



**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

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Public Notice No.	Date
<b>CENAP-OP-R-2009-0088-24</b>	<b>June 11, 2018</b>

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Application No.	File No.
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In Reply Refer to:  
**REGULATORY BRANCH**

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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:** Harlo, Inc. and Jenlo, Inc.  
"Mill Creek Marina" and "Bree Zee Lee Yacht Basin"

**AGENT:** M. V. Engineering, LLC  
P. O. Box 484  
Cape May Court House, New Jersey 08210

**WATERWAY:** Cape May Harbor and Mill Creek

**LOCATION:** Decimal Latitude: 38.954709° North; Longitude: -74.885128° West.  
The project site is located in and along the north shore of Cape May Harbor at the mouth of Mill Creek, on the south side of C.R. 621 (964-992 Ocean Drive), Block 822.02, Lots 2 - 6, in Lower Township, Cape May County, New Jersey.

**ACTIVITY:** The applicant proposes to perform maintenance dredging within the existing marina basins (and an access channel to Cape May Harbor). There are four distinct basins located in the marina complex: one along Mill Creek, one along Cape May Harbor between the original Mill Creek Marina and Bree Zee Lee Yacht Basin, one within the man-made interior Bree Zee Lee Yacht Basin, and a fourth along Cape May Harbor, which is a continuation of the Bree Zee Lee Yacht Basin. These areas, which support 1,063 boat slips, are all proposed to be dredged under this application.

The area to be dredged is approximately 25 acres in size. Dredging would be by hydraulic (cutter-head and pipeline) method to a depth of -6 feet (below mean low water elevation). The applicant has identified a total volume of 45,475 cubic yards which requires dredging. This volume would be accomplished over 5 years, with no more than 10,000 cubic yards dredged in any one year. The applicant has requested authorization for a total of 10 years of maintenance dredging (i.e. 5 additional years, following the initial 5 years), with a maximum of 10,000 cubic yards dredging any one year. Disposal of dredged material would be in two separate existing

confined disposal facilities (CDFs). Dike or berm repairs are proposed for both CDFs. No dredging would occur within 25 feet of any vegetated wetlands. The dredge pipeline (8-inch diameter flex-hose) would be placed across the surface of on-site wetlands to reach the two CDFs while dredging is underway. It is removed between dredging events.

In addition, the applicant's plans include replacement of 2,326 LF of wave attenuators and a new 291-LF section of attenuator. These structural additions and replacements would occur over the next 5 years. They would involve the installation of 60 new 12-inch timber pilings and the replacement of up to 465 such timber pilings. Pilings would be installed (and removed) by jetting method from a work barge. The attenuators would have 6-inch wide vertical planks or slats, with 3-inch spacing between them, and a minimum 18-inch clearance above the waterway bottom. Dredging and piling-installation operations would employ silt curtains to reduce turbidity and other impacts to aquatic fauna outside the work area.

The project site is located within an area that has been designated as shellfish habitat ("hard clam – high value commercial") on a map prepared by the U.S. Department of the Interior, Fish and Wildlife Service in 1963. The applicant has stated that all materials for the proposed new and replacement wave attenuators (i.e. pilings, structural members, i.e. walers, and slats or planks, would consist of CCA-treated lumber. Each such member would be individually covered or wrapped with vinyl or high-density polyethylene (HDPE) prior to installation. No dredging and no existing or proposed structures would encroach within approximately 500 feet of the federal navigation channel (New Jersey Intracoastal Waterway through Cape May Harbor).

The Corps of Engineers has issued several prior permits for the marina structures as well as for dredging. These include CENAP-OP-R-1993-2875-15, issued October 19, 1994, for expansion of the marinas to their current configuration. There is a current valid permit for maintenance dredging at these marinas, which expires at the end of 2019 (CENAP-OP-R-2009-0088-61).

The applicant has received a Waterfront Development Permit, Coastal/Tidal Wetlands Permit, Water Quality Certificate and Acceptable Use Determination for the proposed work from the New Jersey Department of Environmental Protection, Office of Dredging and Sediment Technology, Division of Land Use Regulation (NJDEP File No. 0505-02-0009.2).

Applicant's Statement Pursuant to Regulations at 33 CFR 325.1(d)(7) and 33 CFR 332.4(b)(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:

"impacts to waters of the United States will be avoided / minimized since the Project does not involve the direct discharge of dredged or fill material into waters of the United States. Hydraulically dredged material will be discharged into an existing CDF for storage. Sediments will settle out, and decanted overflow waters will be discharged back into waters of the United States through an overflow weir. Inspection of the CDF berms and the overflow weir will be ongoing throughout dredging operations. Accordingly, no significant adverse aquatic impacts are anticipated, and therefore, mitigation should not be required."

**PURPOSE:** The applicant's stated purpose for the dredging is to "provide adequate water depth for boat mooring and navigational access to adjacent waterways for recreational boating." The stated purpose for the wave attenuators is to "provide protection of the boat basins from wind and wave action of the Harbor."

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) may be present in the action area. There is no designated or proposed critical habitat for such species in the action area. The Philadelphia District of the Corps of Engineers will forward this public notice to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with NOAA Fisheries 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 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The USACE Cultural Resources Specialist has reviewed the proposed permit action for potential impacts to historic properties eligible for or listed on the National Register of Historic Places. We have determined that the permit area has been extensively modified, and little likelihood exists for the proposed project to impact a historic property. No further work is recommended.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries 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. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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.

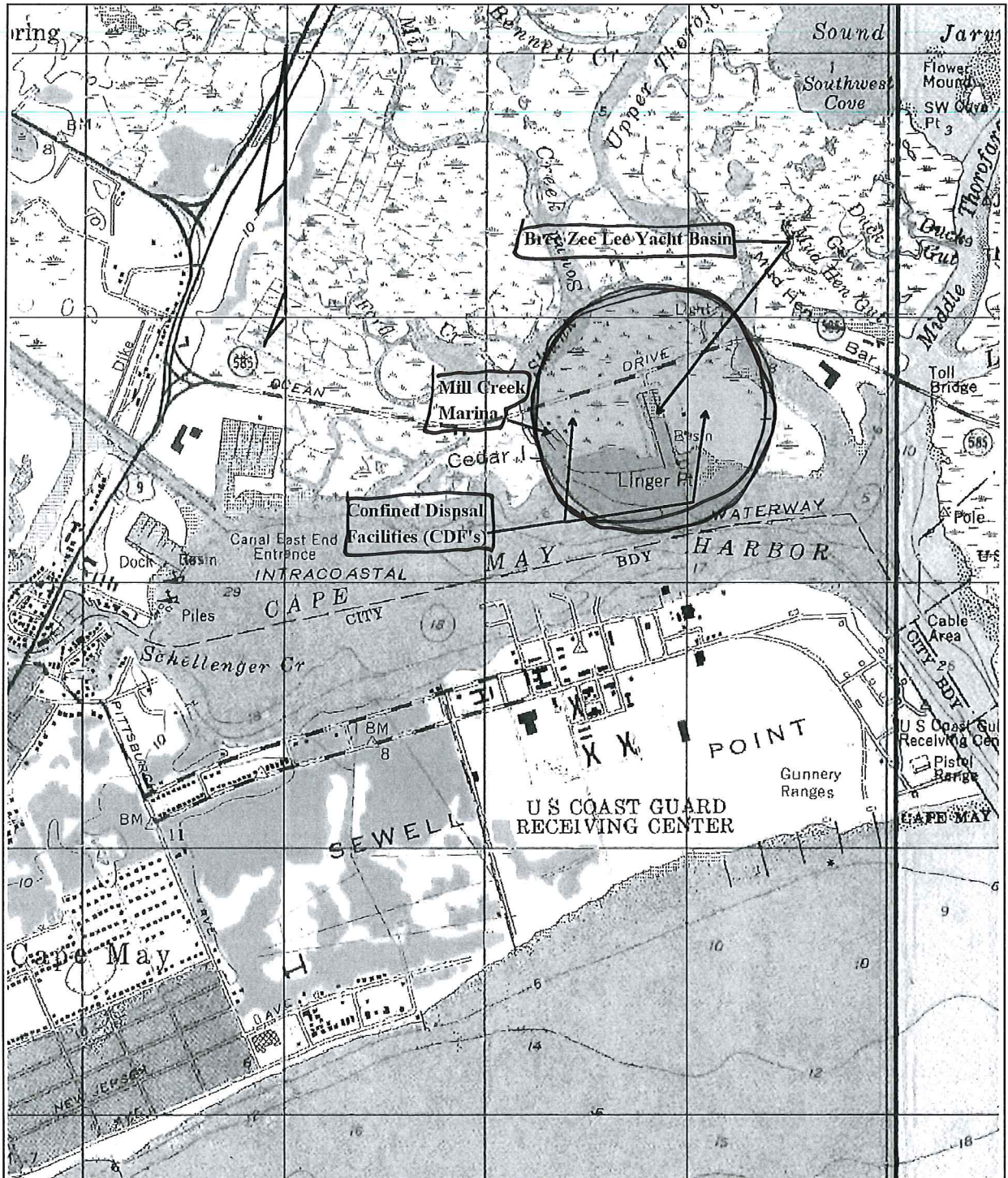
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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.

Edward E. Bonner  
Chief, Regulatory Branch





**NJ Plane Coordinates:** N(y) = 44,051 feet

E(x) = 382,330 feet

**SOURCE:** USGS Quadrangle Location Map  
Cape May Quadrant

**FIGURE 2**  
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  
E-mail: [mveng@comcast.net](mailto:mveng@comcast.net)

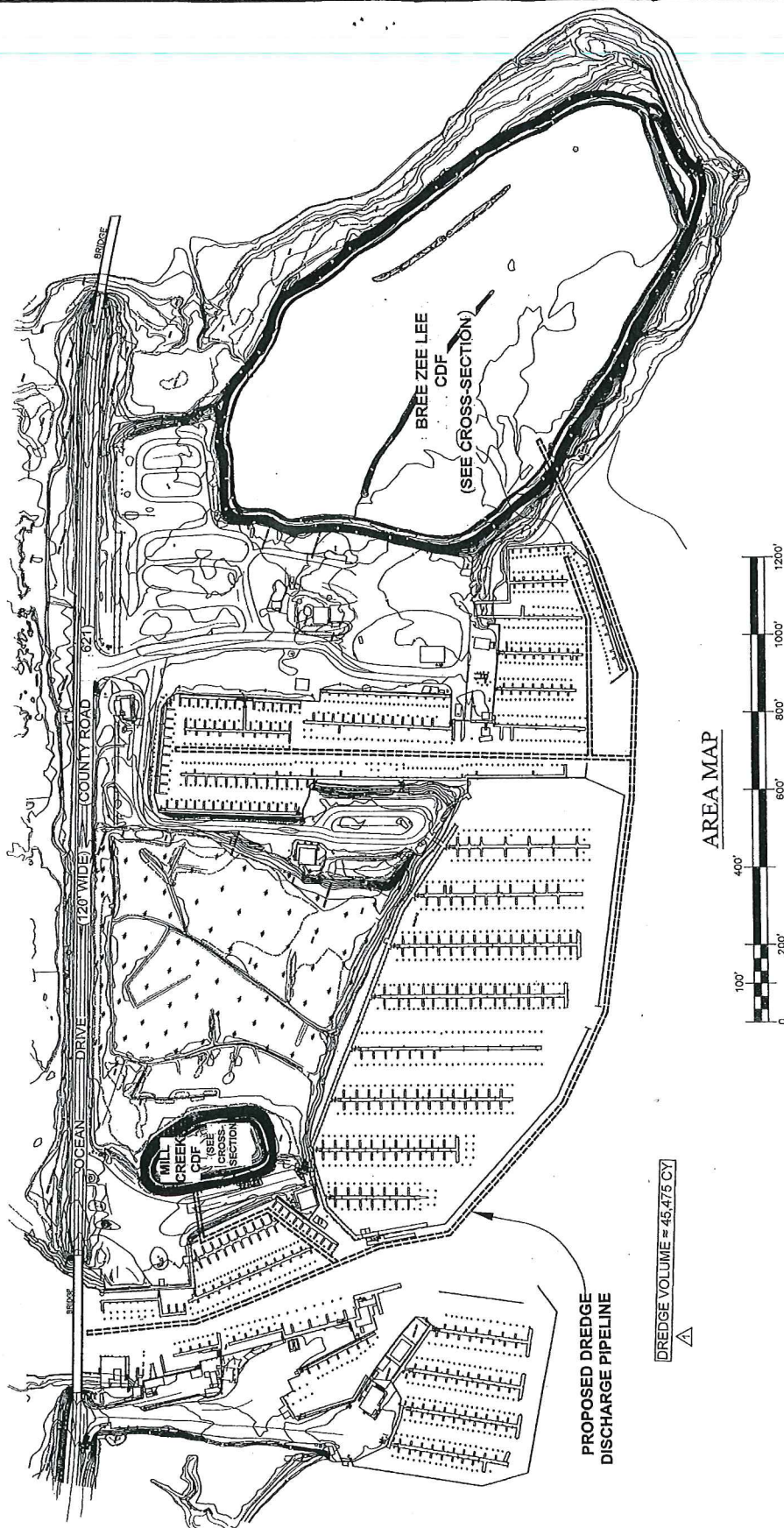
**PROJECT SITE:** Mill Creek Marina &  
Bree Zee Lee Yacht Basin  
Block 822.02 Lots 2 - 6  
Township of Lower  
Cape May County, New Jersey

**PROJECT NO.:** 47-16









AREA MAP

DREDGE VOLUME = 45,475 CY

# APPLICATION NOTES:

## 1. Applicant/Owner:

Harlo, Inc. & Jenlo, Inc.  
400 Portsmouth Road  
Cape May, NJ 08204

## 2. Project Description:

The Applicant proposes maintenance dredging of approximately 45,475 CY of sediment by hydraulic methods, to restore existing marina basins to elevation (-) 6.0' MLW. Dredged sediments will be discharged into the two (2) on-site confined disposal facilities (CDF's). In addition, 2,326 LF ± of existing / approved wave attenuators are proposed to be replaced in-place, and 291 LF ± of additional wave attenuator are proposed to be constructed.

3. These plans are intended to be conceptual only, for the purpose of obtaining agency approvals to dredge the marina basins. These plans do not represent a land survey as defined by N.J.S.A. 45:8-28(e). These plans are based on deeds of record, tax maps, surveys, field measurements and other information.

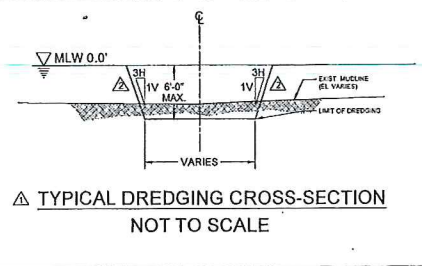
## DREDGING PLAN MILL CREEK MARINA & BREE ZEE LEE YACHT BASIN BLOCK 822.02 ~ LOTS 2 - 6 TOWNSHIP OF LOWER CAPE MAY COUNTY, NEW JERSEY

<b>M · V · ENGINEERING, LLC</b> Consulting, Municipal, Environmental Engineers & Planners Certificate of Authorization #26CA2193100 102 N. MAIN STREET • PO BOX 484 • CAPE MAY COURT HOUSE, NJ 08210 TEL: (609) 455-7000 • FAX: (609) 455-7020 • EMAIL: mvengr@comcast.net www.mvengr.com	
<b>BRIAN J. MURPHY</b> Professional Engineer, NJ License No. 33593 Professional Engineer, NJ License No. 33515 Professional Engineer, NJ License No. 33515	<b>CYNTHIA S. CHERMERS</b> <i>Cynthia S. Chermers</i> Professional Engineer, NJ License No. 33516 Professional Engineer, NJ License No. 4173
SCALE: AS NOTED DWG BY: CHL/JS CKD BY: JS	DATE: 5-2-10 PROJECT NO.: 47-10 SHEET: 2 of 6

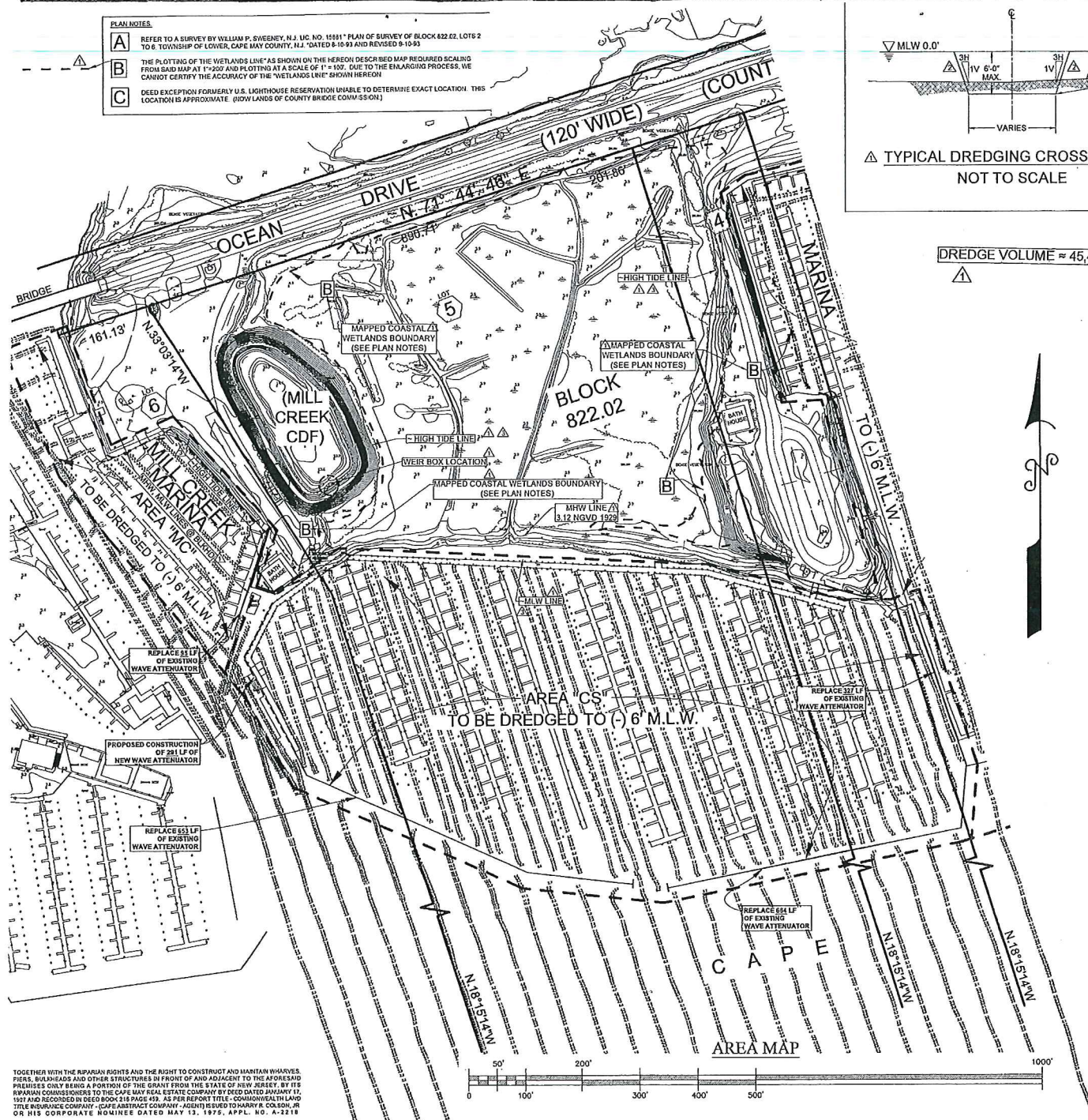


**PLAN NOTES**

- A** REFER TO A SURVEY BY WILLIAM P. SWEENEY, N.J. LIC. NO. 15551 "PLAN OF SURVEY OF BLOCK 822.02, LOTS 2 TO 6, TOWNSHIP OF LOWER, CAPE MAY COUNTY, N.J." DATED 8-10-93 AND REVISED 9-10-93
- B** THE PLOTTING OF THE WETLANDS LINE AS SHOWN ON THE HEREON DESCRIBED MAP REQUIRED SCALING FROM SAID MAP AT 1"=200' AND PLOTTING AT A SCALE OF 1"=100'. DUE TO THE ENLARGING PROCESS, WE CANNOT CERTIFY THE ACCURACY OF THE "WETLANDS LINE" SHOWN HEREON
- C** DEED EXCEPTION FORMERLY U.S. LIGHTHOUSE RESERVATION UNABLE TO DETERMINE EXACT LOCATION. THIS LOCATION IS APPROXIMATE. (NOW LANDS OF COUNTY BRIDGE COMM-SS ON)



DREDGE VOLUME = 45,475 CY



**DREDGING PLAN  
MILL CREEK MARINA  
&  
BREE ZEE LEE YACHT BASIN  
BLOCK 822.02 ~ LOTS 2 - 6  
TOWNSHIP OF LOWER  
CAPE MAY COUNTY, NEW JERSEY**

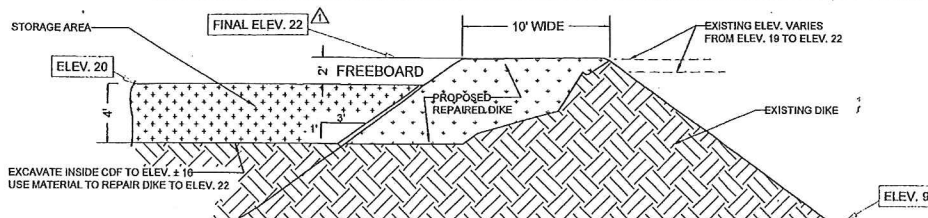
<p><b>REVISIONS</b></p> <p>1. 01/15/18 BY: CJS FOR: 100% DESIGN</p>		<p><b>M · V · ENGINEERING, LLC</b> Consulting, Municipal, Environmental Engineers &amp; Planners Certificate of Authorization #20CA21819100 102 N. MAIN STREET • PO BOX 484 • CAPE MAY COURT HOUSE, NJ 08210 TEL: (609) 465-7063 • FAX: (609) 465-7073 • EMAIL: mveng@comcast.net www.mveng.com</p>
<p><b>BRIAN J. MURPHY</b> Professional Engineer, NJ License No. 33283 Professional Engineer, CT License No. 33235</p>		
<p><b>CYNTHIA S. CHERMERY</b> Professional Engineer, NJ License No. 33118 Professional Engineer, CT License No. 41179</p>		<p><i>Cynthia S. Chermery</i></p>
<p><b>SCALE:</b> AS NOTED <b>DWG BY:</b> CJS <b>CHK BY:</b> CJS</p>		
<p><b>DATE:</b> 5-3-18 <b>PROJECT NO:</b> 47-16 <b>SHEET:</b> 3 of 6</p>		<p><b>DREDGING</b></p>
<p><b>COLSON</b></p>		





# Cut/Fill Summary

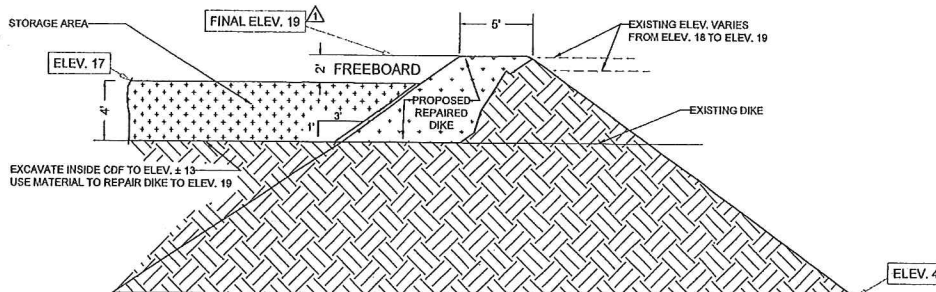
Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
2017 EG vs A	1.000	1.000	737309.87 Sq. Ft.	167.16 Cu. Yd.	77002.27 Cu. Yd.	76835.11 Cu. Yd.<Fill>
Totals			737309.87 Sq. Ft.	167.16 Cu. Yd.	77002.27 Cu. Yd.	76835.11 Cu. Yd.<Fill>



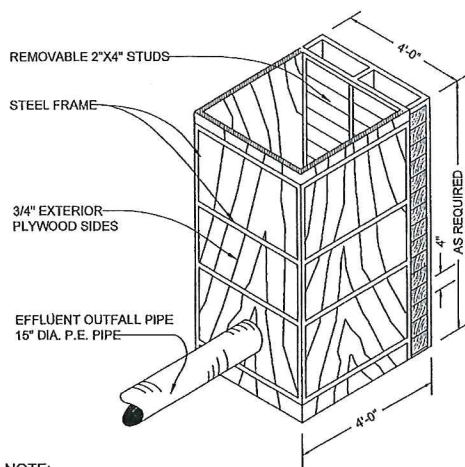
TYPICAL SECTION - CDF DIKE REPAIR & STORAGE  
@ BREE ZEE LEE YACHT BASIN  
(N.T.S.)

# Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
EG vs 17	1.000	1.000	39173.44 Sq. Ft.	498.49 Cu. Yd.	3633.87 Cu. Yd.	3135.38 Cu. Yd.<Fill>
Totals			39173.44 Sq. Ft.	498.49 Cu. Yd.	3633.87 Cu. Yd.	3135.38 Cu. Yd.<Fill>



TYPICAL SECTION - CDF DIKE REPAIR & STORAGE @ MILL CREEK MARINA  
(N.T.S.)



NOTE:  
TO BE SECURED AT BASE  
WITH SAND BAGS

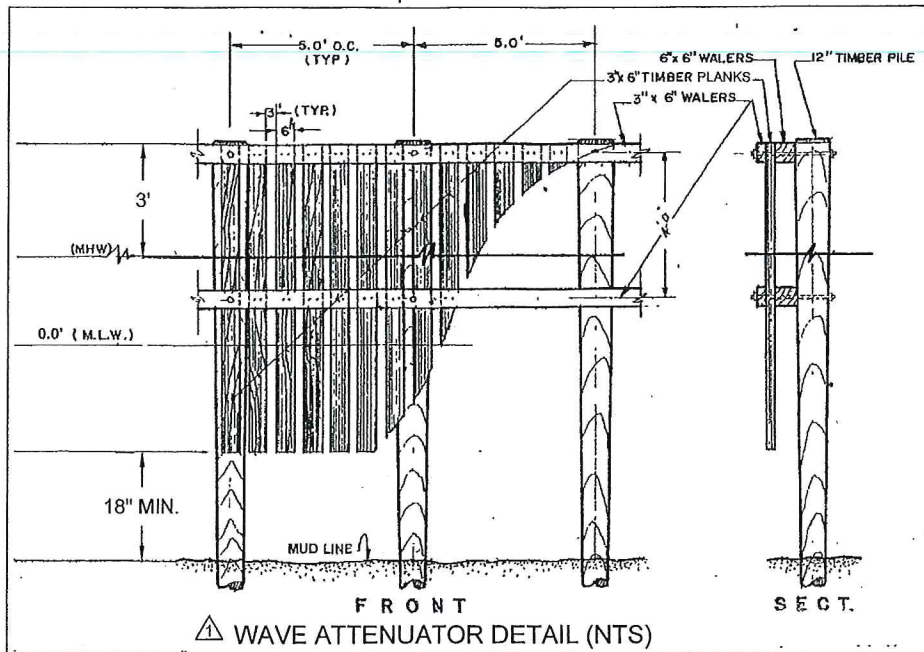
WEIR BOX DETAIL  
NOT TO SCALE

NOTE:  
TOP AND SIDES OF THE WEIR BOX  
TO BE SECURED FROM ENTRANCE  
AND VANDALISM.  
OPTION OF SECURITY MAY INCLUDE  
12" X 12" GRID OF REINFORCED  
STEEL SECURED TO WEIR BOX

## DREDGING PLAN MILL CREEK MARINA & BREE ZEE LEE YACHT BASIN BLOCK 822.02 ~ LOTS 2 - 6 TOWNSHIP OF LOWER CAPE MAY COUNTY, NEW JERSEY

<p>REVISIONS</p>		<p>M · V · ENGINEERING, LLC</p> <p>Consulting, Municipal, Environmental Engineers &amp; Planners</p> <p>Certificate of Authorization #21CA2181010</p> <p>102 N. MAIN STREET • PO BOX 48 • CAPE MAY COURT HOUSE, NJ, 08210 TEL: (609) 465-7000 • FAX: (609) 465-7023 • EMAIL: mveng@comcast.net www.mvengllc.com</p>	
<p>BRIAN J. MURPHY</p> <p>Professional Engineer, NJ License No. 33263 Professional Engineer, NJ License No. 33115 Professional Engineer, NJ License No. 33223</p>		<p>CYNTHIA S. CHERMERS</p> <p><i>Cynthia S. Chermers</i></p> <p>Professional Engineer, NJ License No. 33816 Professional Engineer, NJ License No. 4192</p>	
<p>SCALE: AS NOTED</p> <p>DWG BY: CHILDS</p> <p>CKD BY: asc</p>		<p>DATE: 5-2-18</p> <p>PROJECT NO: 47-18</p> <p>SHEET: 5 of 9</p>	





**DREDGING PLAN**  
**MILL CREEK MARINA**  
**&**  
**BREE ZEE LEE YACHT BASIN**  
**BLOCK 822.02 ~ LOTS 2 - 6**  
**TOWNSHIP OF LOWER**  
**CAPE MAY COUNTY, NEW JERSEY**

<p>REVISIONS</p>		<p><b>M · V · ENGINEERING, LLC</b></p> <p><i>Consulting, Municipal, Environmental Engineers &amp; Planners</i></p> <p><small>Certificate of Authorization #EAC24000101</small></p> <p><small>102 N. MAIN STREET • PO BOX 484 • CAPE MAY COURT HOUSE, NJ, 08210 713. (609) 465-7000 • FAX: (609) 465-7003 • EMAIL: mve@mveng.com www.mveng.com</small></p>	
<p>BRIAN J. MURPHY</p> <p><small>Professional Engineer, NJ License No. 33093 Professional Planner, NJ License No. 3815 Professional Engineer, CA License No. 33038</small></p>		<p>CYNTHIA S. CHERMERS</p> <p><i>Cynthia S. Chermer</i></p> <p><small>Professional Engineer, NJ License No. 33818 Professional Planner, NJ License No. 4172</small></p>	
<p>SCALE: AS NOTED</p> <p>DWG BY: CHS</p> <p>CKD BY: BJC</p>		<p>DATE: 5-2-18</p> <p>PROJECT NO: 47-18</p> <p>SHEET: 6 of 6</p>	
<p>REVISIONS</p>		<p>COLSON</p>	