

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Rutgers University – Proposed Living Shoreline along a portion of the North Bank Gabion Wall of the Cape May Canal Section of the New Jersey Intracoastal Waterway Federal Civil Works Navigation Project, North Cape May, Cape May County, New Jersey.

PUBLIC NOTICE IDENTIFICATION NUMBER: NAP-2021-00105-83

PUBLIC NOTICE COMMENT PERIOD:

Begins: **09 April 2021**

Expires: **10 May 2021**

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work at or near a federal project of the United States, as described below and shown on attached figures. Written comments are being solicited from anyone having an interest in the requested alteration. Comments will become part of the U.S. Army Corps of Engineers' (USACE's) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are all welcome.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply USACE endorsement of the project as described.

1. REQUESTER: In compliance with 33 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), Rutgers University has requested permission to construct a living shoreline along a portion of the North Bank Gabion Wall of the Cape May Canal Section of the New Jersey Intracoastal Waterway Federal Civil Works Navigation Project in North Cape May, Cape May County, New Jersey.

2. LOCATION: The proposed project is located along the North Bank Gabion Wall of the Cape May Canal Section of the New Jersey Intracoastal Waterway, at the Rutgers Aquaculture Innovation Center, 3920 Bayshore Road, North Cape May, Cape May County, New Jersey; approximate project coordinates: Latitude: 38.967889°N, Longitude: -74.941820°W.

3. LOCATION MAP(S)/DRAWING(S): See attached Drawings: Sheets 1 through 3.

4. REQUESTER'S PROPOSED ACTION: At an existing 175.0-linear foot gap in the gabion wall of the Cape May Canal, construct a living shoreline comprised of an intertidal

artificial reef made of oyster castles. The artificial reef structure would dampen wave energy, allow for accretion to occur in the gap area, and allow for the establishment of low marsh and a stabilized stormwater channel discharge point. The stated purpose of the project is to provide a nature-based solution to prevent erosion along an unprotected portion of the Cape May Canal.

5. REGULATORY AUTHORITY: This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). A requestor has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344) and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). Any Section 10/404/103 permit decision associated with the proposed alteration is separate from and will not be included in the Section 408 permission decision. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

6. ENVIRONMENTAL COMPLIANCE: A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the Philadelphia District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. Based on information provided by the applicant to date, current Corps regulations governing NEPA implementation, and/or the contents of existing NEPA documentation if available, it is likely that the proposed action will be determined to be categorically excluded from the need to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). This determination will be finalized following completion of agency coordination and prior to issuance of the Section 408 Permission Decision.

7. EVALUATION: As part of its evaluation, USACE will first make a determination that the submittal from the requestor is complete. The Philadelphia District is working closely with the requestor to ensure that all required technical plans, maps, drawings, and specifications are provided and are complete. Once the package is complete, a District-led review will be conducted to determine, in accordance with Engineering Circular (EC) 1165-2-216, whether the proposed alteration will impair the usefulness of the USACE Project or be injurious to the public interest, as follows:

- A. *Impair the Usefulness of the Project Determination.* The Philadelphia District's Section 408 review team will determine if the proposed alteration will limit the ability of the federally authorized project to function as authorized, or will compromise or change any authorized project conditions, purposes or outputs.
- B. *Injurious to the Public Interest Determination.* Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of

all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

8. SOLICITATION OF COMMENTS: The USACE 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 the proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are considered in making a final determination whether the proposed action will be categorically excluded from the need to prepare further NEPA documentation. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

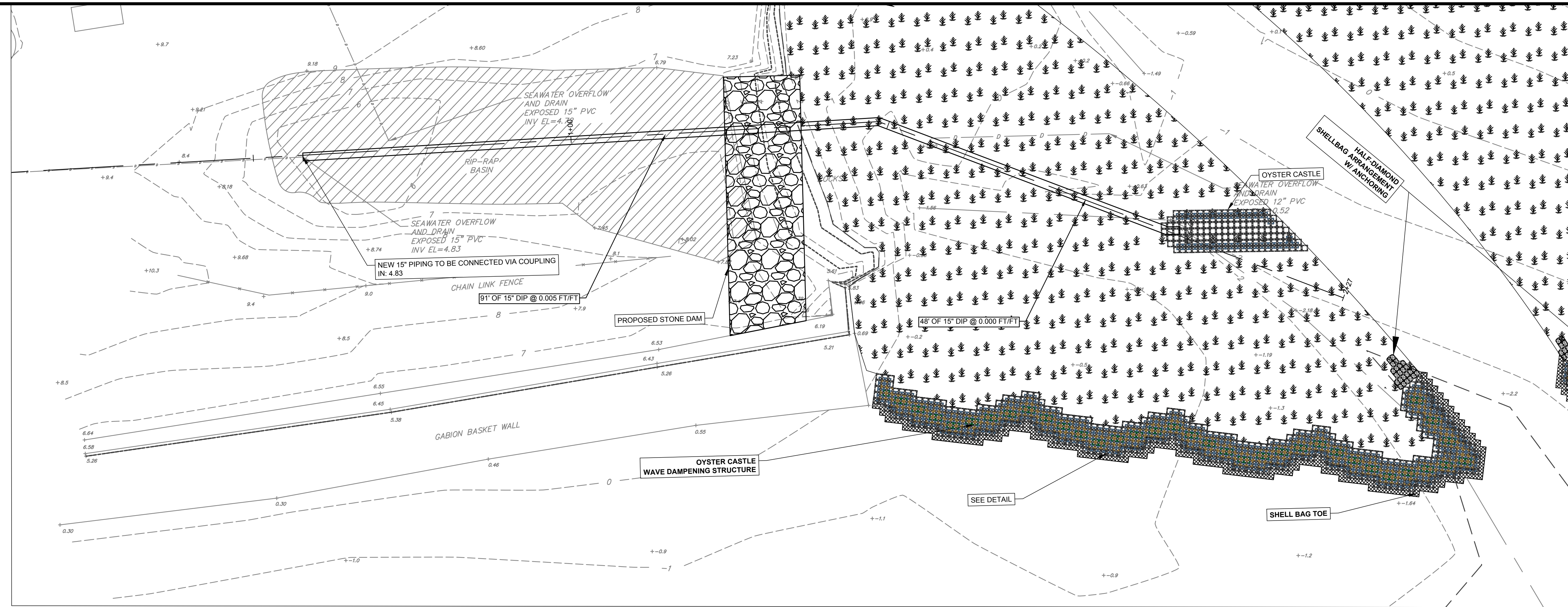
- A. It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to the Philadelphia District Corps of Engineers, Office of Counsel to obtain copies of said materials under the FOIA.
- B. It is presumed that all parties viewing this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

9. COMMENT SUBMISSION AND ADDITIONAL INFORMATION: Written comments on the described work should reference the USACE Public Notice Identification Number found on the first page of this notice. Comments must reach this office no later than the stated expiration date of the Public Notice to become part of the record and be considered in the decision. Comments or requests for additional information should be emailed or mailed to the following address:

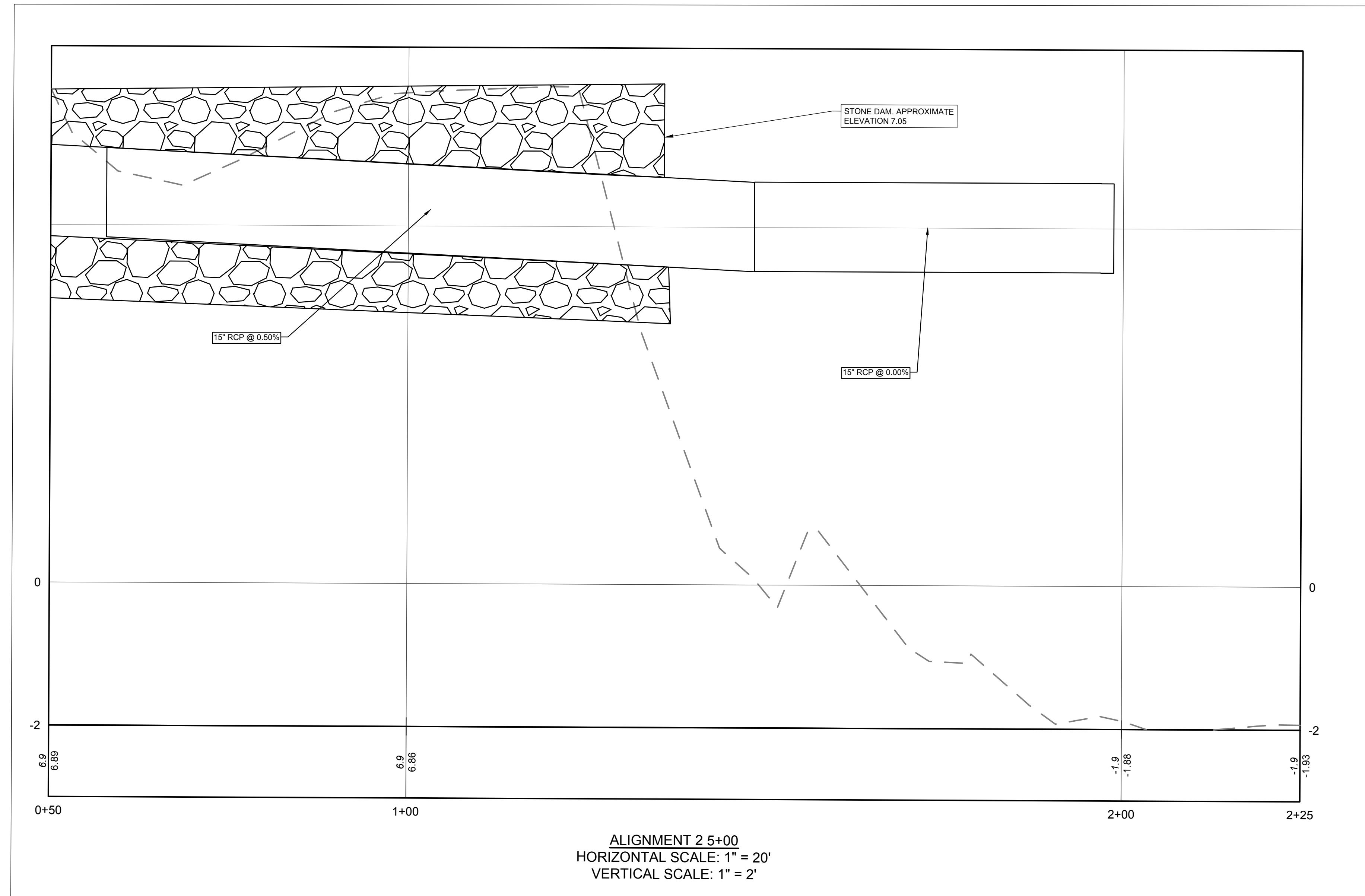
Email: JuanCarlos.Corona@usace.army.mil

Mailing Address:

U.S. Army Corps of Engineers
Philadelphia District
ATTN: Juan Carlos Corona
7th Floor
100 Penn Square East
Philadelphia, PA 19107-3390



RUTGRS AIC SWALE
SCALE: 1" = 10'



ALIGNMENT 2+5+00
HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: 1" = 2'

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Pennoni
PENNONI ASSOCIATES INC.
 515 Grove Street, Suite 1B
 Haddon Heights, NJ 08035
 T 856.547.0505 F 856.547.9174
 NJ COA NO. GA29033300

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

THOMAS LEISSE
 PROFESSIONAL ENGINEER
 NEW JERSEY LICENSE NO. GE 04804900

3/26/2021

RUTGRS AIC FACILITY UPDATES
 NJ AQUACULTURAL INNOVATION CENTER
 CITY OF CAPE MAY - CAPE MAY COUNTY - STATE OF NEW JERSEY

SITE PLAN

RUTGRS UNIVERSITY
 33 KNIGHTSBRIDGE ROAD
 PISCATAWAY, NJ 08854

NO.	DATE	REVISIONS	BY

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PROJECT: **RUTGR20002**
 DATE: 3/26/2021
 DRAWING SCALE: 1"=10'
 DRAWN BY: SMR
 APPROVED BY: TL

EX1002
 SHEET 2 OF 3

