



**US Army Corps  
of Engineers®**  
Philadelphia District

Wanamaker Building  
1650 Arch Street, Fifth Floor  
Philadelphia, PA 19103-2004  
ATTN: CENAP-OPR

# Public Notice

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File Number:	Comment Period Begins:	07 Jan 2025
<b>NAP-2017-00718-46</b>	Comment Period Ends:	22 Jan 2025

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File Name:  
**RUTGERS MARINE FIELD STATION**

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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:** Mr. Seth Richter  
Rutgers, The State University of New Jersey  
800 Great Bay Boulevard  
Little Egg Harbor, New Jersey 08087

**AGENT:** Ms. Ericka Naklicki  
T&M Associates  
200 Century Parkway, Suite B,  
Mount Laurel, NJ 08054

**WATERWAY:** Shooting Thorofare

**LOCATION:** At the Rutgers University Marine Field Station, located at the end of Great Bay Boulevard, Lot 43, Block 326, in Little Egg Harbor Township, Ocean County, New Jersey.

**ACTIVITY:** The applicant proposes to dredge the existing basin inlet and the Shooting Thorofare access channel by hydraulic method to a maximum depth of 8 feet below mean low water 1 foot over-dredge allowance for vessel ingress and egress. The work would involve the removal of approximately 3,800 cubic yards of sediment from below an area of 0.44 acre of waterway below the mean high water line. The dredged material, primarily sand, would be pumped to a near-shore inter-tidal cove along Shooting Thorofare adjacent to the marine field station for beneficial use as shoreline stabilization and enhancement. The project would result in the filling of 6,250 square feet of waterway below the high tide line. A turbidity curtain would be deployed around both the dredging and disposal areas. Although there are tidal wetlands in the near adjacency, no wetlands would be impacted by the project.

It should be noted that a larger dredging project was initially proposed and advertised in a public notice dated August 1, 2023 with disposal directly into Shooting Thorofare. However, such project is not the subject of the application reviewed herein given a change in project purpose.

For additional project details, see the attached plans prepared by T&M Associates and identified as “Rutgers Marine & Coastal Sciences, *Plans For RUTGERS UNIVERSITY MARINE FIELD STATION CHANNEL DREDGING*, Block 326, Lot 43, *Township of Little Egg Harbor, Ocean County, New Jersey*, RUMS 00002”, Sheets 1 and 5 last revised 12/18/24, Sheets 2-4 last revised 1/3/25.

**PURPOSE:** The applicant’s stated purpose is to allow for ingress, egress, and mooring of vessels of emergency agencies including local fire and police departments, US Coast Guard, and state police.

## **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 those 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. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

## **ENDANGERED SPECIES**

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) or their critical habitat pursuant to Section 7 of the ESA, as amended, may be present in the action area. This District will forward this Public Notice to the United States Fish and Wildlife Service and the National Marine Fisheries Service 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 District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the United States Fish and Wildlife Service and the National Marine Fisheries Service, as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

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

## **HISTORIC RESOURCES AND TRIBAL TRUST**

Review of the National Register of Historic Places indicates that no historic resources are located within the permit area of the work. The permit area has been so extensively modified that little likelihood exists for the proposed project to impact a historic property.

## **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, requires all federal agencies to consult with the National Marine Fisheries Service on 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. The Corps will evaluate the potential effects of the proposed actions on EFH and will consult with the National Marine Fisheries Service as appropriate. Consultation will be concluded prior to the final decision on this permit application.

As per data from Rutgers University Marine Scientists, during the approximately 30 years of studies at the site, the listed species would not be impacted by the dredge disposal and Sturgeon have not been noted in and around the site. Winter Flounder are a rare species observed near the project area. Rutgers University has provided information on the overall project area that there is no indication that dredging of the basin channel would impact aquatic resources. As such, the applicant requests a waiver of time of year restriction for winter flounder.

## **MITIGATION**

Federal regulations contained in 33 CFR 325.1(d)(7) require applicants to include a statement describing how impacts to waters of the United States are to be avoided and minimized. Furthermore, the application must also contain a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

**Avoidance and Minimization:** The dredge activities would be conducted using best management practices to minimize impacts to aquatic resources. As per data from Rutgers University Marine Scientists, during the approximately 30 years of studies at the site, the listed species would not be impacted by the dredge disposal and Sturgeon have not been noted in and around the site. Winter Flounder are a rare species observed near the project area. Rutgers University has provided information on the overall project area that there is no indication that dredging of the basin channel would impact aquatic resources.

The applicant has avoided/minimized impacts to the aquatic environment by incorporating engineering/construction procedures into the process that would substantially reduce impacts to aquatic resources. Additionally, the applicant states for hydraulic dredges, specific operational procedures designed to minimize water quality impacts, such as flushing of pipeline sections prior

to disconnection, or limitations on depth of successive cuts, may be required. The contractor will make every effort to minimize impacts on the water quality and surrounding habitats. The wetland habitats near the project area would be marked with stakes and/or flagging to clearly mark the boundaries so the contractor avoids the habitat. The University and their consulting engineer have met with one potential contractor, and they are proposing a second route for the placement of the dredge discharge line for the near shore discharge (as shown on the attached plan). In addition, a second option of placing the HDPE discharge pipe over the upland / sand portion of the peninsula adjacent to the discharge area for the near shore deposition of the sand is provided. The use of a sediment curtain would assist with minimizing siltation of the water column and would allow the fine sediments to settle onto the slope. This method would allow for a second method of controlled placement and would not impact any wetland areas and would eliminate any impacts to navigation.

**Compensation:** The dredge material is being deposited near shore and outside of wetlands to help minimize the ongoing erosion of inter-tidal habitat adjacent to the tidal marsh. The material would be deposited during ebb tide and a turbidity barrier would be placed around the deposition area to minimize the dispersal of the material. The dredge event would take place for 12 to 18 days and impacts would be minimized due to the timing of the overall event.

Best Management Practices (BMP's) would be implemented where necessary. Note that the applicant anticipates that the contractor would utilize 8" to 10" fused polyethylene pipeline as the dredge discharge pipe that would be located along the shoreline and discharge through a diffuser and the material would drop out as the water runs into the channel. and the sediment would be discharged during the ebb tide and would cease at slack tide. Additionally, this process would provide environmental benefits such as habitat creation for coastal species that exist within the area. The applicant envisions that this process would be of environmental benefit to the coastline that is significantly eroding. As such, no compensatory mitigation is proposed.

## **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 States' coastal zone must provide certification that the activity complies with the States' Coastal Zone Management Programs. The applicant has stated that the proposed activity complies with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Programs. No permit will be issued until the State has concurred with the applicant's certification or have waived their rights to do so. Comments concerning the impact of the proposed and/or existing activity on the States' coastal zone should be sent to this office, with a copy to the States' Offices of Coastal Zone Management.

## **WATER QUALITY CERTIFICATE**

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State governments 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 States.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

## **SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST**

Comments on the proposed work must be submitted, in writing, within the time period noted 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