



**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-2018-00291**

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: City of Ocean City

AGENT: ACT Engineers, Inc.

WATERWAY: Great Egg Harbor and Peck Bay

LOCATION: City of Ocean City, Cape May County, New Jersey

ACTIVITY: The proposed activity constitutes Phases 2 through 4 of the Shooting Island Restoration and Coastal Resiliency Project. Phase 1 of this project (same file number, NAP-2018-00291) was authorized on October 31, 2018. Phase 1 authorized the construction of a rock sill and oyster castle sill for the stated purpose: “The proposed project seeks authorization to restore the historically present shoreline of Shooting Island. The restoration project does not propose any deposition of fill or dredging of wetlands. Rather, the project proposed placement of fill within open waters to promote accretion and restoration of historically present but now eroded / lost wetlands.” A detailed description of the dredge material and activities proposed in Phases 2 through 4 are described below. Project design plans are attached (Attachment 1).

*Phase 2* - Phase 2 includes the placement of approximately 11,200 cubic yards of material from the existing marsh edge sloping to the Phase 1 rock sill in order to create elevation necessary to establish salt marsh vegetation. Prior to the placement of the fill, the openings (a.k.a. “sill window” or “fish window”) in the previously constructed rock sill would be closed. An excavator placed on a barge would temporarily remove and store the armor stone in the sill window. The sill core would be constructed followed by the replacement of the armor stone. The back filled area would be planted with *Spartina alterniflora* after a settling period. Sediment to be used for backfill would consist of suitable, clean fill material from Phase 4 (see below) or dredge material from adjacent dredging projects. Backfill material will be transported to the Phase 2 project area via shallow draft material barges and will be placed using mechanical placement equipment such as a long-reach excavator. Certain areas in the backfill footprint are within the transition zone limits for marsh nourishment and may receive some hydraulically

transported sediment. Best Management Practices (BMPs) proposed include the use of coir matting along the interior of the rock sill to decrease turbidity from the placement of the backfill.

*Phase 3* - Phase 3 involves placement of 50,000 to 100,000 cubic yards of sediment on the marsh surface to elevations no greater than +1.95 NAVD 88 for the stated purpose of optimizing marsh surface elevation to promote vegetation health and resiliency to sea level rise. The applicant has stated that actual placement volumes would vary based on pre-construction survey. Placement would be accomplished through low-pressure, unconfined discharge of sediment to specified locations. The applicant has identified thirteen (13) locations for material placement referred to here as placement “cells”. Between and around placement cells is an area identified as the transition zone (see sheets 13 through 18 of the attached project plans). The applicant has stated that the transition zones are to allow for natural distribution and tapering of fill in these areas. The thickness would range from 0- to 9-inches as material from the targeted placement dispersed through existing vegetation. Sediment to be used for Phase 3 would consist of suitable, clean fill material from Phase 4 (see below) or dredge material from nearby dredging projects.

Generally, these “cells” constitute low-lying areas targeted for sediment placement for the stated purpose of marsh creation in existing salt pannes and ponds, and sediment nourishment in degraded marsh areas to optimize the surface elevation. The unconfined sediment placement approach will rely on existing site topography to act as natural obstacles to material movement. No planting has been proposed in these areas. BMPs proposed include strategic placement of biodegradable coir logs to contain sediment from eroding into open water habitats like several tidal channels located within the Shooting Island marsh system.

*Phase 4* - Phase 4 includes restoration of an approximately 5-acre abandoned confined disposal facility (CDF) currently vegetated located on a portion of Shooting Island to low and high marsh habitat through the excavation of existing sediment. Removal of the sediment would reduce elevation to the surrounding marsh surface, no more than +1.95 NAVD88 (MHHW elevation), which the applicant has indicated would no longer support *P. australis*. After excavation, the applicant has indicated the area may be planted with either *Spartina alterniflora* or *Spartina patens*; or will otherwise rely on natural re-vegetation. Re-grading operations would be conducted using low-ground pressure mechanical earth-moving equipment such as lightweight tracked bulldozers and excavators.

*Borrow Material* - Primary borrow source candidates would be from waterways within Great Egg Harbor Estuary. Physical data is attached (Attachment 2). These include Bluefish Lagoon (BF), Clubhouse Lagoon (CH), Carnival Lagoon (CA), Venetian Bayou (CaVec), and Snug Harbor (SN) in Ocean City. Maintenance dredge permit (NAP-2010-00310) for the City of Ocean City authorizes dredging of these sites. This permit is proposed to be modified to accommodate for the new disposal option. Additionally, Phase 4 proposed the excavation of the abandoned CDF and this material is proposed to be used as fill in Phases 2-3 and information on physical properties of samples is attached (Attachment 3).

**PURPOSE:** The stated project purpose is “to protect and restore over 150 acres of wetlands in Great Egg Harbor Bay (GEHB) with beneficial reuse of available and suitable sediments to achieve enhancement of habitat by restoring degraded marsh system; enhancement of coastal resiliency of the back-bay area by protecting an island marsh; and to conduct

restoration using methods that keep sediment in the GEHB system by beneficially reusing material dredged from adjacent waterways.”

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. This office will forward this Public Notice to the US Fish and Wildlife Service or National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat maybe present in the area which would be affected by the proposed activity. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the US Fish and Wildlife Service or National Marine Fisheries Service as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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 to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The USACE Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries 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 NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

Compensatory mitigation is not required because the activity consists entirely of restoration activities.

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 contacting Kendall Miller by phone at (656) 215-5873, by e-mail at [Kendall.L.Miller@usace.army.mil](mailto:Kendall.L.Miller@usace.army.mil) or by writing this office at the above address.

For: Edward Bonner  
Chief, Regulatory Branch