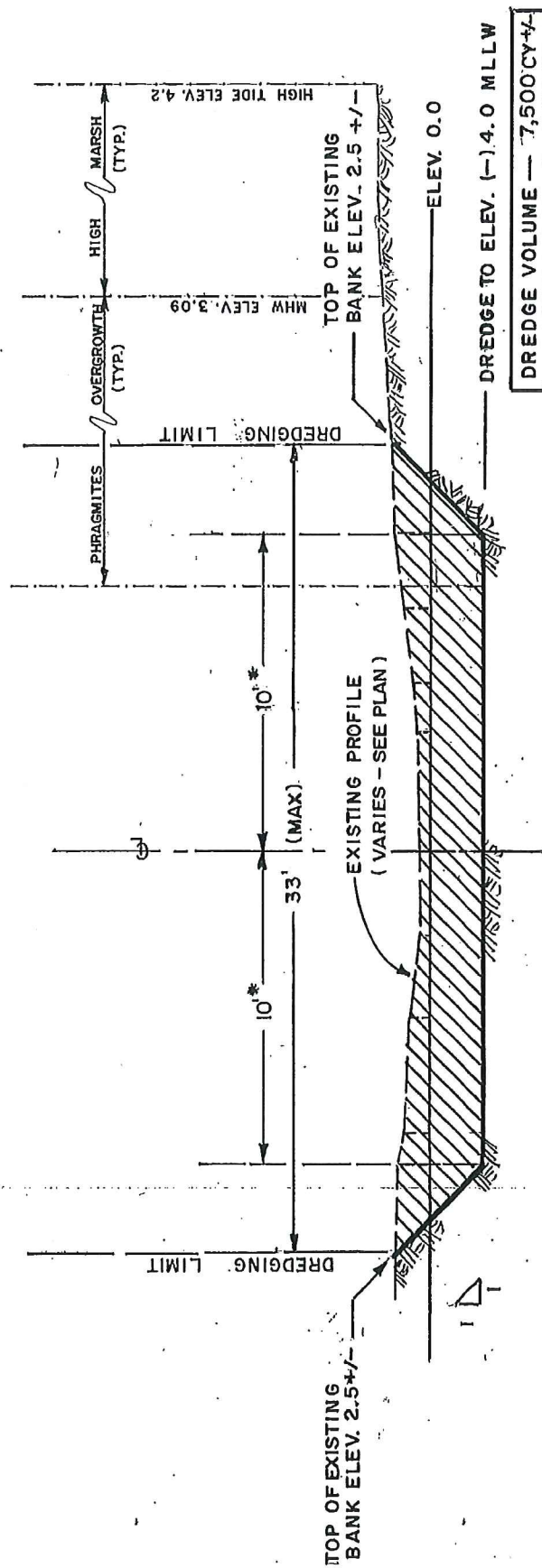
**DREDGING PLAN
FOR
MAN-MADE LAGOON
ON
BLOCK 2 LOT 1A
BASS RIVER TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

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BRUNO J. MURPHY
 Professional Engineer
 License No. 12523
 State of New Jersey
 Date: 11-14-14
 Project: 14-014
 Sheet: 222

FERTMAN
SHEET 1 OF 2

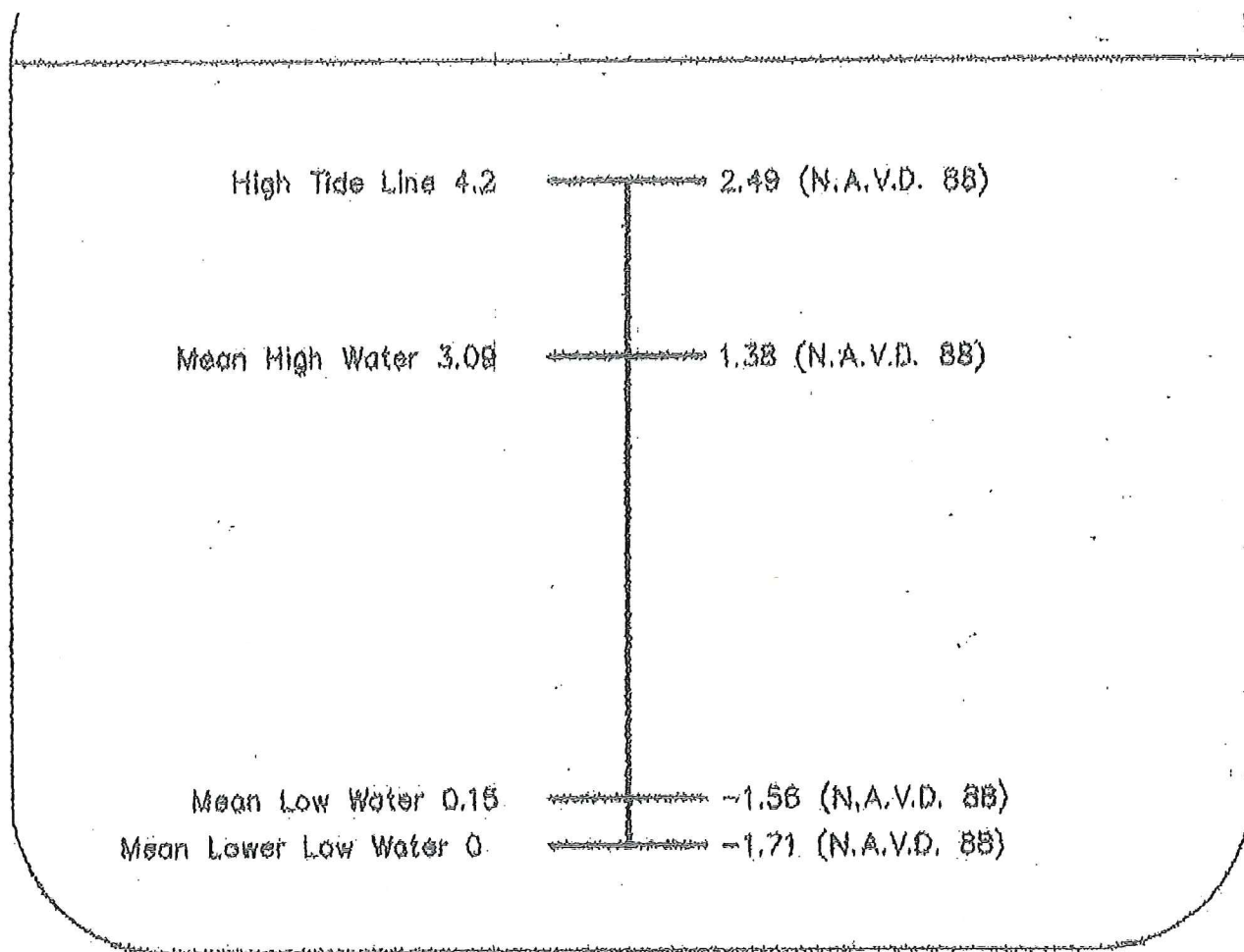
E-2



DREDGING CROSS - SECTION

PROPOSED WATER DEPTH @ MLW = $\pm 4'$
 PROPOSED WATER DEPTH @ MHW = $\pm 7'$

* WIDTH WITHIN BOAT BASIN (I.E., WITHIN 100 FEET OF HEAD OF LAGOON) WILL BE $85 \pm$, EXTENDING FROM BULKHEAD ON SOUTH SIDE AND SLOPING TO TOP OF BANK ELEVATION $2.5 \pm$ ON NORTH SIDE



AREA OF TIDE LAND CLAIM - 41 - 41 600 65 - 41 -

E-5



**View from bulkheaded head of lagoon looking
south toward bulkheaded side of basin and former
dredge material stockpile area**

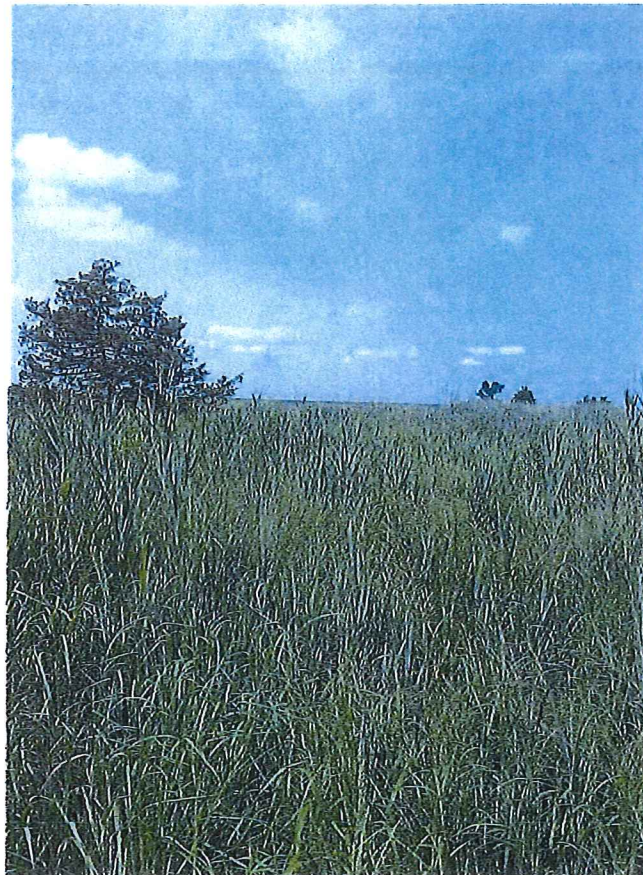


**View from bulkheaded head of lagoon (near return) looking
west-northwest toward unbulkheaded side of basin**

Block 2 Lot 1A
Bass River Township
Burlington County, New Jersey
Applicant: Diane Schiereck
MVE File No. 15-14

E-6

View adjacent (south) of the head of the lagoon looking west-southwest along upland area used for side-casting and disposal of material dredged to create lagoon

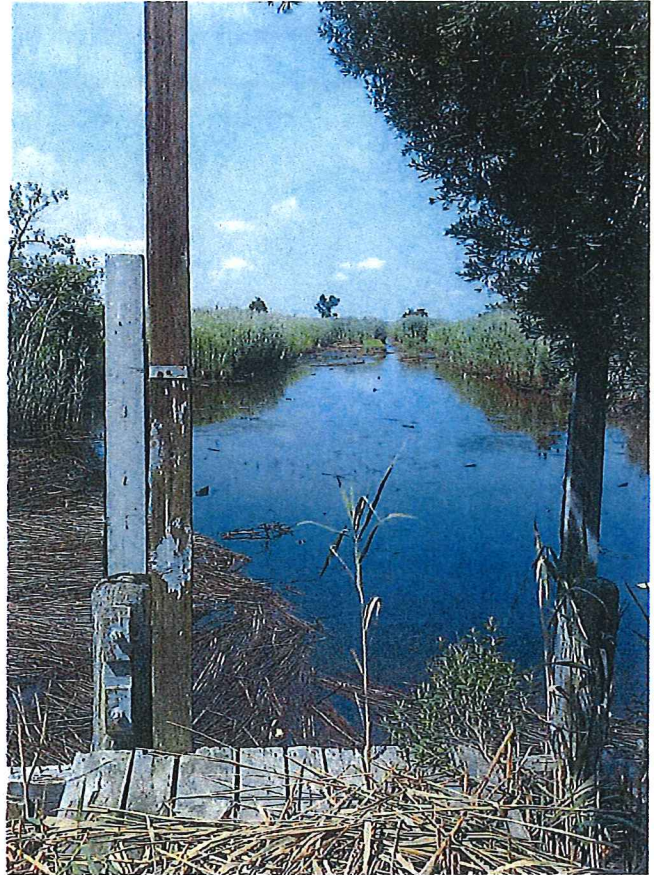


View from north corner of basin looking south-southeast along bulkhead to be replaced

Block 2 Lot 1A
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Burlington County, New Jersey
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MVE File No. 15-14

E-7

View from southerly side of head of the lagoon looking southwest along lagoon at siltation bottleneck



View from northerly side of head of lagoon looking southwest along lagoon at siltation bottleneck

Block 2 Lot 1A
Bass River Township
Burlington County, New Jersey
Applicant: Diane Schiereck
MVE File No. 15-14

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