



**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

Application No.

File No.

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received a request to modify a Department of the Army permit which was previously issued 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 the modification of the previously issued Department of the Army permit for the work described below.

**PERMITTEE:** 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 lagoons/basins (dredging); Atlantic Ocean (beach fill).

**LOCATION:** Decimal Latitude: 39.053379° North; Longitude: -74.766064° West (approximate center point of dredging areas). The authorized 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. Bay-front areas between basins are included in the authorized dredging area.

The authorized site for dewatering of dredged material is the Borough's marina parking lot located between 80<sup>th</sup> and 82<sup>nd</sup> Streets, where dredged material would be loaded for transport by truck to one of two authorized 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, New Jersey.

The proposed location for beach fill is the ocean-front beach between 80<sup>th</sup> and 122<sup>nd</sup> Streets in the Borough of Stone Harbor, Cape May County, New Jersey.

**ACTIVITY:** On October 15, 2015, this office issued Department of the Army permit number CENAP-OP-R-2015-167-24 to the Borough of Stone Harbor. The permit authorizes dredging of accumulated sediments from various lagoons and bay-front areas within the Borough of Stone Harbor, including private boat slips. The permit was modified on November 20, 2015, to rescind a seasonal restriction on dredging and to authorize a change in the dewatering process. It was modified again on December 8, 2015, to remove a dredging buffer around certain unidentified underwater targets, which were subsequently investigated.

Dredging is authorized 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 equates to a depth of 6.16 feet below mean low water (MLW), or 8.16 feet below MLW with the over-dredge. This permit includes authorization for 10 years of maintenance dredging.

This permit authorizes dredging of up to 164,500 cubic yards from 54.37 acres of waterway for the initial dredging, which would occur over the first three years of the permit. An additional 195,500 additional cubic yards is authorized over the remaining 10 years of the proposed permit, for a maximum allowable total volume of 360,000 cubic yards (from an area up to 99.50 acres).

The authorized dredging is by hydraulic (cutter-head pipeline) method, with a submerged pipeline along the east side of Great Channel. Dredged material shall be pumped to the parking lot at the Borough's municipal marina, located between 80<sup>th</sup> and 82<sup>nd</sup> Streets, where it shall be dewatered for placement on trucks for transport to one of the two approved off-site locations for final disposal, as identified above. The material shall be dewatered by means of pumping the dredged material to a de-sander or sand separator, with the separated fine-grained material passing through a polymer injection process prior to dewatering by means of geo-textile bags. Effluent from the geo-textile bags shall be passed through an on-site wastewater treatment plant prior to being pumped (discharged) into North Basin.

In addition to the authorized hydraulic dredging method, mechanical (bucket) dredging is authorized for the indicated slip areas. Removal of this material shall be accomplished by mechanically moving material from the slip area into the basin area, where the hydraulic dredge shall remove the material along with the other material in the basin.

#### New Proposed Work:

No additional changes are being proposed to the authorized dredging, to the approved dewatering and sand separation operations, or the two already-approved off-site locations for final disposal of dredged material. The requested permit modification is to authorize sandy material (greater than 90 percent sand), separated from the dredged material as described above, to be transported by truck and placed on the Borough's ocean-front beach between 80<sup>th</sup> and 122<sup>nd</sup> Streets.

The maximum footprint that would be affected on the beach would be up to 40 acres, with 19 acres of that area below the high tide line (HTL), depending on available volume of sand. The maximum volume of sand that would be placed on the beach would be 185,250 cubic yards (CY) with up to 111,250 CY below the HTL, again depending on available volume of sand. The Borough is seeking authorization to place material in this manner for the initial dredging as

authorized by the permit, which is currently underway, and in future dredging events for the duration of the permit, which expires December 31, 2025.

The proposed plans showing the maximum area and template for beach fill using the separated sand, subject to available dredged material, including the truck and equipment access points are attached to this notice, along with the dewatering area plan. The Borough's plans show all sand to be placed above the mean high water line (MHWL), but some fill would extend below the high tide line, which is the limit of federal jurisdiction under Section 404 of the Clean Water Act.

Our original public notice included a statement from the applicant with regard to their position on: (a) avoidance and minimization of impacts to aquatic resources; and (b) compensatory mitigation for such impacts as part of their original proposal. With regard to the current modification request, which would include impacts regulated under Section 404 of the Clean Water Act, they have stated the following:

"To avoid and minimize impacts to waters of the United States, the applicant seeks to avoid direct placement of sand fill into the water to the maximum extent practicable.

In light of these commitments, the impacts associated with the proposed fill 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 previously stated purpose as presented in the original public notice of the application was "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." Their stated purpose for the requested modification is for "flood control protection, regional sediment management, and economic efficiencies."

As stated in our original public notice of this application dated May 27, 2015, this office determined that the proposed work as described in that notice (dredging and upland dewatering and disposal) 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.

The National Marine Fisheries Service (NMFS) concurred with our determination in a letter dated July 2, 2015. We had determined that the work proposed as of that time would not affect any federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service. A preliminary review of the current permit modification request indicates that the proposed work may affect, but is not likely to adversely affect the following federally listed (threatened) species, or their critical habitat pursuant to Section 7 of the ESA as amended: the piping plover

(Charadrius melodus) and seabeach amaranth (Amaranthus pumilius). As the evaluation of this proposal continues, additional information may become available which could modify this preliminary determination. This office has initiated consultation with the U.S. Fish and Wildlife Service as required under Section 7 of the ESA. Since all new proposed work would take place above the MHWL along the beach, we have determined that there is no change to our prior ESA determination, and no additional Section 7 consultation with NMFS is proposed.

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, was done as part of our original permit application review. As stated in our original public notice, we determined that the proposed project would not have a substantial (i.e. not more than minimal) adverse effect on the EFH of any managed species. At that time, we

determined that winter flounder (Pseudopleuronectes americanus) was the only managed species with EFH that would potentially be adversely affected by the proposed dredging project. A seasonal restriction on dredging was included in the original permit to protect early life stages of winter flounder. Following additional coordination with NMFS, that condition was rescinded by this office on November 20, 2015.

Since there is no proposed change to the authorized dredging, and the proposed discharge (fill) area on the beach would be above the MHWL in a highly dynamic area, subject to waves and sand movement, we have determined that there would be no additional impacts to managed species as a result of the proposed work. As such, there is no change to our original determination that that impacts resulting from the project would not be more than minimal.

As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. The originally authorized project would not have more than minimal impact on the EFH of any managed species. Significant cumulative impacts are not anticipated, since the effects on EFH from dredging would be mostly temporary. No adverse effects on prey species are anticipated. The proposed discharge (fill) area is above the MHWL of a highly dynamic surf zone subject to waves and sand movement. No EFH conservation recommendations are proposed at this time to further minimize any adverse effects on managed 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.

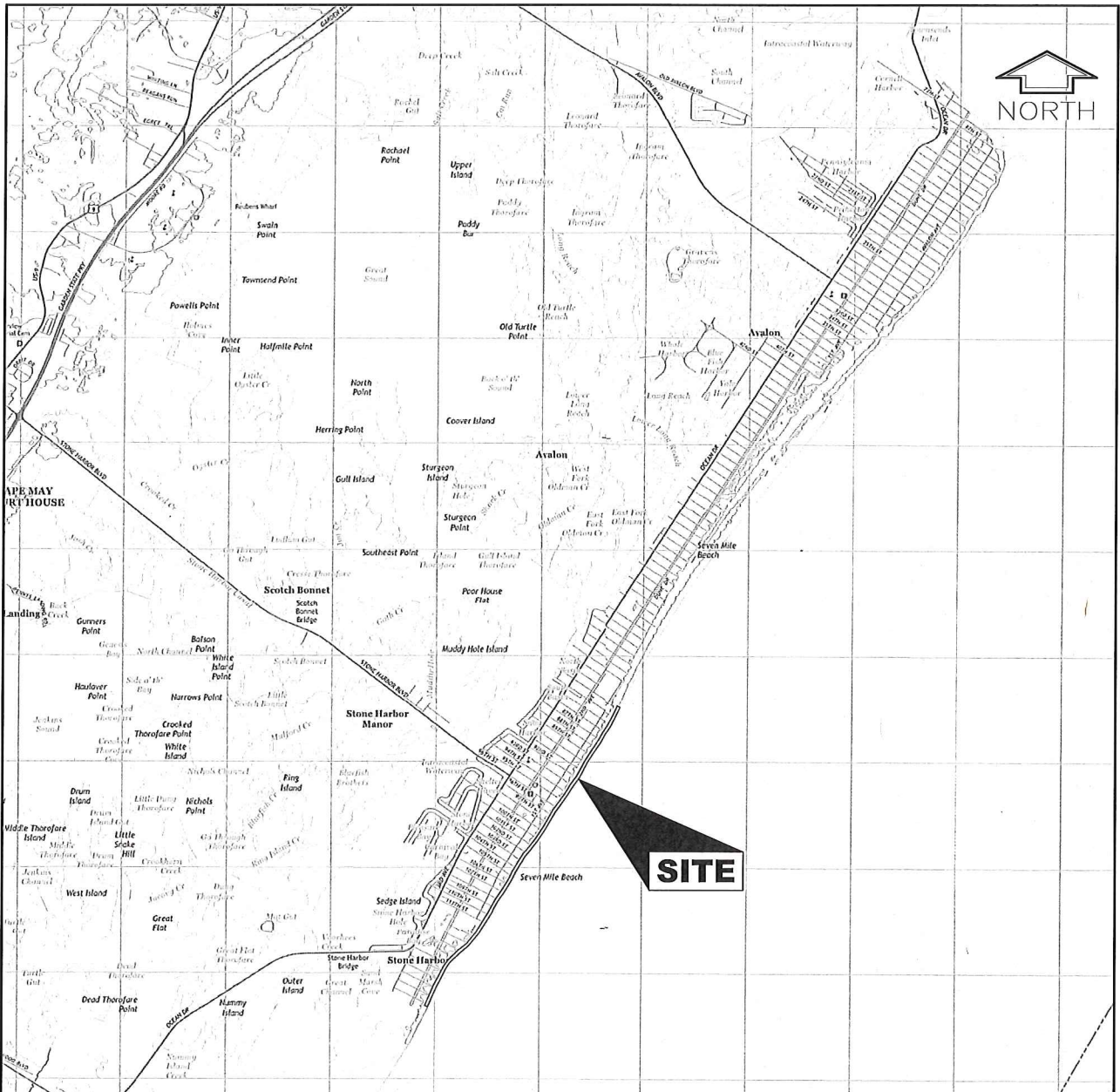
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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.

Samuel L. Reynolds  
Acting Chief, Regulatory Branch



VICINITY MAP

0 5000 10000 FT.

SCALE 1"=5000'-0"

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

DATUM: NAVD88

APPLICATION BY: STONE HARBOR

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

AGENT: COW NORTH AMERICA, INC.

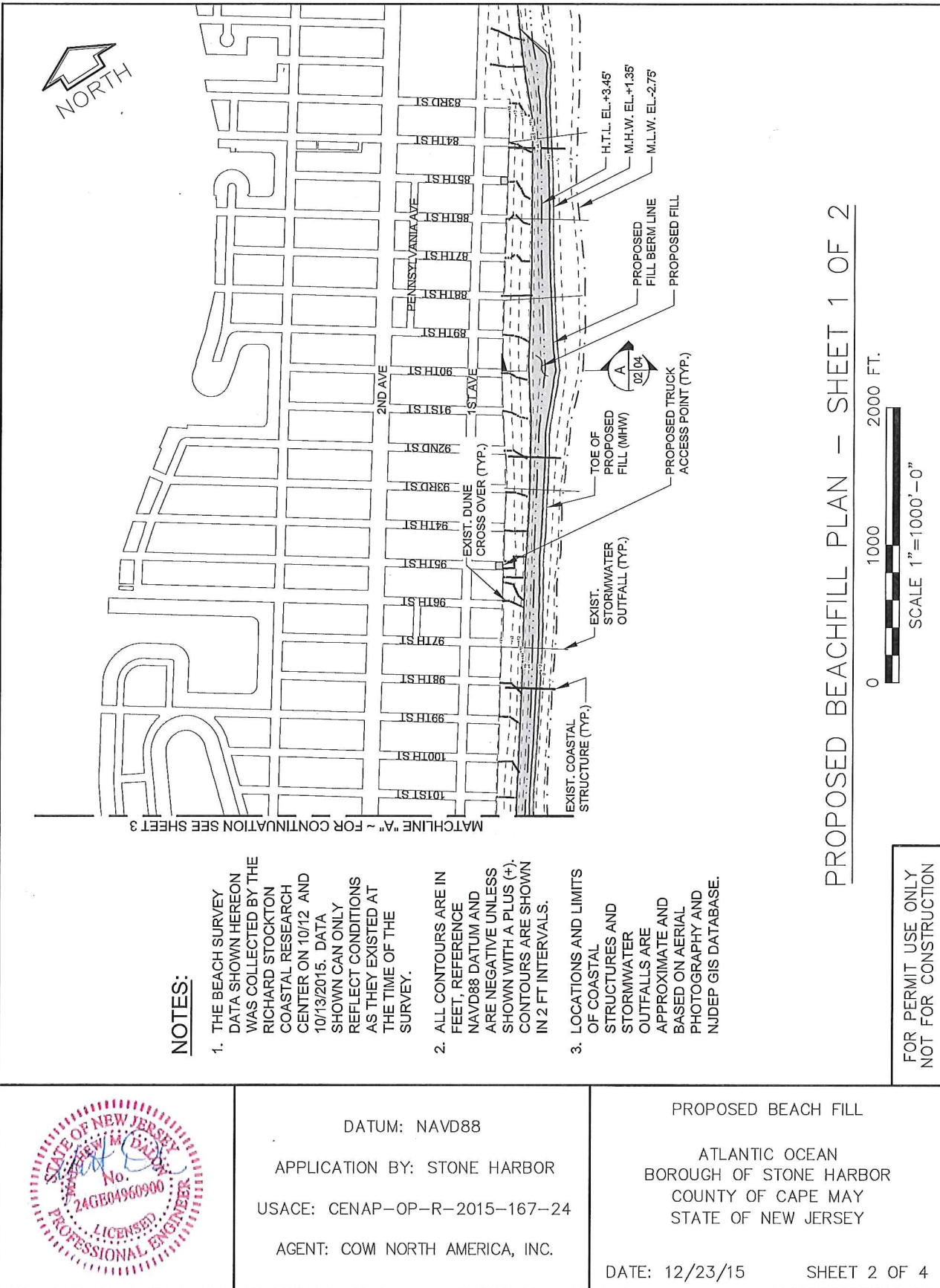
PROPOSED BEACH FILL

ATLANTIC OCEAN  
BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

DATE: 12/23/15

SHEET 1 OF 4





**NOTES:**

1. THE BEACH SURVEY DATA SHOWN HEREON WAS COLLECTED BY THE RICHARD STOCKTON COASTAL RESEARCH CENTER ON 10/12 AND 10/13/2015. DATA SHOWN CAN ONLY REFLECT CONDITIONS AS THEY EXISTED AT THE TIME OF THE SURVEY.
2. ALL CONTOURS ARE IN FEET, REFERENCE NAVD88 DATUM AND ARE NEGATIVE UNLESS SHOWN WITH A PLUS (+). CONTOURS ARE SHOWN IN 2 FT INTERVALS.
3. LOCATIONS AND LIMITS OF COASTAL STRUCTURES AND STORMWATER OUTFALLS ARE APPROXIMATE AND BASED ON AERIAL PHOTOGRAPHY AND NJDEP GIS DATABASE.

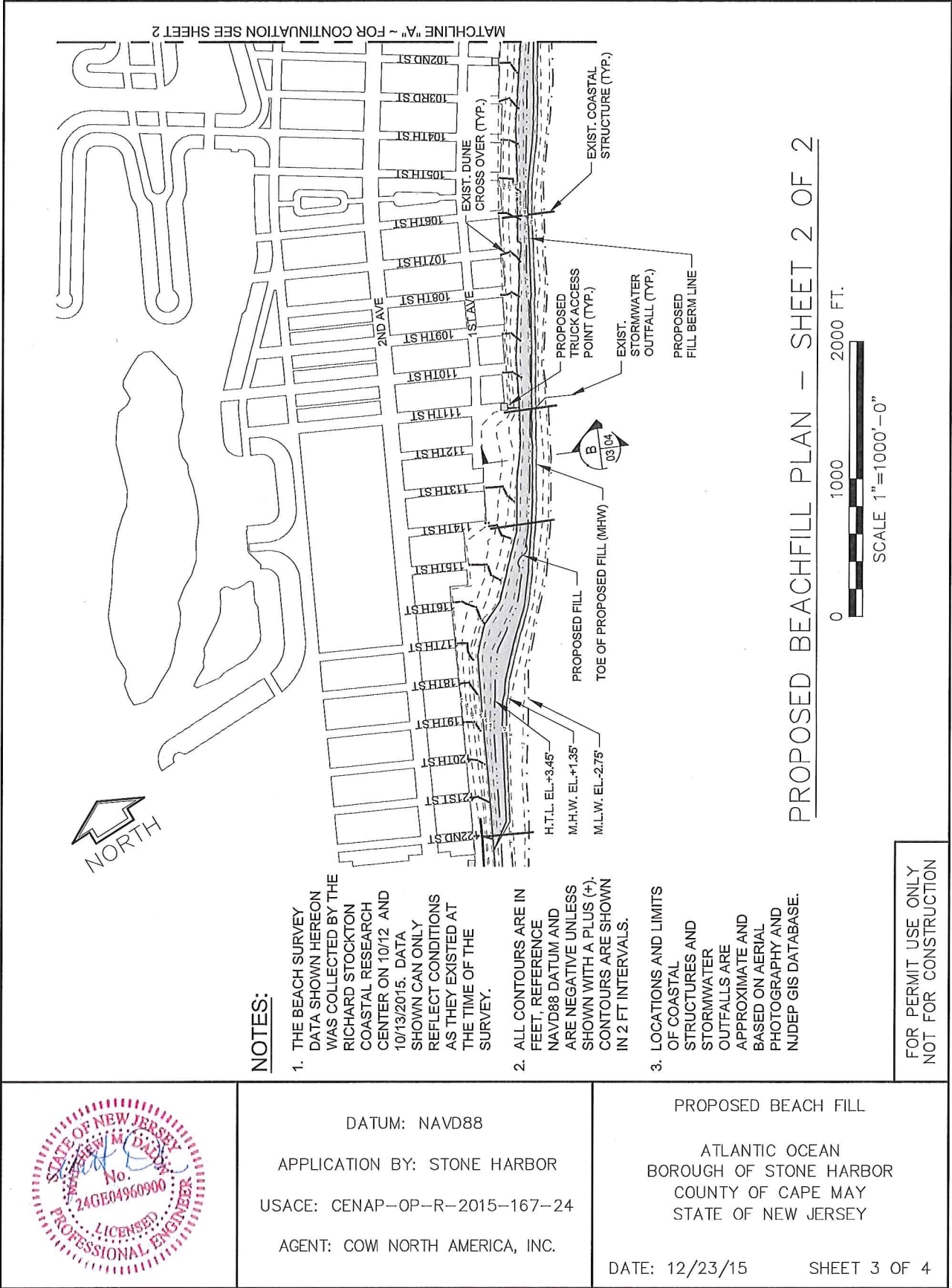
FOR PERMIT USE ONLY  
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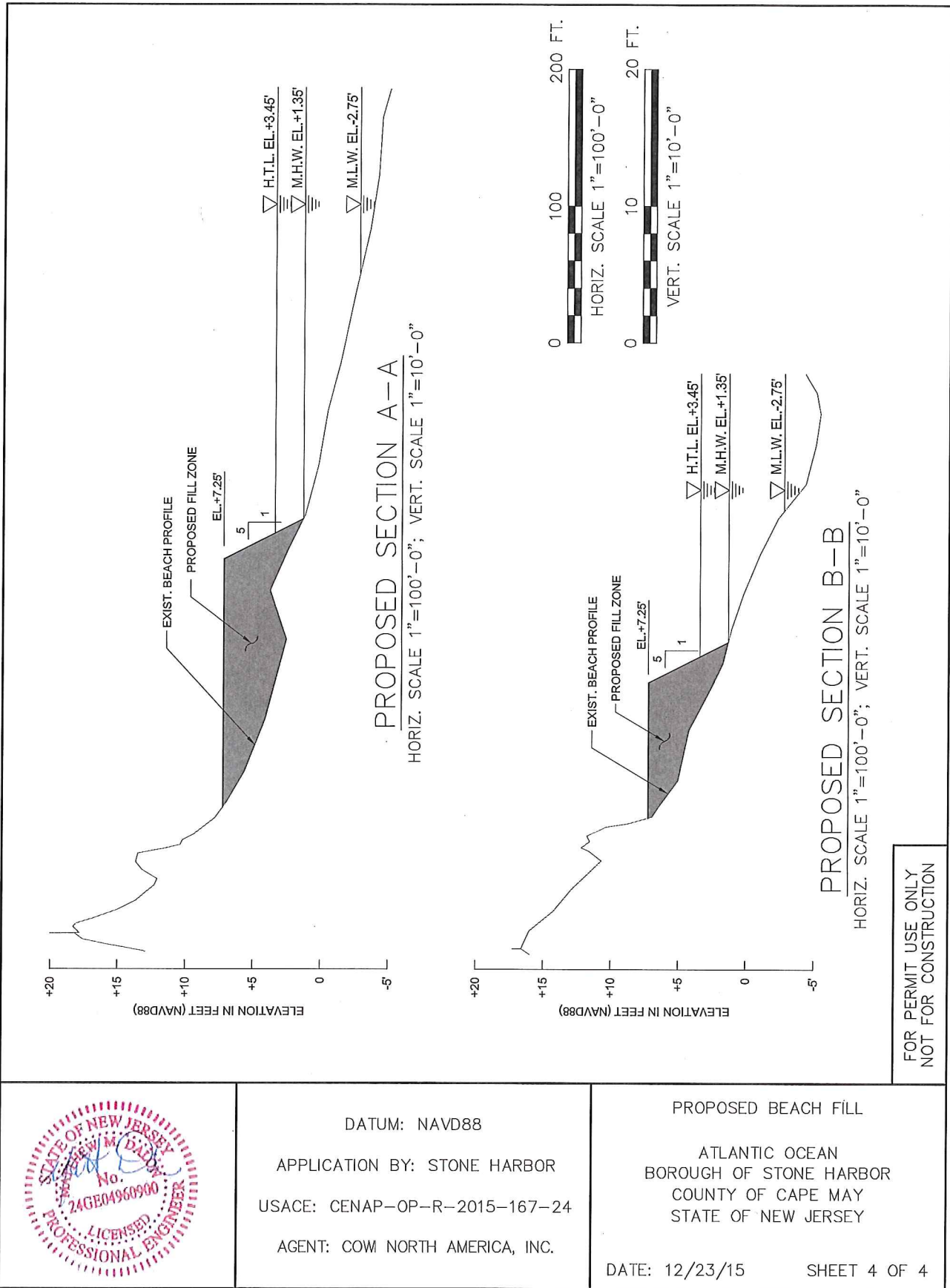


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AGENT: COW NORTH AMERICA, INC.

PROPOSED BEACH FILL  
ATLANTIC OCEAN  
BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY  
DATE: 12/23/15 SHEET 2 OF 4







DATUM: NAVD88

APPLICATION BY: STONE HARBOR

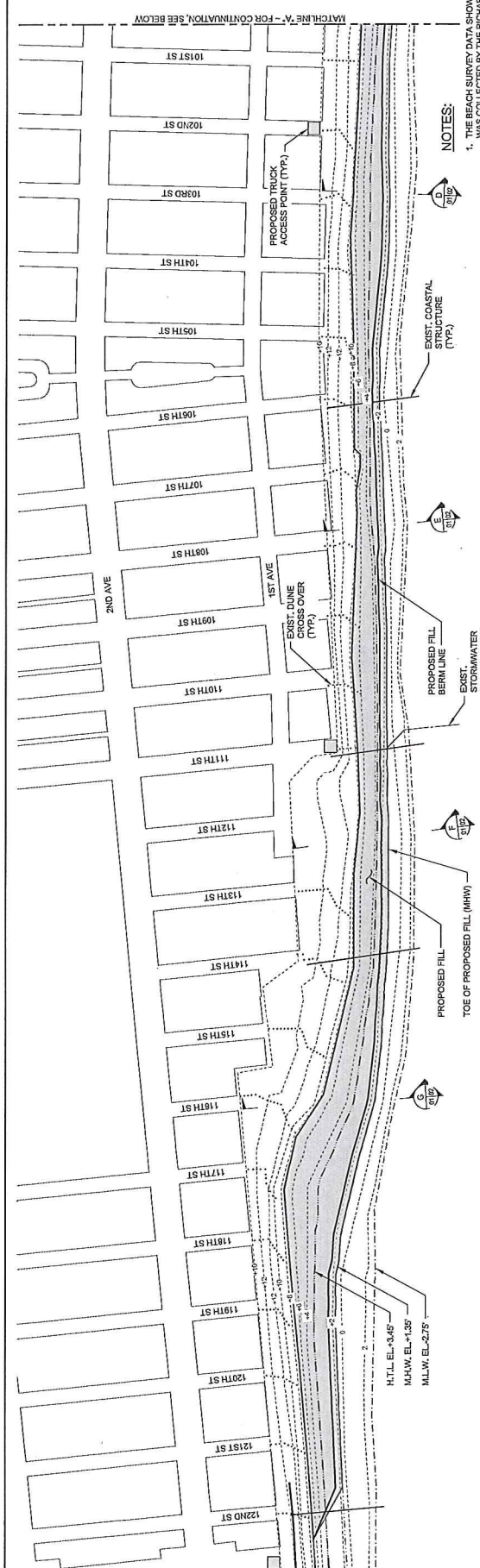
USACE: CENAP-OP-R-2015-167-24

AGENT: COW NORTH AMERICA, INC.

PROPOSED BEACH FILL

ATLANTIC OCEAN  
 BOROUGH OF STONE HARBOR  
 COUNTY OF CAPE MAY  
 STATE OF NEW JERSEY

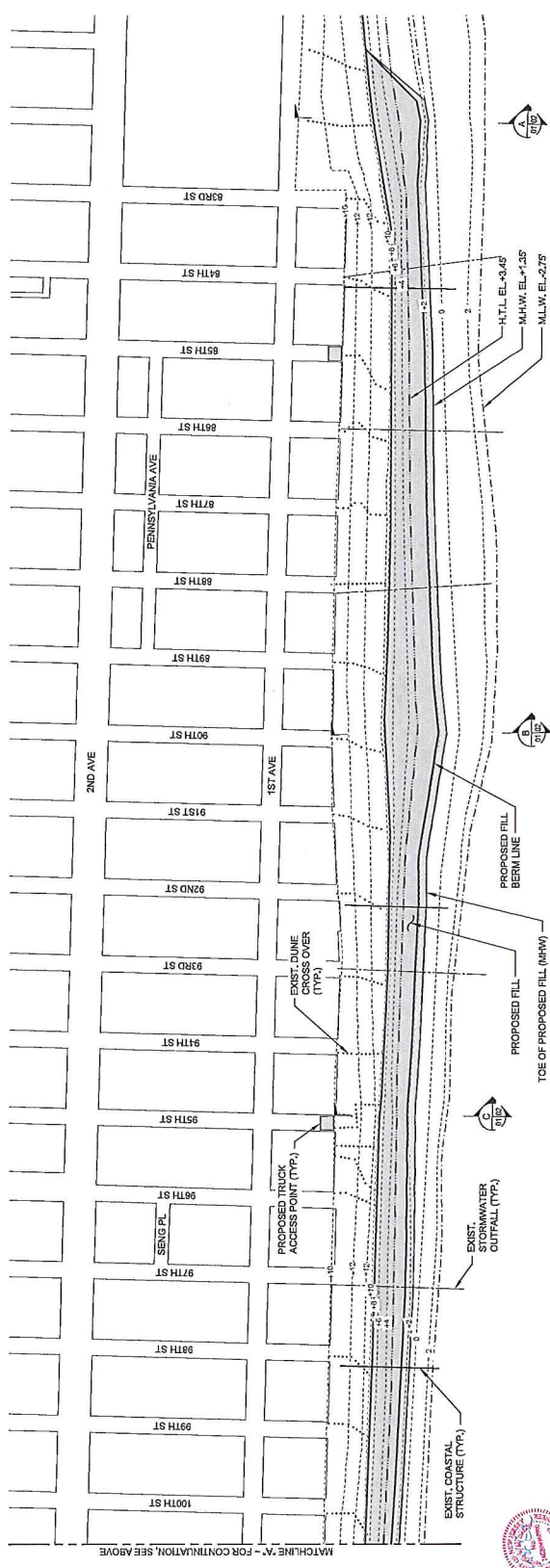
DATE: 12/23/15      SHEET 4 OF 4



Umts of Proposed Fill	Area [sq]	Volume [cu]
Fill Above HTL	21	73.583
Fill Below HTL	19	111.259
TOTAL	40	185.241

NOTES:

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2. ALL CONTOURS ARE IN FEET. REFERENCE TO THE MEAN HIGH WATER (MHW) UNLESS SHOWN WITH A PLUS (+). CONTOURS ARE SHOWN IN 2 FT INTERVALS.
3. LOCATIONS AND LIMITS OF COASTAL STRUCTURES AND STORMWATER OUTFALLS ARE APPROXIMATE AND BASED ON AERIAL PHOTOGRAPHY AND NAD83 GIS DATA ONLY.



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