



**US Army Corps
of Engineers**
Philadelphia District
100 South Independence Mall West
Philadelphia, PA 19106
Attn: CENAP-OPR

Public Notice

Comment Period Begins: March 7, 2023
Comment Period Ends: April 6, 2023
File Number: NAP-2022-00970-95
File Name: NJDOT-OMR - Gull Island CDF Improvement Project
Contact: Robert Youhas
Email: robert.youhas@usace.army.mil

This District 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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: New Jersey Department of Transportation
Office of Maritime Resources
Attn: Ms. Genevieve Clifton
P.O. Box 600
1035 Parkway Avenue
Trenton, New Jersey 08625-0600

AGENT: S.T. Hudson Engineers, Inc.
Attn: Mr. Kevin Casey
900 Dudley Avenue
Cherry Hill, New Jersey 08002

LOCATION: Gull Island, Borough of Point Pleasant Beach, Ocean County, New Jersey; Approximate Center Coordinates: 40.103468, -74.046244).

PURPOSE: The stated purpose of this project is to renew capacity, improve access, address erosion, safeguard against slope failures, and increase the efficiency of the Gull Island Confined Disposal Facility (CDF) so that it can continue to operate as the region's sole dredged material management and storage facility.

PROJECT DESCRIPTION:

The applicant, New Jersey Department of Transportation – Office of Maritime Resources (NJDOT-OMR), has requested Department of the Army (DA) authorization to restore to historical dimensions and construct improvements to the existing CDF at Gull Island. Beginning in the 1950s, the approximately 48.0-acre island, owned by Ocean County, New Jersey, has been utilized by the United States Army Corps of Engineers

(USACE) as a disposal site for dredged sediments generated through maintenance dredging of the Manasquan River Federal Navigation Channel. Most recently, in 2016-2017, the Gull Island CDF was utilized by NJDOT-OMR as a disposal site for dredged material generated from dredge maintenance of NJDOT-OMR's Manasquan State Channel Complex. Additionally, local marinas, water-based businesses, and waterfront residents have utilized the Gull Island CDF for disposal of dredged material. Presently, the Gull Island CDF has reached its sediment storage capacity of approximately 250,000.0-cubic yards.

NJDOT-OMR proposes to undertake the following regulated work at Gull Island:

Gull Island CDF Reconstruction and Stabilization

Reconstruct the Gull Island CDF to its original footprint, as determined by historical aerial imagery and as-built site records, to accommodate a sediment storage capacity of approximately 581,000.0-cubic yards. The eastern confining berm would be restored to its original 1995 footprint at the existing wave screen/bulkhead line, and the southern confining berm would be expanded and reinforced to provide slope stability along Wills Hole Thorofare Channel. All perimeter berm reconstruction activities would utilize existing deposited dredged material. The reconstructed CDF berms are proposed to have a top elevation of 40.0-feet NAVD88 with 2.5:1 side slopes. Rip-rap stone and/or articulated concrete block mattresses would be used to stabilize the eastern and southern perimeter berms.

Reconstruction of the perimeter berms and stabilization of the southern and eastern portions of the Gull Island CDF would result in 3.54-acres of permanent impacts to Waters of the U.S.

Loading Dock Construction

From the existing CDF roadway, construct one (1) 45.0-foot wide by 325.3-foot-long fixed pier leading to one (1) 36.0-foot-wide by 100.0-foot-long loading platform with six (6) stand-alone mooring dolphins capable of mooring an approximately 240.0-linear foot ocean-going barge. The wharf would be situated on the northern side of the CDF, parallel to the Manasquan River Channel. A project total of eighty-three (83) piles, consisting of fifty-nine (59) HP14x89 steel H-piles, eight (8) 24.0-inch diameter steel pipe piles, and sixteen (16) 18.0-inch diameter steel piles would be installed via vibratory hammer.

Maintenance Dredging

One-time maintenance dredging of 38,190.0-cubic yards of sediments from a 2000.0-foot-long portion of the Manasquan River Federal Navigation Channel to -13.0-feet below the plane of Mean Low Water (MLW), plus 1.0-foot of allowable overdredge is proposed. The channel design width is 300.0-linear feet, with 3:1 side slopes.

One-time maintenance dredging of 15,050.0-cubic yards of sediments from an 0.961-acre area at the proposed loading dock location to -13.0-feet below the plane of Mean Low Water (MLW), plus 1.0-foot of allowable overdredge, is proposed.

All of the dredging work would be accomplished via hydraulic cutterhead dredge. All resultant dredged material, estimated to total approximately 53,240.0-cubic yards comprised of approximately 77% sand and 23% fines, would be hydraulically pumped via floating and submerged pipeline for placement at three (3) locations for shoreline restoration/renourishment:

- a) Bathing Beach Placement Area (40.105247, -74.033377): Approximately 28,650.0-cubic yards of dredged material would be placed within a 5.172-acre area below the High Tide Line.
- b) Non-Bathing Beach Placement Area (also known as Dog Beach) (40.106453, -74.039584): Approximately 20,890.0-cubic yards of dredged material would be placed within a 2.294-acre area below the High Tide Line.
- c) Gull Island Dewatering Area (40.102518, -74.047503): Approximately 3,700.0-cubic yards of dredged material would be placed within an 0.735-acre area located above the High Tide Line.

For navigational safety, the hydraulic dredge pipeline will be marked in accordance with U.S. Coast Guard regulations. Additionally, the dredge pipeline would be submerged with the following exceptions: where it exits the dredge, where it enters and exits any booster pumps, where it approaches the placement sites, and where submerged aquatic vegetation (SAV) is encountered. In these areas, the dredge pipeline will be floated on the surface.

Gull Island stabilization activities are proposed for Summer 2023. Dredging is proposed for Fall 2023, anticipated to be approximately nine (9) to twelve (12) weeks in duration, including mobilization/demobilization, dredging, and placement activities. Following dredging, loading dock construction activities would be

undertaken, with an approximate duration of nine (9) to twelve (12) weeks.

For additional project details, see the attached plans identified as: E-1 through E-12, all entitled "NAP-2022-00970-95" and all dated 28 February 2023.

MITIGATION

The applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. Information provided in the application and on the plans indicates that compensatory mitigation is neither practicable nor feasible for the amount of dredged or fill material to be discharged into waters of the United States.

Per Federal Regulations 33 CFR 325.1(d)(7), the applicant has stated that compensatory mitigation is not required as the Gull Island CDF would be restored to historical dimensions as well as stabilized and made safer for the storage and management of dredged material; and the placement of dredged material below the High Tide Line would be beneficially re-utilized to restore/renourish eroded shoreline.

CORPS EVALUATION FACTORS

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The 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 work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof. Among these factors are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people.

The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency if the project includes a discharge of dredge or fill material pursuant to Section 404 of the Clean Water Act.

ENDANGERED SPECIES

A preliminary review of this application indicates that species and/or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) may be present in the action area. This office will forward this Public Notice to the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) with a request for technical assistance on whether any ESA-listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This office will evaluate the potential effects of the proposed actions on ESA-listed species or their

critical habitat and will consult with the USFWS and/or NMFS, as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this permit application.

CULTURAL RESOURCES AND TRIBAL TRUST

The District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places and for potential issues concerning the Tribes. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties as necessary.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) for all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. This office will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS, as appropriate. Consultation would be concluded prior to the final decision on this permit application.

WATER QUALITY CERTIFICATE

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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 State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management (CZM) Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State CZM Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact on the State's coastal zone should be sent to this office with a copy to the State's CZM office.

SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

<https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/>

FOR: Todd A. Schaible
Chief, Regulatory Branch