



**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-2019-148-97	May 8, 2019

Application No.	File No.
State Programmatic General Permit - 19	

In Reply Refer to:
REGULATORY BRANCH

Reference is made to Department of the Army New Jersey State Programmatic General Permit-19 (SPGP-19), initially issued on March 23, 1984, authorizing certain existing and proposed piers, docks, mooring piles, boat lifts, breakwaters, and the replacement of existing serviceable bulkhead structures in navigable waters of the United States in the State of New Jersey. This General Permit is applicable to the appropriate navigable waters located within the geographic boundaries of both the Philadelphia District and the New York District of the Corps of Engineers.

Notice is hereby given that the United States Army Corps of Engineers, Philadelphia District, proposes to reissue the above referenced Department of the Army General Permit. This General Permit, CENAP-OP-R-SPGP-19, was previously reissued on December 30, 1999, modified on January 2, 2002, reissued on December 31, 2004, December 31, 2009 and December 31, 2014. The current SPGP-19 expires on December 31, 2019.

General permits are developed for certain clearly described categories of structures or work that require Department of the Army permits. Such activities are considered for authorization by general permits because they are substantially similar in nature, they cause no significant adverse cumulative effects and they are non-controversial activities.

This General Permit has been developed for certain clearly described categories of minor projects involving structures that require Department of the Army and State of New Jersey authorizations. Typical activities authorized by this general permit include existing and proposed piers, docks, mooring piles, boat lifts, breakwaters and the replacement of existing serviceable bulkhead structures in navigable waters of the United States in the State of New Jersey. The reissuance and extension of this General Permit is being coordinated with other interested Federal agencies, the State of New Jersey and the general public.

The proposed reissuance of SPGP-19 includes several minor clarifications, format changes and overall reorganization of the permit. The Terms of Authorization section has been removed and incorporated in either the Project Description or Special Conditions for the General Permit. Additionally, the document has been reorganized to group certain activities to improve readability.

Previous restrictions have been removed, including 1) the limitation of the General Permit to non-commercial projects, 2) the need for in-place replacement of bulkhead in shellfish habitat, 3) the requirement of use of boatlifts, where practicable, in shellfish habitat, and 4) the need for the use of non-polluting/alternative materials in shellfish habitat. Additionally, it has been specified that 1) the existing winter flounder seasonal restriction on dredging applies only to areas north of the Absecon Inlet, and 2) commencement and completion forms may now be submitted electronically in addition to traditional mail. For purposes of clarification, a Definition of Terms section has been included. A sample of the proposed SPGP-19 Project Description and Special Conditions is attached.

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 the proposed reissuance and extension of this General Permit. Any comments received will be considered by the Corps of Engineers to determine whether or not to modify this general permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and 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.

The decision whether to reissue this general 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, consideration of property rights and, in general, the needs and welfare of the people. The Department of the Army General Permit will be reissued unless the District Engineer determines that it would be contrary to the public interest.

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 General Permit reissuance.

No activity would be authorized by General Permit SPGP-19 which is likely to jeopardize the continued existence of a threatened or endangered species as listed or proposed for listing under the Federal Endangered Species Act (ESA), or to destroy or adversely modify the critical habitat of such species. Consultation with NOAA, National Marine Fisheries has been completed for the previous 2014 SPGP-19 reissuance. On December 3, 2014, this office received concurrence that the activities authorized by the General Permit were not likely to adversely affect listed species under their jurisdiction. This office has determined that no new stressors that were not considered during the previous consultation are anticipated. In accordance with 50 CFR §402.16, re-initiation of consultation is not necessary. Furthermore, this office has determined that the reissuance of this general permit would have no effect on listed species under the jurisdiction of the US Fish and Wildlife Service. Therefore, consultation per the Endangered Species Act has been satisfied.

No activity would be authorized by General Permit SPGP-19 which may affect properties listed or properties eligible for listing in the National Register of Historic Places without complying with Section 106 of the National Historic Preservation Act. Special Condition 17 addresses Section 106 of the National Historic Preservation Act (NHPA), and although the majority of the proposed permit actions are of limited nature and scope, it is the responsibility of the permittee to notify the USACE if the proposed action may impact a historic property eligible for or listed on the National Register of Historic Places (NRHP).

This General Permit will expire on December 31, 2024. At that time, this General Permit may be reissued/extended. In the event that this General Permit is reissued, any activity which has been authorized under the terms and conditions of this General Permit will remain authorized until such time that the required State permit/authorization issued with the General Permit expires, provided the authorized activity complies with any subsequent re-authorization or modification of this General Permit.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate will be necessary for those activities involving a discharge of dredged or fill material into waters of the United States. The State of New Jersey upon receipt of a permit application under this General Permit will determine the need for a Section 401 Water Quality Certificate. A separate permit application will not be required for this certification procedure. Any comments concerning this General Permit which relate to Water Quality considerations should be sent to this office, with a copy to the New Jersey Department of Environmental Protection, Division of Land Use Regulation, Bureau of Coastal Regulation, Mail Code 501-02A P.O. Box 420, Trenton, New Jersey 08625-0420.

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.

Comments on the work described above, should be submitted, in writing, within 30 days by mail to the above address. Should you have any questions regarding this notice, you may call Regulatory Project Manager, Ms. Kendall Miller, of this office at (215) 656-5873.

The processing of this Department of the Army General Permit reissuance and extension is under the statutory authority of Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act.

Edward E. Bonner
Chief, Regulatory Branch