Appendix B

Section 10 and Section 404 Permit (USACE)

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE AND PERMIT NUMBER:

SOMERS POINT HIGBEE MARINA DREDGING BENEFICIAL REUSE AT City of Somers Point CENAP-OP-R-2015-1060-24

ISSUING OFFICE:

Department of the Army
U.S. Army Corps of Engineers, Philadelphia District
Wanamaker Building - 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION:

This permit authorizes the reconstruction of a marina facility by removing dock structures, constructing new docks, and performing dredging. The specifically authorized structural work consists of the removal of an existing "U-shaped" dock arrangement, with construction of the following new structures: a) 72x6' fixed dock perpendicular to shore; b) 18x30' (with building) and 13x6' fixed docks parallel to shore; c) 130x6' and 214x6' floating docks perpendicular to shore; d) seven (7) dock "fingers" (five 25x3', one 20x8', one 25x6'); and e) 48 new pilings. The construction will result in 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 is authorized by mechanical (bucket) method. A maximum total of 6,896 cubic yards (CY) of material shall be dredged from a maximum area of approximately 0.9 acre, to a maximum depth of six (6) feet below mean low water. Dredge material shall be transferred to a staging area in the adjacent City-owned parking lot using a long reach excavator. It shall be contained by Jersey barriers and silt fencing.

Following dewatering, 2,411 CY of the dredged material shall be loaded into lined dump trucks and transported to the beneficial reuse site. It shall be used to construct an embankment or berm along the north side of Somers Point – Mays Landing Road. The berm shall have a 1-foot wide top (at various elevations) and a 2:1 slope (H:V). The remaining 4,485 CY of dredged material shall be mixed with dry Portland cement prior to being loaded and transported to the beneficial reuse site. It shall 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 shall be at 5-6' NAVD 88, while the top of the berm along the parking lot shall be at 8' NAVD 88. The embankment/berm shall be planted with native vegetation as indicated on the approved project plans. This permit authorizes a maximum of 0.11 acre of fill to be placed below the elevation of the high tide line (HTL). All work is to be completed in accordance with the attached plans labeled E-1 through E-17 and any plans referenced in the Special Conditions of this permit.

PROJECT LOCATION:

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

The authorized 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 authorized 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, also within the City of Somers Point.

PERMIT CONDITIONS:

General Conditions:

- 1. The time limit for completing the work authorized ends on December 31, 2021. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

- 5. If a conditioned water quality certification has been issued for your project, you must comply with conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- 1. All work performed in association with the above noted project shall be conducted in accordance with the following project plans prepared by Mott Associates, LLC (Job 7031.8):
 - a) Sheets 1 through 4 of 4; dated 5/1/17 (Sheets 2, 3 and 4, respectively, last revised 11/6/17, 12/18/17 and 1/8/18); entitled "City of Somers Point ... Reconstruction of Higbee Marina ..." and
 - b) Sheets 1 through 13 of 13; dated 5/1/17 (Sheets 2 through 8 last revised 1/8/18, Sheets 9 through 11 last revised 12/30/17, Sheet 12 unrevised, and Sheet 13 last revised 7/7/17); entitled "City of Somers Point ... Somers Point Mays Landing Road Resiliency Embankment ..."

Reduced (8.5 x 11") size copies of these plans are attached to this permit and labeled E-1 through E-17.

- 2. The authorized work shall not result in the disturbance or alteration of greater than 1.02 acres of waters of the United States from: a) dredging up to 0.9 acre of Ship Channel (which includes the majority of the area of authorized structures covering up to 0.08 acre); b) a portion of the 6-foot wide fixed dock between the shore and the dredging area (covering approximately 0.01 acre); and c) the filling of up to 0.11 acre below the high tide line of Patcong Creek/Great Egg Harbor Bay for the beneficial reuse project.
- 3. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.
- 4. This office shall be notified prior to the commencement of authorized work by completing and signing the enclosed Notification/ Certification of Work Commencement Form. This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form. All notifications required by this condition shall be in writing. The Notification of Commencement of work may be sent to this office by facsimile or other electronic means; all other notifications shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

- 5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- 6. Representatives of the U.S. Army Corps of Engineers shall be permitted to inspect the project during its phase of construction, and to collect any samples, or to conduct any tests deemed necessary.
- 7. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
- 8. All structures shall be constructed with alternative materials, such as plastic, natural cedar or other untreated wood, polymer coated pressure-treated wood, concrete or other inert products. Creosote and un-coated pressure-treated lumber (i.e. preservative treatment such as CCA-C, ACZA, CC, ACQ, etc.)(wolmanized) which are susceptible to leaching are not authorized at this location. The permittee shall submit a bill of lading or contractor receipt testifying to the fact that all constructed, replaced or relocated docks, piers, pilings, bulkheads or other structures were constructed of alternative materials as described above, and not uncoated pressure-treated lumber. This bill or receipt shall be included with the Notification/Certification of Work Completion/Compliance Form to be submitted within 10 days of the completion of the authorized work (see also Special Condition 4).
- 9. Floating dock structures shall not rest on the bottom at any tidal stage. If water depths within the floating dock area should become less than 2 feet (at mean low water), the permittee shall install chocks or stops to prevent such grounding.
- 10. In order to protect migrating anadromous fish species, all dredging as well as removal and installation of pilings shall occur outside the period March 1 through June 30, inclusive.
- 11. No dredging shall be performed to a depth greater than that of the connecting adjacent waterway.
- 12. All dredged material shall be dewatered and rehandled in the adjacent marina parking lot, and shall be contained to preclude its escape into the waters of Ship Channel.
- 13. Soil erosion and sedimentation controls shall be installed in accordance with any requirements by the Cape Atlantic Soil Conservation District prior to any earth moving activity and maintained for the duration of the disturbance until such time as the soils are stabilized. The permittee shall monitor all erosion and sediment controls daily and repair as needed to maintain compliance with any requirements of the Cape Atlantic Soil Conservation District.

FURTHER INFORMATION:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - Section 103 of the Marine Protection, Research and Sanctuaries Act.
- 2. Limits of this authorization.
- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

ERMITTEE)

William E. Swein

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(District Engineer)

Edward E. Bonner, Chief, Regulatory Branch

for Kristen N. Dahle

Lieutenant Colonel, Corps of Engineers

District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)	(DATE)

City Council

Jack Glasser, Mayor
Sean McGuigan, Council President
Carl D'Adamo
Howard Dill
Kirk Gerety
Tom Smith
Dennis Tapp
James Toto

City Administrator Wes Swain City Clerk Lucy Samuelsen, RMC

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Alleric City Electric	1-809-833-7476	
Verlage Telephone	1-400-637-4666	
Concast Cattle	1-800-834-8488	
Preva Jamesy American Histor Co.	1-800-653-6867	
Attentic County MUA	1-809-272-6860	
Batters Port Contact Spage	1-808-827-2288	
Latin Market	1-800-772-1000	

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City of Somers Point

Atlantic County, New Jersey Reconstruction of Higbee Marina

May 2017



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Location Map Scale: 1" = 2000'

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CONSULTING ENGINEERS & PLANNERS 3122 Fire Road

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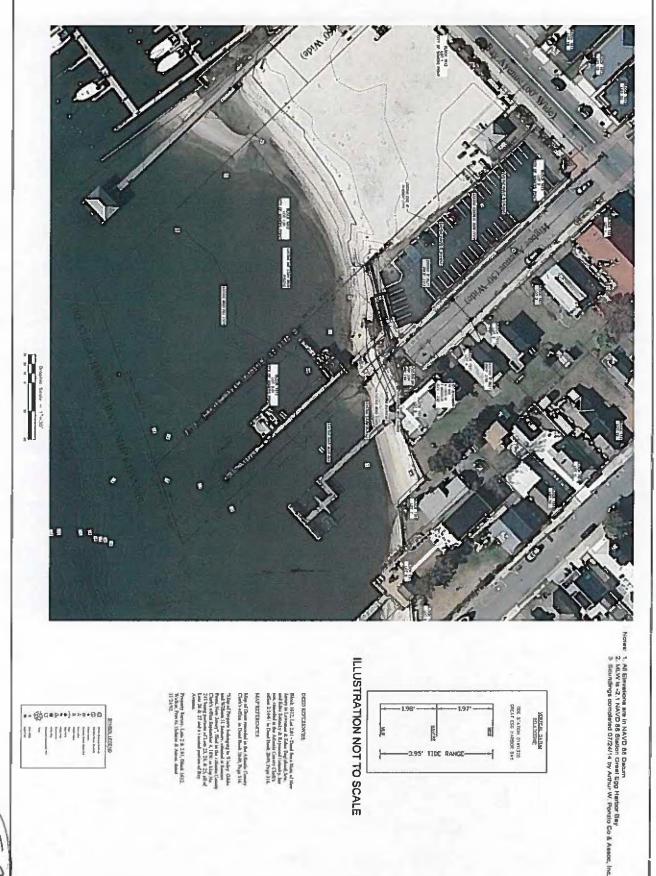
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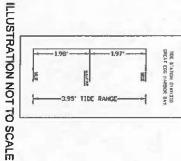
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James A. Mott
Professional Engineer & Land Surveyor
New Jersey Licerse No. 29918

DATE: 5/1/17







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City of Somers Point Atlantic County, New Jersey

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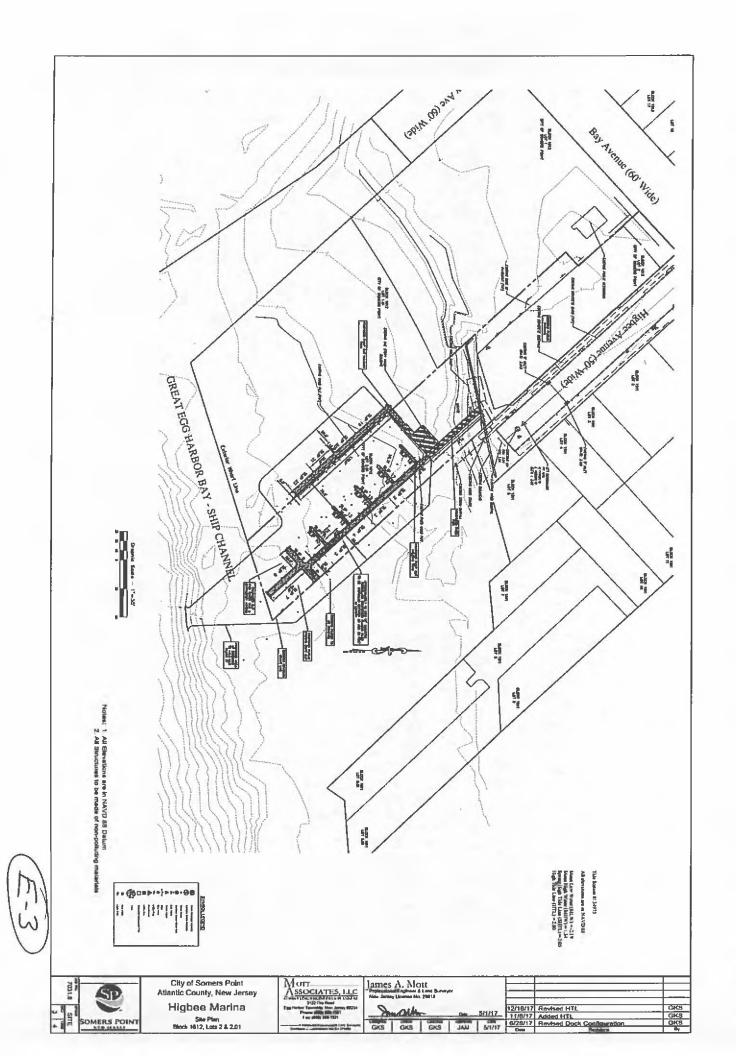
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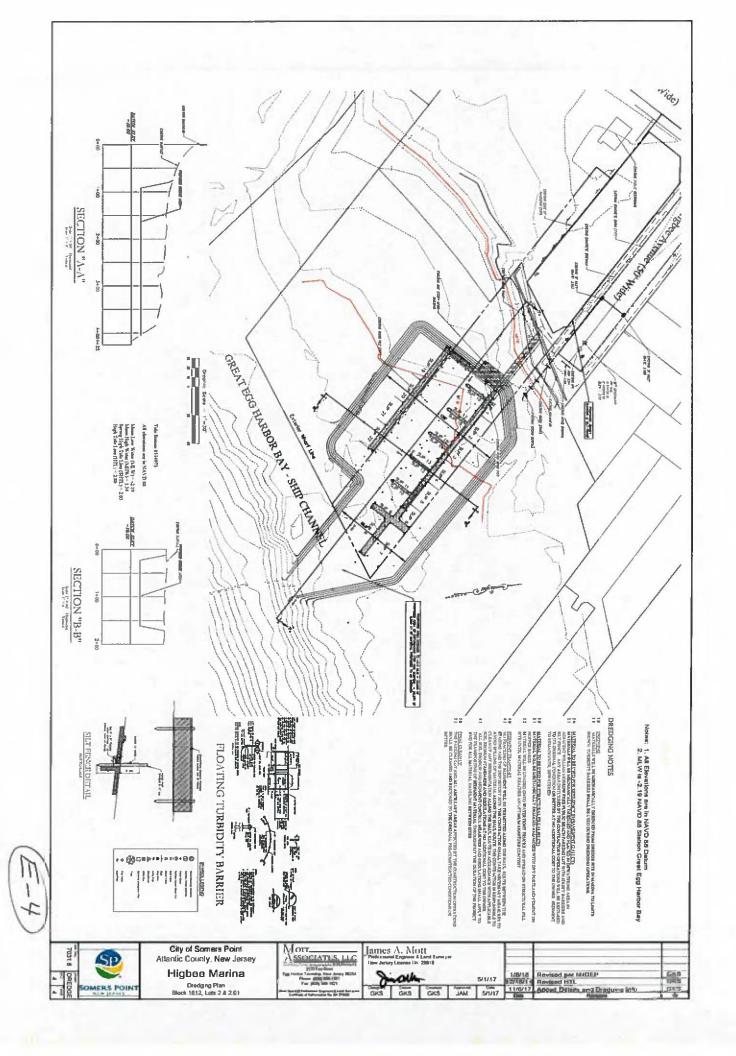
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GRS GRS JAM 5/1/17 Date

Added MTL





City Council

Jack Glasser, Mayor Sean McGuigan, Council President

> Carl D'Adamo Howard Dill Kirk Gerety Ron Meischker Dennis Tapp James Toto

City of Somers Point

Atlantic County, New Jersey

Somers Point Mays Landing Road Resiliency Embankment

City Administrator Wes Swain City Clerk Lucy Samuelsen, RMC

	Index of Drawings
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9	Cover Street
3	Earting Carations Plan
3	Control Constions Plan
4	Evening Conditions Plan
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December 2017



Location Map Scale: 1" = 2000'

SSOCIATES, LLC CONSULTING ENGINEERS & PLANNERS

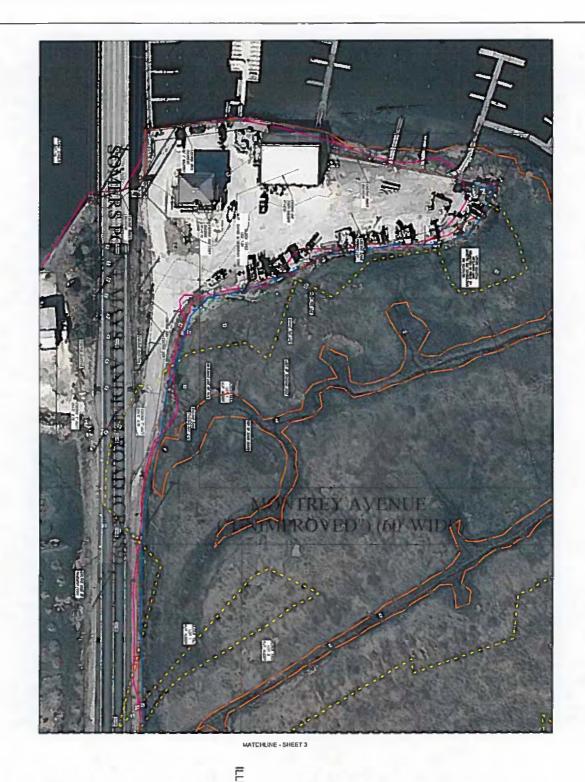
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James A. Mott Professional Engineer & Land Surveyor New Jersey License No. 29918 Swall











City of Somers Point Allantic County, New Jersey Resiliency Project Existing Conditions

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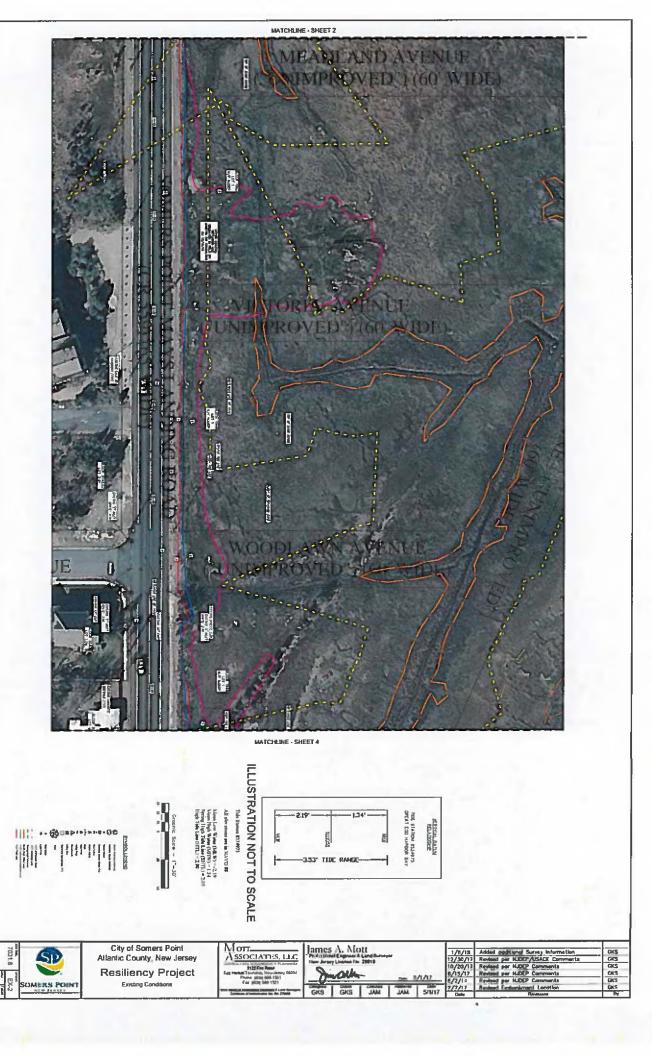










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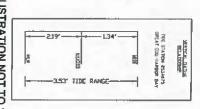
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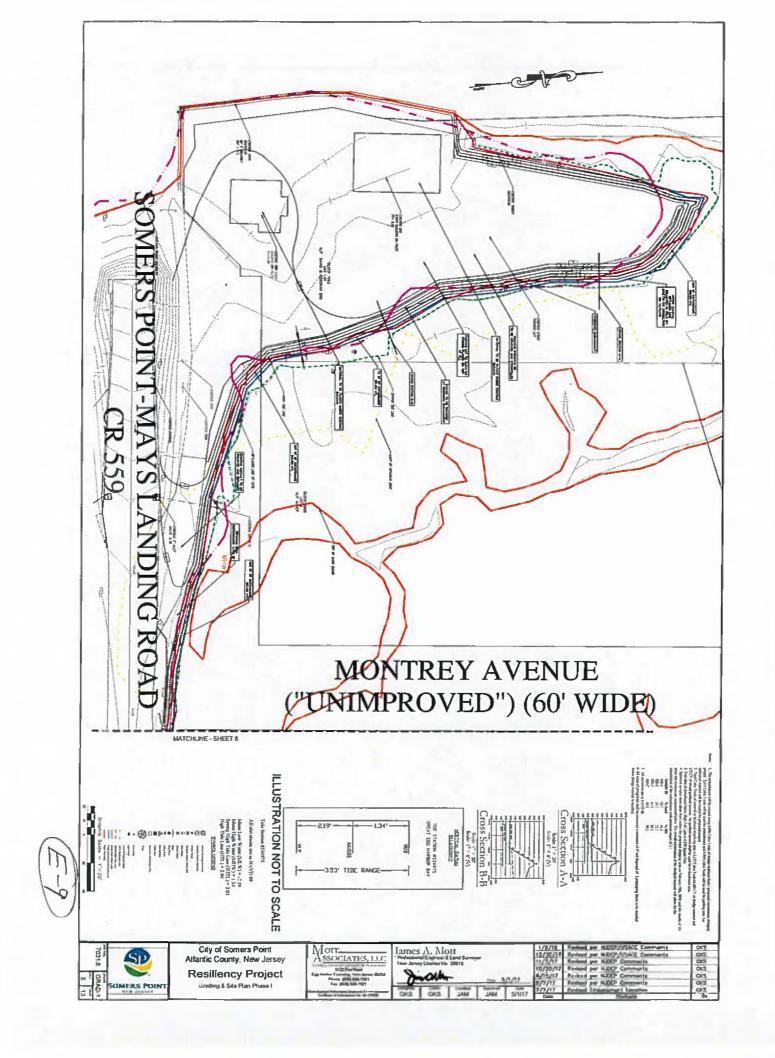
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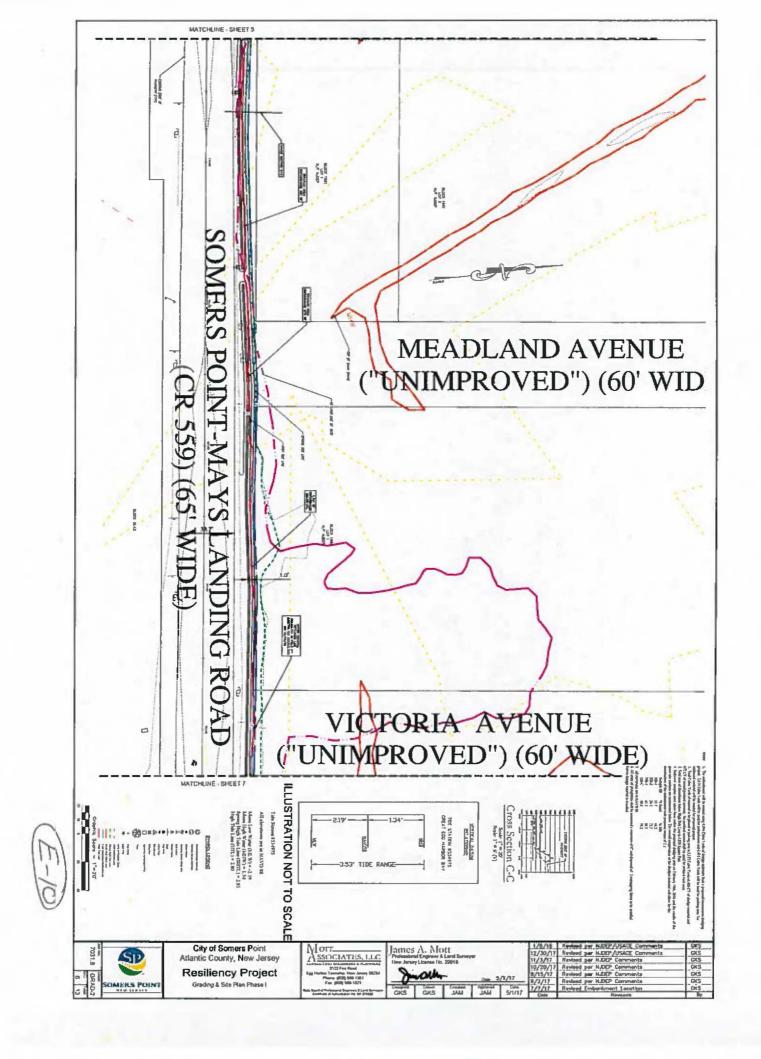
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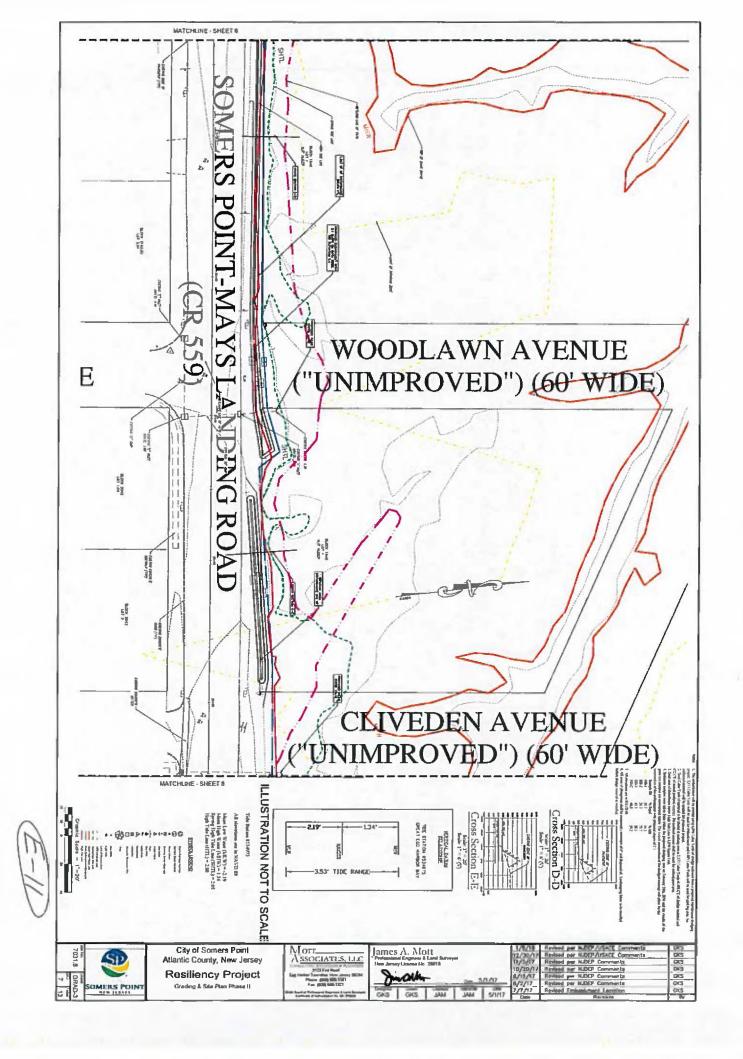
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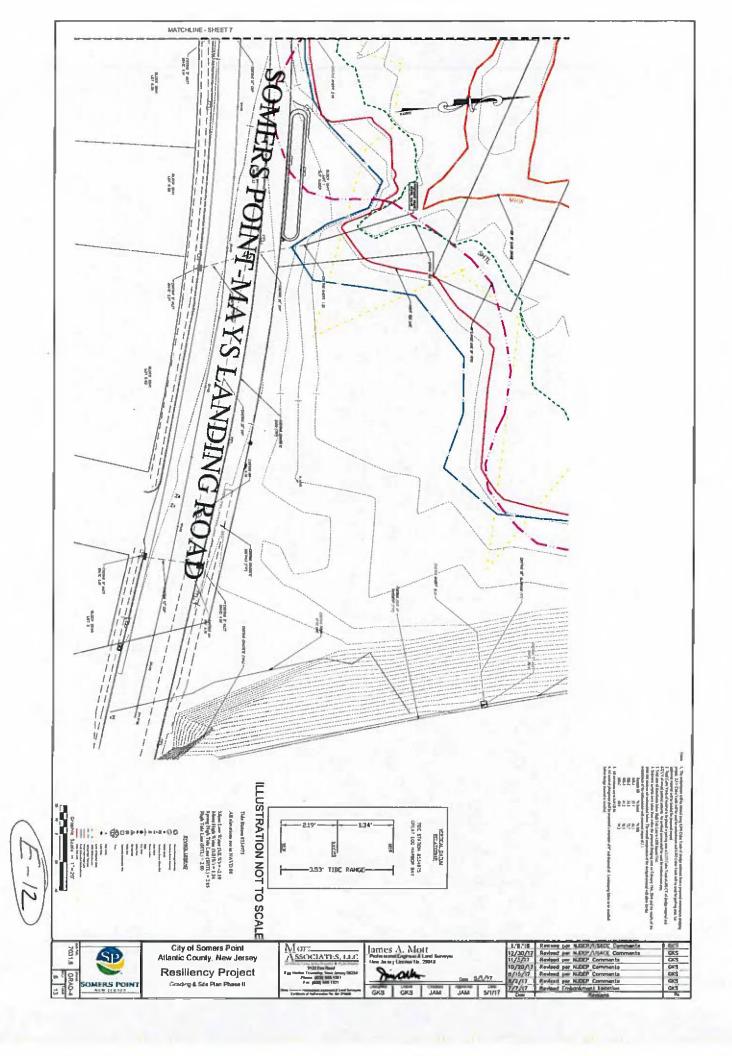
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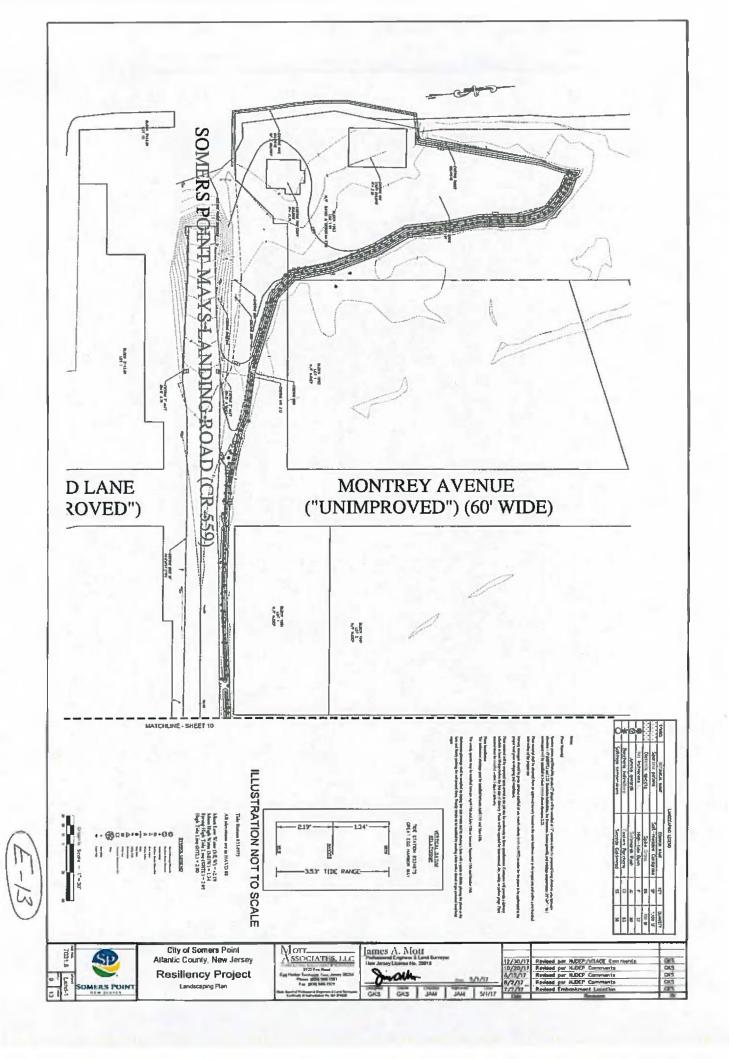
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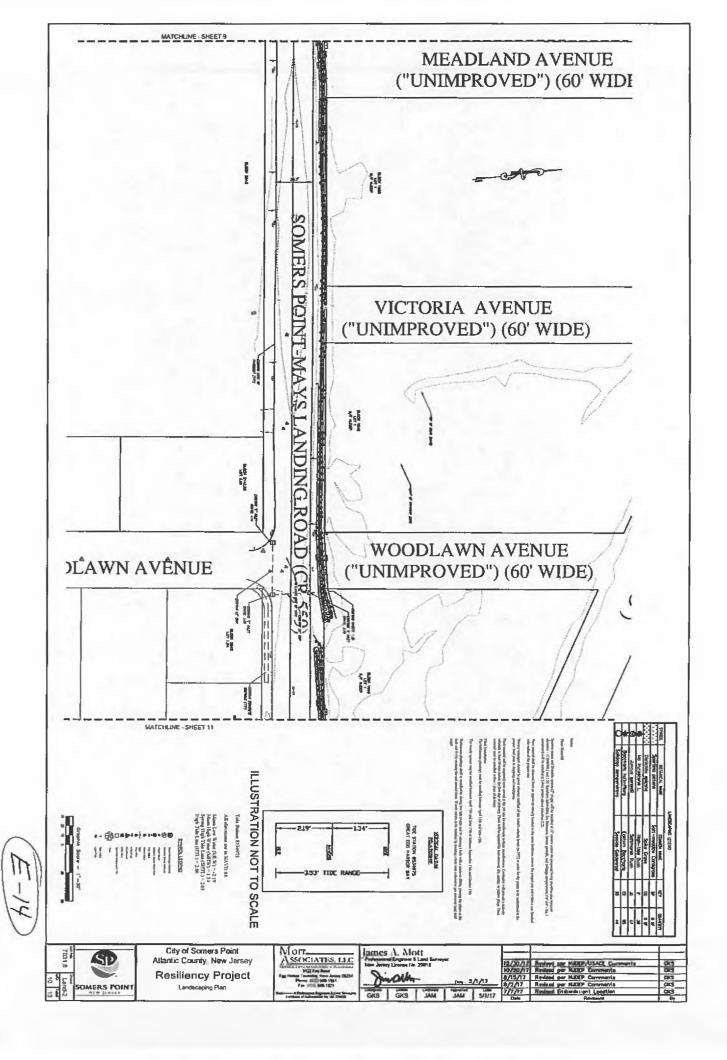


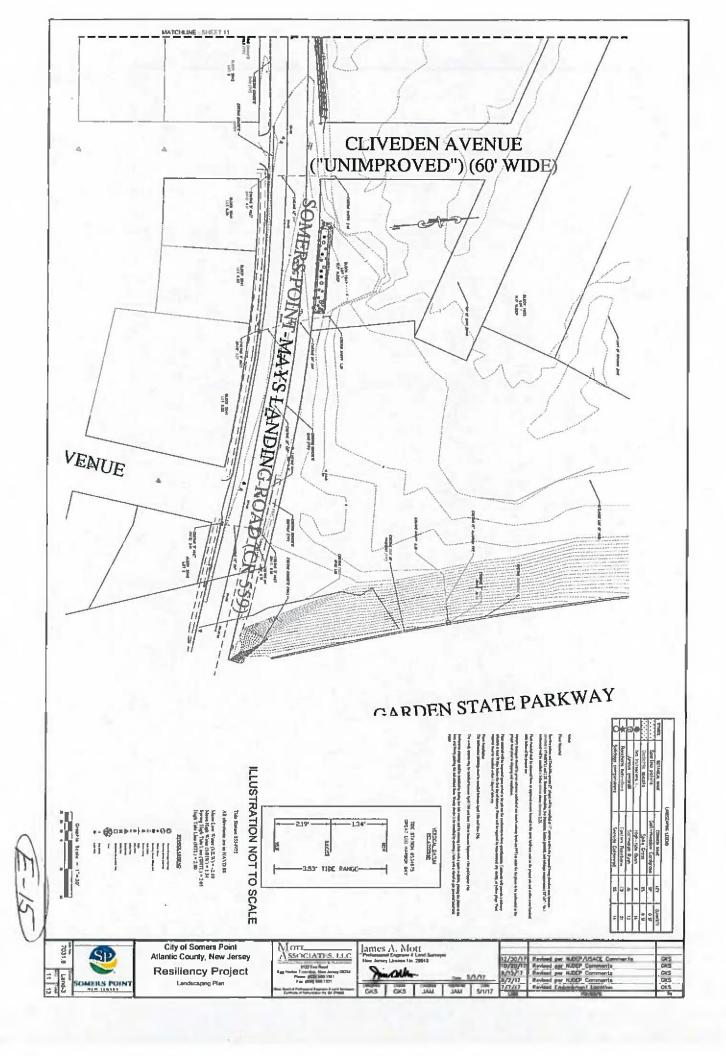


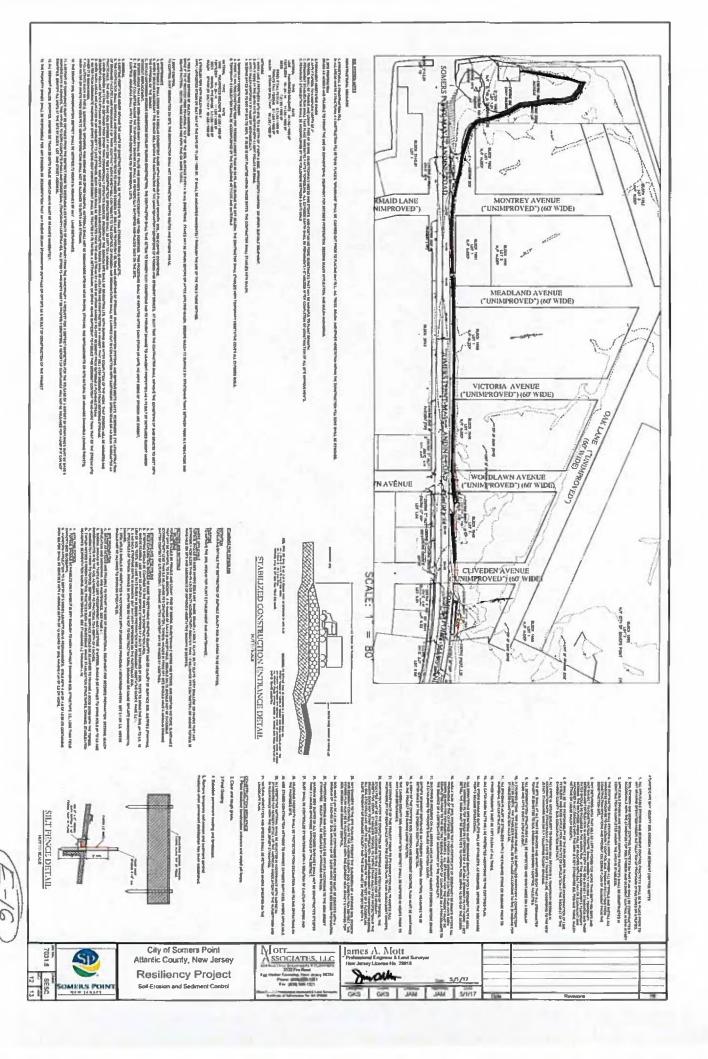


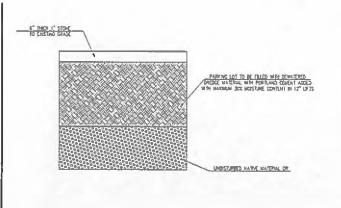


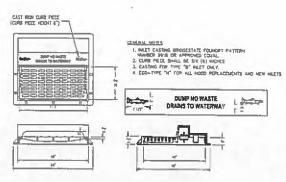


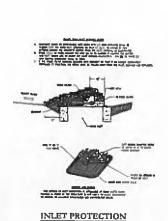






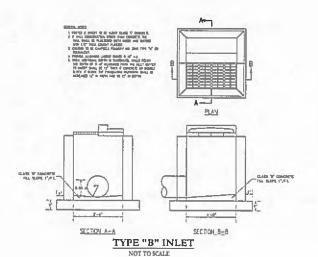


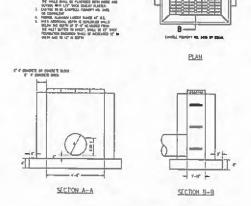




PARKING LOT FILL AREA
NOT TO SCALE

ECO FRIENDLY BICYCLE SAFE GRATE





TYPE "A" INLET

(E-17)

City of Somers Point Attantic County, New Jers

7031.8

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