



FINDING OF NO SIGNIFICANT IMPACT

NEW JERSEY BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER CUMBERLAND AND CAPE MAY COUNTY, NEW JERSEY

The U.S. Army Corps of Engineers, Philadelphia District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated 3 February 2020, for the New Jersey Beneficial Use of Dredged Material for the Delaware River addresses coastal storm risk management opportunities and feasibility in Cumberland and Cape May County, New Jersey. The final recommendation is contained in the report of the Chief of Engineers, dated.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would beneficially use dredged material for coastal storm risk management in the study area. The recommended plan is the National Economic Development (NED) Plan and includes:

- Beach restoration at three (3) coastal communities in the southern reach of the study area. The three (3) locations include Villas (South) and Gandys Beach and Fortescue.

In addition to a “no action” plan, 3 alternatives were evaluated.¹ The alternatives included a Levee/Dike Plan, a Beach Restoration Plan and a Beach Restoration with Groin(s) Plan, as discussed in Section 3.4 of the IFR/EA.

¹ 40 CFR 1505.2(b) requires a summary of the alternatives considered.



For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts. ² USACE will consult with NMFS once a maintenance dredging schedule is determined. The dredge pipe will be floated for a minimum of 1,000 feet, extending offshore to avoid disrupting young sandbar and sand tiger shark mobility close to the shoreline and horseshoe crabs between 1 May and 15 September. Appropriate actions will be taken to avoid adverse effects to listed and protected species during construction. No beach nourishment will occur from 01 April to 31 August for the protection of red knots and other migratory shorebirds. Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the NMFS issued a biological opinion, dated 17 November 2017, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical

² 40 CFR 1505.2(C) all practicable means to avoid and minimize environmental harm are adopted.



habitat: shortnose sturgeon, Atlantic sturgeon, and loggerhead, Kemp's ridley, green, and leatherback sea turtles. All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from these consultations shall be implemented in order to minimize take or endangered species and avoid jeopardizing the species.

Public review of the draft IFR/EA and FONSI was completed on 9 January 2017. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 30-day state and agency review of the Final IFR/EA was completed on DATE SAR PERIOD ENDED. Comments from state and federal agency review did not result in any changes to the final IFR/EA.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: red knot. The U.S. Fish and Wildlife Service (FWS) concurred with the Corps' determination on 19 April 2019. The USACE will adhere to the environmental window for foraging red knots. Section 7 consultation with FWS will be re-initiated within 60 days prior to construction. This feasibility study is in compliance with the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531, *et seq.* P.L. 93-205.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps and the New Jersey State Historic Preservation Office entered into a Programmatic Agreement (PA), dated 22 January 2020. All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.³

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix D of the IFR/EA.

A water quality certification pursuant to section 401 of the Clean Water Act was obtained from the New Jersey Department of Environmental Protection on 22 December 2017 for the feasibility-level design. All conditions of the water quality certification shall be implemented in order to minimize adverse impacts to water quality.

A determination of consistency with the New Jersey Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 was obtained from the New Jersey Department of Environmental Protection on 22 December 2017 for the feasibility-level design. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Technical, environmental, economic, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and

³ Required by 36 CFR 800.6(c)(3) meeting the terms and conditions of the MOA



Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies.

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives.⁴ Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.⁵

Date

David C. Park
Lieutenant Colonel, Corps of Engineers
District Commander

⁴ 40 CFR 1505.2(B) requires identification of relevant factors including any essential to national policy which were balanced in the agency decision.

⁵ 40 CFR 1508.13 stated the FONSI shall include an EA or a summary of it and shall note any other environmental documents related to it. If an assessment is included, the FONSI need not repeat any of the discussion in the assessment but may incorporate by reference.