



**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-2017-0096** Date

Application No. File No.

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: Martin Lisella
Barnegat Township Administrator
900 West Bay Avenue
Barnegat, New Jersey 0800

AGENT: Joseph Giddings
CME Associates
1460 Highway 9 South
Howell, New Jersey 07731

WATERWAY: Barnegat Bay

LOCATION: Block 202, Lot 1 and 1.01 and Block 201, Lot 24, in Barnegat Township, Ocean County, New Jersey.

ACTIVITY: The applicant proposes to place sand in areas of Federal jurisdiction to replenish a public beach. Fill material would be obtained from a local quarry and transported via truck to the project site. Material would be stockpiled on-shore, landward of the high tide line, before being placed in the waterway using standard construction equipment. Standard construction equipment would be used to manipulate the sand on the beach. The work would only be performed during low tide to minimize levels of turbidity in the waterway. Approximately 0.3 acres waterward of the high tide line would be impacted by the project. No fill, waterward of the high tide line has occurred previously at the site.

PURPOSE: The applicant's stated purpose is to restore the municipal beach to previously existing condition.

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 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 25, the project will adversely affect EFH, but this impact will not be substantial. This determination is made since some shallow water habitat will be impacted (approximately 0.3 acres). However, this work will occur during low tide, minimizing impacts to aquatic species. Additionally, the work would be reestablishing a beach previously existing at the site. No mitigative measures, with respect to EFH is warranted in this matter.

Compensatory mitigation According to Federal regulation located at 33 CFR 325.1(d)(7) and 33 CFR 332.4 (b)(1), 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 the proposed waterward limit of fill is based on the position of the beach shown on the 1970 aerial, which is consistent with the Coastal Zone Management Rules of NJ. As such, it is the opinion of the applicant that compensatory mitigation is not warranted in this matter.

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.

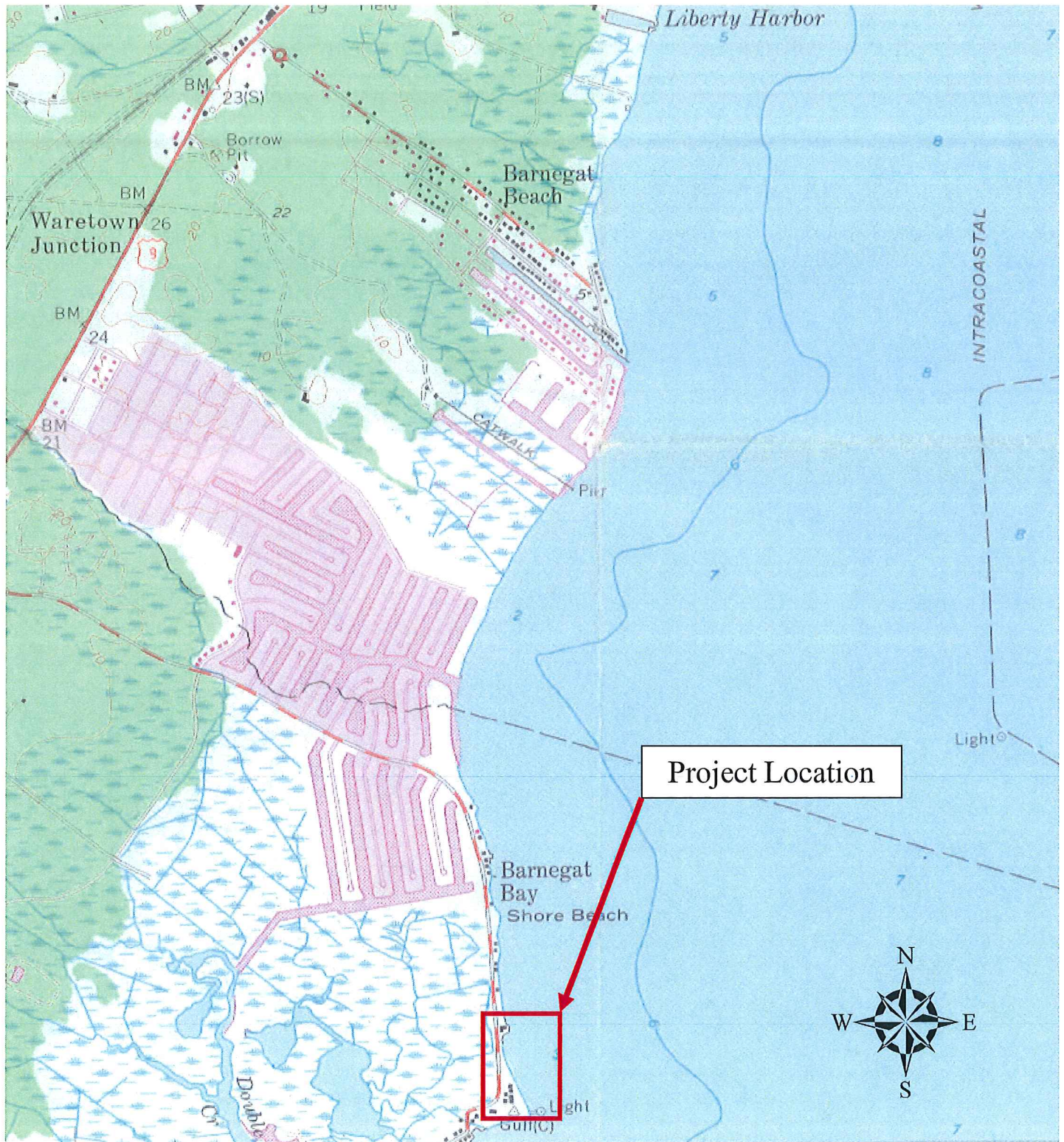
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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



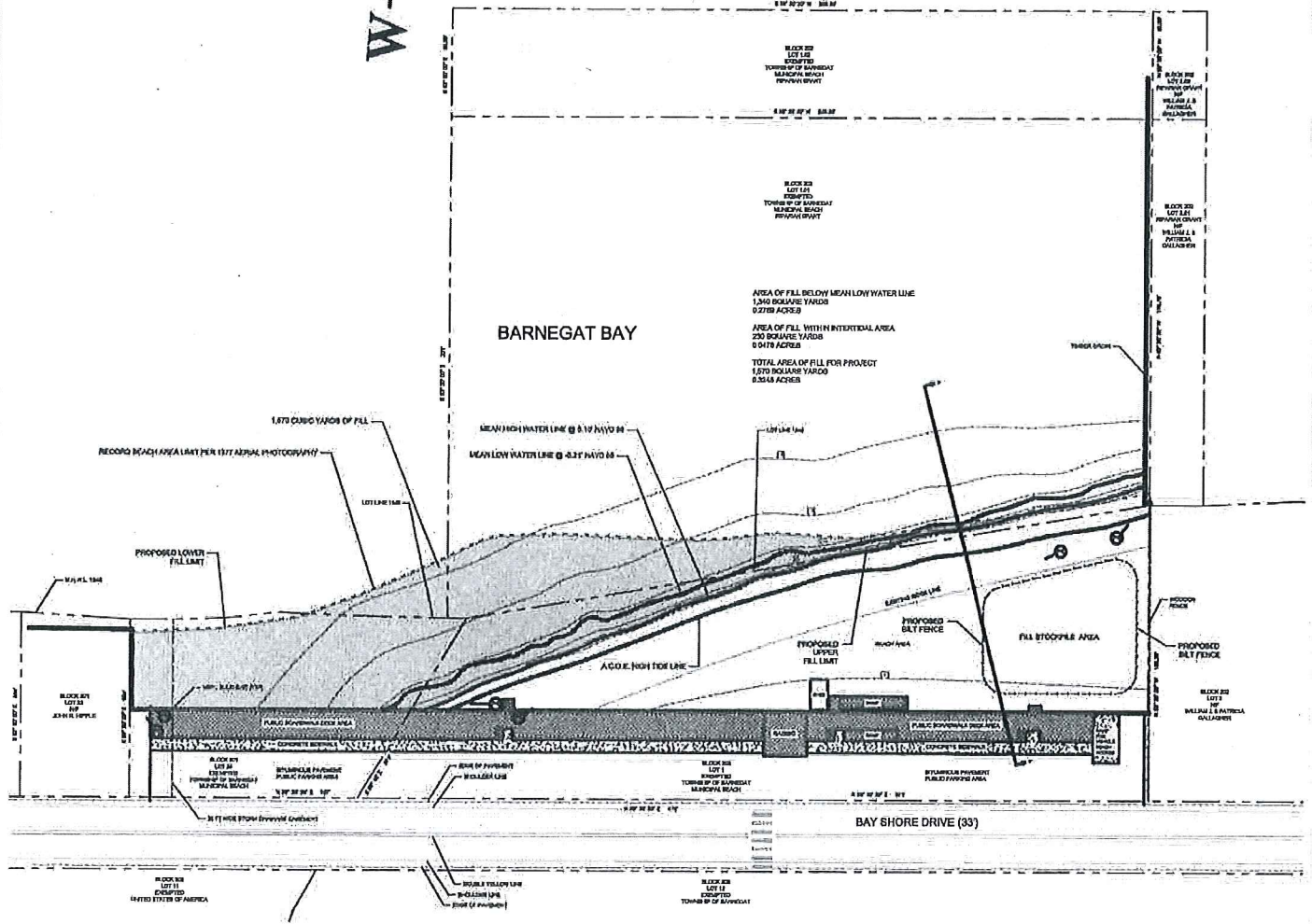
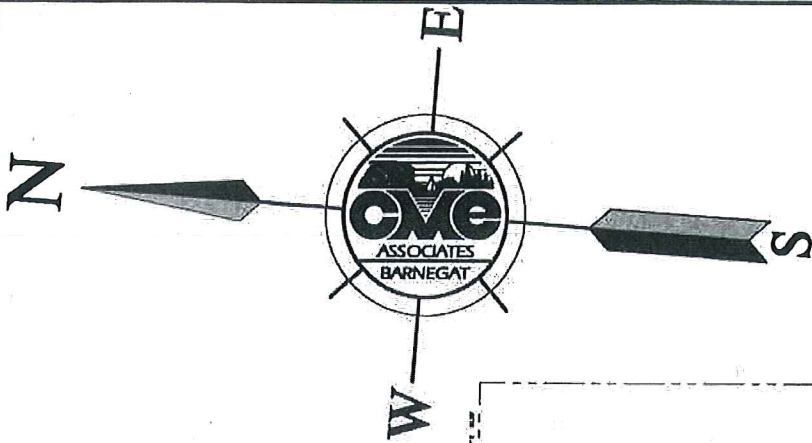
U.S.G.S. QUAD MAP

SHEET: Forked River Quadrangle
CLOSEST STREET: Bayshore Drive
MUNICIPALITY: Barnegat Township
BLOCK: 202 **LOT:** 1, 1.01 & **BLOCK:** 201 **LOT:** 24
COUNTY: Ocean County
FILE NO: VBG0003.01



CONSULTING AND MUNICIPAL ENGINEERS

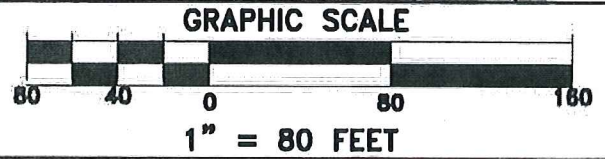
3141 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859 — 1460 ROUTE 9 SOUTH, HOWELL, NEW JERSEY 07731



3	REVISED PER N.J.D.E.P. COMMENTS	5/11/2017	JJK	JJH
2	REVISED WITH 1977 AERIAL PER N.J.D.E.P.	5/8/2017	JJK	JJH
1	REVISED PER N.J.D.E.P. LETTER OF MARCH 2, 2017	3/27/2017	JJK	JJH

JOHN J. HESS P.E., P.P., C.M.E.

NEW JERSEY PROFESSIONAL ENGINEER N.J. LIC. 31199



**FILL AREA PLOT PLAN
BARNEGAT BAY BEACH
BEACH REPLENISHMENT PLAN
BARNEGAT TOWNSHIP
OCEAN COUNTY, NEW JERSEY**

CME ASSOCIATES
CONSULTING AND MUNICIPAL ENGINEERS
8641 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859-2857 — 8460 ROUTE 9 SOUTH, HOWELL, NEW JERSEY 07731-1114
481 N. MAIN STREET, PLUMBANTONVILLE, NEW JERSEY 08858-1421 — 6-49 WEST BAY AVENUE, BARNEGAT, NEW JERSEY 08008-2114

DATE 27-MAR-2017	DRAWN BY JJK	CHECKED BY JJH	SCALE 1"=80'	DRAWING No: BAY-BEACH	FILE No: VBG00003.01
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