



US Army Corps  
of Engineers®

# PUBLIC NOTICE

Applicant:  
Thomas MacArthur  
NorthStar Marina Holdings, LLC

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**Philadelphia District**  
**Permit Application No. NAP-2020-00753-TREC**

TO WHOM IT MAY CONCERN: The Philadelphia District of the U.S. Army Corps of Engineers (Corps) 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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Thomas MacArthur  
NorthStar Marina Holdings, LLC  
P.O. Box 850  
Barnegat Light, New Jersey 08006

**AGENT:** Junetta Dix  
ACT Engineers, Inc.  
320 S. Shore Road, Suite D  
Marmora, New Jersey 08223

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with Barnegat Bay. The project area is located west of Bayview Avenue at and near to 1501 Bayview Avenue in the Borough of Barnegat Light, Ocean County, New Jersey; at Latitude 39.753155°N and Longitude 74.112655° W.

**EXISTING CONDITIONS:** The total impact area for the proposed marina expansion is approximately 24,198 square feet and the mooring field would occupy an area extending approximately 32.5 feet from the center of each of the five mooring piles. The substrate of the marina expansion area and mooring field is subaqueous sandy bottom. The marina has been dredged in the past. No submerged aquatic vegetation (SAV) or SAV suitable habitat were observed in the project area during the SAV survey. The area is mapped as shellfish habitat. The existing marina facility contains 74 slips. The proposed basin expansion would occur within an area with water depths ranging from 6 to 13 feet. No dredging is required or proposed within this area. Water depths in the proposed mooring field are generally 9-13 feet below the Mean Low Water (MLW) elevation, but not less than 4 feet MLW.

## **PROJECT PURPOSE:**

**Basic: Mooring and dockage.**

**Overall: To reconfigure and expand the existing marina to provide for improved mooring and dockage capacity within Barnegat Bay South.**

**PROPOSED WORK:** The applicant requests authorization to expand and reconfigure the existing marina, to legalize previously unpermitted modifications to the existing docks in their current configuration and construct a mooring field within the Barnegat Bay South Project Area to provide mooring for 30 additional vessels beyond the existing configuration, including 14 transient vessels and one slip to accommodate transient dinghies.

The existing center dock would be extended by 50 feet and three finger piers would be added to accommodate three (3) new slips and increase the size of two existing slips. The proposed marina expansion area would provide boat slips for 18 additional recreational motorboats, ranging in size from 30-foot to 38-foot slips, with seven (7) of the 18 slips designated for transient boaters and a transient dinghy dock. The proposed mooring field would provide moorings for five (5) 26-foot length transient vessels. The existing southern vinyl breakwater would be reconstructed and extended by 126-feet to the west. The existing westerly dock and associated 163 feet of breakwater would be removed. A new 328-foot section of vinyl breakwater with an associated 6-foot floating dock would extend from the northwestern section of the existing marina to the west and then extend southward and perpendicular to the shore. Mooring for one larger vessel would be constructed to the west of the extended breakwater.

The proposed mooring field would include five (5) moorings to accommodate 26-foot length transient vessels. The drift radius of each mooring has been designed based on allowing 150% of the length of the maximum-sized vessel intended for that mooring. All moorings and associated drift radii are located outside of the state navigation channel. No dredging is proposed.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant is seeking to reconfigure the existing marina design to incorporate the maximum number of boat slips, thereby reducing the area needed for expansion. The proposed dock extension and the new docks in the marina basin expansion area would be constructed of non-polluting materials. The dimensions and locations of the proposed expansion have also been minimized. The number of proposed mooring areas in the mooring field have been reduced from 16 to five (5), thereby minimizing the total area covered by the mooring field. The proposed disturbance for the mooring field includes only the area for the installation of the mooring anchors which would include associated mooring buoys. The proposed marina expansion and mooring field are located in water with sufficient depths where dredging is not required and where SAV is not present.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: The proposed design includes five (5) boat moorings in the mooring field, reconfiguration of the existing marina basin structures, and a 24,198 square-foot expansion of the marina basin. To avoid impacts to waters of the United States, the proposed development is located in water with sufficient depth where dredging is not required and where SAV is not present. The mooring locations in the proposed mooring field consist of a pile, anchor chain, and buoy to which boats tie up. The disturbance area for the installation of the proposed structures is minimal. Thus, mitigation for impacts to waters of the United States should not be required.

**CULTURAL RESOURCES:** The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Should historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) be present within the Corps' permit area, the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to an historic property.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Regional Field Office Section 7 Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

North Atlantic right whale, fin whale, Atlantic sturgeon, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and the loggerhead sea turtle.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the USFWS and NMFS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**COASTAL ZONE MANAGEMENT ACT:** 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 States' 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 would be conducted in a manner that is consistent with the approved New Jersey 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 rights to do so. Comments concerning the impact of the proposed and/or existing activity on the State coastal zone should be sent to this office, with a copy to the State Office of Coastal Zone Management.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That 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 proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics,

esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Philadelphia District will receive written comments on the proposed work, as outlined above, until January 2, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Adam Fannin at Adam.E.Fannin@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Philadelphia District, Attention: Adam Fannin, U.S. Army Corps of Engineers, Philadelphia District 1650 Arch Street, Fifth Floor Philadelphia, Pennsylvania 19103-2004. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Todd A. Schaible  
Chief, Regulatory Branch