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**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
1650 Arch Street, 5th Floor
Philadelphia, PA 19103-2004
ATTN: CENAP-OPR

Public Notice

File Number:
NAP-2017-00718

Comment Period Begins: **August 01, 2023**
Comment Period Ends: **August 31, 2023**

File Name:
RUTGERS UNIVERSITY MARINE FIELD STATION

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

AGENT: Steven Morey
Mott MacDonald
3 Paragon Way, Suite 200
Freehold, New Jersey 07728

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 perform maintenance hydraulic dredging to a boat basin used by the University for its research vessels. This office issued Department of the Army permits for the dredging of the marina in 2018 under the subject public notice number used herein. Historically, a DA permit was issued in 2003 under NAP-2003-00426-39. The site was last dredged in 2018.

The applicant plans to hydraulically dredge approximately 10,910 cubic yards (CY) of sediment from the marina basin and its access channel to Shooting Thorofare that has made the channel and much of the marina basin unnavigable at low tide. To restore navigability and full use of the marina as soon as possible the applicant would like to dredge the access channel and the portion of the basin currently unoccupied by mooring piers in the Fall of 2023.

The dredging operation would remove approximately 10,910 CY from the basin to restore the function of the marina and would leave sediment beneath the existing marina structures in place. The project area would be dredged to two different depths. The access channel and deep-water mooring area of the basin would be dredged to a proposed new depth of -11' MLW with a 1' over-dredge. The remainder of the marina would be dredged to its previously authorized maintenance depth of - 8' MLW with a 1' over-dredge. It should be noted that the work proposed herein is solely for the on-going operation of the existing marina facility. The dredging of the remaining basin area occupied by the existing piles, piers, floating docks, and boat rail system is planned for 2024 upon the expected awarding of FEMA funding to demolish the existing dock structures and re-build a new marina in its place. This area of dredging would remove 1,700 CY of accumulated sediment. The future marina re-construction and dredging project is considered to have independent utility from that proposed herein.

The hydraulically dredged material would be discharged overboard into Shooting Thorofare. This method of dredged material placement was previously authorized for all previous dredging projects at this facility, including the last federal authorization for dredging in 2018 under Permit Number NAP-2017-00718-39. During the dredging operation, the dredged material would be hydraulically discharged into the waterway from the dredge pipe that would be suspended approximately 15 feet below the water surface using an anchoring system that would be secured at the bottom of the waterway. The water depths of Shooting Thorofare in the vicinity of the Marine Field Station range from 21 to 40 feet (MLW). The discharge port of the pipeline would be located approximately 80 feet from the access channel opening to the marina basin. The equipment expected to be used for this project would include a hydraulic cutter head dredge on a barge, and pipeline.

The dredged material, composed primarily of sand, with some silt, would be discharged through the pipe directly into Shooting Thorofare. Discharge of dredged material into the waterway is expected to last approximately 2 weeks. The material would spread over an area approximately 330 feet from the outfall pipe, impacting a total area of approximately 7.5 acres. Due to the high velocity of the water in the area of the discharge pipe, the excavated material is not expected to fall out of suspension.

Any changes or modifications/additions to the project proposed herein after permit issuance will require either a permit modification or new DA permit.

PURPOSE: The applicant's stated purpose for dredging is to dredge the marina basin channel and the marina basin to regain access to the basin at low tide and provide navigability for the maneuvering and mooring of the larger marine research vessels used by academic institutions, and government organizations.

A preliminary review of this application indicates that the proposed work may affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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 30 days of the date of this announcement 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 affect 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, specifically page 33 the project will have an adverse effect on EFH and the species of concern. However, these impacts can be mitigated with the inclusion of special conditions to any permit issued by this office. Coordination between the National Marine Fisheries Service and the Corps will take place to ensure impacts to aquatic resources will be minimal.

According to Federal regulation located at 33 CFR 325.1(d)(7) and 33 CFR 332.4 (b)(1), applicants wishing to discharge fill material into waters of the U.S. must include a statement on how they have avoided and minimized impacts as well as how they intend to compensate for unavoidable impacts. The applicant has stated that they would avoid/minimize 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 removal of the cutter head, flushing of pipeline sections prior to disconnection,

or limitations on depth of successive cuts, may be required; If necessary, the contractor will make every effort to minimize impacts on the water quality and surrounding habitats. Best Management Practices (BMP's) will be implemented where necessary. Note that we anticipate that the contractor will utilize 8" to 10" fused polyethylene pipeline as the dredge discharge pipe that will be 15 feet below water surface elevation. The pipe will not be located in the adjacent wetland habitats. The pipeline will extend into the Shooting Thorofare and will be entirely submerged". As such, the applicant does not believe compensatory mitigation is warranted for this matter.

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 David J. Caplan at 215-656-6731, via email at David.J.Caplan@usace.army.mil, or writing this office at the above address.

FOR: Todd A. Schaible
Chief, Regulatory Branch