



**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.	Date
<b>CENAP-OP-R-2016-00056-86</b>	<b>January 23, 2020</b>

Application No.	File No.
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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:** Brian and Jennifer Larsen  
333 45<sup>th</sup> Place  
Sea Isle City, New Jersey 08243

**AGENT:** Michael Lucey  
Water's Edge Environmental, LLC  
Post Office Box 118  
Ocean City, New Jersey 08226

**WATERWAY:** Whale Creek

**LOCATION:** 204 Sounds Avenue, Sea Isle City, New Jersey 08243  
39.182724, -74.674215  
Block 2.04, Lot 1  
Sea Isle City, Cape May County, New Jersey

**ACTIVITY:** The applicant proposes to raise and reconstruct an existing dwelling, deck and a fixed pier; construct a fixed pier, ramp and floating dock; construct a bulkhead; and place fill for a driveway, parking, stairs and relocated sewage facilities.

Proposed regulated structures and work in navigable waters of the United States, as well as the proposed discharge of fill material in waters of the United States, are listed below:

- raise and reconstruct an existing, pile-supported 39.9-foot by 24.4-foot dwelling and a 24.4-foot by 8.1-foot front deck over an intertidal area along Whale Creek within the same footprint as the existing dwelling and deck;
- raise and reconstruct an existing, pile-supported 29.8-foot by 17.1-foot fixed pier over Whale Creek within the same footprint as the existing pier;
- construct a raised, pile-supported irregular 12-foot by 12-foot and 47-foot by 6-foot fixed pier along the side of the dwelling over an intertidal area along Whale Creek, which would connect the front deck to the reconstructed fixed pier;

- construct a 21-foot by 3-foot access ramp from the reconstructed fixed pier to a 16-foot by 8-foot floating dock in Whale Creek;
- construct a 87-foot long bulkhead/retaining wall (42 feet of the bulkhead/retaining wall would be constructed below the mean high water line); and
- discharge 63 cubic yards (initial 191 cubic yards – revised 63 cubic yards – measured N/A) of sand and gravel fill material in 0.03 of an acre of (initial 1,560 square feet – revised 1,122 square feet – measured 1,343 square feet) intertidal area along Whale Creek for a proposed driveway, parking, stairs and relocated sewage facilities partially below the reconstructed deck and dwelling.

According to the agent, the dwelling and associated waterfront structures have existed on site since the 1930s. Based on a review of historic aerial photography, the edge of bank was historically waterward of the dwelling and the area beneath and surrounding the dwelling was filled between 1970 and 1971. By 1977, a portion of this filled area washed away. Based on research, it is suspected that Hurricane Belle was likely the specific storm that caused this specific fill loss. Based on a review of subsequent historic aerial photographs, fill was replaced and existed immediately surrounding the dwelling until 2012 when Superstorm Sandy hit the New Jersey coast. A 2010 survey indicated that the mean high water line was located approximately 50 feet waterward of Sounds Avenue and waterward of the top of bank. After Superstorm Sandy, the mean high water line was located between 4 feet and 20 feet from Sounds Avenue and approximately 30 feet landward of the top of bank.

The dwelling and associated waterfront structures are proposed to be reconstructed within the same footprint as existing in 1968, except for the fixed pier over Whale Creek, which would be reduced in width from 24.3 feet to 17.1 feet. A portion of the work has already been completed. Portions of the pier were reconstructed.

The proposed driveway, parking, stairs and relocated sewage facilities would be located on fill in an area of disturbed wetlands. Construction of the above mentioned structures and fill would occur in an area that was previously filled and partially developed prior to 1973. Two off-street parking spaces would be provided. The existing septic tank is proposed to be relocated landward (i.e., closer to Sounds Avenue) and is proposed to be converted to a holding tank. The proposed holding tank would replace the non-functioning septic system and improve water quality.

The bulkhead would be constructed first, and then fill would be placed with a front end loader. The bulkhead would stabilize the proposed fill and would control turbidity. Clean sand and gravel from local borrow pits in Upper Township would be used as fill. Six inches of gravel would be placed on top of sand to stabilize the fill. The project would take three to six months to complete. The placement of fill would take two to three weeks and would be continuous.

No improvements to Sounds Avenue are proposed. No dredging in navigable waters of the United States is proposed.

**PURPOSE:** The applicant's stated purpose is to reconstruct the existing dwelling, associated septic, and docking facility for use as their primary residence and mooring of private pleasure vessels of the owners of 204 Sounds Avenue.

The purpose of the reconstruction of the existing dwelling is to maintain the residential dwelling that has existed at the site since prior to the 1930s. The purpose of the floating dock is to launch kayaks and paddleboards. The purpose of the fill is to provide access to the home, driveway, and septic holding tank. The driveway and septic holding tank would be constructed on fill. The benefits from placing fill would be to upgrade the existing septic system and to provide off-street parking spaces.

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) or their critical habitat pursuant to Section 7 of the ESA, as amended, may be present in the action area. This District will forward this Public Notice to the United States Fish and Wildlife Service and/or the National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the United States Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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 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 USACE Cultural Resource Specialist has determined that the permit area has been so extensively modified that little likelihood exists for the proposed project to impact a historic property and that the proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impact a historic property.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, 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 review of this application indicates that EFH is present within the project area. This District has evaluated the potential effects of the proposed actions on EFH and consulted with the National Marine Fisheries Service. Consultation has concluded that the adverse effect on EFH is not substantial.

Federal regulations contained in 33 CFR 325.1(d)(7) require applicants to include a statement describing how impacts to waters of the United States are to be avoided and minimized. Furthermore, the application must also contain a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

The “no action” alternative would eliminate a residential dwelling that has been in existence for over 70 years. All alternative locations for proposed fill are outside areas that were previously filled and within wetlands. The adjacent roadway does not allow for elevated structures in place of the proposed fill. No other alternatives were considered given the disturbed nature of the project site.

The residence and associated waterfront structures will be reconstructed within the same footprint, and the residence is proposed to be on pilings at a sufficient height above the flood elevation. Due to the disturbed nature of the site and the fact that the property was historically developed with a single family dwelling, the proposed project will have very little impact to the environment, and avoidance cannot be accommodated. Minimization has been made by reducing the overall replacement of the fill from the 1970s to what is required to accommodate the holding tank, dwelling access and parking spaces. Any impact to the environment associated with the project will be minimal. The applicants will purchase 0.015 mitigation credits from the Stipson Island Mitigation Bank to compensate for any loss of wetlands.

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 New Jersey Department of Environmental Protection (NJDEP) initially denied an application for a State permit, which the applicants appealed. The NJDEP and applicants subsequently entered into a settlement agreement, based on revised plans and conditions. The NJDEP issued a Notice of Final Settlement and Intent to Authorize for the proposed project. The NJDEP Permit is expected to be issued at the completion of the 30-day public comment period starting on March 6, 2019 per the Notice of Final Settlement.

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 Genevieve Sarlo at (215) 656-8597, via email at [Genevieve.T.Sarlo@usace.army.mil](mailto:Genevieve.T.Sarlo@usace.army.mil), or writing this office at the above address.



Edward E. Bonner  
Chief, Regulatory Branch



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cert. of auth. no. 24GA2007300

John E. Halbruner  
NJ Professional Engineer No. 42318

Project:  
Larsen Residence

Location:

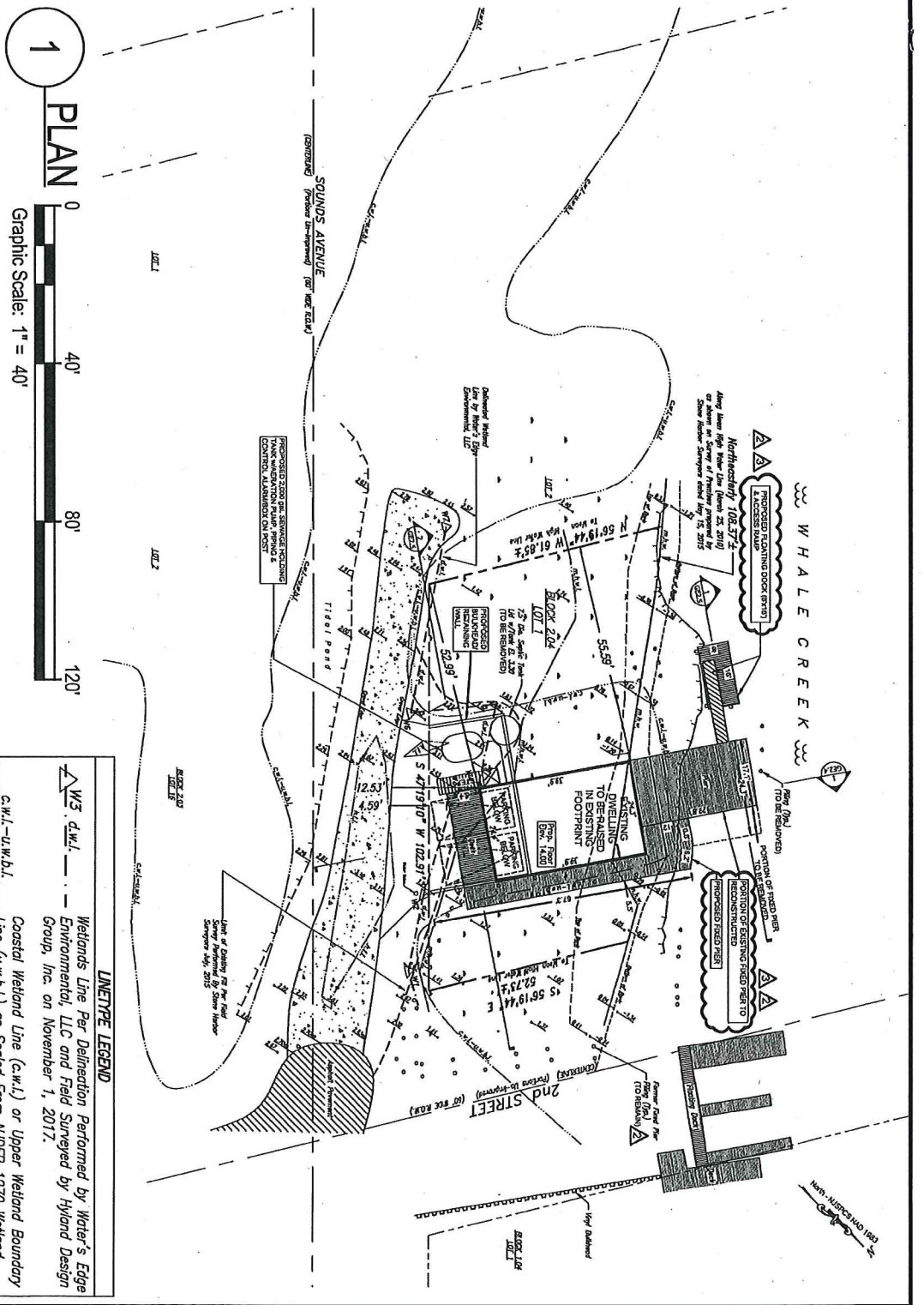
204 Sound Avenue  
Block 2.04 Lot 1  
City of Sea Isle City  
Cape May County  
New Jersey

Client:

Brian & Jennifer Larsen

No.	Description	Date
1.	Initial Issuance	11.09.17
2.	Revisions Per NJDEP ADR	01.30.18
3.	Revisions Per NJDEP ADR	05.31.18
Drawn By: RDS		
Checked By: JEH		
Project No. 30075.01		

Permit Plan  
GEE2.0  
Sheet 1 of 6



# LINE TYPE LEGEND

	W.S. d.w.l.	Wetlands Line Per Delineation Performed by Water's Edge Environmental, LLC and Field Surveyed by Hyland Design Group, Inc. on November 1, 2017.
	c.w.l.-u.w.b.l.	Coastal Wetland Line (c.w.l.) or Upper Wetland Boundary Line (u.w.b.l.) as Scaled From NJDEP 1970 Wetland Boundary Map 126-1992
	h.t.l.	High Tide Line (E.L. 2.99, NAD 1988) as Surveyed on July 1, 2015
	m.h.w.l.	Mean High Water Line (E.L. 1.56, NAD 1988) as Surveyed on July 1, 2015
	m.h.w.	Mean High Water Line (March 26, 2010) Per Plan Prepared by Stone Harbor Surveyors Entitled "Survey of Premises" Dated May 15, 2015
	Upland	Claims of the State of New Jersey Bureau of Tidelands shown hereon as per the line developed by NJDEP as shown on the map entitled "Areas Nor or Formerly Below Mean High Water" (map no. 126-1992) as downloaded from NJDEP, www.state.nj.us/dep/gis using source file atl_south.shp
	Formerly Flowed	




**1. Plan Reference:** Existing conditions shown hereon per Survey of Premises (V1.0) prepared by Stone Harbor Surveyors dated May 15, 2015 and last revised

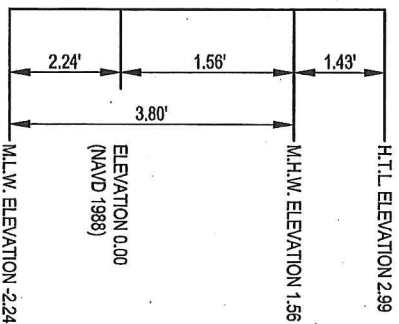
- ### ELEVATION DATA

Reference Datum: NAVD 1988

**Benchmark:** Local

Conversion factor to NGVD 1929 Datum +1.30

ELEVATION DATA LEGEND	
	EXISTING ELEVATION
<i>er</i>	EDGE OF GRAVEL SURFACE
<i>rc</i>	CONCRETE RUBBLE
<i>fs</i>	TOP OF SLOPE
<i>bs</i>	BOTTOM OF SLOPE
 <b>W1</b>	WETLAND FLAG
	WETLAND TRANSECT



LOCAL RANGE OF TIDES

National Geodetic Survey Tidal Benchmark

PID: JU2400

VM: 2762

Station ID: 8535163

Epoch: 1983-2001



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[www.hdg-nj.com](http://www.hdg-nj.com)

**John E. Halbruner**  
NJ Professional Engineer No. 42918

NJ Professional Engineer No. 42918

Project:  
Larsen Residence

**Location:**

204 Sound Avenue

### Block 2.04 Lot 1

City of Sea Isle City

Cape May County

New Jersey

## Clients

**Brian & Jennifer Larsen**

No.	Description	Date
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1. Initial Issuance	11.09.17
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10

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Drawn By: \_\_\_\_\_ Checked By: \_\_\_\_\_

Project No. 20075 01

10.2/0.01

## Notes

# GEZ.1



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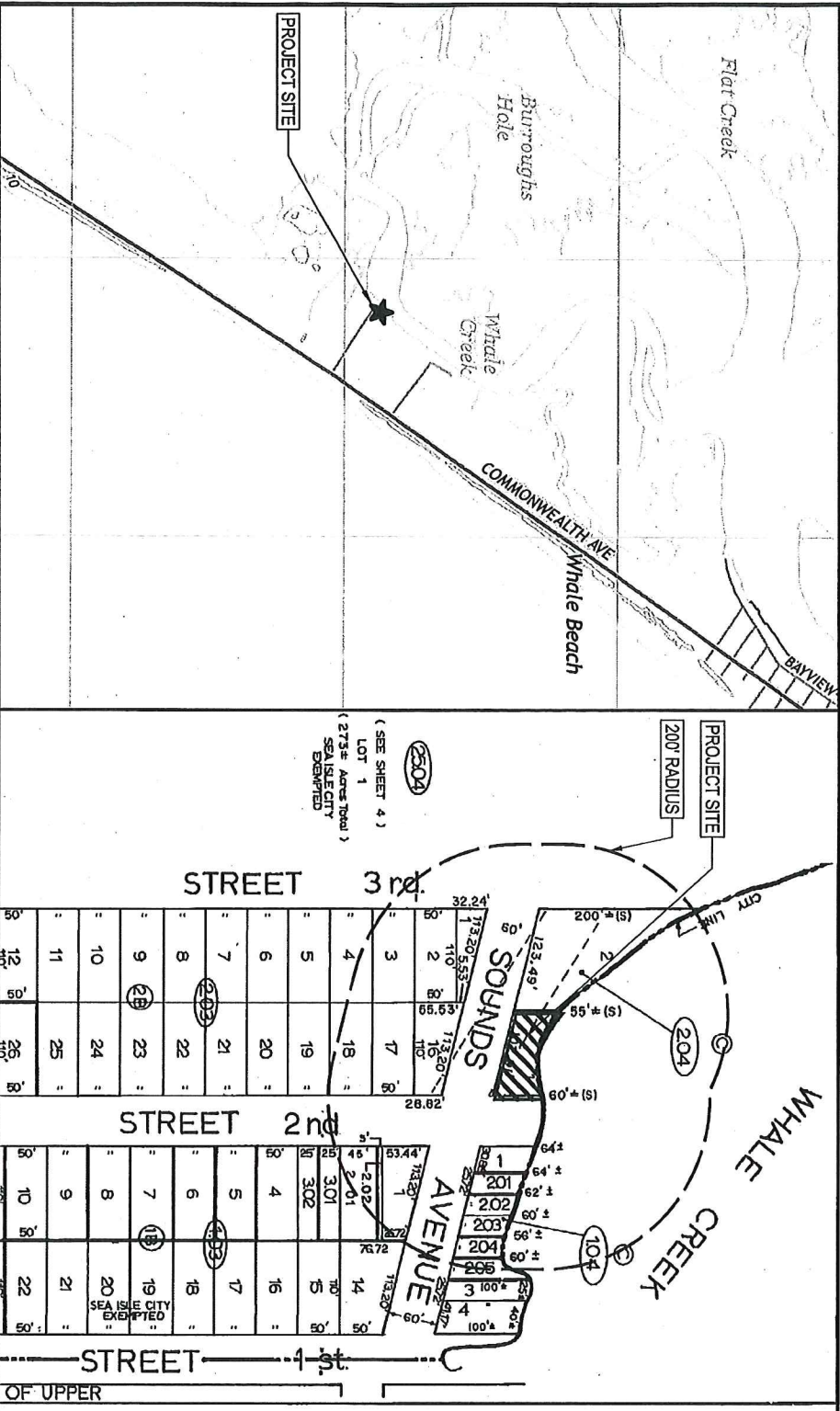
No.	Description	Date
1.	Initial Issuance	11.09.17

Drawn By:	Checked by:
RDS	JEH
Project No.	30075.01

Maps

GE2.2

Sheet 3 of 6



U.S.G.S MAP

"Sea Isle City" Quadrangle  
Scale: 1" = 2,000'  
Map Date: 2014

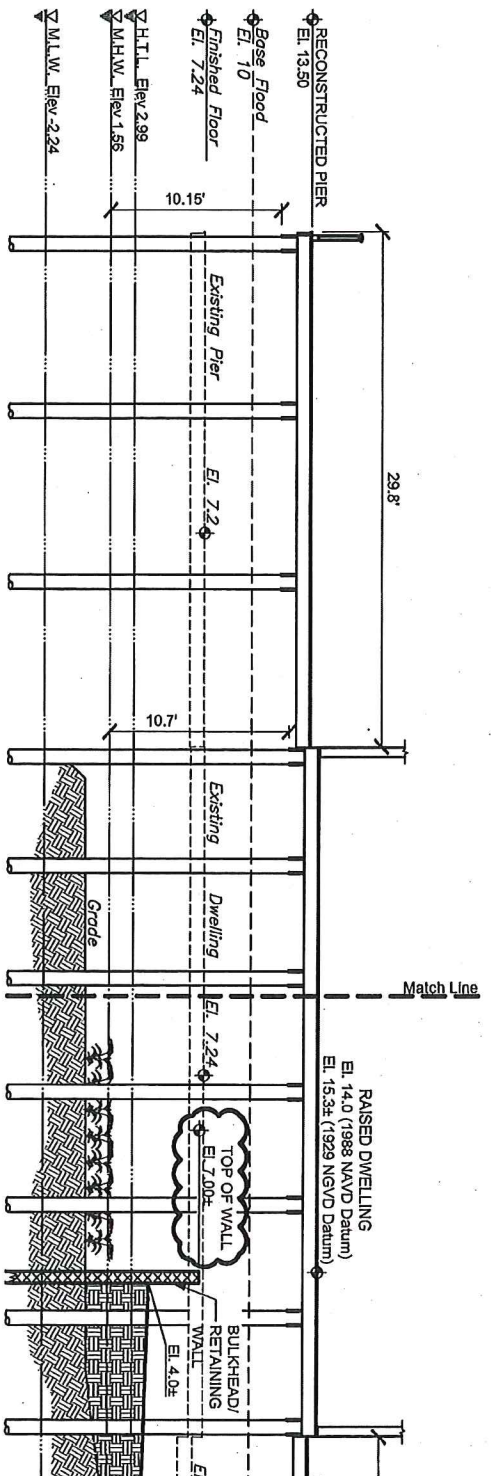


TAX MAP

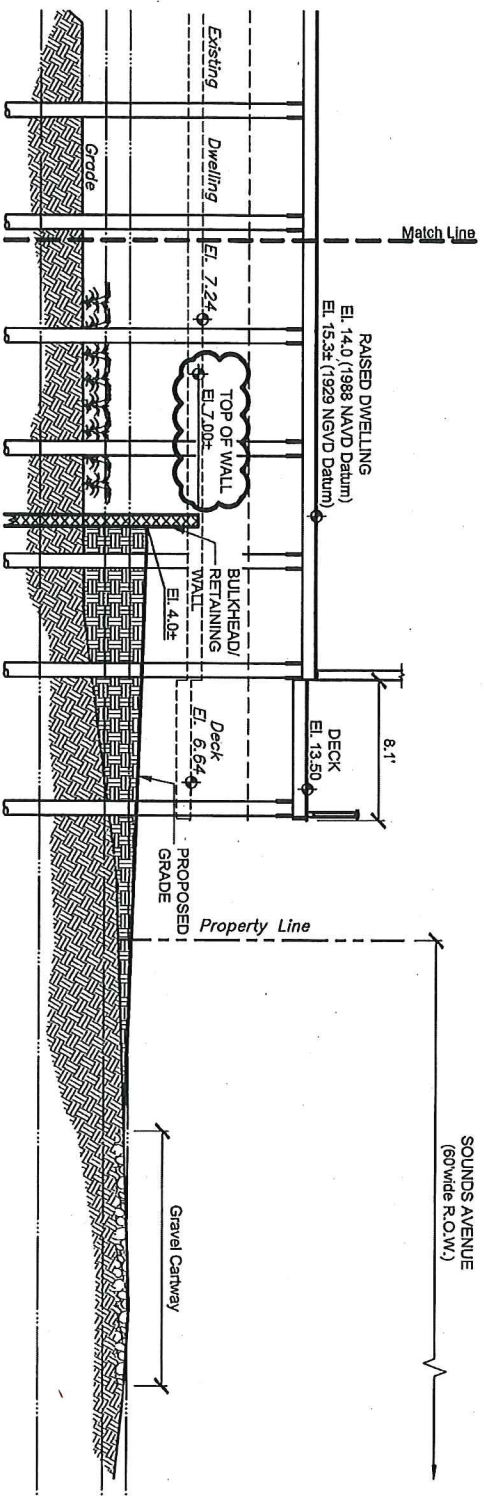
"City of Sea Isle City" Tax Map Sheet No. 1  
Map Date: September 13, 2001  
Scale: 1" = 200'







1 SECTION  
Scale: 3/32" = 1'



1 SECTION  
Scale: 3/32" = 1'



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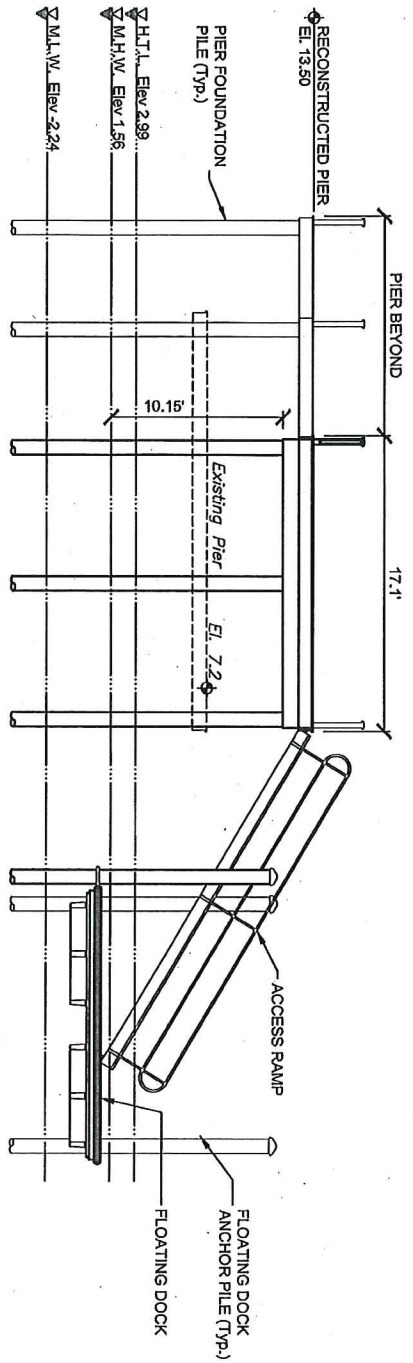
204 Sound Avenue  
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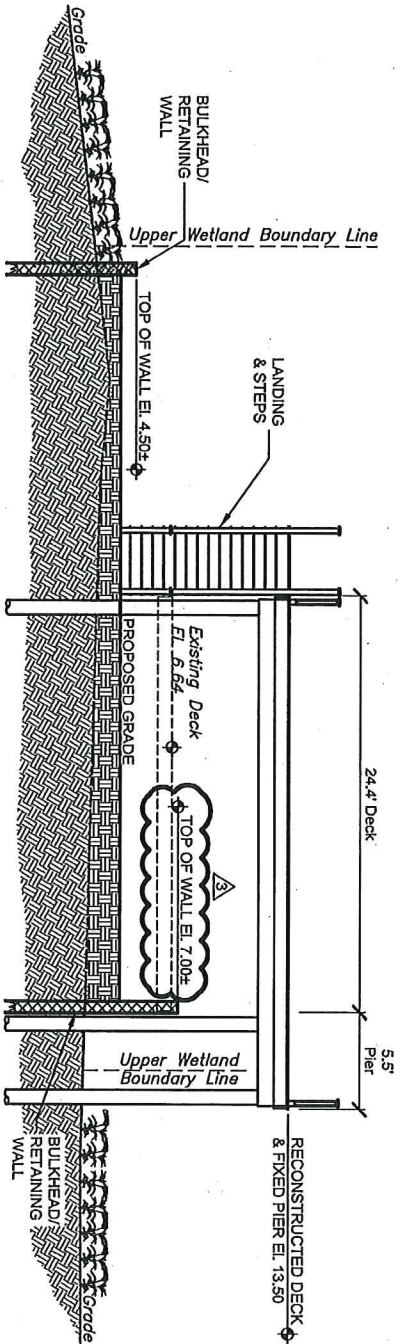
Brian & Jennifer Larsen

No.	Description	Date
1.	Initial Issuance	11.09.17
2.	Revisions Per NJDEP ADR	01.30.18
3.	Top Bulkhead/Wall Elev.	03.19.18
Drawn By:	RDS	Checked By:
Project No.	30075.01	JEH

GE2.4



**1** SECTION  
Scale: 3/32" = 1'



**2** SECTION  
Scale: 3/32" = 1'



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*John E. Halbruner*

John E. Halbruner  
NJ Professional Engineer No. 42916

Project:  
Larsen Residence

Location:

204 Sound Avenue  
Block 2.04 Lot 1  
City of Sea Isle City  
Cape May County  
New Jersey

Client:

Brian & Jennifer Larsen

No.	Description	Date
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2.	Revisions Per NJ DER ADR	01.30.18
3.	Top Bulkhead/Wall Elev.	03.19.18
Drawn By: RDS Checked By: JEH		
Project No. 30075.01		