



**US Army Corps
of Engineers**
Philadelphia District

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

Public Notice

Public Notice No. NAP-2021-00226-86	Date November 2, 2021
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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: Tim Dillingham
American Littoral Society
18 Hartshorne Drive, Suite 1
Highlands, NJ 07732

AGENT: Shane Godshall
American Littoral Society
600 G Street, Suite 610
Millville, NJ 08332

WATERWAY: Delaware Bay

LOCATION: The proposed project site will be located along the southern end of Fortescue, Downe Township, Cumberland County, New Jersey (Block 114, Lots 1,2, and 3). The project will be in the Delaware Bay just north of a small tidal creek listed as Oyster Creek.

ACTIVITY: The American Littoral Society is proposing to build protective oyster reef breakwaters and to construct hybrid breakwaters that will add additional habitat while avoiding any danger to horseshoe crab impingement. The breakwaters will be placed closer to the portion of the beach with the greatest wave energy and the area of greatest sand loss. These breakwaters will be able to withstand strong winds and waves from storm events providing the most protection to the beach and the community. Once breakwaters are in place, beach fill will be placed along the shoreline.

The hybrid breakwaters will be 100' to 150' in length, 32' wide with a crest width of 3.6' and located 250' to 320' from the Mean High Water Line (MHWL). The foundation of the breakwaters will be set at -6.0 NAVD88 with the base of the reef at -5.0. The crest elevation will vary from 0' to 4.5' NAVD88. The final crest elevation is expected to be lowered as the breakwater deforms from wave action. The stone size for the breakwaters was based on the maximum size opening

between the stones. A maximum opening of 0.5 feet precludes horseshoe crabs from becoming trapped. The foundation for series of detached nearshore breakwaters will be provided by a Tensar mat. Tensar mats are plastic geogrids filled with stones approximately 3 inches in diameter. As a foundation they are constructed of geotextile filter on the bottom that are approximately 1 foot thick, 10 feet wide and 20 feet long.

Three oyster reefs will extend along the beach, each being 200' in length. Reefs are constructed with inshore and offshore reef segments, each made up of fifteen reef blocks that measure 5'x11' with 5' gaps in between each block. These smaller oyster reef breakwaters will encourage shoal formations behind the structures. For this project the applicant is proposing to use one of two methods to construct the oyster reefs. The oyster reefs will utilize a more typical shell bag stacking structure with the addition of a bottom layer of Tensar or a HESCO basket will be used. HESCO baskets are wire cages filled with rock and faced with shell. The final decision on which method will be utilized will be made when more information is collected on current pilot projects using both methods. Tensar mats will be filled in upland locations then transported to the site via excavator, HESCO baskets are anchored into the site then filled with rock via excavator.

Lastly, the proposed project intends to restore 1,700 linear feet of shoreline. This shoreline provides essential spawning habitat for horseshoe crabs and migratory shorebirds. The applicant has proposed to build the beach profile to pre-determined elevations. To accomplish this, 77,000 cubic yards of sand will be placed on approximately 6 acres of beach habitat. Sand will either be provided from a local sand quarry and will be trucked in or from a NJDOT dredging project (CENAP-OPR-2021-00794-95) that will arrive via direct pumping. Any dredge sediment used in this project will be analyzed for potential contaminants and consistency with target placement areas.

PURPOSE: The primary purpose of the proposed activity is to protect eroding beach habitat at Fortescue. The project will restore and protect prime horseshoe crab and red knot habitat. The proposed actions will have added benefit to providing protection for the community infrastructure along the southern end of the municipality.

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) 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 United States Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) with a request for technical assistance on whether any ESA listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the USFWS and/or NMFS 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.

Due to COVID-19, comments on the proposed work are encouraged to be submitted, by email, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District at PhiladelphiaDistrictRegulatory@usace.army.mil. If it is necessary to provide a paper copy, comments should be submitted, by traditional mail 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 NMFS 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 District will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS as appropriate. Consultation will be concluded prior to the final decision on this permit application.

Compensatory mitigation is not required by this office because the proposed project does not result in a loss of function and values of the waterbody. The project is expected to result in a net increase in functions of values by the creation of the oyster reefs and hybrid living breakwater structures in the nearshore area, and the reduction in shoreline erosion by the breakwaters reducing the erosive forces on the shoreline.

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.

Due to COVID-19, any person may request, by email, to the District Engineer at the PhiladelphiaDistrictRegulatory@usace.army.mil, 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, with particularity, the reasons for holding a public hearing. If it is necessary to provide a written request by traditional mail, such request should be submitted within the comment period specified in this notice to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Additional information concerning this permit application, NAP-2021-00226-86 may be obtained by emailing Genevieve Sarlo at Genevieve.T.Sarlo@usace.army.mil.

Todd A. Schaible
Chief, Regulatory Branch