

US Army Corps

Philadelphia District

Philadelphia, PA 19107-3390

of Engineers.

Wanamaker Building 100 Penn Square East

ATTN: CENAP-OP-R

Public Notice

Public Notice No. CENAP-OP-R-2017-00042

September 7, 2017

Application No.

File No.

Date

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, New Jersey, 07732

AGENT: N/A

WATERWAY: UNT to Delaware Bay

LOCATION: The habitat restoration site and dredging are both located at Block 319, Lot 31 and Block 320, Lot 14, in Maurice River Township, Cumberland County, New Jersey. Dredging is not in a navigable channel.

ACTIVITY: The applicant, using Department of the Interior, and National Fish and Wildlife Foundation funds, proposes to perform habitat restoration within Thompson's Beach Marsh. This will be accomplished by dredging two existing creek channels and using the dredge sediment on two selected areas within the marsh: "The Eastern Project Site" at 3.75 acres, and "The Southern Project Site" at 9.95 acres. The total area of impact will be no greater than 18.50 acres including the area to be dredged.

The Eastern Project Site is 3.75 acres in size and primarily a mudflat, though 43% is vegetated with disassociated clumps of Spartina alterniflora. The site has an average elevation of 0.70', which is below the elevation at which Spartina alterniflora forms a continuous marsh with a stable marsh platform. The applicant proposes to raise the marsh plain to a target elevation range of 1.75' to 2.5' to restore a functioning low-marsh. An estimated 11,135 cubic yards of material are needed to reach the desired elevation. Coir logs will be placed along the perimeter of the placement area to contain sediments/runoff while the material dewaters. The project objective for this area is a fully vegetated marsh platform that will increase marsh resiliency to sea level rise.

The Southern Project Site is 9.95 acres of low-marsh. The applicant proposes to use up to 8" of material to promote the growth of high marsh vegetation and improve the habitat availability for high marsh bird species. The applicant's objective is to maintain a functioning marsh, with an appropriate mix of marsh elevations for the continued success of resident marsh birds and migratory birds. An estimated 9,160 cubic yards of material are needed to apply the 8" of sediment using a thin layer application. The project objective for this area is to maximize resiliency of the salt marsh to sea level rise and increase habitat diversity to benefit tidal marsh obligate birds.

Sediment for the proposed marsh elevation increase will come from man-made channels constructed in the late 1990's. The channels were originally created to bring tides and silt into the sediment starved marsh. Portions of these creeks have since silted-in making then unnavigable during low tides. An estimated 20,295 cubic yards of dredge sediment would be needed for the proposed project. The two creeks proposed to be dredged are identified as "West Creek" and "East Creek." West Creek and East Creek each are 10' wide channel that will be dredged to a maximum depth of -5.5 feet below mean low water. Approximately 13,635 cubic yards will be dredged from West Creek, and 6,657 cubic yards will be dredged from East Creek.

PURPOSE: The applicants stated purpose of the project is to improve the resiliency and habitat value of the marsh at Thompson's Beach.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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 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.

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, indicated that the project may have an adverse effect on EFH and the species of concern.

Analysis of the Effects: The office will be coordinating with the National Marine Fisheries Service to ensure that any action taken by this office will not have a substantial effect on EFH, or the species of concern.

Compensatory mitigation according to Federal regulation 33 CFR 325.1(d)(7), applicants wishing to discharge dredge and 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 the underlying intent of this project is to enhance the marsh at this site using clean material taken from an adjacent man made creeks. The thin layer placement of material is one of the techniques that will be used to enhance marsh functions by raising the elevation of the marsh platform and increasing the marsh's resiliency, however, wetlands will not be converted to uplands through this technique. Different portions of the marsh will respond differently to sediment enrichment and such responses may change from year to year. By having the applicant commit to an adaptive management approach, the techniques to manage the vegetation community can be tailored to the specific area during that particular season. Based on the project's restorative objective to increase the functions and values of the marsh, no compensatory mitigation is required for this project.

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 Genevieve Rybicki at (215) 656-8597, via email at Genevieve.T.Rybicki@usace.army.mil, or writing this office at the above address.

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Édward E. Bonner Chief, Regulatory Branch

















