

US Army Corps of Engineers.

Philadelphia District

Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390 ATTN: CENAP-OP-R

Public Notice

Public Notice No.

Date

CENAP-OP-R-2015-508, 2015-510 and 2015-511

AUG 0 3 2015

Application No.

File No.

In Reply Refer to:

REGULATORY BRANCH

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

P.O. Box 600

Trenton, New Jersey 08625-0600 Attn: Ms. Genevieve Clifton

WATERWAY:

High Bar Harbor, Double Creek Inlet Channel, and Barnegat Light Stake

Channel.

LOCATION: Dredging is proposed in 3 different waterways within Barnegat Bay, Ocean County, New Jersey. The course grained dredged material would be disposed on the Barnegat Light House State Park and the fine grained material within a confined disposal facility located on the Oyster Creek Excelon property in Lacey Township, Ocean County, New Jersey (see Enclosure 1-3).

ACTIVITY: The applicant proposes to hydraulically dredge accumulated sediment from within 3 separate waterways (see Enclosure 4-17). The 3 projects being advertised for separate Department of the Army authorizations are Double Creek Inlet Channel project (CENAP-OP-R-2015-508-35), High Bar Harbor Channel (CENAP-OP-R-2015-510-35), and Barnegat Light Stake Channel (CENAP-OP-R-2015-511-35). The projects consists of maintenance dredging within the Double Creek Inlet Channel (#126) located in Ocean and Long Beach Townships, High Bar Harbor Channel (#127) located in Ocean Township, and the Barnegat Light Stake Channel (#129) located in the Borough of Barnegat Light, Ocean County. This maintenance dredging event is limited to dredged material comprised primarily of sand (Double Creek Inlet Channel Station 143+00 to 151+00 and Station 160+00 to 169+00 and Barnegat Light Stake Channel Station 15+00 to 26+00).

Maintenance dredging in the Double Creek Inlet Channel (#126) shall consist of hydraulic dredging of approximately fifty three thousand one hundred and forty eight six cubic yards (~53,148 yds³) of sediment comprised of sand, silt and clay, from approximately seventeen

thousand linear feet (~4,800'). The project depth in the Double Creek Inlet Channel is seven feet below mean low water (-7' MLW), plus one foot (1') of allowable overdredge. The channel design width is 100'. Channel side slopes are 3:1. Maintenance dredging of the channel was last conducted in 1990.

Maintenance dredging in the High Bar Harbor Channel (#127) shall consist of hydraulic dredging of approximately thirty six thousand one hundred fifty six cubic yards (~36,156 yds³) of sediment comprised primarily of silt and clay, from approximately seven thousand four hundred linear feet (5,800°). The project depth in the Barnegat Light Stake Channel is seven feet below mean low water (-7° MLW), plus one foot (1°) of allowable overdredge. The channel design width varies from 50° to 100°. Channel side slopes are 3:1. Maintenance dredging of the channel was last conducted in 1990.

Maintenance dredging in the Barnegat Light Stake Channel (#129) shall consist of hydraulic dredging of approximately two thousand six hundred and fifty six (~3,230 yds3) of sediment comprised primarily of sand, from approximately one thousand linear feet (~1,100'). The project depth in the Barnegat Light Stake Channel is five feet below mean low water (-5' MLW), plus one foot (1') of allowable overdredge. The channel design width varies from 50' to 100'. Channel side slopes are 3:1. Maintenance dredging of the channel was last conducted in 1993.

Material will be hydraulically dredged and transported via pipeline to either the beach stockpile area at the Barnegat Light State Park or the Excelon Oyster Creek CDF. The dredge pipeline to the dewatering sites will be floating except at channel crossings where it will be submerged to avoid a hazard or hindrance to navigation. The pipeline shall be marked as per USCG regulations.

The applicant has requested a 10-year maintenance dredging provision be authorized.

PURPOSE: The applicant's stated purpose is to provide safe navigation for both commercial and recreational vessels.

A preliminary review of this application indicates that the proposed work will not effect threatened and endangered species. While Atlantic Sturgeon (<u>Acipenser oxyrinchus</u>), Kemp's ridley sea turtle (<u>Lepidochelys kempii</u>), loggerhead sea turtle (<u>Caretta caretta</u>), green sea turtle (<u>Chelonia mydas</u>), leatherback sea turtle (<u>Dermochelys coriacea</u>) and hawksbill sea turtle (<u>Eretmochelys imbricate</u>) are in the vicinity, due to the water depths and boating activity, these species are not likely present.

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.

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.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein 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.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), 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 effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, indicates that the project may adversely affect EFH. In order to avoid or minimize impacts to EFH species, specifically Winter Flounder (*Pseudoplueronectes americanus*), from the dredging, no in-water work will be authorized between January 1st and May 31st of any given year. Additionally, in order to avoid impacts to Summer Flounder (*Paralichthys dentatus*), no dredging may occur between April 15th to October 15th where submerged aquatic vegetation beds are located immediately adjacent the channels.

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 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 Coastal Zone Management (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 of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

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

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.

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 application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

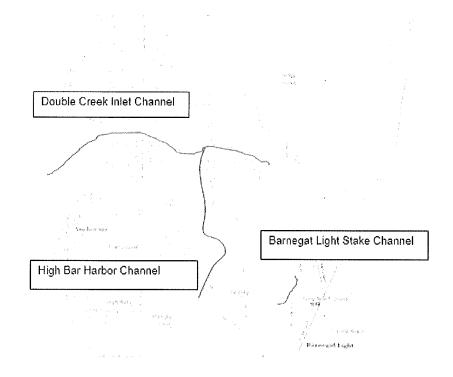
Additional information concerning this permit application may be obtained by calling Mr. Michael H. Hayduk at 215-656-5822, via email at michael.h.hayduk@usace.army.mil, or writing this office at the above address.

Frank J. Cianfraga

Chief, Regulatory Branch

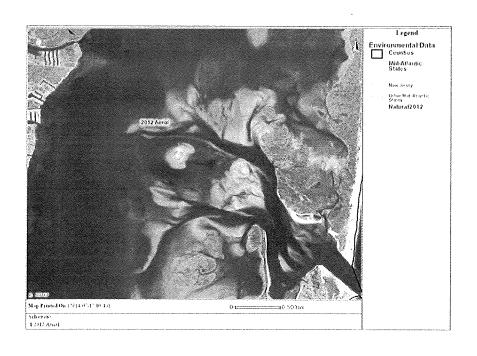
Project Location Map

USGS Quad Map

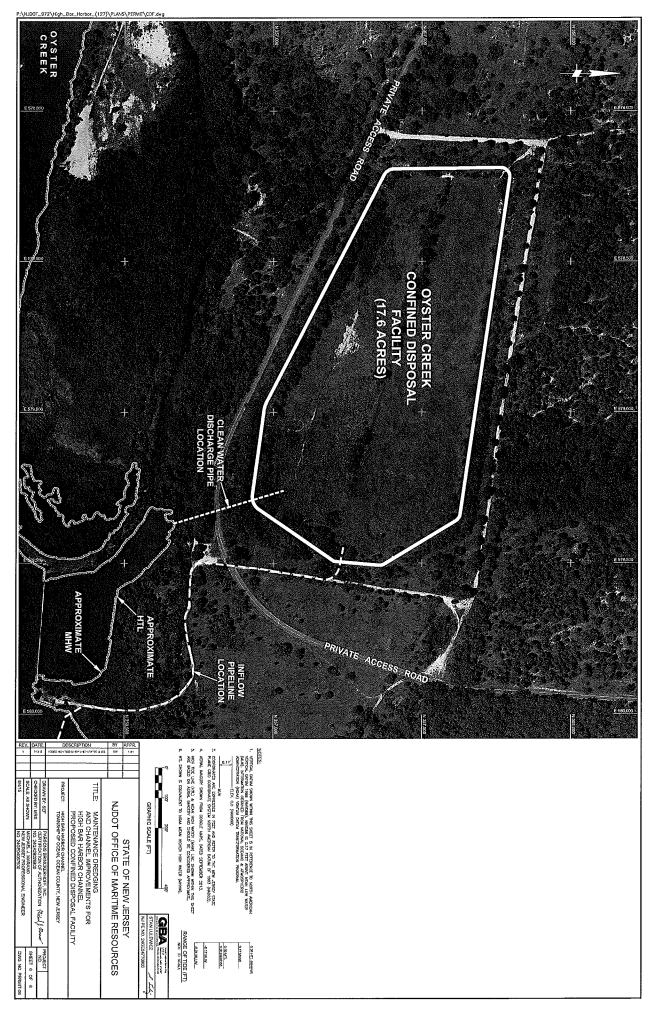


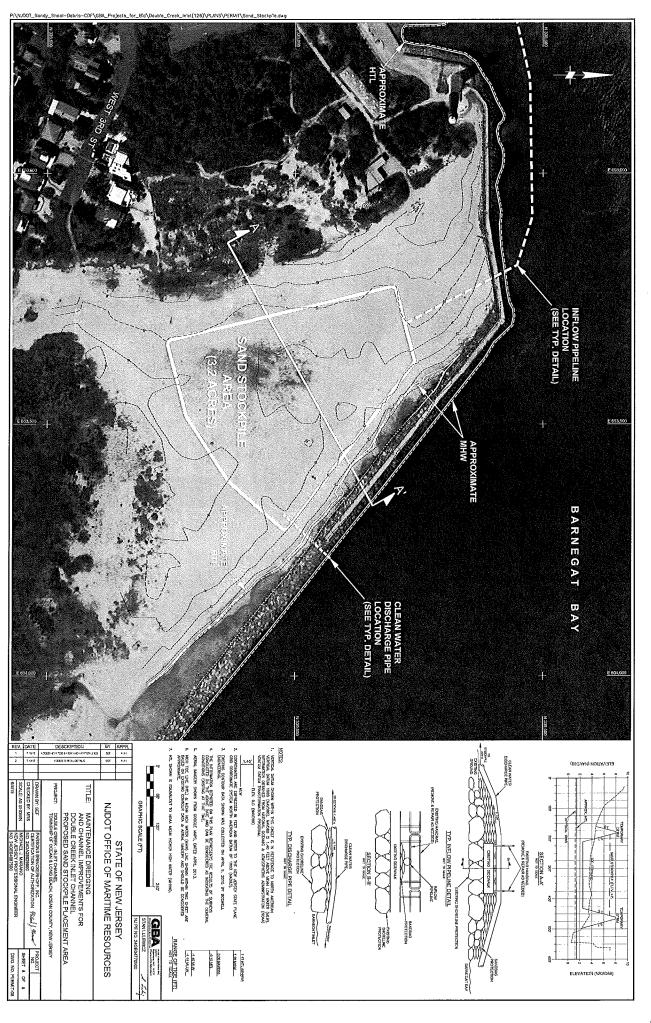
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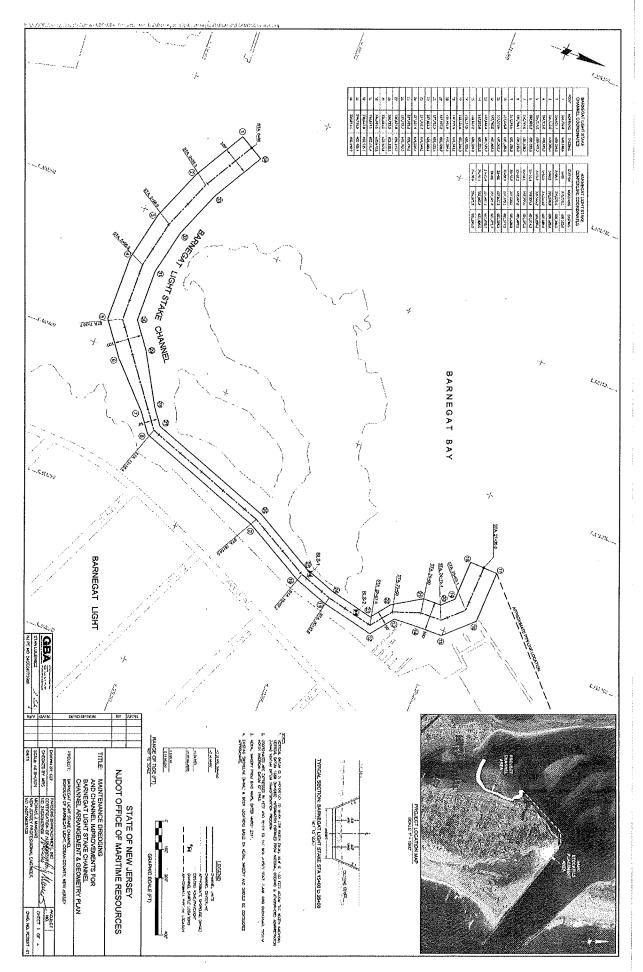
BARNEGAT LIGHT, NJ 2014

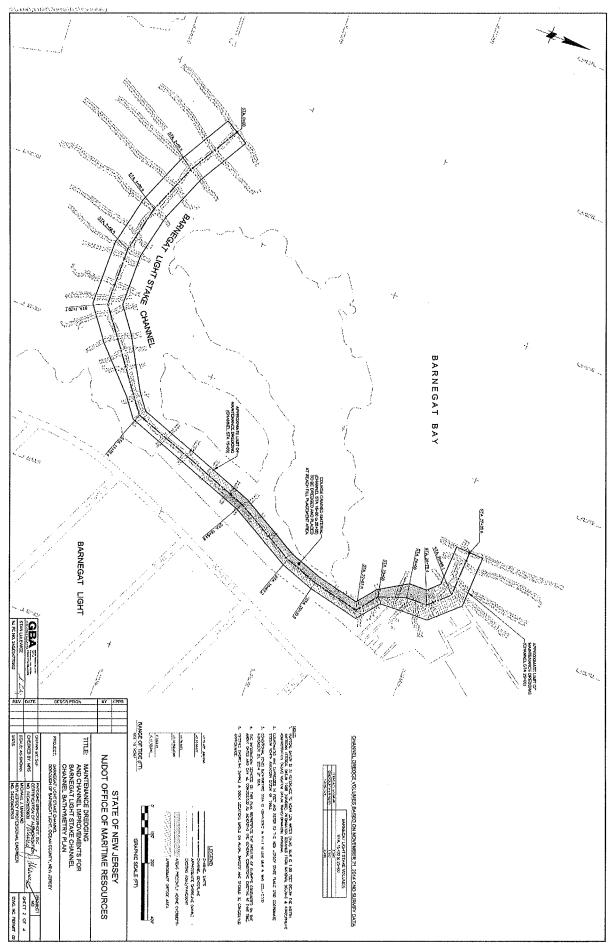




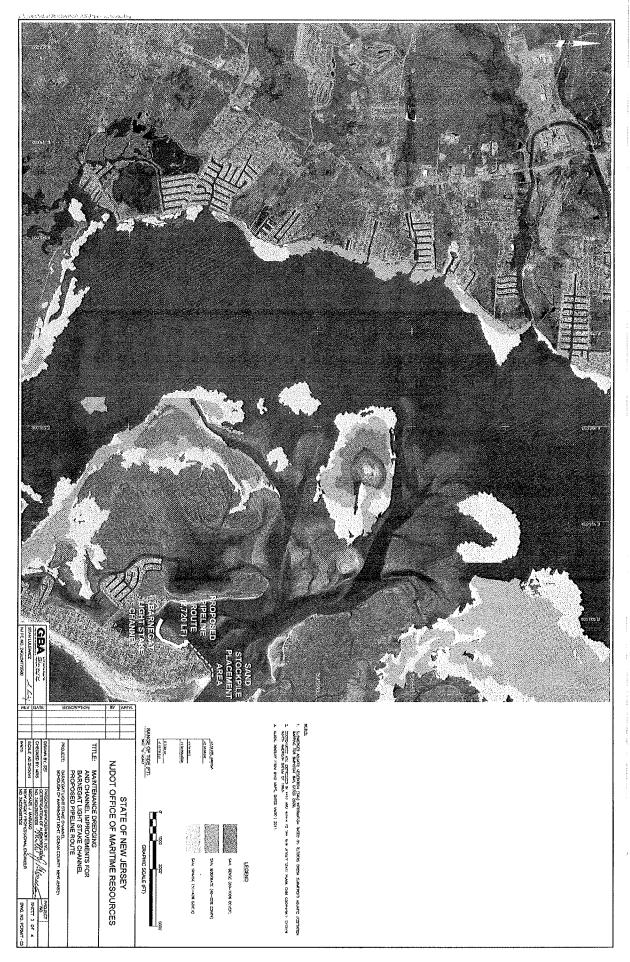


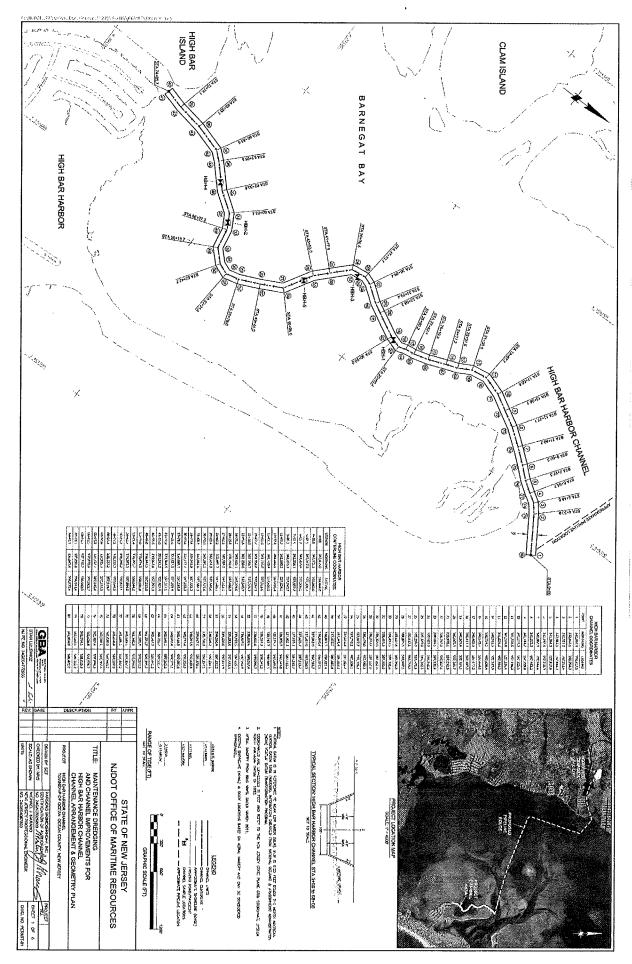


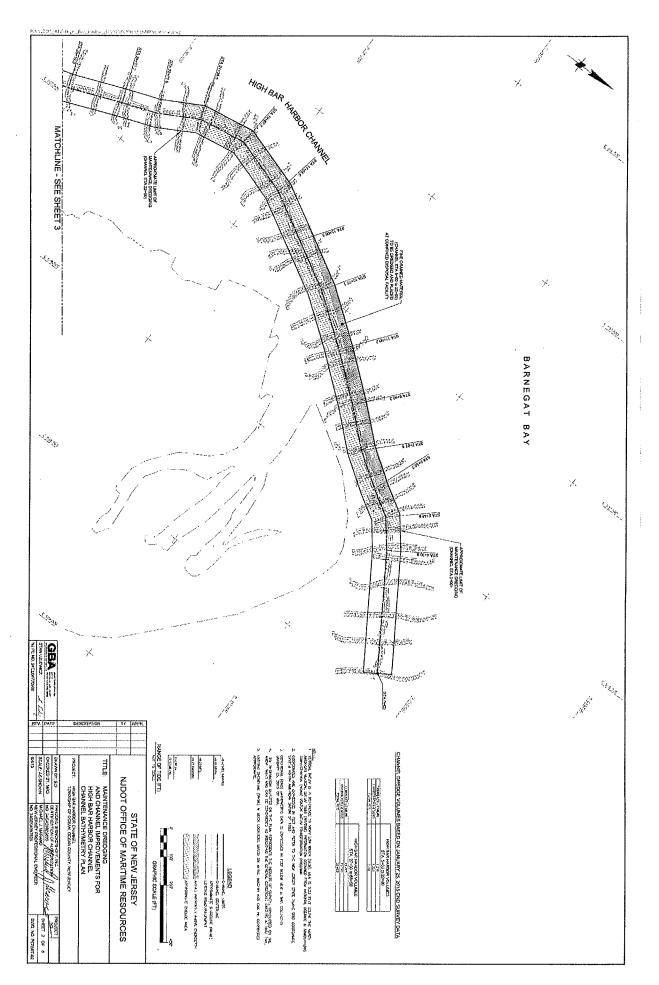


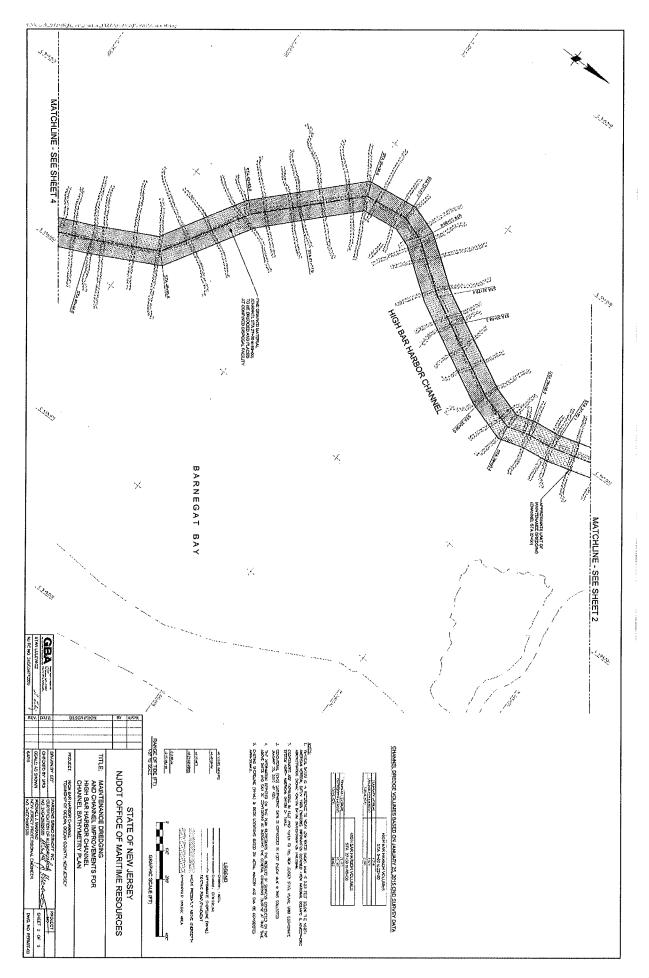


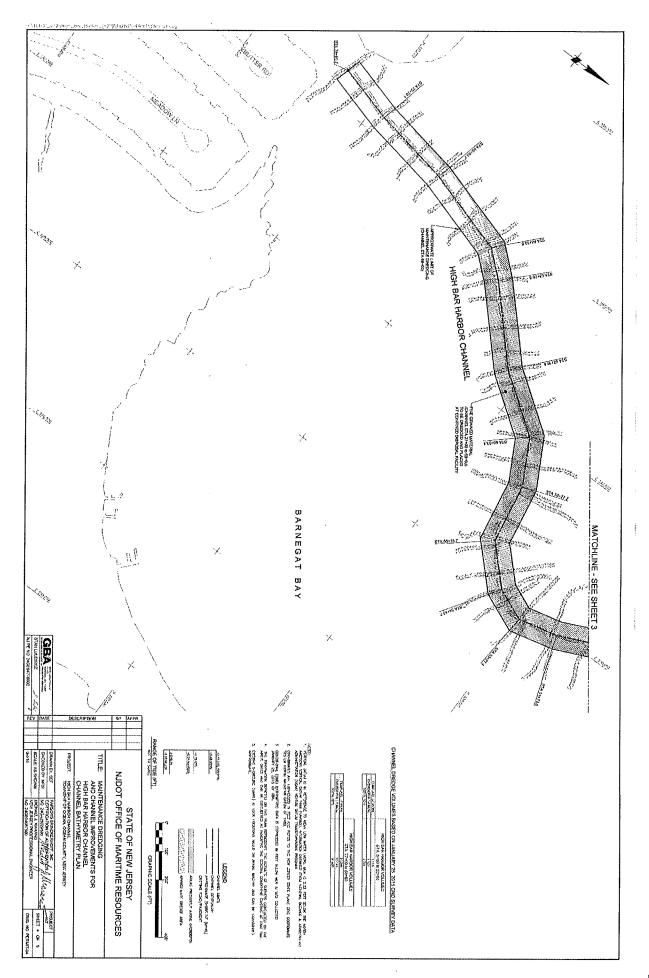


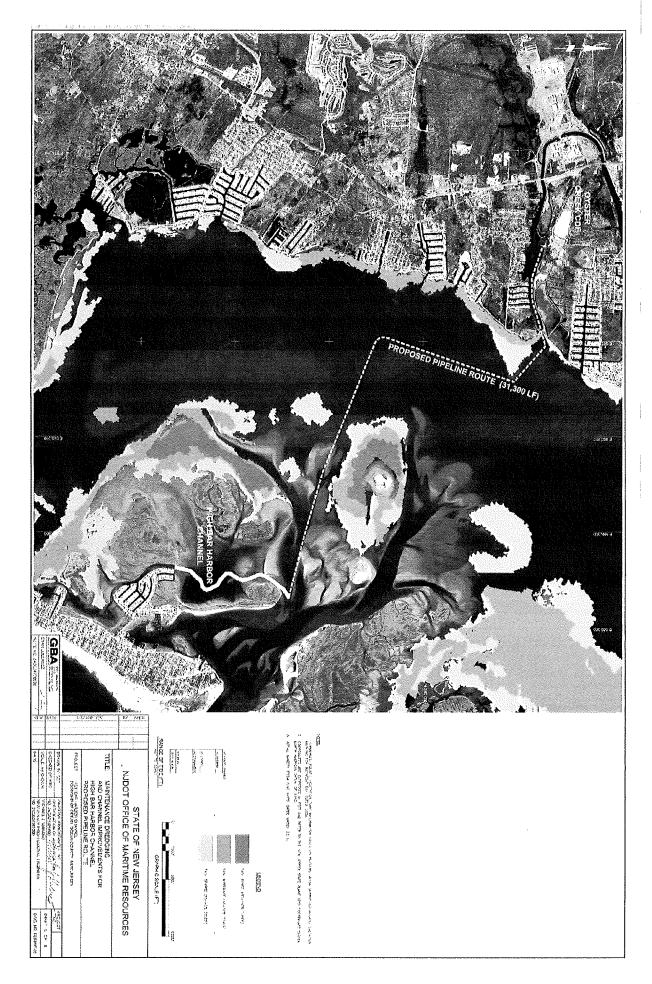


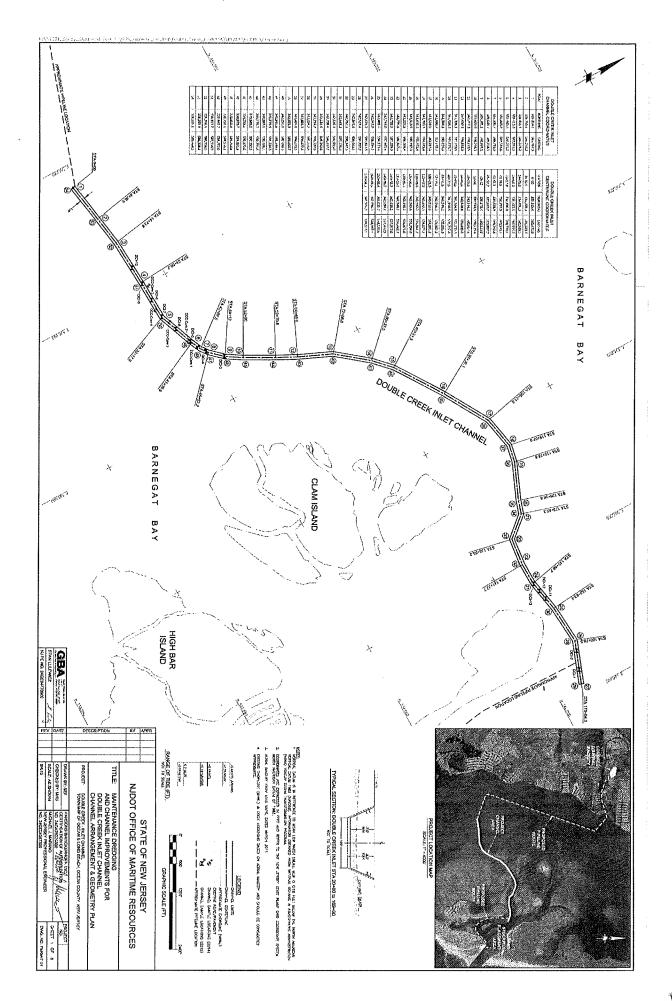












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