



**US Army Corps  
of Engineers**  
Philadelphia District  
1650 Arch Street  
Philadelphia, PA 19103-2004  
Attn: CENAP-OPR

# Public Notice

**Comment Period Begins:** June 3, 2024  
**Comment Period Ends:** July 3, 2024  
**File Number:** NAP-2013-00835-46  
**File Name:** AVALON BAY PARK MARINA  
**Contact:** David J. Caplan  
**Email:** PhiladelphiaDistrictRegulatory@usace.army.mil

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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:** Borough of Avalon

**AGENT:** Mott MacDonald

**LOCATION:** Along Long Reach, located between the waterward termini of 53<sup>rd</sup> and 57<sup>th</sup> Streets, identified as Lot 1, Block 53,05, in the Borough of Avalon, Cape May County, New Jersey

**PURPOSE:** The applicant's stated purpose for the proposed work is to provide flood resiliency and public access improvements to the municipality. The project is necessary due to the observed local flooding and use of the park.

## **PROJECT DESCRIPTION:**

The marina has been in place since the 1970's. The existing marina with 31 mooring slips and associated structures was approved by this office through the issuance of a letter of permission on March 12, 2014, under the same action identification number noted above.

The applicant would replace the existing boat ramp, marina bulkhead, and relocate the Dockmaster building from the existing dock to a point landward of the bulkhead. The work would include the following improvements listed below.

A) The open shoreline and intertidal zone would be stabilized by construction of a living shoreline south of the boat ramp along approximately 675 LF of the site and fronted by a 510 LF oyster castle reef. The stabilization would involve the placement of 135.1 cubic yards of fill materials (oyster castles, coir logs, and stone marine mattresses) in 0.21 Ac. of waterway below the high tide line (HTL). The farthest distance of the outer limit of the oyster castle reef would extend 118 feet waterward of the mean high water line (MHWL).

B) A portion of the intertidal areas along the shoreline and above the tidal marsh will be stabilized with stone marine mattresses and sand, planted with high marsh plantings within a 2,860 square feet area below the high tide line and landward of the existing tidal marsh fringe involving the discharge of approximately 156 cubic yards of stone mattresses, sand and a row of coir logs at the base of the slope. Additionally, the coir logs and where needed, the wetlands would be stabilized with low marsh plantings.

C) The applicant would create a permanent Wave Form Turtle Curb providing flood resilience and a deterrence to nest-seeking Diamondback Terrapins from entering the road. As shown on the Living Shoreline Plan sheet C108 and Sections plan sheets C301, C302 & C303 the turtle wall is above the HTL and does not encroach into the wetlands.

D) The applicant would construct an accessible kayak launch on a floating dock system to provide ADA access as well as stable access for individuals who may have difficulty with beach launching. The 20' long by 13' wide launch structure would be constructed of 100% virgin linear low-density polyethylene (LLDPE) by EZ-Dock or equal. The float would be secured by four – 12" dia. minimum Polymer encapsulated treated wood straight round piles driven by vibratory method and would extend approximately 70 feet waterward of the MHWL adjacent to the existing 53rd street dock. A new accessible boardwalk connecting to the existing fishing pier at 53rd Street and to the new kayak launch and new kayak storage with ADA accessible racks would be connected to the boardwalk.

E) The existing boat ramp would be removed and re-constructed involving the discharge of 100 CY cubic yards of 10" min. thick concrete ramp surface on 12" min. thick graded aggregate base course (AASHTO M-43, No. 57 Stone) encapsulated by vinyl sheetpile driven by vibratory method within 3,030 square feet of waterway below the (MHWL). A 128 linear foot temporary steel sheetpile cofferdam would be placed around the end of the ramp for de-watering during re-construction. The catwalks on top of the existing timber wing walls would be replaced by two 57' long by 5' wide boat ramp floating docks.

Plan sheet C108 shows site elevations at the existing boat ramp/parking lot where the HTL extends past the boat ramp up into the existing developed parking lot. The area proposed for redevelopment below the HTL is approximately 9,300 SF (Includes sidewalks, parking lot and boat ramp features). The volume of fill below HTL would be approximately 540 CY.

F) A 6.5 feet wide X 38' long & 10 feet wide X 26' Long L-shaped floating dock with a single finger pier would be constructed adjacent to the re-constructed boat ramp. The new float would be constructed of 100% virgin linear low-density polyethylene (LLDPE) by EZ-Dock or equal. The float would be secured by seven (7) – 12" dia. minimum Polymer encapsulated treated wood straight round piles driven by vibratory method. The dock would be constructed in place of the Dock Master building being relocated to the landward side of the bulkhead and would add capacity for an additional mooring in the existing municipal marina.

G) The existing 57<sup>th</sup> Street fishing pier with 6' wide by 29' 3" long access pier to an 18' x 18' fishing platform and lower 8' x 8' swim platform extending 46.5' waterward of the mean high water line would be re-constructed in-kind using non-polluting vinyl-wrapped southern yellow pine or Greenheart timber structural members with composite deck material supported by twenty (20) – 12" dia. minimum polymer encapsulated treated wood straight round piles driven by vibratory method.

H) Existing timber bulkheads and additional new bulkheads are to be placed/replaced as described below would be re-constructed in-kind and additional new bulkheads are proposed as follows.

- Reconstruction of the 57<sup>th</sup> Street-end timber bulkhead with 144 LF of vinyl bulkhead (including a 10' extension of the cantilever wall protecting the beach.
- New 67 LF of vinyl sheetpile flood wall at 57<sup>th</sup> Street above the HTL.
- New 529 LF concrete Turtle Wall above the HTL along the 57<sup>th</sup> Street kayak park and Ocean Drive pedestrian corridor.
- Replace existing concrete revetment with 168 LF of vinyl bulkhead connecting the new concrete Turtle Wall with the Boat Ramp. Thirty three (33) LF of the new bulkhead would be below the HTL.
- Two Boat Ramp wave attenuating Wing Walls constructed with 142 LF of vinyl sheetpiles.
- New 53 LF submerged vinyl sheetpile bulkhead to contain the end of the proposed reconstructed boat ramp
- Complete in-line reconstruction of the existing 300 LF of the marina timber bulkhead with vinyl sheetpiles from the boat ramp towards 53<sup>rd</sup> Street below the HTL. New bulkhead would be constructed from the end of the marina bulkhead with 187 LF of new vinyl bulkhead above the HTL to the end of 53<sup>rd</sup> Street.

Additionally, the bulkhead re-construction would include the following replacement and/or relocation of five (5) stormwater outfalls, four (4) of which would remain flush with the proposed vinyl sheetpile bulkhead.

- Outfall # 1 @ 57<sup>th</sup> Street – Exist. 27" dia. RCP on north side of street to be abandoned in place w/ flowable fill. New 36" dia. DIP outfall to be installed on south side of 57<sup>th</sup> Street from new manhole in 57<sup>th</sup> street through the new vinyl bulkhead.
- Outfall # 2 @ 56<sup>th</sup> Street – Existing 12" dia. concrete pipe to be reinstalled in-place with new 20" dia. DIP from Ocean Drive through the concrete turtle wall and extend 4' beyond the MHWL to elev. 1.16' NAVD88.
- Outfall # 3 @ Marina Parking Lot – New 20" dia. DIP outfall from new parking lot inlet through the new vinyl bulkhead.
- Outfall # 4 @ Marina Parking Lot – Replacing exist. 15" dia. CMP pipe with 20" dia. DIP pipe from inlet on Ocean Drive through new vinyl bulkhead.

- Outfall # 5 @ Marina Parking Lot – Replacing exist. 24” dia. RCP pipe with 24” dia. DIP pipe from inlet on Ocean Drive through new vinyl bulkhead.

“Checkmate Ultraflex” in-line check valves would be installed at every outfall except outfall #3. The check valve at outfall #2 would be installed at end of the pipe. Those existing outfall pipes not being re-constructed in place would be abandoned and filled with flowable fill and sealed at the mouth with brick and non-shrink grout.

I) A rain garden feature with salt tolerant plantings to provide water quality treatment for stormwater runoff would be constructed behind the bulkhead adjacent to the Dock Master building as depicted on plan sheets LA-4 and SD-4.

For additional project details, see the attached plans.

## **MITIGATION**

The applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. Additionally, the project includes work that is designed to enhance existing inter-tidal habitat. Information provided in the application and on the plans indicates that compensatory mitigation is neither practicable nor feasible for the amount of dredged or fill material to be discharged into waters of the United States.

## **CORPS EVALUATION FACTORS**

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 these factors 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.

The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency if the project includes a discharge of dredge or fill material pursuant to Section 404 of the Clean Water Act.

Evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (40 CFR part 230) or of the

criteria established under authority of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972.

### **ENDANGERED SPECIES**

A preliminary review of this application indicates that species and/or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) may be present in the action area. This office will forward this Public Notice to the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) with a request for technical assistance on whether any ESA-listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This office will evaluate the potential effects of the proposed actions on ESA-listed species or their critical habitat and will consult with the USFWS and/or NMFS, as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this permit application.

### **CULTURAL RESOURCES AND TRIBAL TRUST**

The District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places and for potential issues concerning the Tribes. This office has determined that the proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impact an historic property.

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the NMFS for all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. This office will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS, as appropriate. Consultation would be concluded prior to the final decision on this permit application.

### **WATER QUALITY CERTIFICATE**

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required 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.

### **COASTAL ZONE MANAGEMENT ACT**

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 (CZM) 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 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 on the State's coastal zone should be sent to this office with a copy to the State's CZM office.

## **SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST**

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. 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 must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

<https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/>

FOR: Todd A. Schaible  
Chief, Regulatory Branch