

PUBLIC NOTICE

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

TITLE: The Morey Organization, Inc. – Surfside Pier Bulkhead Replacement sited at the Hereford Inlet to Cape May Inlet Federal Coastal Storm Risk Management Reduction Project in the City of North Wildwood, Cape May County, New Jersey

PUBLIC NOTICE IDENTIFICATION NUMBER: 408-NAP-2024-0012

PUBLIC NOTICE COMMENT PERIOD:

Begins: **07 January 2025**

Expires: **22 January 2025**

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

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

1. REQUESTOR: In compliance with 33 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), The Morey Organization, Inc. has requested permission to replace deteriorated steel bulkheading and construct bulkhead returns at the Surfside Pier. The proposed project is sited within the footprint of the Hereford Inlet to Cape May Inlet Federal Coastal Storm Risk Management Reduction Project.

2. LOCATION: The proposed project is located at Surfside Pier at the Atlantic Ocean at 2501 Boardwalk in the City of North Wildwood, Cape May County, New Jersey; at approximate coordinates 38.988382, -74.801325.

3. LOCATION MAP(S)/DRAWING(S): Please see attached Project Plan Sheets 1 and 2.

4. REQUESTER'S PROPOSED ACTION: The proposed action entails the replacement, within 24.0-inches seaward from existing, of 560.0-linear feet of deteriorated steel bulkheading, as well as the construction of two (2) bulkhead returns (222.0-linear feet and 230.0-linear feet on the north and south sides, respectively) at the Surfside Pier.

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

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

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

- A. *Impair the Usefulness of the Project Determination.* The Philadelphia District's Section 408 review team will determine if the proposed alteration will limit the ability of the federally authorized project to function as authorized, or will compromise or change any authorized project conditions, purposes or outputs.
- B. *Injurious to the Public Interest Determination.* Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to

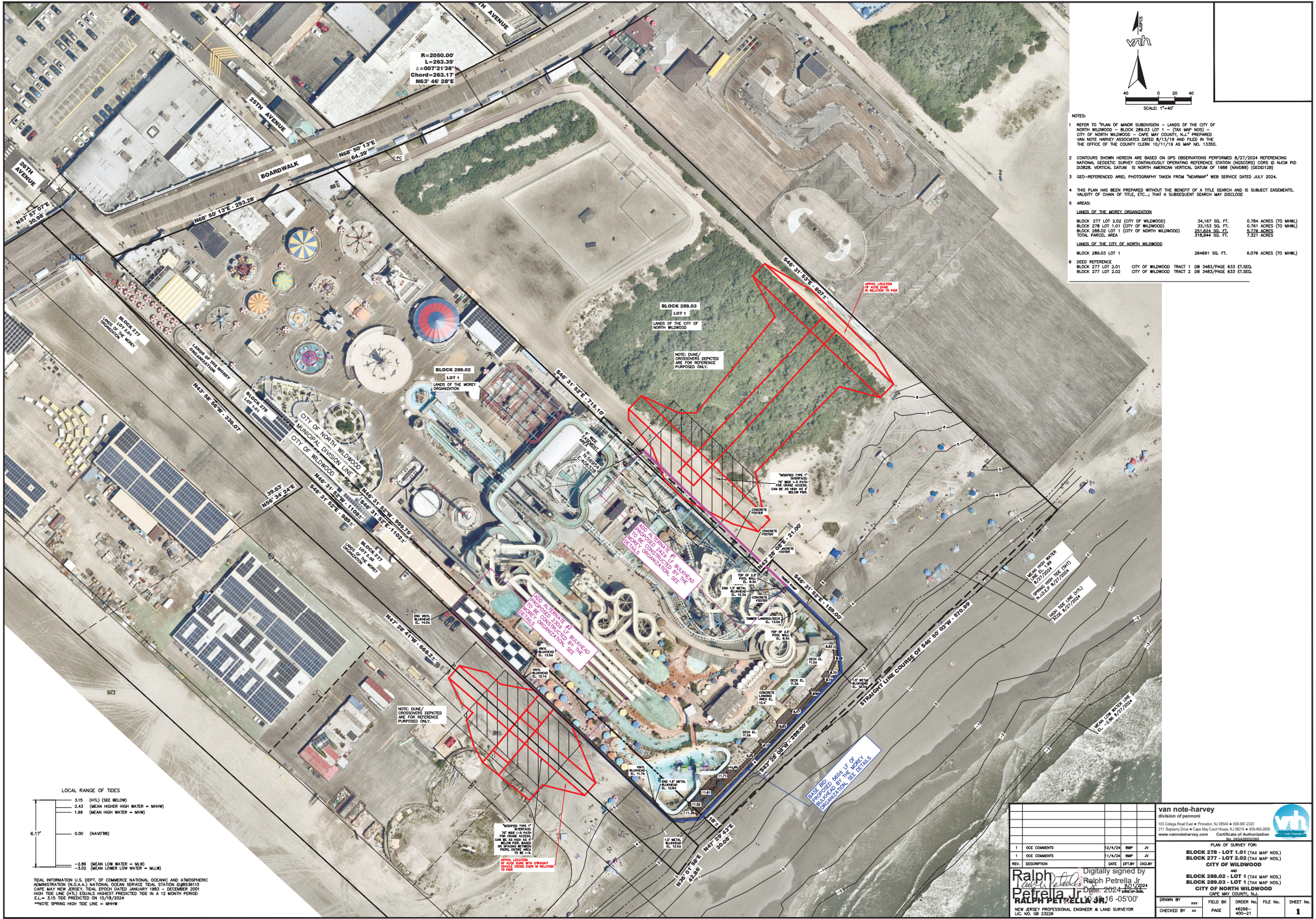
approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

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

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

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

Email: Bishel.Baby@usace.army.mil
Mailing Address:
U.S. Army Corps of Engineers
Philadelphia District
Attn: Bishel B. Baby
1650 Arch Street, 7th Floor
Philadelphia, PA 19103-2004



- NOTES:
1. REFER TO "PLAN OF MAP SUBDIVISION" - LANDS OF THE CITY OF NORTH WILWOOD - BLOCK 288.02 LOT 1 - (TAX MAP NOS.) - CITY OF NORTH WILWOOD - CAPE MAY COUNTY, N.J. PREPARED BY VAN NOTE HARVEY ASSOCIATES DATED 10/11/19 AND FILED IN THE OFFICE OF THE COUNTY CLERK 10/11/19 AS MAP NO. 13350.
 2. CONTOURS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS PERFORMED 6/27/2024 REFERENCE NATIONAL GEODETIC SURVEY CONTINUOUSLY OPERATING REFERENCE STATION (NCGORS) COGS ID NAWP PD 03058. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) (GEOID18).
 3. GEO-REFERENCED AERIAL PHOTOGRAPHY TAKEN FROM "AERMAP" WEB SERVICE DATED JULY 2024.
 4. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT EXISTENTS, VALIDITY OF CHAIN OF TITLE, ETC.; THAT A SUBSEQUENT SEARCH MAY DISCLOSE.
 5. AREAS:
 - LANDS OF THE MOREY ORGANIZATION:
 - BLOCK 277 LOT 2.02 (CITY OF WILWOOD) 34,187 SQ. FT. 0.784 ACRES (TO WHM)
 - BLOCK 278 LOT 1.01 (CITY OF WILWOOD) 33,153 SQ. FT. 0.761 ACRES (TO WHM)
 - BLOCK 288.02 LOT 1 (CITY OF NORTH WILWOOD) 252,454 SQ. FT. 5.782 ACRES
 - TOTAL PARCEL AREA 318,444 SQ. FT. 7.327 ACRES
 - LANDS OF THE CITY OF NORTH WILWOOD:
 - BLOCK 288.02 LOT 1 264,691 SQ. FT. 6.076 ACRES (TO WHM)
 6. DEED REFERENCE:
 - BLOCK 277 LOT 2.01 CITY OF WILWOOD TRACT 1 DB 3483/PAGE 633 ET. SEC.
 - BLOCK 277 LOT 2.02 CITY OF WILWOOD TRACT 2 DB 3483/PAGE 633 ET. SEC.

LOCAL RANGE OF TIDES

3.15 (HLL) (SEE BELOW)
2.43 (MEAN HIGHER HIGH WATER - MHHW)
1.89 (MEAN HIGH WATER - MHW)
0.00 (NAV/78)
-2.86 (MEAN LOW WATER - MLW)
-3.02 (MEAN LOWER LOW WATER - MLLW)

6.17'

TOTAL INFORMATION U.S. DEPT. OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) NATIONAL OCEAN SERVICE TIDE STATION 16853610 CAPE MAY NEW JERSEY. TIDE SPOTS DATED JANUARY 1982 - DECEMBER 2001 HIGH TIDE LINE (HLL) EQUALS HIGHEST PREDICTED TIDE IN A 12 MONTH PERIOD LL = 3.15 TIDE PREDICTED ON 10/18/2024 **NOTE: SPRING HIGH TIDE LINE = MHHW

van note harvey

division of parcels

103 College Road East • Princeton, NJ 08540 • 609-687-2333

211 Bayberry Drive • Cape May Court House, NJ 08203 • 609-485-2000

www.vannoteharvey.com

PLAN OF SURVEY FOR:

BLOCK 278 - LOT 1.01 (TAX MAP NOS.)

BLOCK 277 - LOT 2.02 (TAX MAP NOS.)

CITY OF WILWOOD

NO

BLOCK 288.02 - LOT 1 (TAX MAP NOS.)

BLOCK 289.03 - LOT 1 (TAX MAP NOS.)

CITY OF NORTH WILWOOD

CAPE MAY COUNTY, N.J.

Digitally signed by

Ralph Petrella Jr.

Date: 2024.08.05 05:00

NEW JERSEY PROFESSIONAL ENGINEER & LAND SURVEYOR

LIC. NO. 08 23228

DRAWN BY

XXX

FIELD BK

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FILE NO.

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