



**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-2008-500-35	MAY 13 2008

Application No.	File No.
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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: New Jersey Department of Environmental Protection
Bureau of Coastal Engineering

ADDRESS: 1510 Hooper Avenue, Suite 140
Toms River, New Jersey 08753

WATERWAY: Atlantic Ocean

LOCATION: Proposed beach nourishment work along the Atlantic Ocean/Great Egg Inlet shoreline from the terminal jetty adjacent to Seaview Road approximately 1,900 feet northwest to the Ocean City/Longport Bridge, City of Ocean City, Cape May County, New Jersey (see Enclosures 1 and 2). The applicant is proposing to obtain sand from the Ocean City Federal borrow site which is approximately 5,000' offshore of the terminal groin at Seaview Avenue in Ocean City, New Jersey (see Enclosures 3 through 5).

ACTIVITY: The applicant proposes a beach nourishment project to rebuild the beach at the north end of Ocean City due to recent significant erosion. A maximum of 50,000 cubic yards of sand would be pumped hydraulically via a pipeline to the beach from the existing active off-shore Federal beach nourishment borrow site outside the mouth of the Great Egg Harbor Inlet. Temporary sand berms, installed at the waterline, would be used to maximize retention of the sand discharged onto the beach and to minimize water turbidity. The proposed beach fill would establish a 75' wide beach berm at elevation 6.5' NAVD88 along approximately 1,900' which includes the tapers at the extents of the project (see Enclosures 6 through 9). The beach would be shaped by front-end loaders and bulldozers. The beach nourishment would cover an area approximately 12 acres. Of the 12 acres, 10.5 acres would occur below the Corps Section 404 of the Clean Water Act jurisdictional limit, High Tide Line. Of the 10.5 acres of beach nourishment below the HTL, 8.7 acres of fill would occur below the Mean High Water line, the Corps jurisdictional limit for Section 10 of the Rivers and Harbors Act. Access to the beach will be obtained at all 5 street ends and will continue to be maintained throughout the length of the project.

The applicant has requested authorization for 10 years of maintenance of the proposed project.

PURPOSE: The applicant's stated purpose is to provide shore protection along a stretch of beach that has experienced erosion.

A preliminary review of this application indicates that the proposed work will not likely have an effect on the following Federally listed (threatened) species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended due to the extensive eroded condition of the beach: the piping plover (Charadrius melodus) and seabeach amaranth (Amaranthus pumilius). This office will consult with the U.S. Fish and Wildlife Service regarding this application and any necessary protection measures under the terms of an existing programmatic Biological Opinion dated December 27, 2005.

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, specifically page 63, indicates that the proposed work would not have a substantial adverse effect on any managed species, including winter flounder eggs and larvae (Pseudopleuronectes americanus), since the proposed discharge (fill) area is highly dynamic, subject to waves and sand movement; and the proposed borrow area is mostly less than 16-20 feet deep, also a high-energy environment with shoaling and wave wash. Adults and juveniles could move away from the dredging and construction equipment.

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.

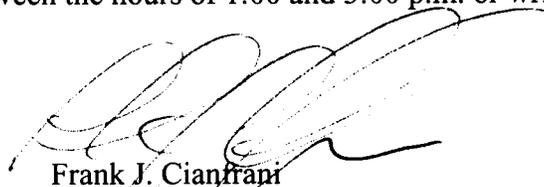
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The applicant has received an emergency permit from the New Jersey Department of Environmental Protection, Division of Land Use Regulation on May 9, 2008.

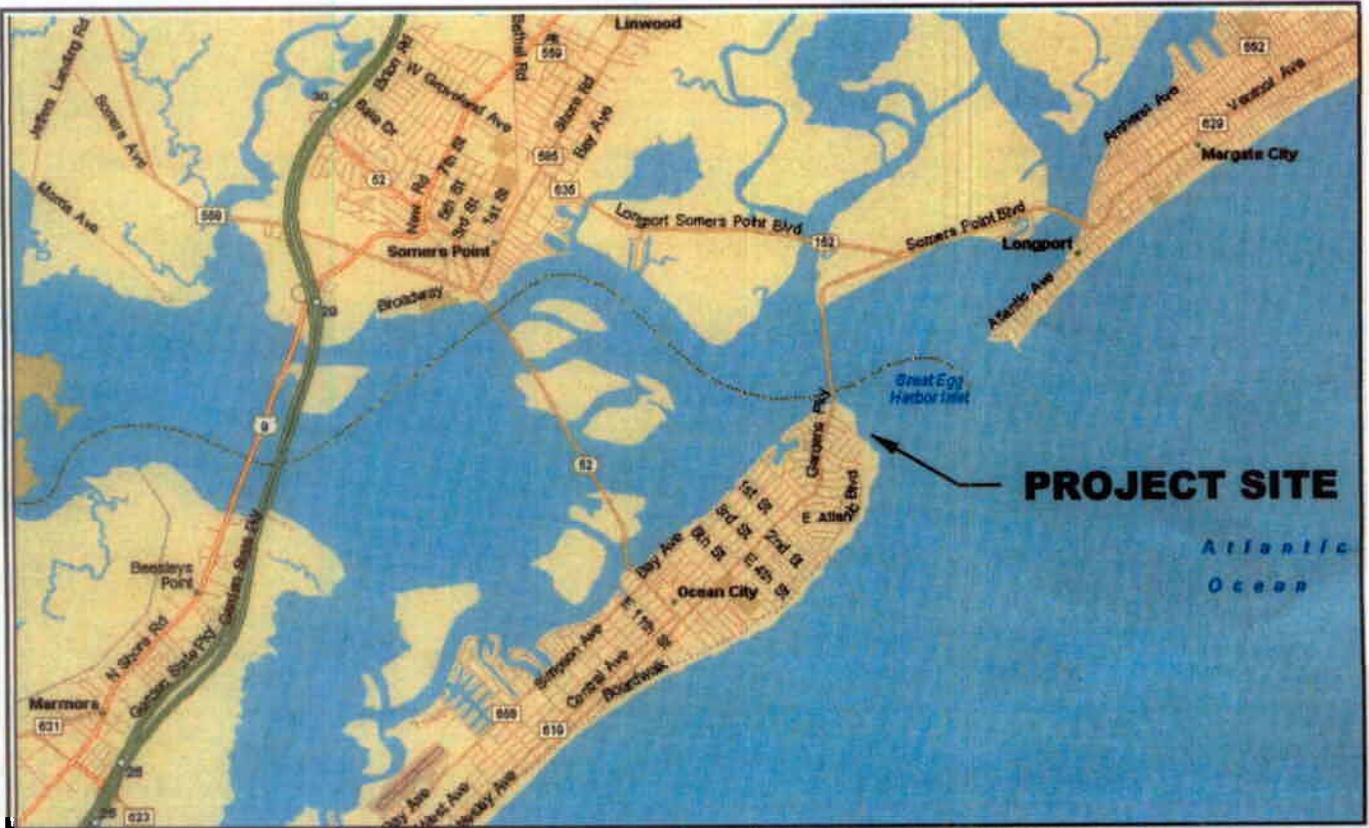
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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.

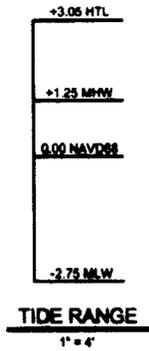
Additional information concerning this permit application may be obtained by calling Michael H. Hayduk at (215) 656-5822 between the hours of 1:00 and 3:00 p.m. or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch



LOCATION PLAN



STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF ENGINEERING & CONSTRUCTION BUREAU OF COASTAL ENGINEERING PROJECT NO. 4207-07	
BEACH NOURISHMENT - NORTH END SECTION GREAT EGG HARBOR INLET TO PECK BEACH CITY OF OCEAN CITY COUNTY OF CAPE MAY	
DWN. BY : BMC	APPROVED BY
SCALE : AS SHOWN	<i>Benjamin Heiser</i>
DATE : MAY 9, 2008	<i>Acting Manager, BCE</i>
SHEET 1 OF 6	

E-1

074° 33' 30.00" W

074° 33' 0.00" W

074° 32' 30.00" W

074° 32' 0.00" W

039° 18' 0.00" N

039° 18' 0.00" N

039° 17' 30.00" N

039° 17' 30.00" N

039° 17' 0.00" N

039° 17' 0.00" N

074° 33' 30.00" W

074° 33' 0.00" W

074° 32' 30.00" W

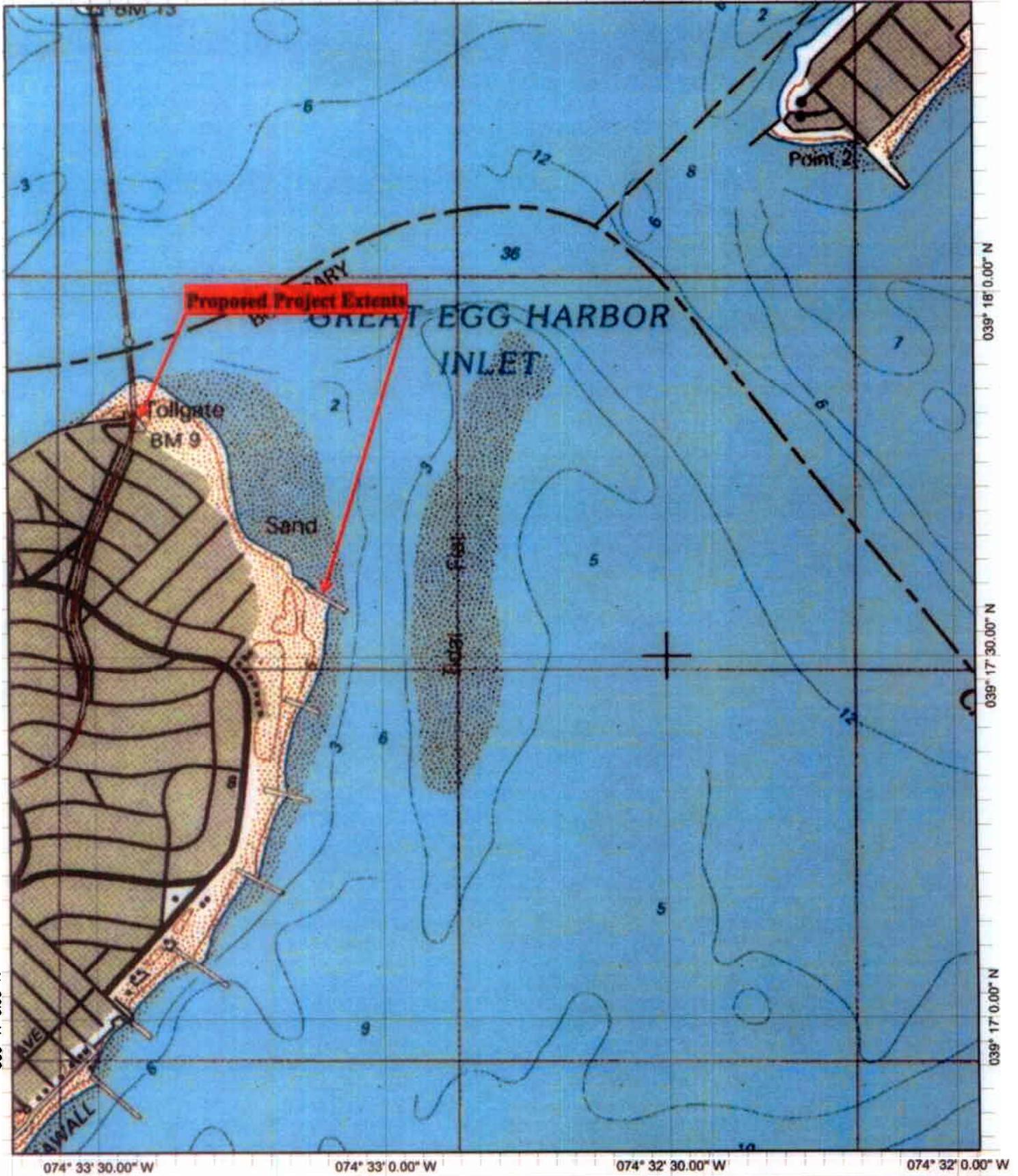
074° 32' 0.00" W

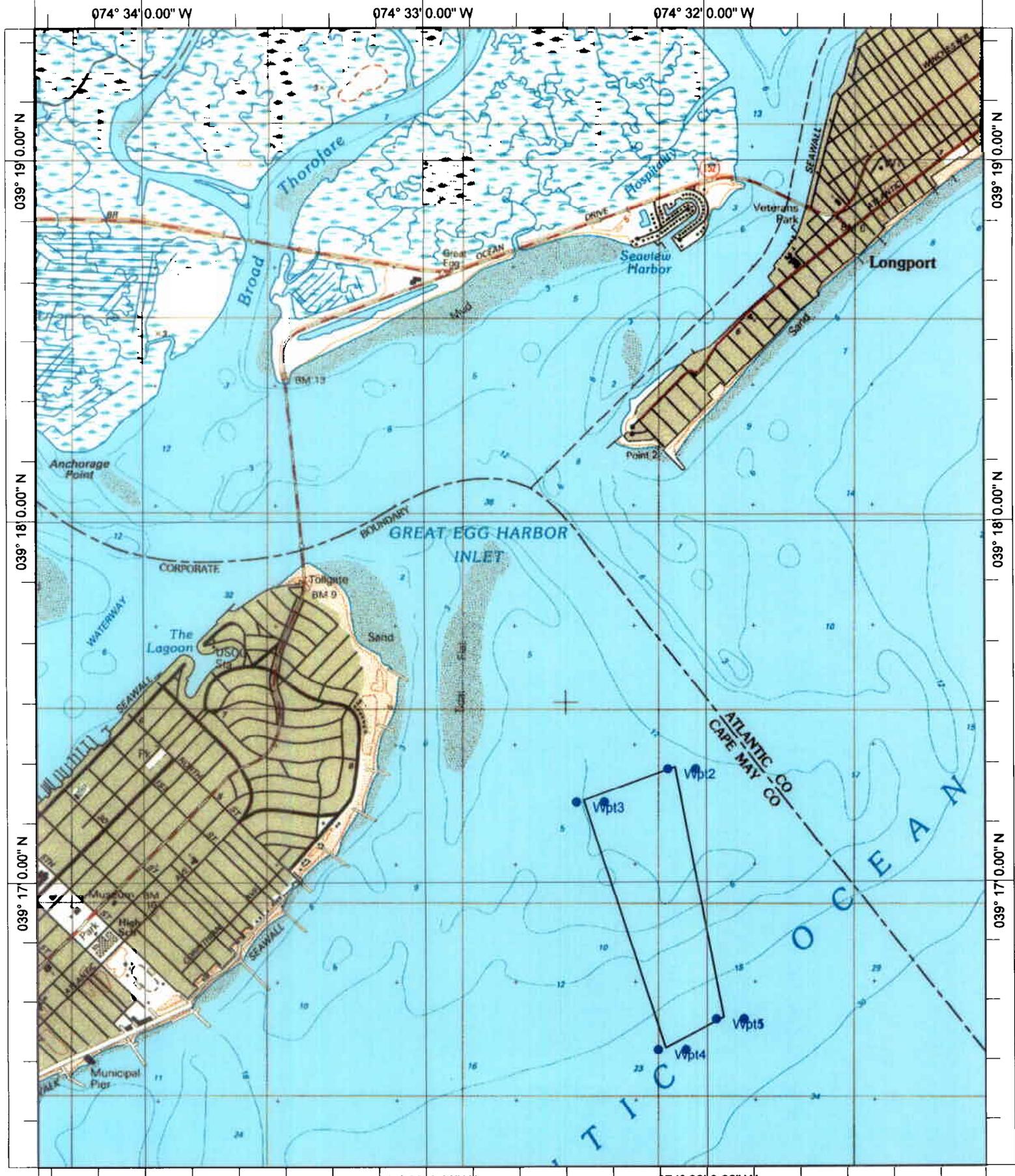
Name: OCEAN CITY
Date: 5/8/108
Scale: 1 inch equals 1000 feet

Location: 039° 17' 36.3" N 074° 32' 48.4" W
Caption: Ocean City North End Beach Nourishment, Ocean City, Cape May
County N.J.,
NJDEP, BCE Project # 4207-07

Copyright (C) 1997, Maptech, Inc.

E-2





Name: OCEAN CITY
 Date: 5/12/108
 Scale: 1 inch equals 2000 feet

Location: 039° 17' 47.1" N 074° 32' 41.5" W

E-3

Routes

Name: Rte8

Short Name: R00008

Distance: 2 miles, 901 feet

Number of Waypoint: 5

Name: Wpt1

Short Name: R08W01

Coordinates: 039° 16' 37.0" N, 074° 31' 56.2" W

Distance to next Waypoint: 4334 feet

Bearing to next Waypoint: 349 degrees (true)

Name: Wpt2

Short Name: R08W02

Coordinates: 039° 17' 19.1" N, 074° 32' 06.4" W

Distance to next Waypoint: 1616 feet

Bearing to next Waypoint: 249 degrees (true)

Name: Wpt3

Short Name: R08W03

Coordinates: 039° 17' 13.5" N, 074° 32' 25.7" W

Distance to next Waypoint: 4415 feet

Bearing to next Waypoint: 162 degrees (true)

Name: Wpt4

Short Name: R08W04

Coordinates: 039° 16' 32.0" N, 074° 32' 08.6" W

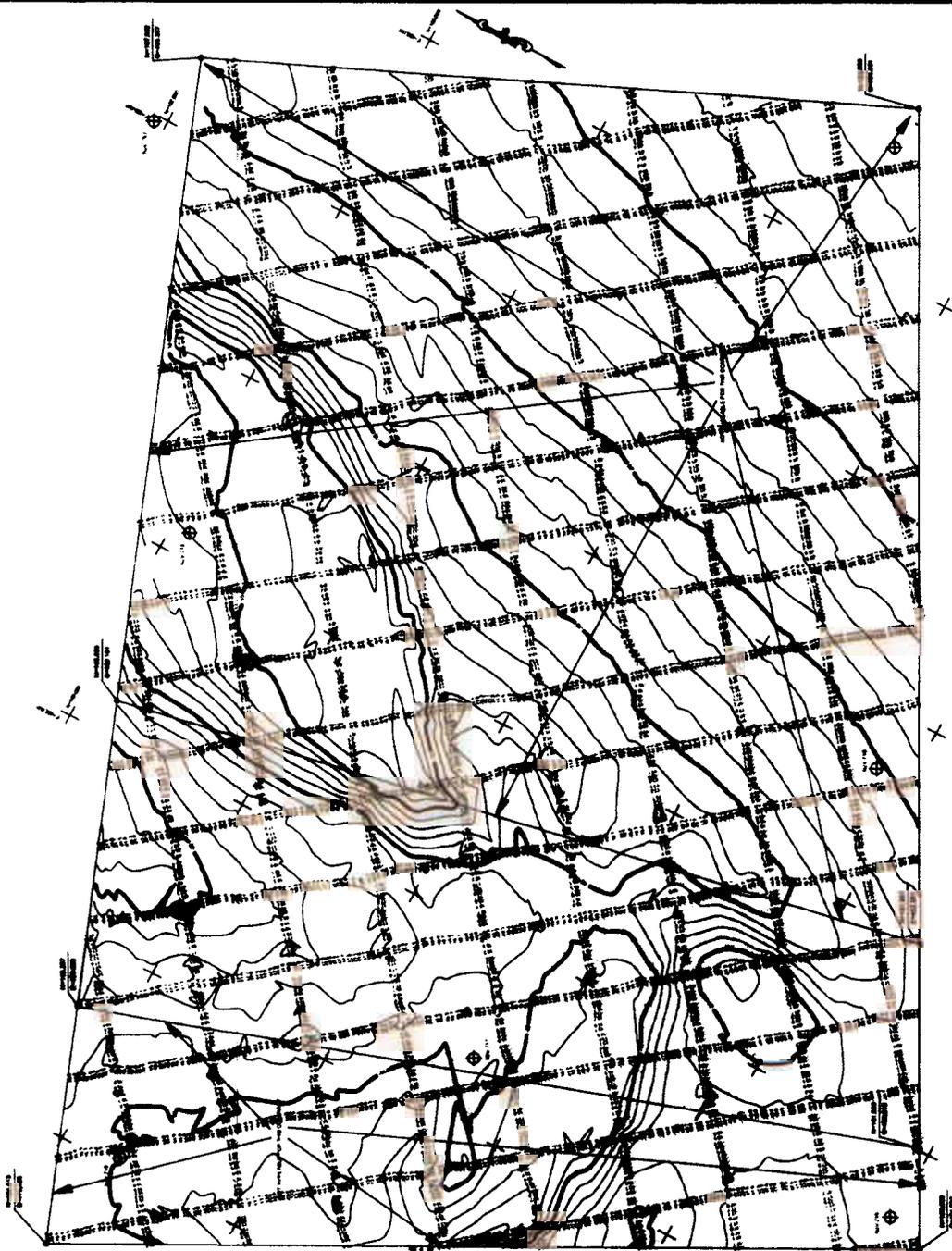
Distance to next Waypoint: 1094 feet

Bearing to next Waypoint: 62 degrees (true)

Name: Wpt5

Short Name: R08W05

Coordinates: 039° 16' 37.0" N, 074° 31' 56.2" W



BORROW AREA PLAN

SCALE: 1"=900'

STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF ENGINEERING & CONSTRUCTION
 BUREAU OF COASTAL ENGINEERING
 PROJECT NO. 4207-07

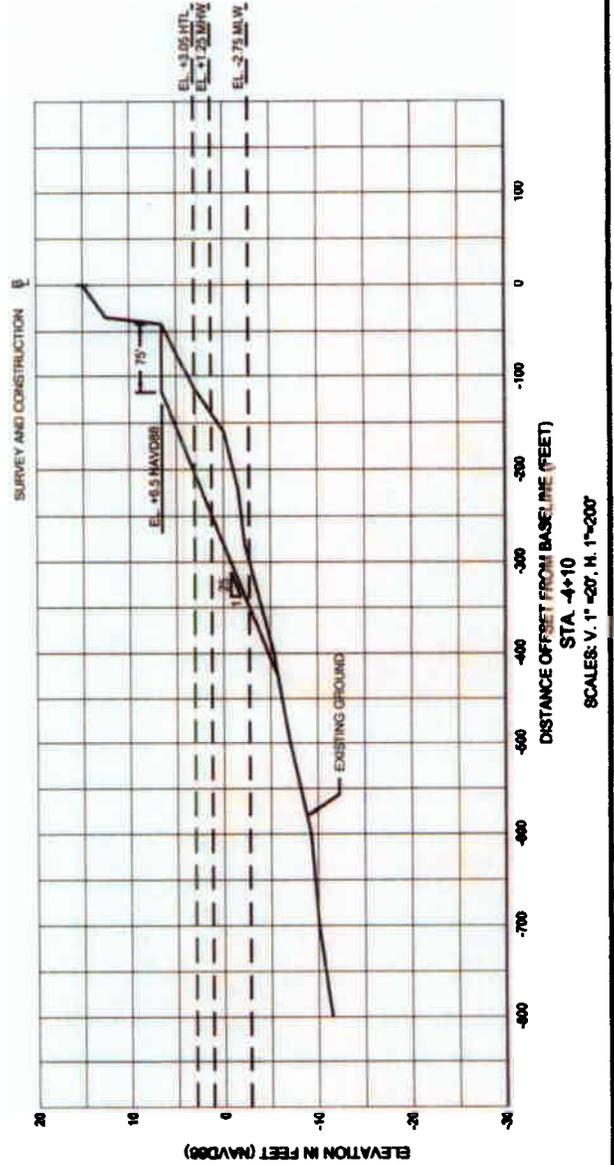
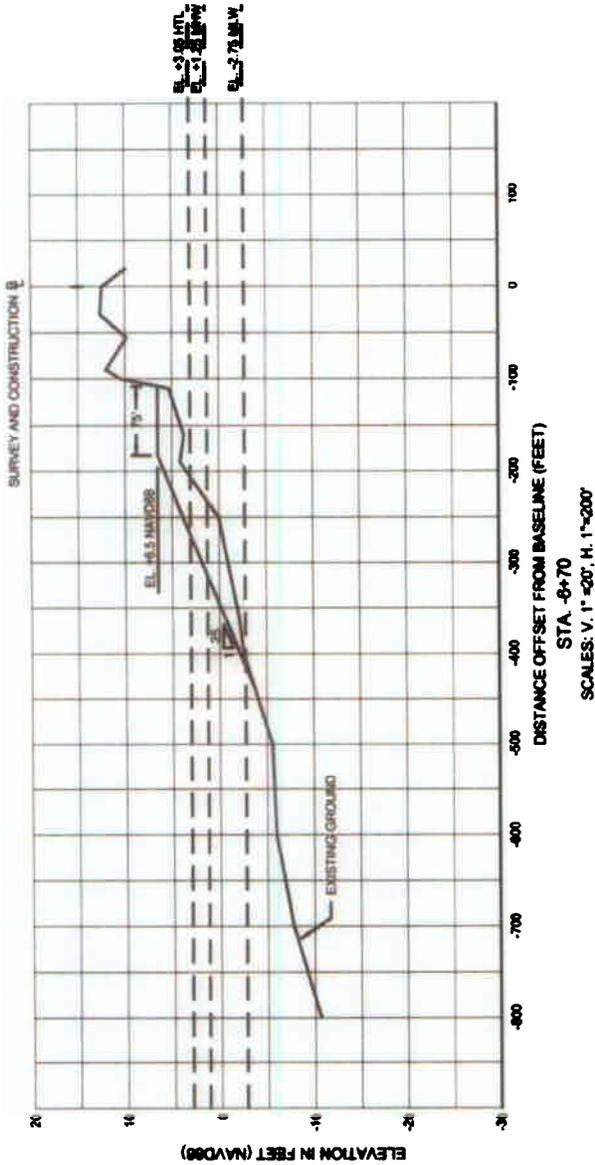
BEACH NOURISHMENT - NORTH END SECTION
 GREAT EGG HARBOR INLET TO PECK BEACH
 CITY OF OCEAN CITY
 COUNTY OF CAPE MAY

DWN. BY: BNC
 SCALE: AS SHOWN
 DATE: MAY 6, 2004
 SHEET 6 OF 6

APPROVED BY

Benjamin Keiser
 Acting Manager, BCE

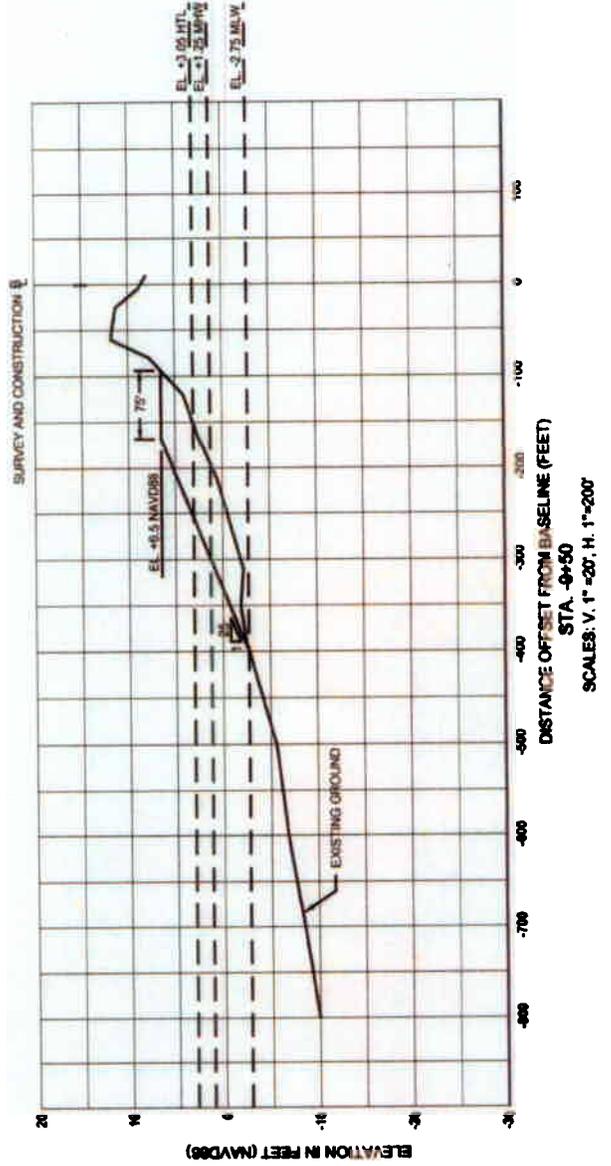
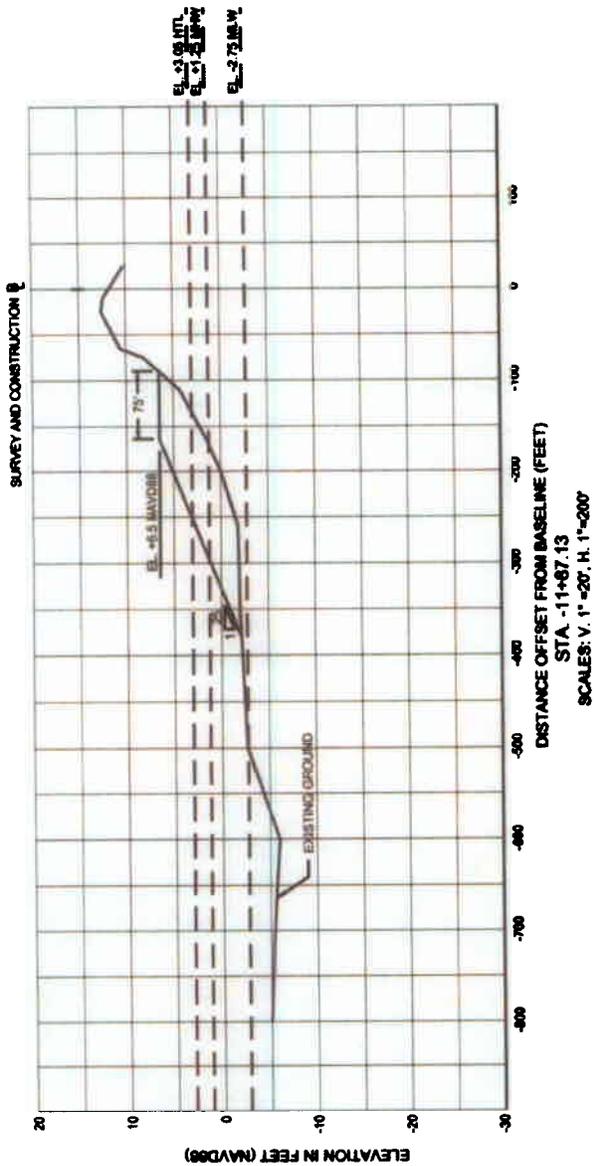
E-5



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ENGINEERING & CONSTRUCTION
BUREAU OF COASTAL ENGINEERING
PROJECT NO. 4207-07

BEACH NOURISHMENT - NORTH END SECTION
GREAT EGG HARBOR INLET TO PECK BEACH
CITY OF OCEAN CITY
COUNTY OF CAPE MAY

DRAWN BY : BMC	APPROVED BY
SCALE : AS SHOWN	<i>Benjamin Keiser</i> Acting Manager, BCE
DATE : MAY 8, 2008	
SHEET 4 OF 6	



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ENGINEERING & CONSTRUCTION
BUREAU OF COASTAL ENGINEERING
PROJECT NO. 4207-07

BEACH NOURISHMENT - NORTH END SECTION
GREAT EGG HARBOR INLET TO PECK BEACH
CITY OF OCEAN CITY
COUNTY OF CAPE MAY

DWN. BY : BMC	APPROVED BY
SCALE : AS SHOWN	<i>Benjamin Keiser</i>
DATE : NOV 2007	<i>Acting Manager, BCE</i>
SHEET 6 OF 6	

F-9