

**Cape May Seawall
City of Cape May
Cape May County, New Jersey**

**Coastal Storm Risk Management
Continuing Authorities Program Section 103**

Appendix A

**Environmental and Cultural Support Documents
including Pertinent Correspondence**



February 2021



**U.S. ARMY CORPS OF
ENGINEERS
PHILADELPHIA DISTRICT**

THIS IS NOT A PAID ADVERTISEMENT



**US Army Corps
of Engineers**

Philadelphia District

Public Notice

Public Notice No.	Date
CENAP-PLE-21-01	24 FEB 2021

In Reply Refer to:
Environmental Resources Branch

**CAPE MAY SEAWALL
COASTAL STORM RISK MANAGEMENT
CONTINUING AUTHORITIES PROGRAM SECTION 103
DRAFT FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT
CAPE MAY COUNTY, NEW JERSEY**

Pursuant to Section 102 of the National Environmental Policy Act, Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, NOTICE IS HEREBY GIVEN THAT the Philadelphia District of the U.S. Army Corps of Engineers (USACE) has completed a draft Environmental Assessment (DEA) to address the need for storm protection along a portion of the Cape May Seawall located in Cape May County, New Jersey. The draft EA titled: "Cape May Seawall, City of Cape May Cape May County, New Jersey Coastal Storm Risk Management Continuing Authorities Program Section 103" is available for public review and comment. The recommended plan detailed in the environmental assessment addresses the need for storm protection along a portion of the existing Cape May Seawall in the vicinity of Wilmington and Beach Avenues.

The USACE is proposing to place a concrete cap on top of the existing structure for a distance of approximately 530 feet. The cap will be constructed to an elevation of +17'NAVD88 for approximately 350 feet with 90-foot tapers on either end to transition to the surrounding elevations.

In accordance with the National Environmental Policy Act of 1969, a draft Environmental Assessment (DEA) has been developed for this project and is being circulated to the appropriate State and Federal agencies; local, State, and Federal officials; and private organizations.

Impacts to Water Quality have been evaluated in accordance with the Section 404(b)(1) guidelines of the Clean Water Act, and are not adverse. Due

to the fact that all work will take place approximately 145 feet above the MHW line, a Water Quality Certification from the New Jersey Department of Environmental Protection will not be required.

In accordance with Section 307 (c) of the Coastal Zone Management Act of 1972, an activity affecting land or water uses in a State's coastal zone must comply with the State's Coastal Zone Management Program. A certification of compliance is being requested from the New Jersey Department of Environmental Protection.

It has been determined that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 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 affect Essential Fish Habitat (EFH). Since the proposed action will not take place in the water, no Federally managed species and their life stages will be affected by the project.

The City of Cape May is a National Historic Landmark (NHL), and is listed on the National Register of Historic Places (NRHP). The USACE has determined that the proposed project will have no physical impact to any individually eligible or contributing historic property, and it will have a minimal visual impact. A finding of *No Adverse Effect* has been sent to the New Jersey State Historic Preservation Office (NJSHPO), the Tribes, and other consulting parties. Coordination under Section 106 of the National Historic Preservation Act is ongoing.

All practicable means to avoid or minimize adverse environmental effects have been incorporated into the recommended plan.

The public and all agencies are invited to comment on this proposal. Copies of this EA and other related documents can be obtained by visiting:

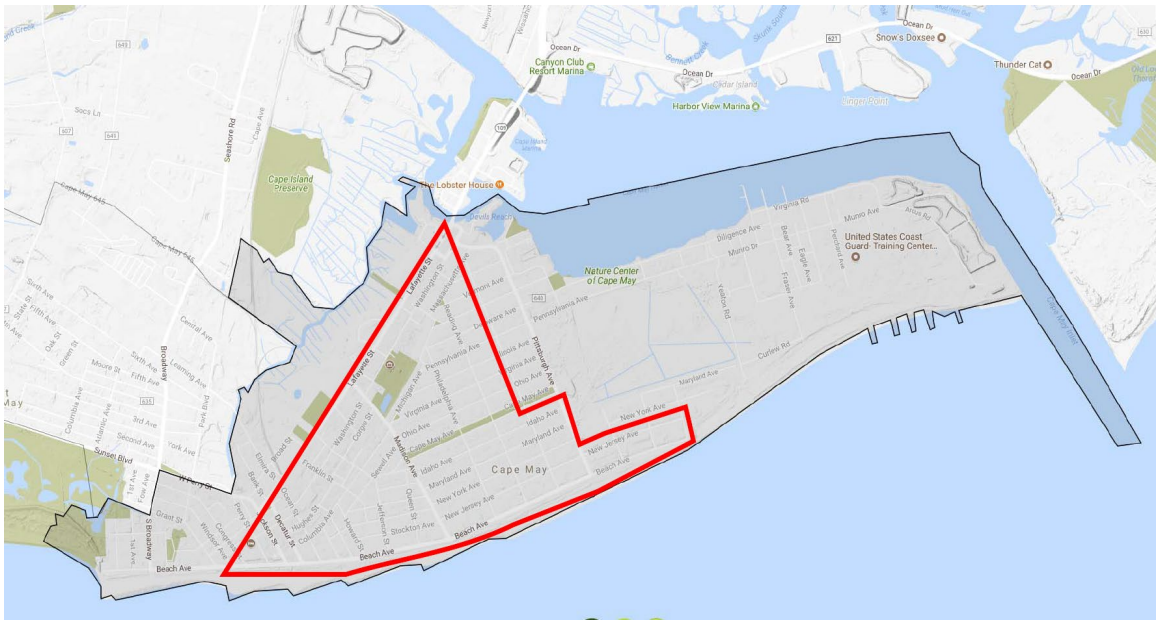
<https://www.nap.usace.army.mil/Missions/Civil-Works/Public-Notices-Reports/>

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 proposal. Requests for a public hearing shall state, in detail, the reasons for holding a public hearing.

All comments on the work described in this public notice should be directed to PDPA@NAP@usace.army.mil no later than 30 days from the date of this notice.

FOR THE DISTRICT ENGINEER:

FOR Peter R. Blum
Chief, Planning Division
Philadelphia District
U.S. Army Corps of Engineers



Project Area



Area of seawall to be capped.

GENERAL CONFORMITY - RECORD OF NON-APPLICABILITY (RONA)

Project Name: Cape May Seawall Project

Reference: Coastal Storm Risk Management Continuing Authorities Program Section 103

Project/Action Point of Contact: Beth Brandreth, CENAP-PL-E

Begin Date: September 2022

End Date: March 2023

General Conformity under the Clean Air Act, Section 176 has been evaluated for the project described above according to the requirements of 40 CFR 93, Subpart B. The requirements of this rule are not applicable to this project/action because:

1. An emissions estimate was completed to determine the Nitrogen Oxides (NO_x) and Volatile Organic Carbon (VOC) emissions (precursors to ozone formation) associated with raising the elevation of a portion of the Cape May Seawall. Total direct and indirect emission from this project/action were calculated to generate a total of 1.38 tons of NO_x and 0.29 tons of VOCs that would be split over two calendar years.
2. The project is located in Cape May County, New Jersey, which has the following nonattainment-related designations with respect to the National Ambient Air Quality Standards (40CFR§81.133): Marginal Nonattainment 2008 8-hour Ozone Standard (primary and secondary).
3. The total direct and indirect emissions from this project are less than the 100 tons trigger level for NO_x for each project year and significantly below the 50 tons trigger level for VOC (40CFR§93.153(b)(1) & (2)), as VOCs, are typically a fraction of total NO_x emissions.
4. The project conforms with the General Conformity requirements (40CFR§93.153(c)(1)) and is exempted from the requirements of 40 CFR §93 Subpart B. The project/action is not considered regionally significant under 40 CFR 93.153(i).

Peter R. Blum P.E.
Chief, Planning Division



JEROME E. INDERWIES, JR.

City Manager

ERIN C. BURKE

City Clerk

CLARENCE F. LEAR, III

Mayor

PATRICIA GRAY HENDRICKS

Deputy Mayor

SHAINE P. MEIER

Councilmember

ZACK MULLOCK

Councilmember

STACY D. SHEEHAN

Councilmember

July 27, 2020

Dear Property Owner:

I am writing to let you know the current status of plans to heighten the seawall at the intersection of Beach and Wilmington Avenues and to clarify the status of those plans.

Over the last 6 years, the City administration has been involved in various conversations with the US Army Corps of Engineers (USACE) and the New Jersey Department of Environmental Protection (NJDEP). These conversations were initiated by USACE to discuss options for:

- Reducing and managing storm surge and flash flooding;
- Mitigating storm threats to homes and homeowners; and
- Protecting the coastline.

Since the USACE was the lead agency and is supported by Federal funding, timing on the proposed project is a function of their schedule and priorities. Several delays have ensued since the City was initially contacted and while the delays were not caused by the City, we could not move forward without the guidance and resources of USACE and NJDEP.

We can summarize what has been achieved to date, where we are now, and what is expected to occur over the next year. One important milestone is a planned public review by USACE this fall.

USACE reported on issues and conceptual plans at a June 4, 2018 City Council meeting. USACE undertook a feasibility study to evaluate coastal storm risk management (CSRM) measures in the City. The resulting feasibility report and environmental assessment documented potential CSRM measures and provided a basis for next steps. Through this process USACE determined the most vulnerable location for coastal flooding in the City is at the corner of Beach and Wilmington Avenues. Several measures were identified to manage the risk of the ocean overtopping the existing seawall during coastal storms.

USACE's focus for at least the last 3 years has centered on an area of approximately 400 linear feet around the corner of Beach and Wilmington Avenues. USACE's preferred plan of action is demolition and reconstruction of a section of the seawall, installation of steel sheet pile adjacent to the seawall, and construction of a concrete cap on top of the existing seawall.

City of Cape May

National Historic Landmark

City Hall • 643 Washington Street • Cape May, New Jersey 08204-2397 • (609) 884-9525 • Fax: (609) 884-8589

www.capemaycity.com

The intention is to heighten the seawall to inhibit intrusion from the ocean in a severe weather event. Various estimates of the height of the seawall have been discussed and range from 15 feet or slightly lower to 17 feet. Our understanding is the wall may or may not be a uniform height and could rather follow the character of the existing rock seawall.

The public review of the project hosted by the USACE will be announced and the presentation will be sometime this fall. We will advertise the date once its announced.

As we learn more, we will provide updates. If you have questions, please be in touch with me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Inderwies, Jr.", with a stylized flourish extending to the right.

Jerome E. Inderwies, Jr.
City Manager

Copy: Clarence Lear, Mayor
Patricia Hendricks, Deputy Mayor
Zack Mullock, Councilmember
Stacy Sheehan, Councilmember
Neil Young, Deputy City Manager
Frank Corrado, City Solicitor
Erin Burke, RMC
Tom Thornton, City Engineer
Jim Rutala, City Consultant
Adrian Leary, USACE
William Dixon, NJDEP



In Reply Refer To:
18-CPA-0134

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Jersey Field Office
4 East Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205
Tel: 609/646 9310

<http://www.fws.gov/northeast/njfieldoffice>



Peter R. Blum, Chief
Planning Division, Philadelphia District
U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, Pennsylvania 19107-3390
ATTN: Adrian.Leary@usace.army.mil

MAR 12 2018

Subject: Scoping letter dated February 14, 2018 for proposed flood control measures at the corner of Beach and Wilmington Avenues, City of Cape May, Cape May County, New Jersey

Dear Mr. Blum:

The U.S. Fish and Wildlife Service (Service) has reviewed the subject request for comments. The U.S. Army Corps of Engineers (Corps) proposes to demolish and re-construct the existing stone seawall, install a sheet pile adjacent to the existing seawall, or place a concrete cap on the existing seawall.

AUTHORITY

The following preliminary comments are provided under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*) (FWCA) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). These comments do not preclude separate review and comment by the Service pursuant to the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA).

FEDERALLY LISTED SPECIES UNDER SERVICE PURVIEW

The federally listed (threatened) piping plover (*Charadrius melodus*) has not nested on Cape May beaches or at the nearby U.S. Coast Guard Training Center (TRACEN) beach since 2013 (Pover 2016, Davis 2017). Data on nesting by piping plover in 2018 will be available later in the year through coordination with the New Jersey Endangered and Nongame Species Program (ENSP).

The Service has no records of the federally listed (threatened) seabeach amaranth (*Amaranthus pumilus*) ever occurring within or in the vicinity of the proposed project site. Because of the “fugitive” nature of this annual plant, the Service cannot discount that seabeach amaranth may become established at or near the project site and may recommend a survey to be conducted between July 1 and September 30 of any given year.

The federally listed (threatened) red knot (*Calidris canutus rufa*) is known to occur in large foraging or roosting numbers within Cape May County during fall migration, although the Service has no records of this species utilizing the proposed project site.

No other federally listed or proposed threatened or endangered flora or fauna under Service jurisdiction are known to occur within the vicinity of the proposed project site. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

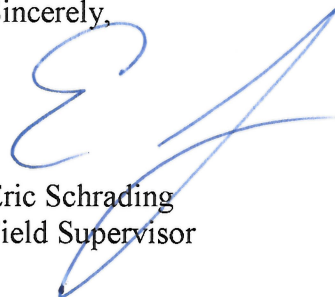
NESTING MIGRATORY SHOREBIRDS

Cape May and TRACEN beaches are nesting habitat for the State-listed (endangered) least tern (*Sterna antillarum*) and black skimmer (*Ryncops niger*), as well as the State species of special concern American oystercatcher (*Haematopus palliatus*). According to the *Guidance Manual for the Processing of Land Use Regulation Permits and Protection of Fish and Wildlife Resources* developed by the New Jersey Division of Fish and Wildlife (NJDFW) (Version 3.0 July 2008), the appropriate seasonal restriction to avoid the unauthorized destruction of occupied nests with eggs, chicks, or fledglings of these species is May 15 to September 15, unless changed through coordination with the ENSP and the Division of Land Use Regulation – Threatened and Endangered Species Unit. Pursuant to the FWCA, the Service would recommend that the Corps abide by the aforementioned construction timing restriction.

OTHER SERVICE COMMENTS

The Service has not received sufficient information to provide further comments and recommendations. The Service will coordinate with the NJDFW upon receiving the draft Feasibility Report and draft NEPA document and will incorporate the NJDFW comments and recommendations in our response to the Corps. Please contact Carlo Popolizio of my staff at (609) 382-5271 if you have any questions or require further assistance.

Sincerely,



Eric Schradling
Field Supervisor

REFERENCES

Davis, C. 2017. New Jersey Beach Nesting Bird Project Report. New Jersey Department of Environmental Protection, Division of Fish and Wildlife, Endangered and Nongame Species Program, Woodbine, New Jersey.

Pover, T. and C. Davis. 2016. Piping Plover Nesting Results in New Jersey: 2016. Conserve Wildlife Foundation of New Jersey, Trenton, New Jersey; and New Jersey Department of Environmental Protection, Division of Fish and Wildlife, Endangered and Nongame Species Program, Woodbine, New Jersey.

Brandreth, Mary E CIV USARMY CENAP (US)

From: Keith Hanson - NOAA Federal <keith.hanson@noaa.gov>
Sent: Wednesday, February 21, 2018 4:01 PM
To: Brandreth, Mary E CIV USARMY CENAP (US)
Subject: [Non-DoD Source] Scoping Letter - Cape May Seawall

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Beth,

The proposed project is not in an area with NOAA trust resources, but is very close in proximity to NOAA trust resources, so adverse impacts could occur. In general, artificially hardened shorelines, especially vertical wall structures, have various adverse impacts on the aquatic environment, and near-shore and shore-zone complexes. Vertical wall structures in beach-dune environments can also fragment habitat and interrupt cross-ecosystem linkages between the terrestrial and aquatic environments.

However, at this point, we have no comments on the proposed project.

Thanks,
Keith

--

Keith M. Hanson
Marine Habitat Resource Specialist
NOAA Fisheries
Greater Atlantic Region
Habitat Conservation Division

177 Admiral Cochrane Drive
Annapolis, MD 21401
Office: 410-573-4559



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3391

PLANNING DIVISION

FEB 14 2018

TO ALL INTERESTED PARTIES:

The U.S. Army Corps of Engineers, Philadelphia District and the City of Cape May, New Jersey, as a partner, are conducting a feasibility study to evaluate coastal storm risk management (CSRM) measures within the City of Cape May (Figure 1). The study will result in a Feasibility Report and Environmental Assessment (EA) documenting the impacts of potential CSRM measures for the City of Cape May. The EA will provide the basis for a decision whether to proceed with preparation of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

By way of this scoping letter we are soliciting public and agency comments concerning environmental issues that should be addressed in the course of the National Environmental Policy Act (NEPA) process. Scoping as defined by NEPA, is an "early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action."

Based on investigations and coastal storm modeling performed for the study to date, it has been determined that the problem area which leaves the City most vulnerable to ocean flooding from coastal storms is the corner of Beach and Wilmington Avenues (Figure 2). Several measures are being considered to manage the risk of the ocean overtopping the existing stone seawall during coastal storms. These measures include demolition and reconstruction of a section the seawall, installation of steel sheet pile adjacent to the seawall, and construction of a concrete cap on top of the existing seawall. The selected measure will be constructed around the corner of Beach and Wilmington Avenues for approximately 400 linear feet (Figure 3). The top elevation of the measure will be approximately 4 to 7 feet higher than the top of the existing seawall.

This letter also serves to initiate the public involvement requirements of Section 106 of the National Historic Preservation Act of 1966, as amended. Section 106, implemented by regulations at 36 CFR 800, requires the Corps of Engineers to consider the effects of its undertakings on historic properties.

Once the draft Feasibility Report and Environmental Assessment are complete, there will be a 30 day review period for the public to comment on the draft report.

At this time we are requesting any comments or information regarding the proposed project be submitted within 30 days to Mr. Adrian Leary (Project Manager) at the address above or electronically to him at Adrian.Leary@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter R. Blum". The signature is written in a cursive style with a large initial "P".

Peter R. Blum, P.E.
Chief, Planning Division

Enclosures



Figure 1: Location of the City of Cape May within the State of New Jersey.

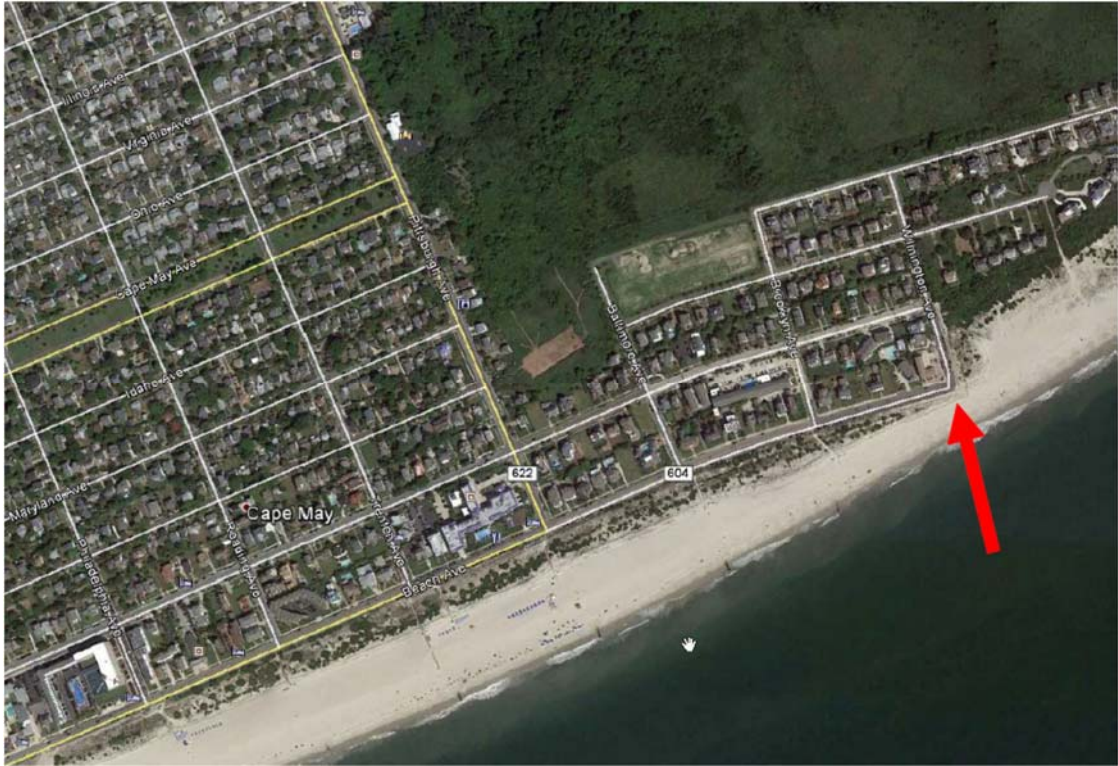


Figure 2: Corner of Beach and Wilmington Avenues in the City of Cape May with existing seawall.

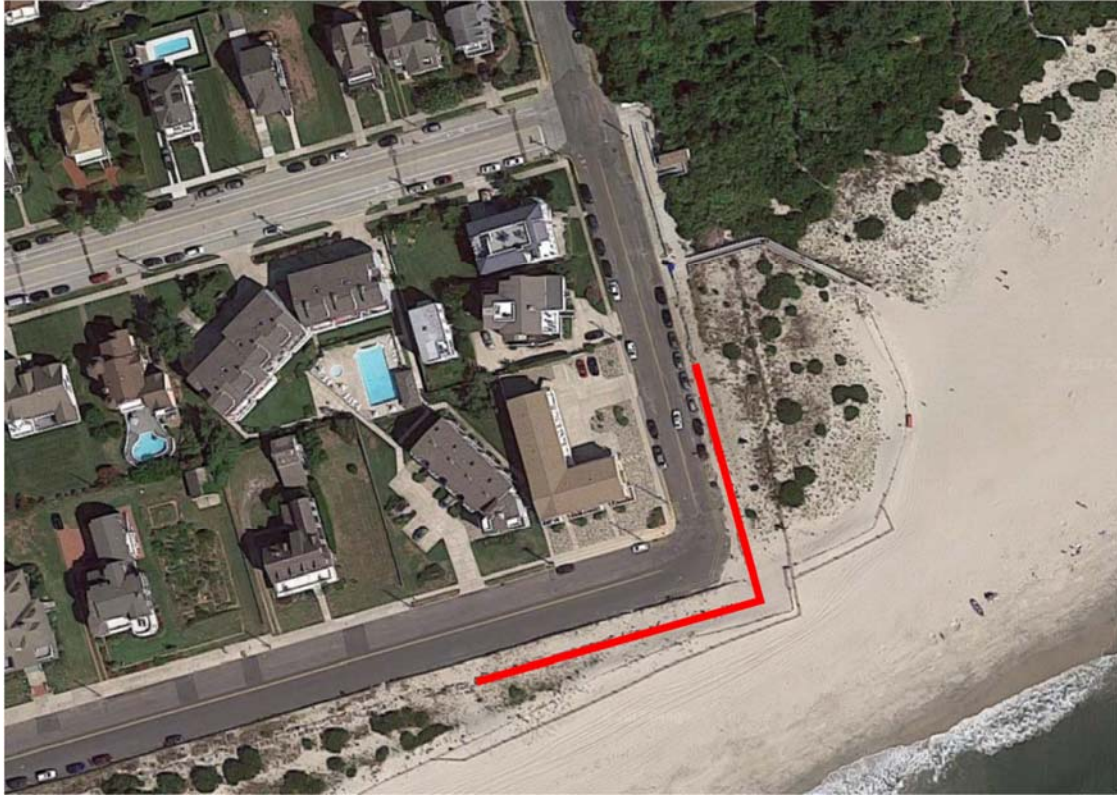


Figure 3: Extent of the 400 foot section where an elevated barrier is proposed.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF PERMIT COORDINATION AND ENVIRONMENTAL REVIEW
P.O. Box 420 Mail Code 401-07J Trenton, New Jersey 08625-0420
Phone Number (609) 292-3600
FAX NUMBER (609) 292-1921

PHILIP D. MURPHY
Governor

CATHERINE R. MCCABE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

March 22, 2018

Mr. Peter R. Blum
Chief, Planning Division
Philadelphia District, Army Corps of Engineers
Wanamaker Building, 100 Penn Square East
Philadelphia, PA 19107-3390

**RE: Cape May Seawall
NEPA Scoping Letter
City of Cape May, Cape May County, New Jersey**

Dear Mr. Blum:

The New Jersey Department of Environmental Protection's (Department) Office of Permit Coordination and Environmental Review (PCER) distributed, for review and comment, the NEPA Scoping Letter for the proposed coastal storm risk management measures within the City of Cape May. The proposed project consists of the demo/reconstruction of a seawall, installation of steel sheet pile adjacent to the seawall and construction of a concrete cap on the top of the seawall around the corner of Beach and Wilmington Avenues in Cape May City.

Based on the information provided for review, the Department offers the following comments for your consideration:

New Jersey Division of Fish and Wildlife

In general, projects such as this continue the act of reducing suitable habitat for beach nesting birds as they continue to prevent natural coastal processes that benefit this species group (overwash, etc.) from occurring.

If this project moves forward, the vegetated dune and beach areas to the east are documented nesting areas for Piping Plover, Least Tern, and American Oystercatcher. Noise and disturbance associated with demo/reconstruction of a seawall, installation of steel sheet pile should be avoided between March and August of any given year.

If you have any questions or concerns regarding the New Jersey Division of Fish and Wildlife, please contact Mr. Kelly Davis at (908) 236-2118 or Kelly.Davis@dep.nj.gov.

Historic and Cultural Resources

Based on the documentation submitted, the proposed project is located within the Cape May Historic District, which was listed in the National Register of Historic Places on December 29, 1970 and designated a National Historic Landmark on May 11, 1976. As noted in the documentation provided, the proposed undertaking will require consultation under Section 106 of the National Historic Preservation Act for the identification, evaluation and treatment of historic properties within the project's area of potential effects. As a result, the HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers, pursuant to their obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR §800. Please note, due to City of Cape May's status as a Certified Local Government, consultation will need to include consultation with the Cape May Historic Preservation Commission.

If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 18-0740 in any future calls, emails, submissions or written correspondence to help expedite your review and response.

If you have any additional questions, please contact Jesse West-Rosenthal at (609) 984-6019.

Green Acres Program

The proposed project includes demolition and reconstruction of a section of seawall at the corner of Beach and Wilmington Avenues. While the existing seawall appears to be contained within the Beach and Wilmington Avenues ROWs, the NEPA Scoping Letter submitted does not indicate the footprint of the proposed project, other than height (approximately 4-7ft above the existing seawall). Since the waterward parcels (Block 1000, Lots 63.02 and 63.03 and Block 1196, Lot 1) are all City-owned beach parcels encumbered by Green Acres as unfunded parkland, Green Acres will need to review more detailed plans in order to determine if the project is consistent with Green Acres regulations. It is recommended that the project be contained to the existing ROW in order to eliminate any impacts to the surrounding Green Acres encumbered parkland and public access amenities.

If you have any additional questions, please contact Jessica Patterson at 609-984-0558.

Division of Land Use Regulation

Coastal Regulation:

Land Use will need additional detail to provide an accurate determination, but in general USACE will need:

1. Federal Consistency Determination (because it is a federal project)
2. Project description should address:
 - NJSA 13:19 Section 10
 - CAFRA 7:7-1 et seq. rules
 - Confirm ownership/provide owner authorization for all areas of disturbance.

3. Due to the presence of threatened and endangered species, beaches and dunes – The Department would prefer a bulkhead or rip rap, and all activities be located close to the road (not on the beaches or dunes) and within the same footprint as the existing structures.
4. Project plan needs to show
 - All existing structures
 - Public access
 - Quantify/identify the location of any dune/vegetation disturbance
 - Identify any grading adjacent to the proposed activities.
 - Identify/quantify any habitat enhancement activities.
 - Identify location of mapped Coastal Wetlands line
 - Identify any unmapped Coastal Wetlands and/or Freshwater Wetlands
 - Quantify any impacts to wetlands
 - Include topographic information – identify the location of existing dunes/proposed impacts to dunes.
 - Identify the location of the staging/access areas.
 - Limits of existing Tidelands authorization (ie: East Cape May Beach Co, etc.)
 - Comply with Coastal Engineering requirements for bulkheads and/or rip rap under NJAC 7:7-15.11.
5. The City has a Beach Management Plan in place. All activities would need to adhere to the provisions on the BMP plan (where application of course) and coordinate with ENSP and USFWS regarding Piping Plover concerns.
6. Timing restrictions for threatened and endangered species will be required.

This is a preliminary pre-review and the Division of Land Use may be able to provide additional guidance after the above information is received.

If you have any questions regarding Coastal Regulation please contact Amy Wells at (609) 633-2289.

Coastal Bureau Engineering Unit:

In terms of the engineering aspects of the project, there are no engineering concerns as it pertains to Land Use permitting at this time.

If you have any questions or engineering concerns, please contact Keith Stampfel at (609) 633-2289.

Air Compliance and Enforcement

Based on the information provided, the Division of Air Compliance and Enforcement offer the following comments:

- Construction Equipment-stationary construction equipment, may require air pollution permits. The applicant should review the requirements of NJAC 7:27-8.2(c) 1-21 for stationary permitting requirements.

- Fugitive Dust and Odors- dust emissions either windblown or generated from construction equipment should be controlled to prevent offsite impacts. The applicant also should be aware of potential offsite impacts of odors pursuant to NJAC 7:27-5.
- Idling Vehicles- any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in NJAC 7:27-14 and 15.
- Pump Stations- any pump station constructed as part of this project that has a fuel fired pump or emergency generator that has a heat input rate greater than 1 million BTU/hr will require a permit pursuant to 7:27-8.2(c)1. Electric Pumps would not require a permit.

If you have any questions or concerns, please contact Chris Odgers at (609)-292-3095.

Air Permitting

The information provided in the Letter does not seem to indicate any stationary source air permit applicability. However, please advise the facility that they should review NJAC 7:27-8.2 to determine air permit applicability for all operations.

If you have any additional questions, please contact Quddus Qayyum at (609) 633-8221.

Air Planning

The Bureau of Evaluation and Planning (BEP) has reviewed the letter submitted by the USACE addressing the proposed coastal storm risk management measures within the City of Cape May and has the following comment:

A General Conformity Applicability Analysis and possibly a Conformity Determination will be required for this project in accordance with the USEPA's Federal General Conformity regulation (40 CFR Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans). When preparing the General Conformity Applicability Analysis and Conformity Determination (if necessary), USEPA guidance (General Conformity Guidance: Questions and Answers, July 13, 1994, https://www.epa.gov/sites/production/files/2016-03/documents/gcgqa_940713.pdf) indicates that a project cannot be broken into segments in order to be below the de minimis levels in the Federal General Conformity regulation. All reasonably foreseeable emissions must be included for the project as a whole in determining applicability. In addition, Section 93.150 (b) (Prohibition) of the Federal General Conformity regulation states that the project must conform to the State Implementation Plan prior to construction.

If you have any additional questions, please contact Angela Skowronek at (609) 984-0337.

Air Mobile Sources

The Bureau of Mobile Sources has reviewed this project and find no immediate long term impacts. Short term construction phase impacts are addressed in our standard recommendations – below. The only concern for the duration of the project would be making sure the trucks be conscious of avoiding neighborhoods, as much as possible, when entering and leaving the designated areas.

Standard Recommendations:

Diesel exhaust contributes the highest cancer risk of all air toxics in New Jersey and is a major source of NOx within the state. Therefore, NJ DEP recommends that construction projects involving non-road diesel construction equipment operating in a small geographic area over an extended period of time implement the following measures to minimize the impact of diesel exhaust:

- All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three-minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15. Consider purchasing “No Idling” signs to post at the site to remind contractors to comply with the idling limits. Signs are available for purchase from the Bureau of Mobile Sources at 609/292-7953 or <http://www.stophesoot.org/sts-no-idle-sign.htm>.
- All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.
- All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

If you have any additional questions, please contact Alina Nagtalon at (609) 633-2007.

Water Allocation

The Bureau of Water Allocation & Well Permitting (Bureau) has reviewed the Scoping Letter for Coastal Storm Risk Management Measures within the City of Cape May for comments. Based on the information provided in the letter, the proposed project falls outside the Bureau’s purview.

If you have any additional questions, please contact Akinsanya Ode at (609) 984-4681.

NJDDES Discharge to Surface Water

The Bureau of Surface Water Permitting offers the following comment:

Based on a review of the document for the proposed project, it appears that dewatering during construction may be necessary at some point during the project. If the need arises for a discharge to surface water (from construction, etc.) a NJDDES Discharge to Surface Water permit will be necessary.

Provided that the discharge is not contaminated, the appropriate discharge permit will be the B7-Short term De minimis permit (see <http://www.state.nj.us/dep/dwq/pdf/b7-rfa-checklist.pdf>). This is determined by running a pollutant scan as described in the application checklist where the data can be collected up to a year in advance of the discharge.

If, however, the discharge is contaminated (the analytical results demonstrate levels greater than the Appendix A standards as specified in the De minimis permit see <http://www.state.nj.us/dep/dwq/pdf/b7-deminimis-final-permit-5-20-15.pdf>), the appropriate NJPDES Discharge to Surface Water permit will be the BGR – General Remediation Cleanup permit (see <http://www.state.nj.us/dep/dwq/pdf/sw-gp-chklst.pdf>) . The BGR permit can generally be processed in less than 30 days although a treatment works approval may be needed for any treatment.

If you have any questions or concerns, please contact Kelly Perez at (609) 292-4860.

Stormwater Management

Construction projects that disturb 1 acre or more of land, or less than 1 acre but are part of a larger common plan of development that is greater than 1 acre, are required to obtain coverage under the Stormwater construction general permit (5G3). Applicants must first obtain certification of their soil erosion and sediment control plan (251 plan) from their local soil conservation district office. Upon certification, the district office will provide the applicant with two codes process (SCD certification code and 251 identification code) for use in the DEPonline portal system application. Applicants must then become a registered user for the DEPonline system and complete the application for the Stormwater Construction General Authorization. Upon completion of the application the applicant will receive a temporary authorization which can be used to start construction immediately, if necessary. Within 3-5 business days the permittee contact identified in the application will receive an email including the application summary and final authorization.

If you have any additional questions, please contact Eleanor Krukowski at (609) 633-7021.

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the NEPA Scoping Letter for the coastal storm risk management measures within the City of Cape May. Please contact Katherine Nolan at (609) 292-3600 if you have any additional questions or concerns.

Sincerely,



Ruth W. Foster, PhD., P.G., Acting Director
Permit Coordination and Environmental Review

- c. John Gray, Deputy Chief of Staff
- Kelly Davis, New Jersey Division of Fish and Wildlife
- Jesse West-Rosenthal, NJDEP Historic Preservation Office
- Keith Stampfel, NJDEP Division of Land Use Regulation
- Amy Wells, NJDEP Division of Land Use Regulation
- Angela Skowronek, NJDEP Air Planning
- Chris Odgers, NJDEP Air C&E
- Alina Nagtalon, NJDEP Bureau of Mobile Sources
- Eleanor Krukowski, NJDEP Stormwater
- Kelly Perez, NJDEP DSW
- Akinsanya Ode, NJDEP Water Allocation
- Jessica Patterson, NJDEP, Green Acres Program



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF PERMIT COORDINATION AND ENVIRONMENTAL REVIEW
P.O. Box 420 Mail Code 401-07J Trenton, New Jersey 08625-0420
Phone Number (609) 292-3600
FAX NUMBER (609) 292-1921

PHILIP D. MURPHY
Governor

CATHERINE R. MCCABE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

March 22, 2018

Mr. Peter R. Blum
Chief, Planning Division
Philadelphia District, Army Corps of Engineers
Wanamaker Building, 100 Penn Square East
Philadelphia, PA 19107-3390

**RE: Cape May Seawall
NEPA Scoping Letter
City of Cape May, Cape May County, New Jersey**

Dear Mr. Blum:

The New Jersey Department of Environmental Protection's (Department) Office of Permit Coordination and Environmental Review (PCER) distributed, for review and comment, the NEPA Scoping Letter for the proposed coastal storm risk management measures within the City of Cape May. The proposed project consists of the demo/reconstruction of a seawall, installation of steel sheet pile adjacent to the seawall and construction of a concrete cap on the top of the seawall around the corner of Beach and Wilmington Avenues in Cape May City.

Based on the information provided for review, the Department offers the following comments for your consideration:

New Jersey Division of Fish and Wildlife

In general, projects such as this continue the act of reducing suitable habitat for beach nesting birds as they continue to prevent natural coastal processes that benefit this species group (overwash, etc.) from occurring.

If this project moves forward, the vegetated dune and beach areas to the east are documented nesting areas for Piping Plover, Least Tern, and American Oystercatcher. Noise and disturbance associated with demo/reconstruction of a seawall, installation of steel sheet pile should be avoided between March and August of any given year.

If you have any questions or concerns regarding the New Jersey Division of Fish and Wildlife, please contact Mr. Kelly Davis at (908) 236-2118 or Kelly.Davis@dep.nj.gov.

Historic and Cultural Resources

Based on the documentation submitted, the proposed project is located within the Cape May Historic District, which was listed in the National Register of Historic Places on December 29, 1970 and designated a National Historic Landmark on May 11, 1976. As noted in the documentation provided, the proposed undertaking will require consultation under Section 106 of the National Historic Preservation Act for the identification, evaluation and treatment of historic properties within the project's area of potential effects. As a result, the HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers, pursuant to their obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR §800. Please note, due to City of Cape May's status as a Certified Local Government, consultation will need to include consultation with the Cape May Historic Preservation Commission.

If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 18-0740 in any future calls, emails, submissions or written correspondence to help expedite your review and response.

If you have any additional questions, please contact Jesse West-Rosenthal at (609) 984-6019.

Green Acres Program

The proposed project includes demolition and reconstruction of a section of seawall at the corner of Beach and Wilmington Avenues. While the existing seawall appears to be contained within the Beach and Wilmington Avenues ROWs, the NEPA Scoping Letter submitted does not indicate the footprint of the proposed project, other than height (approximately 4-7ft above the existing seawall). Since the waterward parcels (Block 1000, Lots 63.02 and 63.03 and Block 1196, Lot 1) are all City-owned beach parcels encumbered by Green Acres as unfunded parkland, Green Acres will need to review more detailed plans in order to determine if the project is consistent with Green Acres regulations. It is recommended that the project be contained to the existing ROW in order to eliminate any impacts to the surrounding Green Acres encumbered parkland and public access amenities.

If you have any additional questions, please contact Jessica Patterson at 609-984-0558.

Division of Land Use Regulation

Coastal Regulation:

Land Use will need additional detail to provide an accurate determination, but in general USACE will need:

1. Federal Consistency Determination (because it is a federal project)
2. Project description should address:
 - NJSA 13:19 Section 10
 - CAFRA 7:7-1 et seq. rules
 - Confirm ownership/provide owner authorization for all areas of disturbance.

3. Due to the presence of threatened and endangered species, beaches and dunes – The Department would prefer a bulkhead or rip rap, and all activities be located close to the road (not on the beaches or dunes) and within the same footprint as the existing structures.
4. Project plan needs to show
 - All existing structures
 - Public access
 - Quantify/identify the location of any dune/vegetation disturbance
 - Identify any grading adjacent to the proposed activities.
 - Identify/quantify any habitat enhancement activities.
 - Identify location of mapped Coastal Wetlands line
 - Identify any unmapped Coastal Wetlands and/or Freshwater Wetlands
 - Quantify any impacts to wetlands
 - Include topographic information – identify the location of existing dunes/proposed impacts to dunes.
 - Identify the location of the staging/access areas.
 - Limits of existing Tidelands authorization (ie: East Cape May Beach Co, etc.)
 - Comply with Coastal Engineering requirements for bulkheads and/or rip rap under NJAC 7:7-15.11.
5. The City has a Beach Management Plan in place. All activities would need to adhere to the provisions on the BMP plan (where application of course) and coordinate with ENSP and USFWS regarding Piping Plover concerns.
6. Timing restrictions for threatened and endangered species will be required.

This is a preliminary pre-review and the Division of Land Use may be able to provide additional guidance after the above information is received.

If you have any questions regarding Coastal Regulation please contact Amy Wells at (609) 633-2289.

Coastal Bureau Engineering Unit:

In terms of the engineering aspects of the project, there are no engineering concerns as it pertains to Land Use permitting at this time.

If you have any questions or engineering concerns, please contact Keith Stampfel at (609) 633-2289.

Air Compliance and Enforcement

Based on the information provided, the Division of Air Compliance and Enforcement offer the following comments:

- Construction Equipment-stationary construction equipment, may require air pollution permits. The applicant should review the requirements of NJAC 7:27-8.2(c) 1-21 for stationary permitting requirements.

- Fugitive Dust and Odors- dust emissions either windblown or generated from construction equipment should be controlled to prevent offsite impacts. The applicant also should be aware of potential offsite impacts of odors pursuant to NJAC 7:27-5.
- Idling Vehicles- any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in NJAC 7:27-14 and 15.
- Pump Stations- any pump station constructed as part of this project that has a fuel fired pump or emergency generator that has a heat input rate greater than 1 million BTU/hr will require a permit pursuant to 7:27-8.2(c)1. Electric Pumps would not require a permit.

If you have any questions or concerns, please contact Chris Odgers at (609)-292-3095.

Air Permitting

The information provided in the Letter does not seem to indicate any stationary source air permit applicability. However, please advise the facility that they should review NJAC 7:27-8.2 to determine air permit applicability for all operations.

If you have any additional questions, please contact Quddus Qayyum at (609) 633-8221.

Air Planning

The Bureau of Evaluation and Planning (BEP) has reviewed the letter submitted by the USACE addressing the proposed coastal storm risk management measures within the City of Cape May and has the following comment:

A General Conformity Applicability Analysis and possibly a Conformity Determination will be required for this project in accordance with the USEPA's Federal General Conformity regulation (40 CFR Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans). When preparing the General Conformity Applicability Analysis and Conformity Determination (if necessary), USEPA guidance (General Conformity Guidance: Questions and Answers, July 13, 1994, https://www.epa.gov/sites/production/files/2016-03/documents/gcgqa_940713.pdf) indicates that a project cannot be broken into segments in order to be below the de minimis levels in the Federal General Conformity regulation. All reasonably foreseeable emissions must be included for the project as a whole in determining applicability. In addition, Section 93.150 (b) (Prohibition) of the Federal General Conformity regulation states that the project must conform to the State Implementation Plan prior to construction.

If you have any additional questions, please contact Angela Skowronek at (609) 984-0337.

Air Mobile Sources

The Bureau of Mobile Sources has reviewed this project and find no immediate long term impacts. Short term construction phase impacts are addressed in our standard recommendations – below. The only concern for the duration of the project would be making sure the trucks be conscious of avoiding neighborhoods, as much as possible, when entering and leaving the designated areas.

Standard Recommendations:

Diesel exhaust contributes the highest cancer risk of all air toxics in New Jersey and is a major source of NOx within the state. Therefore, NJ DEP recommends that construction projects involving non-road diesel construction equipment operating in a small geographic area over an extended period of time implement the following measures to minimize the impact of diesel exhaust:

- All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three-minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15. Consider purchasing “No Idling” signs to post at the site to remind contractors to comply with the idling limits. Signs are available for purchase from the Bureau of Mobile Sources at 609/292-7953 or <http://www.stopthesoot.org/sts-no-idle-sign.htm>.
- All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.
- All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

If you have any additional questions, please contact Alina Nagtalon at (609) 633-2007.

Water Allocation

The Bureau of Water Allocation & Well Permitting (Bureau) has reviewed the Scoping Letter for Coastal Storm Risk Management Measures within the City of Cape May for comments. Based on the information provided in the letter, the proposed project falls outside the Bureau’s purview.

If you have any additional questions, please contact Akinsanya Ode at (609) 984-4681.

NJDDES Discharge to Surface Water

The Bureau of Surface Water Permitting offers the following comment:

Based on a review of the document for the proposed project, it appears that dewatering during construction may be necessary at some point during the project. If the need arises for a discharge to surface water (from construction, etc.) a NJPDES Discharge to Surface Water permit will be necessary.

Provided that the discharge is not contaminated, the appropriate discharge permit will be the B7-Short term De minimis permit (see <http://www.state.nj.us/dep/dwq/pdf/b7-rfa-checklist.pdf>). This is determined by running a pollutant scan as described in the application checklist where the data can be collected up to a year in advance of the discharge.

If, however, the discharge is contaminated (the analytical results demonstrate levels greater than the Appendix A standards as specified in the De minimis permit see <http://www.state.nj.us/dep/dwq/pdf/b7-deminimis-final-permit-5-20-15.pdf>), the appropriate NJPDES Discharge to Surface Water permit will be the BGR – General Remediation Cleanup permit (see <http://www.state.nj.us/dep/dwq/pdf/sw-gp-chkfst.pdf>) . The BGR permit can generally be processed in less than 30 days although a treatment works approval may be needed for any treatment.

If you have any questions or concerns, please contact Kelly Perez at (609) 292-4860.


Stormwater Management

Construction projects that disturb 1 acre or more of land, or less than 1 acre but are part of a larger common plan of development that is greater than 1 acre, are required to obtain coverage under the Stormwater construction general permit (5G3). Applicants must first obtain certification of their soil erosion and sediment control plan (251 plan) form their local soil conservation district office. Upon certification, the district office will provide the applicant with two codes process (SCD certification code and 251 identification code) for use in the DEPonline portal system application. Applicants must then become a registered user for the DEPonline system and complete the application for the Stormwater Construction General Authorization. Upon completion of the application the applicant will receive a temporary authorization which can be used to start construction immediately, if necessary. Within 3-5 business days the permittee contact identified in the application will receive an email including the application summary and final authorization.

If you have any additional questions, please contact Eleanor Krukowski at (609) 633-7021.

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the NEPA Scoping Letter for the coastal storm risk management measures within the City of Cape May. Please contact Katherine Nolan at (609) 292-3600 if you have any additional questions or concerns.

Sincerely,


Ruth W. Foster, PhD., P.G., Acting Director
Permit Coordination and Environmental Review

- c. John Gray, Deputy Chief of Staff
- Kelly Davis, New Jersey Division of Fish and Wildlife
- Jesse West-Rosenthal, NJDEP Historic Preservation Office
- Keith Stampfel, NJDEP Division of Land Use Regulation
- Amy Wells, NJDEP Division of Land Use Regulation
- Angela Skowronek, NJDEP Air Planning
- Chris Odgers, NJDEP Air C&E
- Alina Nagtalon, NJDEP Bureau of Mobile Sources
- Eleanor Krukowski, NJDEP Stormwater
- Kelly Perez, NJDEP DSW
- Akinsanya Ode, NJDEP Water Allocation
- Jessica Patterson, NJDEP, Green Acres Program

From: [Minnichbach, Nicole C CIV USARMY CENAP \(US\)](#)
To: [Arnold Printup \(arnold.printup@srmr-nsn.gov\)](#); [Bonney Hartley](#); [Brett Barnes](#); [jay.toth@sni.org](#); [Jesse Bergevin](#); [Kimberly Penrod](#); [Temple University Archaeology](#)
Cc:
Subject: Request for Review - Cape May Seawall, Cape May County, New Jersey(UNCLASSIFIED)
Date: Thursday, February 22, 2018 1:27:00 PM
Attachments:

CLASSIFICATION: UNCLASSIFIED

Good Afternoon Everyone,

The U.S. Army Corps of Engineers, Philadelphia District and the City of Cape May, New Jersey, as a partner, are conducting a feasibility study to evaluate coastal storm risk management (CSRSM) measures within the City of Cape May. The study will result in a Feasibility Report and Environmental Assessment (EA) documenting the impacts of potential CSRSM measures for the City of Cape May. The EA will provide the basis for a decision whether to proceed with preparation of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

By way of this scoping letter we are soliciting public and agency comments concerning environmental issues that should be addressed in the course of the National Environmental Policy Act (NEPA) process. Scoping as defined by NEPA, is an "early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action."

Based on investigations and coastal storm modeling performed for the study to date, it has been determined that the problem area which leaves the City most vulnerable to ocean flooding from coastal storms is the corner of Beach and Wilmington Avenues. Several measures are being considered to manage the risk of the ocean overtopping the existing stone seawall during coastal storms. These measures include demolition and reconstruction of a section the seawall, installation of steel sheet pile adjacent to the seawall, and construction of a concrete cap on top of the existing seawall. The selected measure will be constructed around the corner of Beach and Wilmington Avenues for approximately 400 linear feet. The top elevation of the measure will be approximately 4 to 7 feet higher than the top of the existing seawall.

This letter also serves to initiate the public involvement requirements of Section 106 of the National Historic Preservation Act of 1966, as amended. Section 106, implemented by regulations at 36 CFR 800, requires the Corps of Engineers to consider the effects of its undertakings on historic properties.

Once the draft Feasibility Report and Environmental Assessment are complete, there will be a 30 day review period for the public to comment on the draft report

At this time we are requesting any comments or information regarding the proposed project be submitted within 30 days to Mr. Adrian Leary (Project Manager) at the address above or electronically to me at nicole.c.minnichbach@usace.army.mil

Respectfully,

Nicole Cooper Minnichbach
Cultural Resource Specialist and Tribal Liaison (CRSTL)
US Army Corps of Engineers Philadelphia District
(O) 215-656-6556
(M) 215-834-1065

CLASSIFICATION: UNCLASSIFIED



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
100 PENN SQUARE EAST, 7th FLOOR WANAMAKER BUILDING
PHILADELPHIA, PENNSYLVANIA 19107-3390

June 2, 2020

Environmental Resources Branch

Katherine Marcopul, PhD
Deputy State Historic Preservation Officer
Mail Code 501-04B
State of New Jersey
Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420
kate.marcopul@dep.nj.gov

Dear Dr. Marcopul:

The U.S. Army Corps of Engineers (USACE), Philadelphia District and the City of Cape May, New Jersey, as a partner, are conducting a feasibility study to evaluate coastal storm risk management (CSRМ) measures within the City of Cape May (Undertaking). The study will result in a Feasibility Report and Environmental Assessment (EA) documenting the impacts of potential CSRМ measures for the City of Cape May. The EA will provide the basis for a decision whether to proceed with preparation of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The authority for this project is Section 103 of the 1962 River and Harbor Act. Under this authority, USACE is authorized to plan, design, and construct small coastal storm risk management (CSRМ) projects with and without specific Congressional authorization. The study area includes an area known as the Frog Hollow Neighborhood which is low-lying and particularly prone to flooding. Frog Hollow's approximate boundaries are the triangle that is formed by Beach Avenue, Madison Avenue, and Washington Street.

The City of Cape May was designated as a National Historic Landmark (NHL) by the National Park Service in 1976 and noted as having one of the largest collections of late nineteenth-century frame buildings left in the United States. It contains over 600 summer houses, old hotels, and commercial structures that give it a homogenous architectural character. The City is also listed on the National Register of Historic Places (NRHP).

The selected alternative consists of raising the elevation of the existing stone seawall along its current alignment by placing a reinforced concrete cap on top of the

existing stone seawall to elevation +17 feet for 350 feet. At this elevation, the existing stone seawall would be raised approximately 7.5 feet from its existing elevation. The extent of where the existing seawall will be raised as is shown in Figure 1.

Prior to placing the concrete cap, any existing sand on top of the seawall would need to be removed and stockpiled in a nearby location to be reused later. In order to prevent any movement of the reinforced concrete cap, at this height, the cap will need to be 8 feet wide and cast in place with framing. The existing concrete grout between the existing stones on top of the seawall would need to be cleared of existing grout to a depth of one layer of capstone, approximately 3 feet, in order to anchor the new concrete into the existing stone structure. An existing steel bulkhead is located within the first layer of capstone and would also need to be cleared of existing grout.

Expansion and contraction joints will be required at an even interval along the top of the concrete cap. At each end of the project limit, a taper will be required in order to transition from the top of the new concrete cap down to the elevation of the top of the existing stone seawall. The taper will be placed at a 12H:1V slope and span a distance of approximately 90 feet on each end of the concrete cap, bringing the total length of concrete cap to 530 feet. The landward face of the concrete cap would be formed or stamped with a stone look façade so that it looks more like a natural feature and blends into the current environment. On the seaward side of the concrete cap, the stockpiled sand will be placed back up against the concrete cap to form a dune-like feature in front of the vertical face of the concrete cap. In order to reinforce the placed sand, plantings will be provided. For typical section of concrete cap, see Figure 2.

The USACE has defined the Undertaking's Area of Potential Effect (APE) as the construction footprint of the Undertaking, as well as the visual impacts the Undertaking may have on the Cape May Historic District (Figure 1 and 2). The USACE has conducted a reconnaissance level investigation of the project's APE and has prepared renderings to assess any potential impacts to the Cape May Historic District (Figures 3 – Existing Conditions Seawall from the road; Figure 4 – Proposed Seawall Improvement Rendering from the road; Figure 5 – Existing Conditions Seawall from the Beach; Figure 6 – Proposed Seawall Improvement Rendering from the Beach; and, Figure 7 – Eligible and Contributing Structures).

When an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association, it is considered an Adverse Effect. Consideration should be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the NRHP.

The USACE has determined that the proposed project will have no physical impact to any individually eligible or contributing historic property within the Undertaking's construction footprint (Figure 7). The USACE has determined that the proposed Undertaking will have a minimal visual impact to the Cape May Historic District, however it would not alter any of the characteristics that qualify the Cape May Historic District's inclusion in the NRHP. Therefore, the USACE has determined that the proposed Undertaking will have *No Adverse Effect* to the Cape May Historic District and National Historic Landmark.

We request your review of the referenced documentation and your concurrence in our conclusion that no historic properties eligible for or listed on the National Register of Historic Places (NRHP) will be adversely affected by the proposed permit action in compliance with 36CFR800.5(b).

Thank you for your cooperation in this review process. If you have any questions concerning our review or if we can be of further assistance, please contact our Cultural Resource Specialist, Nicole Minnichbach at 215-656-6556, or mobile 215 834-1065 or via email at Nicole.C.Minnichbach@usace.army.mil.

Sincerely,

Peter R. Blum, P.E.
Chief, Planning Division

Enclosures



I. REVIEW DETAILS

New Request? Yes No (Prior HPO Project Number:)

Project / Property Name:

Location: County: Municipality: Multiple:

Street Address:

Block: Lot: Latitude: Longitude:

Review Type: (Check all that apply)

Section 106: Initiation Identification Assess Effects Resolve Adverse Effects Mitigation

NJ Register Project Authorization

National Register: Preliminary App. COE Request Draft Nom. Revised Draft Nom. Other

ITC Review: Part 1 Part 2 Part 3 Other

DEP Review: FWW CAFRA UW/WD SRP Other

Technical Assistance

Other (Describe below)

Description:

II. CONTACT DETAILS

Name:

Organization:

Mailing Address:

City/State/Zip: / /

Phone: Email:

III. ATTACHMENTS

Check all that apply:

Please email this form and PDF attachments to: NJHPO@dep.nj.gov

IMPORTANT: There is a maximum email size limit of 25 MB to the NJHPO email account. If supporting documentation exceeds 25 MB, check the box below to request a temporary OneDrive upload link.

REQUEST UPLOAD LINK:

Please refrain from submitting duplicate hard copy documentation when using this form. Some processes may require follow-up submission of hard copy originals; HPO will notify the requestor when applicable.

- Cover Letter or Transmittal Memo
Detailed Description/Scope of Work
Location Map
Forms (Nomination, NJ Register Review, ITC, etc.)
Site/Project Plans
Project Specifications
Digital Images
Reports
Other (Please describe):

All attachments should be in PDF format.

IV. ADDITIONAL COMMENTS



US Army Corps
of Engineers
PHILADELPHIA
DISTRICT

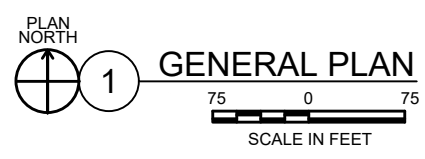
ISSUE/SUBMITTAL DATE: MAY 2020	DES BY: S/JW	REVIEWED BY:
	DWN BY: S/JW	CKD BY:

U.S. ARMY CORPS OF ENGINEERS
PHILADELPHIA
DISTRICT

CAPE MAY COUNTY
CAPE MAY, NJ
CAPE MAY SEAWALL
CAP FEASIBILITY STUDY
GENERAL PLAN

SHEET NUMBER

G-001

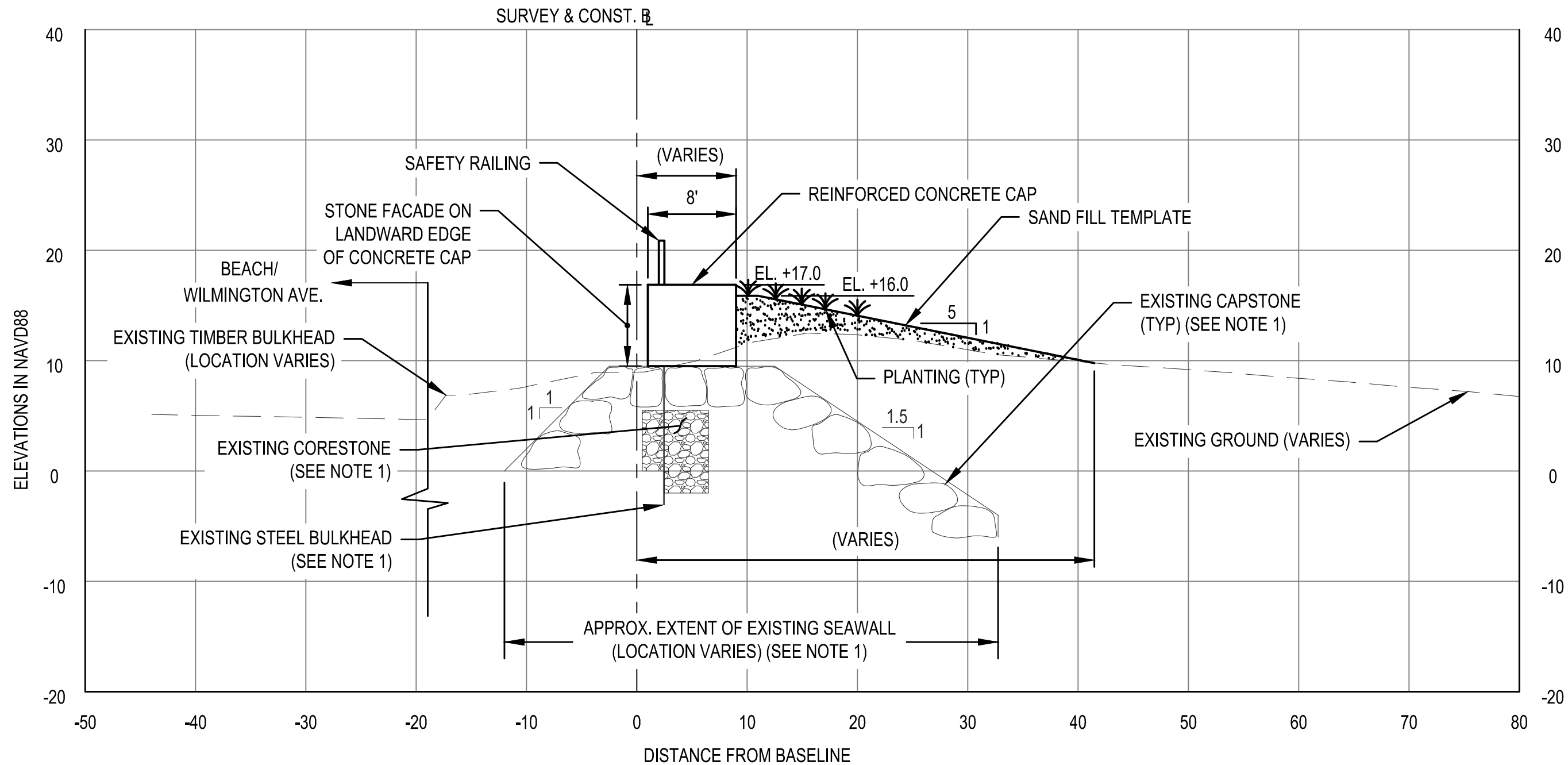


NOTES:

1. SURVEY & CONSTRUCTION BASELINE AND SURVEY PROFILE LINES NOT SHOWN FOR CLARITY
2. SEAWARD TOE OF SAND FILL TEMPLATE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. LOCATION WILL VARY DUE TO THE DYNAMIC CONDITIONS OF THE SITE.
3. AERIAL SHOWN IS THE RESULT OF SATELLITE IMAGERY FROM JUNE 20, 2019 AND CAN ONLY BE CONSIDERED REPRESENTATIVE OF CONDITIONS AT THAT TIME (SOURCE: ©DIGITAL GLOBE NEXTVIEW LICENSE).
4. ALL CONSTRUCTION ACCESS AND STAGING AREAS SHALL BE RESTORED TO ORIGINAL CONDITIONS AT THE END OF CONSTRUCTION. ADDITIONAL CONSTRUCTION ACCESS AREA LOCATED AT THE VEHICLE CROSSOVER BETWEEN MADISON AVE. AND PHILADELPHIA AVE.
5. SEE C-001 FOR TYPICAL SECTION.



US Army Corps
of Engineers
PHILADELPHIA
DISTRICT



1 TYPICAL SECTION
5 2.5 0 5
SCALE IN FEET

NOTES:

1. EXISTING SEAWALL FEATURES ARE APPROXIMATED BASED ON 1963 CAPE MAY CITY CONSTRUCTION PLANS (I.E. CAPSTONE, STEEL BULKHEAD, AND CORESTONE).

ISSUE/SUBMITTAL DATE: MAY 2020	DES BY: S/JW	REVIEWED BY: ...
DWN BY: S/JW	CKD BY:

U.S. ARMY CORPS OF ENGINEERS
PHILADELPHIA
DISTRICT

CAPE MAY COUNTY
CAPE MAY, NJ
CAPE MAY SEAWALL
CAP FEASIBILITY STUDY
TYPICAL SECTION

SHEET NUMBER

C-001



Cape May Seawall Concrete Cap Cultural Aesthetic Overview

View 1 - View from 1613 Beach Avenue looking towards Wilmington Ave.

Before



After – Façade #1



After – Façade #2



View 2 -1613 Beach Avenue

Before



After



View 3 – 1601 Beach Avenue

Before



After






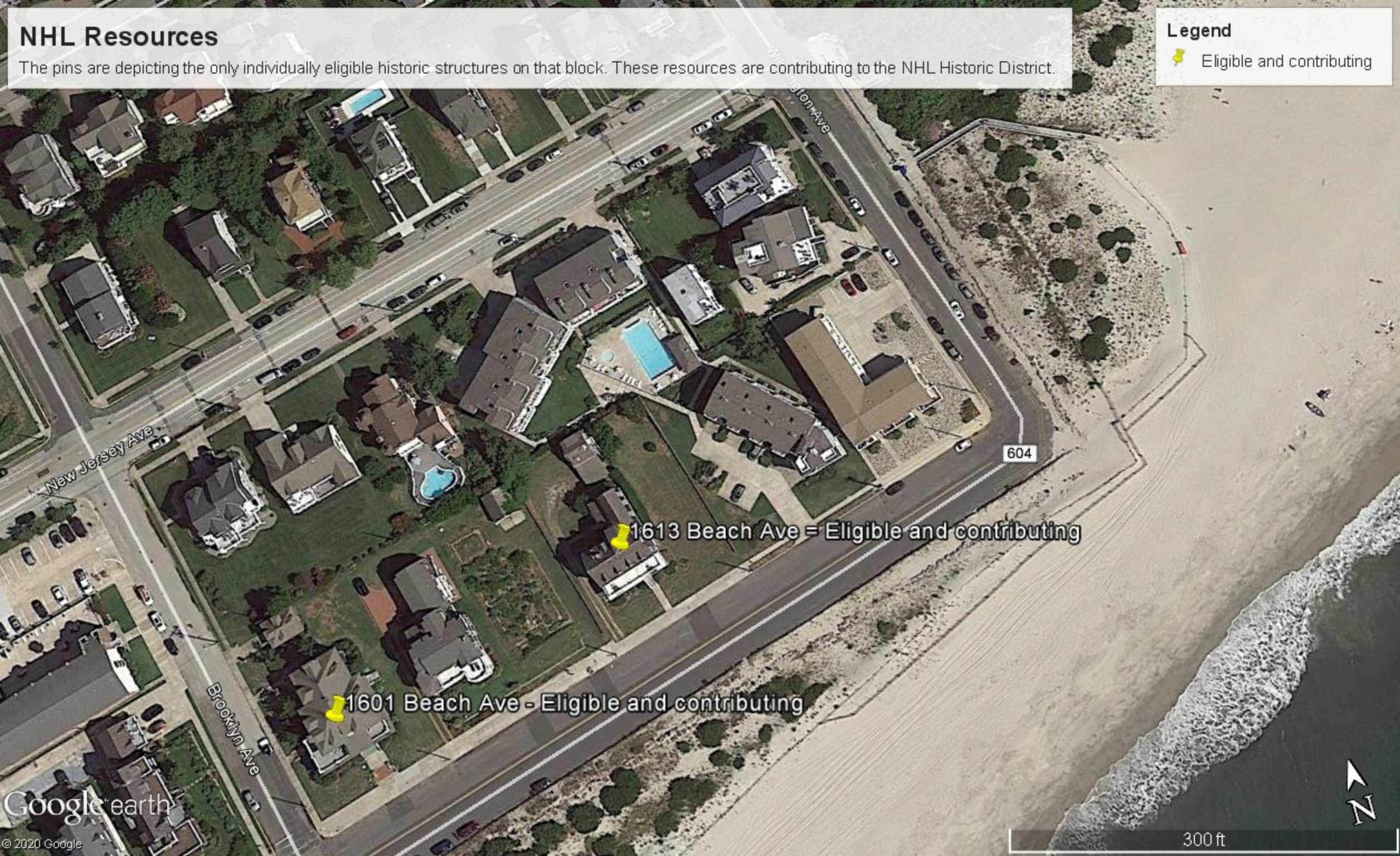


NHL Resources

The pins are depicting the only individually eligible historic structures on that block. These resources are contributing to the NHL Historic District.

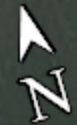
Legend

-  Eligible and contributing



1613 Beach Ave = Eligible and contributing

1601 Beach Ave - Eligible and contributing



From: [Marcopul, Kate](#)
To: [Blum, Peter R CIV CPMS \(USA\)](#)
Cc: [Minnichbach, Nicole C CIV USARMY CENAP \(USA\)](#); [Nolan, Katherine](#); [Thivierge, Lindsay](#); [Baratta, Meghan](#); [West-Rosenthal, Jesse](#)
Subject: [Non-DoD Source] Cape May City Coastal Storm Risk Management Study (HPO Project # 18-0740-2)
Date: Tuesday, June 30, 2020 4:17:55 PM

****This e-mail serves as the official correspondence of the New Jersey Historic Preservation Office as we switch to a temporary remote work environment in response to the ongoing novel coronavirus (COVID-19) outbreak****

HPO Project # 18-0740-2
HPO-F2020-199

**Cape May County, Cape May City
Cape May City Coastal Storm Risk Management Study
United States Department of the Army, Corps of Engineers**

Dear Mr. Blum:

Thank you for providing the Historic Preservation Office (HPO) the opportunity to review and comment on the potential for the above-referenced project to affect historic properties under the National Environmental Policy Act (NEPA). The HPO reviews projects for their effects on historic properties when federal funding, licensing, or permitting is involved. Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470f) requires federal agencies to take into account the effects of their undertakings on historic properties. The HPO consults with federal agencies in identifying historic properties and avoiding or minimizing any potential adverse effects from federally funded, licensed, or permitted undertakings. We look forward to formal consultation to be initiated by the United States Department of the Army, Corps of Engineers (Corps), pursuant to Section 106 of the National Historic Preservation Act.

The HPO has the following preliminary comments, based on the information provided:

- The proposed undertaking is located within the Cape May Historic District, which was listed in the New Jersey Register of Historic Places on December 10, 1970, the National Register of Historic Places on December 29, 1970, and was designated a National Historic Landmark on May 11, 1976.
- Based on the documentation provided, it is unclear at this time who has been identified as consulting parties for the purposes of Section 106 consultation. Please provide a list of consulting parties so that it is clear to all parties who will be involved in the consultation moving forward. Please note, the City of Cape May is a Certified Local Government. At a minimum, the list of consulting parties must include the Cape May Historic Preservation Commission.
- According to information in the documentation submitted, the Corps has defined the undertaking's area of potential effects (APE) as the construction footprint of the undertaking, as well as the visual impacts the undertaking may have on the Cape May Historic District. Based on the documentation submitted, it is unclear what the extent of the visual APE is for the purposes of reviewing the current undertaking. Please provide a map and verbal description of the extent of the visual APE when initiating Section 106 consultation.
- Once the HPO has concurred with the visual APE, a visual effects assessment should be completed and submitted to the HPO for review and comment.
- According to information in the documentation submitted, the Corps conducted a reconnaissance-level investigation of the project's APE. This documentation was not included

in the information submitted. When initiating Section 106 consultation, please ensure that this documentation is included with the submission and that the individual(s) conducting the work meet the relevant Secretary of the Interior's Professional Qualifications Standards. Please include the CV for individuals who conducted the reconnaissance-level investigation.

- The consultation package must include detailed project plans and specifications for the proposed materials to be used in construction.
- Please be aware, if there is a non-federal sponsor for the proposed undertaking, this project may require review under the New Jersey Register of Historic Places Act. The New Jersey Register of Historic Places Act, Chapter 268, Laws of 1970, requires prior written authorization from the Commissioner of the Department of Environmental Protection for any state, county, or municipal, (or any agent thereof), undertaking which may affect properties listed on the New Jersey Register. Therefore, it may be necessary to submit an Application for Project Authorization to the HPO for this undertaking, once it is fully developed. The Application for Project Authorization, instructions, and information regarding the New Jersey Register of Historic Places Act is available on our website for your information and use at: [Blockedhttp://www.nj.gov/dep/hpo/2protection/njrreview.htm](http://www.nj.gov/dep/hpo/2protection/njrreview.htm). Please identify all non-federal sponsors in your consultation package.

The HPO looks forward to further consultation regarding the identification, evaluation, and treatment of historic properties in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and it's implementing regulations, 36 CFR §800.

Additional Comments

Thank you for your attention to this matter. Please reference HPO project number 18-0740 in any future calls, emails, submissions or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Lindsay Thivierge (lindsay.thivierge@dep.nj.gov) of my staff with question regarding historic architecture/landscapes or Jesse West-Rosenthal, Ph.D. of my staff at (jesse.west-rosenthal@dep.nj.gov) with questions regarding archaeology .

Sincerely,

Katherine J. Marcopul, Ph.D., CPM
Administrator and
Deputy State Historic Preservation Officer
Historic Preservation Office
NJ Department of Environmental Protection
501 East State Street, Trenton, NJ 08625
kate.marcopul@dep.nj.gov
T (609) 984-0176 | F (609) 984-0578

NJDEP



NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents, may be Privileged & Confidential due to the Attorney-Client Privilege, Attorney Work Product, and Deliberative Process or under the New Jersey Open Public Records Act. If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.

From: [Minnichbach, Nicole C CIV USARMY CENAP \(USA\)](#)
To: bonnie_halda@nps.gov
Subject: Proposed Cape May Seawall - Cape May Historic District NRHP and NHL
Date: Tuesday, October 13, 2020 3:02:00 PM
Attachments: [Combined Figures for NPS.pdf](#)

Good afternoon,

The U.S. Army Corps of Engineers, Philadelphia District (USACE) and the City of Cape May, New Jersey, as a partner, are conducting a feasibility study to evaluate coastal storm risk management (CSRM) measures within the City of Cape May (Undertaking). The study will result in a Feasibility Report and Environmental Assessment (EA) documenting the impacts of potential CSRM measures for the City of Cape May. The EA will provide the basis for a decision whether to proceed with preparation of an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The authority for this project is Section 103 of the 1962 River and Harbor Act. Under this authority, USACE is authorized to plan, design, and construct small coastal storm risk management (CSRM) projects with and without specific Congressional authorization. The study area includes an area known as the Frog Hollow Neighborhood which is low-lying and particularly prone to flooding. Frog Hollow's approximate boundaries are the triangle that is formed by Beach Avenue, Madison Avenue, and Washington Street.

The City of Cape May was designated as a National Historic Landmark (NHL) by the National Park Service in 1976 and noted as having one of the largest collections of late nineteenth-century frame buildings left in the United States. It contains over 600 summer houses, old hotels, and commercial structures that give it a homogenous architectural character. The City is also listed on the National Register of Historic Places (NRHP).

The selected alternative consists of raising the elevation of the existing stone seawall along its current alignment by placing a reinforced concrete cap on top of the existing stone seawall to elevation +17 feet for 350 feet. At this elevation, the existing stone seawall would be raised approximately 7.5 feet from its existing elevation. The extent of where the existing seawall will be raised as is shown in Figure 1.

Prior to placing the concrete cap, any existing sand on top of the seawall would need to be removed and stockpiled in a nearby location to be reused later. In order to prevent any movement of the reinforced concrete cap, at this height, the cap will need to be 8 feet wide and cast in place with framing. The existing concrete grout between the existing stones on top of the seawall would need to be cleared of existing grout to a depth of one layer of capstone, approximately 3 feet, in order to anchor the new concrete into the existing stone structure. An existing steel bulkhead is located within the first layer of capstone and would also need to be cleared of existing grout.

Expansion and contraction joints will be required at an even interval along the top of

the concrete cap. At each end of the project limit, a taper will be required in order to transition from the top of the new concrete cap down to the elevation of the top of the existing stone seawall. The taper will be placed at a 12H:1V slope and span a distance of approximately 90 feet on each end of the concrete cap, bringing the total length of concrete cap to 530 feet. The landward face of the concrete cap would be formed or stamped with a stone look façade so that it looks more like a natural feature and blends into the current environment. On the seaward side of the concrete cap, the stockpiled sand will be placed back up against the concrete cap to form a dune-like feature in front of the vertical face of the concrete cap. In order to reinforce the placed sand, plantings will be provided. For typical section of concrete cap, see Figure 2.

The USACE has defined the Undertaking's Area of Potential Effect (APE) as the construction footprint of the Undertaking, as well as the visual impacts the Undertaking may have on the Cape May Historic District (Figure 1 and 2). The USACE has conducted a reconnaissance level investigation of the project's APE and has prepared renderings to assess any potential impacts to the Cape May Historic District (Figures 3 – Existing Conditions Seawall from the road; Figure 4 – Proposed Seawall Improvement Rendering from the road; Figure 5 – Existing Conditions Seawall from the Beach; Figure 6 – Proposed Seawall Improvement Rendering from the Beach; and, Figure 7 – Eligible and Contributing Structures).

When an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association, it is considered an Adverse Effect. Consideration should be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the NRHP.

The USACE has determined that the proposed project will have no physical impact to any individually eligible or contributing historic property within the Undertaking's construction footprint (Figure 7). The USACE has determined that the proposed Undertaking will have a minimal visual impact to the Cape May Historic District, however it would not alter any of the characteristics that qualify the Cape May Historic District's inclusion in the NRHP. Therefore, the USACE has determined that the proposed Undertaking will have *No Adverse Effect* to the Cape May Historic District and National Historic Landmark.

However, the NJSHPO cannot concur at this time due to several issues including a definitive visual APE, a list of Consulting parties (which I have since prepared). I wanted to discuss this project with you to see what your opinion may be at this time.

If we could discuss this project further please let me know. I have time this Thursday.

Thank you.

Nicole Cooper Minnichbach
Cultural Resource Specialist and Tribal Liaison
CENAP-PL-E
100 Penn Square East
Philadelphia, PA 19107
(O) 215-656-6556
(M) 215-834-1065