



**US Army Corps  
of Engineers**  
Philadelphia District

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

# Public Notice

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Public Notice No. <b>CENAP-OP-R-2016-00755</b>	Date
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Application No. <b>CENAP-OP-R-2016-00755</b>	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:** NJDEP, Division of Fish and Wildlife

**WATERWAY:** Atlantic Ocean, Delaware Bay

**LOCATION:** Within the Atlantic Ocean along the coast of New Jersey at several locations between Sandy Hook and Cape May and one in the Delaware Bay. These include previously authorized sites within the New York District boundaries and within the Philadelphia District boundaries, and proposed new sites within the Philadelphia District boundaries.

**HISTORY:** Reference is made to Department of the Army permits listed and described below:

Department of the Army permits CENAP-OP-R-88-1769-1, CENAP-OP-R-1 99200384-36, and CENAP-OP-R-1 99802530-1, issued previously by the Philadelphia District authorized the New Jersey Department of Environmental Protection, Division of Fish and Wildlife to deploy artificial reef materials at 12 separate artificial reef sites in the Atlantic Ocean along the coast of New Jersey, within the Philadelphia District boundaries.

Department of the Army permits CENAN-OP-R-14735 and CENAN-OP-R-10689A, issued previously by the New York District authorized the New Jersey Division of Fish and Wildlife to continue deployment of artificial reef materials at two (2) separate artificial reef sites in the Atlantic Ocean along the coast of New Jersey, identified as the Sandy Hook and Sea Girt reef sites, in Monmouth County, within the New York District boundaries.

Department of the Army permit CENAP-OP-R-200401135-1 issued by the Philadelphia District, served to consolidate and streamline the review and subsequent authorization of the New Jersey Department of Environmental Protection, Division of Fish and Wildlife proposal to continue the deployment of artificial reef materials at the existing fourteen (14) reef sites (referenced in the preceding two paragraphs: 12+2), in the Atlantic Ocean along the Coast of New Jersey within the

boundaries of both the Philadelphia and New York Districts and to authorize the development of a new site 3.8 nautical miles southeast of Townsends Inlet, Cape May County, New Jersey, for a total of fifteen (15) artificial reef sites.

**ACTION:** The New Jersey Department of Environmental Protection has now requested authorization to continue placement of artificial reef materials within the fifteen (15) previously authorized sites in the Atlantic Ocean. The artificial reef materials being proposed fit into two (2) categories. The first category includes specifically engineered reef habitat structures (designed reef structures). These structures are typically designed to maximize surface area for attached epifaunal organisms and to provide specific habitat requirements for targeted fish species. Designed reef structures can be manufactured to maximize specific marine resource values, making them ideal for reef creation. However, these structures are generally prohibitively expensive and are not readily available.

The second category of artificial reef materials are identified as materials of opportunity. Certain materials of opportunity have been identified as suitable for construction of artificial reef structures including such materials as concrete, rock, concrete-ballasted tire units, surplus ships, barges, tanks, and other armored personnel carriers. Materials of opportunity are also referred to as "Secondary Use" materials. In accordance with the State Artificial Reef Management Plan, National Artificial Reef Plan and Department of the Army authorizations, all secondary use materials would be required to be properly cleaned, dismantled where necessary, and inspected prior to deployment to assure that they are clean and free of contaminants. Cleaning protocols and inspections of these materials may be established or conducted by the U.S. Environmental Protection Agency and/or U.S. Coast Guard.

The current proposal consists of the following specific actions: (1) to continue deployment of artificial reef materials at the 15 existing reef sites; and (2) to add 2 additional artificial reef sites to the state-wide program bringing the total number of artificial reef sites along the coast of New Jersey to 17. The locations of the artificial reef sites are identified on the enclosed maps and charts and summarized as follows:

1. Sandy Hook Reef site is located approximately 1.4 miles east of Sea Bright in Monmouth County, New Jersey. This site is located approximately 5.7 miles at a direction of 157 degrees from Sandy Hook Channel. The Sandy Hook site requires a minimum vertical clearance of forty (40) feet below mean low water.
2. Sea Girt Reef site is located approximately 3.4 miles east of Sea Girt, in Monmouth County New Jersey. The Sea Girt site requires a minimum vertical clearance of fifty (50) feet below mean low water.
3. Shark River Reef site is located approximately 15.6 Nautical miles and at a direction of 100 degrees from the Manasquan Inlet, in Monmouth/Ocean County, New Jersey. The Shark River site requires a minimum vertical clearance of fifty (50) feet below mean low water.
4. Axel Carlson Reef site (formerly known as Mantoloking Reef site) is located approximately 2.1 miles east of Mantoloking in Ocean County, New Jersey. This site is located approximately

4.35 Nautical miles at a direction of 166 degrees from Manasquan Inlet. The Axel Carlson site requires a minimum vertical clearance of fifty (50) feet below mean low water.

5. Barnegat Light Reef site is located approximately 3.1 Nautical miles east of Barnegat Light in Ocean County, New Jersey. This site is approximately 3.1 miles from Barnegat Inlet at a direction of 103 degrees. The Barnegat Light site requires a minimum vertical clearance of fifty (50) feet below mean low water.

6. Garden State North Reef site is located approximately 6.5 nautical miles east of Harvey Cedars in Ocean County, New Jersey. This site is approximately 7.7 nautical miles at a direction of 172 degrees from Barnegat Inlet. The Garden State North site requires a minimum vertical clearance of fifty two (52) feet below mean low water.

7. Garden State South Reef site is located approximately 5.1 nautical miles east of Spray Beach in Ocean County, New Jersey. This site is located approximately 9.1 nautical miles at a direction of 64 degrees from Little Egg Inlet. The Garden State South site requires a minimum vertical clearance of fifty two (52) feet below mean low water.

8. Little Egg Reef site is located approximately 3.8 nautical miles east of Holgate in Ocean County, New Jersey. This site is located approximately 5.05 nautical miles at a direction of 93 degrees from Little Egg Inlet. The Little Egg site requires a minimum vertical clearance of fifty (50) feet below mean low water.

9. Atlantic City Reef site is located approximately 12.2 nautical miles east of Atlantic City in Atlantic County, New Jersey. This site is located approximately 8.5 nautical miles at a direction of 142 degrees from Absecon Inlet. The Atlantic City site requires a minimum vertical clearance of fifty (50) feet below mean low water.

10. Great Egg Reef site is located approximately 7 nautical miles southeast of Atlantic City in Atlantic County, New Jersey. This site is located approximately 9.2 miles at a direction of 110 degrees from Great Egg Harbor Inlet. The Great Egg site requires a minimum vertical clearance of fifty (50) feet below mean low water.

11. Ocean City Reef site is located approximately 4.5 nautical miles southeast of Ocean City in Cape May County, New Jersey. This is located 4.3 nautical miles at a direction of 131 degrees from Carson's Inlet. The Ocean City site requires a minimum vertical clearance of fifty (50) feet below mean low water.

12. Townsends Inlet Reef site is located approximately 3.8 nautical miles southeast of Townsends Inlet in Cape May County, New Jersey. The Townsends Inlet Reef site requires a minimum vertical clearance of thirty (30) feet below mean low water.

13. Wildwood Reef site is located approximately 4.4 nautical miles southeast of Wildwood in Cape May County, New Jersey. This site is located 4.5 nautical miles at a direction of 135 degrees from Hereford Inlet. The Wildwood site requires a minimum vertical clearance of thirty (30) feet below mean low water.

14. Cape May Reef site is located approximately 8.5 nautical miles southeast of Wildwood in Cape May County, New Jersey. It is located 9.1 nautical miles at a direction of 128 degrees from Cape May Inlet. The Cape May site requires a minimum vertical clearance of thirty (30) feet below mean low water.

15. Deepwater Reef site is located approximately 25.1 nautical miles southeast of Avalon in Cape May County, New Jersey. This site is located 31.5 nautical miles at a direction of 99 degrees from Cape May Inlet. The Deepwater site requires a minimum vertical clearance of fifty (50) feet below mean low water.

16. The proposed Manasquan Inlet Reef site is located 1.7 nautical miles southeast of Manasquan Inlet bearing 120 degrees off Ocean County, New Jersey. The charted area would occupy 0.95 square miles with a depth range of 67-74 feet. The required minimum vertical clearance is yet to be determined in coordination with relevant agencies and comments received.

17. The proposed Delaware Bay Reef site is located approximately 9.2 nautical miles southwest of the mouth of the Maurice River bearing 188 degrees off Cumberland County, New Jersey. The charted area would occupy 1.13 square miles with a depth range of 23-35 feet. The required minimum vertical clearance is yet to be determined in coordination with relevant agencies and comments received.

**PURPOSE:** The applicant cited the following items as the purpose of this project.

- (1) Create reef habitat for 150 species of fish and marine life;
- (2) Provide new fishing grounds for anglers;
- (3) Provide underwater attractions for scuba divers; and
- (4) Provide economic benefits to the fishing industry.

Our review of this application indicates that the proposed work in the Atlantic Ocean would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act, as amended. The federally threatened loggerhead (*Caretta caretta*), endangered hawksbill (*Eretmochelys imbricata*), endangered leatherback (*Dermochelys coriacea*), endangered Kemp's Ridley (*Lepidochelys kempii*), and endangered green (*Chelonia mydas*) sea turtles can be found in New Jersey waters during the summer months (as early as mid-May and as late as mid-October dependent upon water temperatures). The general trend is for these species is to inhabit shallow harbors and embayments with transient traffic through the lower portion of the Delaware Bay and along the coast in the Atlantic Ocean. These species are expected to leave the region each year as water temperatures decrease in late September. Federally endangered wright whales (*Eubalaena glacialis*) and humpback whales (*Megaptera novaeangiae*) may be found seasonally in coastal waters. Wright whales have been documented in local near shore waters between early September and late March. Humpback whales range along the entire eastern coast of the United States, typically feeding in local waters February to April and from September to November. Fin (*Balaenoptera physalus*) and Sperm (*Physeter macrocephalus*) whales are also seasonally present, typically found in the deeper offshore waters. Fin whales are likely to be present from October to January and sperm whales may be present from April to October. Sei whales have the potential to be present offshore, but information regarding their seasonal movements is not well documented or readily available. The reported feeding range for blue whales suggests that they would be found well offshore and typically only transient if south of Cape Cod, MA.

Specific to the proposed Delaware Bay site, it has been determined that the proposed artificial reef development activities are not likely to adversely affect listed Shortnose (*Acipenser brevirostrum*) and Atlantic (*Acipenser oxyrinchus oxyrinchus*) Sturgeon. Effects are expected to be discountable, insignificant, or wholly beneficial with the introduction of new forage and refuge opportunity. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. This determination will be coordinated with National Marine Fisheries Service, Protected Resources Division.

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. This includes comments relating to any of the sixteen indicated reef sites between Sandy Hook and Cape May, or the proposed site in the Delaware Bay.

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. Side scan sonar and magnetometer surveys of the proposed reef areas are being performed. Results will be provided to this office once completed and final determination will be coordinated with the New Jersey Historic Preservation office via the district Cultural Resources Specialist/Archaeologist.

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 pages 5, 15, 16, 26, 34, 42, 54, 55, 64, 73, and 76. NJDEP has identified essential fish habitat for a number of species in various life stages that could be found within the boundaries of the seventeen artificial reef sites. The purpose of the artificial reef program is to enhance fisheries resources. Since this program provides for the development of hard substrate and structures, it would be a substantial benefit to the listed species, which rely on these types of habitat. However, the deployment of artificial reef materials on soft or sandy substrates eliminates this habitat under the footprint of the reef structure. This action reduces the quantity of sandy substrate habitat for those species that rely on this type of habitat. By definition, this action would be defined by the National Marine Fisheries Service as an adverse effect. Accordingly, it is concluded that the artificial reef development activities would have an adverse effect on the essential fish habitat for the following species: summer flounder, winter flounder, windowpane flounder, surf clams, ocean quahog, clearnose skate, little skate, and winter skate. However, it is also recognized that the species described for sandy substrates can also benefit from artificial reef structures. Many of the prey species that these target species rely on are dependent on structures and hard substrate. The enhanced habitat value for the bait species would enhance the foraging opportunities in the vicinity of the reef structures. It is further noted that the reef structures are developed in a patchwork pattern. This serves to maximize the interface between the various habitats. Further, juveniles of the species listed above would have enhanced refuge opportunities in and around the reef structures. As such, the artificial reef structures are anticipated to have only a minimal adverse effect on the essential fish habitat of these species. This determination must be coordinated with the National Marine Fisheries Service, Habitat Conservation which may result in additional conservation recommendations.

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.

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Additional information concerning this permit application may be obtained by calling Brian Anthony at 215-656-0542 between 1:00 and 3:00 PM, via email at [brian.r.anthony@usace.army.mil](mailto:brian.r.anthony@usace.army.mil), or writing this office at the above address.

Edward E. Bonner  
Chief, Regulatory Branch