| ۱ |
|---|
| I |
| I |
| I |
| ļ |

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. CENAP-OP-R-2015-0603 | Date | |
|---|----------|--|
| Application No. | File No. | |
| In Danky Defer to | | |
| 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: | Dave Golden |
|------------|---|
| | New Jersey Departement of Environmental Protection: |
| | Division of Fish and Wildlife |
| | Mail Code 501-3 |
| | P.O. Box 420 |
| | Trenton, New Jersey 08622 |
| | |
| | |

- AGENT: Princeton Hydro, LLC 1108 Old York Road, Suite 1 P.O. Box 720 Ringoes, New Jersey 08551
- WATERWAY: Fortescue Creek/Delaware Bay

LOCATION: The habitat restoration site is located at Block 61, Lot 1, in Downe Township, Cumberland County, New Jersey; the dredging would occur within the state navigation channel of Fortescue Creek, near Downe Township, Cumberland County, New Jersey.

ACTIVITY: The applicant has requested a modification to a Department of the Army permit issued by this office on October 8, 2015. The permit authorized the removal of accumulated sediment from within the state navigation channel, the creation of a dune facing the Delaware Bay, elevating twenty two and four tenths (22.4) acres of low marsh habitat by the placement of hydraulically dredged material on wetland habitat adjacent to the Fortescue Creek Channel, and create an area approximately four and one tenths (4.1) acres of beach habitat upstream of the restoration site. While approved, several storm events eroded away the site where the dune was to be placed. As such, no work on the dune has been performed.

The applicant is now proposing to create a dune at the above referenced site, landward of the previously approved site. The dune would be one hundred (100) foot wide at its base, forty (40) foot wide at its top and approximately seven (7) feet in height. Hydrolically dredged material,

from the previously approved state navigation channel, would be used to construct the dune. Approximately nineteen thousand two hundred (19,200) cubic yards of material, composed of sand with small amounts of silt would be ecavated from the state navigation channel and used to form the proposed dune. A spreader attachment on the hydraulic pipeline would be used at the end of the hydraulic pipeline to disperse the material at the site. The dune footprint will be initially confined with longitudinal training dikes on both sides of the footprint. Dredged material will be pumped in place between the training dikes with the excess slurry water being discharged into the marsh area as the dune profile is raised to contain the required fill quantity. Final dune slopes and berm top will be mechanically shaped with conventional earthmoving equipment. Standard construction equipment, with low pressure tracks would be used to move the pipeline and excavated materials at the site. The maximum area of temporary impacts from construction equipment would be approximately six tenths (0.6) of an acre. The dune would impact approximately two and one quarter (2.25) acres of emergent wetlands on the site. These wetlands were previously approved to have dredged material placed as a thin layer application; however, now these wetlands would be uplands, not vegetative wetlands, upon completion of work at the site.

PURPOSE: The applicant's stated purpose is to provide protection from seasonal storms to wetlands located on the adjoining site.

A preliminary review of this permit modification request indicates that the proposed work is not likely to adversely affect the red knot (<u>Calidris canutus rufa</u>) or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. A seasonal restriction was added previously issued permit to ensure impacts to this species will be minimal. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. It should be noted that the dredging component has not changed from that approved previously. Permit conditions added to the previously issued Department of the Army permit, with respect to threatened and endangered species, would remain in full force and effect regardless of any permit modification rendered by this office.

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 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 49 has determined that the creation of the dune will have no effect on EFH or the species of concern. The dredging proposed during this action has already been addressed during the initial review of the project. All seasonal restriction placed in the original permit for the dredging of the channel will remain in full force and effect.

Compensatory mitigation According to Federal regulation 33 CFR 325.1(d)(7), 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 avoided/minimized impacts to the aquatic environment by incorporating engineering/construction procedures into the process that will substantially reduce impacts to aquatic resources. Additionally, the applicant states that dredged material will be placed in a controlled manner such that material will not flow outside of the designated placement area and appropriate sediment control materials will be in place to contain any sediment within the bounds of the designed material placement area. Native plants including herbaceous plants as well as woody plants will be planted along the dune. As the dune vegetation is established the existing vegetation area will provide a greater level of protection to the new dune as well as the existing marsh. The dune creation/enhancement will yield positive ecological benefits in protection of the existing marsh as well as providing general protection and resiliency of the surrounding area from potential erosion resulting from the wind, wake, and wave impacts during coastal storm events and future potential seas level rise. The dune will also provide valuable habitat for wildlife as it will provide a unique habitat element to the Fortescue Wildlife Management Area. As such, the applicant is not proposing to provide compensatory mitigation for the work outlined above.

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.

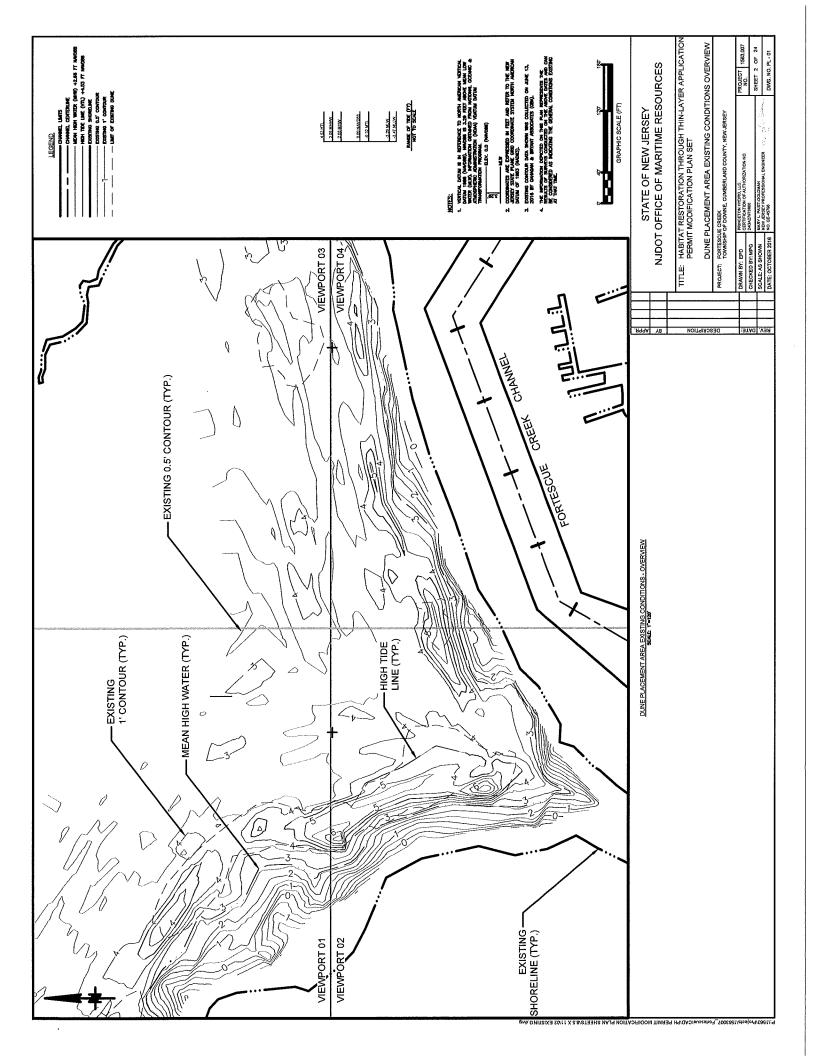
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

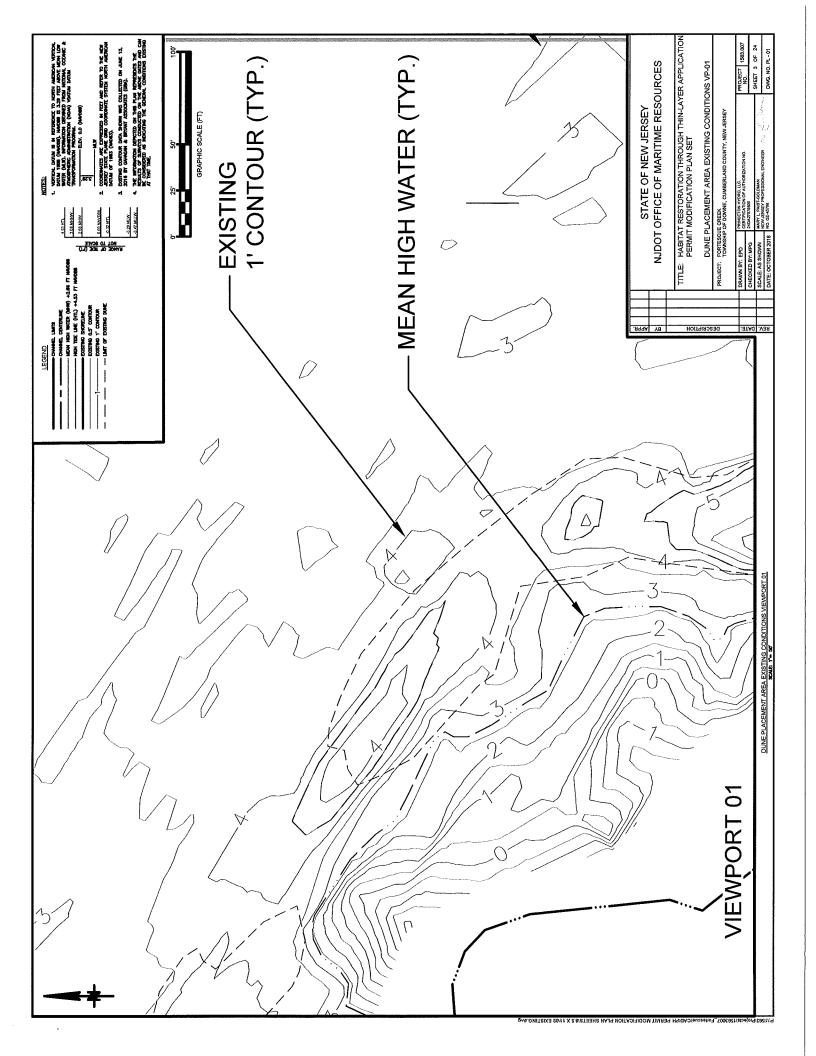
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

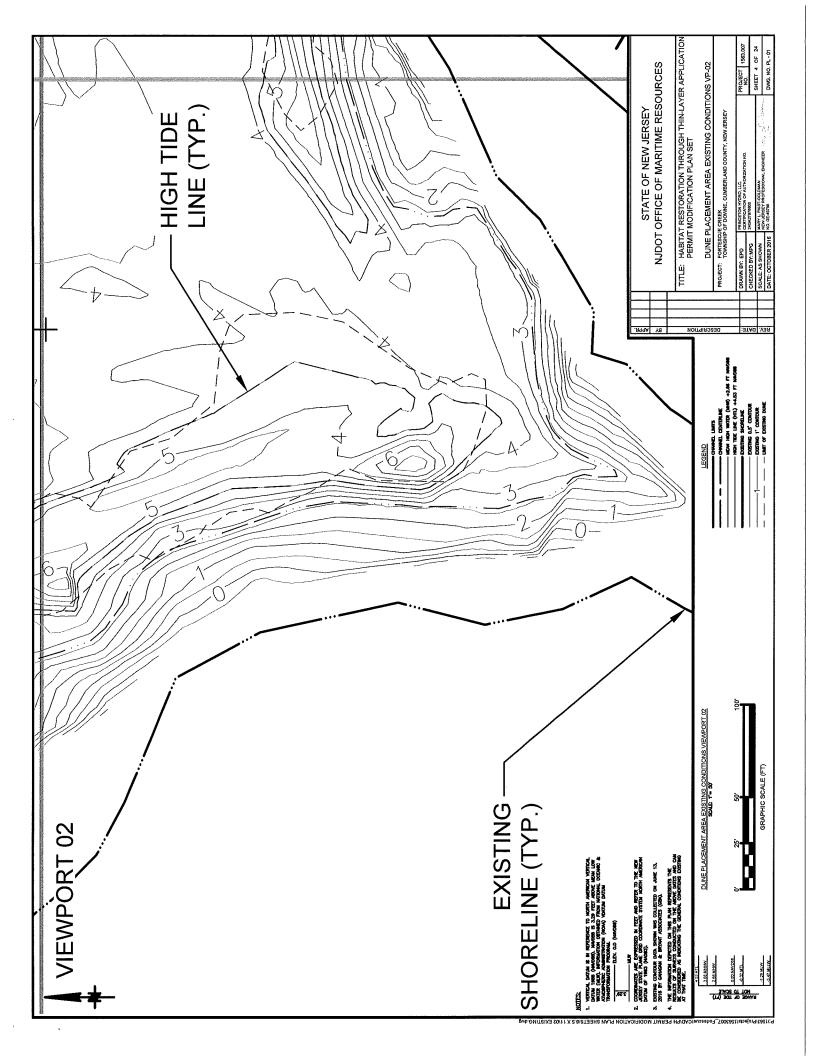
Additional information concerning this permit application may be obtained by calling Lawrence Slavitter at 215-656-6734, via email at lawrence.m.slavitter@usace.army.mil, or writing this office at the above address.

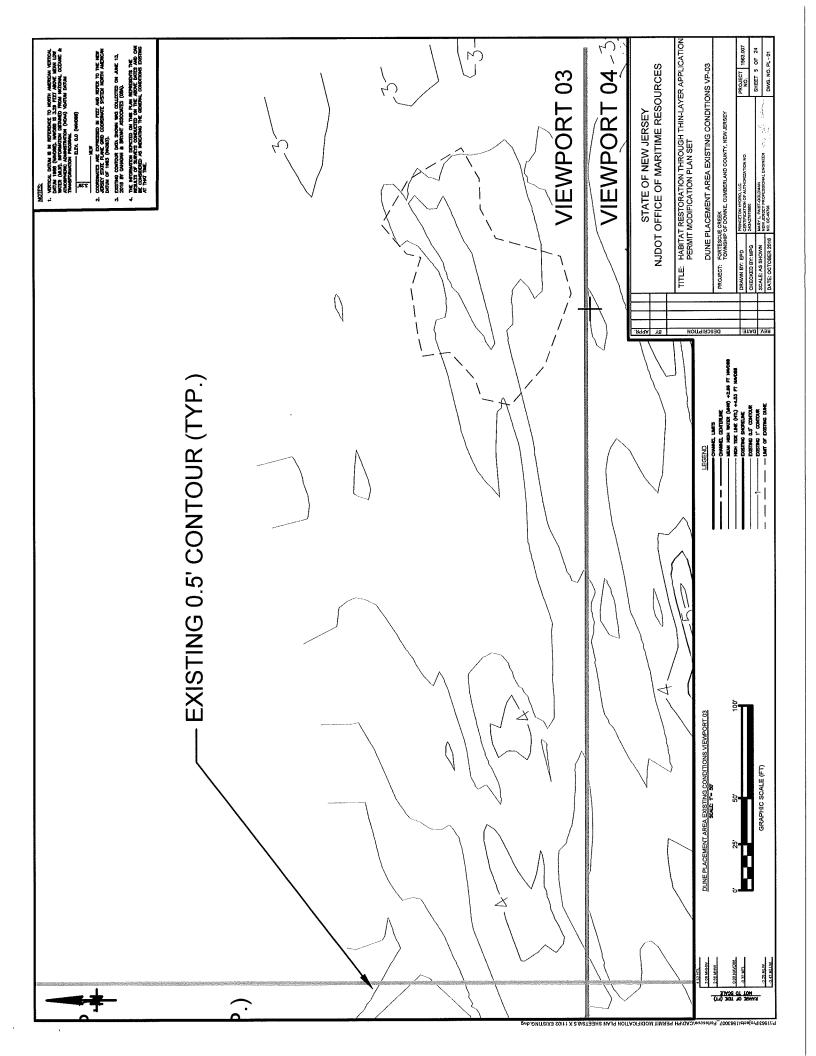
Edward E. Bonner Chief, Regulatory Branch

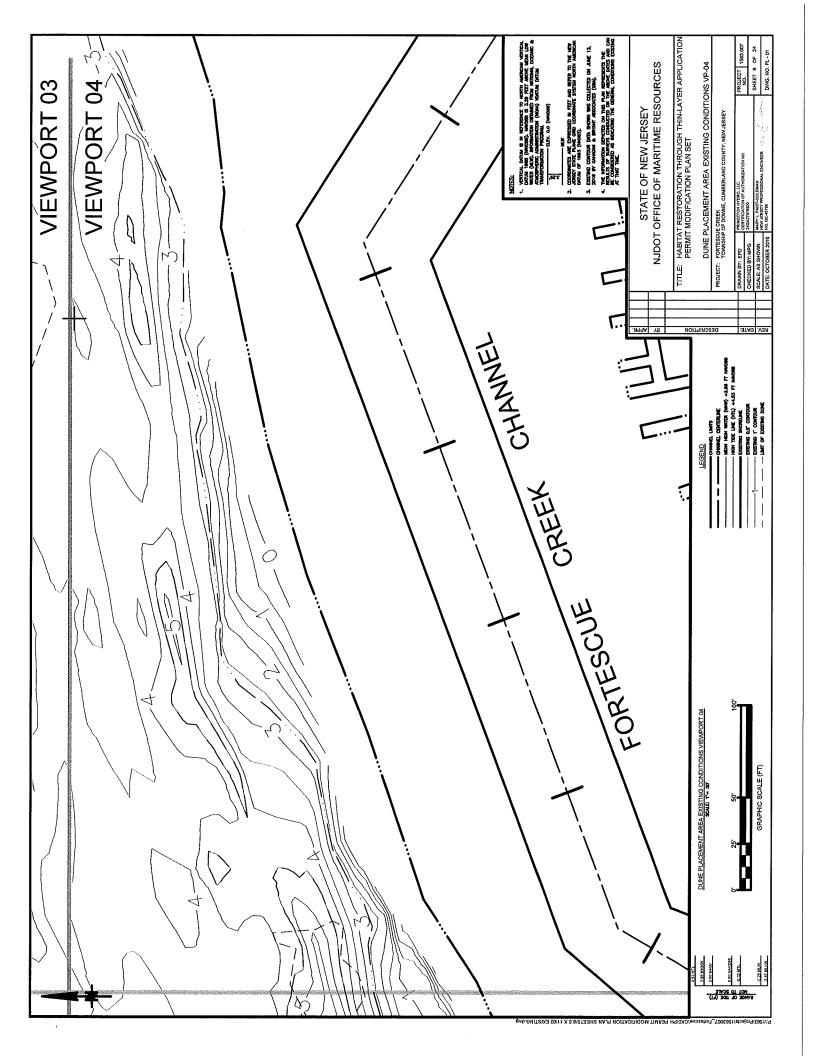
| -LAYER APPLICATION GN SET | EMENT AREA PROJECT PARTNERS: NEW JERSEY DIVISION OF FISH AND WILDLIFE MAIL CODE 501-3 | P.O. BOX 420 TRENTON, NEW JERSEY 08625-0420 THE NATURE CONSERVANCY 200 POTTERSVILLE ROAD CHESTER, NEW JERSEY 07930 | GREENTRUST ALLIANCE 210 NAJOLES ROAD, SUITE 200 MILLERSVILLE, MD 21108 GreenVest | GREENVEST 91 FIELDCREST AVENUE, SUITE A-1 RARITAN PLAZA II EDISON, NEW JERSEY 08837 | Princeton Hydro PRINCETON HYDRO, LLC 1108 OLD YORK ROAD, SUITE 1 P.O. BOX 720 RINGOES, NJ 08551 | CODERTY OWNERAPPLICANT: NJDEP - DIVISION OF FISH AND WILDLIFE MAIL CODE: 501-3 PO BOX 420 TRENTON NJ 08625 | J. S. | Her Jerger protoco of Fish and Wilding | | | TITLE: HABITAT RESTORATION THROUGH THIN-LAYER APPLICATION | TITLE SHEET PROJECT: FORTEQUE CONNEL PROJECT: FORTEQUE CONNEL | Month Bry: DNAVM Bry: EPO. Result Issue Issue |
|--|--|--|---|--|--|--|--|---|-----------------------|----------------------------------|--|---|---|
| HABITAT RESTORATION THROUGH THIN-LAYER APPLICATION DUNE MODIFICATION DESIGN SET | FORTESCUE FISH AND WILDLIFE MANAGEMENT AREA TOWNSHIP OF DOWNE CUMBERLAND COUNTY, NEW JERSEY | | | | | | | INDEX OF SHEETS | SHEET NO. DESCRIPTION | 2-6 EXISTING DUNE PLACEMENT PLAN | 7 - 11 PROPOSED DUNE PLACEMENT PLAN 12 - 14 DUNE PLACEMENT AREA CROSS SECTIONS | 15 - 19 REGULATORY PLAN 20 - 24 PLANTING PLAN | |
| HABITAT RE | GENERAL NOTES. 1. ALL ELENATORIE AND QUANTITES ARE EASED ON IN-SITU CONDITIONS. ONCE 1. BUTUNED MATERIAL CONTINUES ANY EXPERIMENT'S. 2. DISTUNED MATERIAL CONTINUES ANY EXPERIMENT'S. 2. DISTUNES AND FACT. THIS FAMILS NOT TO BE UTLIZED ANY FOR THE PROPAGATION OF ANY OTHER PROJECTS. 3. A SETELL DOIDNITONS ANY REQUIRE MODIFICATIONS TO PROPAGATION AND AND FACT. TO CANTONS. THESE PLANS ARE NOT TO BE UTLIZED AS A SAURTS. CONSTRUCTION NOTES. | CONTRACTOR TO USE RESIDEM WITH INTEL DIFFURGANCE ONLY. ALMATERIAL SMALL CONFORM TO THEIR RESIDENCE LATER PRECIDENT LATER RESIDENCE LATER AND AND AND AND AND AND AND AND AND AND | | NO. COMPANY PRIOR TO START OF THE CONSTRUCTORY. THE OFFICE AND A COMPANY | Vertres, contra en regretario con vertica, con trans en vertica, con transmissione environde analysis. Anvoinerais consertination of volvo volvitus instrumentaria environde analysis environde analysis and conservation environde analysis envi | ઝ છે મે તા ત | Development and the second and second more and second more than and second more and and second more and second more and second more and second mo | | | | 12.52 MAY 2000 | | |

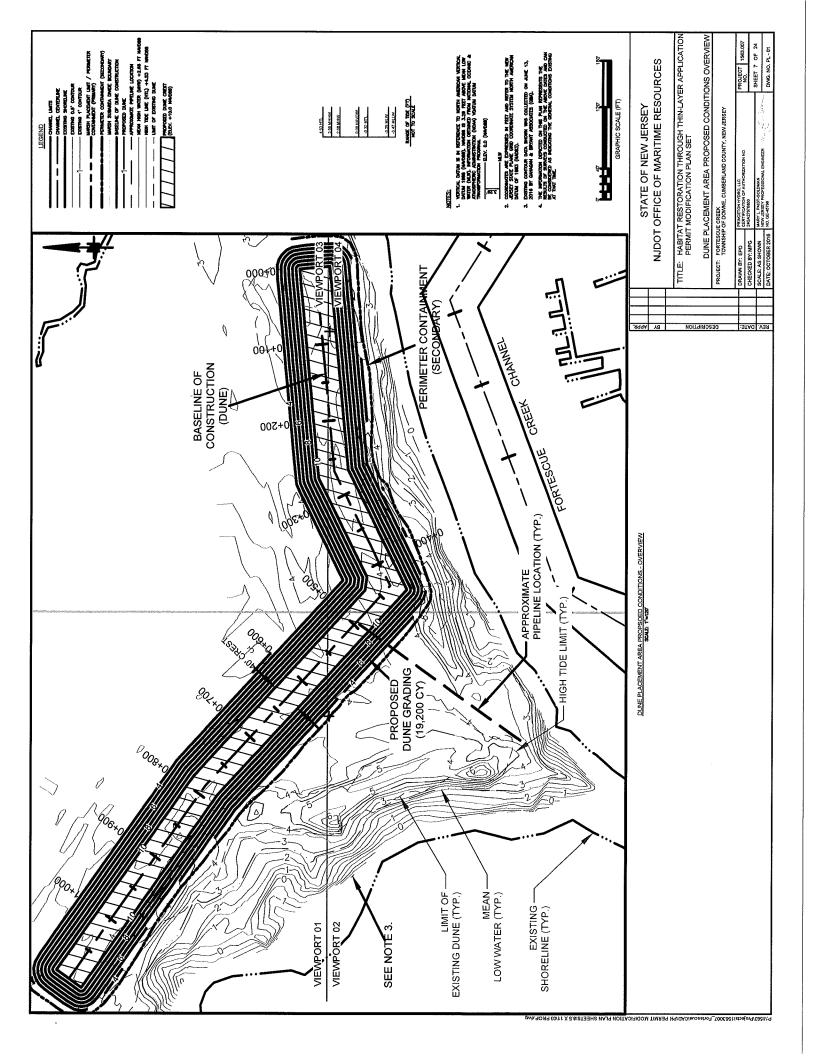


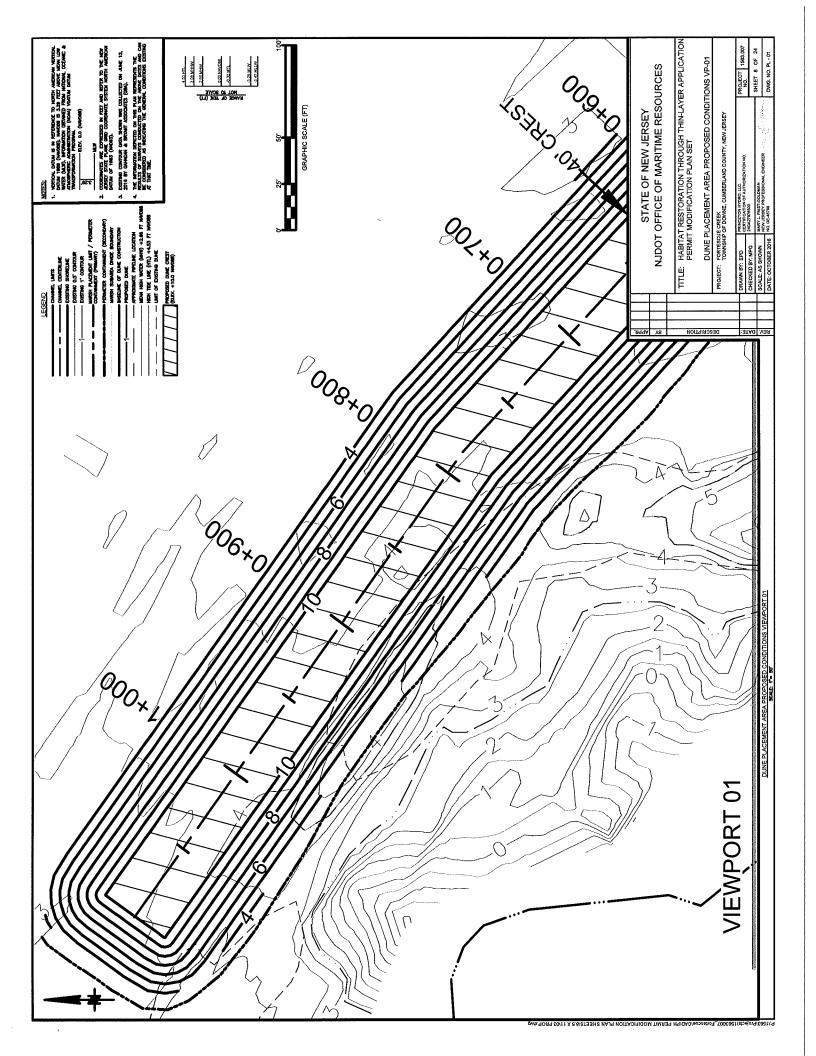


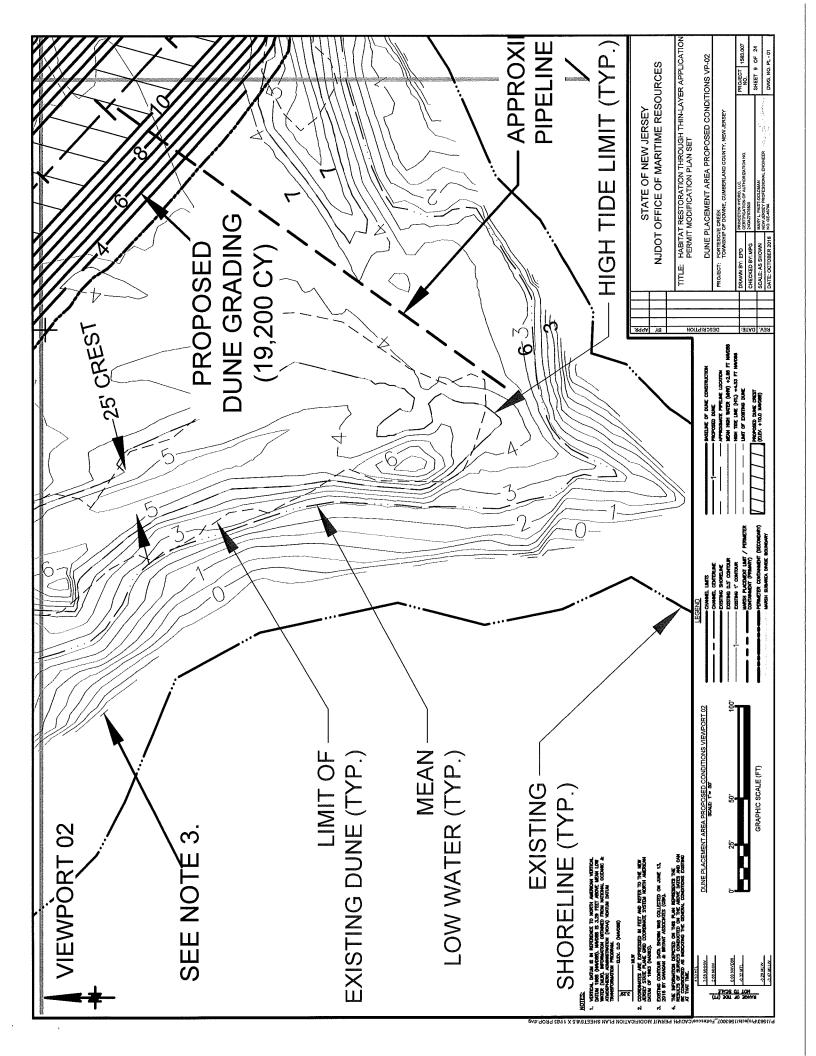


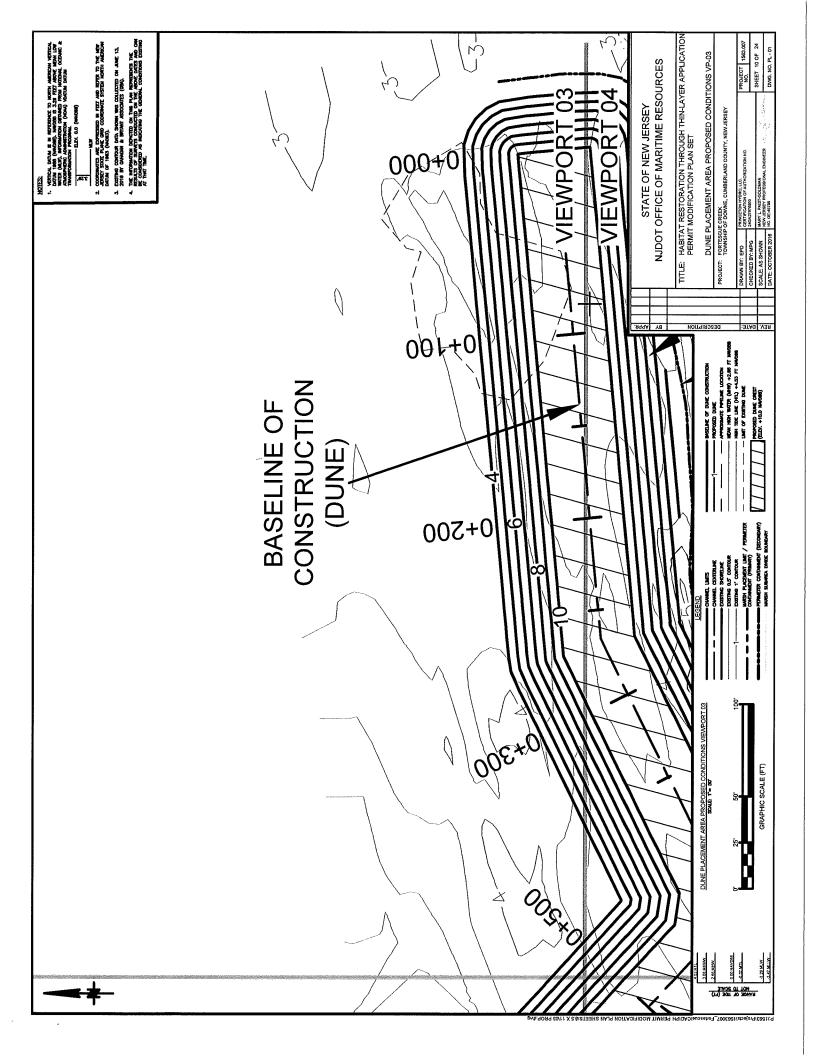


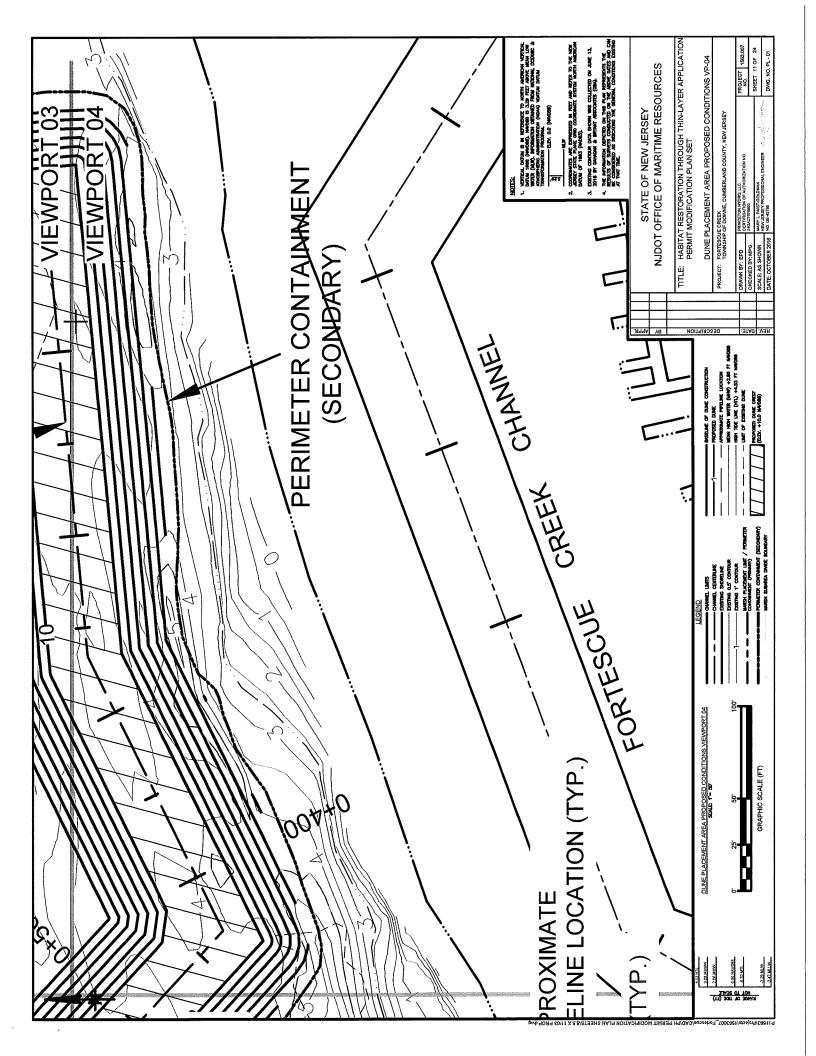


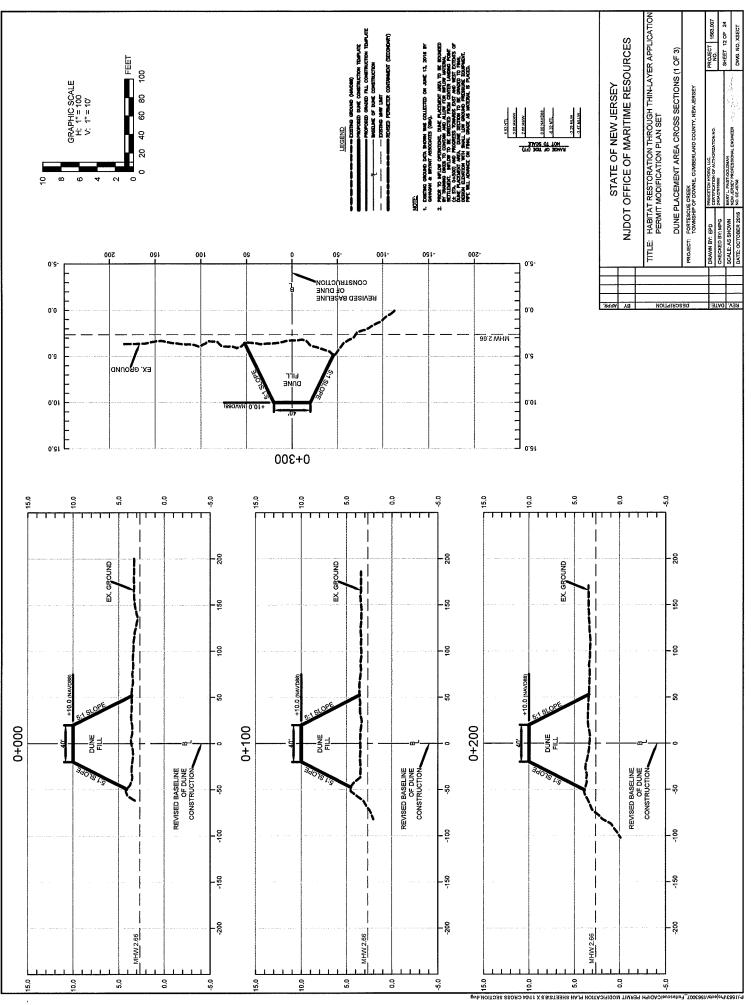


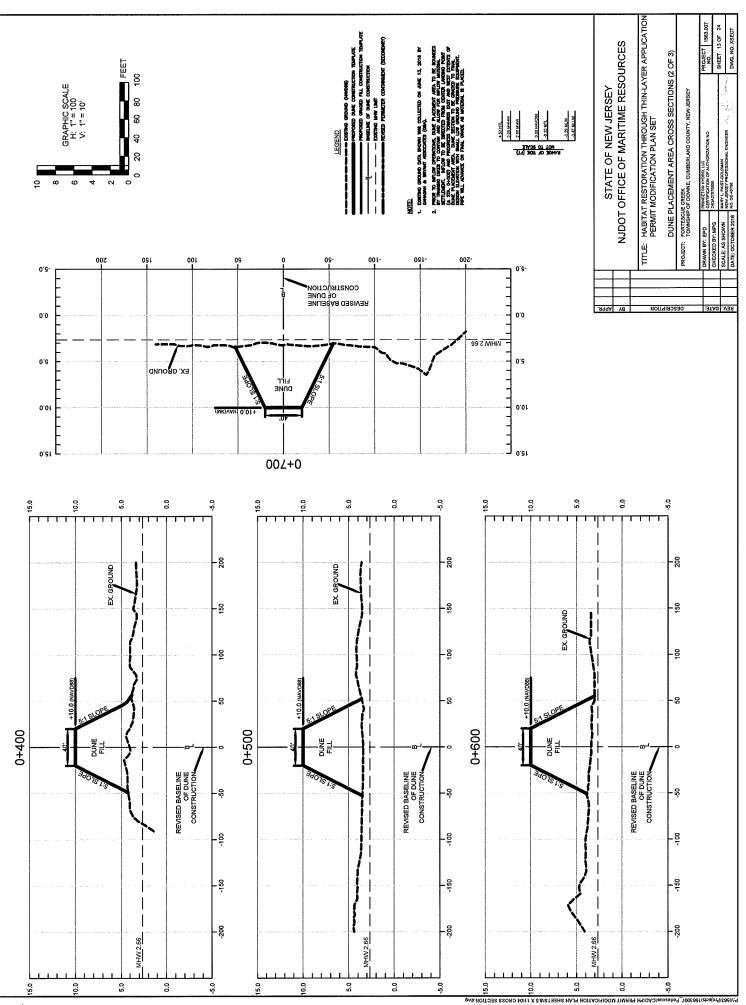












,

