

## Ortlieb, Erich

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**From:** Pettit, Chris <Chris.Pettit@icfi.com>  
**Sent:** Tuesday, February 03, 2015 3:46 PM  
**To:** DeVoe, Lauren; Ortlieb, Erich; Harrison, Karyn; Richardson, Morgan  
**Cc:** Jerri Weigand; NJERRQUESTIONS  
**Subject:** FW: NCR39567 - Perth Amboy Beach EA - Wetlands Inquiry

All,

Please see the response from ICF's wetlands expert on the issue raised for Perth Amboy. Based on David's concurrence please continue as you described.

Cheers

Chris

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**From:** Johnson, David  
**Sent:** Tuesday, February 03, 2015 4:23 PM  
**To:** Pettit, Chris  
**Subject:** RE: NCR39567 - Perth Amboy Beach EA - Wetlands Inquiry

Hi Chris,

Based on this information, it appears that the proposed work would fall under a NWP 3, as mentioned by the Corps contact. It is very important that all regional conditions and conditions specific to this particular NWP are followed. This NWP requires pre-construction notification under certain circumstances. One of the emails from the Corps of Engineers stated that a permit application for the NWP could still be sent in for record purposes. I would recommend this. However, this is something that doesn't need to be done to conclude the EA process. If you have more questions let me know.

Dave

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**From:** Pettit, Chris  
**Sent:** Tuesday, February 03, 2015 3:51 PM  
**To:** Johnson, David  
**Cc:** NJERRQUESTIONS  
**Subject:** FW: NCR39567 - Perth Amboy Beach EA - Wetlands Inquiry

David,

I hope this finds you well. I just received this question regarding the Sandy Recovery into the portal and after my review their response and action seems to makes sense I just wanted to obtain your expert opinion.

Please let me know your thoughts or concerns

Cheers

Chris

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**From:** Ortlieb, Erich [<mailto:erich.ortlieb@aecom.com>]

**Sent:** Tuesday, February 03, 2015 3:02 PM

**To:** Pettit, Chris; Jerri Weigand ([Jerri.Weigand@dep.nj.gov](mailto:Jerri.Weigand@dep.nj.gov)); NJERRQUESTIONS; Sherman, Steven; Kiser, Jonathan VL; Rock, Kenneth

**Cc:** LeBlanc, Lauren; DeVoe, Lauren; Harrison, Karyn; Richardson, Morgan

**Subject:** NCR39567 - Perth Amboy Beach EA - Wetlands Inquiry

NCR39567 – Perth Amboy Beach EA

We have determined that this application does not need a Wetlands 8-Step and want verification that our methodology makes sense to you and that we should proceed forward with completing only an 8-Step for Floodplains and publishing accordingly.

We:

+Inquired with Amanda Switzer at USACE who told us that any structures or fill below the plane of the Mean High Water Line (MHWL) is within USACE jurisdiction, but that the proposed refurbishment work may qualify under nationwide permits.

+We established that the only planned project activity, and therefore the only portion of the project regulated by USACE, located below the MHWL is “refurbishing the boat ramp.”

+After an inquiry on details about the boat ramp, we received a statement from Ms. Hindenlang (applicant representative) noting that “There was an asphalt boat ramp from the road sloped into the water. It was not maintained and eventually covered in sand, particularly as a result of Sandy. The City has already excavated the area, but landscaping and retaining walls needs to be installed.”

+After reading this, Ms. Switzer let us know that “The proposed work sounds like it complies with Nationwide 3 Permit for Maintenance as long as any refurbishment work (landscaping and retaining walls) remains within the existing footprint of the boat ramp or upland of the water. Please read all applicable general and regional conditions.”

+We asked Ms. Hindenlang if all refurbishment work (landscaping and retaining walls) will remain within the existing footprint of the boat ramp or upland of the water.

+She replied “Everything will be within the existing boat ramp.”

+We have written the Wetlands section of the EA document. Please let us know if this methodology makes sense to you.

### **NCR39567 – In Compliance**

A desktop review of the New Jersey Department of Environmental Protection (NJDEP) - HUD Environmental Review Tool indicates there are no NJDEP mapped wetlands located within the project site (see NCR39567WetlandsProtectionMap). However, the project site is located within a beach front and there is a mapped Mean High Water Line (MHWL) within the project site. The proposed construction activities down gradient of the Mean High Water Line (MHWL) are subject to US Army Corps of Engineers (USACE) jurisdiction. The only portion of the proposed project activity down gradient of the MHWL is renovations to the existing boat ramp. Due to the location of the boat ramp, a request for consultation was sent to USACE on January 8, 2015 (see NCR39567USACEDeterminationRequest). The USACE stated on January 28, 2015 that if the renovations to the boat ramp remained within the existing footprint or upland of the MHWL, the renovations

would comply with Nationwide Permit #3 (NWP3) for Maintenance (see NCR39567USACEConsultation). Therefore, the proposed project may proceed without additional consultation on the condition that all proposed renovation activities to the existing boat ramp adhere to the general and regional conditions, listed in NWP3 (see a copy of NWP3 attached as NCR39567USACENationwidePermit3GeneralandRegionalConditions). There should be no construction activities (including staging areas), dredging or placement of fill (excavated material) carried out down gradient of the MHWL. Additionally, all other planned construction activities included in the project must remain upland of the MHWL in order to remain in compliance with USACE jurisdiction. If project activities (with the exception of the boat ramp) are located down gradient of the MHWL (as seen on NCR39567CoastalZoneManagementActMap) additional consultation with the USACE will be required.

**Project Condition:** Renovation activities to the existing boat ramp must adhere to the general and regional conditions, listed in USACE Nationwide Permit #3 (NWP3) for Maintenance (see a copy of NWP3 attached as NCR39567USACENationwidePermit3GeneralandRegionalConditions). There should be no construction activities (including staging areas), dredging or placement of fill (excavated material) carried out down gradient of the MHWL. Additionally, all other planned construction activities included in the project must remain upland of the MHWL in order to remain in compliance with USACE jurisdiction. If project activities (with the exception of the boat ramp) are located down gradient of the MHWL (as seen on NCR39567CoastalZoneManagementActMap) additional consultation with the USACE will be required.

Thanks for your time in advance,  
**Erich Ortlieb**  
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