



**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.	Date
CENAP-OP-R-2018-291-86	August 6, 2018

Application No.
CENAP-OP-R-2018-291-86

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: City of Ocean City
861 Asbury Avenue
Ocean City, New Jersey 08226

AGENT: ACT Engineers
1 Washington Boulevard, Suite 3
Robbinsville, NJ 08691

WATERWAY: Beach Thorofare

LOCATION: The proposed project sites are located along the northern and northwestern shoreline of Shooting Island, which is situated between the waters of Great Egg Harbor Bay (to the north) and Peck Bay (to the southwest), and across Beach Thorofare from the back-bay side of the City of Ocean City, Cape May County, New Jersey. The project limits are roughly off-shore of an area between 17th and 25th Streets. Shooting Island is designated on the City tax maps as Block 3350.01, Lots 1 and 2.

North side of island: Latitude: 39.278932° N; Longitude: -74.607272° W

Northwest side of island: Latitude: 39.276413° N; Longitude: -74.610164° W

ACTIVITY: The applicant proposes a two-part project to restore the footprint of Shooting Island to the north and northwest. The project is partially funded by a 2013 National Fish and Wildlife Foundation (NFWF) Grant for Coastal Resiliency. The island is owned by the New Jersey Department of Environmental Protection (NJDEP), Division of Fish and Wildlife.

The applicant proposes to construct approximately 2,270 linear feet of rock sill, in three separate segments (with gaps between), within a 2,700 linear-foot area just off the northern shoreline of Shooting Island. The sill would be approximately 30-33 feet wide at the base prior to estimated settlement, and approximately 22-25 feet wide following estimated settlement (see below). It would be approximately 6.5 to 7.5 feet high above the base, with a design top elevation of +3.55 feet NAVD88 (5.78' MLW) prior to estimated settlement. With the anticipated 2 feet of settlement, the top elevation would be +1.55 feet NAVD88 (3.78' MLW). The sill would cover approximately 1.56 acres of area below the high tide line (HTL) with a total volume of 11,530 cubic yards (CY).

The sill would be installed using three different materials as follows: a) geosynthetic system installation; b) sill core stone construction; and c) sill armor stone construction. The materials would be imported from a contractor-determined upland source and be placed in their respective order on the bay floor. In-water construction work would commence no earlier than September 1, 2018. The anticipated in-water construction completion date is scheduled December 15, 2018.

The sill has been designed to accommodate the estimated settlement described above while targeting a constructed crest height at MHW elevation following initial (Year 1) settlement. The applicant has included the following design components to address estimates of long-term performance and to facilitate constructability in what are expected to be soft soils:

1. A geogrid and geotextile layer would be placed beneath the sill to spread the load and provide a more competent working surface for sill construction.
2. To accommodate estimated settlement for the first year following construction, the design includes overbuilding the berm profile by 2 feet. Note that future maintenance of the berm may still be necessary, even with a plan to overbuild the crest.
3. Multiple best management practices have been integrated in the bid contract documents to control the placement methodology so as to minimize the potential for disruption of the subsurface during construction. These practices include limited production during the initial placement, limited lift thicknesses for initial placement, and numerous monitoring controls including daily contractor survey checks.
4. Long-term monitoring would be conducted to track post-construction settlement and identify any required actions.

The applicant also proposes to construct approximately 985 linear feet of oyster habitat blocks, in multiple segments with gaps between, within a 1,525 linear-foot area along the northwestern shoreline of Shooting Island. The design includes a 10-foot wide gravel base beneath a 3-foot wide arrangement of tiered/stacked oyster blocks. The block arrangement would be 2.5 feet

high, with a top elevation of approximately 0 to -1 foot NAVD88 (2.23 to 1.23' MLW), depending on existing surface elevation. The total coverage by the base would be 0.23 acre below the high tide line (HTL), with a total volume of 240 CY.

The New Jersey Intracoastal Waterway (NJ-ICW) runs along the east side of Shooting Island. The proposed work would occur along the western and northern edges of the island. No work is proposed on the northeastern part of the island. In order to access the work area, work-related vessels may utilize the NJ-ICW to get into position and transport material to and from the work site. The proposed work area along the northern side of the island would be approximately 1,500 feet west of the NJ-ICW at its closest point (by water route). Installation of permanent aids to navigation (ATON) is included within the bid specs of the project.

The State of New Jersey, Department of Environmental Protection (NJDEP) has issued a Waterfront Development Permit, Coastal Wetlands Permit and Water Quality Certificate for the proposed work on July 19, 2018 (NJDEP File No. 0508-17-0030.2).

Applicant's Statement Pursuant to Regulations at 33 CFR 325.1(d)(7) and 33 CFR 332.4(b)(1):

The applicant has stated the following as their position with regard to avoidance and minimization of impacts to aquatic resources, and compensatory mitigation for such impacts:

"The proposed project seeks authorization to restore the historically present shoreline of Shooting Island. The restoration project does not propose any deposition of fill or dredging of wetlands. Rather, the project proposes placement of fill within open waters to promote accretion and restoration of historically present but now eroded / lost wetlands. The project has been designed to minimize and avoid impacts to waters of the United States by proposing the minimal sill footprint necessary to meet the project needs and goals. Ultimately, the project will result in the restoration (gain) of tidal wetlands. Accordingly, mitigation for wetland impacts is not applicable nor should be required."

PURPOSE: The applicant's stated purpose as presented in their application is "to protect and enhance over 100 acres of wetlands in Great Egg Harbor Bay by restoring the current eroding shoreline of Shooting Island to 1978 conditions. The project will reestablish and protect eroding shorelines and will aid in creating habitat and enhancing wetlands function via natural accretion behind the 1978 shoreline location and potentially on the island, for resiliency and mitigation of future storm impacts."

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) may be present in the action area. There is no designated or proposed critical habitat for such species in the action area. The Philadelphia District will evaluate the potential

effects of the proposed actions on ESA listed species and will consult with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as appropriate pursuant to Section 7 of the ESA, as amended. 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 (or modification) 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.

This office has determined that the proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impact a historic property.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries 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. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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, by writing to this office at the above address, or by electronic mail to Genevieve.Rybicki@usace.army.mil.

Edward E. Bonner
Chief, Regulatory Branch