



**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-2019-148-97	Date December 31, 2019
Application No. State Programmatic General Permit - 19	File No.
In Reply Refer to: REGULATORY BRANCH	

Reference is made to Public Notice CENAP-OP-R-2019-148-97 dated May 8, 2019 proposing the reissuance of New Jersey State Programmatic General Permit 19 (SPGP-19). This general permit authorizes the construction of proposed and maintenance of existing piers, docks, gangway/ramps, stairs/ladders, mooring piles, boat lifts, breakwaters, the replacement of existing serviceable bulkheads, and minor maintenance dredging of mooring slips under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403). This general permit also authorizes the discharge of fill material between existing and proposed bulkheads under Section 404 of the Clean Water Act (33 U.S.C. 1344), and legalization of previously existing structures provided the structures/fill meet all conditions of this permit. This general permit is applicable to the navigable waters within the State of New Jersey. This general permit is located within the geographic boundaries of both the Philadelphia District and the New York District of the U.S. Army Corps of Engineers.

After a complete review of our file and full consideration of the comments and recommendations received in response to the above referenced public notice, the revalidation and extension of SPGP-19 was issued on December 31, 2019. Our review has determined that several of modifications proposed in the May 8, 2019 public notice would not be included in the final general permit. This includes allowing the use of the general permit for commercial purposes. Additionally, it has been determined that this office will not remove, at this time, the requirement to use alternative material (previously referred to as non-polluting material) in shellfish habitat; the requirement for in-place replacement of bulkheads in shellfish or submerged aquatic vegetation habitat; or the requirement to use boatlifts in shellfish habitat, where practicable.

Any person who wishes to perform work under the terms and conditions of this general permit need only apply to the New Jersey Department of Environmental Protection (NJDEP), Division of Land Use Regulation, Bureau of Coastal Regulation, Mail Code 501-02A P.O. Box 420, Trenton, New Jersey 08625-0420. If the State determines the proposed work conforms to this general permit, any Waterfront Development permit and/or Wetlands permit issued by the New Jersey Department of Environmental Protection, Division of Land Use Regulation, Bureau of Coastal Regulation, would also include the approval by this office (SPGP-19). Furthermore, all existing or proposed structures, work or fill in navigable waters of the United States will not be considered approved by this general permit unless prior review and approval has been completed by the State. In the event that the State is unable to conclude that proposed work complies with this general permit, this office may review the proposed project for approval under this general permit, or conclude that the proposed work must be reviewed under a different federal permit. No work under the general permit shall commence until verification is received by the NJDEP or the U.S. Army Corps of Engineers.

This general permit has been reissued for a period of five (5) years. It expires on December 31, 2024. At that time, an assessment of the cumulative impacts of this general permit will be done to determine if the general permit should be reissued. This reissued general permit includes major formatting changes, including the condensing of previous Terms of Authorization into Special Conditions, as well as minor clarifications and rewording. A copy of the general permit is attached to this notice.

The following is a summary of the important conditions added, conditions removed, and clarifications made to this general permit and are applicable as of December 31, 2019:

1. All floating structures (such as docks and personal watercraft platforms) shall be constructed as to rest at least two (2) feet above the waterway floor at all times. This may be accomplished with the use of chocks, stoppers or other devices where necessary.
2. To satisfy plank spacing requirements for piers/docks, the use of light-transmitting materials such as grated or latticed decking that are designed for the passage of light through the open spaces may also be used, provided the total open space is equal to or greater than that of plank spacing.
3. All piles greater than 12 inches in diameter and steel pipe piles or steel sheet piles are not authorized by this general permit unless you have received written verification from the U.S. Army Corps of Engineers.
4. This general permit now specifies that it does not authorize activities in designated critical habitat.
5. The previous condition requiring the use of *non-polluting* material now refers to *alternative* material.
6. This general permit no longer requires the use of alternative materials in submerged aquatic vegetation habitat; alternative materials are required in shellfish habitat.
7. The seasonal restriction for dredging in winter flounder habitat does not apply south of the Atlantic City Expressway within Atlantic and Cape May Counties.
8. It is no longer required that the NJDEP consult with the National Marine Fisheries Service (NMFS) on all projects in shellfish habitat.
9. Notification of Commencement and Completion Forms may be submitted to this office by e-mail at NAPREGULATORY@usace.army.mil.
10. All definitions were added to a Definitions of Terms section and definitions for mooring space, finger pier, mudflat and wetland were added to this general permit.
11. Clarified that personal watercraft platforms are considered a mooring space; and clarified that all structures, including personal watercraft platforms, shall be limited to a maximum width of eight feet.
12. No longer prohibits the use of dredge material as fill between new and existing bulkheads.

Any questions concerning this general permit should be addressed in writing to the Philadelphia District Office at the address on the letterhead of this notice, or by e-mail at NAPREGULATORY@usace.army.mil.

Edward E. Bonner
Chief, Regulatory Branch

Attachment