

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3002**

March 14, 2019

Ms. Aurelia Skipwith, Acting Director  
U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, DC 20240

**RE: Request to Reclassify CBRS Unit NJ-09 as an Otherwise Protected Area**

Dear Director Skipwith:

I am writing about an issue that impacts both environmental enhancement and the sound stewardship of taxpayer funds. The Townsends Inlet to Cape May Inlet Shore Protection Project covers the length of the Boroughs of Avalon and Stone Harbor in my District. Due to the allocation of Fiscal Year 2019 Corps of Engineers Work Plan funds for the scheduled renourishment of this project, I am writing to propose the reclassification of Coastal Barrier Resources System (CBRS) Unit NJ-09 so that the permitted borrow site for this project in Hereford Inlet is reclassified as an Otherwise Protected Area. This will save taxpayers at least \$6.5 million dollars and enable the Stone Harbor Point Refuge to receive the sand that created more than 1.5 miles of habitat.

The U.S. Fish and Wildlife Service (USFWS) had originally approved that site with the condition that the Army Corps of Engineers (Army Corps) create a wildlife habitat at the southern end of the project in the form of a perpetual deed-restricted easement. That condition was met, and the refuge has flourished because the sand from Hereford Inlet placed on the shore protection project flows back to the south. In 2016, the USFWS reversed its position and rejected the use of NJ-09.

The USFWS objection to the use of the Hereford Inlet borrow site resulted in sediment being taken from the Townsends Inlet and transported at an additional price tag of \$6.5 million. Not only is this extra cost unnecessary, but sediment surveys have concluded that sediment available from the Townsends Inlet is not enough to nourish both the Avalon and Stone Harbor portions of the project.

No part of the shorelines of the two communities is within a Coastal Barrier Resources Act (CBRA) zone, but in 2016 USFWS relied on a 1994 opinion from the Department of Interior Solicitor's Office that declared that sand from a CBRA unit could not be placed on a non-CBRA shoreline. Rather than argue that point, I am suggesting that the common-sense way to resolve this issue without legislative or legal activity is to reclassify the permitted borrow zone as an Otherwise Protected Area, thus allowing federal funds to be used to dredge that sand for the renourishment of the federally-authorized coastal storm damage reduction project.

Sincerely,



Jeff Van Drew  
U.S. Representative