



**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  
9508 Second Avenue  
Stone Harbor, New Jersey 08247

**AGENT:** COWI North America, Inc.  
35 Corporate Drive  
Trumbull, Connecticut 06611

**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 currently 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 applicant is proposing to add a third off-site disposal area: Gloucester City CBS and BP Arco Properties, located at the foot of Water Street, Block 120, Lots 1 and 2, Gloucester City, Camden County, New Jersey.

The permit currently includes authorization to place sand separated from dredged material on the ocean-front beach between 80<sup>th</sup> and 122<sup>nd</sup> Streets in the Borough of Stone Harbor.

**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. The permit was further modified on February 24, 2016, to authorize placement of sand (separated from the dredged material) on the Borough's ocean-front beach between 80<sup>th</sup> and 122<sup>nd</sup> Streets.

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. The permit expires December 31, 2025.

This permit authorizes dredging of up to 179,000 cubic yards from 61.58 acres of waterway for the initial dredging, which would occur over the first three years of the permit. An additional 212,500 cubic yards is authorized over the remaining life of the permit (i.e, until December 31, 2025), for a maximum allowable total volume of 391,500 cubic yards (from an area up to 115.72 acres in size).

The currently authorized dredging is by hydraulic (cutter-head pipeline) method, with a submerged pipeline along the east side of Great Channel. Pumping of dredged material is authorized via pipeline to the parking lot at the Borough's municipal marina, located between 80<sup>th</sup> and 82<sup>nd</sup> Streets, with dewatered material to be placed on trucks for transport to one of the two approved off-site locations for final disposal, as identified above. The material is currently authorized to 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. As part of this process, effluent from the geo-textile bags is 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 boat slip areas. Removal of this material is authorized to be mechanically relocated from the slip area into the basin area, where the hydraulic dredge removes the material along with the other material in the basin.

The permit authorizes 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 authorized footprint to be impacted on the beach is 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 authorized to be placed on the beach is 185,250 cubic yards (CY) with up to 111,250 CY below the HTL, again depending on available volume of sand. The Borough is authorized to place material in this manner for the initial dredging as authorized by the permit, and in future dredging events for the duration of the permit, which expires December 31, 2025.

**New Proposed Work (change in dredging method):**

No additional changes are being proposed to the authorized areas, extents, depths or volumes of dredging for the various basins. Furthermore, there are no proposed changes to the location of the authorized dewatering site and the two already-approved off-site locations for final disposal of dredged material or placement areas for separated sand on the beach. However, the permittee has requested authorization for a modified method of dredging and corresponding dewatering operation at the identified dewatering site (as described below).

The permittee is seeking authorization to switch from hydraulic dredging, with geotextile tube dewatering, to mechanical or bucket dredging, with transport of material by barge or scow, for the next phase of work. The permittee proposes to keep both options available for any future maintenance to be done under the life of the permit, which expires at the end of 2025.

Mechanical dredging was previously authorized only for boat slips, with relocation of that material into the main basin area, where the hydraulic dredge would remove this material along with the other material in the basin. The new proposed dredging operations would be mechanical for all material, using one or two excavator type dredges, depending upon equipment availability. The dredges would be fitted with a 2 CY to 5 CY clamshell buckets depending on the size of the machine used. A silt curtain would be attached to the dredge barge to enclose an area approximately 40x40' where dredging is taking place. It would move with the barge.

The dredge platform (i.e. a barge 50 feet by 80 feet) would consist of modular floats attached to one another to provide a stable working platform. The permittee plans to use four to six 100 CY scows to meet dredging production. The dredging barge would be accompanied by a 400 to 600 HP tender or tug boat for moving as work advances. This tug would also be used to transport barges from the dredge area to the offloading area at the Stone Harbor Municipal Marina (between 80<sup>th</sup> and 82<sup>nd</sup> Streets). The permittee anticipates having two of these tugs onsite for operations, and dredging approximately 900 to 1,200 CY per day. This would be 17 to 20 barge loads making round trips each day. If feasible, and if tidal currents allow, they would attempt to double tow the barges with one tug. This would cut the barge trips from 17-20 down to perhaps 9-10 per day making a round trip from the dredge to the marina and back to the dredge.

Transport of sediment barges or scows under the 96th Street Bridge is limited to 10 feet at high tide. The permittee anticipates using tugs with telescopic pilot houses or sized to fit under the structure. However, if appropriately sized tugs are not available, the bridge would need to be opened and closed to allow tugs to pass when transiting to and from the offloading pad. The permittee would minimize opening and closing of the bridge by using tandem tows if tidal currents are not too strong. The tug would transport the barges or scows to the unloading area located in the southwestern corner of the parking lot. Temporary fenders made of high density polyethylene (HDPE) pipe would be installed along south end of bulkhead. They would be attached to the existing piles using straps to hold the three rows of fenders in place. Each row will be approximately 120 feet long. A small trash pump would be used to decant the barge to 18,000 gallon frac tanks located in the parking lot. The water would be allowed to settle for approximately 24 hours before it is released to the North Basin.

Pad contact water and rain water would be removed from sump pits with a 1,000 GPM pump that would feed to a 20 CY geotextile tube in a roll off container. A polymer may be used to help promote dewatering in the geotextile tube bag filter prior to discharge to the North Basin. When the geotextile tube is full of sediment, the bag would be broken open inside the roll off container and a portland cement super sack would be added to the material. The material and portland

cement would be blended inside the roll off. Once mixing is complete, the material would be staged with the other dredged material for disposal. The geotextile tubes would not be used for the primary dewatering of dredged material. They would only be used for collected solids from the pad contact water. As previously authorized, the material would be loaded onto trucks for transport to one of the two previously approved off-site disposal locations or a new third proposed off-site disposal location: Gloucester City CBS and BP Arco Properties, located at the foot of Water Street, Block 120, Lots 1 and 2, Gloucester City, Camden County, New Jersey. This site was the subject of a prior Department of the Army authorization dated February 21, 2013 (Corps file CENAP-OP-R-2011-748-39). It is also the subject of a pending State of New Jersey Department of Environmental Protection approval (NJDEP file 0414-11-0002.3).

The proposed mechanical dredging is scheduled to take place between September 5 and March 31 in any season (beginning with the next proposed phase to start in September 2016). These dates may vary based on the Borough's needs and time restrictions. The permittee anticipates 97 work days Monday through Saturday. This schedule accounts for two Holidays (Thanksgiving and Christmas). Mobilization would begin early September and demobilization complete early January. Approximately 82,800 CY are remaining to dredge.

During Phase 1 of the Stone Harbor Maintenance Dredging project (fall 2015 through spring 2016), dredging of the North Basin and Stone Harbor Marina was completed (8,999 cubic yards dredged) and dredging of Shelter Haven was partially completed (5,951 cubic yards dredged to date). A shoal along the south side of the Shelter Haven entrance channel remains to be dredged.

The anticipated volume proposed to be dredged in the upcoming season (fall 2016 through spring 2017) is 82,800 CY under the Borough's current contract. The volume breakdown by area, of what was authorized by the permit for the initial round of dredging, what was actually dredged, and the currently proposed volumes, are listed as follows:

<u>Basin ID</u>	<u>Initial Auth. Vol. Incl. Slips (CY)</u>	<u>Volume Dredged 2015-16 (CY)</u>	<u>Proposed 2016-17 (CY)</u>
North Basin	26,400	8,999	0
South Basin	16,000	0	5,000
Snug Harbor	19,800	0	8,000
Shelter Haven	22,000	5,951	1,800
Stone Harbor	9,900	0	4,000
Pleasure Bay	13,800	0	11,000
Carnival Bay	17,600	0	20,000
Sanctuary Bay	16,500	0	13,000
Paradise Bay	11,000	0	9,000
Access Channel	11,000	0	7,000
Stone Harbor Hole	15,000	0	4,000
Total	179,000	14,950	82,000

The existing permit authorizes dredging to a depth of -6 feet MLLW (-6.16' MLW) with 2 feet of allowable over-dredge (-8.16' MLW). The contract specifications for the upcoming dredging event have limited the dredge depth to -6 feet MLLW with only 1 foot of allowable over depth (i.e. -7.16' MLW).

Mitigation Statement:

The discharge of return water from the dewatering facility is regulated under Section 404 of the Clean Water Act as a discharge of dredged material. As such, our original public notice included the following 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:

“Some dredged material will be mechanically relocated within waters of the United States to provide access to sediments above the project depth that cannot be reached with a hydraulic dredge plant. These relocations are temporary in nature. Impacts to the waters of the United States will be avoided and minimized as follows:

- › Only those areas that do not meet the authorized depth will be dredged. Within the slip dredging area, only those areas that are necessary to safely moor vessels will be dredged.
- › Sediments from the slip areas will be mechanically relocated to adjacent areas within the dredging project limits to provide access for the hydraulic dredge.
- › A turbidity curtain will be deployed around mechanical relocation activities, the dewatering discharge area, and elsewhere as appropriate to prevent the discharge of sediment beyond the project.
- › Effluent water from the dewatering process shall be discharged to the project area. The discharge location will be surrounded by a turbidity curtain.
- › Wetland vegetation will not be dredged. Maintenance dredging side slopes shall not be steeper than 3:1 adjacent to wetlands to prevent undermining and/or sloughing of the wetlands.
- › Dredging of intertidal and subtidal shallows (meaning all permanently or temporarily submerged areas from the high tide line to a depth of four feet below MLW) will be avoided and minimized to the maximum extent possible. Dredging shall only occur in those areas to restore previously authorized water depths necessary for safe navigation in the basin areas and mooring of vessels in slips areas.

This proposed maintenance dredging continues the authorized use of the coastal waters around the Borough of Stone Harbor. These areas represent a portion of the navigable waters within the Borough that are maintained for use by the Borough and its residents. No new work dredging is being proposed. In light of these commitments, the impacts associated with maintenance dredging navigable waterways around Stone Harbor, NJ 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.”

With the addition of sand placement (from the sand separation process) below the high tide line on the beach (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.”

No additional discharges of dredged or fill material are proposed from the requested permit modification, besides the modification to the dewatering operation, which would still result in a discharge of return water. However there would be a reduction in volume of return water for the mechanical dredging operation as opposed to the hydraulic dredging option.

**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 placement of separated sand on the beach 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. This office has determined that the proposed modification of dredging method, including transport, off-loading and dewatering, is not likely to adversely affect the above listed species. We have requested re-initiation of Section 7 consultation with NMFS regarding this determination. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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) would not affect any federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service. Our subsequent public notice dated January 19, 2016, which described placement of separated sand on the Borough's ocean-front beach, included our determination 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). With the inclusion of permit conditions, the Service concurred with our determination in a letter dated February 16, 2016, and subsequent correspondence via electronic mail. This office has determined that the proposed changes to dredging methodology would not affect our prior Section 7 consultation with the U.S. Fish and Wildlife Service, and no additional Section 7 consultation is required with that agency. As the evaluation of this proposal 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.

This office has previously consulted with the State of New Jersey, Historic Preservation Office (NJ-HPO) with regard to underwater "targets" in the project area. The permittee's cultural resources consultant performed an investigation of the areas in question, and submitted a report to this office and to NJ-HPO. Based on the investigation and our consultation with NJ-HPO, we determined that the proposed dredging would not affect any properties listed on, or eligible for listing on, the National Register of Historic Places. As such, compliance with Section 106 of the National Historic Preservation Act has been completed for this permit, and the proposed modification of dredging methodology does not affect our determination.

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. We also previously determined that the proposed placement of separated sand on the beach would not change our original determination that impacts to managed species resulting from the project would not be more than minimal.

Since the only proposed change to the authorized dredging is the dredging method, 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. 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.

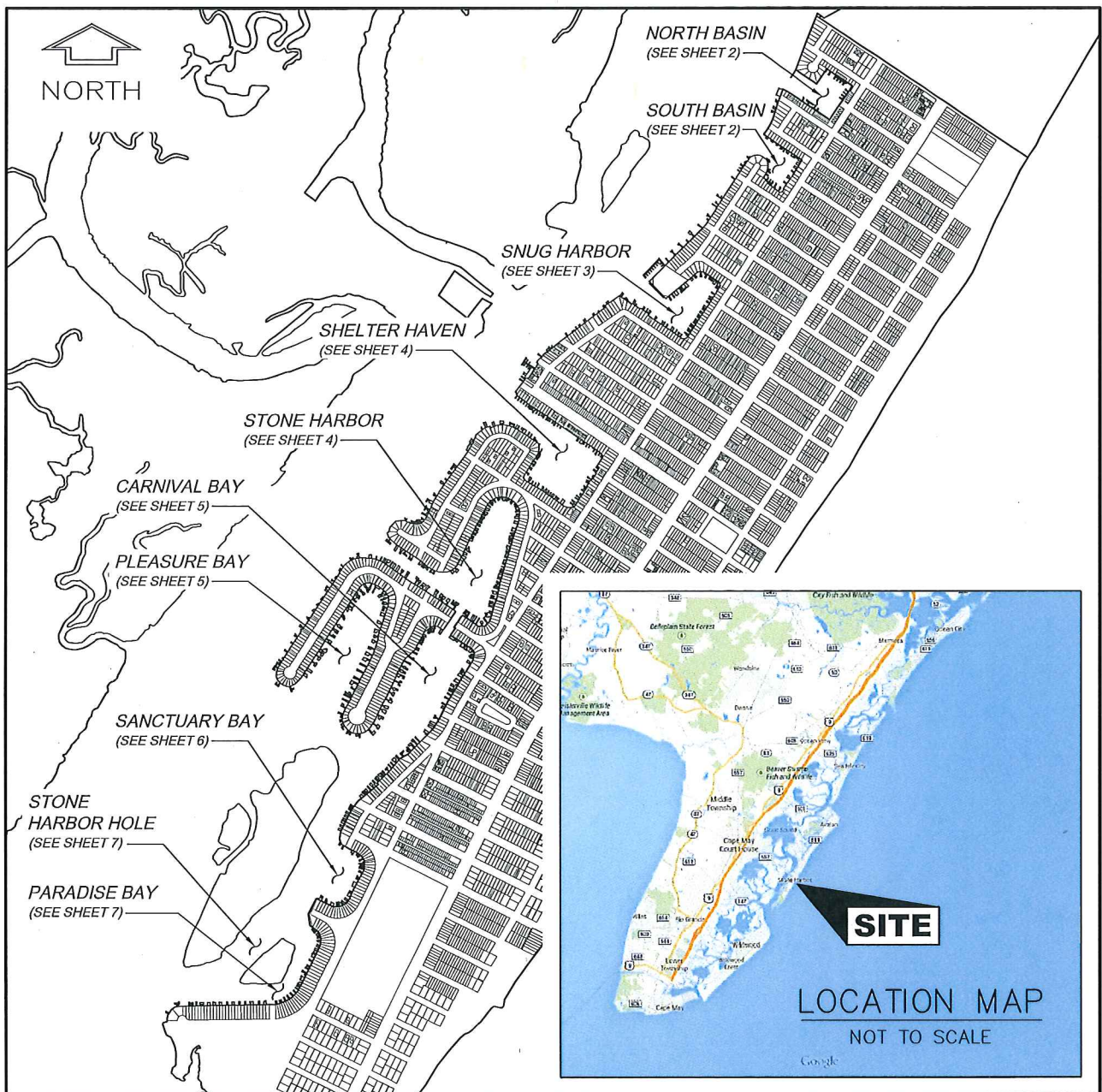
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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.

Edward E. Bonner  
Chief, Regulatory Branch



### VICINITY MAP

0 2000 4000 FT.



SCALE 1"=2000'-0"

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 1 4/6/15

PURPOSE: MAINTENANCE DREDGING

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:  
SEE APPLICATION

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

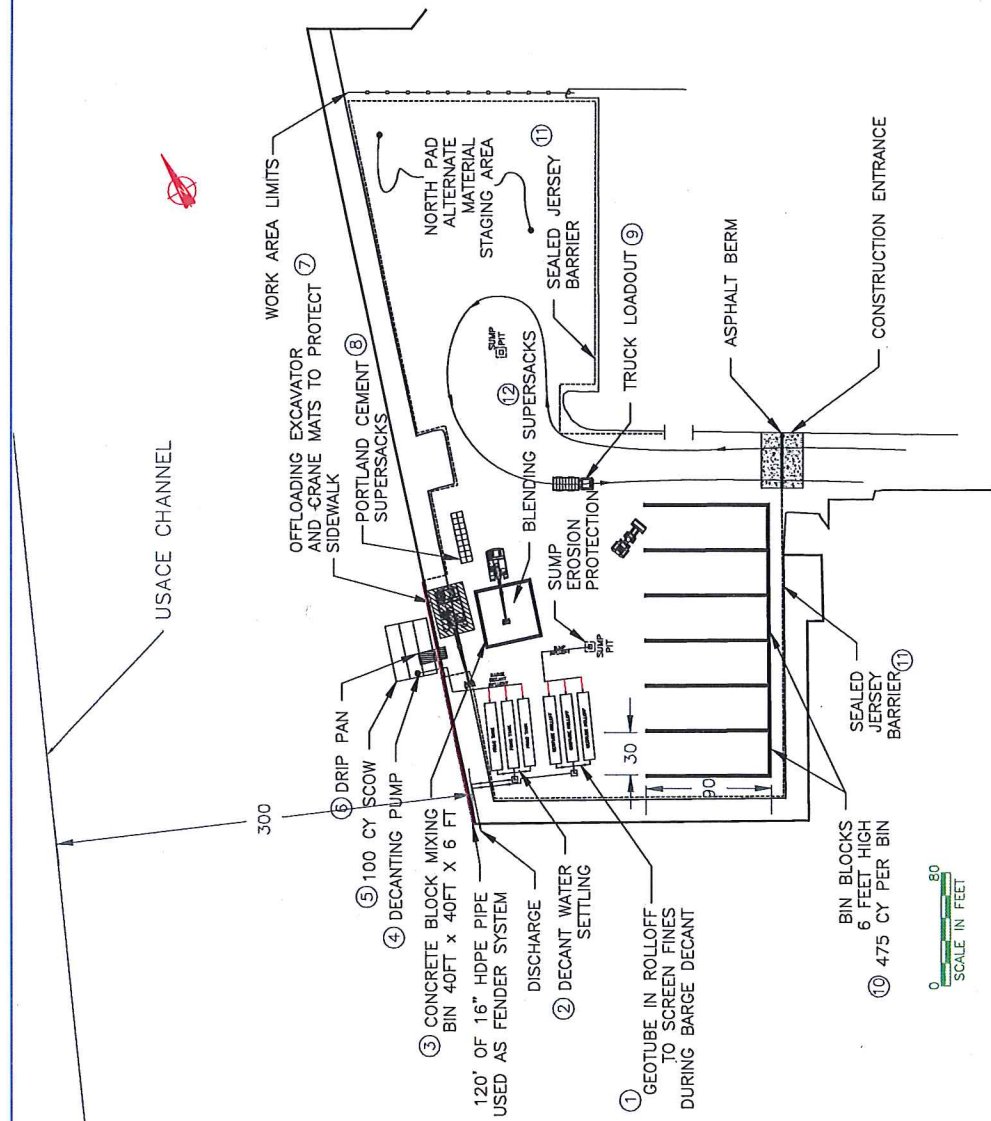
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED MAINTENANCE DREDGING  
AT STONE HARBOR LAGOONS  
ALONG THE GREAT CHANNEL WATERWAY  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY  
APPLICATION BY: STONE HARBOR

DATE: 1/29/15

SHEET 1 OF 9





USACE CHANNEL

300

WORK AREA LIMITS

OFFLOADING EXCAVATOR AND CRANE MATS TO PROTECT SIDEWALK

⑥ DRIP PAN

⑤ 100 CY SCOW

④ DECANTING PUMP

③ CONCRETE BLOCK MIXING BIN 40FT x 40FT x 6 FT

120' OF 16" HDPE PIPE USED AS FENDER DECANT

DISCHARGE

② DECANT WATER SETTLING

① GEOTUBE IN ROLLOFF TO SCREEN FINES DURING BARGE DECANT

BLENDING SUPERSACKS

⑫ SUMP EROSION PROTECTION

TRUCK LOADOUT

ASPHALT BERM

CONSTRUCTION ENTRANCE

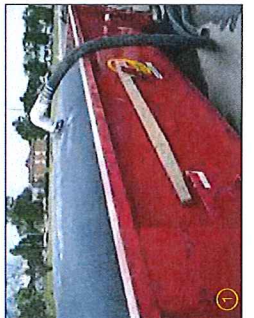
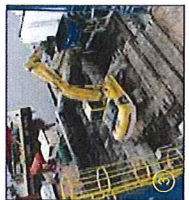
SEALED JERSEY BARRIER

⑩ 475 CY PER BIN

0 80 SCALE IN FEET

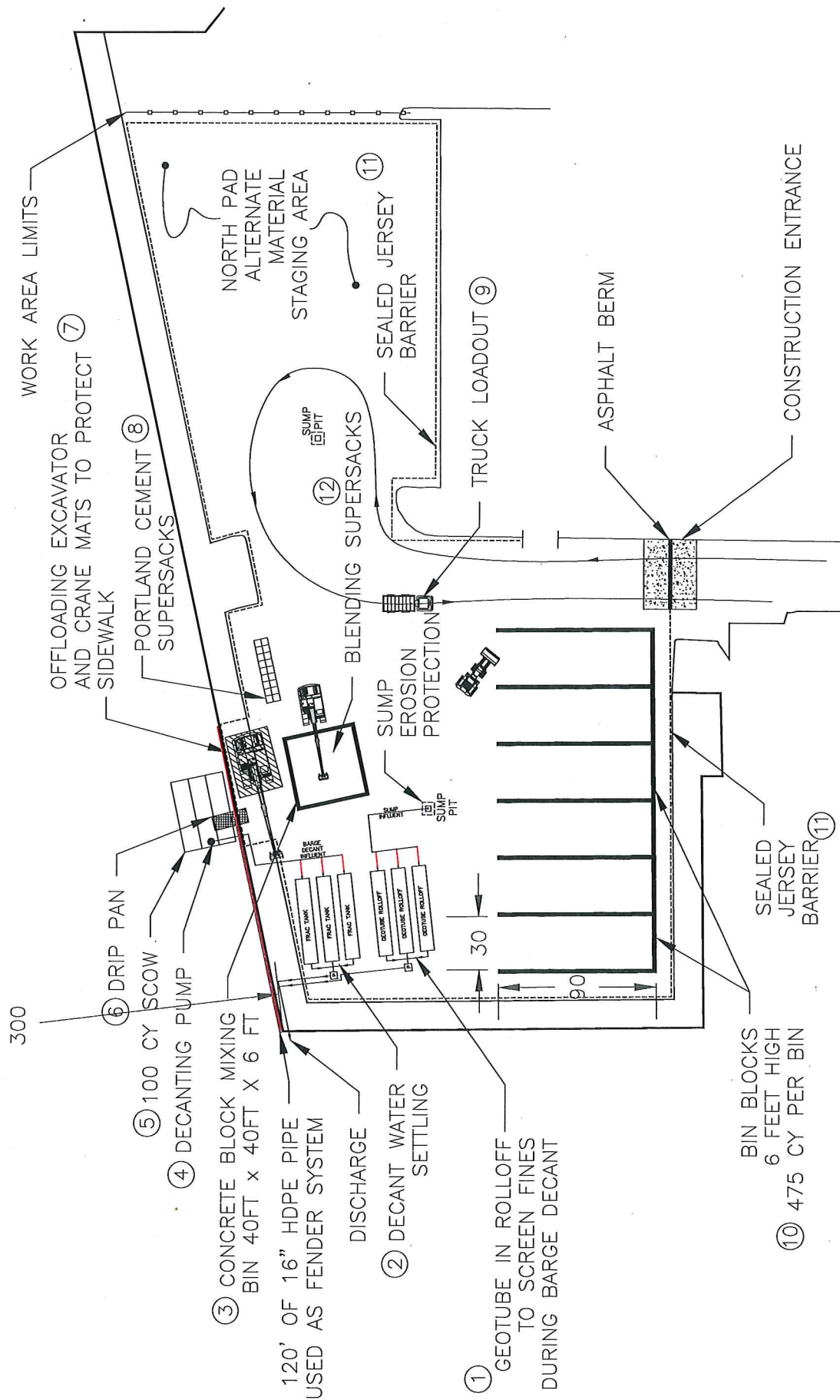


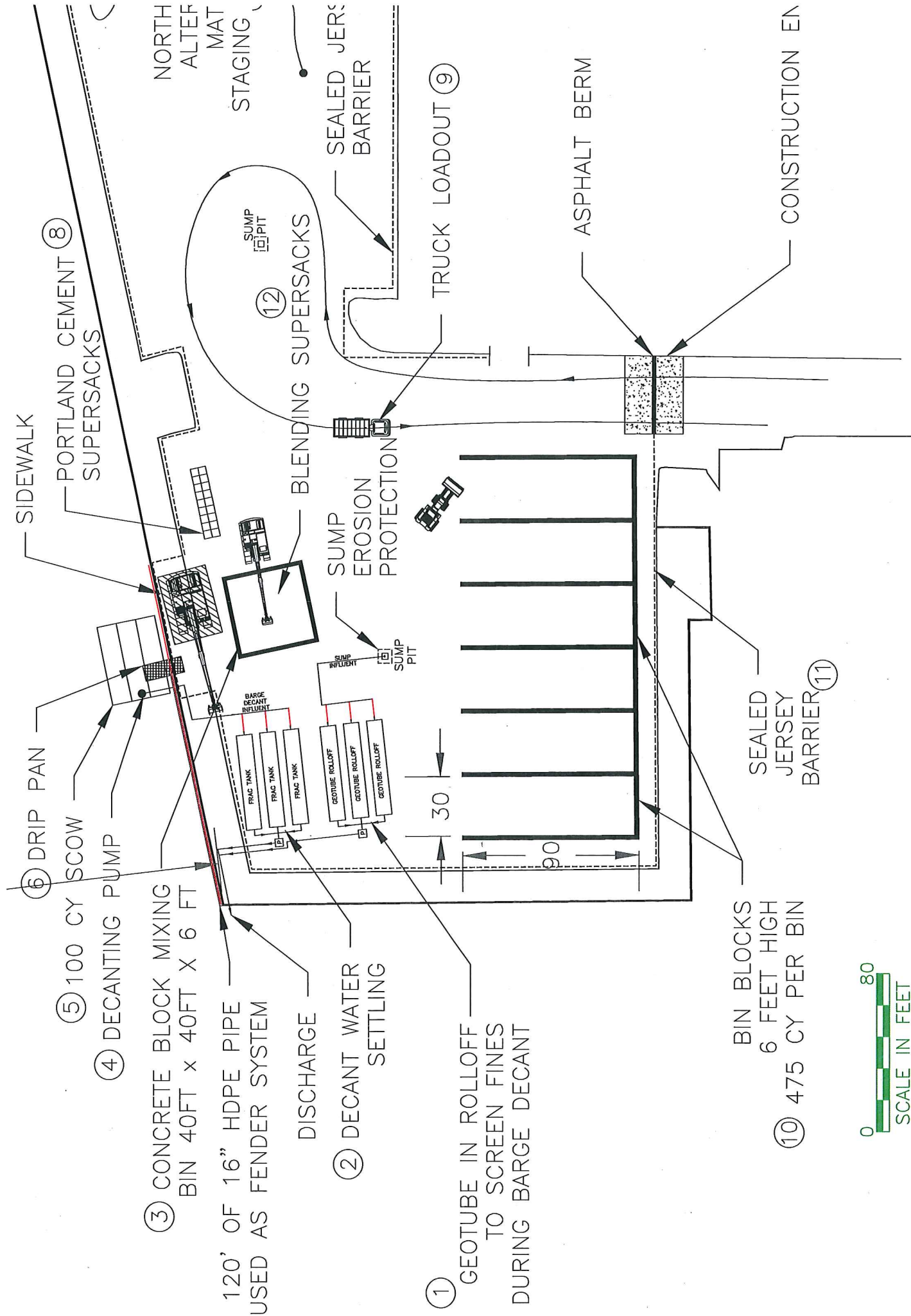
DEWATER AREA

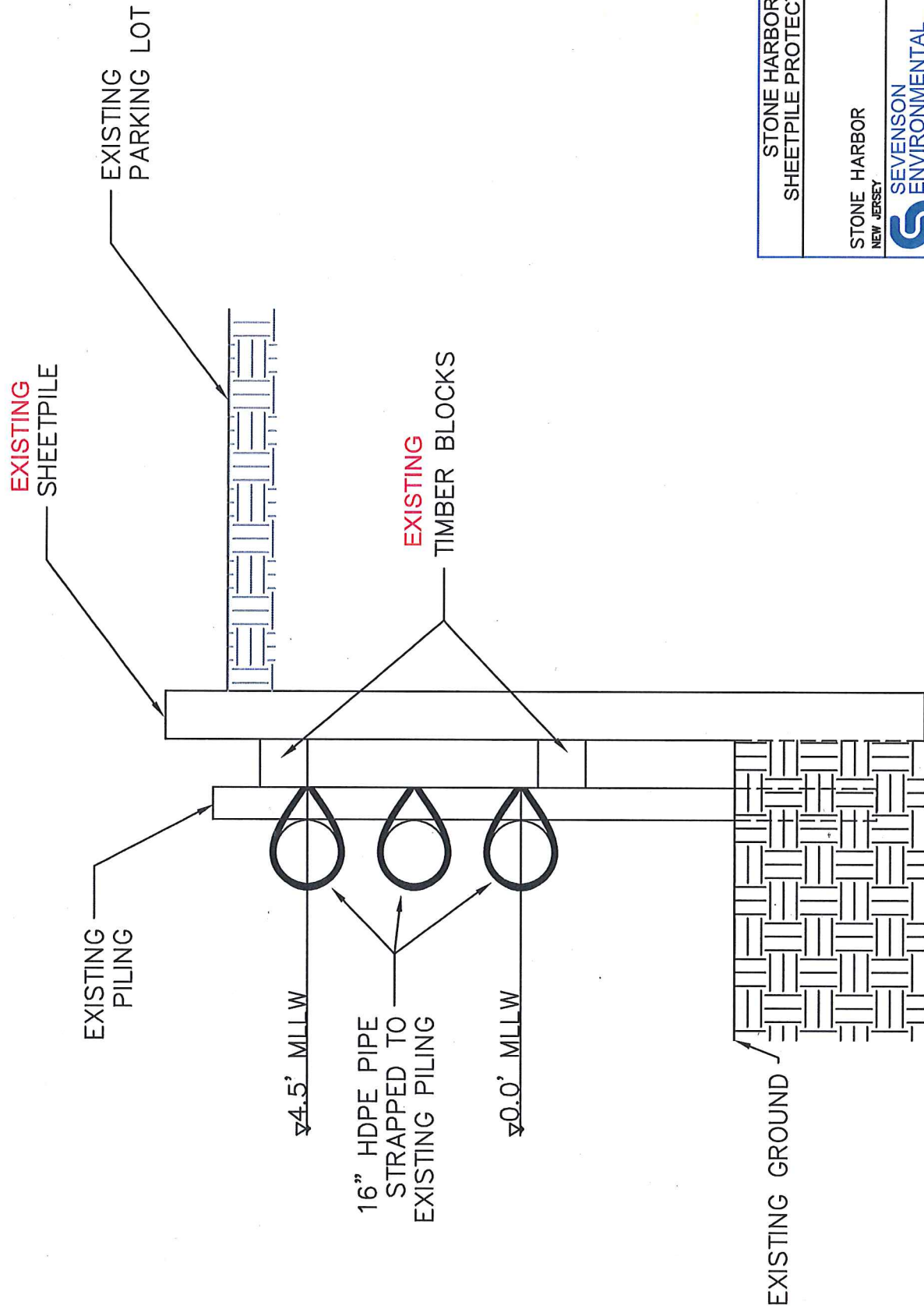


STONE HARBOR NEW JERSEY
SITE LAYOUT YEAR 2
SEVENSON ENVIRONMENTAL ENGINEERING, INC.
DRAWING NO. 2018-03-01
DATE: 03/01/18
BY: JTB
CHECKED: JTB
SCALE: AS SHOWN
1
1

USACE CHANNEL







STONE HARBOR  
SHEETPILE PROTECTION

STONE HARBOR  
NEW JERSEY

**SEVENSON**  
ENVIRONMENTAL  
SERVICES, INC.

DRAWING	DATE:	8-3-16
<b>1A</b>	DRAWN BY:	RPK
	CHECKED BY:	
	CAD FILE:	STONE HARBOR SHEET PILE PROTECTION
SCALE:		NTS