



**JS Army Corps
of Engineers**
Philadelphia Distri

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

Public Notice

Public Notice No. CENAP-OP-R-2010-311-24	Date October 16, 2017
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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: City of Ocean City
861 Asbury Avenue
Ocean City, New Jersey 08226

AGENT: ACT Engineers
1 Washington Boulevard, Suite 3
Robbinsville, NJ 08691

WATERWAY: Beach Thorofare (and various connected basins, including artificial lagoons), Great Egg Harbor Bay, Peck Bay / Crook Horn Creek, and Middle Thorofare / Corson Inlet

LOCATION:

Dredging area: Decimal Latitude: 39.282297° N; Longitude: -74.581113° (approx. center)

Disposal areas: Decimal Latitude: 39.258223° N; Longitude: -74.620328° (CDF 83)
Decimal Latitude: 39.287434° N; Longitude: -74.582094° (Rt. 52 CDF)

The proposed dredging sites include previously (and currently) authorized areas located along the back-bay shoreline area of the City of Ocean City, Cape May County, New Jersey, within Beach Thorofare, Great Egg Harbor Bay, and various artificial lagoons. The previously authorized dredging areas include (from south to north): 1) Clubhouse and Bluefish Lagoons, on either side of Waterway Road (with an access channel to the NJ-ICW known as "Ocean City Lagoon"); 2) South Harbor, on the southwest side of Spruce Road; 3) Sunny Harbor, on the southwest side of Arkansas Avenue; 4) Venetian Bayou, on the southwest side of 17th Street; 5) Carnival Bayou, on the southwest side of 16th Street; 6) Glen Cove, on the southwest side of 10th

Street; 7) Snug Harbor, on the southwest side of 8th Street; 8) various bay-front areas along Beach Thorofare/Great Egg Harbor Bay, between 8th Street and the mouth of North Point Lagoon (near Battersea Road), including Nor'eastern Condominiums, Sunset Bay Condominiums, Favorite Harbor Condominiums, Bay Villas, Bayside Center, Bay Club Condominiums, Municipal Marina and Harbor House Condominiums; 9) North Point Lagoon ("The Lagoon"), on the northeast side of Battersea Road; and 10) Brittany Drive (at Cardiff Road).

This (new) application includes the following areas, which are not included in the current permit:

- a) a State-designated navigation channel in Littlefinger Channel (# 183), a.k.a. Krause's Cut (between Garretts and Cowpens Islands), west of the 9th Street (S.R. 0052) bridge;
- b) a State-designated navigation channel in Middle Thorofare near Corson Inlet (Corson Inlet Ramp Channel, # 187), on both sides of the Bay Avenue bridge (C.R. 619); and
- c) Peck Bay / Crook Horn Creek at Blue Water Marina, immediately south of the Roosevelt Boulevard bridge (C.R. 623).

The "State-designated" (numbered) channels are managed by the New Jersey Department of Transportation (NJDOT), Office of Maritime Resources. The applicant is coordinating with this agency on planning and design of this additional work.

In addition, the new dredging plans include more of the bay-front dockage areas along Beach Thorofare that are outside of lagoons as compared with the previous plans, as well as some designated access channels outside the mouths of some lagoons that were not previously identified. It is also noted that North Point Lagoon (# 181/182), Carnival and Venetian Bayous (# 184/185, including access channel), and Ocean City Lagoon (# 186) are designated State (NJDOT) channels (in addition to the new areas described above).

There are two alternate proposed (and previously authorized) dewatering/disposal areas (both are within the City of Ocean City): a) an existing upland confined disposal facility (CDF) known as "Site 83," situated along the north side of Roosevelt Boulevard at Block 3350, Lot 17; and b) a CDF situated along the new Route 52 causeway on Garrets Island, between Block 850, Lot 6, and Block 1750, Lot 16, which was relocated and reconstructed as part of the Route 52 causeway and bridge project. Under the current permit, multiple sites have been approved to accept dredged material removed from both CDFs for beneficial use (see further below). These sites are located in various counties in southern New Jersey.

The site of the haul road for CDF 83 (referenced below) is located along the north side of Roosevelt Boulevard (County Route 623), between Bay Avenue and the bridge over the New Jersey Intracoastal Waterway, in the City of Ocean City, Cape May County, New Jersey. It is the same lot and block as CDF # 83 indicated above (i.e., Block 3350.01, Lot 17). It would be used for truck access to and from the CDF so that dredged material can be transported to beneficial reuse sites.

ACTIVITY:

Background:

On July 23, 2012, this office issued Department of the Army permit number CENAP-OP-R-2010-311-24 to the City of Ocean City for the maintenance dredging of various lagoons, bay-front areas and bay-front marinas (see “LOCATION” above). In addition, on July 12, 2012, this office modified and extended Department of the Army permit number CENAP-OP-R-2004-992-24, which authorized such dredging within additional areas of the City (see “LOCATION” above). Both permits are scheduled to expire on December 31, 2022. The permits authorized dredging by hydraulic method, although CENAP-OP-R-2010-311-24 has been modified to include mechanical (bucket) dredging of certain areas. The previously authorized confined disposal facilities (CDFs) are identified above. Under the current permit, several additional off-site locations were approved to accept dredged material removed from both disposal areas for beneficial use, in accordance with Acceptable Use Determinations (AUDs) issued by the State of New Jersey (Department of Environmental Protection).

The permit was modified on April 8, 2016, to authorize a temporary haul road in wetlands from CDF 83 to Roosevelt Boulevard. The authorized roadway is approximately 1,550 feet long, with a cart-way (top width for travel) of 20 feet, and a total disturbance width of 40 feet, consisting of the 20' cart-way, 10' wide side slopes (i.e. 30' width at bottom of embankment), and an additional 10 feet to account for settling/disturbance. The authorized impact area included two (2) truck staging/loading areas (one along Roosevelt Boulevard and one along the CDF). The total area of authorized temporary wetland impact was 1.27 acres, including the direct footprint of the fill and the 10 feet on either side to allow for additional disturbance, including substrate displacement or other temporary disturbance.

The temporary roadway was authorized for the removal of dredged material in order to create capacity in CDF # 83 for an additional round of dredging to be performed under the permit, before removing the road and restoring the wetlands to their original elevation and grade. On August 11, 2016, this office authorized a re-alignment of the roadway; and on June 20, 2017, this office approved an extension of time for use of the road and the deadline for restoration. The re-alignment was due to an issue that the permittee experienced with excessive settlement of placed stone over a 250-foot (0.22-acre) portion of the previously authorized (1.27-acre) temporary wetland impact. The City restored the marsh surface in this area. The new alignment impacted up to 0.29 acre of additional wetland area. As such, the total authorized temporary wetland impact was increased to 1.56 acres; with 1.34 acres still subject to the same requirements and timelines and restoration in the current permit; and 0.22 acre of abandoned roadway restored to grade.

New Application:

The new application is similar to what was previously authorized in terms of dredging and disposal, with some additional areas proposed for dredging (see "LOCATION" above). In addition, the applicant is seeking authorization to make the previously authorized temporary haul road at CDF 83 a permanent feature.

The applicant proposes to dredge accumulated sediments from various lagoons and waterways in the "back-bay" area within the City of Ocean City to a maximum depth of 6 feet below mean low water (MLW). The City's application includes dredging of private boat slips. The applicant has requested authorization for 10 years of maintenance dredging. A total of 700,125 cubic yards (CY) is proposed to be dredged from 188.3 acres of waterway. Generally, there would be approximately 50,000 to 70,000 CY dredged in any one year. The majority of the dredging area and volume would be from developed artificial lagoons (described above). Where applicable, the dredging plans include a 25-foot buffer from any adjacent wetlands. From sampling, the nature of the sediments to be dredged is indicated to be primarily fine-grained silty material. An exception is in the northern part of the City, in and around North Point Lagoon, where more sandy material is present.

The proposed dredging would be by one of three methods: a) hydraulic (pipeline) method, with the pipeline floating, except where it crosses lagoon mouths (where it would be sunk to the bottom), and marked in accordance with U.S. Coast Guard requirements; b) by mechanical (bucket) method, with transport by barge or scow to the Route 52 / Garretts Island confined disposal facility (CDF) identified above; or c) a combination of the two methods (within lagoons only), with mechanical dredging of mooring areas (boat slips) and side-casting or relocation of the material into the center channel of the lagoon for subsequent hydraulic dredging in the authorized dredging area. Disposal is proposed to occur at one of two existing confined (diked) disposal facilities (CDFs) identified above: a) Site 83 (for hydraulic method only); and b) Route 52 / Garretts Island (for hydraulic or mechanical method). Dredged material would be mechanically removed from either CDF and transported by trucks to off-site locations (referenced above) in order to maintain capacity in the CDFs. All off-site beneficial re-use sites (used to date) have received approval from the State of New Jersey in the form of "Acceptable Reuse Determinations" (AUDs). Any additional proposed locations for beneficial reuse would require additional approval and a separate AUD by the State of New Jersey.

The City's application includes a proposal to keep the previously authorized temporary haul road and associated wetland impacts in place as a permanent feature. The existing authorized temporary wetland impact area (fill plus additional 10-foot allowance on either side) is 1.56 acres. As described above, this includes the originally authorized 1.27 acres plus an additional 0.29 acre for the roadway realignment. As noted above, the abandoned alignment near Roosevelt Boulevard was previously restored. The applicant has stated that comparison of the

authorized impacts with as-built construction conditions indicates that of the 1.56 acres of previously authorized wetland disturbance, the actual disturbance is 1.27 acres of wetland fill plus 0.4 acre of wetland uplift that has occurred (from displacement of the marsh substrate from the adjacent fill) for a total of 1.67 acres total impact. The applicant has indicated that the average uplift within the 0.4-acre wetland area is approximately 0.75'. They have stated that this area continues to function as a wetland.

The City has applied for a Waterfront Development Permit and Water Quality Certificate for the proposed work from the New Jersey Department of Environmental Protection, Office of Dredging and Sediment Technology (NJDEP File No. 0508-10-0032.1 WFD160004). Their current NJDEP permit for dredging was issued on June 25, 2012 (NJDEP File No. 0508-10-0032.1 WFD110001).

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:

a) "Ocean City's responsibility to cost effectively dredge its waterways and manage dredged material is best met with a permanent access road to the Site 83 CDF. This approach results in 1.27 acres of wetlands fill and an 0.4 acre area of wetland uplift. No other practicable alternative exists that allows the City to reasonably and effectively conduct the City's ongoing waterway dredging program. To minimize and avoid wetland impacts, the access road has been constructed to the minimum width and height practical to limit the disturbance footprint and maintain marsh aesthetics to the maximum extent practical. The direct alignment was selected from Roosevelt Blvd. to the CDF along a route that was previously disturbed as part of a CDF berm repair event. Cross-drains were installed and the road is pervious, thus maintaining continued hydrology and tidal flow on either side of the road." and

b) "Temporal compensation has been provided via purchase of wetland mitigation credits. The City intends to provide compensation for the permanent roadway fill either through the completion of restoration/enhancement of 3 acres of wetlands on and around Shooting Island in Ocean City pending NJDEP and USACE permit approval to improve the function and value of the City's Back Bay wetland areas or through the purchase of mitigation credits at an acceptable ratio, to be determined."

PURPOSE: The applicant's stated purpose as presented in their application is "to provide navigable waters in all areas of the back bay, lagoons and canals of Ocean City for recreational and commercial boating; and, interstate commerce. To provide a 10-year comprehensive, proactive dredged material management plan."

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 will evaluate the potential effects of the proposed actions on ESA listed species and will consult with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as appropriate pursuant to Section 7 of the ESA, as amended. 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 (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 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, or by writing to this office at the above address.



Edward E. Bonner
Chief, Regulatory Branch

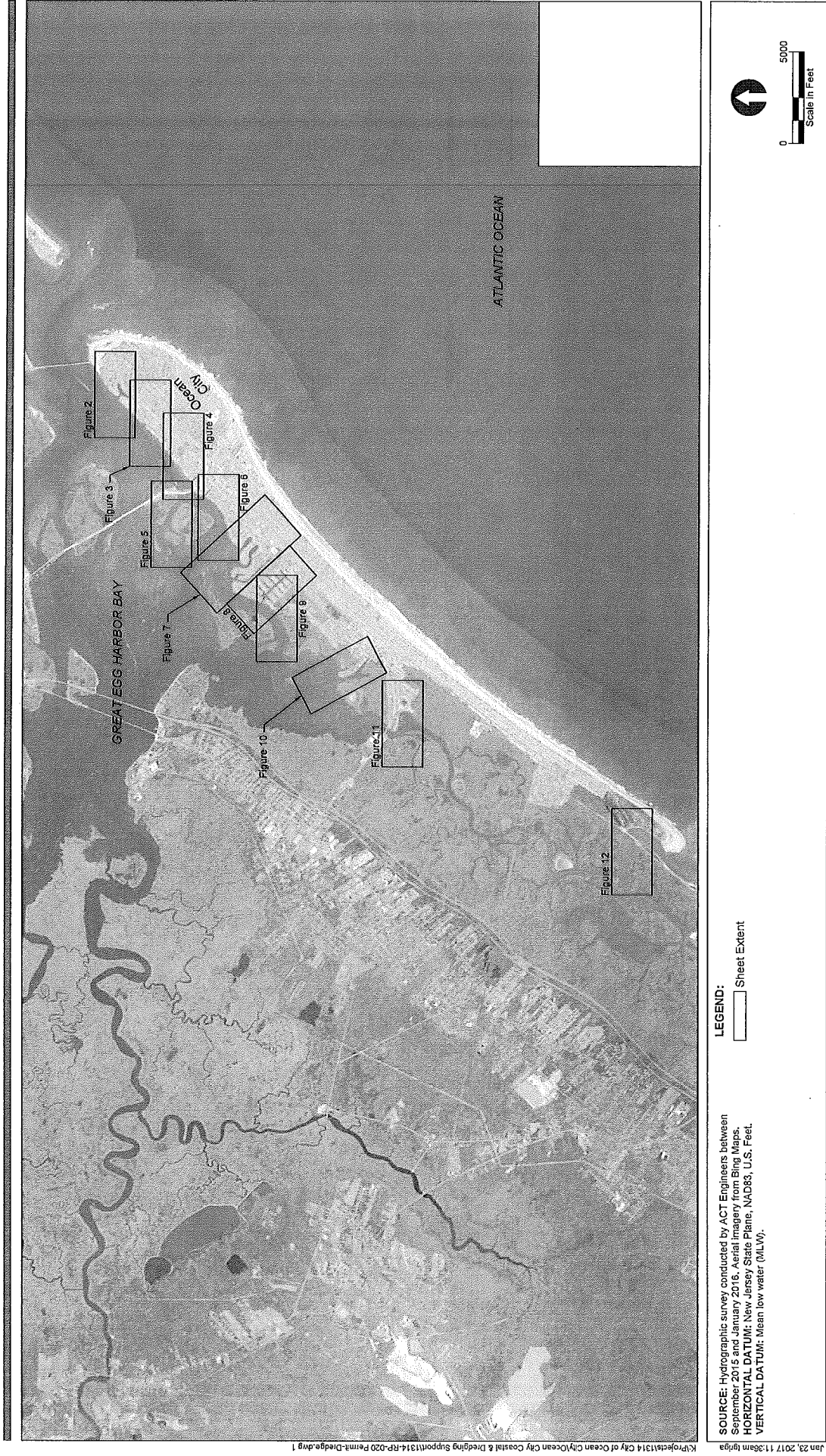


Figure 1
 Vicinity Map and Figure Key
 Back Bay Dredging - Dredge Prism
 City of Ocean City, NJ

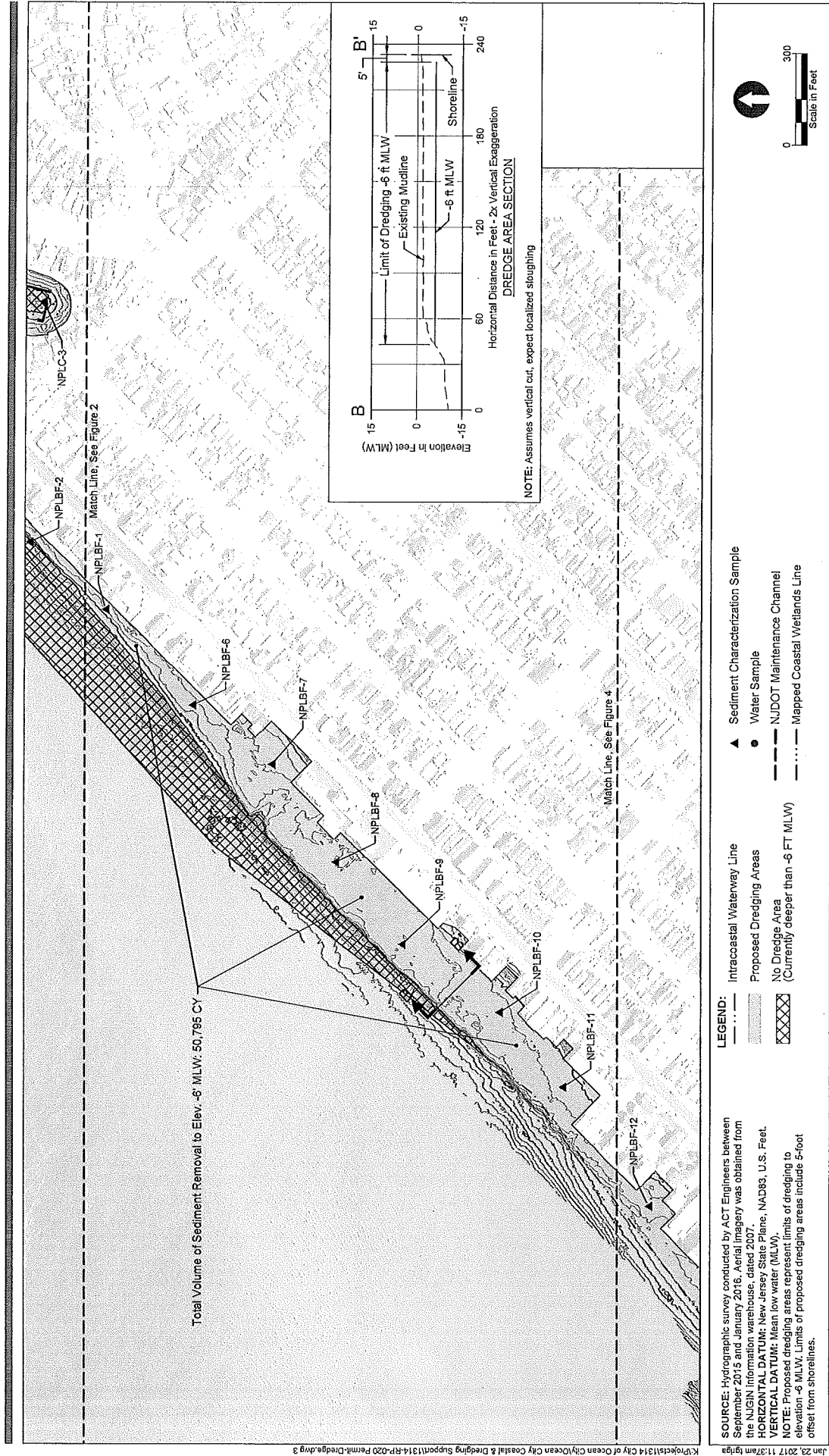
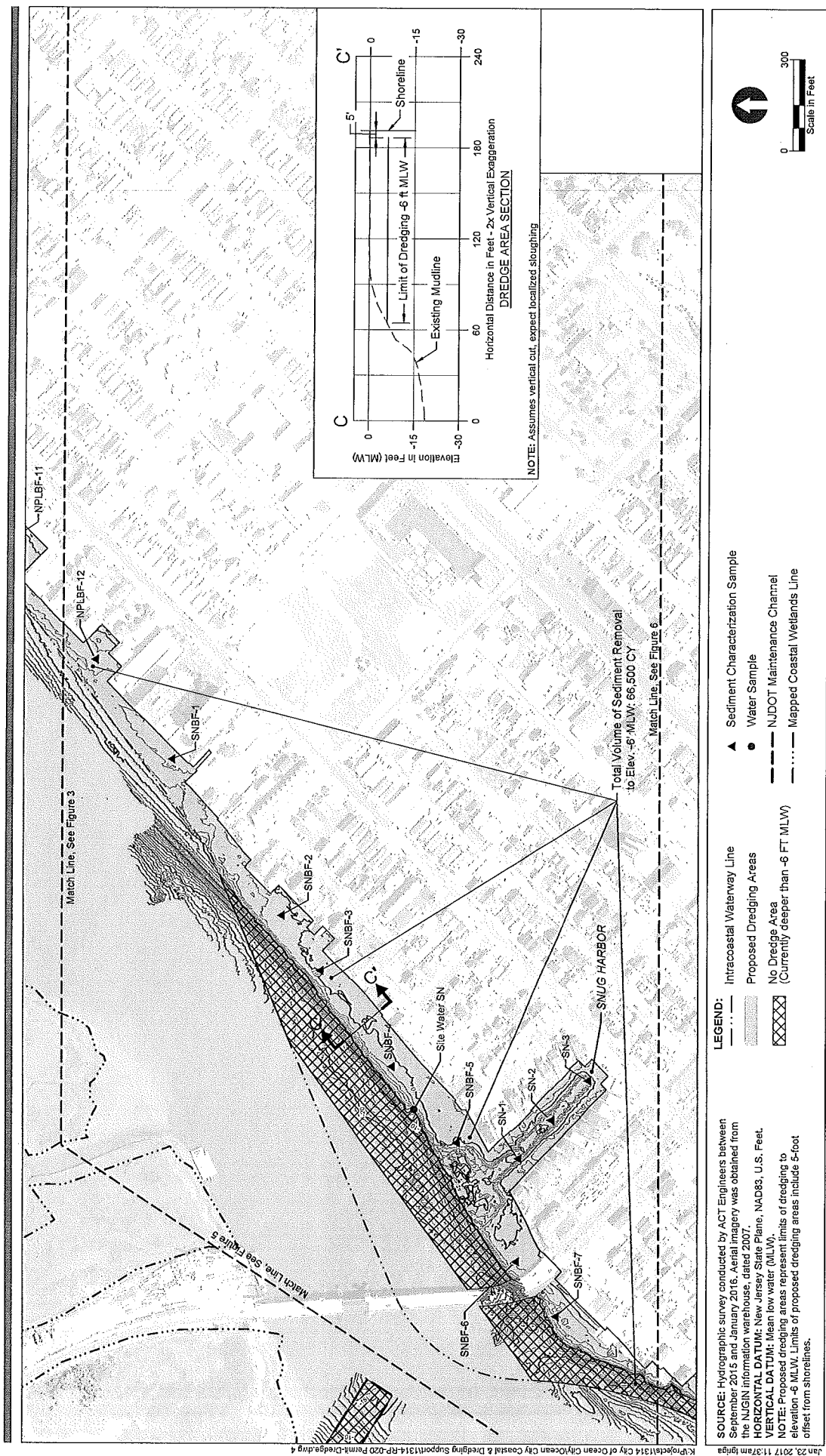


Figure 3
Various Bayfront Between Snug Harbor and North Point Lagoon
Back Bay Dredging - Dredge Prism
City of Ocean City, NJ



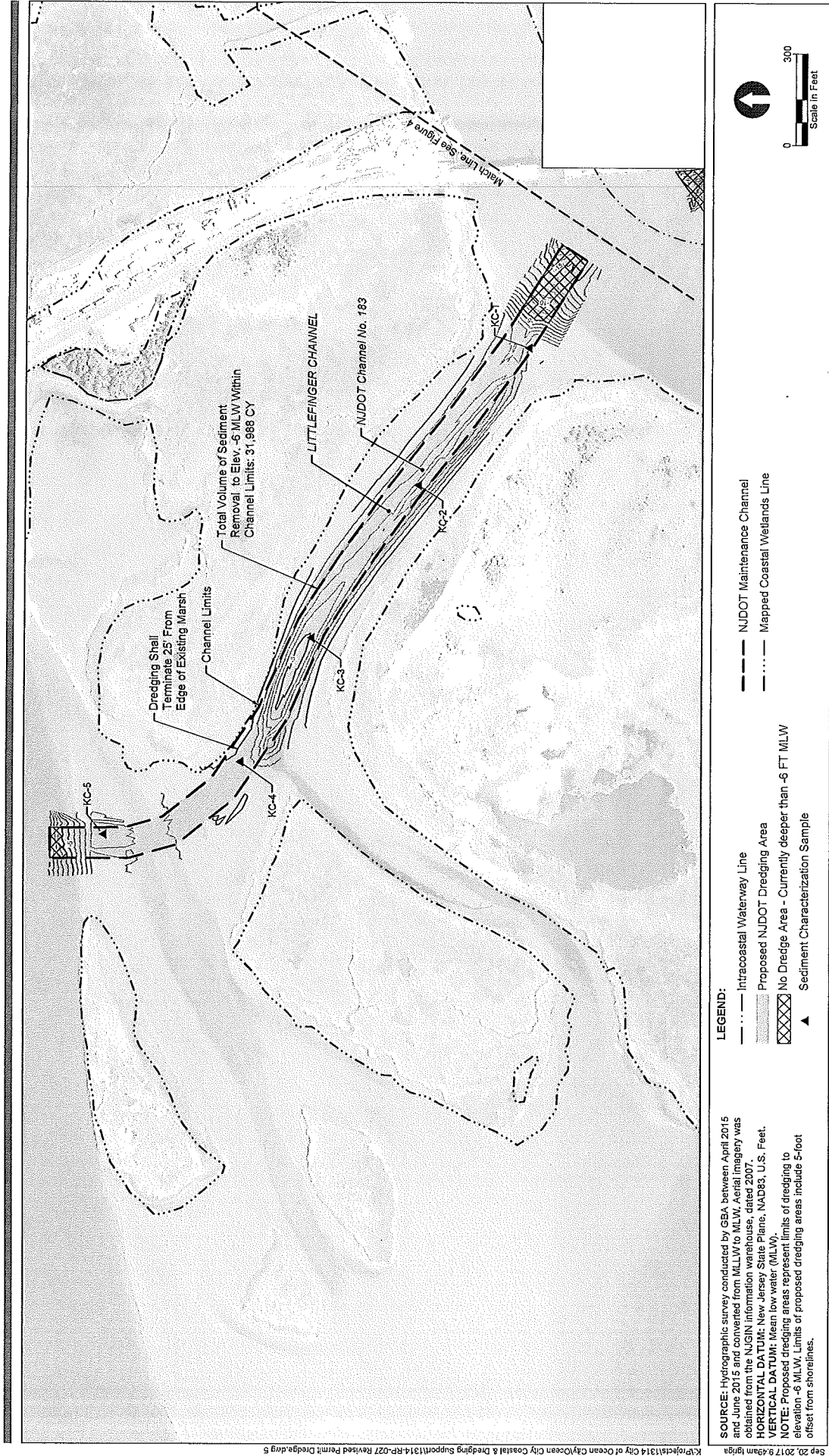


Figure 5
Krause's Cut NJDOT Maintenance Limits
Back Bay Dredging - Dredge Prism
City of Ocean City, NJ

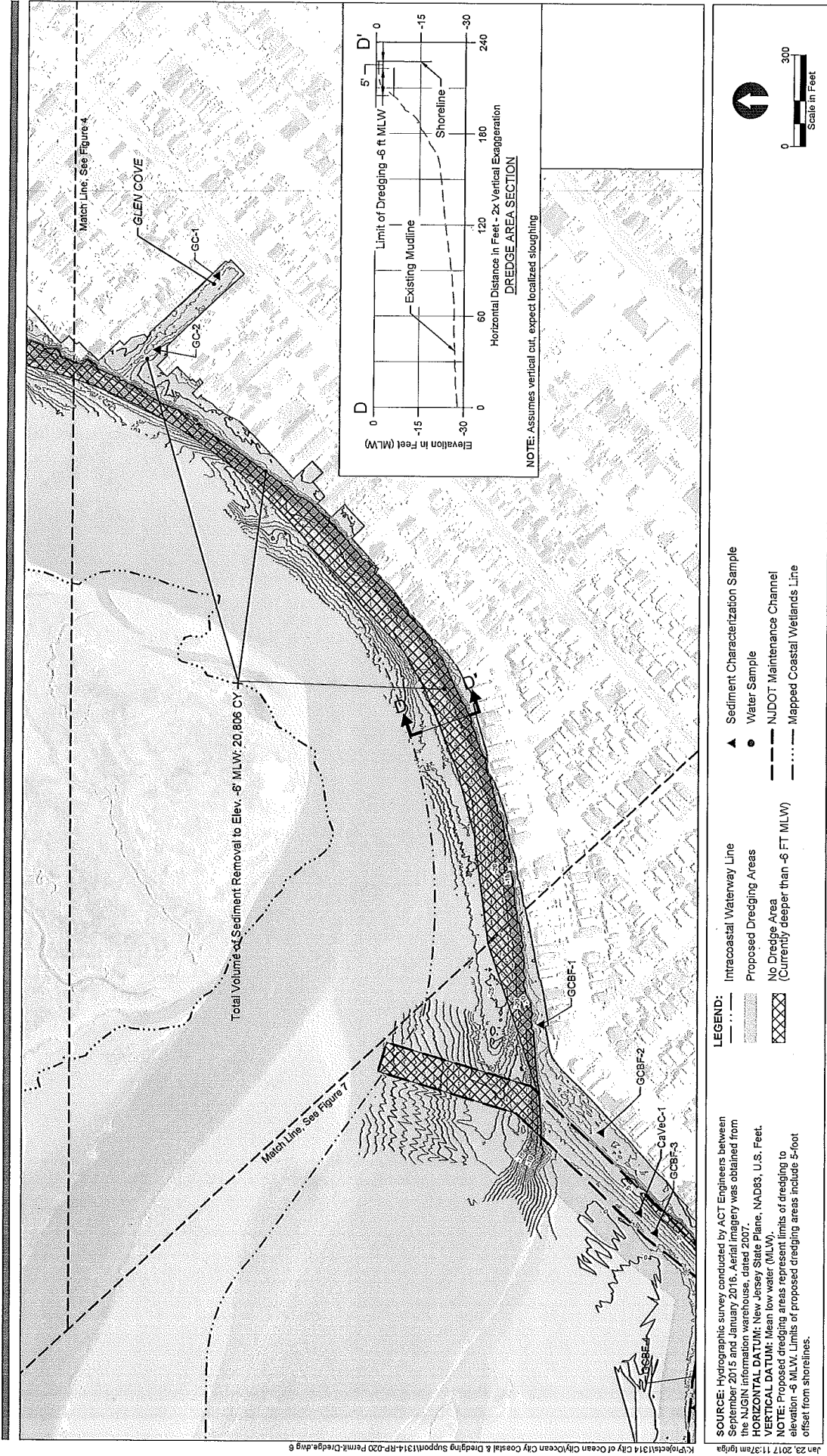


Figure 6
Glen Cove and Various Bayfront
Back Bay Dredging - Dredge Prism
City of Ocean City, NJ

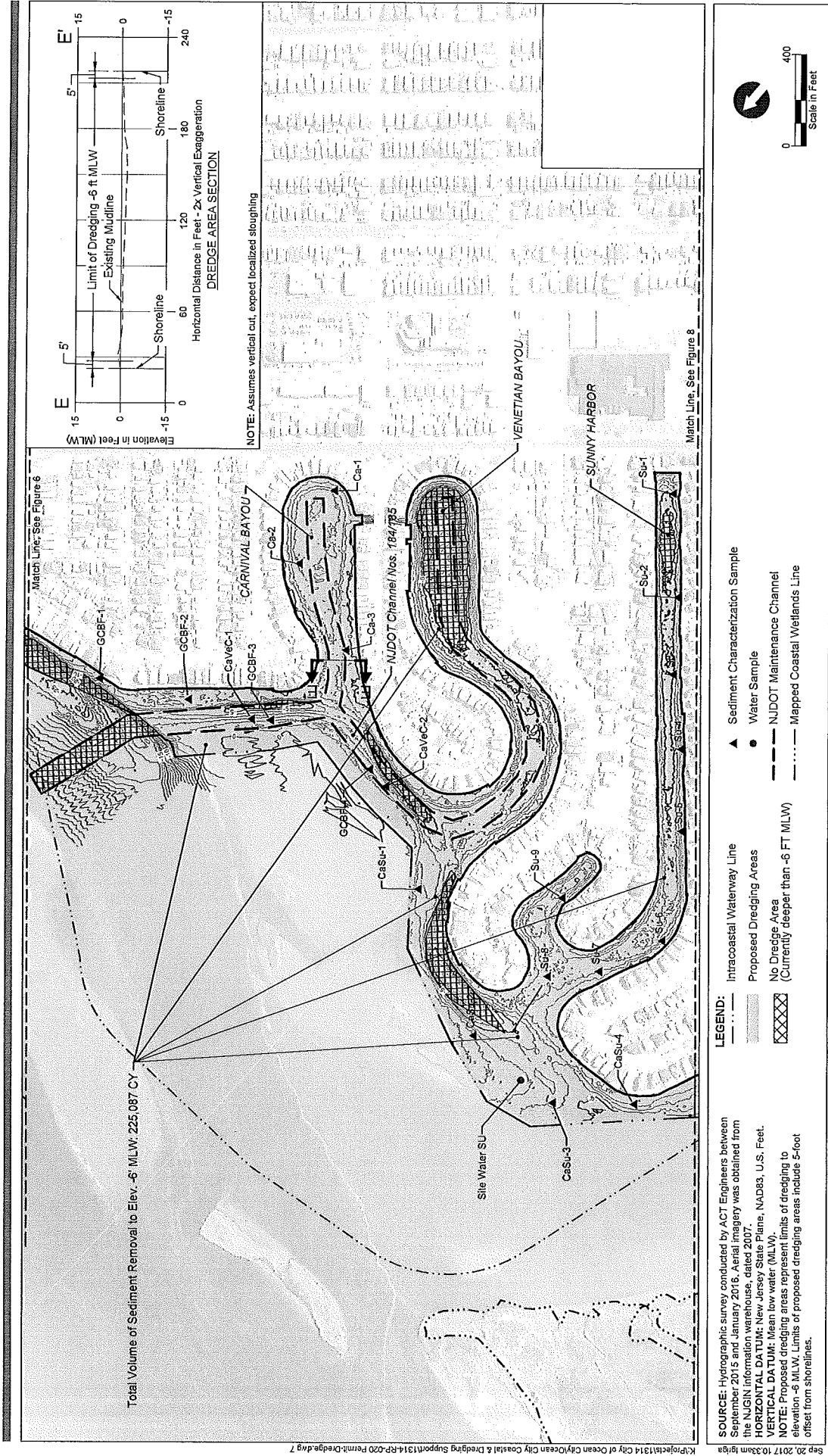


Figure 7
 Carnival Bayou, Venetian Bayou, Sunny Harbor, and Various Bayfront
 Back Bay Dredging - Dredge Prism
 City of Ocean City, NJ

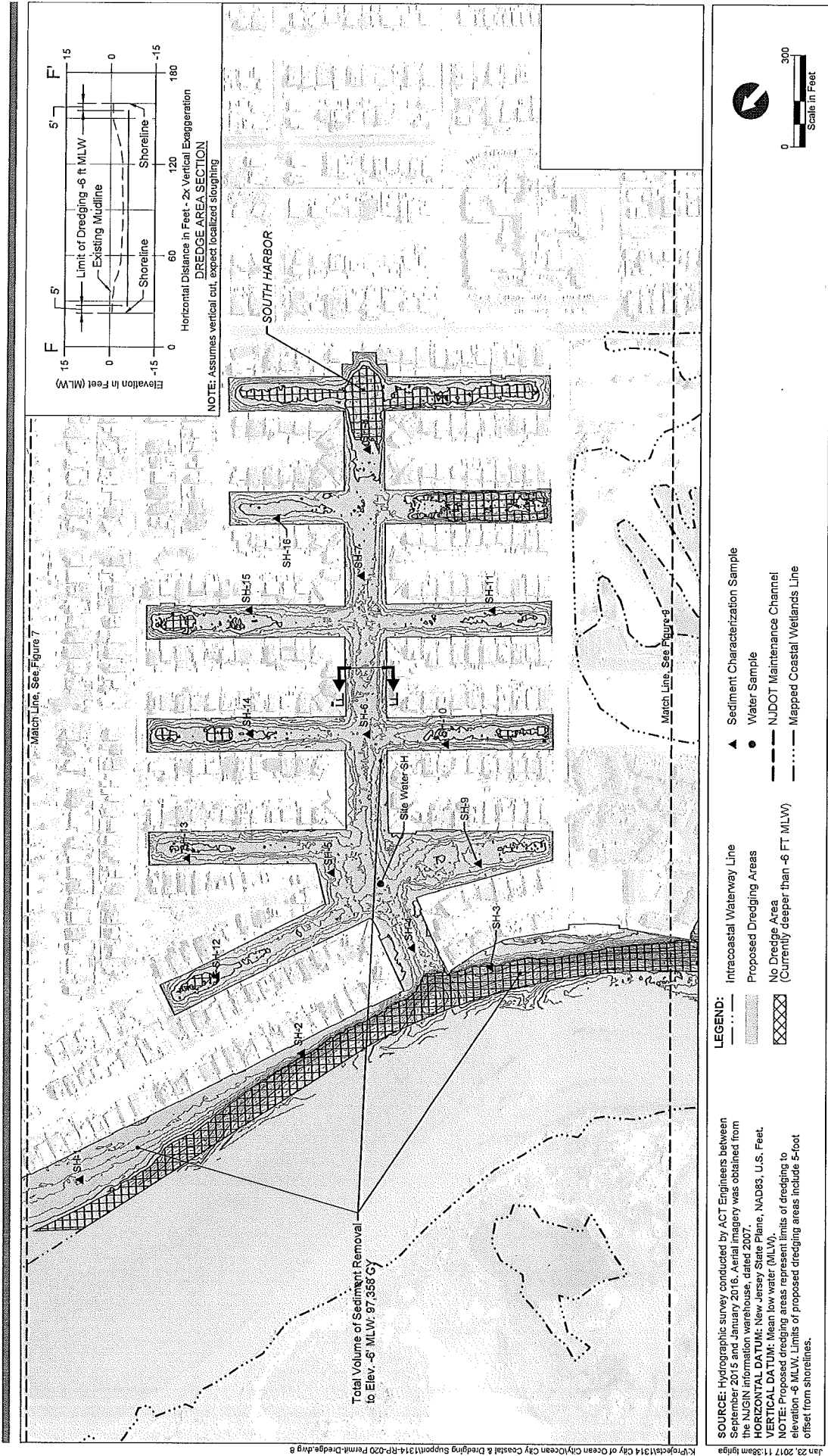


Figure 8
 South Harbor and Various Bayfront
 Back Bay Dredging - Dredge Prism
 City of Ocean City, NJ

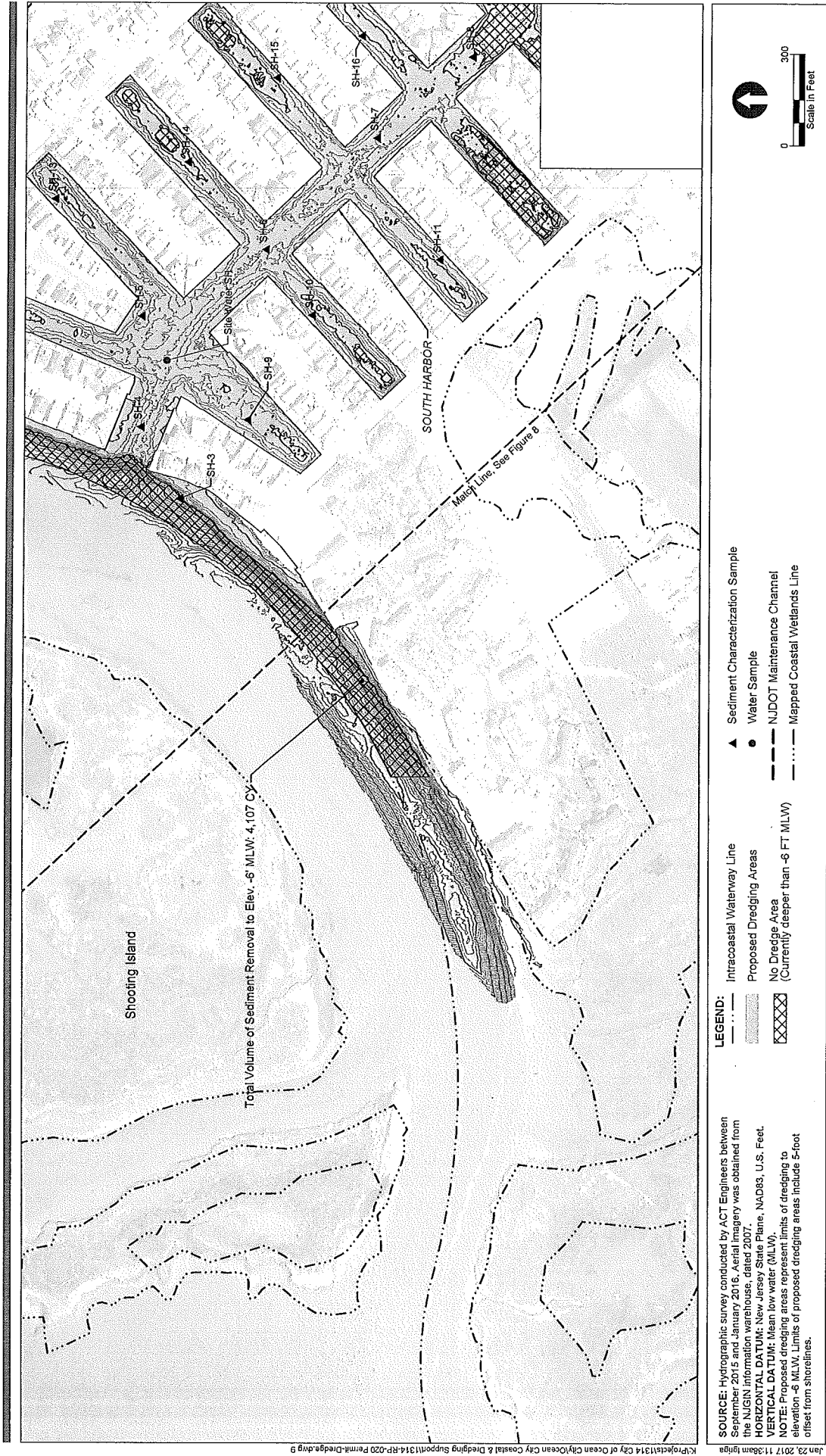


Figure 9
Various Bayfront Southwest of South Harbor
Back Bay Dredging - Dredge Prism
City of Ocean City, NJ

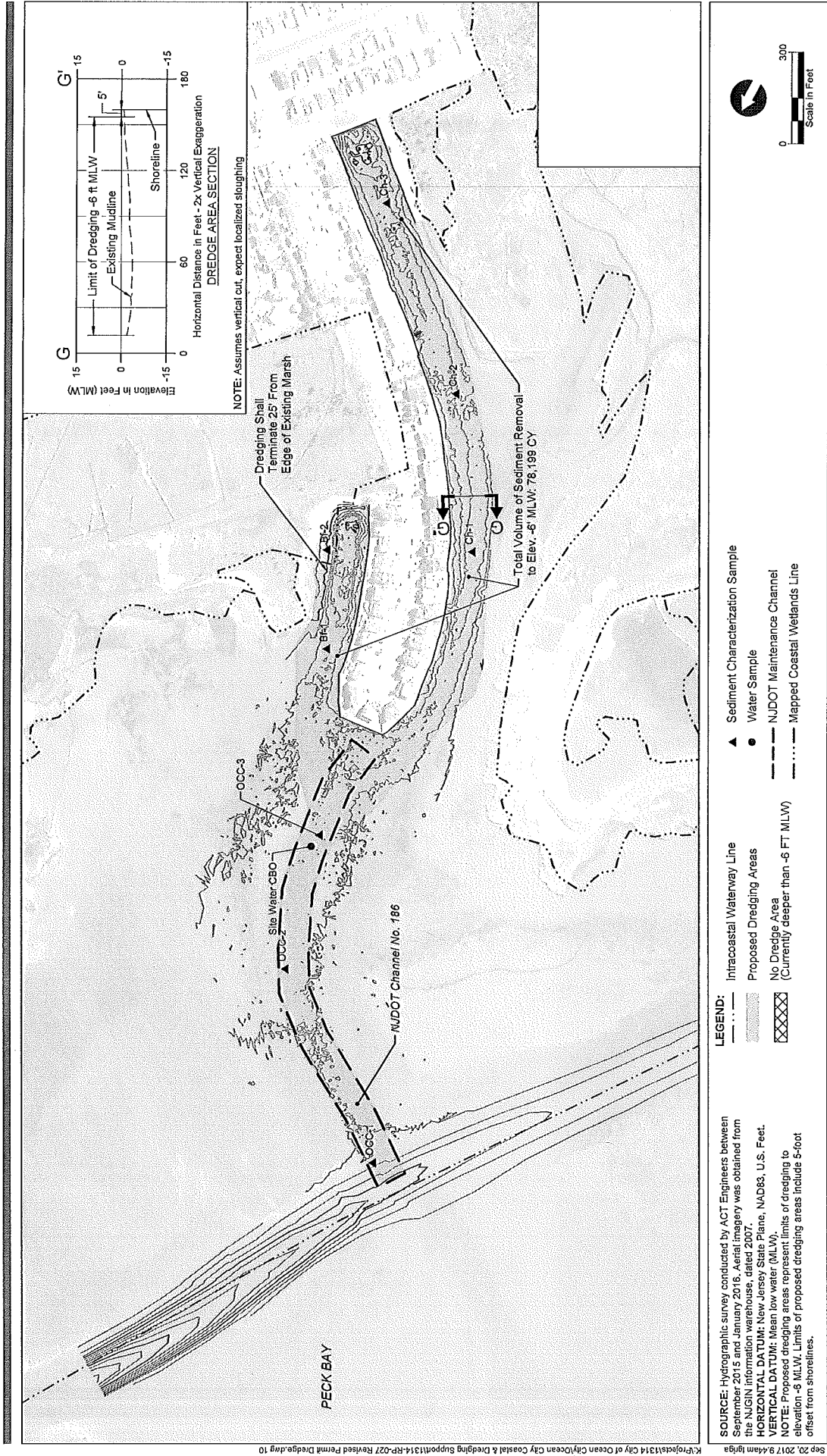


Figure 10
Clubhouse Lagoon, Bluefish Lagoon, and Ocean City Lagoon
Back Bay Dredging - Dredge Prism
City of Ocean City, NJ

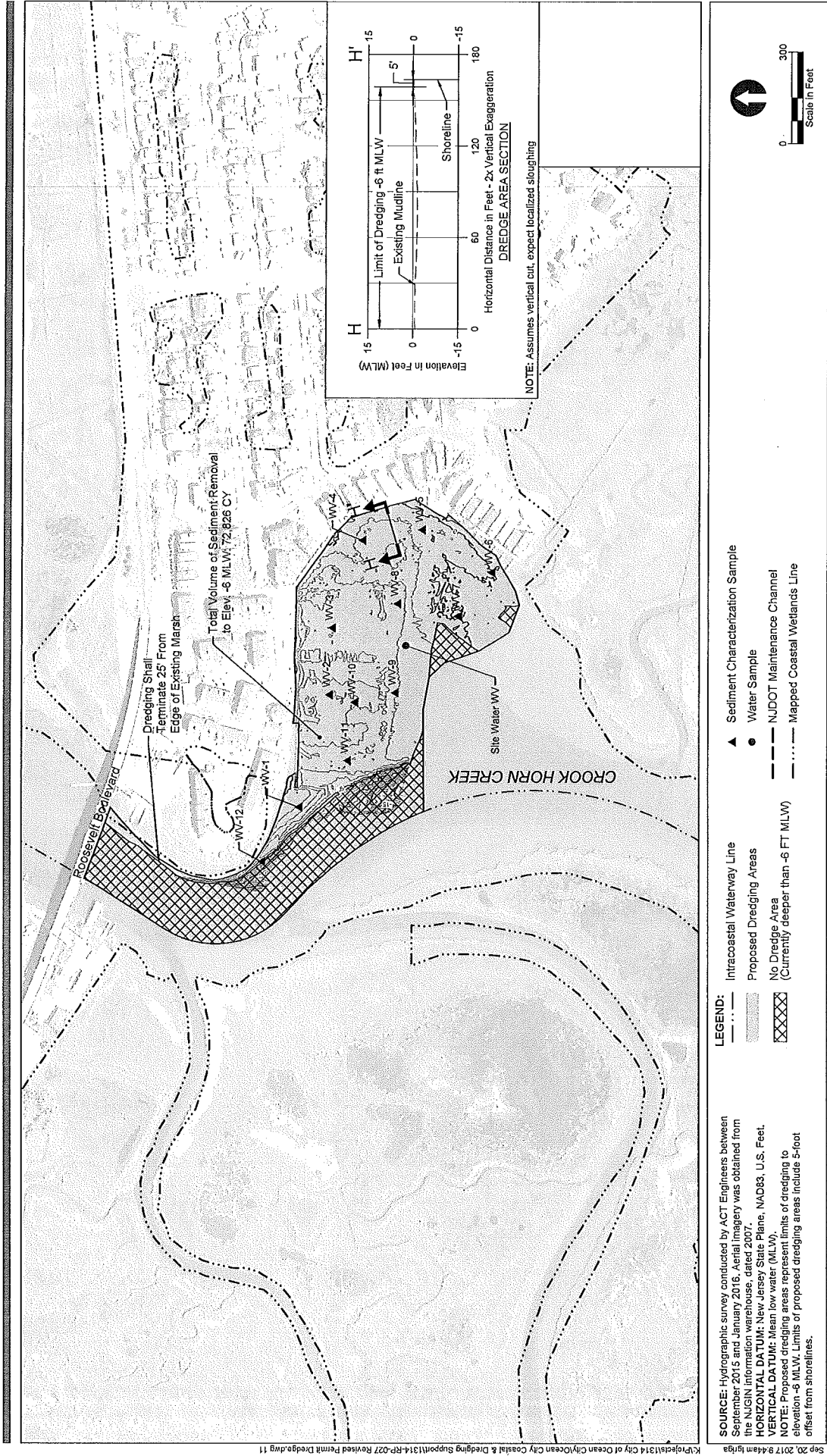


Figure 11
 Waterview
 Back Bay Dredging - Dredge Prism
 City of Ocean City, NJ

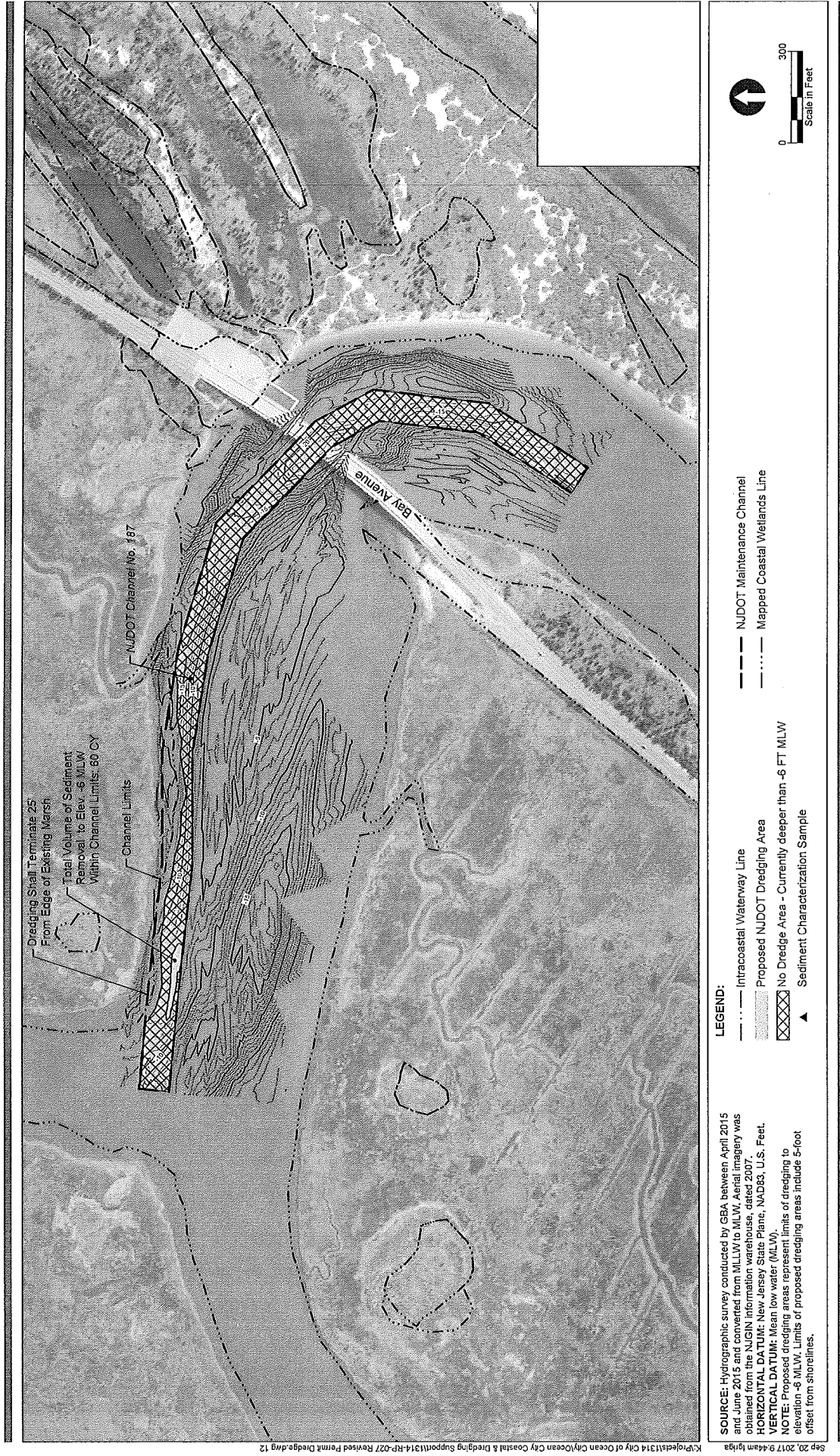
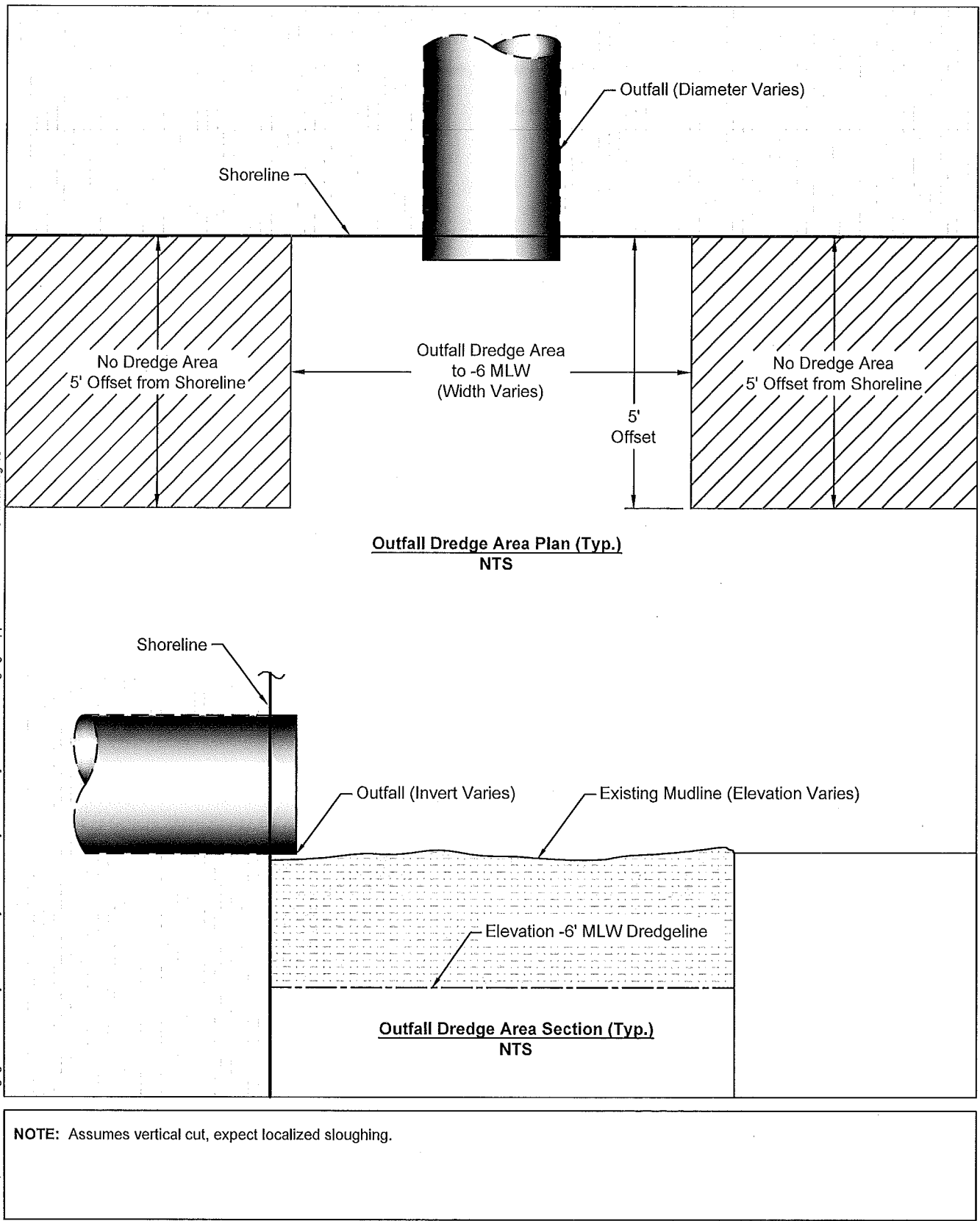


Figure 12
Corson's Inlet Ramp Channel NJDOT Maintenance Limits
Back Bay Dredging - Dredge Prism
City of Ocean City, NJ

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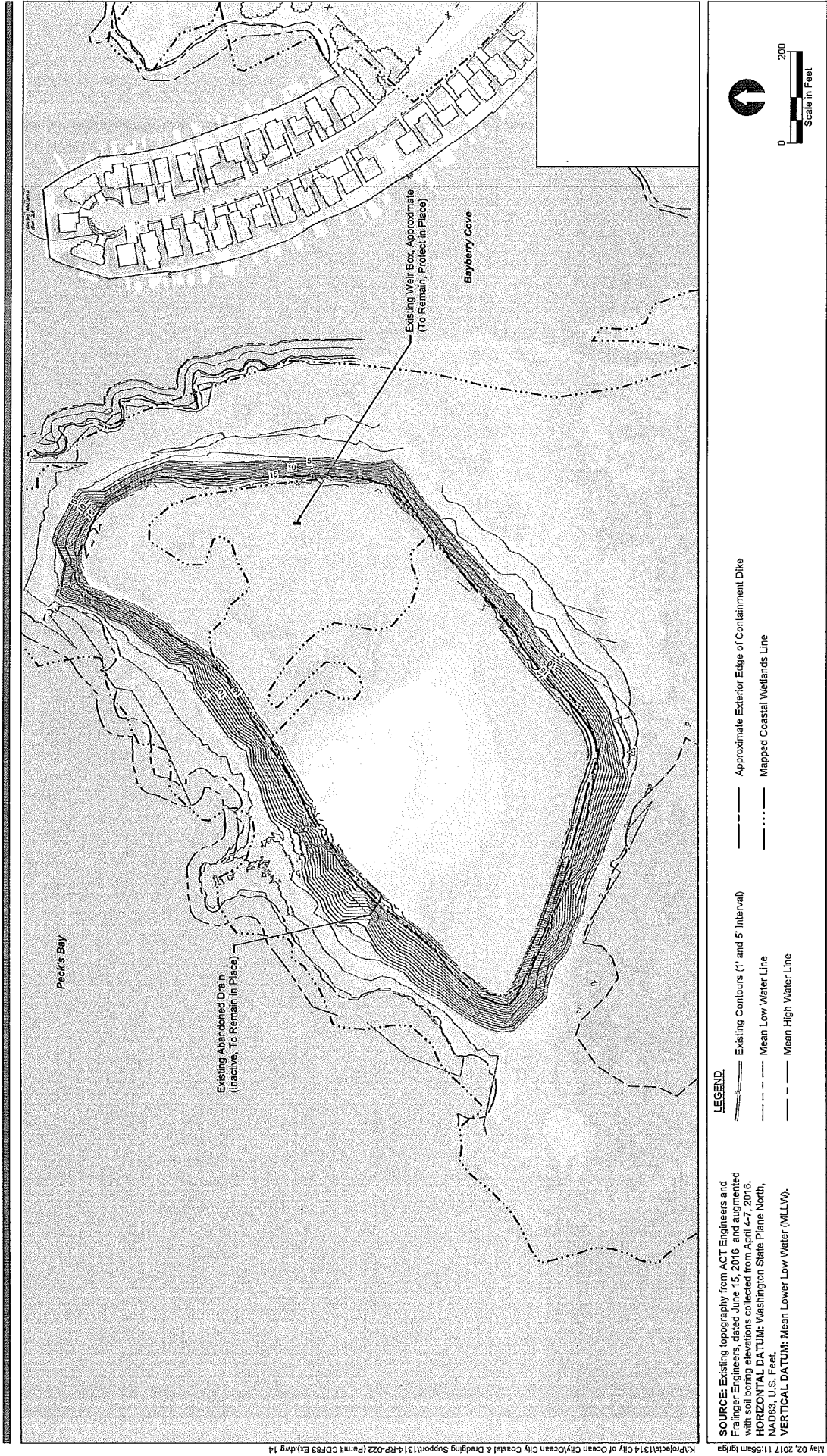


Figure 14
 Site 83 Confined Disposal Facility Site Overview
 Back Bay Dredging
 City of Ocean City, NJ

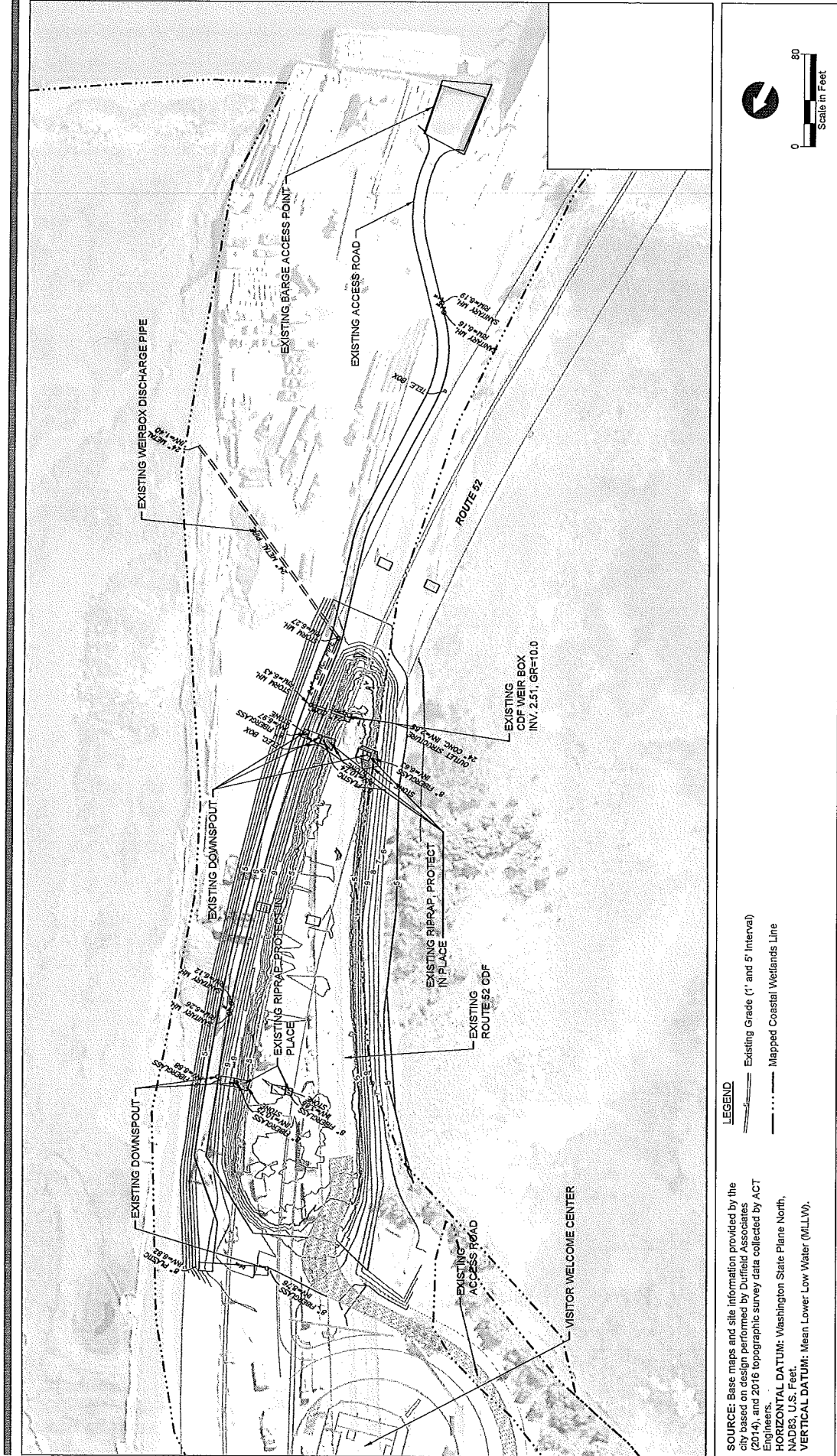
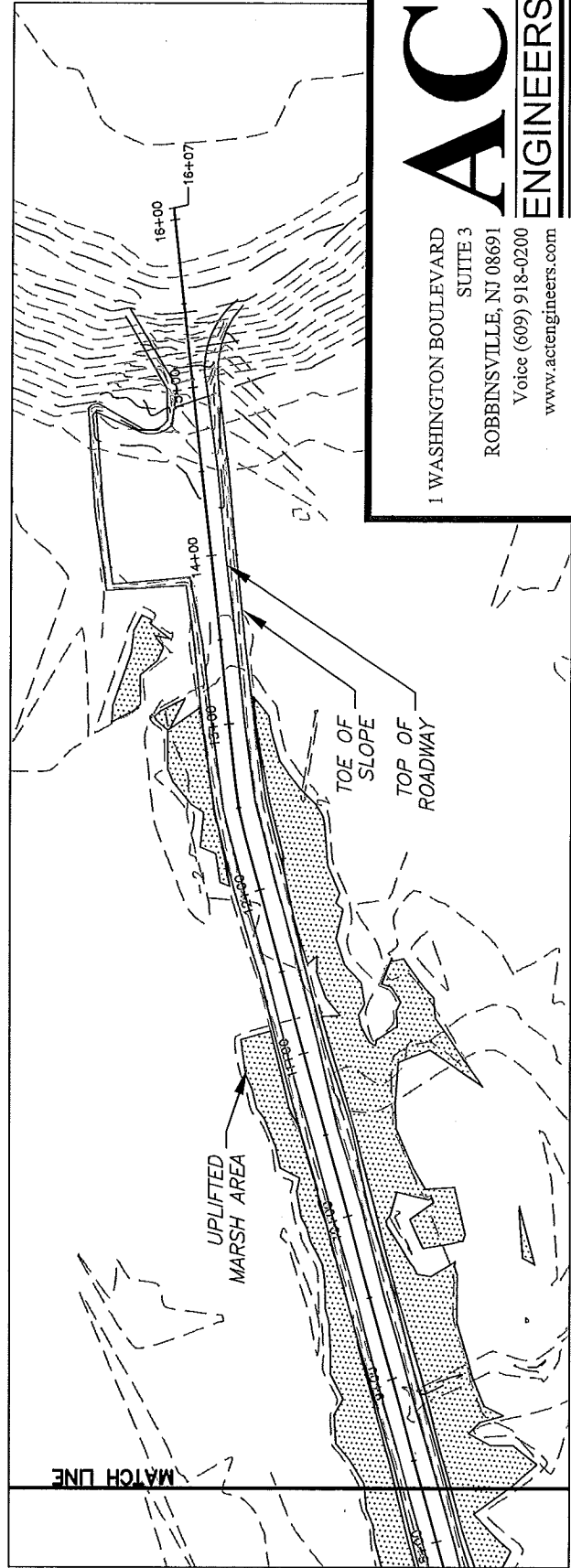
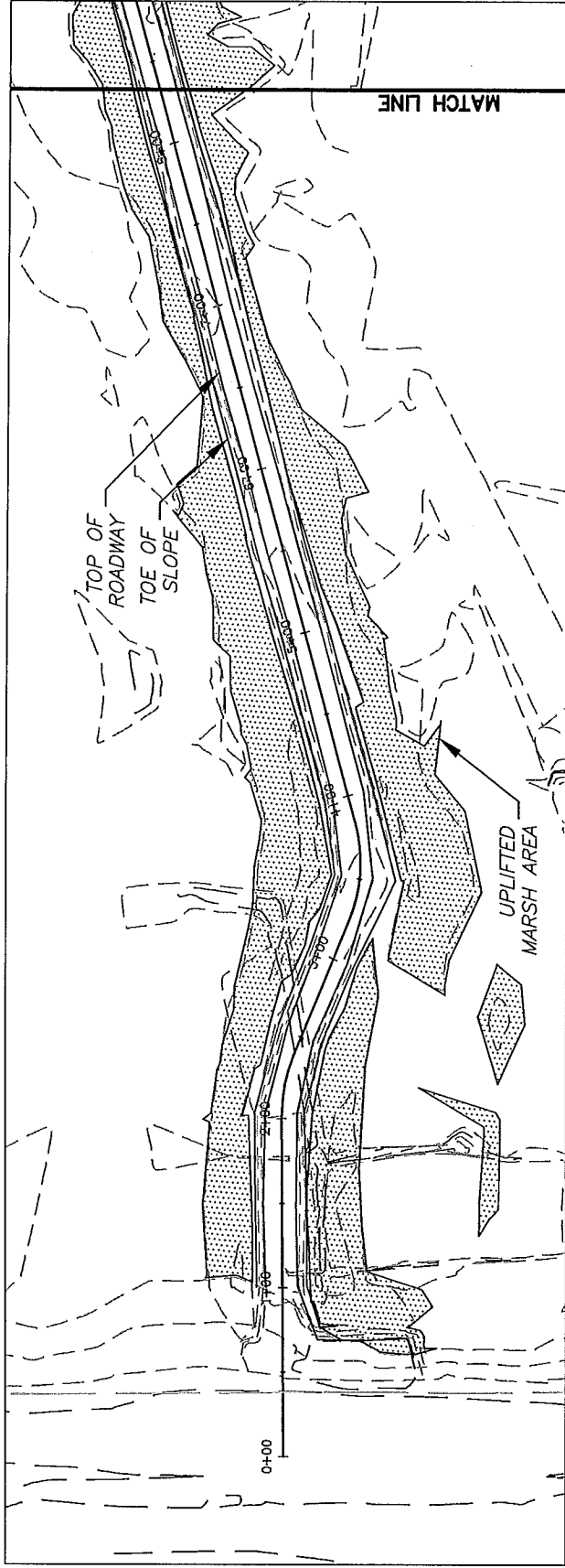


Figure 15
Route 52 Confined Disposal Facility Site Overview
Back Bay Dredging
City of Ocean City, NJ



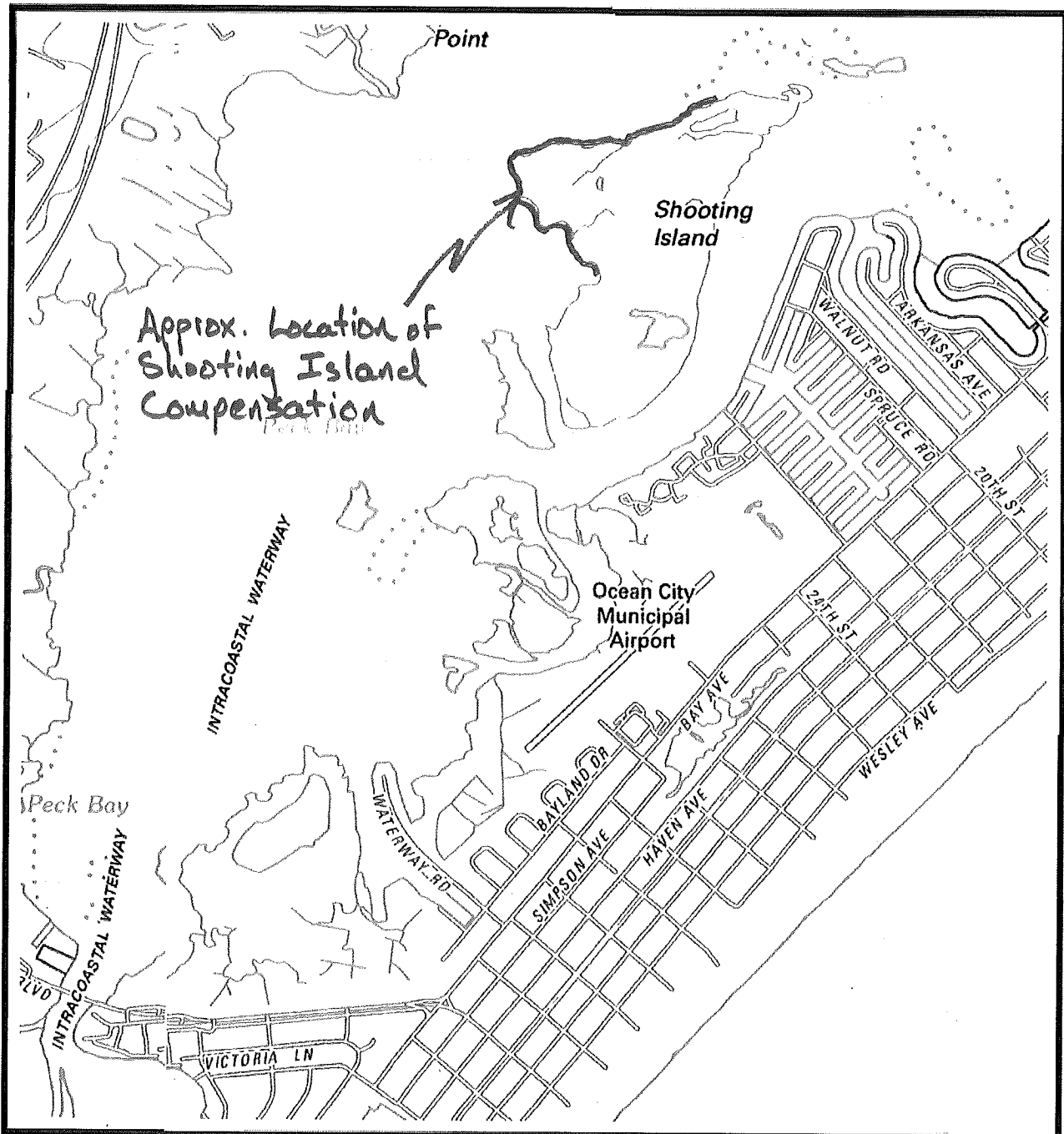
ACT

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CIVIL ENGINEERING □ LAND SURVEYING □ ENVIRONMENTAL PERMITTING
NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24GA27936900



SITE LOCATION MAP



Airport Islands

Ocean City Township
Cape May County, New Jersey

USGS Topographic Map

Ocean City and Marmora NJ Quadrangle, 2011

Scale 1:2,000

1 Washington Boulevard

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