

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
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CENAP-OP-R-2016-0168	
Application No.	File No.
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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: Absecon Creek Channel, Tunis Bay Channel, Lakes Bay Channel, Lakes Bay Spur, and Risleys Channel,

LOCATION: Dredging is proposed in 5 different waterways within Absecon Bay, Lakes Bay, and Risley Channel, Atlantic County, New Jersey. The dredged material would be disposed at the aprroved Gateway Confined Disposal Facility (CDF) in the City of Pleasantville, Atlantic County, New Jersey.

ACTIVITY: The applicant proposes to hydraulically dredge accumulated sediment from within 5 separate waterways (see Attachment 1- project plans). These 5 projects are being advertised for one Department of the Army authorization project (CENAP-OP-R-2016-168) as a 10 Year maintenance dredging permit. The project consists of maintenance dredging within Absecon Creek Channel (#172) located within the City of Absecon and Atlantic City, Tunis Bay Channel (#173) is located within Egg Harbor Township and the City of Pleasantville, Lakes Bay Channel (#174) is located within Margate City, Egg Harbor Township, Ventnor City, Atlantic City and the City of Pleasantville, Lake Bay Spur (#175) is located within the City of Pleasantville, and Risleys Channel is located within Egg Harbor Township. This maintenance dredging event is limited to dredged material that is located below the proposed depths as indicated within the described channels.

Maintenance dredging in the Absecon Creek Channel (#172) shall consist of hydraulic dredging of approximately seventy one thousand two hundred and ninety one cubic yards (~71,291 yds³) of sediment comprised of sand, silt and clay, from approximately twenty

thousand five hundred ninety linear feet (~20,590'). The project depth in the Absecon Creek Channel is six feet below mean low water (-6' 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 2003.

Maintenance dredging in the Tunis Bay Channel (#173) shall consist of hydraulic dredging of approximately eleven thousand six hundred twenty three cubic yards (~11,623 yds³) of sediment comprised of sand, silt and clay, from approximately one thousand eight hundred fourteen linear feet (~1,814'). The project depth in the Tunis Bay Channel is five feet below mean low water (-5' MLW), plus one foot (1') of allowable overdredge. The channel design width is 50'. Channel side slopes are 3:1. Maintenance dredging of the channel was last conducted in 2002.

Maintenance dredging in the Lakes Bay Channel (#174) shall consist of hydraulic dredging of approximately sixty nine thousand four hundred and thirty four (~69,434 yds3) of sediment comprised primarily of sand, silt and clay from approximately twenty thousand five hundred seventy linear feet (~20,570'). The project depth in the Lakes Bay Channel is five feet below mean low water (-5' 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 2002.

Maintenance dredging in the Lakes Bay Spur Channel (#175) shall consist of hydraulic dredging of approximately two thousand three hundred and thirty eight (~2,338 yds3) of sediment comprised primarily of sand, silt and clay from approximately two hundred forty eight linear feet (~248'). The project depth in the Lakes Bay Spur Channel is five feet below mean low water (-5' MLW), plus one foot (1') of allowable overdredge. The channel design width is 50'. Channel side slopes are 3:1. It is not known when the last dredging event occurred.

Maintenance dredging in the Risleys Channel (#176) shall consist of hydraulic dredging of approximately nineteen thousand seven hundred and twenty two (~19,722 yds3) of sediment comprised primarily of sand, silt and clay from approximately nine thousand seven hundred thirty linear feet (~9,730'). The project depth in Risleys Channel is five feet below mean low water (-5' MLW), plus one foot (1') of allowable overdredge. The channel design width is 100'. Channel side slopes are 3:1. It is not known when the last dredging event occurred.

Material will be hydraulically dredged and transported via pipeline to the approved Gateway CDF. The dredge sediment transport pipeline, for each dredging event, will be submerged except where necessary to avoid submerged aquatic vegetation (SAV). The pipeline shall be marked as per USCG regulations as needed. It has been proposed that the dredging events will take a total of approximately 120 days to complete. 30 days to mobilize and demobilize and 90 days to dredge. It is anticipated that the smaller dredging events will not require the full proposed timelines.

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

PURPOSE: The applicant's stated purpose is to restore the existing navigation channels to authorized project depths and to provide safe navigation for both commercial and recreational vessels currently using the channels.

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 from the dredging, specifically Winter Flounder (*Pseudoplueronectes americanus*) associated with the Absecon Creek channel, 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 (SAV) 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.

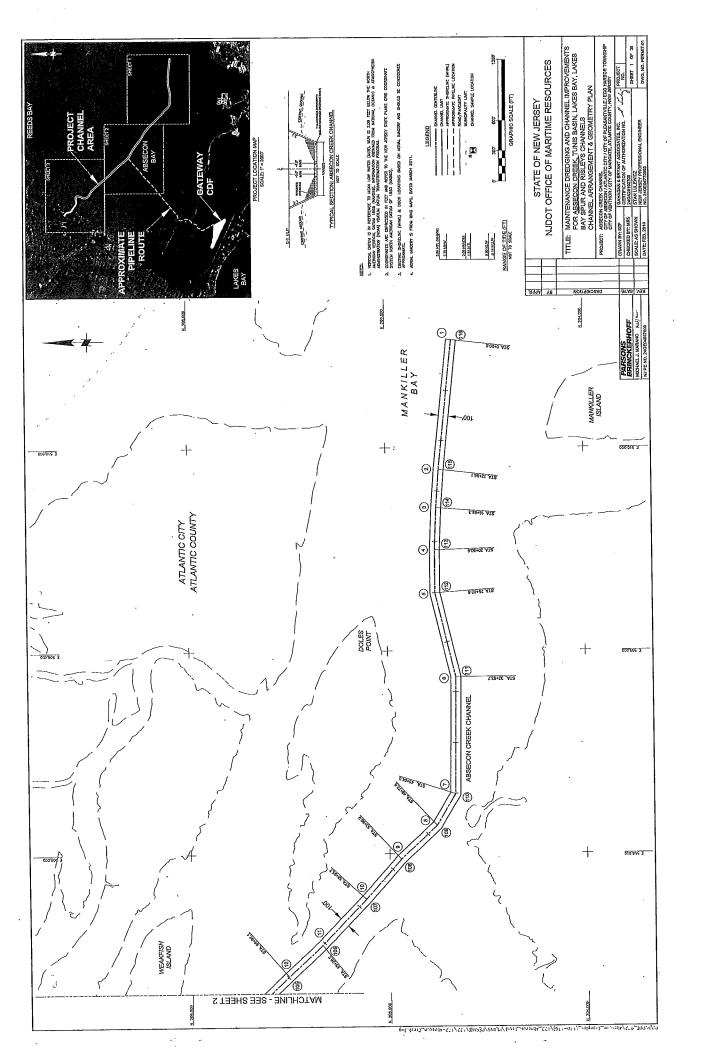
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

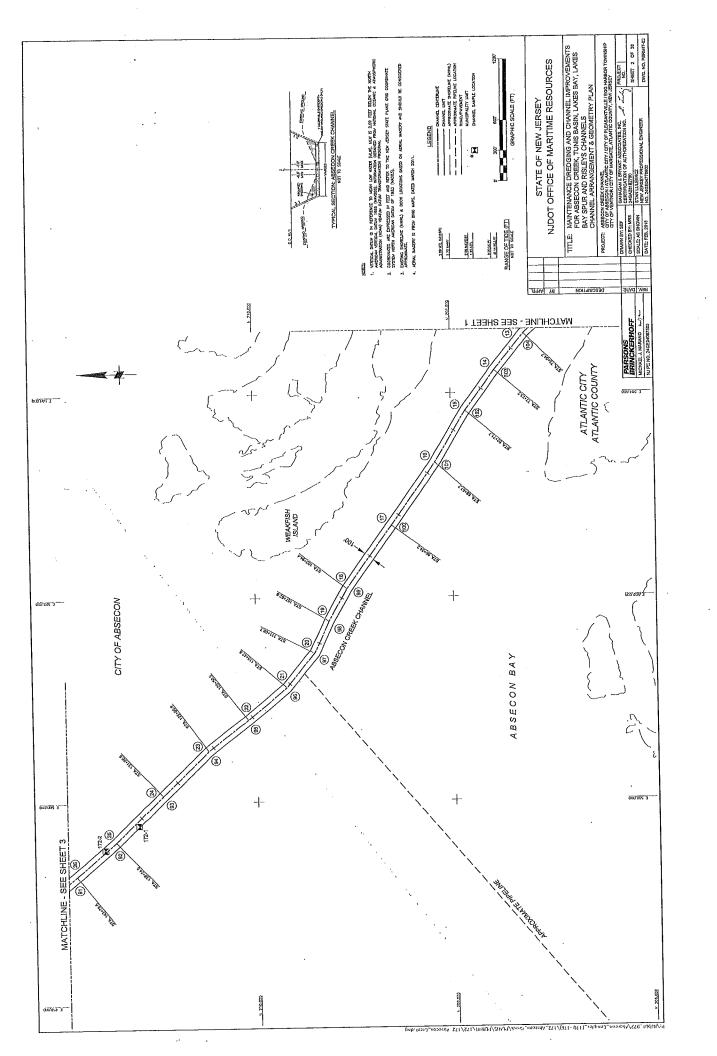
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

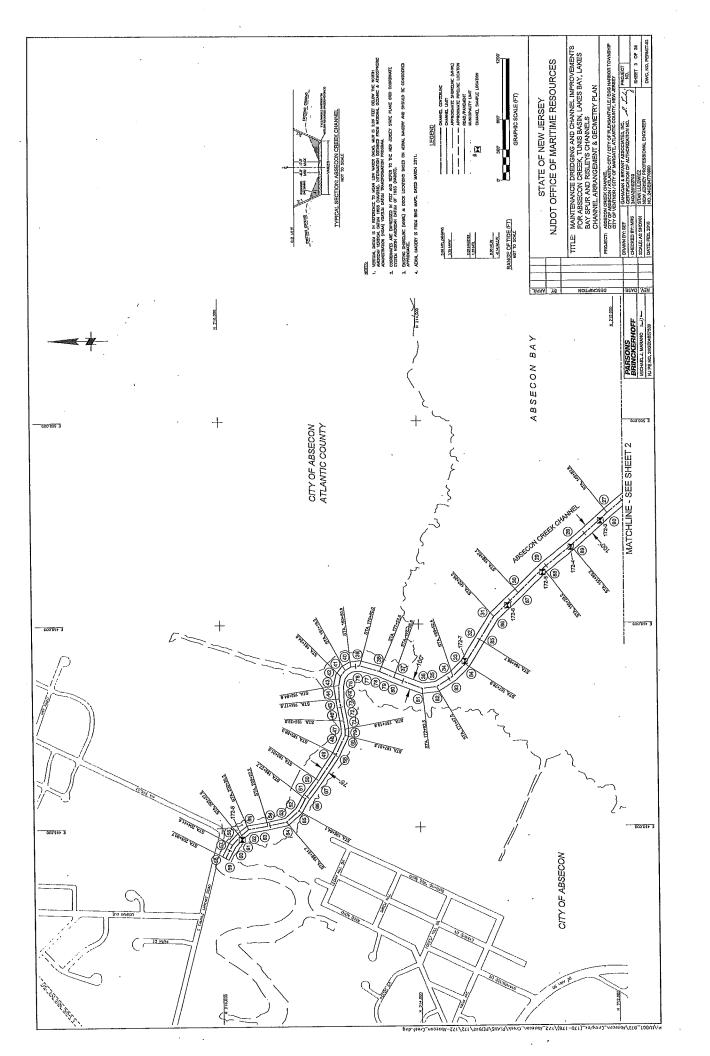
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Mr. Peter Romano at 215-656-6729, via email at peter.t.romano@usace.army.mil or writing this office at the above address.

Samuel L. Reynolds Acting Chief, Regulatory Branch



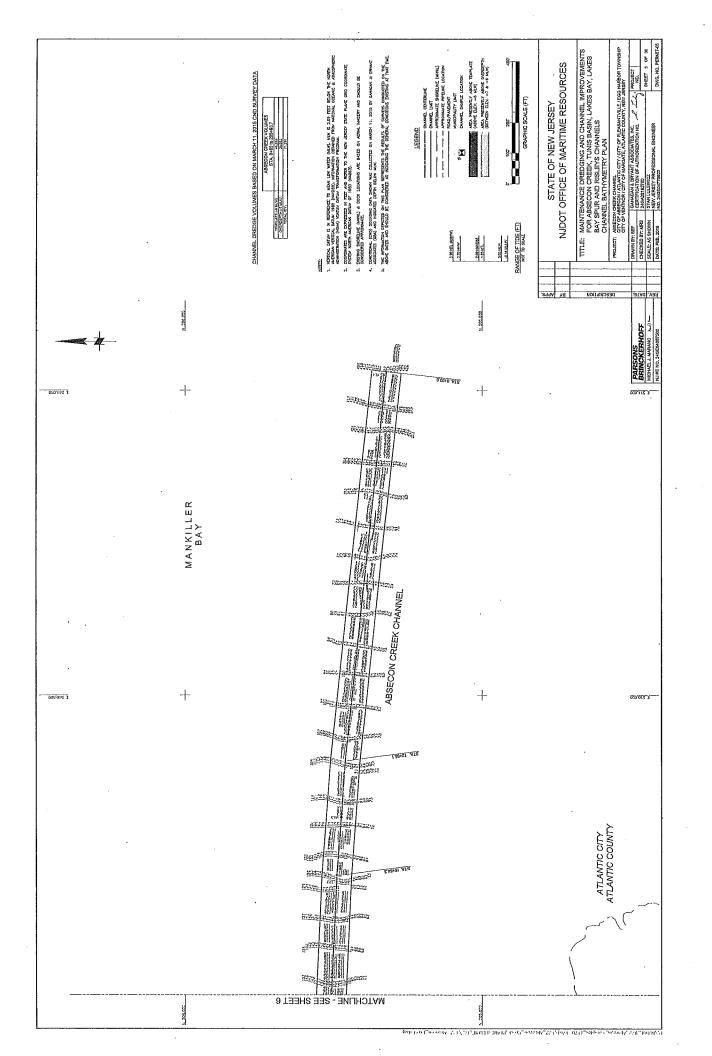


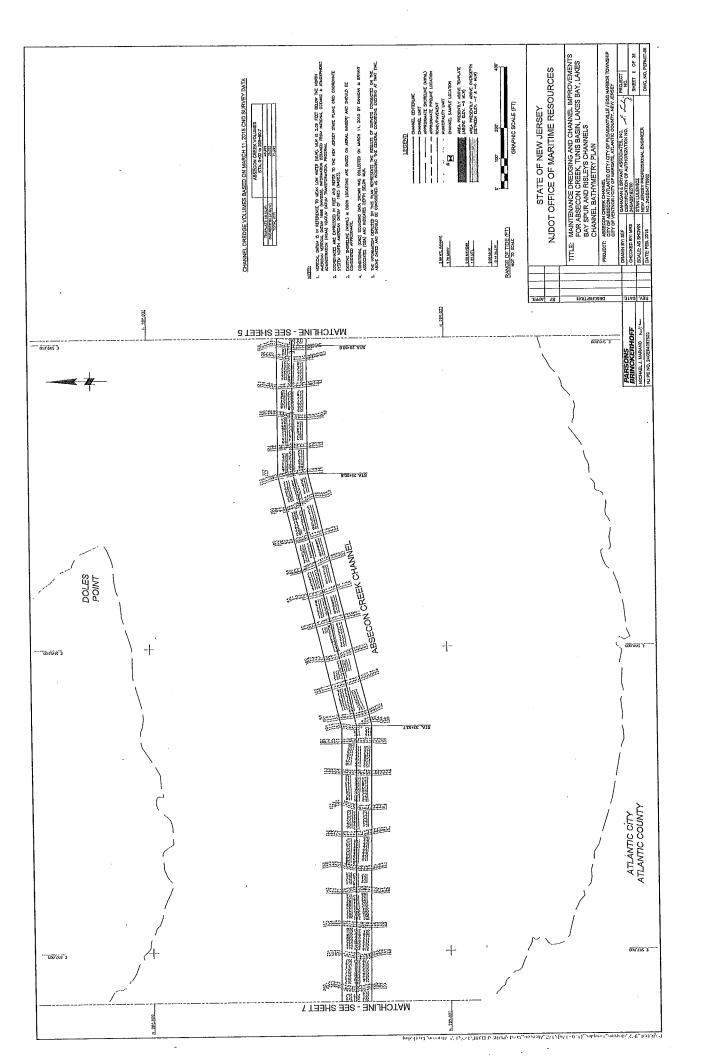


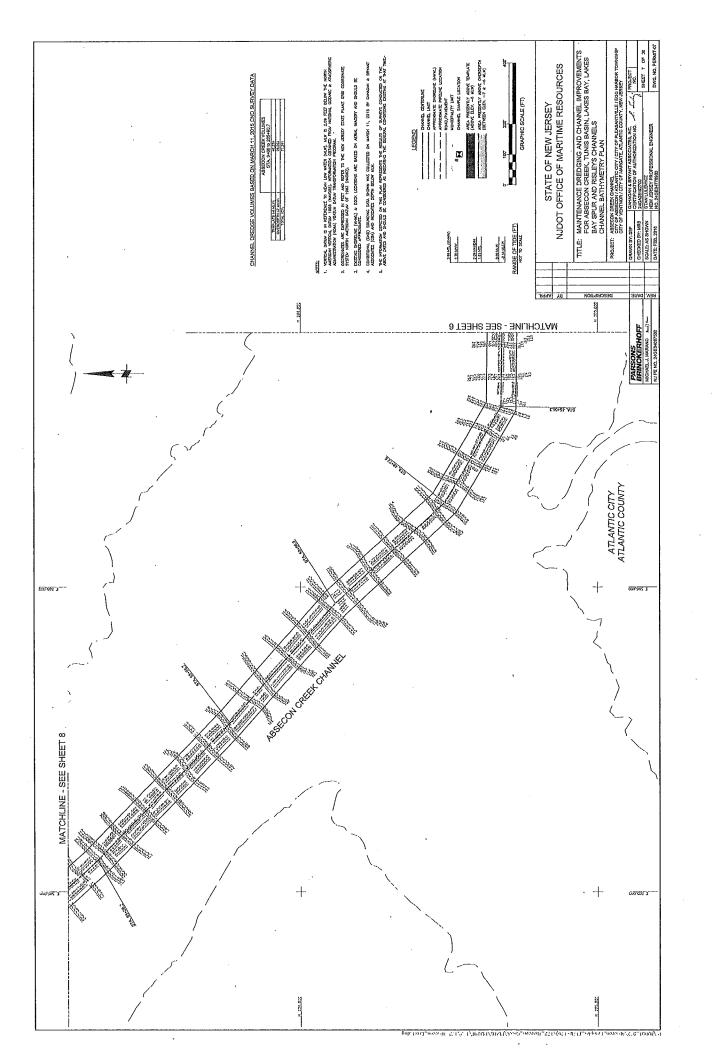
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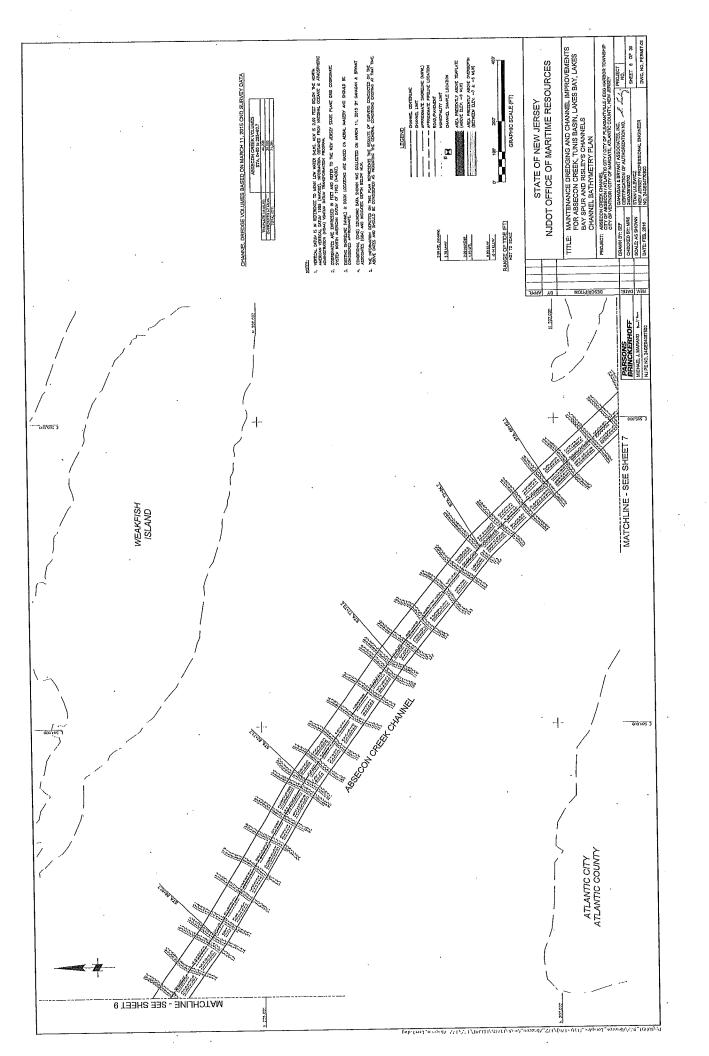
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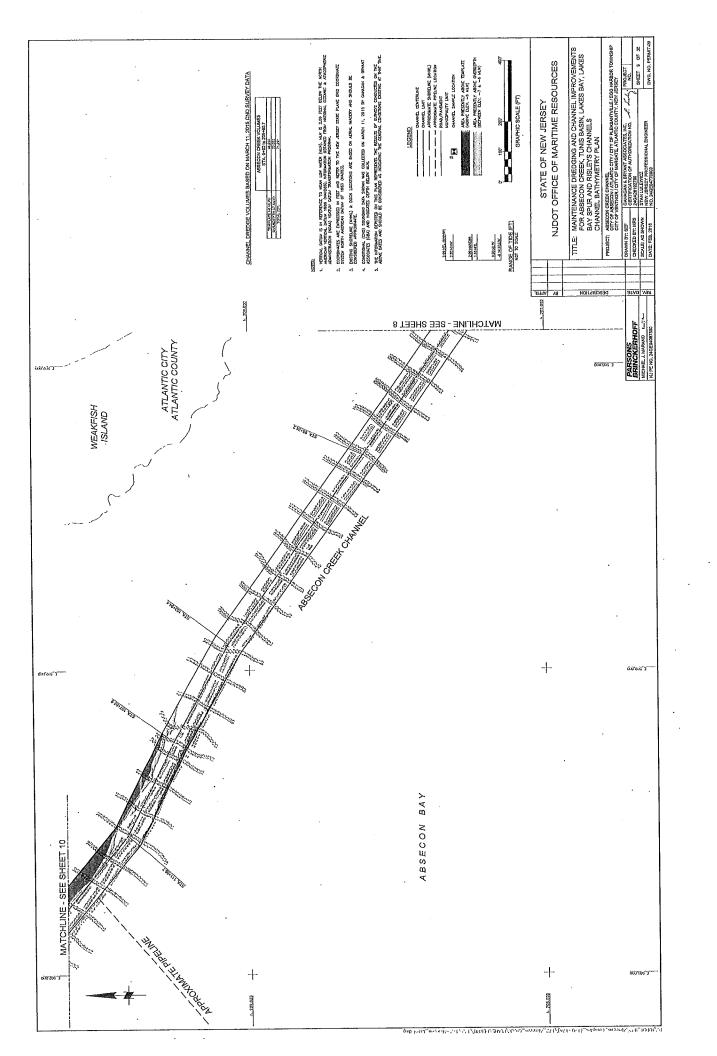
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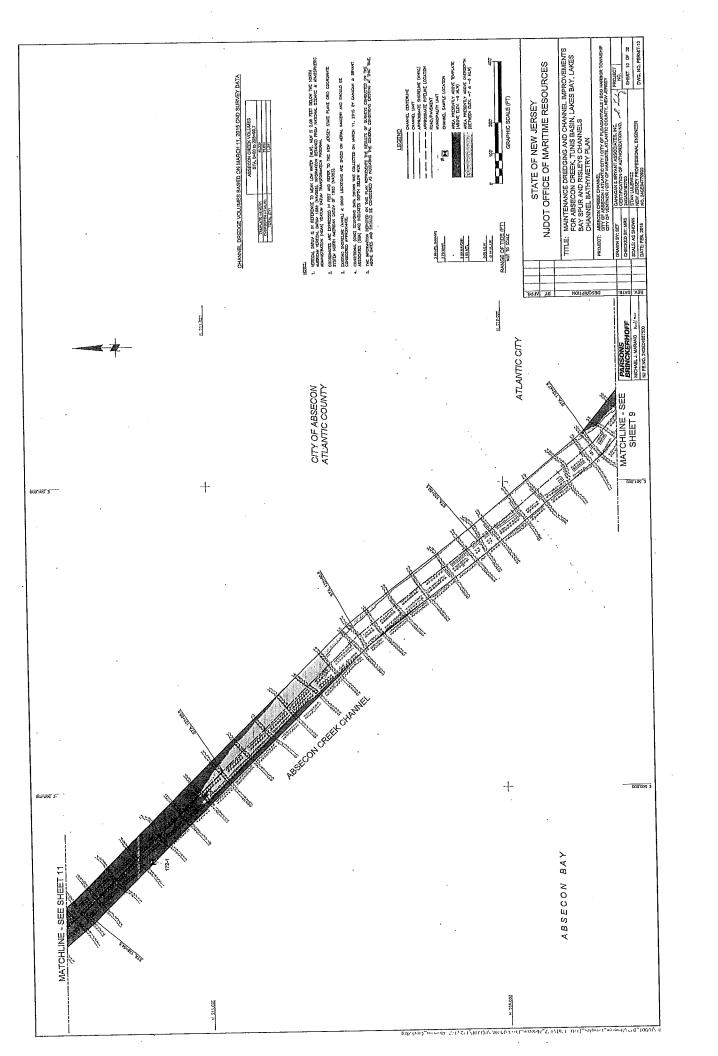


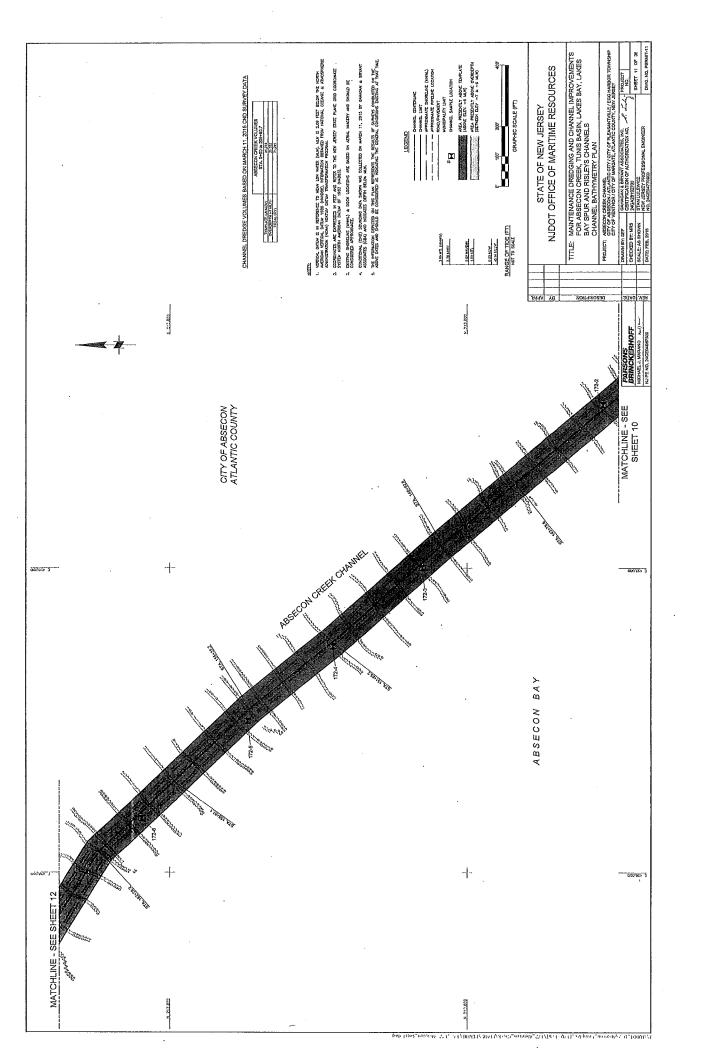


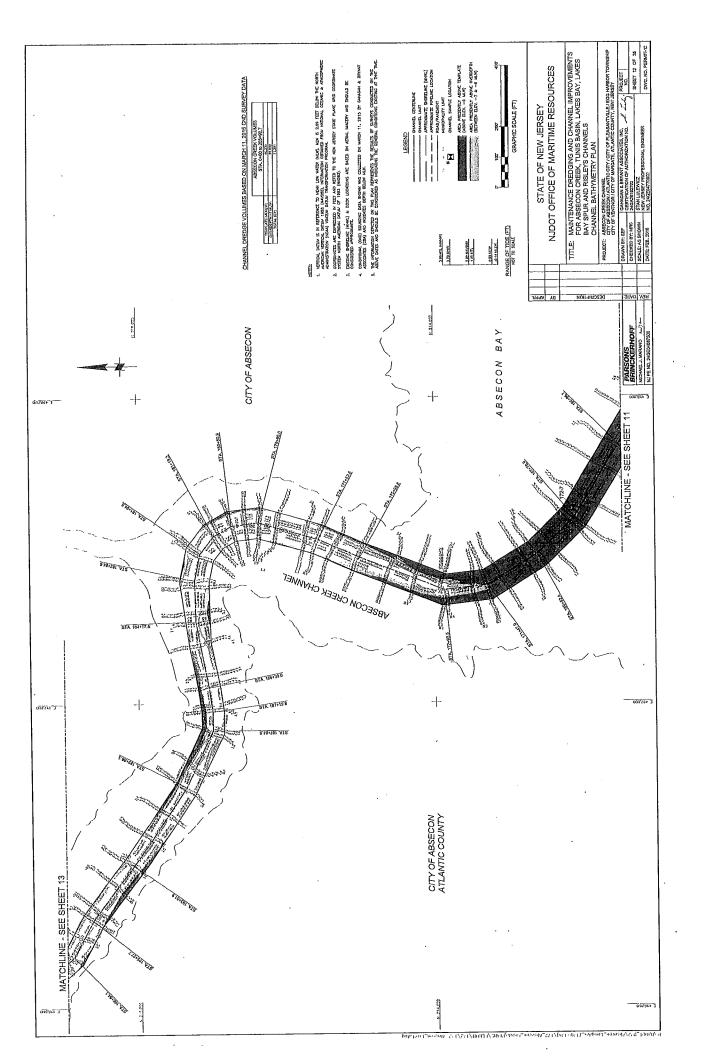


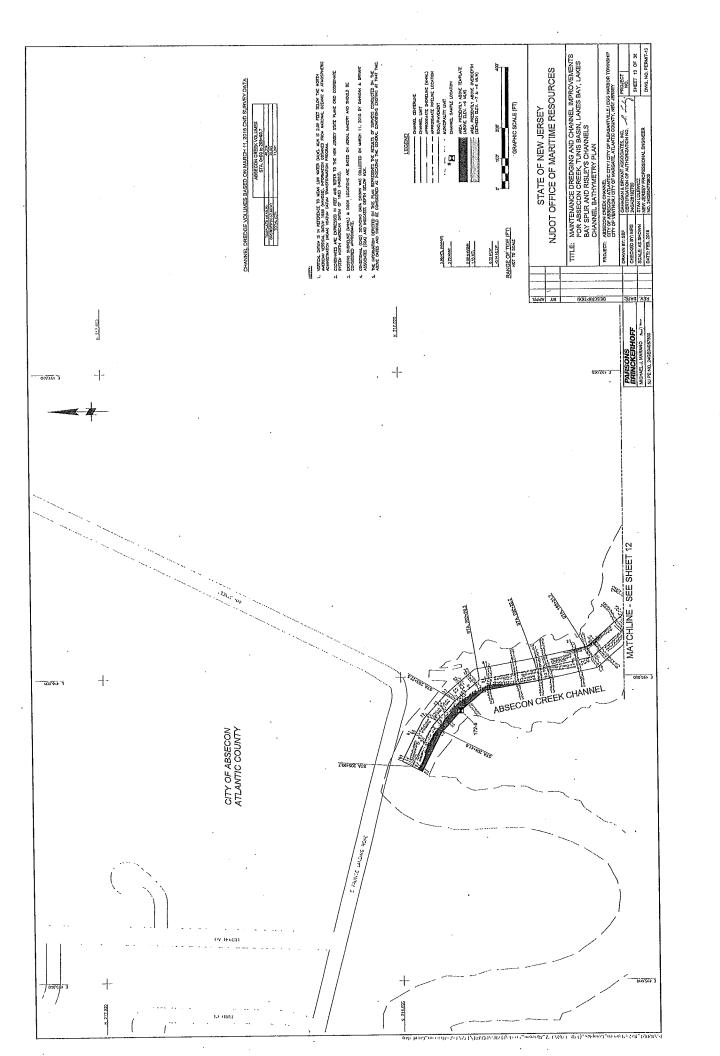


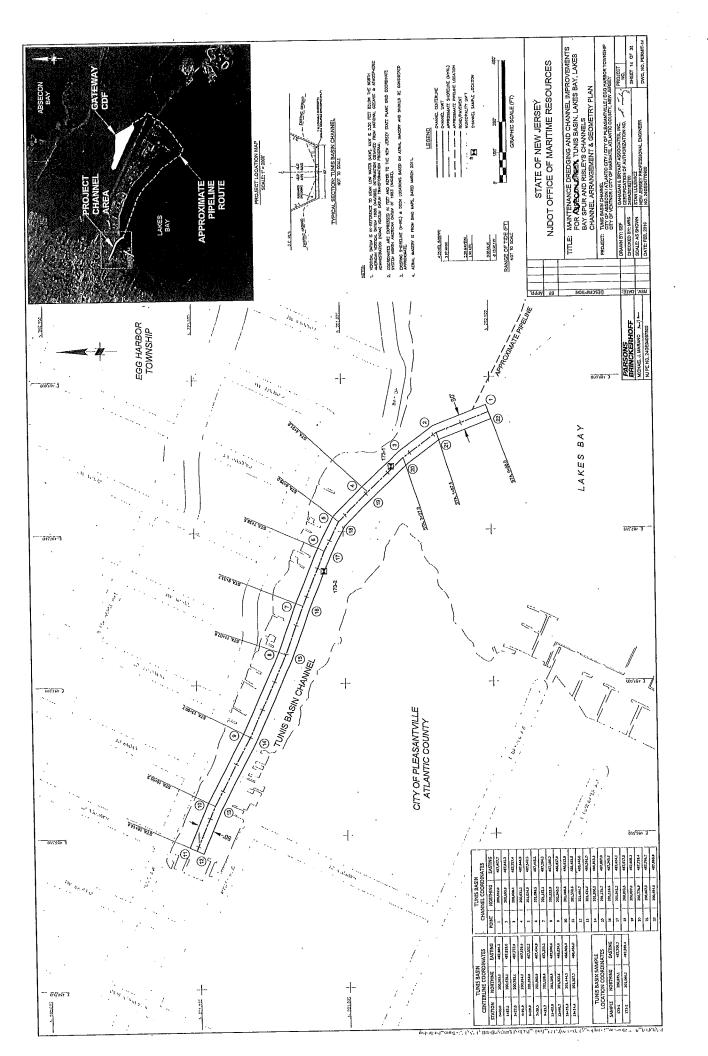


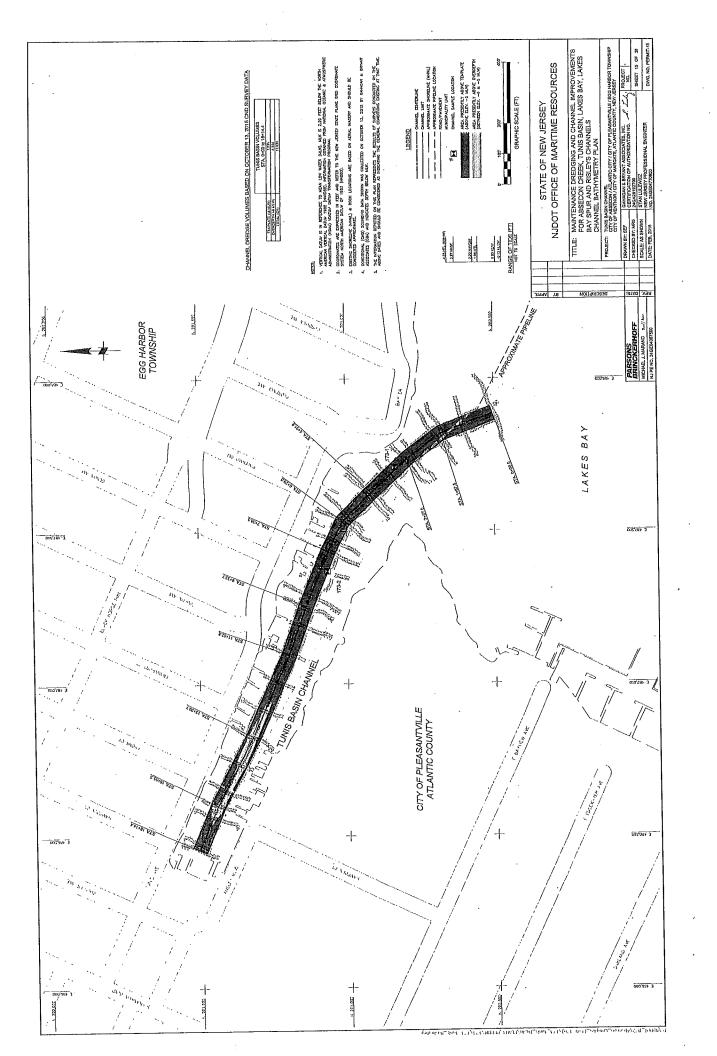


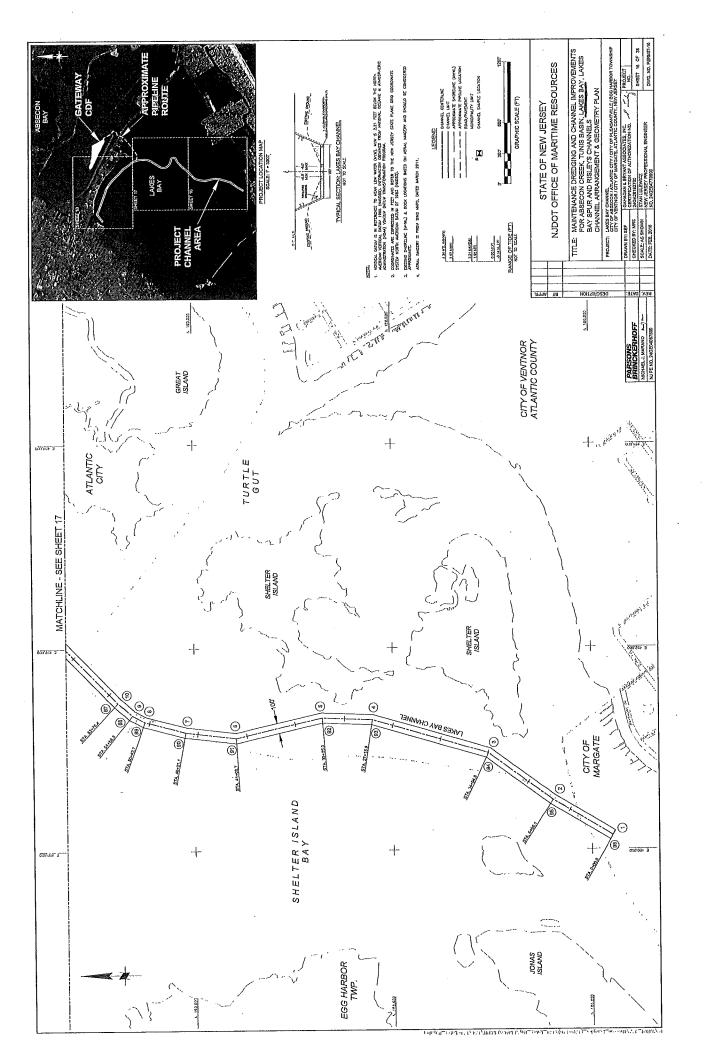


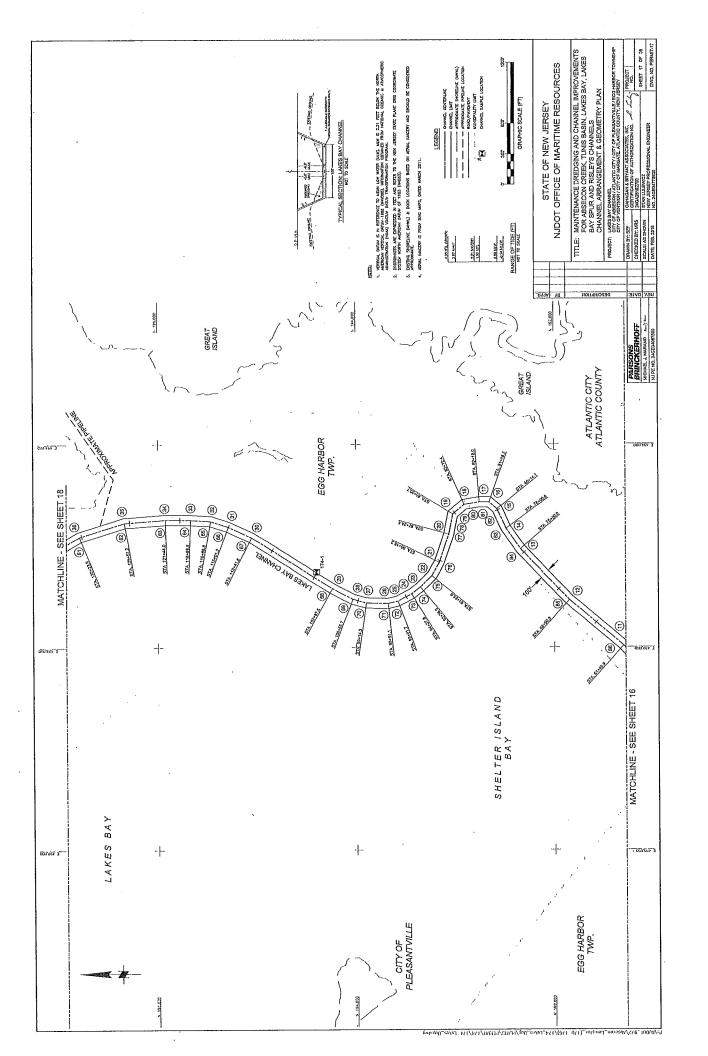


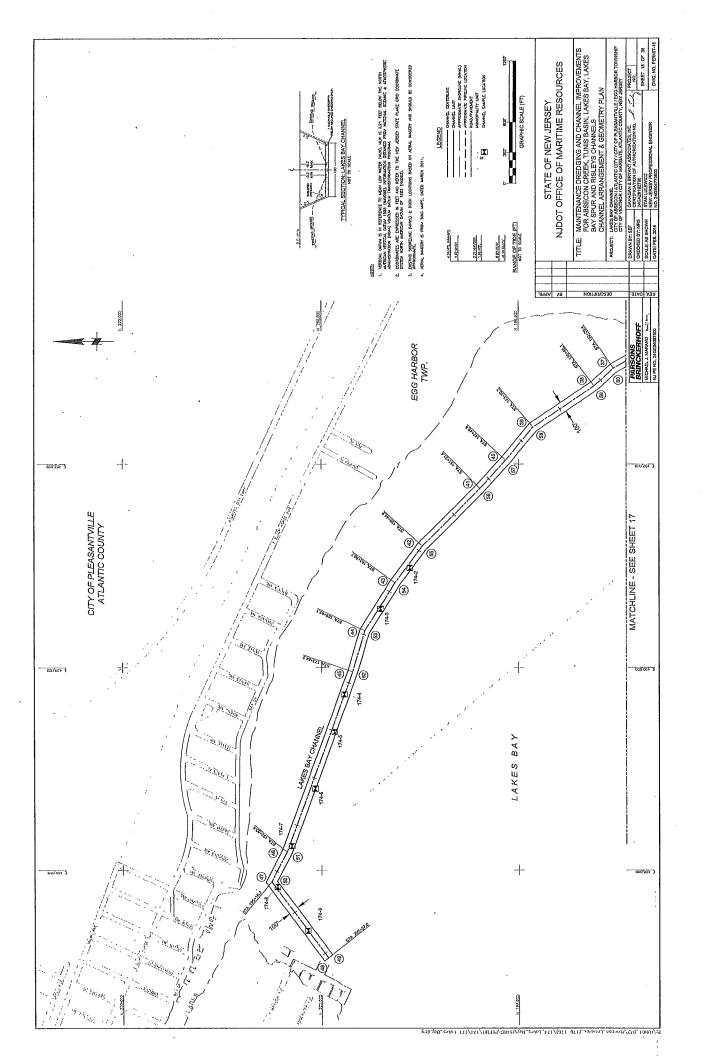












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