

**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 _____
CENAP-OP-R-2016-115-24

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: James Golden and Joseph Revello

AGENT: Water's Edge Environmental, LLC
P. O. Box 118
Ocean City, New Jersey 08226

WATERWAY: Ludlam Thorofare

LOCATION: Decimal Latitude: 39.156661° North; Longitude: -74.699720° West. The project site is located in and along Ludlam Thorofare, at 4400 Venician Road (Venician Road and 44th Street), Block 44.05, Lot 129.02, in the City of Sea Isle City, Cape May County, New Jersey. This application has two co-applicants, who own separate duplex units on the property, with joint ownership of the water area. A location map is included with this notice.

ACTIVITY: As shown on project plans included with this notice, the applicant proposes to: a) remove an illegal bulkhead and associated fill; b) install a new steel replacement bulkhead 24" waterward from the original bulkhead, with fill placed between the two bulkheads (61.2 linear feet); and c) remove existing illegal dock structures and construct a 4' x 10.6' fixed pier, 3' x 17' ramp, and 8' x 34' floating dock. The applicant proposes to use non-polluting materials for the new dock structures. One vessel would be moored at the proposed dock (approximately 28' length, 9' beam). The dock may also be used for a kayak. All work would occur from vessels in the water, except for some limited work from the land side in the upland area immediately along the bulkhead to install the anchor system.

The previously existing ("original") bulkhead is legal (existing prior to 1970). However, existing dock structures, fill and new bulkhead, all to be removed and replaced by the proposed structures and fill, were constructed after the early 1970's. As such, they are unauthorized. The applicants have stated that they purchased the property in 1996, and the illegal fill and structures were placed by the previous owner. The fill to be removed amounts to approximately 148 square feet (65 cubic yards) out of a total area of 270.4 SF (130 CY) previously placed. Approximately

122.4 SF (65 CY) would remain as fill between the original bulkhead and the new one (61.2 linear feet, 24" out).

The applicant has estimated a minimum clearance of approximately 35 feet between the proposed dock structures and the edge of the federal navigation channel in Ludlam Thorofare (New Jersey Intracoastal Waterway), and approximately 25 feet clearance between the channel and any moored vessel.

On October 14, 2015, the State of New Jersey, Department of Environmental Protection, issued a permit ("IP In-Water") and Water Quality Certificate for all the work described in this public notice (NJDEP # 0509-15-0007.1).

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:

"Compensation should not be required since this work was completed by the former owner; impacts will be minimized by not keeping the majority of the unauthorized fill placed by the former owner and constructing a new bulkhead within 24" of the former bulkhead that existed in 1977."

PURPOSE: The applicants' stated purpose is: "The bulkhead is being relocated and reconstructed to prevent loss of fill from the upland. Construction of proposed floating dock, ramp and fixed pier is to provide mooring slips associated with the existing duplex on site."

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.

Analysis of the Effects: This EFH determination is made based on the fact that certain managed species, such as bluefish and summer flounder, may make use of inshore estuaries for part of their life history (i.e. juveniles and adults). As such, they could be in the vicinity when the proposed work is taking place. However, they would be able to avoid the equipment being used at the project site. The waterway at this location is a relatively narrow bulkheaded channel. While there are tidal marshes in the vicinity, there are no marsh creeks within about a half mile to the south, and about a quarter mile to the north, where it would be more likely to find these species. Since the site has been mapped as shellfish habitat, an EFH conservation measure proposed by the Corps would be to require the use of all non-polluting materials for all proposed structures as well as 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 removal of a relatively small amount of fill and minor structures, and installation of new minor structures, including pilings. Water depths would not change, with the exception of restoration of the small fill area to previous conditions. No other bottom disturbance is proposed. No substantial adverse effects on prey species are anticipated.

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 the above referenced condition requiring non-polluting materials to protect shellfish habitat 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.

Samuel L. Reynolds
Acting Chief, Regulatory Branch

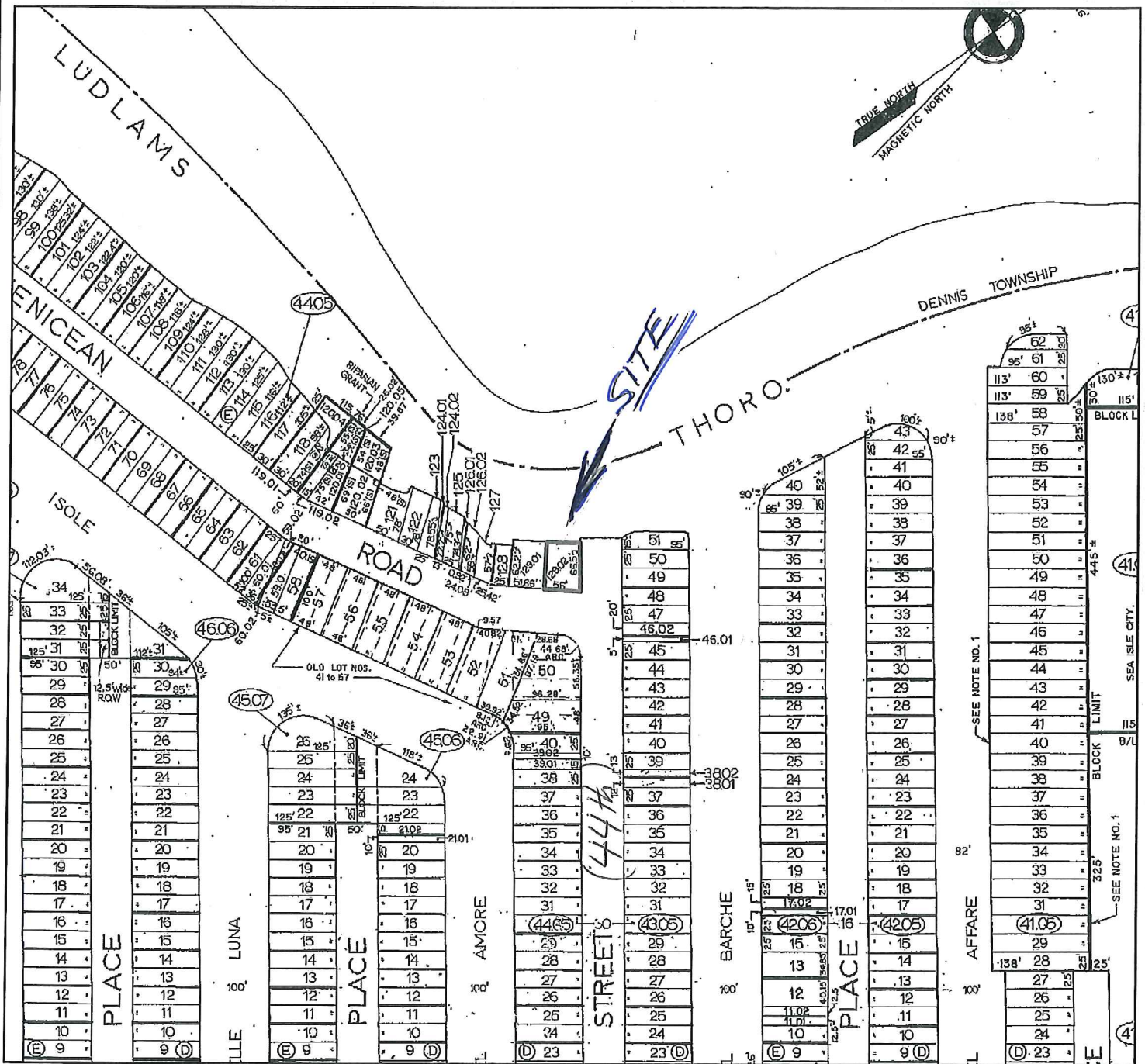
Block 44.05, Lot 129.02
Sea Isle City, Cape May County, NJ



A

FIGURE 2 - AREA MAP

Block 44.05, Lot 129.02
Sea Isle City, Cape May County, NJ



LEGEND:



PROJECT BOUNDARY



1 Inch = 200 Feet

SOURCE DATA:

PROJECT BOUNDARY:
Heads-up digitizing based on Cape May County
Parcel data downloaded from NJGIN's
Information Warehouse

BASE SOURCE DATA:

Tax-map data (Sea Isle City, Cape May County,
Sheet 7) downloaded from New Jersey Parcel
Map

*This map complies with the National Map Accuracy
Standards. This map was developed using New Jersey
Department of Environmental Protection Geographic
Information System digital data, but this secondary product
has not been verified by NJDEP and is not state-authorized.*

Water's Edge
Environmental, LLC

P.O. Box 118, Ocean City, NJ 08226

Phone: 609-249-3744

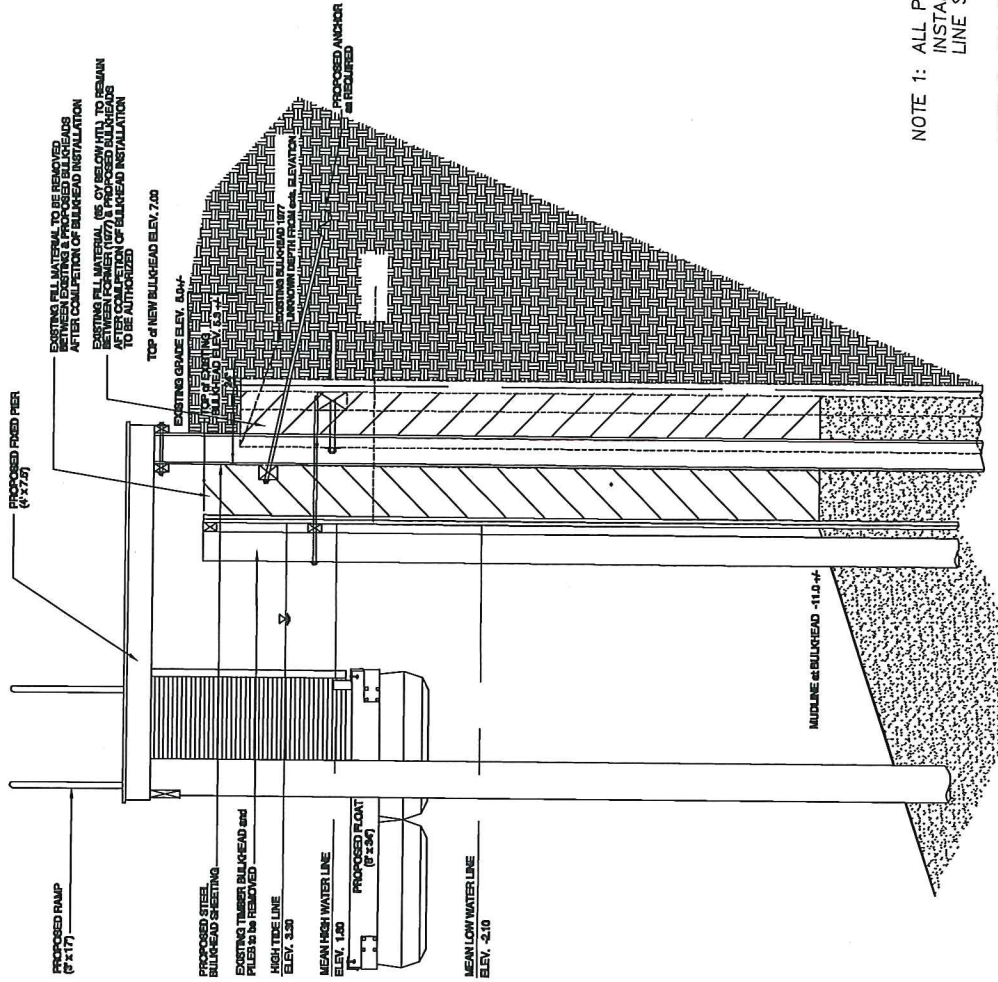
Fax: 609-249-3860

E-mail: bschuler@watersedgeilc.com

Map Prepared by Bryan M. Schuler

Map Created in January 2015

Project No. 981



PLAN VIEW

SECTION A

SCALE: 1" = 5'
THIS PLAN AND THE INFORMATION SHOWN HEREON IS
NOT FOR CONSTRUCTION OR SPECIFICATION PURPOSES.

NOTE 1: ALL PROPOSED CONSTRUCTION MATERIALS to be
INSTALLED WATERWARD of the MEAN HIGH WATER
LINE SHALL be NON-POLLUTING MATERIALS.

NOTE 2: ALL PROPOSED FLOATING DOCKS MUST be
INSTALLED with STOPPERS to PREVENT the
STRUCTURES FROM RESTING in the SUBSTRATE
DURING LOW TIDE.

PROPOSED USACOE PERMIT PLAN

4400 VENICEAN ROAD
BLOCK 44.05, LOT 129.02
CITY OF SEA ISLE CITY
CAPE MAY CO., NJ
APPLICANT: JAMES GOLDEN

MATTHEW V. ECKER

N.J.P.E. No. 37872

(609)926-5411

FAX:(609)624-8703

EMAIL:mcmmecker@msn.com

MATTHEW V. ECKER, P.E., P.P.

22 CARANN LANE

EGG HARBOR TOWNSHIP, NJ 08234

Revised 2/16/16-FILL QTY.

DWN BY: WEE

DATE: Dec. 10, 2015

DWG. NO. COE-2015-1

SHT No. 2 of 2

LUDLAM'S THOROFARE

INTERCOASTAL WATERWAY

PROPOSED BULKHEAD
RECONSTRUCTION
STEEL SHEETS - 61.2 L.F +/-
Top of B'hd Elev. 7.0
M.L.W Elev. -2.1
M.H.W Elev. 1.8
H.T.L. Elev. 3.3
ALL FALL at FACE of BULKHEAD

TIDELAND CLAIM LINE as
SCALED from NJDEP MAP
#112-1986 "LUDLAM THOROFARE"

Existing Floats and
Ramp to be Removed

Existing Bulkhead &
& Fill (148 S.F.)
to be Removed
T.B. Elev. 5.3

PROPOSED
FLOAT and RAMP
N37°27'50"E-48.87'

PROPOSED FIXED PIER

Adjacent Float

Adjacent Float

Mooring
Pile (Typ.)

Existing Metal Bulkhead T.B. Elev. 6.0

Adjacent Deck

Approximate Face
of 1977 Bulkhead

Existing Fixed Pier
to be Removed

2nd & 3rd FLOOR
OPEN DECK

3 STORY
MASONRY/FRAME
DUPLEX DWELLING
No. 4400
FFE 5.3

LOT 129.01

HVAC
PLTFRM

44th (60' WIDE)

81.7'± to M.H.W.
S57°14'10"E-97'

N51°51'10"W-97.00'
74.5'± to M.H.W.

Existing Metal Bulkhead
T.B. Elev. 7.3

Adj.
Pier

Dark