



**US Army Corps
of Engineers**
Philadelphia District
1650 Arch Street
Philadelphia, PA 19103-2004
Attn: CENAP-OPR

Public Notice

Comment Period Begins: October 23, 2024
Comment Period Ends: November 21, 2024
File Number: NAP-2024-00623-46
File Name: 22-24 WILSON AVENUE
Contact: David Caplan
Email: david.j.caplan@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: Graveling Point, LP

AGENT: The Hyland Group, 4 Clermont Drive, Clermont, New Jersey 08210

LOCATION: within Nacote Creek, at 22-24 Wilson Street, identified as Lot 15 of Block 8, City of Port Republic, Atlantic County, New Jersey

PURPOSE: The applicant's stated purpose is to rehabilitate and upgrade the existing dock/bulkhead infrastructure which is necessary for continued operation of the working commercial waterfront facility and shellfishery.

The applicant has additionally stated that the purpose of the bulkhead re-construction is to allow for repairs of a failed timber bulkhead for both stabilization of eroding banks and minimization of flooding of the adjacent parking areas used for loading and un-loading of vessels moored at the facility.

The applicant's stated purpose is for the reconstruction of existing dock structures and the construction of a new fixed pier are to allow both for usage of the facility as a staging area as well as a berthing area for the loading and unloading of commercial fishing and habitat restoration vessels. The proposed structures were designed to allow the continued mooring of commercial fishing vessels and usage of the fixed piers and upland for loading and unloading without requiring new dredging outshore of the subject property.

It should be noted that the project is proposed, in part, to facilitate the mooring and loading of vessels used in the deployment of oyster spat shell by the applicant (Graveling Point, LLC) in the Delaware Bay as part of a Bipartisan Infrastructure grant from the National Oceanic and Atmospheric Administration (NOAA) to restore oyster habitat in the Mullica

River estuary and the Great Bay. The restoration project is to be conducted in conjunction with the New Jersey Department of Environmental Protection, Bureau of Shellfisheries.

PROJECT DESCRIPTION:

The applicant proposes to perform upgrades to the existing dock/bulkhead infrastructure. These upgrades involve reconstructing the infrastructure to its previous condition and functionality. It includes the in-line and landward reconstruction of a failed timber bulkhead with a new vinyl bulkhead, reconstruction of existing dock structures, removal of a finger pier and timber ramp, and the construction of a new fixed pier.

The proposed bulkheading would consist of the following construction:

- A) placement of a 19 LF return parallel to the property line to the east,
- B) construction of approximately 73 LF 4' landward of the existing timber bulkhead starting 13' from the property line to the east and ending at the concrete dock,
- C) reconstruction of 43 LF waterward a maximum of 30" of the existing timber bulkhead along the concrete dock,
- D) reconstruction landward and waterward of approximately 47 LF of existing timber bulkhead,
- E) construction of approximately 34 LF landward beyond the limit of the existing timber bulkhead, and
- F) placement of a 16 foot return along the property line to the west.

Approximately 149 vinyl sheetpiles would be driven using a vibratory hammer with a soft start method to reduce impacts from sound pressure. A total of 132 cubic yards of backfill behind the bulkheading would be discharged within 1,475 square feet of waterway below the high tide line (0.034) which would also include 450 square feet of tidal vegetated wetland fringe (0.01 acre).

The project would also involve the repair/reconstruction of most dock structures, as well as the construction of a new 36.5' long by 18' wide fixed pier. The existing and proposed fixed piers would be utilized as staging areas for the loading and unloading of commercial fishing vessels and would act as a berth while the boat(s) are not in use. The operation could consist of 3 or more boats that are up to 65 feet in length. Primarily these vessels would include the oyster fleet. However, it is expected that several commercial crabbers and clambers may also occupy available slips. Vessels mooring at the subject site have ranged in sizes from 15' to over 50' in length. The new and reconstructed fixed piers would consist of approximately 38 timber piles to be driven using a vibratory hammer with a soft start method to reduce impacts from sound pressure.

All pile driving associated with the project would result in the following pile placements:

- Piles to Remain: 20 (existing mooring piles)
- Piles to be Replaced: 26 (existing piers to be reconstructed)
- Piles to be Removed: 56 (old bulkhead and piers)
- New Piles: 12 (new fixed pier and mooring piles)
- New Sheet Piles: ~149 (new vinyl bulkhead) .

The proposed development would include the use of a turbidity curtain to minimize turbidity effects to the adjacent waters and aquatic life.

The applicant does not have a plan to immediately re-open the retail fish market that operated on the property for many years. Most recently that operation included a retail fish market as well as an outdoor restaurant that could serve upwards of 30 customers.

For additional project details, see the 2-page plan set dated 5/01/2024, prepared by The Hyland Group, and entitled "Project: GRAVELING POINT, LLC, New Bulkhead & Waterfront Structures; Location: 22-24 Wilson Avenue, Block: 8 Lot: 15 City of Port Republic Atlantic County New Jersey; Client: Graveling Point, LLC," Project Number: 33849.01, ACOE Permit Plan, GE201 and GE202, Sheets 1 and 2 of 2, last revised October 10, 2024.

MITIGATION

The total area of proposed losses of aquatic resources is 0.034 acre of open waters including approximately 0.010 acre of tidal wetland.

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.

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.

Evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (40 CFR part 230) or of the criteria established under authority of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972.

In cases involving construction of artificial islands, installation and other devices on the outer continental shelf lands, the decision as to whether a permit will be issued will be based on evaluation of the impact of the proposed work on navigation and national security.

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 has reviewed 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. As such, this office has determined that the project is of such limited nature and scope that little likelihood exists for the proposed project to impact a historic property. Furthermore, no government to government consultation is thus required.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the 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. A Waterfront Development Individual Permit was issued by the NJDEP on October 9,

2024 and included a Water Quality Certificate (NJDEP File Number 0120-24-0002.1 LUP240001). 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. It should be noted that a Waterfront Development Individual Permit was issued by the NJDEP on October 9, 2024 and included conditional concurrence with the applicant's statement that the project as proposed complies with the state's CZM Program (NJDEP File Number 0120-24-0002.1 LUP240001). 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. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. 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