



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

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

# Public Notice

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Public Notice No.	Date
CENAP-OPR-2021-00067-97	April 5, 2021

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Application No.	File No.
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In Reply Refer to:  
**REGULATORY BRANCH**

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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:** Township of Little Egg Harbor

**AGENT:** T&M Associates

**WATERWAY:** Great Bay

**LOCATION:** Graveling Point Beach at the terminus of Radio Road in Mystic Beach, Township of Little Egg Harbor, Ocean County, New Jersey

**ACTIVITY:** Extend the width of an eroded public beach by placing approximately 11,015 cubic yards of sand fill over a 2.54-acre area below the High Tide Line. Construct a series of four (4) stone offshore breakwaters, each approximately 30-feet wide by 106-feet long, placed 104 linear feet apart and parallel to the shoreline. Construct a 212 linear foot, “dog eared” stone jetty extending perpendicularly from the eastern edge of the shoreline. Construction of the breakwaters would utilize 2,225 cubic yards of fill over 0.45-acre area below the High Tide Line. Fill materials would be sourced by the contractor from a local quarry. Install a total of ten (10), 10-inch diameter timber piles (non-polluting) – two on each breakwater – with warning signs for navigation.

Construction activities would utilize a backhoe, small rubber mounted aqueous vehicle, one barge and a long reach excavator for the placement and grading of sand and stone fill. A temporary floating turbidity barrier would be used during construction. Construction activities would require approximately 3 months of continuous work.

See the **attached plans**, sheets 1 through 8, for additional project details.

**PURPOSE:** The stated purpose of the project is to improve recreation and access for the public, improve habitat for shorebirds and aquatic species, and provide upland protection at Graveling Point Beach.

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. The ACOE will forward this PN to the US Fish and Wildlife Service and/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 and/or NOAA Fisheries 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 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 electronically within 30 days to Kendall Miller, Regulatory Project Manager, Philadelphia District U.S. Army Corps of Engineers at [Kendall.L.Miller@usace.army.mil](mailto:Kendall.L.Miller@usace.army.mil).

The USACE Cultural Resource Specialist and Tribal Liaison 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 permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places (NRHP). An investigation for the presence of potentially eligible historic properties is required.

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. The Philadelphia District 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: In accordance with the June 9, 2008 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR 325 and 332 and 40 CFR 230), the applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. Information provided in the application and on plans indicates that there will be 2.99 acres placement of fill material in jurisdictional waters and 0.1 acres of tidal wetland loss/disturbance. Compensatory mitigation is not proposed because the applicant has stated that the project would improve habitat.

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.

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 at (215) 656-5873 or at [Kendall.L.Miller@usace.army.mil](mailto:Kendall.L.Miller@usace.army.mil).

A handwritten signature in blue ink, appearing to read "Michael H. Schaible", written in a cursive style.

for Todd A. Schaible  
Chief, Regulatory Branch