

**WATERFRONT DEVELOPMENT  
COMPLIANCE STATEMENT**

**For**

**ROBINSON'S OYSTER FARM, INC.  
AQUACULTURE ACTIVITIES  
7021 MILLER AVENUE  
BLOCK 226 LOT 4 – COMMERCIAL TOWNSHIP, CUMBERLAND COUNTY**

**PREPARED FOR:**

**ROBINSONS OYSTER FARM  
1232 FRONT STREET  
MAURICETOWN, NEW JERSEY 08329**

**APRIL 2018**

**Prepared by:**



**629 Shiloh Pike, Bridgeton, NJ 08302  
(856) 451-2990**

  
**Aislinn Gandy**

**Environmental Specialist**

**Project No. 18800.01**

## **EXECUTIVE SUMMARY**

This Compliance Statement has been prepared to demonstrate project compliance with the Coastal Zone Management Rules under N.J.A.C. N.J.A.C. 7:7. The applicant, Robinson's Oyster Farm is proposing to conduct aquaculture activities on the Maurice River in Bivalve. The property already contains a fixed pier dock and floating docks with NJDEP Tidelands Instruments. The proposed aquaculture activity will comprise of a floating upweller that will be moored to an existing dock. The upweller can be described as a floating dock constructed to hold 26 wire basket containers that will each contain up to 8 PVC mesh bags. The mesh bags will hold very small juvenile oyster spat until the oysters grow sufficiently to be safely moved into the oyster lease grounds in the Delaware Bay for an additional growth period.

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## **EXHIBITS**

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## **I. INTRODUCTION**

### **A. Project Overview**

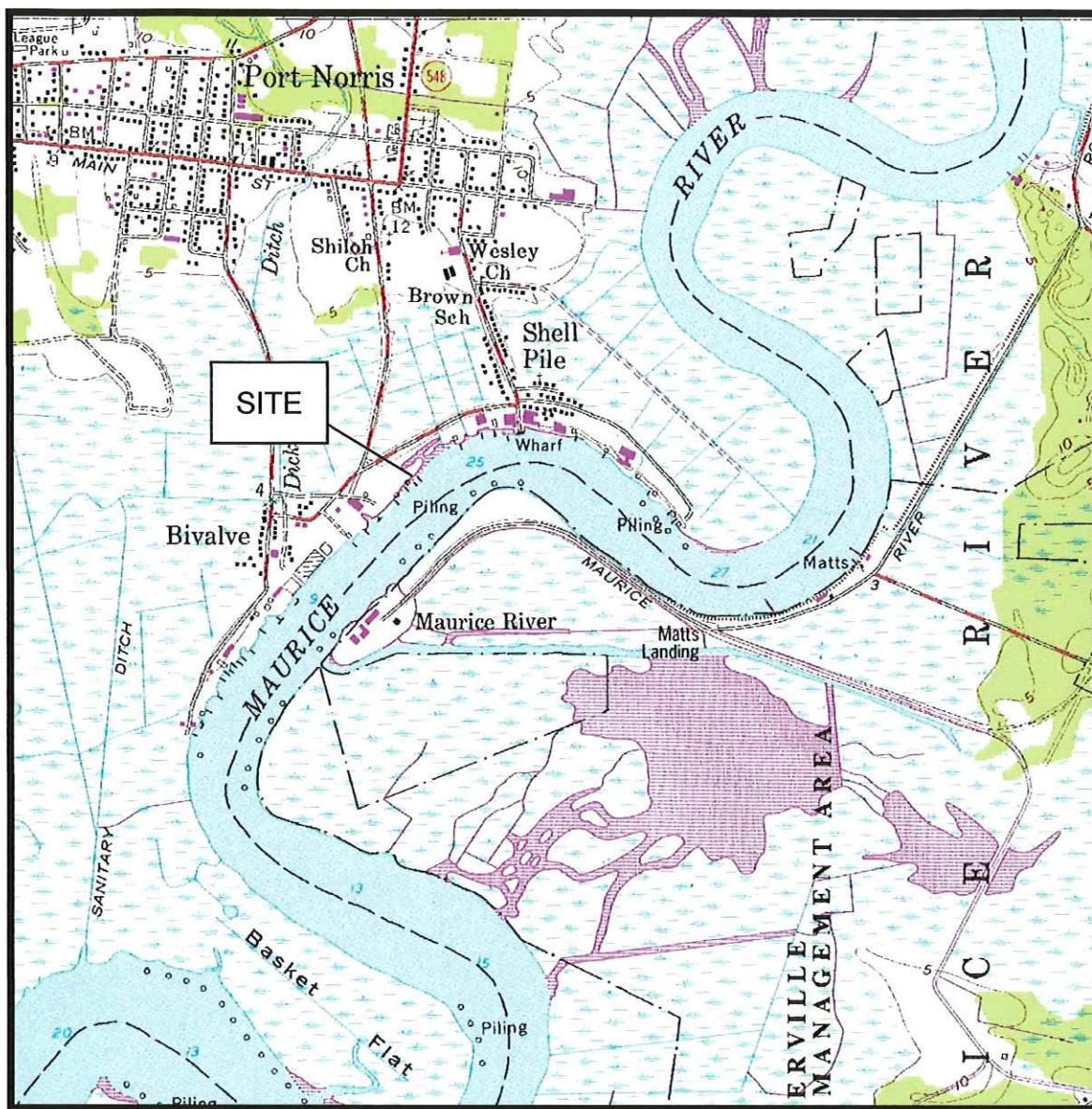
The applicant, Robinson's Oyster Farm, Inc, owns property known as Block 226 Lot 4 in the Bivalve section of Commercial Township, Cumberland County on 7001 Miller Avenue. The property is located between Miller Avenue and the Maurice River and has existing docks and piers with the appropriate Tidelands Instruments. The applicant is proposing to conduct commercial aquaculture activities at the property that consist of having a floating upweller system to raise Eastern Oysters (*Cassotrea virginica*) from the spat stage to a juvenile size large enough to relocate into the leased ground in the Delaware Bay for finishing and harvest. The upweller system consists of a 17' wide by 70' long floating dock that holds wire container baskets, 46" long by 39" wide by 30" deep. Each container basket can hold up to 8 PVC mesh bags that will contain the oyster spat. The oysters will not be directly used for consumption while they are grown in the Maurice River. Harvest and consumption will occur after the oysters mature in the Delaware Bay grounds. Tidelands license is pending for the upweller mooring. The USACOE issued a NWP 48 under permit number CENAP-OP-R-2007-1251-24.

### **B. Project Background**

The Bivalve section of Port Norris has historically been a major hub of the Delaware Bay fishing industry, especially for the shellfish and oyster industry. The subject property was initially developed during the 1940's.

Robinson's Oyster Farm, Inc has been in business for over forty years, specializing in shellfish production in the Delaware Bay and is licensed by New Jersey Department of Agriculture as an Aquatic Farmer. The docks at the subject property is a HACCP (Hazard Analysis and Critical Control Points – a food safety management system) certified landing center for commercial seafood. NJDEP Division of Water Monitoring has issued Permit #914-121 for a Hatchery to Produce and Grow Seed for the docks located at the property.

Figure 1 – USGS Location Map of Property



### C. Project Impacts

The negative impacts to the installation of the floating upweller for commercial shellfish aquaculture will be minimal. The location of the proposed dock is located within a previously authorized mooring area associated with a licensed fixed pier. There will be no adverse impact to Coastal Special Areas as defined under NJAC 7:7.

Positive impacts include the continuance and growth of a valuable water-dependent industry especially for the economically depressed Cumberland County. The oyster seed produced at the property will provide a valuable resource not only for Robinson's Oyster Farm but for all the oysterman that operate in the Delaware Bay.

### D. Permits and Approvals

The table below lists the permits and approvals required for the project.

AGENCY	PERMIT	STATUS
NJ Dept of Ag.	Aquatic Farmer License	Issued – Permit #00149
NJDEP – Div. of Water Monitoring	Commercial Shellfish Aquaculture Permit	Issued – Permit #915-121
NJDEP – Div. Water Monitoring	Hatchery Permit to Grow and Produce Seed	Issued Permit #914-121
USACOE	NWP 48	Issued CENAP-OP-R-2007-1251-24
NJDEP Tidelands Bureau	Tidelands License	0602-09-0006.1 TDI 090001
NJDEP DLUR	Waterfront Development	Pending, this application

## **II. LAND USE AND ENVIRONMENTAL INVENTORY**

### **A. Location**

Exhibit 1, a local street map, and Exhibit 2, Commercial Township Tax Assessment map show the project location in relation to the surrounding area. The project is located at 7021 Miller Avenue Port Norris on property known as Block 226 Lot 4 in Commercial Township, Cumberland County. The property is along the Maurice River in the area known as Bivalve.

### **B. Ownership**

The property is owned by Robinson's Oyster Farm, Inc, whose address is 1232 Front Street, Mauricetown, New Jersey 08329.

### **C. Existing Conditions**

#### **1. Topography**

Exhibit 3 is a portion of the USGS – Port Norris, NJ Quadrangle map that shows the area topography and the existing development on this portion of the Maurice River. The site plans prepared by Fralinger Engineering show detailed site topography. The site photographs enclosed in Appendix A depict the property.

#### **2. Existing Development**

The property already contains docks and a pier along the Maurice River and is utilized for commercial fishing purposes. The adjoining properties are also utilized for commercial fishing operations and include docks, outside equipment storage areas, and buildings for equipment storage and seafood processing. The property has historically been utilized for commercial fishing operations.

#### **3. Existing Soils**

The soil type listed in the project area by the USDA Cumberland County Soil Survey is "Transquaking mucky peat, 0 to 1% slopes, very frequently flooded". The soils are associated with coastal tidal marshes and are typically saturated and inundated regularly. Exhibit 4 is the USDA Soil Survey map obtained from the USDA NRCS Web Soil Survey at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, which shows the site's soil types.



### **III. COASTAL ZONE MANAGEMENT RULES N.J.A.C. 7:7**

#### **A. SUBCHAPTER 9 – Special Areas**

**N.J.A.C. 7:7-9.3 Surf Clam Areas, N.J.A.C. 7:7-9.4 Prime Fishing Areas, N.J.A.C. 7:7-9.6 Submerged Vegetation Habitat, N.J.A.C. 7:7-9.8 Canals, N.J.A.C. 7:7-9.9 Inlets, N.J.A.C. 7:7-9.11 Ports, N.J.A.C. 7:7-9.12 Submerged Infrastructure Routes, N.J.A.C. 7:7-9.13 Shipwreck & Artificial Reef Habitats, N.J.A.C. 7:7-9.14 Wet Borrow Pits, N.J.A.C. 7:7-9.16 Dunes, N.J.A.C. 7:7-9.17 Overwash Areas, N.J.A.C. 7:7-9.19 Erosion Hazard Areas, N.J.A.C. 7:7-9.20 Barrier Island Corridor, N.J.A.C. 7:7-9.21 Bay Islands, and N.J.A.C. 7:7-9.22 Beaches, N.J.A.C. 7:7 – 9.23 Filled Waters Edge and N.J.A.C. 7:7-9.24 Existing Lagoon Edges** do not occur at the project site.

**N.J.A.C. 7:7-9.2 Shellfish Habitat** – The Maurice River is a shellfish habitat designated as a “Prohibited Area for Shellfish Harvest”. The location of the floating upweller for the commercial shellfish aquaculture will be located in an area that was previously utilized as a mooring area adjacent to a fixed pier. The proposed floating upweller will not adversely impact the shellfish habitat of the Maurice River. There will be no dredging, filling, or other substrate disturbance. There will be over 36” of clearance between the bottom of the wire cages in the upweller and the river bottom at low tide. The NJDEP Division of Water Monitoring, Bureau of Marine Water Monitoring has issued permits to the applicant authorizing the use of the site for commercial aquaculture activities.

**N.J.A.C. 7:7-9.5 Finfish Migratory Pathways** – The project site is located within a finfish migratory pathway, the Maurice River. The proposed floating upweller will have no adverse impact on the migratory capacity of the Maurice River. There will be no physical impediment to migratory pathways and the water quality will not be adversely impacted.

**N.J.A.C. 7:7-9.7 Navigation Channels** - The proposed floating upweller is to be located 480’ from the marked channel of the Maurice River. The channel marker is directly across the river from the site. The aquaculture activities will not impede navigation on the River.

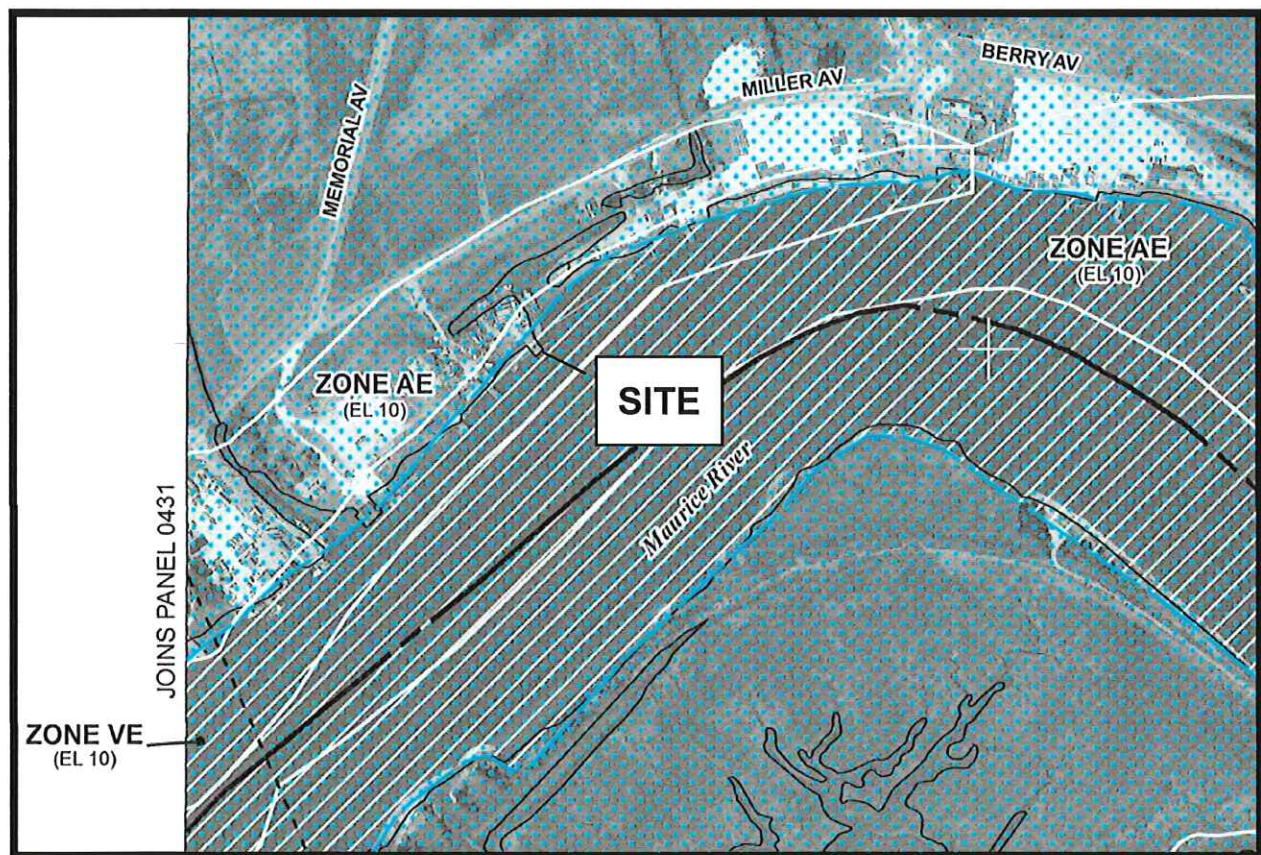
**N.J.A.C. 7:7-9.10 Marina Moorings** – The area of the floating upweller system will be located in an area previously used for a mooring. The remaining mooring areas and the access to the mooring areas will not be impacted.

**N.J.A.C. 7:7-9.15 Intertidal & Subtidal Shallows** – The proposed floating upweller system will be located within subtidal shallows. The wire cages will be suspended from a floating dock. The commercial aquaculture activities will not involve the placement of permanent structures, filling, or dredging. The bottom of the cages will be suspended over 36" from the river bottom at low tide so the bottom substrate and water circulation will not be adversely impacted.

**N.J.A.C. 7:7-9.18 Coastal High Hazard Areas**

The project site is located within the coastal high hazard area as it is mapped as a VE flood zone and within the mapped floodway on the FEMA Flood Map. The proposed floating upweller aquaculture system is a water-dependent use and is in accordance with 44 CFR Part 60 and UCC as applicable.

Figure 2 – FEMA FIRM Map



**N.J.A.C. 7:7-9.25 Flood Hazard Areas**

The project site is located within a tidal flood hazard area as defined under N.J.A.C. 7:7-9.25 and N.J.A.C. 7:13. The proposed floating upweller is located waterward of the mean

high water line. The rules under NJAC 7:7-9.25 do not apply to the project. Exhibit 5 is the FEMA FIRM Panel #34011C0432E.

#### **N.J.A.C. 7:7-9.26 Riparian Zones**

The regulated waters of the Maurice River would have a 50' wide riparian zone under N.J.A.C. 7:13. There will be no disturbance to vegetation within the riparian zone.

#### **N.J.A.C. 7:7 – 9.27 Wetlands**

A floating upweller system will be located within the Maurice River, waterward of the mean low water line. There will be no impacts to mapped or unmapped wetlands resulting from the commercial aquaculture project.

#### **N.J.A.C. 7:7 – 9.28 Wetland Buffers**

No wetland buffers will be impacted by the floating upweller aquaculture system located in the Maurice River, waterward of the mean low water line.

**N.J.A.C. 7:7 - 9.29 Coastal Bluffs, N.J.A.C. 7:7 – 9.30 Intermittent Stream Corridors, N.J.A.C. 7:7 – 9.31 Farmland Conservation Areas, N.J.A.C. 7:7 – 9.32 Steep Slopes, N.J.A.C. 7:7 – 9.33 Dry Borrow Pits, and N.J.A.C. 7:7 – 9.35 Specimen Trees** do not occur at the project site.

#### **N.J.A.C. 7:7 – 9.34 Historic and Archaeological Resources**

There are no buildings or structures on Block 226 Lot 4 that are identified as "historic eligible" individual identified property.

#### **N.J.A.C. 7:7 - 9.36 Endangered or Threatened Wildlife or Plant Species Habitats**

The Maurice River is mapped as Rank 4 coastal wetland that is foraging habitat for black-crowned night herons, ospreys, and bald eagles. The upland area adjacent to the proposed aquaculture system is mapped as Rank 1 habitat. The floating upweller system will have no impact to the habitat value of the area. The amount of human activity at the property will not increase as there are currently commercial fishing operations occurring on the property. Numerous commercial fishing vessels are moored in the immediate area. The addition of a floating upweller will not result in the loss or degradation of habitat.

**N.J.A.C. 7:7 – 9.37 Critical Wildlife Habitat**

The project site and surrounding areas are not mapped as a critical wildlife habitat site.

**N.J.A.C. 7:7 – 9.38 Public Open Space**

The subject property and adjacent properties are privately owned and are not considered public open space. The State-owned Heislerville Wildlife Management Area is directly across from the Maurice River. PSE&G also own extensive tracts of tidal marsh for public use in the areas surrounding Bivalve and Shellpile.

**N.J.A.C. 7:7 - 9.39 Special Hazard Areas, N.J.A.C. 7:7 – 9.40 Excluded Federal Lands, N.J.A.C. 7:7 – 9.41 Special Urban Areas, N.J.A.C. 7:7 – 9.42 Pinelands, N.J.A.C. 7:7 – 9.43 Hackensack Meadowlands, N.J.A.C. 7:7 – 9.45 Geodetic Control Reference Marks, N.J.A.C. 7:7 – 9.46 Hudson River Waterfront, N.J.A.C. 7:7 – 9.47 Atlantic City, N.J.A.C. 7:7 – 9.49 Dredged Material Management Areas** are not applicable to the project

**N.J.A.C. 7:7 – 9.44 Wild & Scenic River Corridors**

The portion of the Maurice River on which the project site is located is not within the Wild & Scenic River Corridor.

**N.J.A.C. 7:7 - 9.48 Lands and Waters Subject to Public Trust Rights**

The project site is located along the tidal Maurice River. However, this application is not for a new commercial development that would inhibit the public's access to the Maurice River. This application is for the authorization of appurtenant structures for an existing commercial use. The property has been utilized as a dock and water access point since the 1940's for commercial fishing operations. There is no existing public access on the property. Under N.J.A.C. 7:7-16.9(n)1, existing commercial development being maintained, renovated, redeveloped, expanded within the same parcel that does not currently have public access, no public access is required.

**B. SUBCHAPTER 12 - General Water Areas (N.J.A.C. 7:7 - 12)**

The proposed commercial aquaculture activity will occur on the Maurice River, a “medium river” as defined in this section.

**7:7-12.2 Shellfish Aquaculture** - The application is for a floating upweller system that will contain very small oyster spat for growth to a size of which the juvenile oysters can be moved to approved lease areas in the Delaware Bay for finishing to maturation when they will be ultimately harvested. The aquaculture will not conflict with other marine uses and will not cause adverse environmental impacts. The upweller system will be located in an area that was previously utilized as a mooring area, over 480' from the marked channel of the Maurice River, so therefore will not impede navigation. The upweller system will not prevent the free catching of free-swimming fish. The applicant, Robinson's Oyster Farm holds a valid shellfish lease.

**C. SUBCHAPTER 13 – Impervious and Vegetative Cover (N.J.A.C. 7:7 – 13)**

There will be no changes in impervious or vegetative cover proposed at the site.

**D. SUBCHAPTER 14 - General Location Rules (N.J.A.C. 7:7 – 14)**

**N.J.A.C. 7:7 - 14**

The basic overall location of the proposed shellfish aquaculture will not have an adverse impact on public health, safety, and welfare. There will be no adverse impact to public or private property, wildlife, and marine fisheries. The property is currently used as a docking area for a commercial fishing company, surrounded on both sides by other commercial fishing companies. The Bivalve and Shellpile areas have historically been centers for commercial fishing on the Delaware Bay. The current use of the subject property is consistent with the general use of the area.

**N.J.A.C. 7:7 – 14.3**

There will be no secondary impacts associated with the installation of a floating upweller system for commercial aquaculture. There will not be an increase in use of the property or an increase in traffic of the general area as the property is already utilized for commercial fishing operations.

**E. SUBCHAPTER 15 - Use Policies**

The project is consistent with coastal use policies.

**F. SUBCHAPTER 16 – Resource Rules**

**1. Marine Fish and Fisheries (N.J.A.C. 7:7-16.2)**

The proposed commercial aquaculture activities will not have an adverse impact on marine fish and fisheries.

**2. Water Quality (N.J.A.C. 7:7-16.3)**

The proposed activities do not violate the Federal Clean Water Act. There are no discharges to ground or surface waters associated with the project.

**3. Surface Water Use (N.J.A.C. 7:7-16.4)**

There will be no diversions of surface water for the proposed floating upweller system.

**4. Groundwater Use (N.J.A.C. 7:7-16.5)**

There will be no groundwater use at the property.

**5. Stormwater Management (N.J.A.C. 7:7-16.6)**

There will be no increase in impervious cover and there will be no land disturbance associated with the project. The project does not meet the definition of a “major development”.

**6. Vegetation (N.J.A.C. 7:7-16.7)**

There will be no disturbance to vegetation with the commercial aquaculture activities.

**7. Air Quality (N.J.A.C. 7:7-16.8)**

Not applicable.

**8. Public Access to the Waterfront (N.J.A.C. 7:7-16.9)**

The project site is located along the tidal Maurice River. However, this application is not for a new commercial development that would inhibit the public’s access to the Maurice River. This application is for the authorization of appurtenant structures for an existing

commercial use. The property has been utilized as a dock and water access point since the 1940's for commercial fishing operations. There is no existing public access on the property. Under N.J.A.C. 7:7-16.9(n)1, existing commercial development being maintained, renovated, redeveloped, expanded within the same parcel that does not currently have public access, no public access is required.

**9. Scenic Resources and Design (N.J.A.C. 7:7-16.10)**

There will be no impact to scenic resources with the floating upweller system.

**10. Buffers and Compatibility of Uses (N.J.A.C. 7:7-16.11)**

The project is compatible with existing and adjacent property uses. The property is utilized for commercial fishing support operations as is the adjoining properties.

**11. Traffic (N.J.A.C. 7:7-16.12)**

The project will not have an impact on the amount of traffic in the project area.

**12. Subsurface Sewage Disposal Systems (N.J.A.C. 7:7-16.13)**

No subsurface sewage disposal systems are proposed at the site.

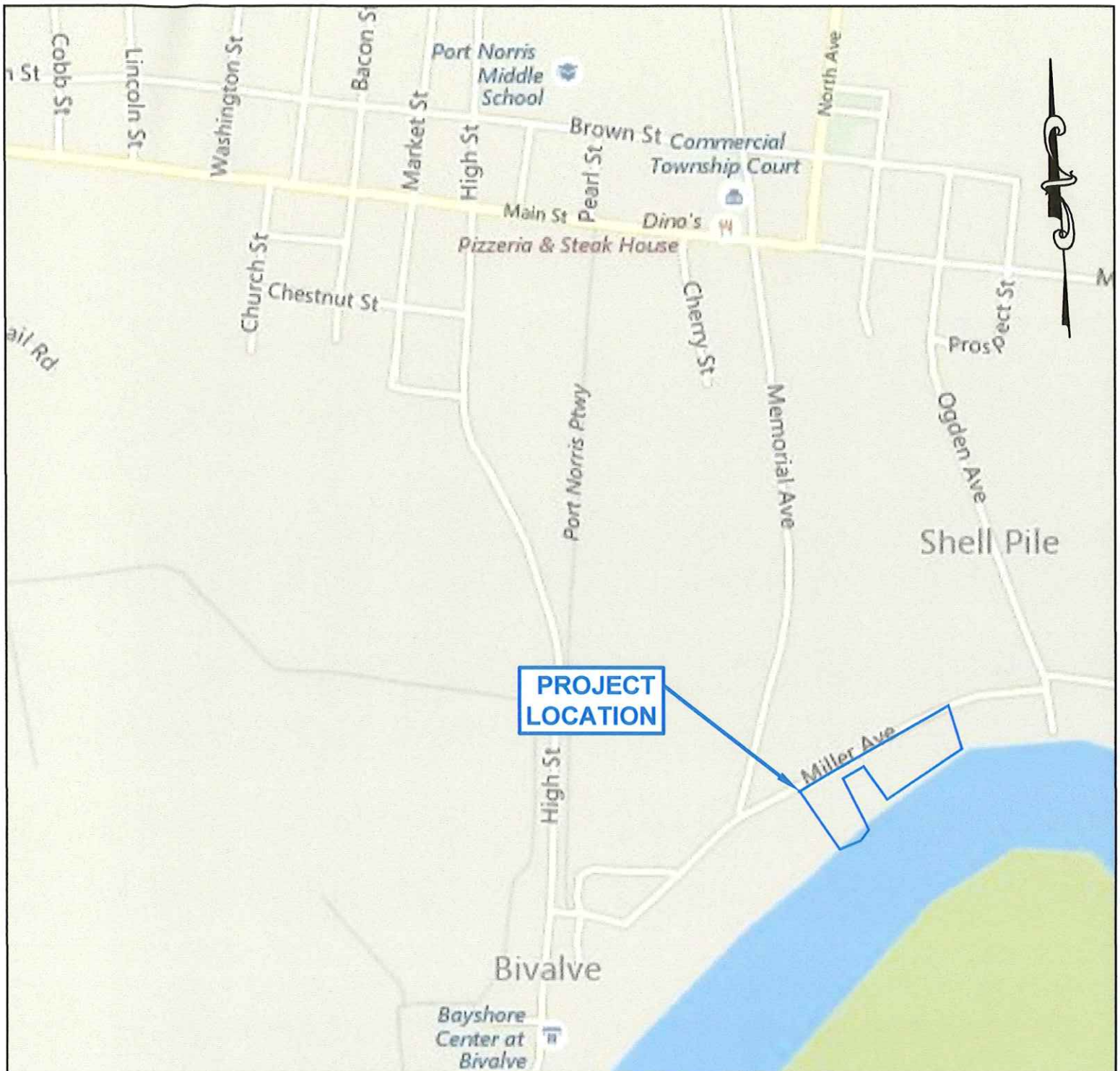
**13. Solid and Hazardous Waste (N.J.A.C. 7:7-16.14)**

Any solid waste generated at the property will be collected and removed from the property and taken to an approved disposal location. No hazardous waste will be generated, handled, or utilized at the property.

## **EXHIBITS**



**EXHIBIT 1**  
**LOCAL STREET MAP**



LOCAL STREET MAP - PORT NORRIS, NJ QUAD  
FOR REEVES OYSTER FARM, INC.

MUNICIPALITY: COMMERCIAL TOWNSHIP	PROJECT #: 18800.01	
COUNTY: CUMBERLAND COUNTY	CADD FILE #: LOCATION MAPS.DWG	
STATE: NEW JERSEY	DATE: APRIL 18, 2018	REV:
SCALE: NOT TO SCALE	DRAWN BY: AG	



**LEGEND**

SITE BOUNDARY



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**Engineering** PA

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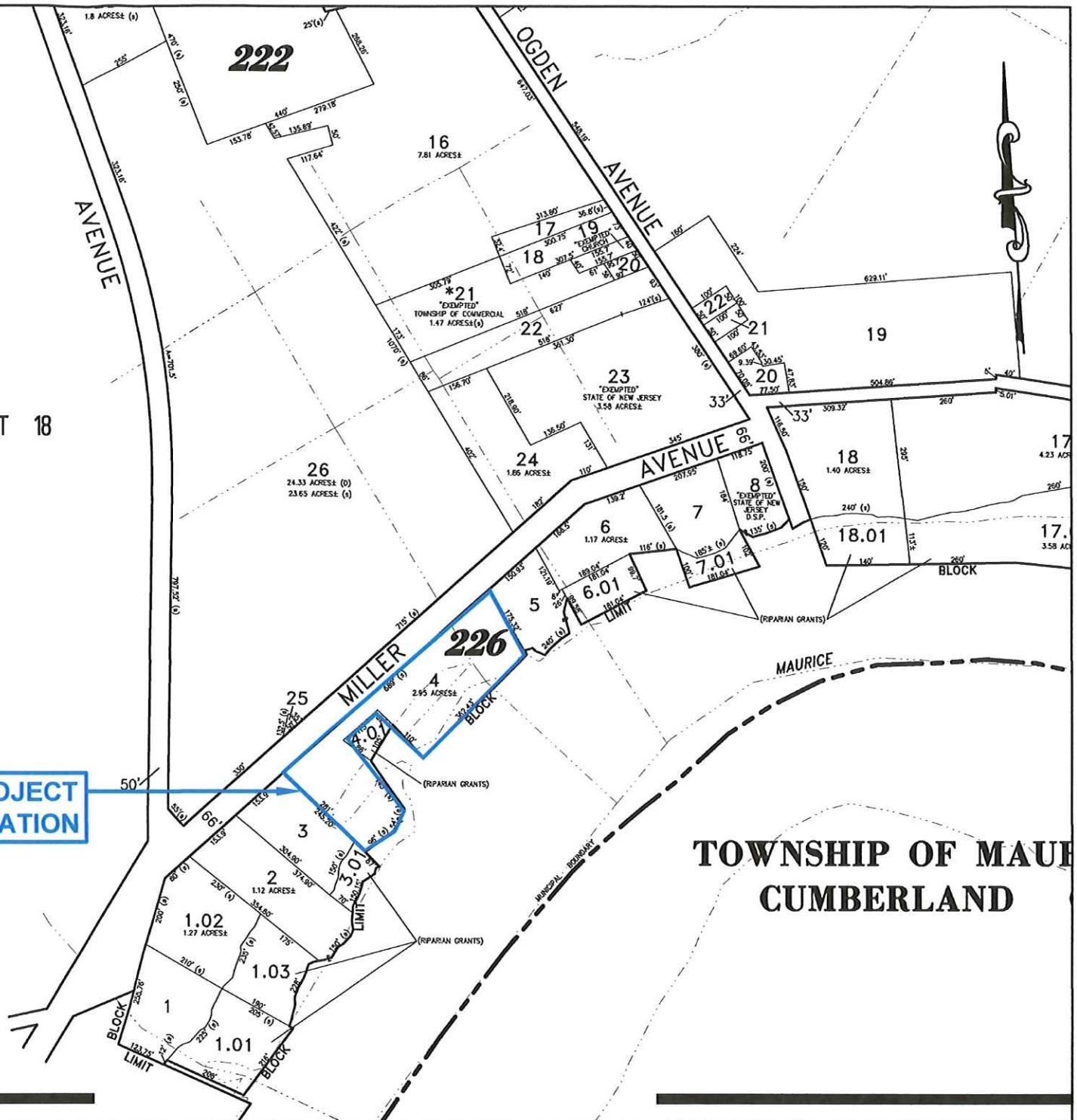
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Bridgeton, NJ 08302  
Phone: (856) 451-2990  
Fax: (856) 455-9702

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**EXHIBIT 2**  
**COMMERCIAL TOWNSHIP TAX ASSESSMENT MAP**

SHEET 18

PROJECT  
LOCATION



# COMMERCIAL TOWNSHIP TAX ASSESSMENT MAP FOR ROBINSON'S OYSTER FARM

MUNICIPALITY: COMMERCIAL TOWNSHIP	PROJECT #: 18800.01	
COUNTY: CUMBERLAND COUNTY	CADD FILE #: LOCATION MAPS.DWG	
STATE: NEW JERSEY	DATE: APRIL 18, 2018	REV:
SCALE: NOT TO SCALE	DRAWN BY: AG	



## LEGEND

SITE BOUNDARY



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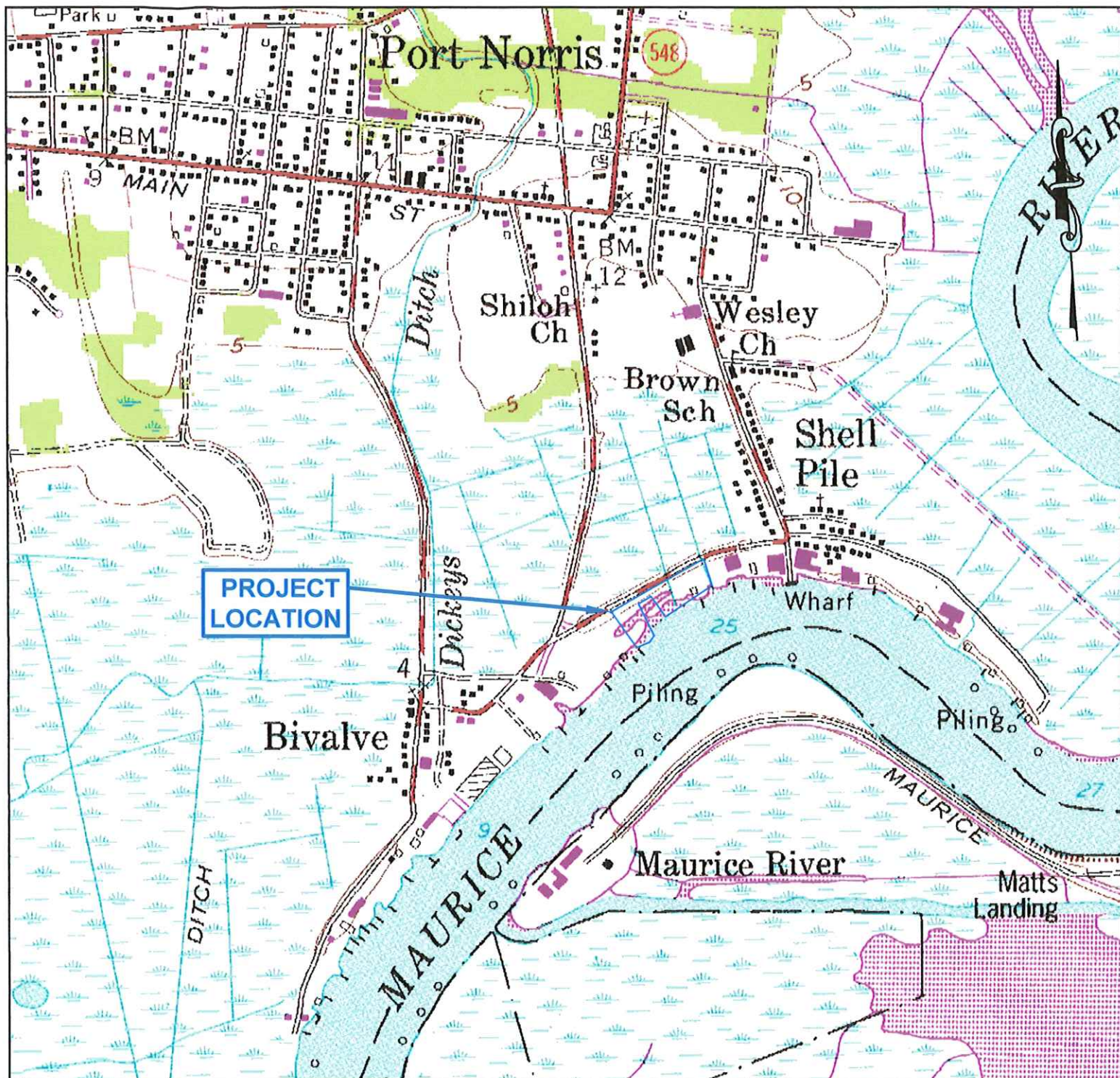
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**EXHIBIT 3**  
**USGS QUADRANGLE MAP**  
**Port Norris, NJ Quad**





USGS TOPOGRAPHIC MAP - PORT NORRIS, NJ QUAD  
FOR REEVES OYSTER FARM, INC.

MUNICIPALITY: COMMERCIAL TOWNSHIP

PROJECT #: 18800.01

COUNTY: CUMBERLAND COUNTY

CADD FILE #: LOCATION MAPS.DWG

STATE: NEW JERSEY

DATE: APRIL 18, 2018

REV:

SCALE: 1" = 1,000'

DRAWN BY: AG

**LEGEND**



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**EXHIBIT 4**  
**USDA SOIL SURVEY MAP**





USDA SOIL SURVEY MAP  
FOR ROBINSON'S OYSTER FARM, INC.

MUNICIPALITY: COMMERCIAL TOWNSHIP	PROJECT #: 18800.01	
COUNTY: CUMBERLAND COUNTY	CADD FILE #: LOCATION MAPS.DWG	
STATE: NEW JERSEY	DATE: APRIL 18, 2018	REV:
SCALE: NOT TO SCALE	DRAWN BY: AG	



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**EXHIBIT 5**  
**FEMA FLOOD INSURANCE RATE MAP**  
**PANEL #34011C0432E**



ZONE AE  
(EL 8)

S TEMPERANCE ST

ZONE AE  
(EL 9)

MAURICE ST

LIMIT OF MODERATE  
WAVE ACTION

ZONE AE  
(EL 10)

Township of  
Commercial  
340166

OGDEN AV

BERRY AV

MILLER AV

MEMORIAL AV

ZONE AE  
(EL 10)

ZONE AE  
(EL 10)

PROJECT  
LOCATION

Maurice River

ZONE VE  
(EL 10)

145000 FT

FEMA FLOOD INSURANCE RATE MAP #34011C0432E  
FOR ROBINSON'S OYSTER FARM, INC.

MUNICIPALITY: COMMERCIAL TOWNSHIP

PROJECT #: 18800.01

COUNTY: CUMBERLAND COUNTY

CADD FILE #: LOCATION MAPS.DWG

STATE: NEW JERSEY

DATE: APRIL 18, 2018

REV:

SCALE: NOT TO SCALE

DRAWN BY: AG

**LEGEND**



SITE BOUNDARY



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**APPENDIX A**  
**Site Photographs**



PHOTO NO. 1 – FLOATING DOCK FRAMEWORK FOR PROPOSED UPWELLER SYSTEM.

WIRE CONTAINER BASKETS ARE INSERTED IN OPEN SPACES IN DOCK. DOCK IS SHOWN IN A TEMPORARY LOCATION.



PHOTO NO. 2 – WIRE CONTAINER BASKET THAT WILL BE SUSPENDED IN DOCK. EACH WIRE BASKET CAN HOLD UP TO 8 PVC MESH BAGS THAT CONTAIN THE JUVENILE OYSTERS





PHOTO NO. 3 – CLOSE VIEW OF PVC MESH BAG THAT WILL HOLD JUVENILE OYSTERS





PHOTO NO. 4 – VIEW OF FIXED CONCRETE PIER THAT THE UPWELLER WILL BE ATTACHED. UPWELLER IS TO BE LOCATED WHERE BOAT IS CURRENTLY MORRED IIN PHOTO.

**APPENDIX B**  
**Preparer's Resume**





## **AISLINN GANDY ENVIRONMENTAL SPECIALIST**

Aislinn Gandy is an environmental specialist responsible for freshwater wetlands delineation, environmental permitting, and soil tests, site evaluations, environmental impact statements and septic system design work.

---

### **EDUCATION:**

- B.S. Biology, Rowan University, Glassboro, New Jersey;
- Continuing Education Classes at Rutgers University –  
Threatened & Endangered Species of Southern New Jersey  
Wetlands Delineation, Vegetation Identification, Hydric Soils, Wetlands  
Hydrology  
Flood Hazard Area Control Act  
Coastal Project Review  
Freshwater Wetlands Construction and Monitoring  
Discharge Prevention, Containment, & Countermeasure and Discharge  
Cleanup and Removal Plan (DPCC/DCR)
- Certified by Infiltrator® Systems for Design & Installation of Infiltrator® Leaching Chamber System for Onsite Wastewater Disposal Systems;

### **EXPERIENCE RECORD:**

- June, 2001 – Present - Fralinger Engineering PA  
Environmental Specialist – Responsibilities include environmental permitting, wetland delineation and location, soil borings and classification, site investigation, environmental impact statements, client consultations and project management
- Summer 1999 - The Nature Conservancy  
On-site Preserve Manager, Cape May Migration Bird Refuge – Responsibilities include management and scientific monitoring of Piping Plovers and Least Terns, lead educational and natural history walks, monitored Preserve use.
- Summer 1998 - Rutgers University, Haskin Shellfish Research Laboratory  
Field Technician – Responsible for care and maintenance of over 200 bushels of experimental oysters, maintained 75,000-gallon land based nursery and holding systems, collected biological data on progeny groups.
- Summer 1997 - Fralinger Engineering PA  
Survey Technician – Work on survey crew to assist in preparation of boundary surveys, topographic surveys and construction stakeout utilizing both conventional and global positioning system methodologies.