



**US Army Corps
of Engineers**

Philadelphia District

Public Notice

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May 2005

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In Reply Refer to: Environmental Resources Branch

Delaware Bay Oyster Bed Shell Planting Delaware and New Jersey

Pursuant to Section 102 of the National Environmental Policy Act, Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, NOTICE IS HEREBY GIVEN THAT, the Philadelphia District U.S. Army Corps of Engineers (USACE) proposes to implement a shell-planting program that will substantially promote improvements in the oyster populations in Delaware Bay. The project, in turn, will promote the economies of the Delaware Bay oyster fishery and that of the Delaware Bay regional/recreational economy as a whole by improving water quality within the estuary.

The Delaware Estuary is an ecologically valuable area. The USACE seeks to address the habitat degradation and the ensuing significant losses to an indigenous natural resource. From 1990 to 1995, the oyster industry provided little in jobs or revenue in Delaware Bay. Oystering did not reopen until 2001. Since 2001, the condition of the oyster resource has deteriorated despite careful management and limited controlled fishery, increasing the urgency for establishing a recruitment and enhancement program based on shell planting. Recognizing the problem, the New Jersey Legislature passed a joint resolution (SJR-19, 1996) establishing the "Oyster Industry Revitalization Task Force" (OIRTF) to develop recommendations that could lead to revitalization of the oyster industry and its associated economic benefits in the Delaware Bay. In 2001, representatives from both Delaware and New Jersey, including state regulatory agencies, the Delaware River and Basin Commission, and interested citizens developed an oyster revitalization initiative based on the OIRTF. The primary goal was to enhance recruitment by enhancing natural seed supply through the planting of shell (cultch) to provide habitat for recruitment of juvenile oysters (spat). The planting of clean shell will increase oyster habitat, expand oyster abundance, and revitalize the natural resource with concomitant improvements in bay habitat quality from increased habitat complexity as well as increased water clarity brought about by the increased filtration of an abundant shellfish resource.

The shell-planting project would take place in portions of the natural oyster beds of Delaware Bay in the states of Delaware and New Jersey, as well as the leased beds off the New Jersey Cape Shore of Delaware Bay. The portions of existing oyster beds to be planted with clean shell will be selected by the New Jersey Department of Environmental Protection (NJDEP) and Delaware's Department of Natural Resources and Environmental Control (DNREC) based on bottom surveys to be carried out at the inception of the project. Up to five 25-acre plots will be planted in each state with approximately 50,000 bushels of shell per plot. The first substrate placed will be oyster shell, if available, but if not available in sufficient quantities, clamshell will be used. Local clam companies generate large quantities of ocean quahog and surf clam shells

and these shells provide an adequate substitute for oyster shell. Hence, the project will recycle a waste product into a useful commodity, thereby alleviating present storage and disposal issues.

In accordance with the National Environmental Policy Act, a draft Environmental Assessment (EA) has been developed for this project and is being circulated to the appropriate state and federal agencies, and other public interests. Impacts to water quality have been evaluated in accordance with the Section 404(b)(1) guidelines of the Clean Water Act, and are not adverse. Requests for this document should be made to the U.S. Army Corps of Engineers, Philadelphia District, Environmental Resources Branch at (215) 656-6557.

In accordance with Section 401 of the Clean Water Act, a Section 401 Water Quality Certification and Coastal Zone Consistency determination have been requested from the New Jersey Department of Environmental Protection (NJDEP) for the proposed project. Under a current agreement with the State of Delaware, the proposed action meets the requirements for Nationwide Permit #4 and therefore, the Environmental Assessment, Section 404(b)(1) Compliance Review and Statement of Findings for Nationwide Permit #4 apply to this action. Delaware Coastal Zone Management Federal consistency determination has been issued and Delaware's Section 401 Water Quality Certification is waived.

Pursuant to Section 7 of the Endangered Species Act, as amended, the proposed work will not adversely affect listed species or their critical habitat. In addition, review of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion, would be impacted. All practicable means to avoid or minimize adverse environmental effects have been incorporated into the recommended plan.

The public and all agencies are invited to comment on this proposal. Any person may request, in writing, to the District Engineer, within the comment period specified in this notice that a public hearing be held to consider this proposal. Requests for a public hearing shall state, in detail, the reasons for holding a public hearing.

All comments on the work described in this public notice should be directed to Mr. Mike Arabatzis, ATTN: Environmental Resources Branch, U.S. Army Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390 by 14 June 2005.

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