



**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-2012-655	AUG 29 2012
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: Avalon Yacht Club

AGENT: Hyland Design Group

WATERWAY: Cornell Harbor

LOCATION: 704 7th Street, Borough of Avalon, Cape May County, New Jersey, shown on the enclosed map E-1.

ACTIVITY: The proposed activity involves 10 year maintenance dredging of Cornell Harbor, located adjacent to Ingrams Thorofare. Approximately 3,163 cubic yards of accumulated sediment will be removed from an area of 45,050 square feet within the marina basin to a depth of -4' below Mean Low Water. No overdredge is proposed. The material will be dredged via direct hydraulic discharge to geotubes, which will be laid upon a polyethylene liner that will prevent the discharge water from infiltrating into the soil beneath. The geotubes staging area will be surrounded on all four sides by hay bales. The discharge water will be filtered through the geotextile fabric of the geotubes and be directed back to the marina harbor. After the material is completely dewatered, it will be trucked offsite to A&H Mining & Recycling, LLC., where it will be blended with on-site material for reuse.

The applicant proposes to extend the 12 existing finger docks by approximately 4.8' to 8.0' to a total dimension of 20.7' to 23.9' long by 3' wide. An existing floating dock will be widened from 5' to 8' for 22.8' of its length. An approximately 45' by 10' floating ramp will be constructed for the launching of sailboats. All docks will be constructed using non-polluting materials.

A previous permit (CENAP-OP-R 200401330) was issued on February 22, 2005, dredging of 1807 cubic yards of material within the marina basin and to construct one 65' by 10' concrete boat ramp, one 21' by 5' fixed pier, one 20' by 3' ramp, and one 25' by 8' floating dock. The dredging was completed in 2006; however, the proposed ramp and dock structures were never constructed.

The proposed work is shown on the enclosed plans E-2 to E-5.

PURPOSE: The purpose of the project is to provide safe navigation to and from the mooring facilities and to provide safe launching of sailboats.

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 effect 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,

indicates that the proposed project may have an adverse effect on the EFH of winter flounder (*Pseudopleuronectes americanus*). This determination is based on the fact that shallow water habitat would be impacted by the proposed dredging. While the adults and juveniles are highly motile and would be able to avoid the equipment being used at the project site, eggs and larvae of these species may be affected.

Analysis of the Effects: The proposed project has been evaluated in terms of potential indirect and cumulative effects to managed species and life stages as well as their Essential Fish Habitat (EFH). Effects include temporary disturbance of the bottom of the marina basin as dredging is conducted. Increased turbidity will occur during the maintenance dredging activities. A silt curtain will be used to prevent the migration of a sediment plume to reduce the potential for adverse impacts. A seasonal restriction on all activities will be implemented from January 1 through May 31 of any given year for the protection of anadromous fish. The specific dates may be adjusted following coordination with the National Marine Fisheries Service (NMFS). Further consultation with NMFS is being conducted and will conclude prior to the issuance of a permit decision.

Corps of Engineers View: Based upon the above analysis, the Corps of Engineers has determined that the proposed project would not have a direct, indirect, site-specific, or habitat-wide impact on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH. It is the view of the Corps of Engineers that based on the above assessment, there will be no more than minimal adverse effects to EFH. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Compensatory mitigation In accordance with the June 9, 2008 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR 325 and 332 and 40 CFR 230), the applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. Information provided in the application and on plans indicates that there will be no placement of fill material in jurisdictional waters or wetlands and as such, compensatory mitigation is not proposed.

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.

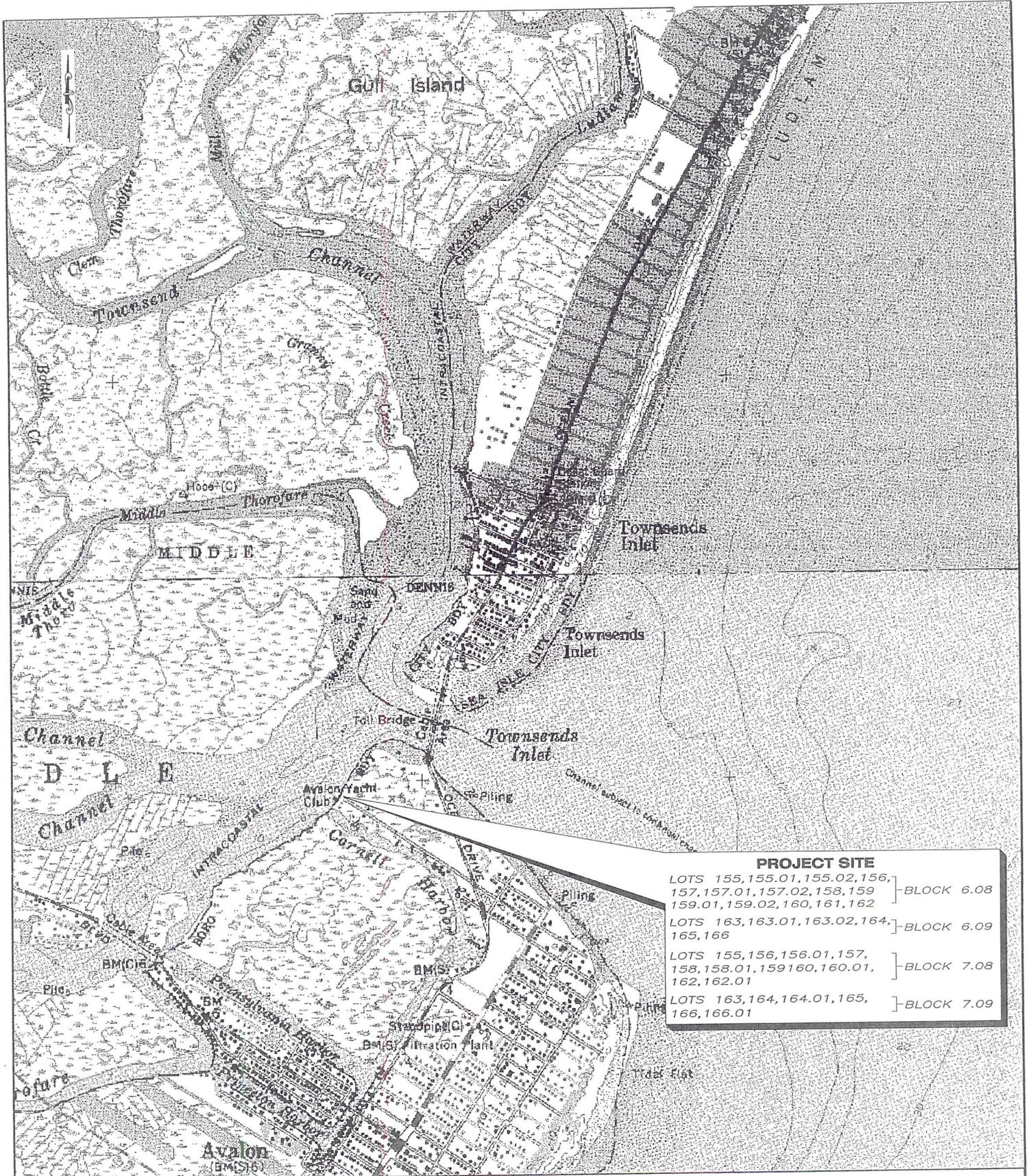
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 Brenda R. Wasler at (215) 656-5866, via email at brenda.r.wasler@usace.army.mil, or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch



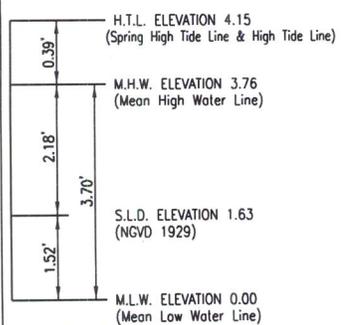
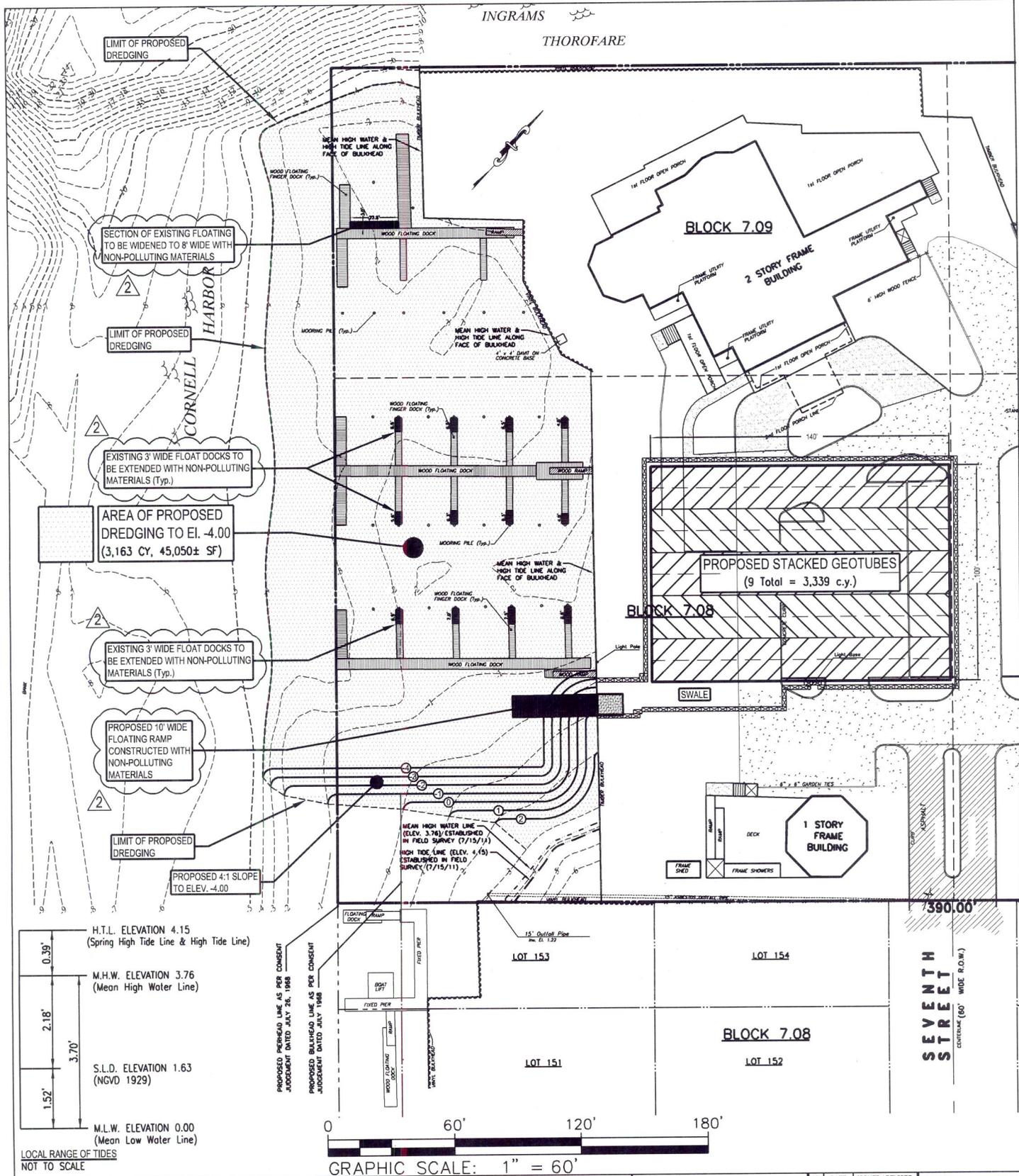
PROJECT SITE	
LOTS 155, 155.01, 155.02, 156, 157, 157.01, 157.02, 158, 159, 159.01, 159.02, 160, 161, 162	BLOCK 6.08
LOTS 163, 163.01, 163.02, 164, 165, 166	BLOCK 6.09
LOTS 155, 156, 156.01, 157, 158, 158.01, 159, 160, 160.01, 162, 162.01	BLOCK 7.08
LOTS 163, 164, 164.01, 165, 166, 166.01	BLOCK 7.09

SCALE: 1" = 2000'

A R E A M A P

SOURCE : U.S.C.&G.S.
 QUADRANGLE, "SEA ISLE CITY, N.J." & "AVALON, N.J."

FIGURE 1



LOCAL RANGE OF TIDES
NOT TO SCALE

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PROPOSED MAINTENANCE DREDGING, FIXED PIER, FLOATING DOCK & BOAT RAMP

AVALON YACHT CLUB

TAX BLOCK VARIES TAX LOT VARIES

AVALON, CAPE MAY COUNTY, NEW JERSEY

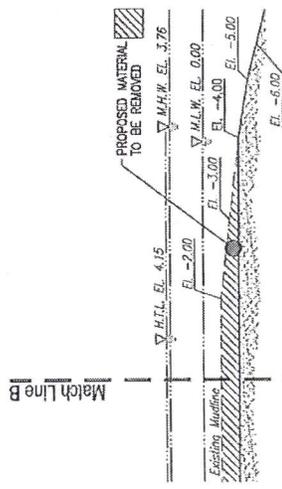
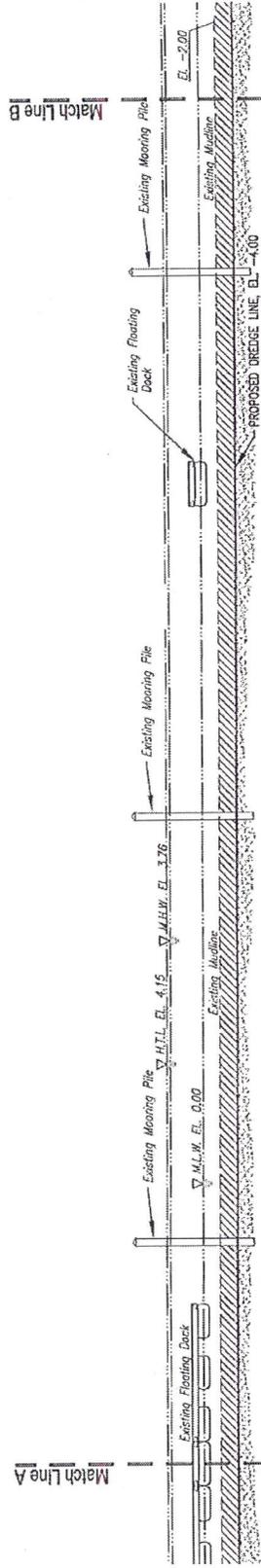
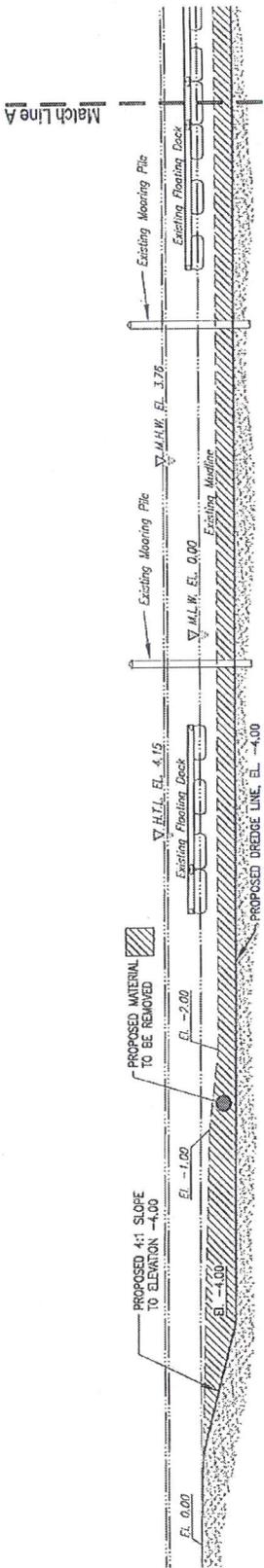
PREPARED FOR:
AVALON YACHT CLUB

John E. Halbruner

John E. Halbruner
NJ PROFESSIONAL ENGINEER No. 42918
NJ REGISTERED ARCHITECT No. 15952

No.	DATE	ISSUED / REVISED	DRAWN BY:	R.D.S.
1.	07.03.12	INITIAL RELEASE	CHECKED BY:	SBG
2.	08.22.12	Non-Polluting Note Added For Structures	FIELD BOOK/PO:	1064/56-65
			PROJ. No.:	4747.05

SHEET TITLE:
ENLARGED DEVELOPMENT PLAN
GE3.1
SHEET 2 OF 5



ELEVATION OF PROPOSED DREDGING

SCALE: 1" = 20'

1



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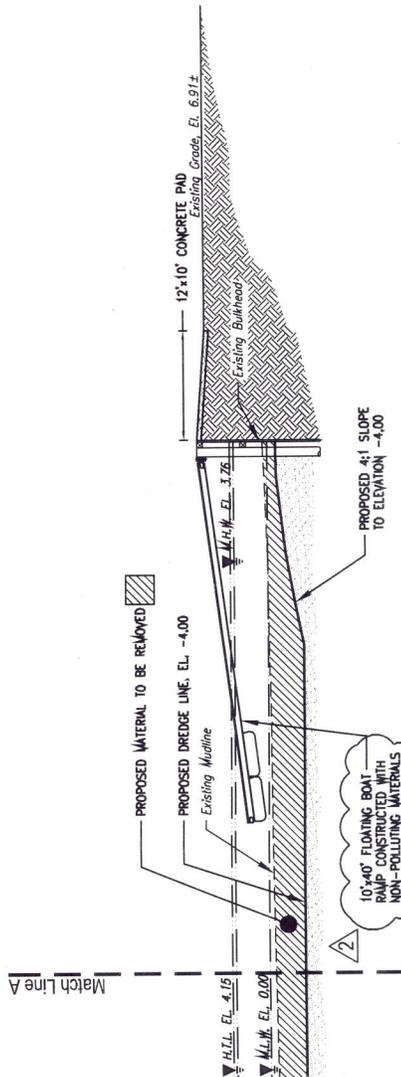
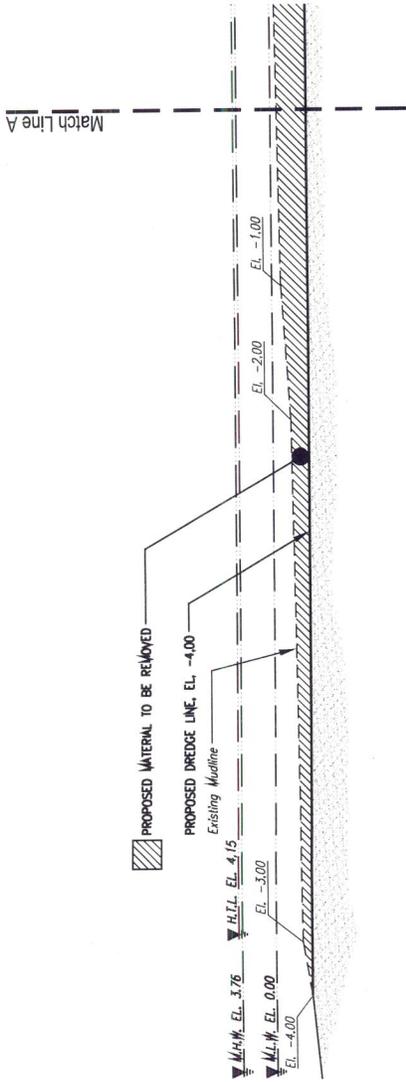
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**PROPOSED MAINTENANCE
DREDGING, FIXED PIER,
FLOATING DOCK & BOAT RAMP**
AVALON YACHT CLUB
TAX BLOCK VARIES TAX LOT VARIES
AVALON, CAPE MAY COUNTY, NEW JERSEY
PREPARED FOR:
AVALON YACHT CLUB

John E. Halbruner
NJ PROFESSIONAL ENGINEER No. 42313
NJ REGISTERED ARCHITECT No. 15952

No.	DATE	ISSUED / REVISED	DRAWN BY	RDS
1.	07.03.12	INITIAL RELEASE	SBG	
			CHECKED BY:	SBG
			FIELD BOOKING	1084/66-65
			PROJ. No:	4747.05
SHEET TITLE				
ELEVATION OF PROPOSED DREDGING				
GE3.2				
SHEET 3 OF 5				



ELEVATION OF PROPOSED DREDGING & BOAT RAMP

SCALE: 1" = 20'

1



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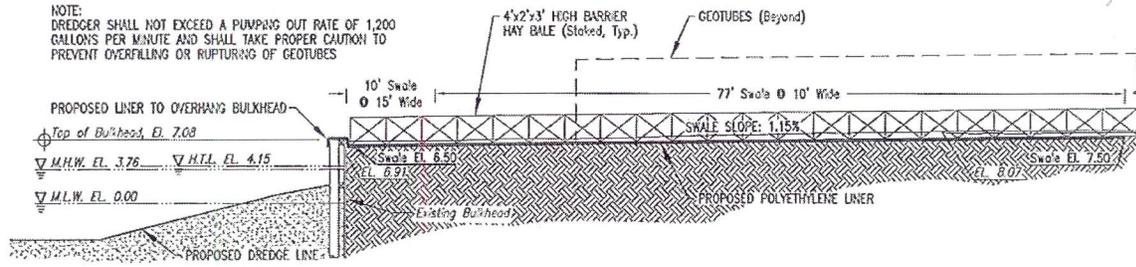
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1.	07.03.12	INITIAL RELEASE	CHECKED BY:	SBG
2.	08.22.12	Non-Polling Note Added For Structures	FIELD BOOK/PK	1 064/56-65
			PROJ. No:	4747.05
SHEET TITLE: ELEVATION OF PROPOSED DREDGING & BOAT RAMP				
GE3.3				
SHEET 4 OF 5				

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NOTE:
DREDGER SHALL NOT EXCEED A PUMPING OUT RATE OF 1,200 GALLONS PER MINUTE AND SHALL TAKE PROPER CAUTION TO PREVENT OVERFILLING OR RUPTURING OF GEOTUBES

1 GEOTUBE FIELD & SWALE

SCALE: 1" = 20'

P:\4747 Avalon\YC\4747 05 Maintenance Dredging\GE3.0 ACOF Maintenance Dredging Plan (1) dwg GE3.4 7/8/2012 9:16:39 AM

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DREDGING, FIXED PIER,
FLOATING DOCK & BOAT RAMP**

AVALON YACHT CLUB
TAX BLOCK VARIES TAX LOT VARIES
AVALON, CAPE MAY COUNTY, NEW JERSEY
PREPARED FOR:
AVALON YACHT CLUB

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NJ REGISTERED ARCHITECT No. 15562

No.	DATE	ISSUED/REVISED	EXAMINED	RDS
1	07.03.12	INITIAL RELEASE	CHECKED BY: SBB	
			FIELD BOOK NO: 1084/SB-85	
			PROJ. No: 4747.05	
SHEET TITLE:			GEOTUBE FIELD & SWALE	
			GE3.4	
			SHEET 5 OF 5	