



**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-200600198

Date  
OCT 02 2006

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: WEKG Associates, LLC  
3009 North Whitehall Road  
Norristown, PA 19403-4404

WATERWAY: South Channel

LOCATION: Block 17, Lots 13, 14, 158, and 159, Middle Township, Cape May County, New Jersey

ACTIVITY: The applicant proposes to construct a 4' by 305' fixed pier, 3' by 16' ramp, 8' by 20' floating dock, and two 13' by 14' boat lifts, and stone revetment in South Channel. The structures will be built using non-polluting materials. The pier will be elevated 4.5' above the wetlands and the decking will be spaced to prevent shading of the wetlands. Approximately 45 linear feet of rip-rap will be placed at grade along the existing retaining wall to provide for additional bank stabilization. The proposed work is shown on the attached plans, Enclosures 1-6.

PURPOSE: The stated purpose of the project is to provide for recreational boating access.

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 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 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" website indicates that there may be temporary adverse effects to EFH. Temporary construction-related impacts will be mitigated by the inclusion of a seasonal restriction from January 1 until May 31 of any given year. Other potential impacts to EFH will be mitigated through the use of non-polluting materials for all structures. The pier will be elevated 4.5' above the wetlands and the decking will be spaced accordingly to prevent any shading effects on the wetlands. Additionally, a 20' wetland buffer and wetland plantings are being required by the State. A deed restriction will be placed on the wetlands and the buffer. Further consultation with National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final permit decision. The Corps of Engineers will coordinate with the applicant regarding any recommendations.

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.

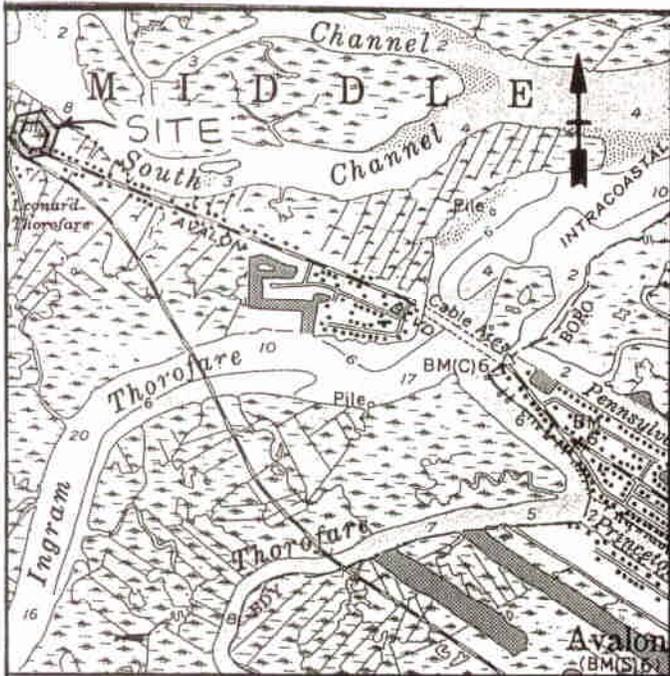
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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.

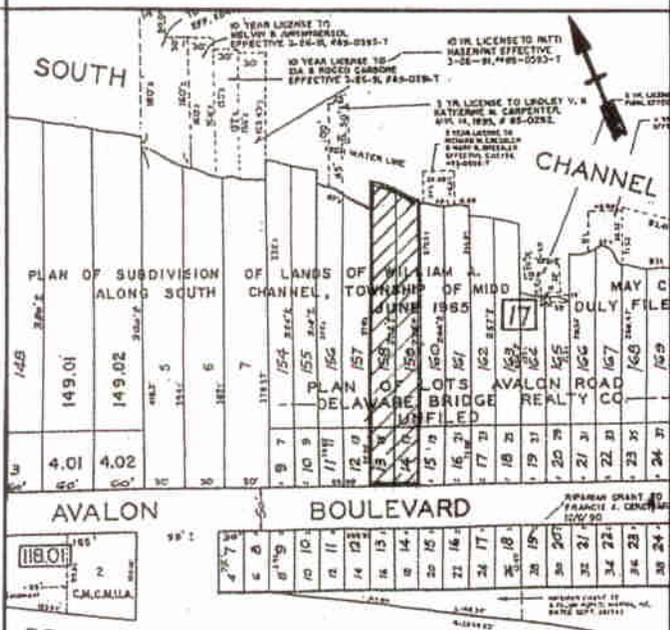
Additional information concerning this permit application may be obtained by calling Brenda R. Schrecengost at (215) 656-5866 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

A handwritten signature in black ink, appearing to read "Frank J. Cianfrani". The signature is stylized and cursive, with a large initial "F" and "C".

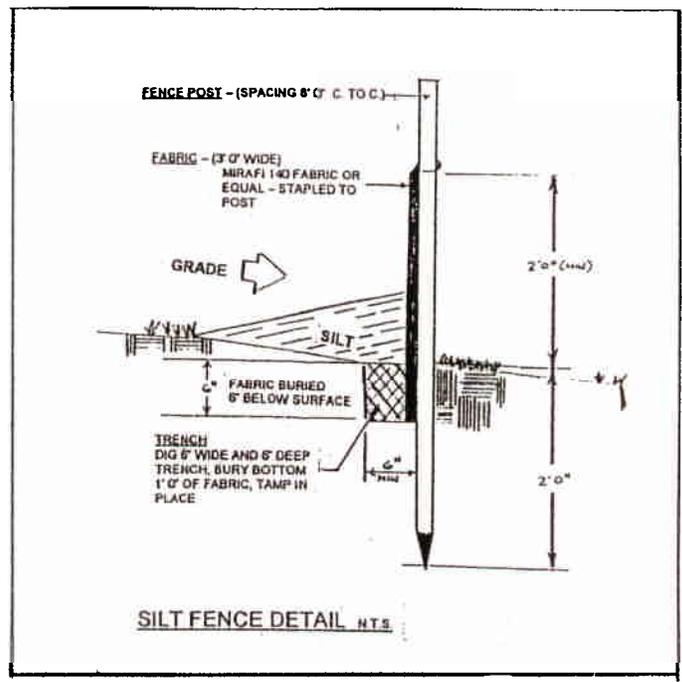
Frank J. Cianfrani  
Chief, Regulatory Branch



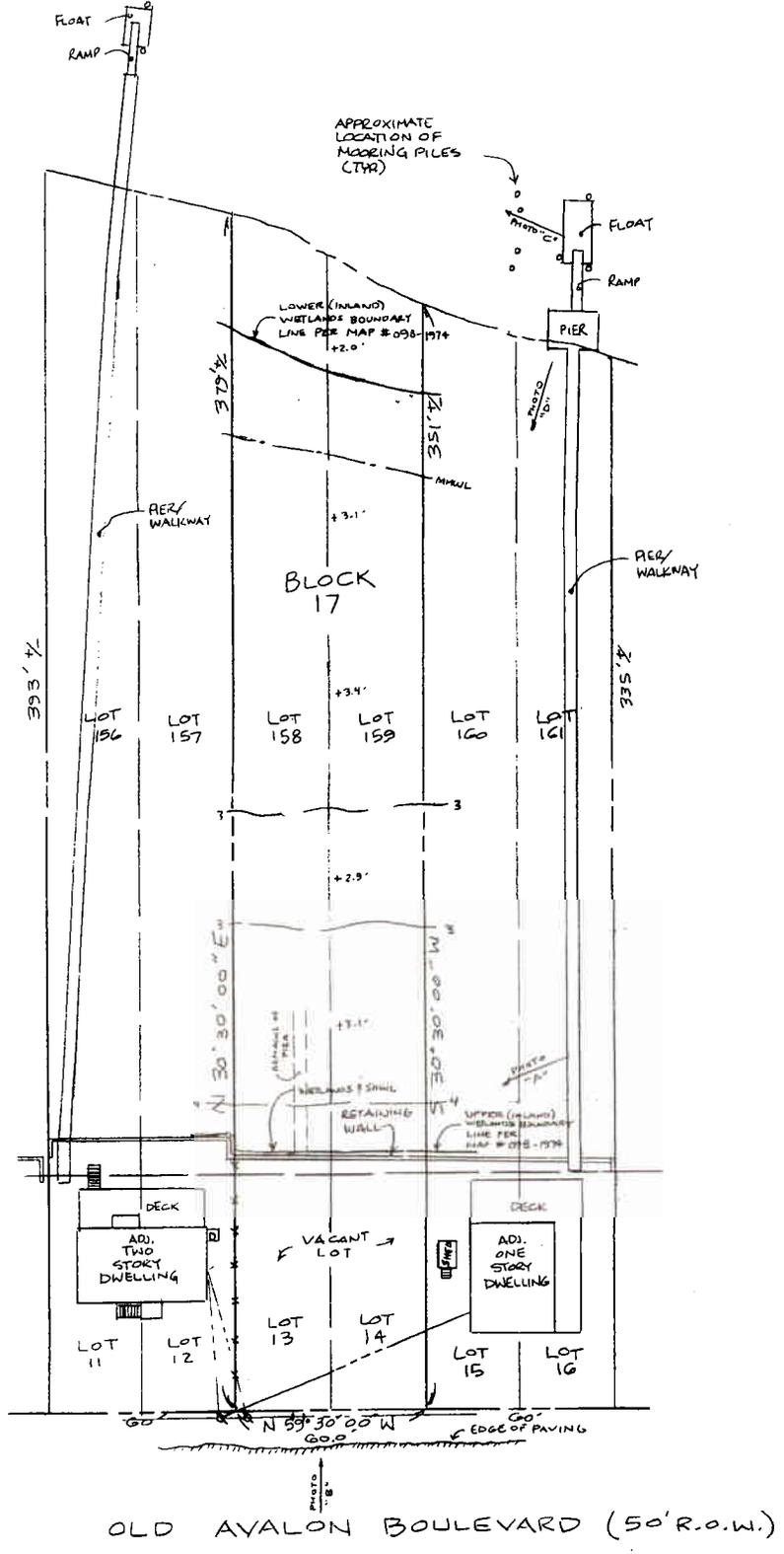
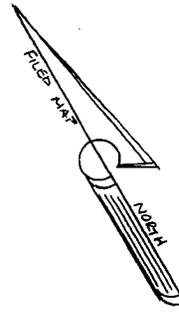
U.S. G.S. TOPOGRAPHIC MAP  
AVALON QUADRANGLE 1" = 2000'



TAX MAP SHEET No. 15.09  
TOWNSHIP OF MIDDLE N.T.S.



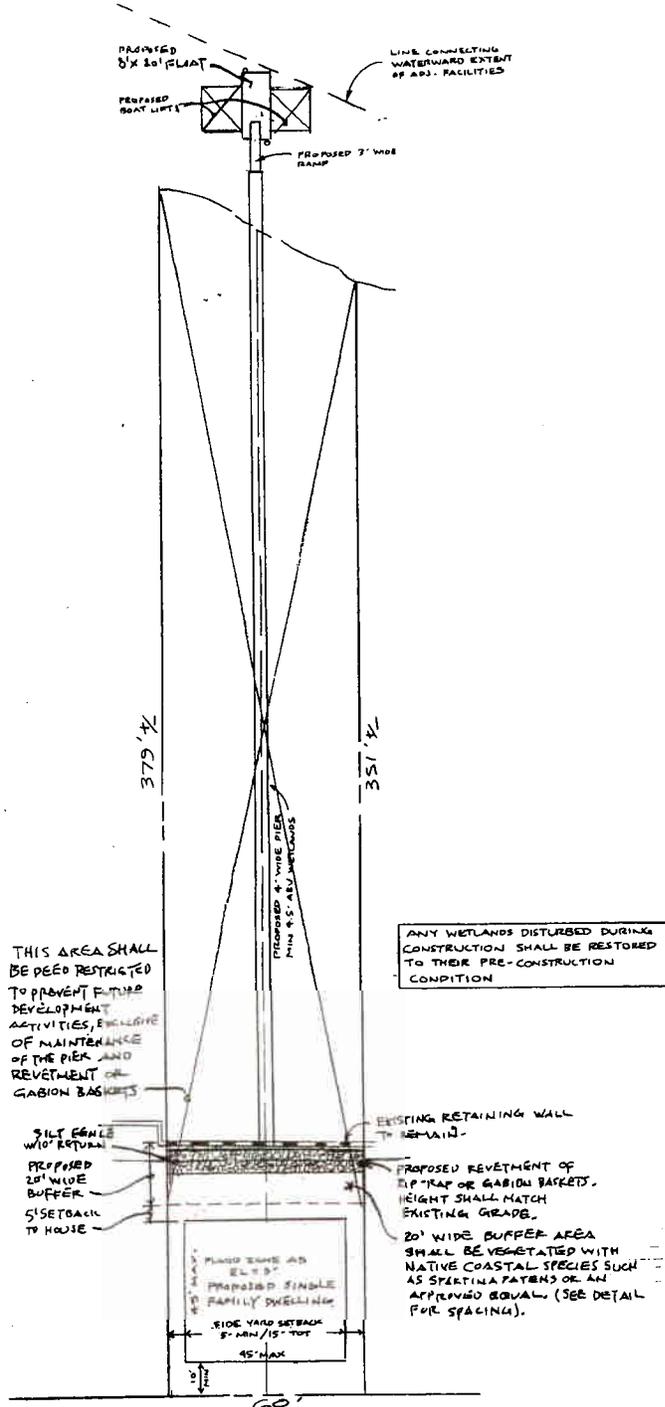
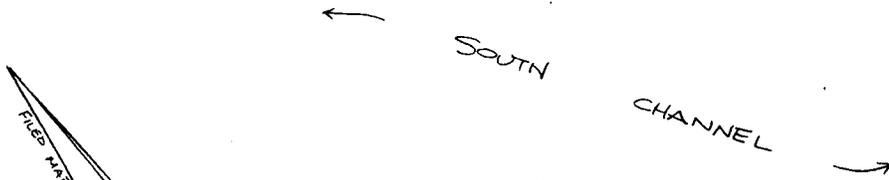
SOUTH CHANNEL



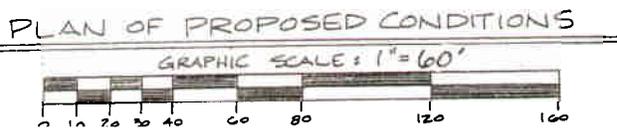
Note: All Structures, including piers and decks (pilings, stringers, whalers and decking), boat lifts, mooring piles, breakwaters, and replacement bulkheads must be constructed with non-polluting material, such as plastic, natural rock or other untreated wood, polymer coated pressure-treated wood, composites or other inert products. Cement and pressure-treated wood (i.e., composite treated lumber such as CCA-C, ALCA, CC, ALCC, etc.) (with preservative) shall be prohibited from being used in any structure. All structures shall be suitable to existing environmental conditions and are not acceptable for the purpose of this permit.

<p>THOMAS * AMEY * SHAW, INC.          SURVEYING * PLANNING * DESIGN          2900 DIENE DRIVE, SUITE 3, AVALON, N.J. 08002          PHONE 609-967-8999 FAX 609-967-4544          CERTIFICATE OF AUTHORIZATION NUMBER GA 277488</p>		<p>PLAN TO ACCOMPANY          CAFRA PERMIT APPLICATION          W.E.K.G. ASSOCIATES          BLOCK 17          LOTS 14, 15 &amp; 159          TOWNSHIP OF MIDDLE          CAPE MAY COUNTY, N.J.</p>
DESIGN	CHECKED	APPROVED
DATE	SCALE	SHEET
7-1-04	AS NOTED	6 OF 7

GARY LEE THOMAS  
 PROFESSIONAL LAND SURVEYOR, N.J.P.L.S. No. 23921  
 PROFESSIONAL PLANNER, N.J.P.P. No. 2461



OLD AVALON BOULEVARD (50' R.O.W.)



PLAN OF PROPOSED CONDITIONS

THIS AREA SHALL BE REEDED RESTRICTED TO PREVENT FUTURE DEVELOPMENT ACTIVITIES, EXCLUSIVE OF MAINTENANCE OF THE PIER AND REVEGETATION OF GABION BASKETS.

ANY WETLANDS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THEIR PRE-CONSTRUCTION CONDITION.

Note: All Structures, including piers and docks (piles, retaining, wharves and decking), boat lifts, mooring piles, breakwaters, and replacement bulkheads must be constructed with non-polluting material, such as plastic, natural rock, or other untreated wood. Piers and wharves shall be constructed with pressure-treated lumber. (i.e. treated with preservatives such as CCA, ACQ, etc.) (see manufacturer's literature) which is acceptable to local health and environmental agencies and is not acceptable for the purpose of this permit.

THOMAS \* AMEY \* SHAW, INC.  
 SURVEYING \* PLANNING \* DESIGN  
 2100 HUNE DRIVE, SUITE 3, AVALON, N.J. 08002  
 PHONE 609-987-3999 FAX 609-987-4544  
 CERTIFICATE OF AUTHORIZATION NUMBER GA 217408

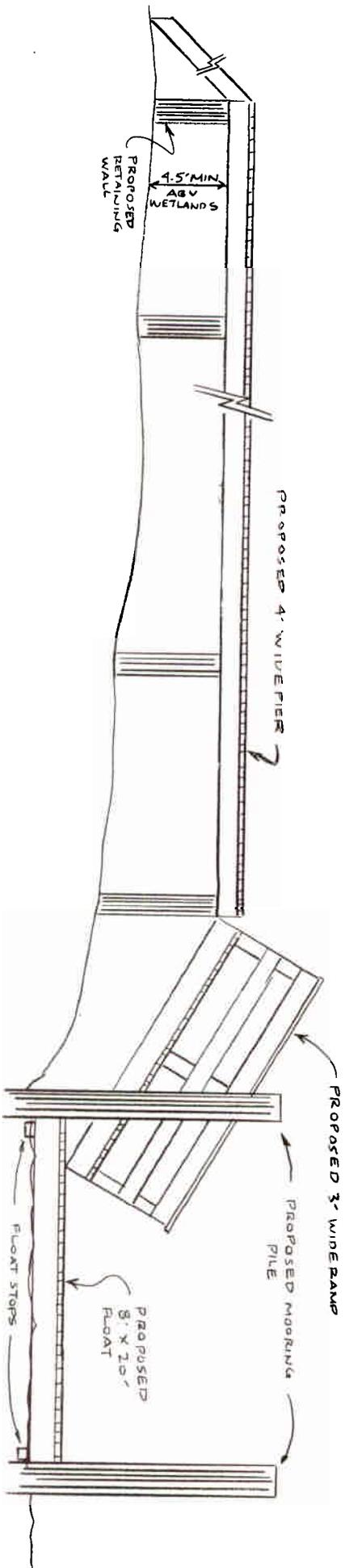
GARY LEE THOMAS  
 PROFESSIONAL LAND SURVEYOR, N.J.P.L.S. No. 23921  
 PROFESSIONAL PLANNER, N.J.P.P. No. 2461

7-1-04

PLAN TO ACCOMPANY CAPRA PERMIT APPLICATION	APPROVED G.L.T.	7 OF 7
W.E.K.G. ASSOCIATES	CHECKED G.L.T.	
LOTS 13, 14, 15B & 159 BLOCK 17	SCALE	
TOWNSHIP OF MIDDLE CAPE MAY COUNTY, N.J.	DATE	
	T-1-04	
	AS NOTED	

E-3

REV: 4-28-04 PER UAC  
 REVISIONS:  
 1. 6-2-03 PER UAC  
 2. 6-2-03 PER UAC  
 3. 6-2-03 PER UAC  
 4. 6-2-03 PER UAC  
 5. 6-2-03 PER UAC



PROPOSED BOAT LIFT ON  
ON EACH SIDE OF FLOAT

SCHMATIC SECTION N.T.S.

SECTION - SOUTH CHANNEL

