



**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-2015-167-24

Date
MAY 27 2015

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army (DA) 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: Borough of Stone Harbor

ADDRESS: 9508 Second Avenue
Stone Harbor, New Jersey 08247

AGENT: Ocean and Coastal Consultants / COWI
20 East Clementon Road, Suite 201N
Gibbsboro, New Jersey 08026

WATERWAY: Great Channel and various lagoons/basins (see below)

LOCATION: Decimal Latitude: 39.053379° North; Longitude: -74.766064° West (center). The proposed dredging sites are located along the back-bay (Great Channel) shoreline area of the Borough of Stone Harbor, Cape May County, New Jersey. The specific areas to be dredged include (from north to south):

- 1) North Basin;
- 2) South Basin;
- 3) Snug Harbor;
- 4) Shelter Haven;
- 5) Stone Harbor;
- 6) Pleasure Bay;
- 7) Carnival Bay;
- 8) Access Channel (Pleasure to Paradise Bay);
- 9) Sanctuary Bay;
- 10) Paradise Bay; and
- 11) Stone Harbor Hole.

For the first five basins, area and volume computations include bay-front areas immediately south of that basin.

The proposed site for dewatering of dredged material is the Borough's marina parking lot located between 80th and 82nd Streets, where dredged material would be loaded for transport by truck to one of two proposed off-site final disposal areas: a) Cape May Mining and Recycling, LLC, located at 560 Goshen Road, Block 410.01, Lot 99.01, in Lower Township, Cape May County; and b) Kinsley Landfill, located at 2035 Delsea Drive, Block 387.01, Lot 57, in Deptford Township, Gloucester County. Location maps of these two sites are included.

ACTIVITY: The applicant proposes to dredge accumulated sediments from various lagoons and bay-front areas within the Borough of Stone Harbor, including private boat slips. It is proposed to dredge to a depth of 6 feet below mean lower low water (MLLW), with an additional 2 feet of "over-dredge" allowance, for a total maximum allowable depth of 8 feet below MLLW. This would equate to a depth of 6.16 feet below mean low water (MLW), or 8.16 feet below MLW with the over-dredge.

This office has issued prior DA (Corps) permits for maintenance dredging of these back-bay areas: a) CENAP-OP-R-1999-1066-24 issued May 22, 2001; and b) CENAP-OP-R-2004-1139-24 issued September 14, 2004. The latter permit was issued to the Stone Harbor Bay Owners Association, and was to separate out the private slip areas from the former permit, which was issued to the Borough of Stone Harbor. Both permits have expired. The applicant has requested a new 10-year maintenance dredging permit for all the identified basins and private boat slips.

The applicant has requested authorization to dredge up to 179,000 cubic yards from 61.58 acres of waterway for the initial dredging, which would occur over the first two years of the permit (see table below). They have requested authorization to dredge up to 212,500 additional cubic yards over the remaining 10 years of the proposed permit, for a maximum allowable total volume of 391,500 cubic yards (from an area up to 115.72 acres in size). The applicant has performed testing of the material to be dredged for grain size and contaminants. Their data shows that grain size ranges from very silty (less than 10 percent sand and gravel) to greater than 90 percent sand (see table below). The applicant has applied for authorization from the State of New Jersey, Department of Environmental Protection, Office of Dredging and Sediment Technology (NJDEP File Number 0510-15-0002.1). See the table below for specific basin information.

The proposed dredging would be by hydraulic (pipeline) method, with a submerged pipeline along the east side of Great Channel. The pipeline would be located at least 100 feet outside the limits of the New Jersey Intracoastal Waterway, which is a federal navigation project. Dredged material would be pumped to the parking lot at the Borough's municipal marina, located between 80th and 82nd Streets, where it would be dewatered for placement on trucks for transport to an off-site location (see "Location" above). The material would be dewatered by means of pumping into geo-textile bags, with the over-flow water to be pumped into North Basin. The dewatering area and work site would be surrounded with security fencing, including a privacy screen. The operation would take place within the curbed paved area of the parking lot. The existing storm drains would be covered with impermeable liner and sand bags. Water from the dewatering operation would be contained within the work area using Jersey barriers and sand bags.

While the applicant proposes to dredge primarily by hydraulic method (cutter-head pipeline), some of the indicated slip areas may be dredged by mechanical (bucket) method. Removal of this material would be accomplished by mechanically moving material from the slip area into the basin area, where the hydraulic dredge would remove the material along with the other material in the basin.

<u>Basin ID</u>	<u>Tot. Area (ac.)</u>	<u>Init. Area (ac)</u>	<u>Init. Volume (CY)</u>	<u>Sand+Gravel (%)</u>
North Basin	4.75	3.19	26,400	32.8
<i>Basin</i>	1.79	1.62	24,000	
<i>Slip</i>	2.96	1.57	2,400	
South Basin	8.89	4.11	16,000	34.4
<i>Basin</i>	2.30	1.73	14,500	
<i>Slip</i>	6.59	2.38	1,500	
Snug Harbor	8.92	4.43	19,800	27.5
<i>Basin</i>	4.47	2.61	18,000	
<i>Slip</i>	4.45	1.82	1,800	
Shelter Haven	15.36	5.60	22,000	47.9
<i>Basin</i>	7.75	2.17	20,000	
<i>Slip</i>	7.62	3.43	2,000	
Stone Harbor	20.51	7.50	9,900	66.8
<i>Basin</i>	9.10	0.96	9,000	
<i>Slip</i>	11.41	6.54	900	
Pleasure Bay	14.26	10.56	13,800	30.5
<i>Basin</i>	8.67	5.53	12,500	
<i>Slip</i>	5.59	5.03	1,300	
Sanctuary Bay	4.98	3.61	16,500	42.4
<i>Basin</i>	3.46	2.61	15,000	
<i>Slip</i>	1.51	1.00	1,500	
Paradise Bay	7.30	3.59	11,000	55.6
<i>Basin</i>	4.55	2.53	10,000	
<i>Slip</i>	2.75	1.06	1,000	
Carnival Bay	16.75	9.83	17,600	9.4
<i>Basin</i>	11.07	5.57	16,000	
<i>Slip</i>	5.68	4.27	1,600	
Access Channel	10.44	5.74	11,000	90.9
<i>Basin</i>	9.32	4.98	10,000	
<i>Slip</i>	1.12	0.76	1,000	
Stone Harbor Hole	3.55	3.41	15,000	93.2
Total	115.72	61.58	179,000	

The attached plans (and the areas and volumes in the above table) show the maximum potential areas to be dredged over the requested 10-year span of authorization. Shaded areas on the plans show the areas initially determined to require dredging within the basins, and stippled areas show the slip areas initially determined to require dredging. These determinations were made based on an initial (2014) reconnaissance survey. The applicant has recently (2015) completed a more comprehensive bathymetric survey, which they will use to further refine their proposed dredging areas. The applicant proposes to avoid any dredging of vegetated wetlands (mechanical or hydraulic), with a 3:1 (H:V) slope beginning a minimum of 25 feet from the wetland. In addition, they propose to maintain a buffer of 10 feet from all bulkheads (but not mooring piles), with a 3:1 slope from that point for any dredging (mechanical or hydraulic). A turbidity curtain would be deployed around mechanical relocation activities and dewater discharge area in North Basin.

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:

“Some dredged material will be mechanically relocated within waters of the United States to provide access to sediments above the project depth that cannot be reached with a hydraulic dredge plant. These relocations are temporary in nature. Impacts to the waters of the United States will be avoided and minimized as follows:

- › Only those areas that do not meet the authorized depth will be dredged. Within the slip dredging area, only those areas that are necessary to safely moor vessels will be dredged.
- › Sediments from the slip areas will be mechanically relocated to adjacent areas within the dredging project limits to provide access for the hydraulic dredge.
- › A turbidity curtain will be deployed around mechanical relocation activities, the dewatering discharge area, and elsewhere as appropriate to prevent the discharge of sediment beyond the project.
- › Effluent water from the dewatering process shall be discharged to the project area. The discharge location will be surrounded by a turbidity curtain.
- › Wetland vegetation will not be dredged. Maintenance dredging side slopes shall not be steeper than 3:1 adjacent to wetlands to prevent undermining and/or sloughing of the wetlands.
- › Dredging of intertidal and subtidal shallows (meaning all permanently or temporarily submerged areas from the high tide line to a depth of four feet below MLW) will be avoided and minimized to the maximum extent possible. Dredging shall only occur in those areas to restore previously authorized water depths necessary for safe navigation in the basin areas and mooring of vessels in slips areas.

This proposed maintenance dredging continues the authorized use of the coastal waters around the Borough of Stone Harbor. These areas represent a portion of the navigable waters within the Borough that are maintained for use by the Borough and its residents. No new work dredging is being proposed. In light of these commitments, the impacts associated with maintenance dredging navigable waterways around Stone Harbor, NJ will be localized, temporary in nature and will not adversely impact the Waters of the US, therefore there does not appear to be a need for undertaking or providing compensatory mitigation in support of this project.”

PURPOSE: The applicant's stated purpose for the project is "to restore the channels to a depth of six (6) feet below Mean Low Water (MLW) plus two (2) feet of allowable over-depth (OD) to allow for the continued safe recreational use of the back-bay waters, and provide access to the Atlantic Ocean from the lagoons. There are no additional, proposed, related activities to

be developed as the result of the proposed project. Permits will enable the Borough to conduct periodic maintenance dredging at the Stone harbor Lagoons over the duration of the permit."

A preliminary review of this application indicates that the proposed work is not likely to adversely affect the following federally listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) as amended:

Atlantic sturgeon, New York Bight DPS (Acipenser oxyrinchus oxyrinchus), endangered;
green sea turtle (Chelonia mydas), threatened;
Kemp's ridley sea turtle (Lepidochelys kempii), endangered;
leatherback sea turtle (Dermochelys coriacea), endangered; and
loggerhead sea turtle, Northwest Atlantic Ocean DPS (Caretta caretta), threatened.

As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. The above-listed species are under the jurisdiction of the National Marine Fisheries Service, and this office shall consult with that agency under Section 7 of the ESA. Our preliminary review of this application indicates that the proposed work would not affect any federally listed species or their critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service. 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 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 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 determination is made based on the fact that shallow water habitat (proposed to be dredged) would be impacted by the project. While the 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. 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. No adverse effects on prey species are anticipated. The proposed discharge (fill) area is a highly dynamic surf zone subject to waves and sand movement. It would not be suitable for spawning, eggs or larvae. Adults and juveniles could move away from the construction equipment.

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. 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.

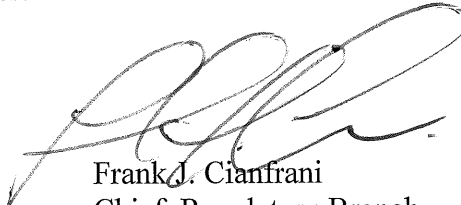
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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.

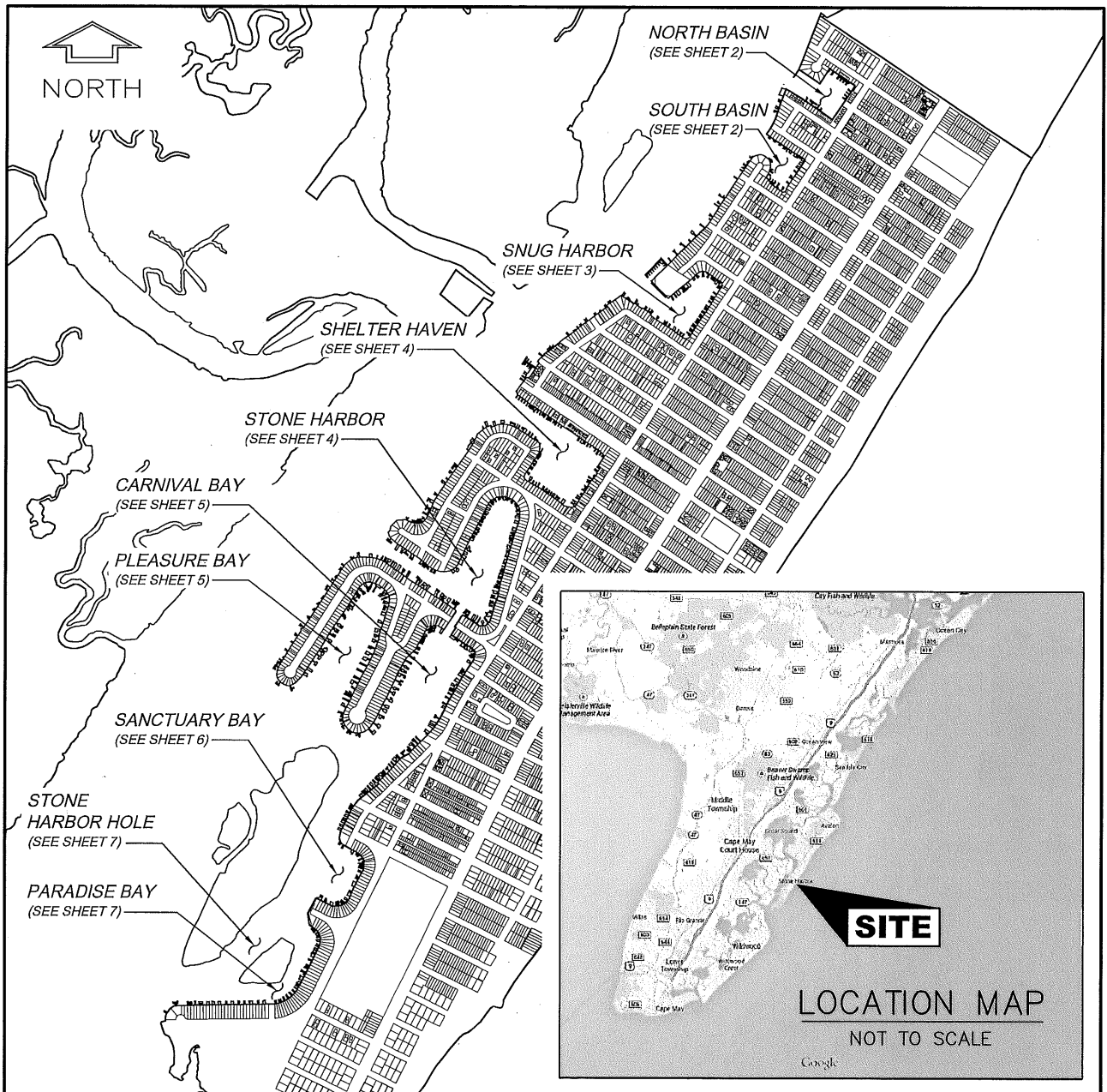
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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, or by writing to this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch



VICINITY MAP

0 2000 4000 FT.



SCALE 1"=2000'-0"

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

REV. 1 4/6/15

PURPOSE: MAINTENANCE DREDGING

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:
SEE APPLICATION

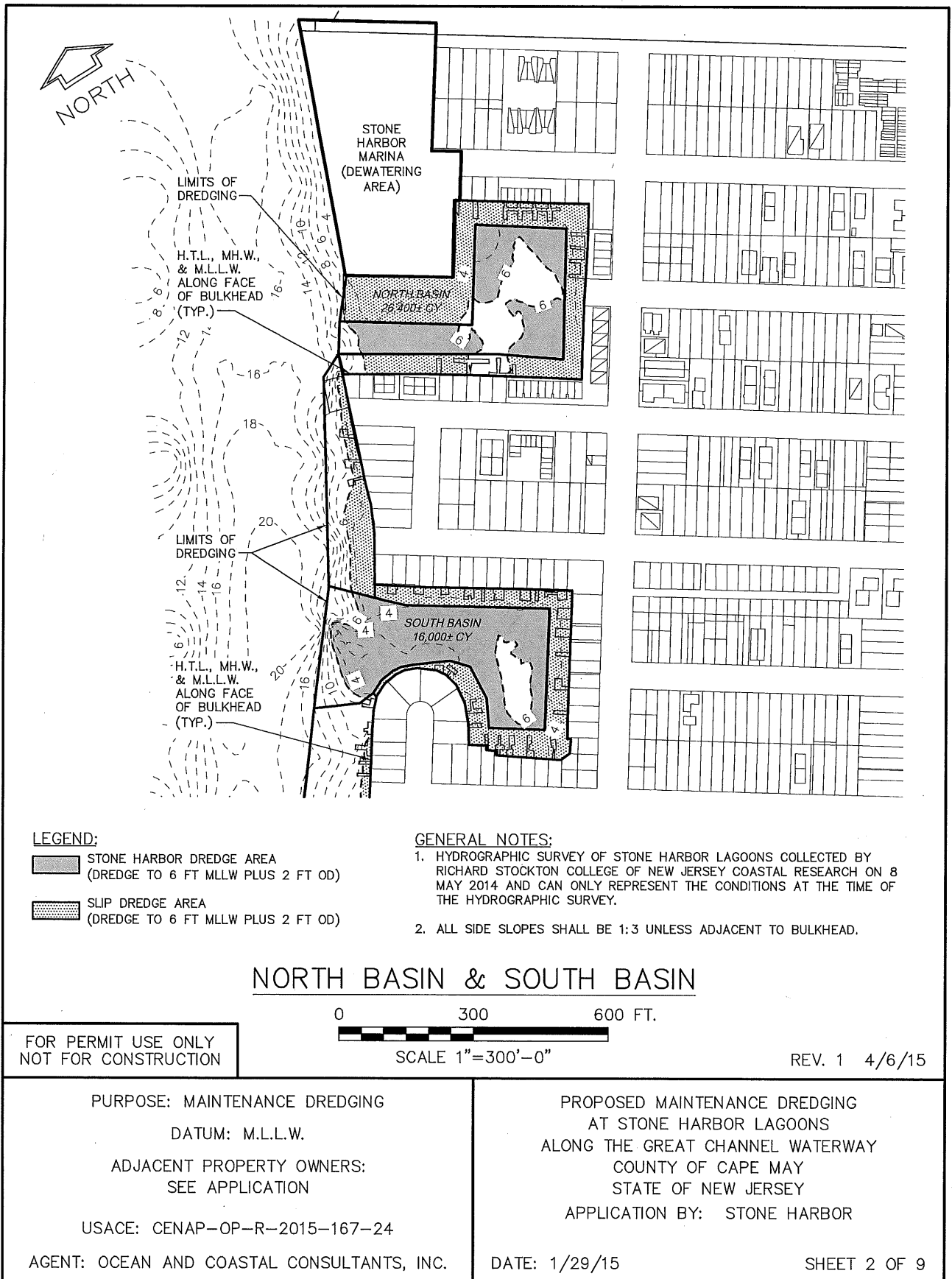
USACE: CENAP-OP-R-2015-167-24

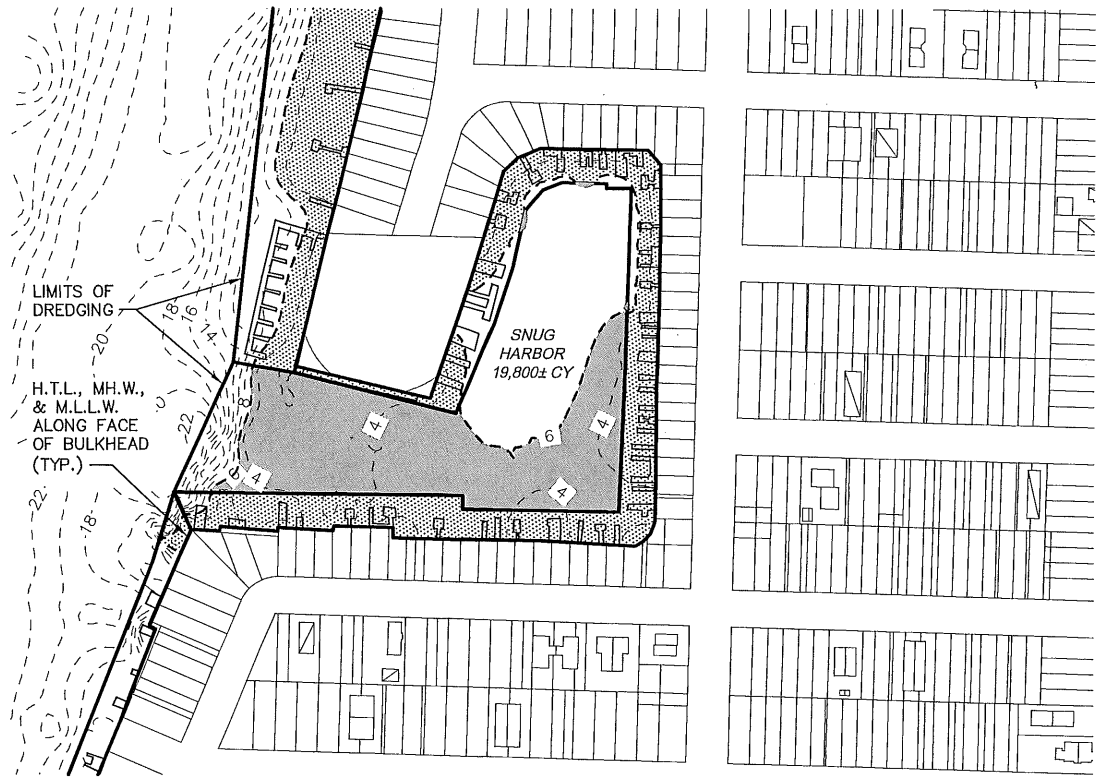
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED MAINTENANCE DREDGING
AT STONE HARBOR LAGOONS
ALONG THE GREAT CHANNEL WATERWAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY
APPLICATION BY: STONE HARBOR



DATE: 1/29/15

SHEET 1 OF 9





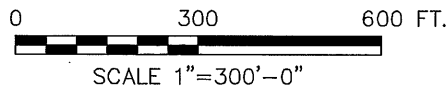
LEGEND:

-  STONE HARBOR DREDGE AREA (DREDGE TO 6 FT MLLW PLUS 2 FT OD)
-  SLIP DREDGE AREA (DREDGE TO 6 FT MLLW PLUS 2 FT OD)

GENERAL NOTES:

1. HYDROGRAPHIC SURVEY OF STONE HARBOR LAGOONS COLLECTED BY RICHARD STOCKTON COLLEGE OF NEW JERSEY COASTAL RESEARCH ON 8 MAY 2014 AND CAN ONLY REPRESENT THE CONDITIONS AT THE TIME OF THE HYDROGRAPHIC SURVEY.
2. ALL SIDE SLOPES SHALL BE 1:3 UNLESS ADJACENT TO BULKHEAD.

SNUG HARBOR



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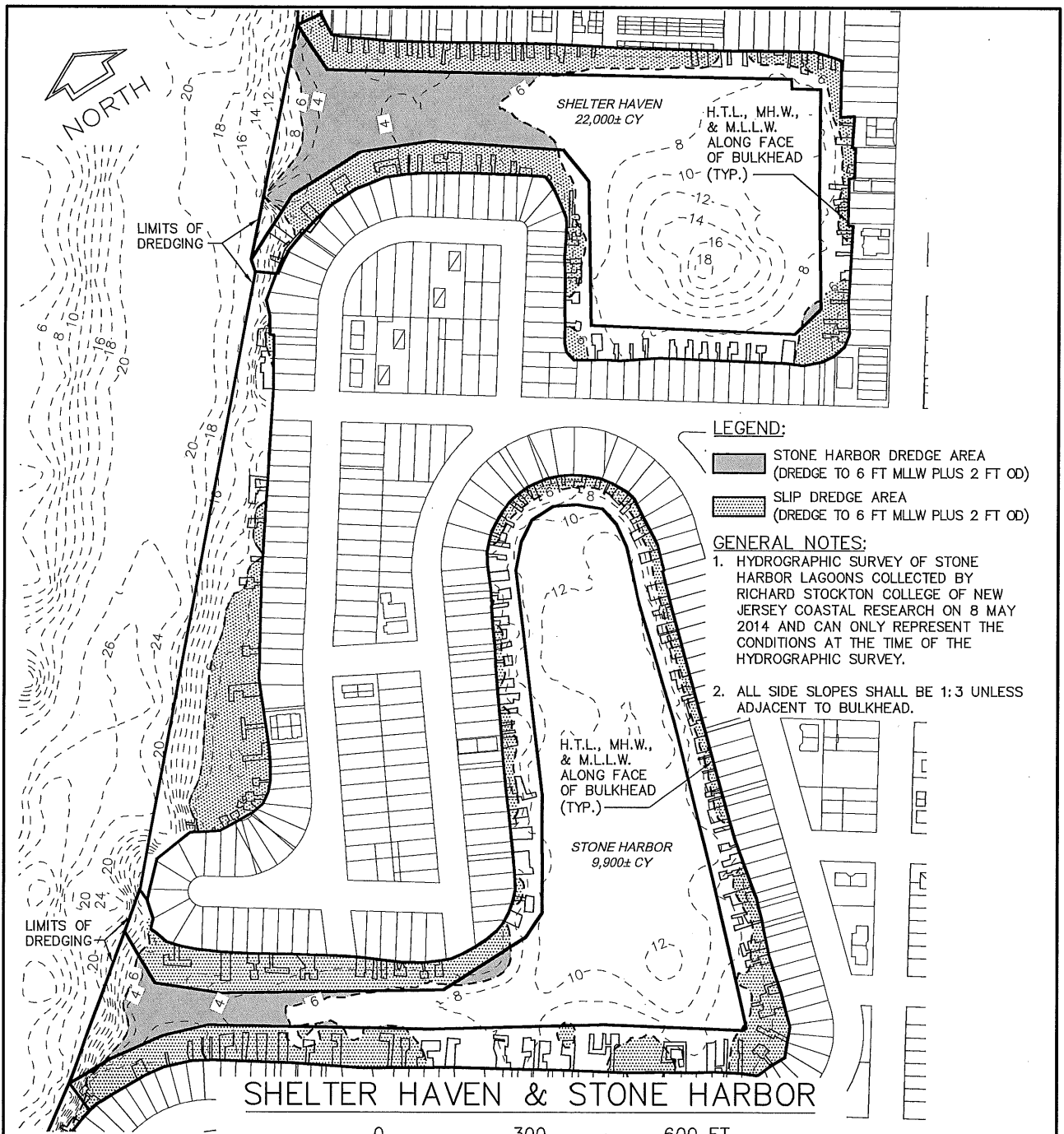
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SHEET 3 OF 9



FOR PERMIT USE ONLY
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0 300 600 FT.
SCALE 1"=300'-0"

REV. 1 4/6/15

PURPOSE: MAINTENANCE DREDGING

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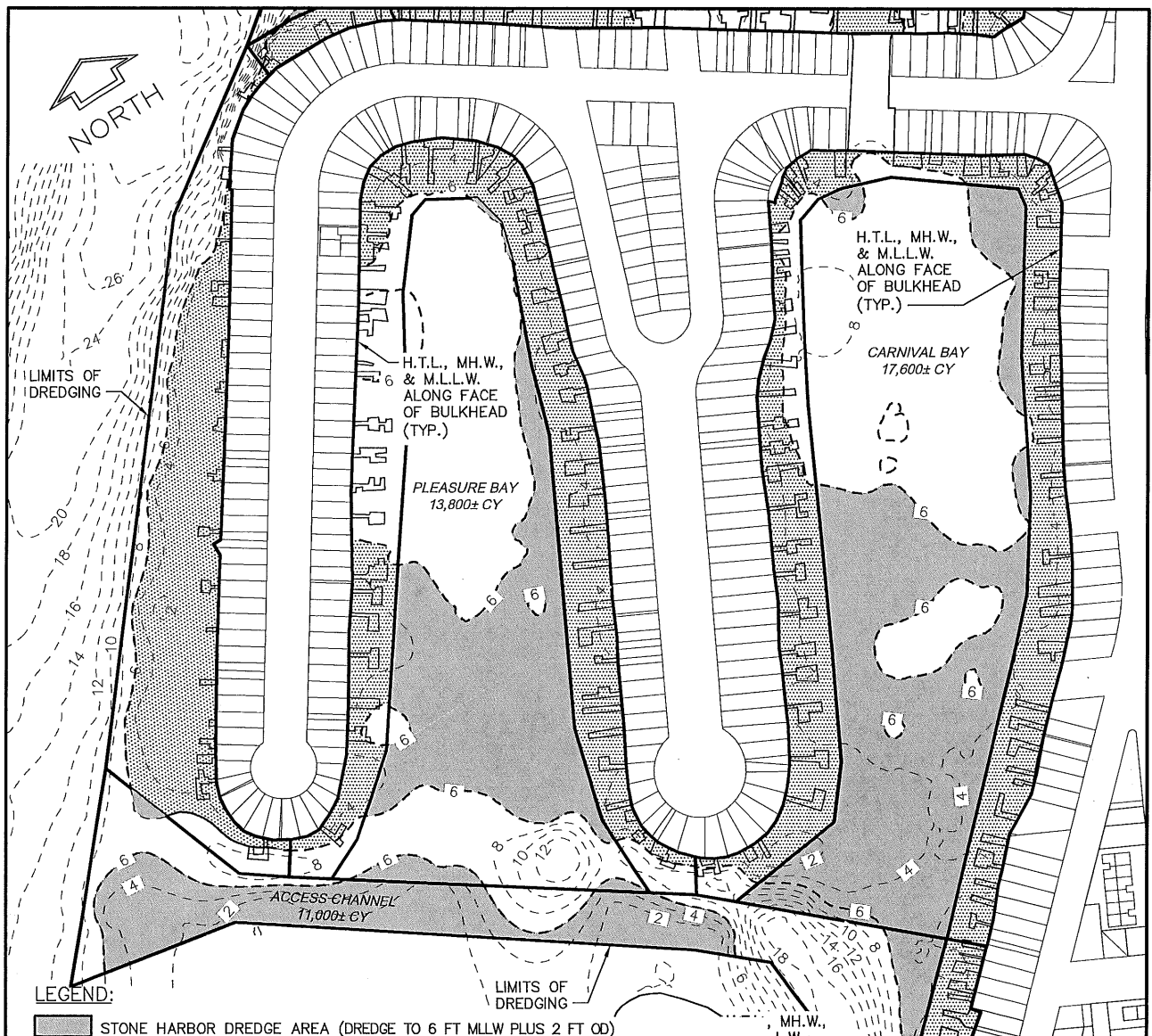
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DATE: 1/29/15

SHEET 4 OF 9



LEGEND:

- STONE HARBOR DREDGE AREA (DREDGE TO 6 FT MLLW PLUS 2 FT OD)
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2. ALL SIDE SLOPES SHALL BE 1:3 UNLESS ADJACENT TO BULKHEAD.

PLEASURE BAY, CARNIVAL BAY, & ACCESS CHANNEL

0 300 600 FT.



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SCALE 1"=300'-0"

REV. 1 4/6/15

PURPOSE: MAINTENANCE DREDGING

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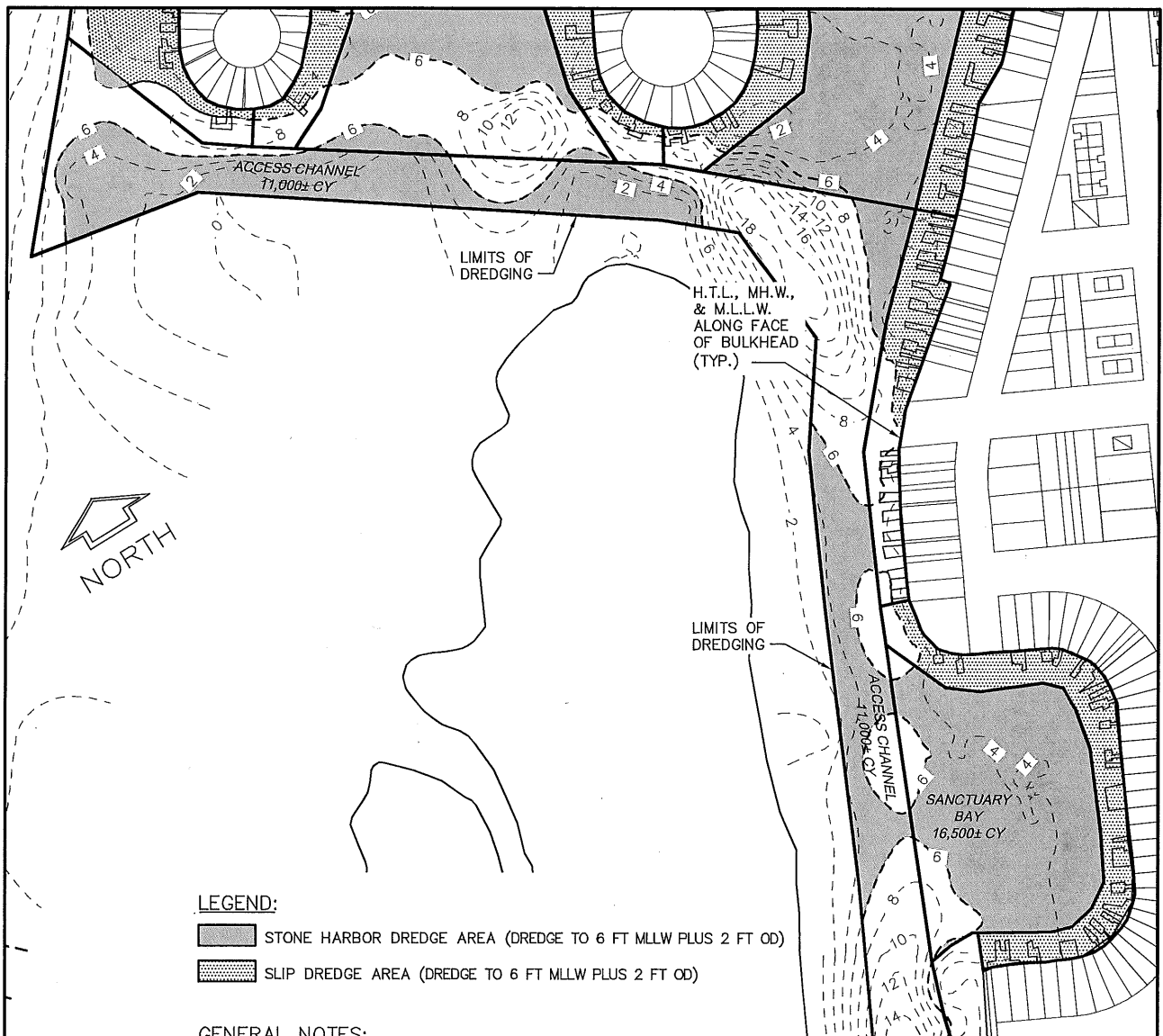
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SHEET 5 OF 9



LEGEND:

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- SLIP DREDGE AREA (DREDGE TO 6 FT MLLW PLUS 2 FT OD)

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2. ALL SIDE SLOPES SHALL BE 1:3 UNLESS ADJACENT TO BULKHEAD.

SANCTUARY BAY & ACCESS CHANNEL

0 300 600 FT.



SCALE 1"=300'-0"

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ADJACENT PROPERTY OWNERS:
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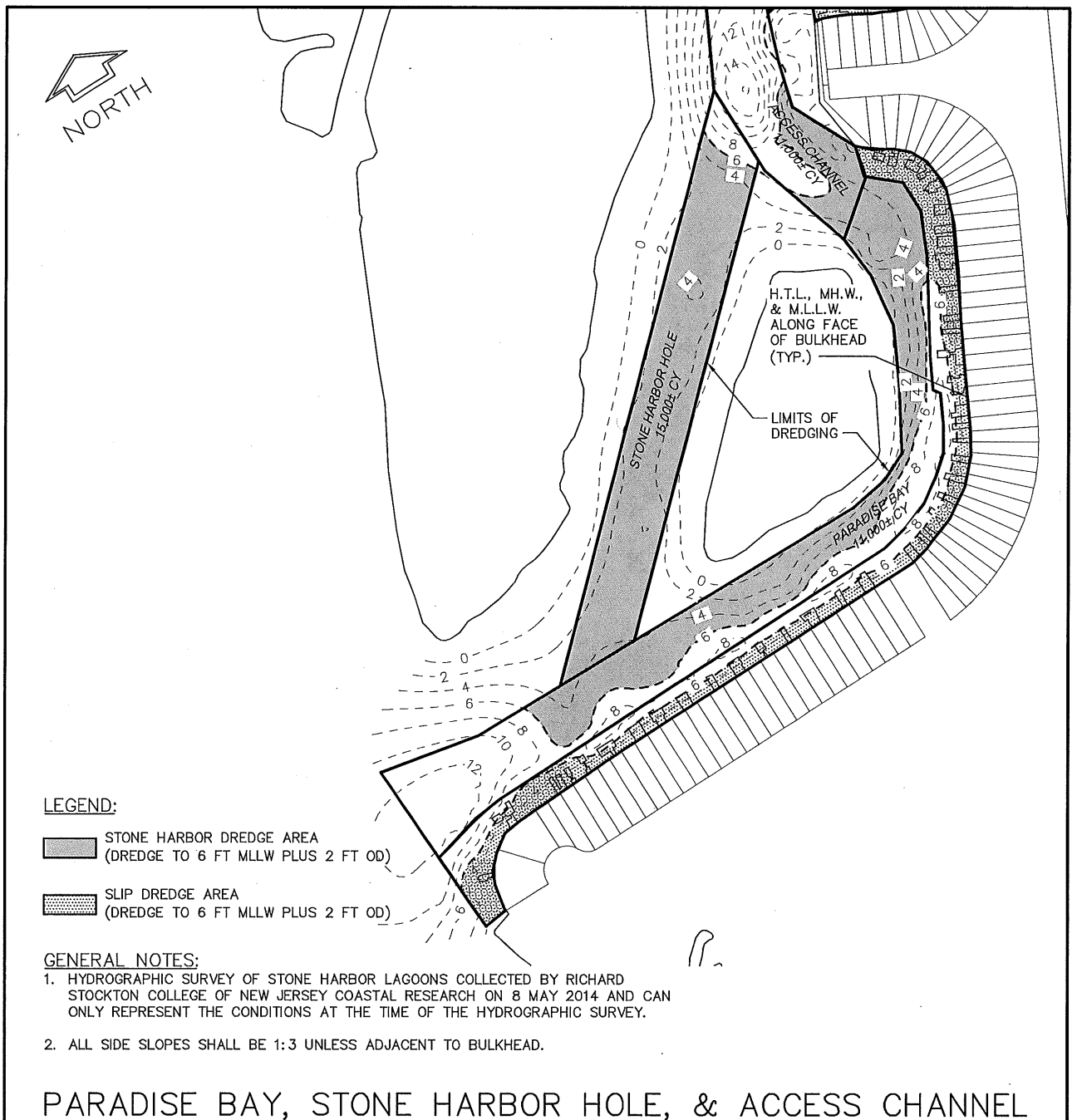
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SHEET 6 OF 9



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SHEET 7 OF 9



TEMPORARY
DEWATERING AREA FOR
DREDGED MATERIAL

EFFLUENT
WATER
CONTAINMENT
BARRIER

BULKHEAD

EFFLUENT WATER
DISCHARGE VIA
PUMP AND PIPELINE

NORTH
BASIN

TURBIDITY
CURTAIN

80TH STREET
(W. SIDE)

81ST STREET
(W. SIDE)

TEMPORARY DEWATERING AREA

0 100 200 FT.



SCALE 1"=100'-0"

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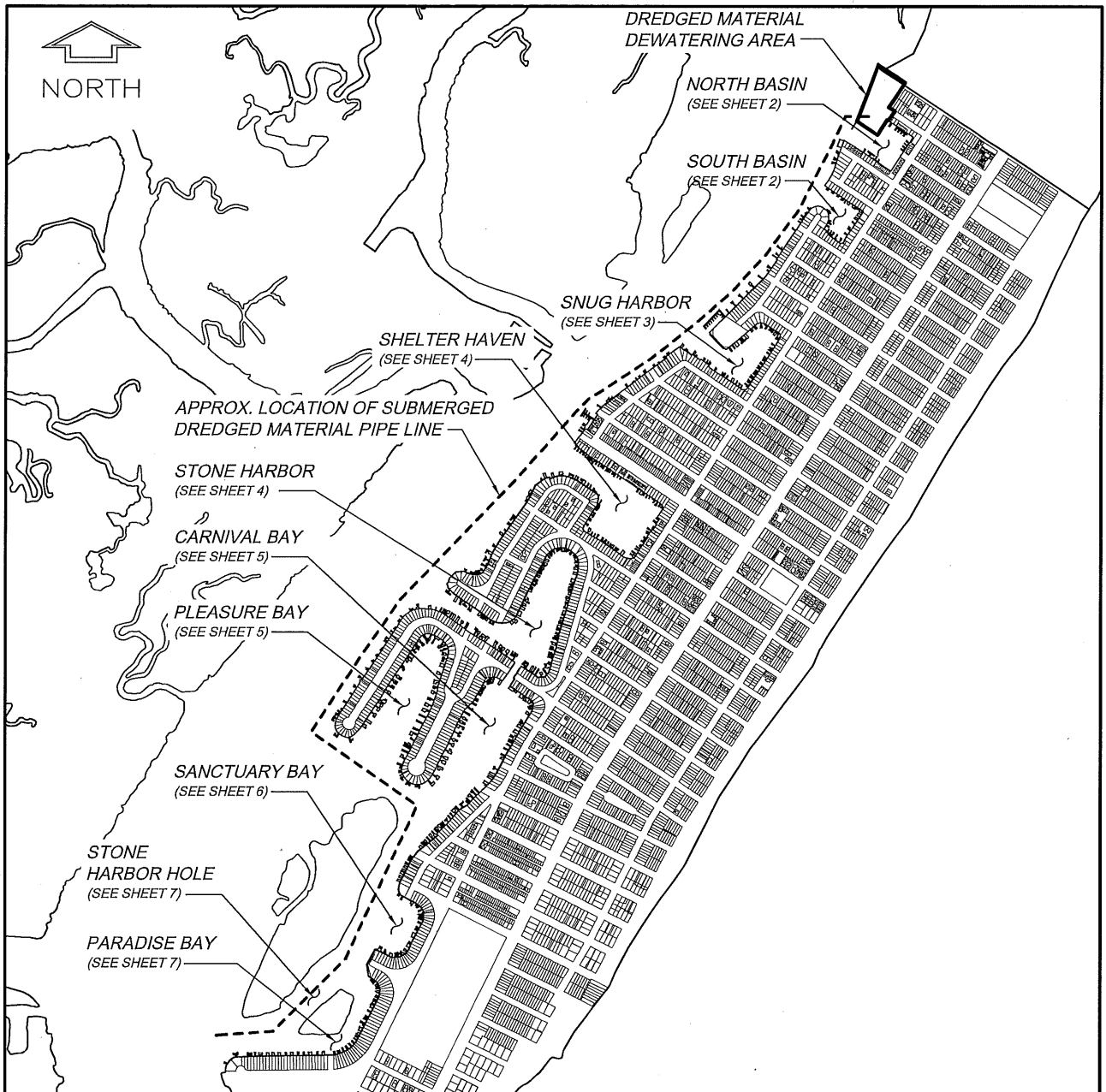
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SHEET 8 OF 9



SUBMERGED PIPELINE LOCATION

0 2000 4000 FT.



SCALE 1"=2000'-0"

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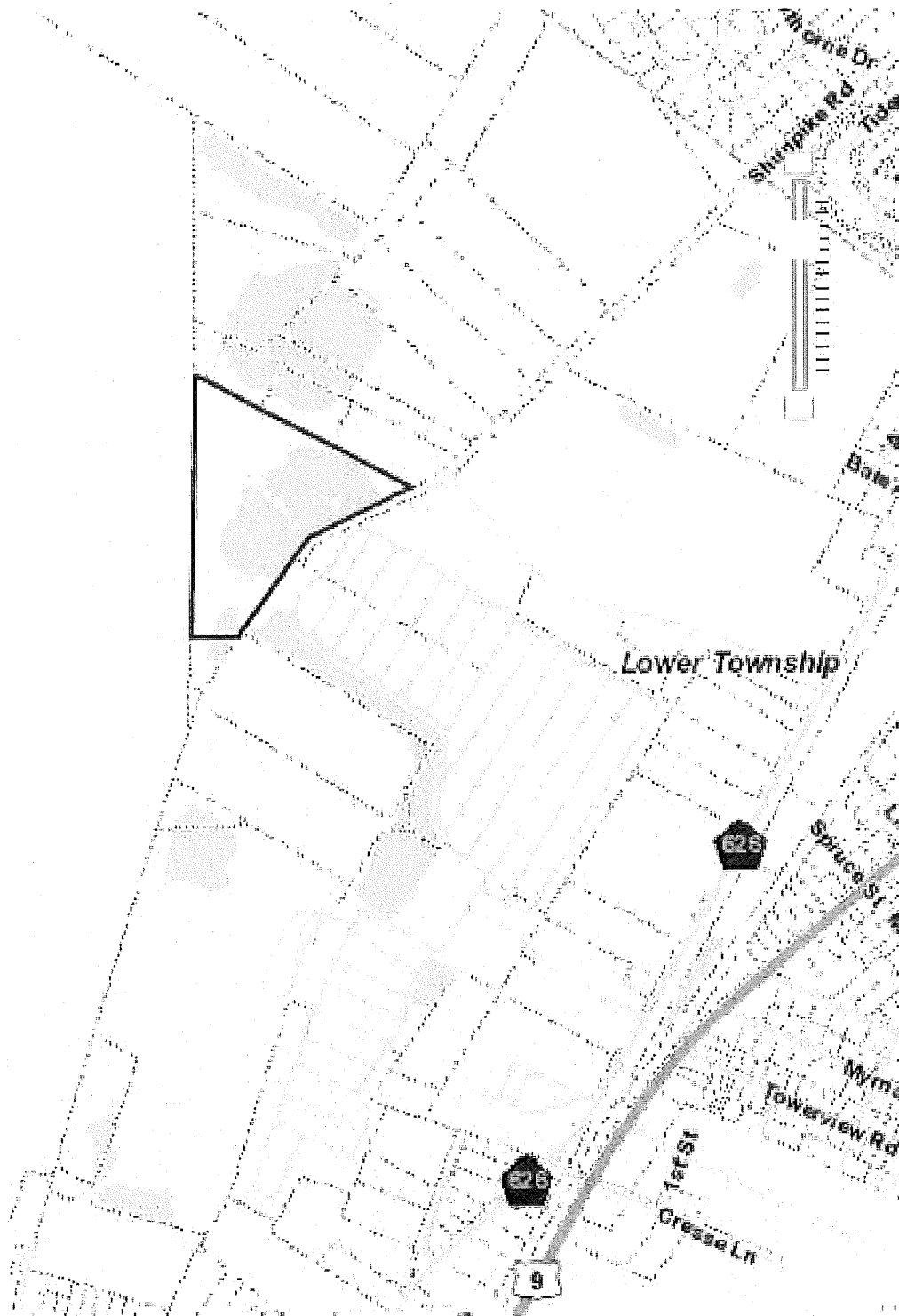
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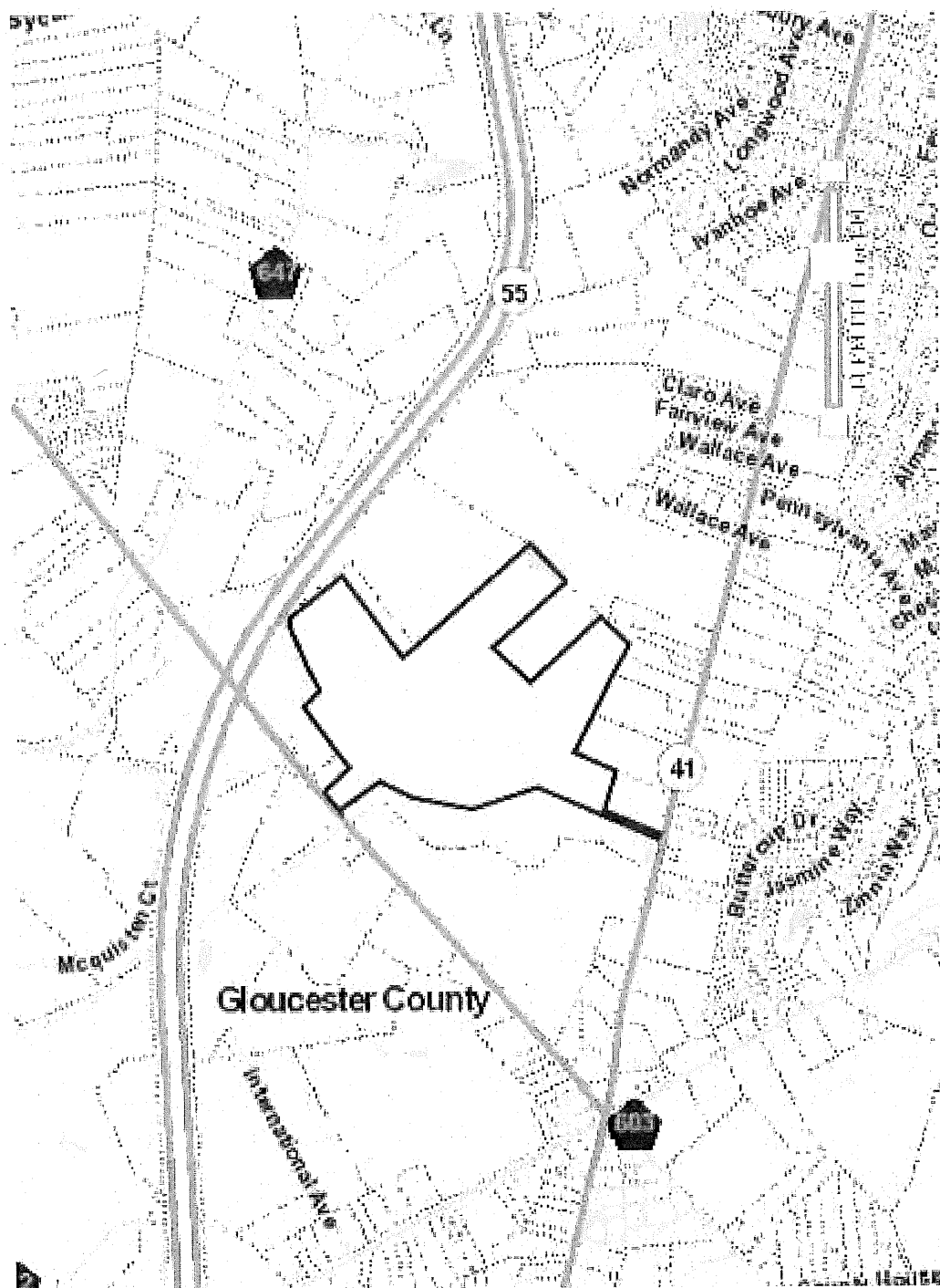
SHEET 9 OF 9

Property Map



Cape Mining & Recycling, LLC (off-site disposal area)

Property Map



Kinsleys Landfill (off-site disposal area)

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT – PHILADELPHIA
CORPS OF ENGINEERS**

**WANAMAKER BUILDING – 100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3390**

ATTN: REGULATORY BRANCH