

Appendix F

ESA Section 7 Consultation (USFWS)



United States Department of the Interior
FISH AND WILDLIFE SERVICE

New Jersey Field Office
4 East Jimmie Leeds Road, Unit 4
Galloway, New Jersey 08205
Tel: 609-646-9310

<http://www.fws.gov/northeast/njfieldoffice>



In reply refer to: 18-CPA-0110

To: Edward E. Bonner, Chief
Regulatory Branch, Philadelphia District
U.S. Army Corps of Engineers
Philadelphia, Pennsylvania 19107-3390
Fax #: (215) 656-6724
ATTN: Dr. James Boyer

FEB 12 2018

Application No.: CENAP-OP-R-2015-1060

Applicant: City of Somers Point

Location: Higbee Marina (Ship Channel) and Patcong Creek (beneficial reuse of material)
Atlantic County, New Jersey

Dear Mr. Bonner:

The U.S. Fish and Wildlife Service (Service) has reviewed the subject permit application and is providing the following comments under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA).

☒ The Service has determined that there are no federally listed species within or nearby the project areas; therefore, the project will have no adverse effects pursuant to the ESA. Compliance with Section 106 of the National Historical Preservation Act will be provided separately by the staff of Ms. Colleen Sculley at our Regional Office in Hadley, Massachusetts. The Service's New Jersey Field Office has no objection to issuance of a Department of the Army permit.

— The Service will concur with the comments and recommendations provided by the National Marine Fisheries Service (NMFS) and will have no objection to issuance of a Department of the Army permit for the proposed project, provided that all special conditions recommended by the NMFS are incorporated.

Reviewing Biologist:

Assistant Supervisor:



**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-2015-1060-24	Date FEB 02 2018
Application No.	File No.
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 Somers Point
1 West New Jersey Avenue
Somers Point, New Jersey 08244

AGENT: Mott Associates, LLC
3122 Fire Road
Egg Harbor Township, New Jersey 08234

WATERWAY: Ship Channel (marina) and Patcong Creek (reuse of dredged material)

LOCATION:

Marina (docks/dredging): Decimal Latitude: 39.311358° N; Longitude: -74.592378°
Beneficial Reuse (west end): Decimal Latitude: 39.316000° N; Longitude: -74.628042°
(east end): Decimal Latitude: 39.314980° N; Longitude: -74.622846°

The proposed site of the docks and dredging project is the Higbee Marina, owned by the City of Somers Point. It is located in and along Ship Channel, approximately 2,000 feet northeast of the Route 52 bridge, at 198 Higbee Avenue, Block 1612, Lots 2 and 2.01, in the City of Somers Point, Atlantic County, New Jersey.

The proposed site for beneficial reuse of dredged material is situated along the north side of Somers Point – Mays Landing Road (County Road 559), between the Patcong Creek bridge on the west, and the Garden State Parkway on the east. This location is also within the City of Somers Point.

ACTIVITY:

The applicant proposes to upgrade a marina facility by removing dock structures, constructing new docks, and performing dredging. There is an existing "U-shaped" dock arrangement, which will be removed. That includes the following structures: a) 225x5' and 133x5' docks perpendicular to shore; b) 18x30' (with building) and 37x5' docks parallel to shore; and c) 96 existing pilings. In their place, the applicant would construct the following new structures:

72x6' fixed dock perpendicular to shore
18x30' (with building) and 13x6' fixed docks parallel to shore
130x6' and 214x6' floating docks perpendicular to shore
Seven (7) dock "fingers": five 25x3'; one 20x8'; one 25x6'.
48 new pilings

The project site contains mapped shellfish habitat. As noted on the applicant's project plans, "All structures to be made of non-polluting materials." There would be a total of 22 boat slips. Two would be designated for a water taxi and a fishing excursion boat. The remainder would be for transient boaters.

Dredging would be by mechanical (bucket) method. A maximum total of 6,896 cubic yards (CY) of material would be dredged from a maximum area of approximately 0.9 acre, to a maximum depth of six (6) feet below mean low water. The dredged material has been characterized as approximately 40 percent sand, with the remainder fine-grained or silty in nature. Dredge material would be moved to the staging area in the adjacent City-owned parking lot using a long reach excavator. It would be contained by Jersey barriers and silt fencing.

Following dewatering, 2,411 CY of the dredged material would be loaded into lined dump trucks and transported to the beneficial reuse site. It would be used to construct an embankment or berm along the north side of Somers Point – Mays Landing Road. The berm would have a 1-foot wide top (at various elevations) and a 2:1 slope (H:V). The remaining 4,485 CY of dredged material would be mixed with dry Portland cement prior to being loaded and transported to the beneficial reuse site. It would be used for structural fill to raise the parking lot at Gateway Marina along Patcong Creek by approximately 3.5 feet above the existing grade.

The top of the embankment along the road would be at 5-6' NAVD 88, while the top of the berm along the parking lot would be at 8' NAVD 88. The embankment/berm would be planted with native vegetation. While the proposed fill would not impact delineated wetlands adjacent to the road and parking lot, some portions (totaling 0.11 acre) would be placed below the elevation of the high tide line (HTL), which, in the absence of wetlands, represents the landward limit of the Corps' Section 404 jurisdiction in tidal waters. Of the total volume of material to be placed, approximately 36 CY would be placed below the HTL for the road embankment. Approximately 673 CY would be placed below the existing HTL to raise the parking lot and construct that berm.

The applicant (City of Somers Point) has been approved for federal funding for the proposed work from the U.S. Department of the Interior through two separate grant programs:

From Air
Crew Scout
SHP
Env.
Compliance

The first grant, for the marina improvements, is from the Boating Infrastructure Grant Program, which is administered by the U.S. Fish and Wildlife Service. This money is being granted to the New Jersey Department of Transportation, Office of Maritime Resources, through their Marina Infrastructure Improvement Program. The City of Somers Point is their sub-grantee.

The second grant, for the beneficial reuse of dredged material, is from the National Fish and Wildlife Foundation through their Hurricane Sandy Coastal Resiliency Competitive Grant Program.

The State of New Jersey, Department of Environmental Protection (NJDEP) has issued a Waterfront Development Permit and Water Quality Certificate for the proposed marina work, including docks, dredging and placement of the dredged material for beneficial reuse as described above on January 17, 2018 (NJDEP File No. 0121-17-0002.1). They also issued a Coastal General Permit 24 and a Flood Hazard Area Individual Permit for the beneficial reuse project on January 12, 2018 (NJDEP File No. 0121-17-0003.1, 3.2).

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 the waters of the United States are minimized by proposing an embankment with the maximum slope that the dredge material will remain stable and by using native plantings to replace existing invasive species. In addition, the proposed embankment was moved as far away from the waters of the United States as feasible. Moving the proposed embankment so that waters of the United States are not affected creates adverse conditions for the County Road (as per County Engineer) and makes the existing marina parking lot more difficult for vehicles to navigate. NJDEP and the County also would not permit a retaining wall for the project.

Compensatory mitigation should not be required because the impacts to the waters of the United States are minimal since the area of the impacts are already actively disturbed (vegetation is frequently cut) with invasive species. The proposed area of the impacts will be planted with native vegetation to support native plant and animal species.”

PURPOSE: The applicant has provided a two-part project purpose statement as quoted below:

“The purpose of the proposed project is to encourage transient boaters to Somers Point.”

“The purpose of the resiliency embankment is the beneficial reuse of dredged material to reduce nuisance flooding along Somers Point – Mays Landing Road and create an environmental uplift by removing invasive, non-native plant species with native pollinator species.”

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. As noted above, the U.S. Department of the Interior is providing federal funding for this project through two separate grant programs. The U.S. Fish and Wildlife Service (Service) is acting as the lead federal agency responsible for compliance and consultation under Section 7 of the ESA, as amended. The Corps of Engineers will cooperate with the Service and other agencies regarding potential impacts to federally listed species. 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 any 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.

The permit area may yield resources eligible for inclusion in the National Register of Historic Places (NHPA). The New Jersey Historic Preservation Office has rendered the opinion that the project does not constitute an encroachment upon known historic resources in the area. As the lead federal agency, the U.S. Fish and Wildlife Service (Service) will make a determination as to whether the proposed project is an undertaking that could affect historic resources, and they will complete any necessary compliance activities associated with Section 106 of the NHPA.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) 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. As noted above, the U.S. Fish and Wildlife Service (Service) is providing federal funding for the marina project. They have designated their grantee administrator, the New Jersey Department of Transportation, to act on their behalf for any necessary compliance and consultation under the MSFCMA. The Corps of Engineers will cooperate with the Service and other agencies regarding potential impacts to managed species. 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.

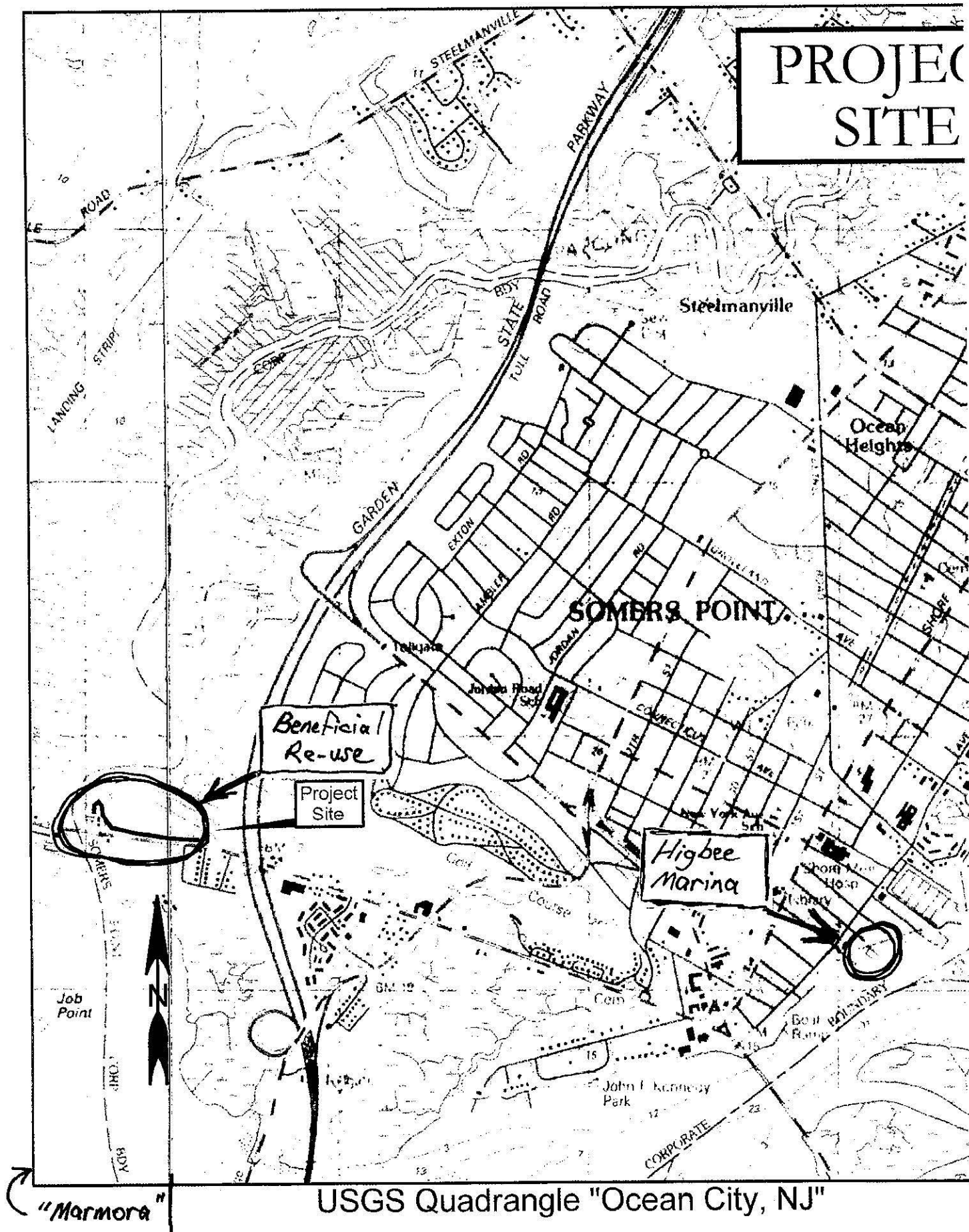
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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.

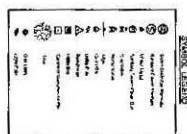
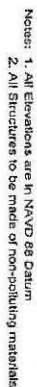
Additional information concerning this permit application may be obtained by calling James Boyer at (215) 656-5826, by electronic mail to James.N.Boyer@usace.army.mil, or by writing to this office at the above address.



Edward E. Bonner
Chief, Regulatory Branch



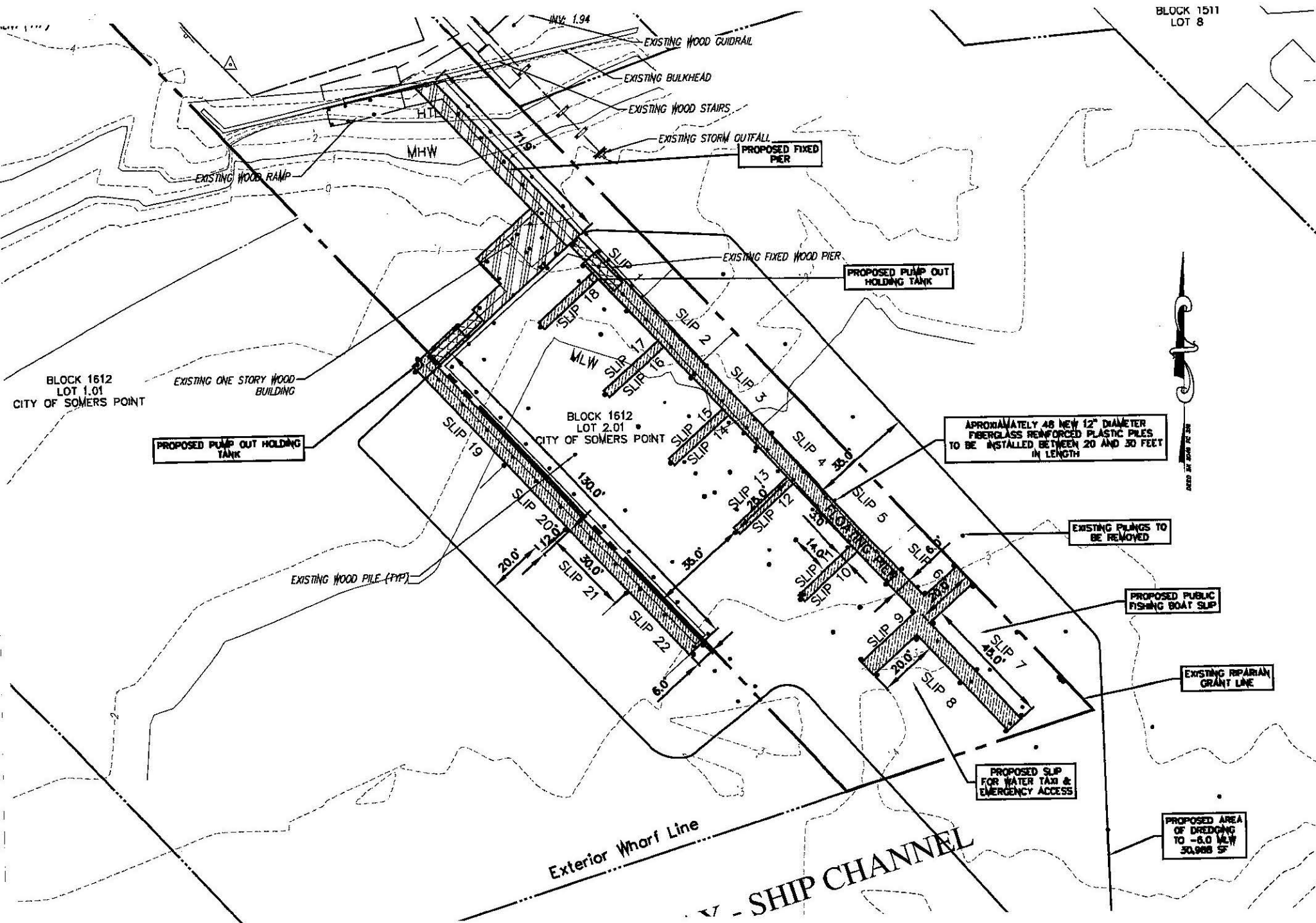
Location Map



All elevations are in NAVD 83.

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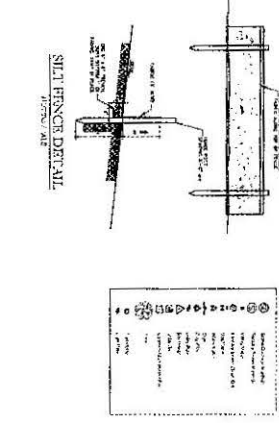
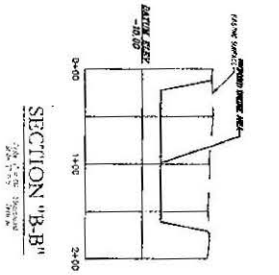
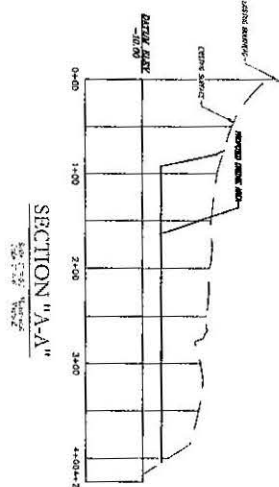
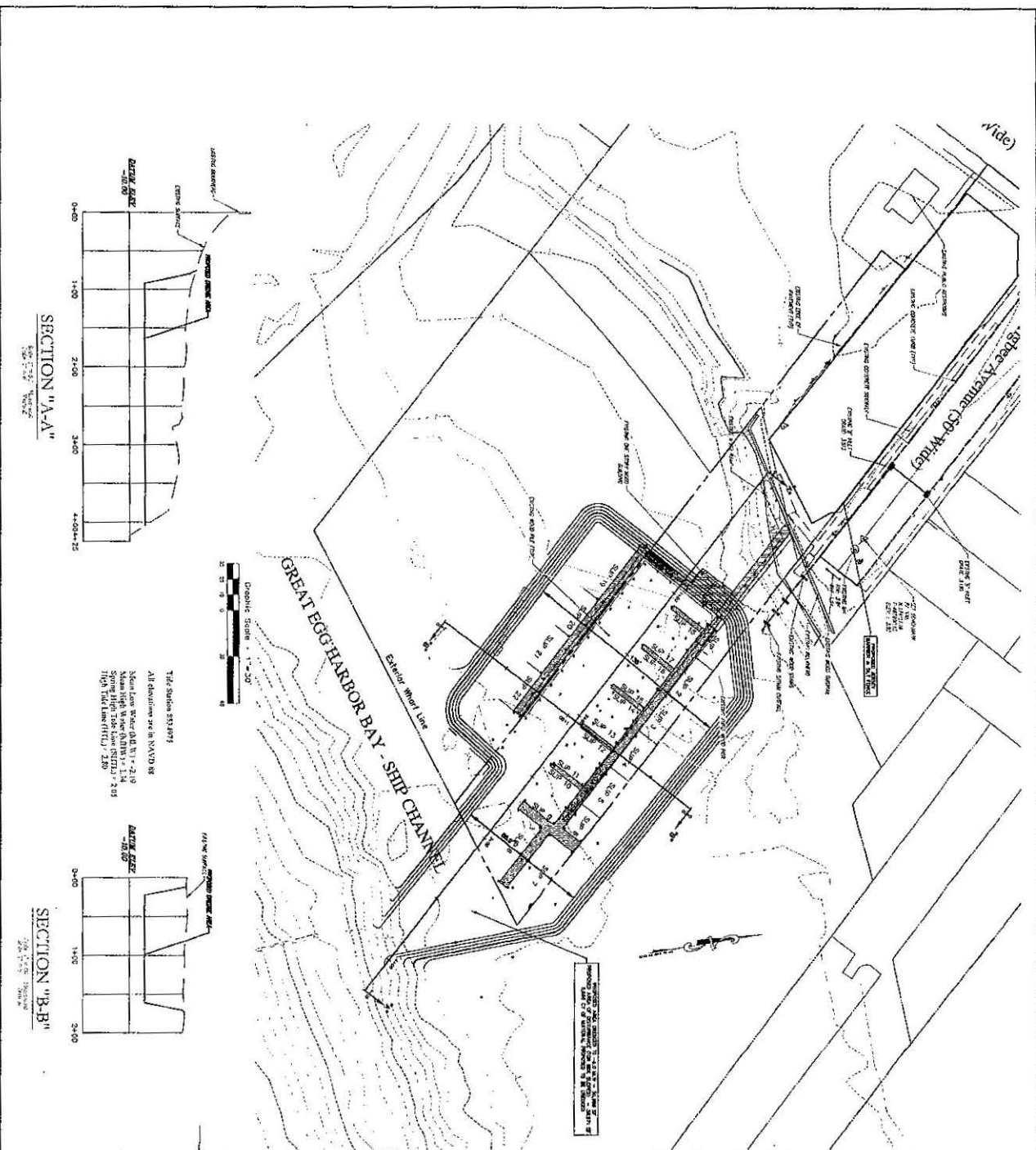
BLOCK 1511
LOT 8



Exterior Wharf Line

SHIP CHANNEL

PROPOSED AREA
OF DREDGING
TO -8.0 MLLW
30,968 SF



Notes: 1. All Elevation are in NAVD 88 Datum
2. NAVD 88 = 2.13 NAVD 83 Station Green Egg Harbor Bay

DREDGING NOTES

1. DREDGING SHALL BE CONDUCTED IN ACCORDANCE WITH THE DREDGING ACT AND THE DREDGING REGULATIONS, 33 CFR 320.1-320.11, AND THE DREDGING ACT REGULATIONS, 33 CFR 320.12-320.13.

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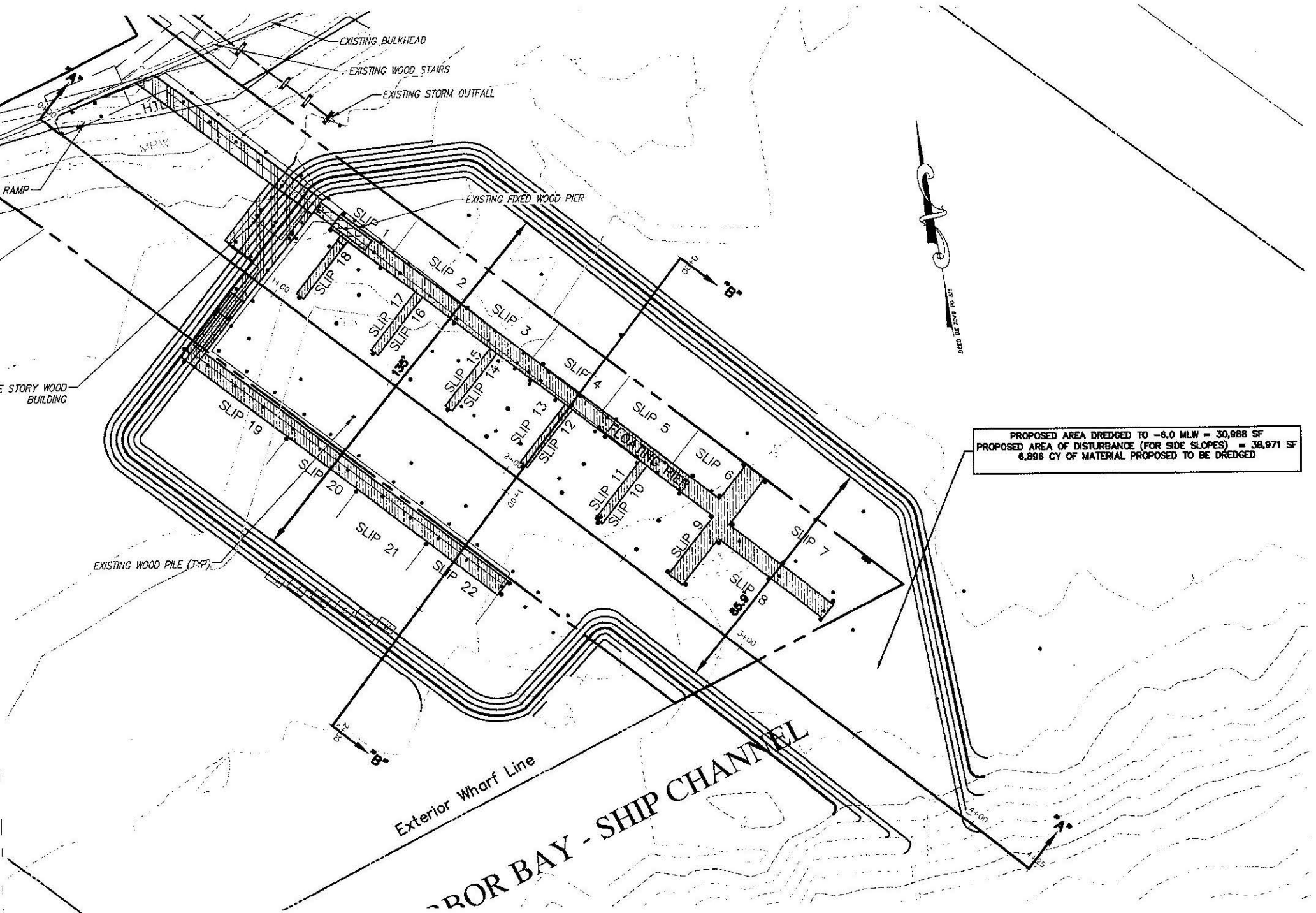
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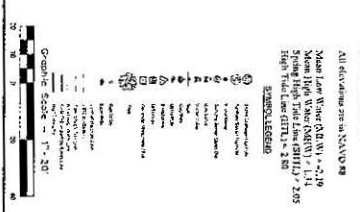
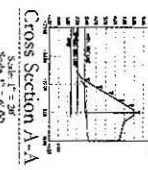
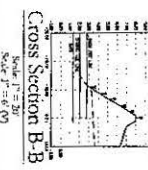
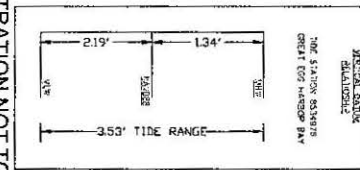


SOMERS POINT-MAYS LANDING ROAD
CR 559




MONTREY AVENUE
("UNIMPROVED") (60' WIDE)

MATCHLINE - SHEET 6

ILLUSTRATION NOT TO SCALE



Notes:
1. The embankment and shoreline shown on this plan are based on the existing conditions as shown on the aerial photograph and the topographic map. The embankment and shoreline shown on this plan are not to be construed as a guarantee of the accuracy of the information shown on this plan.
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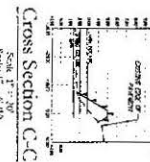
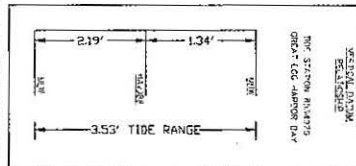
7/30/18 GRO-1 5 13			City of Somers Point Atlantic County, New Jersey Resiliency Project Grading & Site Plan Phase I	 MOTT ASSOCIATES, LLC Professional Engineer & Land Surveyor New Jersey License No. 25018 Eng. Harbor Township, New Jersey 08334 (609) 396-2551 Fax: (609) 396-2552 Site Specific Professional Engineer & Land Surveyor Certificate of Professional Status: Exp. 05/2025	 James A. Mott Professional Engineer & Land Surveyor New Jersey License No. 25018 Revised GKS GKS JAM JAM Date 5/1/17 5/1/17	<table><tr><td>1/6/18</td><td>Revised per NJDEP/USACE Comments</td><td>GKS</td></tr><tr><td>12/30/17</td><td>Revised per NJDEP/USACE Comments</td><td>GKS</td></tr><tr><td>11/3/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>10/29/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>8/15/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>8/2/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>2/7/17</td><td>Revised Embankment Location</td><td>GKS</td></tr></table>	1/6/18	Revised per NJDEP/USACE Comments	GKS	12/30/17	Revised per NJDEP/USACE Comments	GKS	11/3/17	Revised per NJDEP Comments	GKS	10/29/17	Revised per NJDEP Comments	GKS	8/15/17	Revised per NJDEP Comments	GKS	8/2/17	Revised per NJDEP Comments	GKS	2/7/17	Revised Embankment Location	GKS
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SOMERS POINT-MAYS LANDING ROAD
(CR 559) (65' WIDE)

MEADLAND AVENUE
(UNIMPROVED) (60' WID)

VICTORIA AVENUE
(UNIMPROVED) (60' WIDE)

ILLUSTRATION NOT TO SCALE



1. The Engineer and his staff have prepared this plan and specification for the proposed project. It is the responsibility of the client to provide all necessary data and information for the project. The Engineer and his staff are not responsible for any errors or omissions in the plan and specification. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The Engineer and his staff are not responsible for any delays or costs incurred by the client. The client is responsible for providing all necessary data and information for the project. The Engineer and his staff are not responsible for any errors or omissions in the plan and specification. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The Engineer and his staff are not responsible for any delays or costs incurred by the client.



City of Somers Point
Atlantic County, New Jersey
Resiliency Project
Grading & Site Plan Phase I

MOTT ASSOCIATES, LLC
Professional Engineer & Land Surveyor
New Jersey License No. 25278
3102 F.W. Road
1033 Marlton, NJ 08053
Phone: (609) 889-1121
Fax: (609) 889-1121

James A. Mott
Professional Engineer & Land Surveyor
New Jersey License No. 25278
Date: 5/1/17

Date	Revised	per	NUDEP/USACE	Comments	By
1/9/18	Revised	per	NUDEP/USACE	Comments	GKS
12/30/17	Revised	per	NUDEP/USACE	Comments	GKS
11/3/17	Revised	per	NUDEP	Comments	GKS
10/20/17	Revised	per	NUDEP	Comments	GKS
8/15/17	Revised	per	NUDEP	Comments	GKS
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7/7/17	Revised	per	NUDEP	Comments	GKS

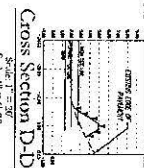
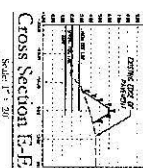
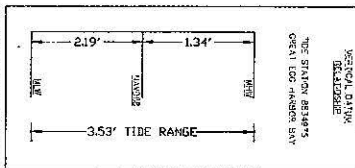
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SP
SOMERS POINT
NEW JERSEY

CLIVEDEN AVENUE
("UNIMPROVED") (60' WIDE)



ILLUSTRATION NOT TO SCALE



1. The two-dimensional histogram of γ vs. δ (Fig. 2) clearly shows that in the present case, the γ and δ values are not independent. The γ values are concentrated in the range of 0.05 to 0.15, and the δ values are concentrated in the range of 0.05 to 0.15. The γ and δ values are not independent. The γ values are concentrated in the range of 0.05 to 0.15, and the δ values are concentrated in the range of 0.05 to 0.15.

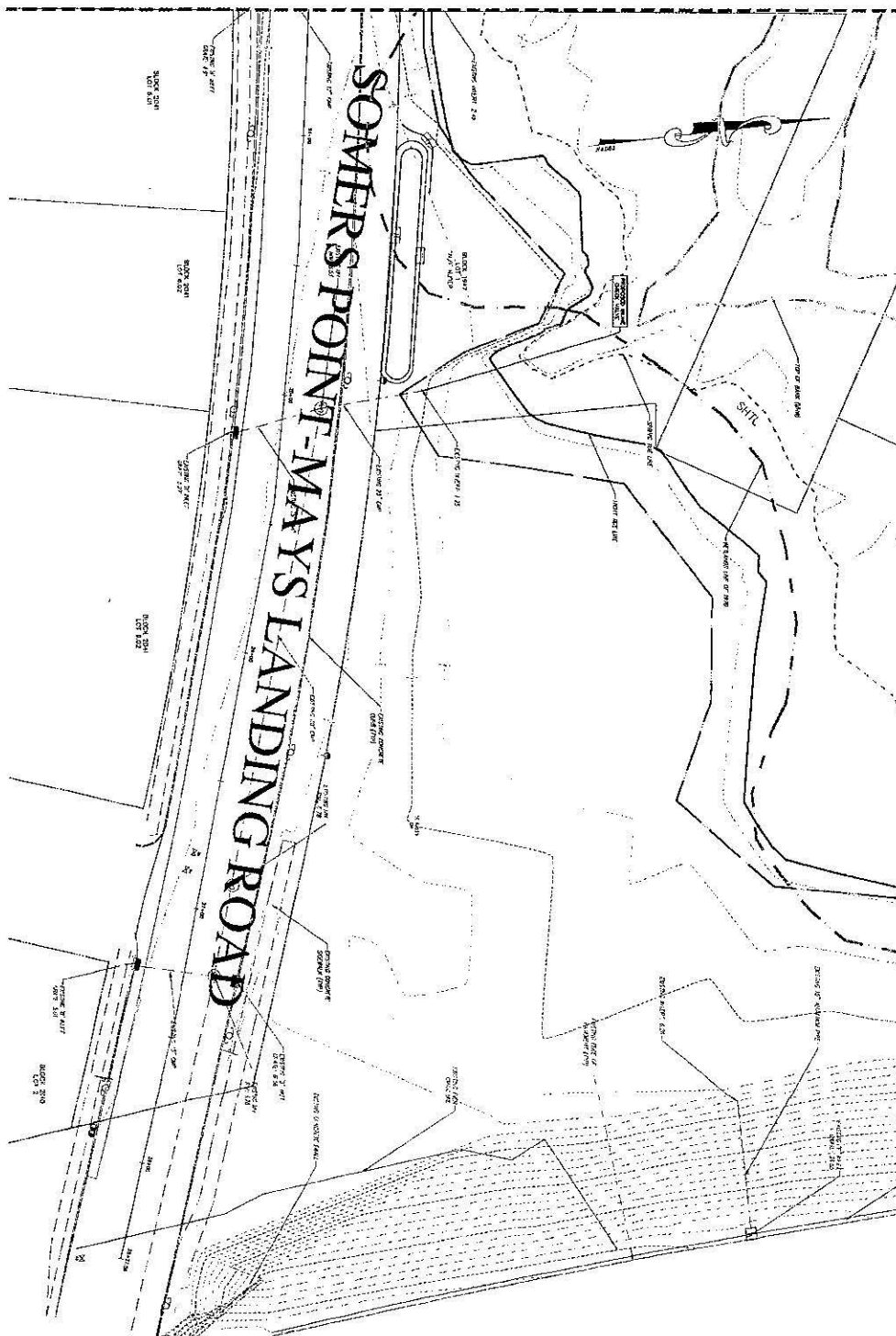
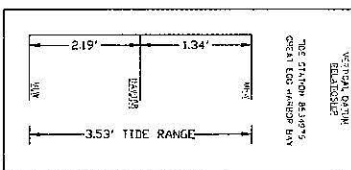
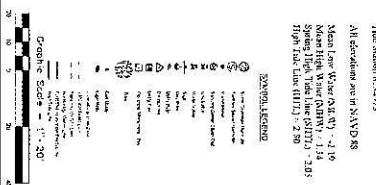





ILLUSTRATION NOT TO SCALE



Notes:
1. All proposed work is shown on this sheet. All work is to be done in accordance with the latest edition of the New Jersey Department of Transportation (NJDOT) Standard Specifications for Road and Bridge Construction, 2012 Edition, and the New Jersey Department of Transportation (NJDOT) Standard Specifications for Waterway Construction, 2012 Edition.
2. All work is to be done in accordance with the latest edition of the New Jersey Department of Transportation (NJDOT) Standard Specifications for Road and Bridge Construction, 2012 Edition, and the New Jersey Department of Transportation (NJDOT) Standard Specifications for Waterway Construction, 2012 Edition.
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70318		City of Somers Point Atlantic County, New Jersey	 MOTT ASSOCIATES, LLC Professional Engineers & Land Surveyors New Jersey License No. 28518 3122 P. W. Road Bgg Harbor Township, New Jersey 08024 Phone: (609) 563-1021 Fax: (609) 563-1021 <small>Our Field Professional Engineers & Land Surveyors Carry the Professional Engineer's License in the State of New Jersey</small>	James A. Mott Professional Engineer & Land Surveyor New Jersey License No. 28518  Date 5/1/17	<table><tr><td>1/8/18</td><td>Revised per NJDEP/USACE Comments</td><td>GKS</td></tr><tr><td>12/30/17</td><td>Revised per NJDEP/USACE Comments</td><td>GKS</td></tr><tr><td>11/3/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>10/20/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>8/15/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>8/2/17</td><td>Revised per NJDEP Comments</td><td>GKS</td></tr><tr><td>7/7/17</td><td>Revised Embankment Location</td><td>GKS</td></tr><tr><td>Date</td><td>Revisions</td><td>By</td></tr></table>	1/8/18	Revised per NJDEP/USACE Comments	GKS	12/30/17	Revised per NJDEP/USACE Comments	GKS	11/3/17	Revised per NJDEP Comments	GKS	10/20/17	Revised per NJDEP Comments	GKS	8/15/17	Revised per NJDEP Comments	GKS	8/2/17	Revised per NJDEP Comments	GKS	7/7/17	Revised Embankment Location	GKS	Date	Revisions	By
1/8/18	Revised per NJDEP/USACE Comments	GKS																											
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7/7/17	Revised Embankment Location	GKS																											
Date	Revisions	By																											
PROJECT SOMERS POINT GRADA 8 13		Resiliency Project Grading & Site Plan Phase II		<table><tr><td>Designed</td><td>Checked</td><td>Reviewed</td><td>Approved</td><td>Date</td></tr><tr><td>GKS</td><td>GKS</td><td>JAM</td><td>JAM</td><td>5/1/17</td></tr></table>	Designed	Checked	Reviewed	Approved	Date	GKS	GKS	JAM	JAM	5/1/17															
Designed	Checked	Reviewed	Approved	Date																									
GKS	GKS	JAM	JAM	5/1/17																									

James A. Mott
Professional Engineer & Land Surveyor
New Jersey License No. 28918

James A. Mott

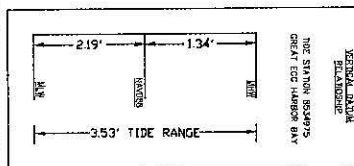
Designed GKS	Drawn GKS	Checked JAM
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VICTORIA AVENUE
("UNIMPROVED") (60' WIDE)

WOODLAWN AVENUE
("UNIMPROVED") (60' WIDE)

MATCHLINE - SHEET 11

ILLUSTRATION NOT TO SCALE



Third method

There are a number of methods for the estimation of the value of β . The first method is the method of moments, which is based on the assumption that the distribution of the data is normal. The second method is the method of maximum likelihood, which is based on the assumption that the distribution of the data is normal. The third method is the method of least squares, which is based on the assumption that the distribution of the data is normal.

CLASSIFICATION			
SYMBOL	INDUSTRIAL NAME	COMMON NAME	QUALITY
•••••	Spinning papers	Sell-machined cartridges	5-7
•••••	Double spinning	Sheets	5-6
•••••	Two materials	Hot-rod tubes	5-6
•••••	Aluminum products	Swedish Vials	4-5
•••••	Decorative inclusions	Aluminum bottles	4-5
•••••	Sealing components	Sealed polymer	4-4

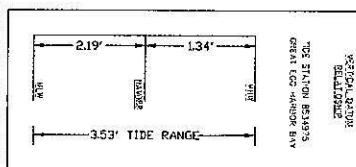
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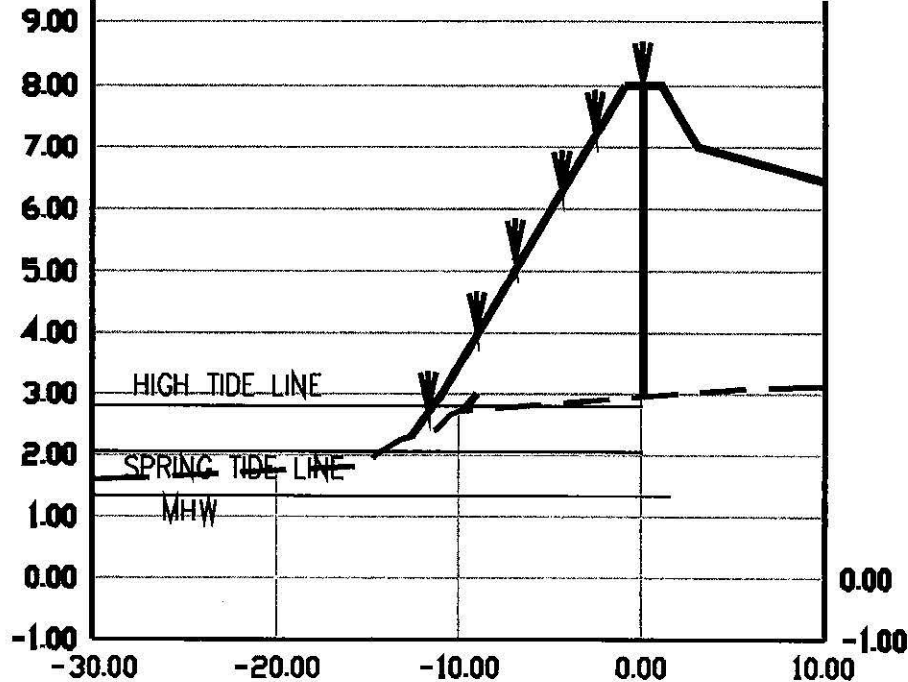
ILLUSTRATION NOT TO SCALE

All elevations are in N.A.S.D. FT.
 Mean Low Water (M.L.W.) = -2.19
 Mean High Water (M.H.W.) = 1.34
 Spring High Tide Line (S.H.T.L.) = 7.03
 High Tide Line (H.T.L.) = 2.80

SYMBOL LEGEND

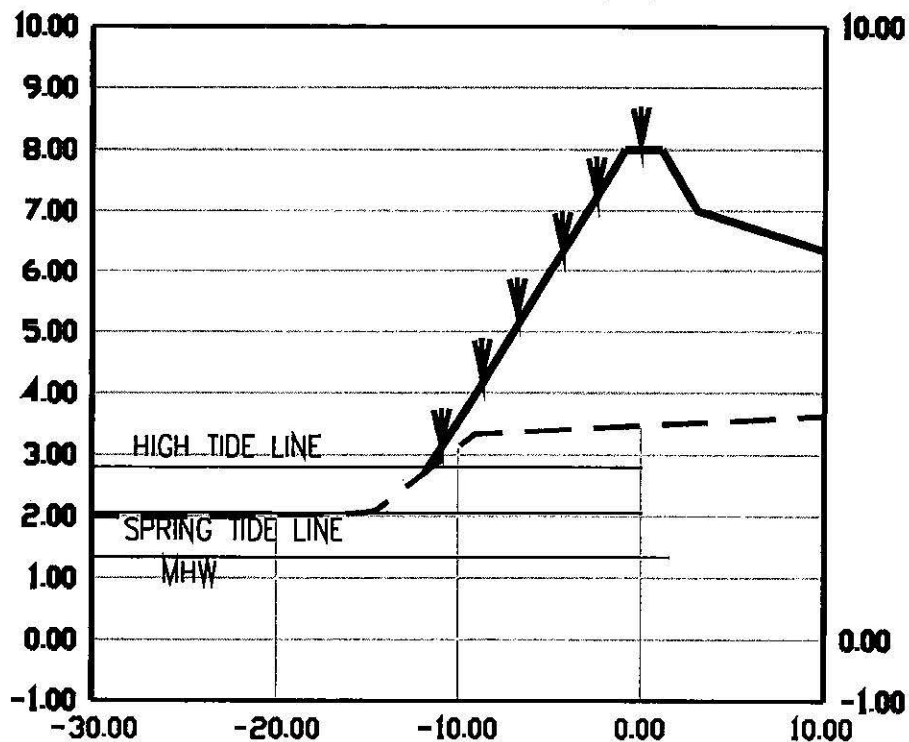
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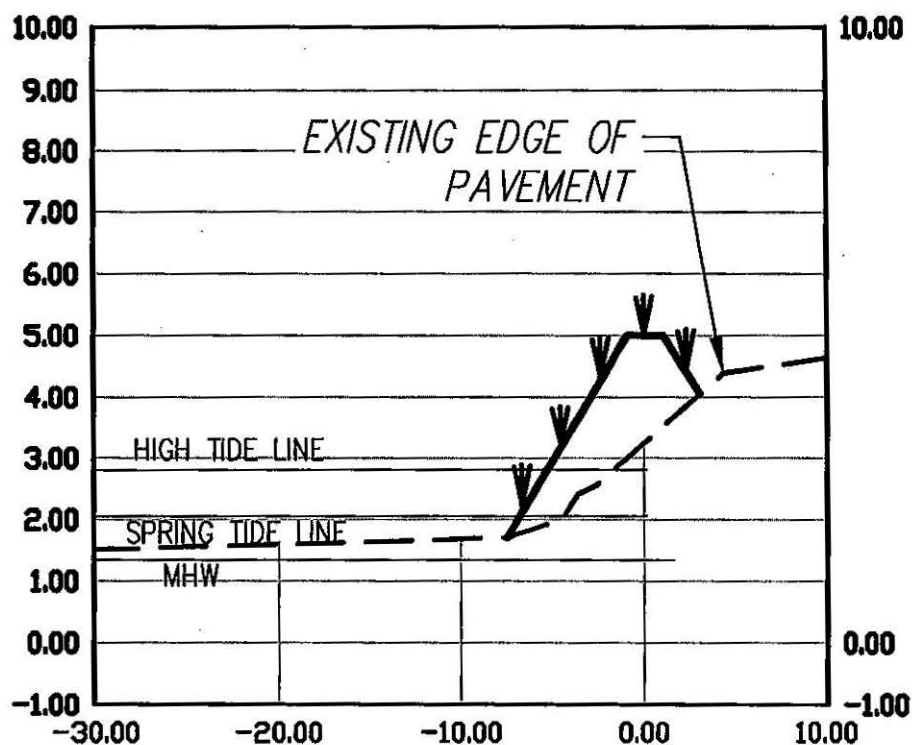
Cross Section A-A

Scale: 1" = 20'
 Scale: 1" = 6' (V)



Cross Section B-B

Scale: 1" = 20'
 Scale: 1" = 6' (V)

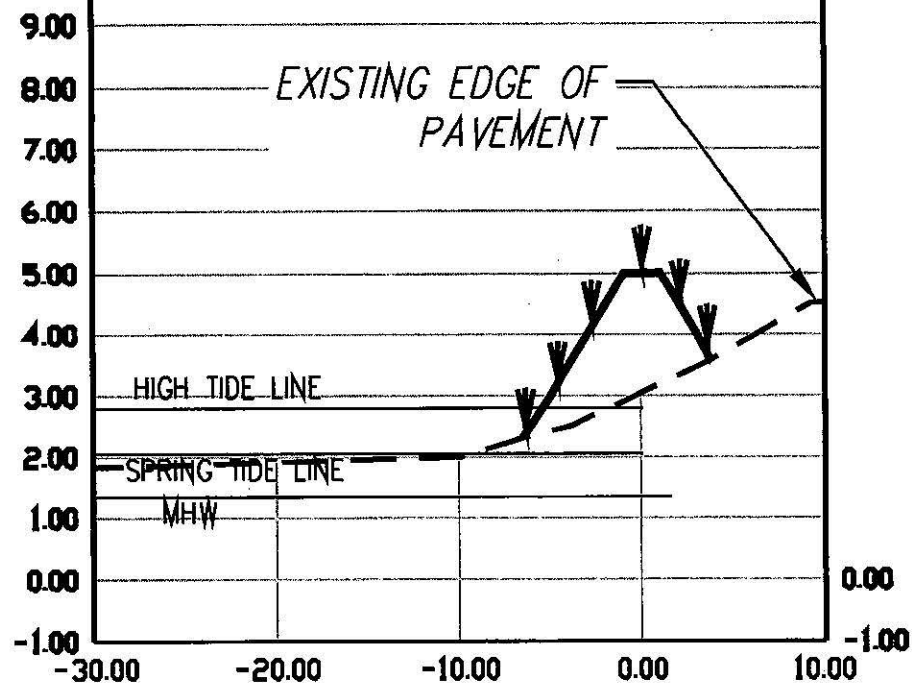


Cross Section C-C

Scale: 1" = 20'
Scale: 1" = 6' (V)

VERTICAL DATUM
RELATIONSHIP

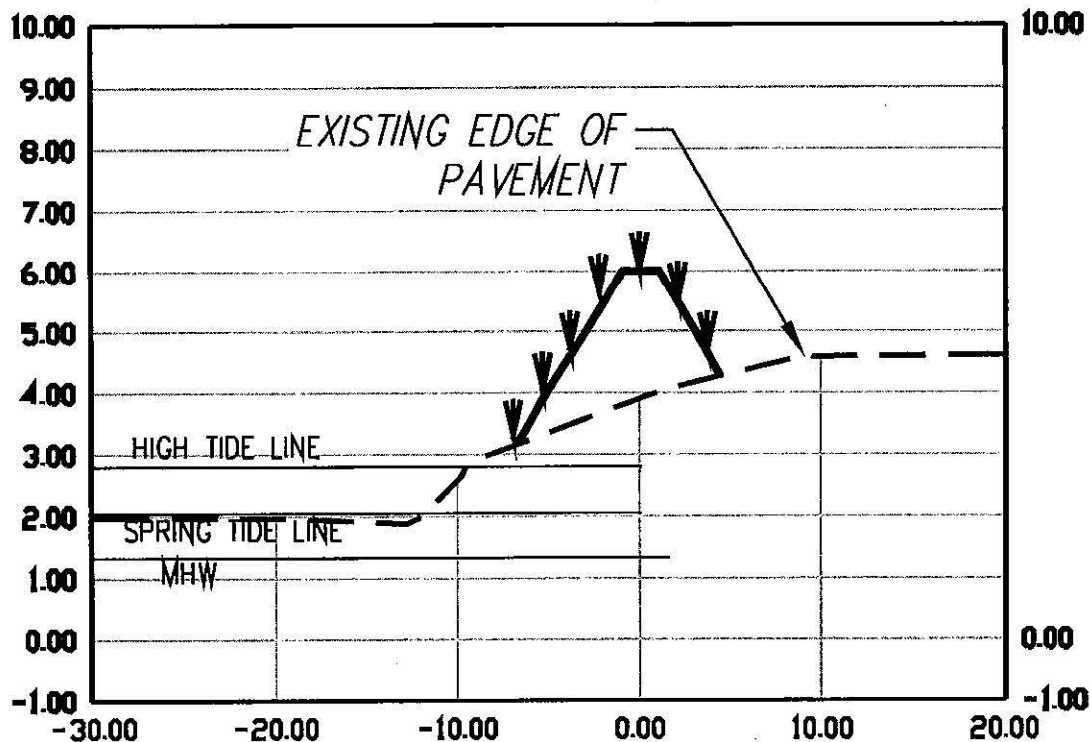
TIDE STATION 8534975
GREAT EGG HARBOR BAY



Cross Section D-D

Scale: 1" = 20'

Scale: 1" = 6' (V)



Cross Section E-E

Scale: 1" = 20'

Scale: 1" = 6' (V)