



**US Army Corps
of Engineers**
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.	Date
CENAP-OP-R-2019-0209-24	March 27, 2019

Application No.	File No.
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In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Borough of Wildwood Crest
6101 Pacific Avenue
Wildwood Crest, New Jersey 08260

AGENT: Mott MacDonald, LLC
211 Bayberry Drive, Suite 1A
Cape May Court House, New Jersey 08210

WATERWAY: Atlantic Ocean

LOCATION: Latitude: 38.957945° N; Longitude: -74.846933° W (southern limit)
Latitude: 38.968497° N; Longitude: -74.833695° W (northern limit)

The proposed nourishment area is the “back beach” between the dunes and the bulkhead, from Jefferson Avenue in the south to Rambler Road in the North, in the Borough of Wildwood Crest, Cape May County, New Jersey. The proposed borrow location for obtaining sand is the ocean-front beach below the high tide line.

ACTIVITY: The applicant proposes to perform beach maintenance activities consisting of sand transfer from the lower beach to the upper beach. As depicted on the project plans, up to 41 acres of inter-tidal beach (i.e. between the high tide line and the mean low water line) would be scraped or graded within the proposed borrow area to a maximum depth of 1 foot. Based on the applicant’s survey, there would be approximately 66,000 cubic yards available with a 1 foot cut across this area. However, the proposal is to transfer a maximum of 36,000 cubic yards.

The proposed nourishment or fill area is an upland area approximately 18.7 acres in size, located behind the dune field, where the beach surface has experienced scouring and flooding. Bulldozers and front-end loaders would mechanically grade the harvested sand to a maximum elevation of 6.5 feet NAVD 1988 in the back beach area.

Access to the beach by equipment, vehicles and workers for the proposed back-passing work areas would be limited to street ends at Washington Avenue and Rambler Road. All disturbance associated with the scraping or borrow activities, including staging of vehicles and stockpiling of sand prior to transfer, will be within the indicated borrow area on the plans (i.e. below the HTL), and within the indicated fill area. Truck haul routes from the lower beach borrow area to the fill area in the back beach will utilize existing beach path gaps in the dune field at each of the street ends where the width of access is suitable.

The applicant estimates that the proposed work would take approximately three (3) weeks to complete, working five days per week and 8 hours per day. For the current year (2019), the applicant plans to complete the work prior to Memorial Day weekend.

The applicant has requested authorization for 10 years of maintenance of the proposed project, allowing the Borough to transfer scraped sand to the back beach on a periodic basis as needed. Such maintenance could include scraping and transfer of up to 66,000 cubic yards in a given year. Maximum excavation depth would be 1 foot.

The State of New Jersey, Department of Environmental Protection (NJDEP), Division of Land Use Regulation (DLUR) issued a CAFRA Individual Permit for the proposed work on June 30, 2011 (NJDEP File Number 0515-09-0003.1, CAF100001). This permit was extended by NJDEP on September 15, 2016 (until June 30, 2021).

The applicant has stated the following as their position with regard to (a) avoidance and minimization of impacts to aquatic resources, and (b) compensatory mitigation for such impacts:

a) "The proposed back beach fill project will minimize impacts to waters of the U.S. necessary to reestablish the back beach elevation to +6.5' NAVD 1988. The back beach fill project will utilize the sand from the lower beach profile between the mean low water line and the high tide line, identified by the visible wrack line. The sand scraping activities will be limited to the NJDEP permit authorized maximum one-foot scraping depth. Limiting the scrape area to the swash zone will enable quick recovery from the scraping activities. Harvesting sand from within the swash zone will minimize temporary benthic impacts. It is anticipated that accretion will immediately begin replacing the harvested sand in the borrow area. There shall be no disturbance to existing dune areas.

b) The purpose of the project is to maintain the back beach to its permitted elevation of +6.5" NAVD 1988 and mitigate the negative impacts from ponding water. The proposed borrow area scraping below the HTL, identified by the current wrack line, will be limited to a maximum 1-foot scrape depth. The borrow area on this accreting beach is expected to begin recovery, from scraping, immediately by natural accretion of the beach. Therefore, compensatory mitigation should not be required for the proposed impacts to the waters of the U.S. associated with the proposed back beach fill project."

PURPOSE: The applicant's stated purpose for the project is: "to maintain the back beach to its permitted elevation of +6.5" NAVD 1988 and mitigate the negative impacts from ponding water."

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) may be present in the action area. There is no designated or proposed critical habitat for such species in the action area. The Philadelphia District of the Corps of Engineers will forward this public notice to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with either or both agencies as appropriate. ESA Section 7 consultation, if necessary, will be concluded prior to the final decision on this permit application.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The Philadelphia District will complete any necessary compliance activities associated with Section 106 of the National Historic Preservation Act.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries 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. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Such consultation, if necessary, will be concluded prior to the final decision on this permit application.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

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

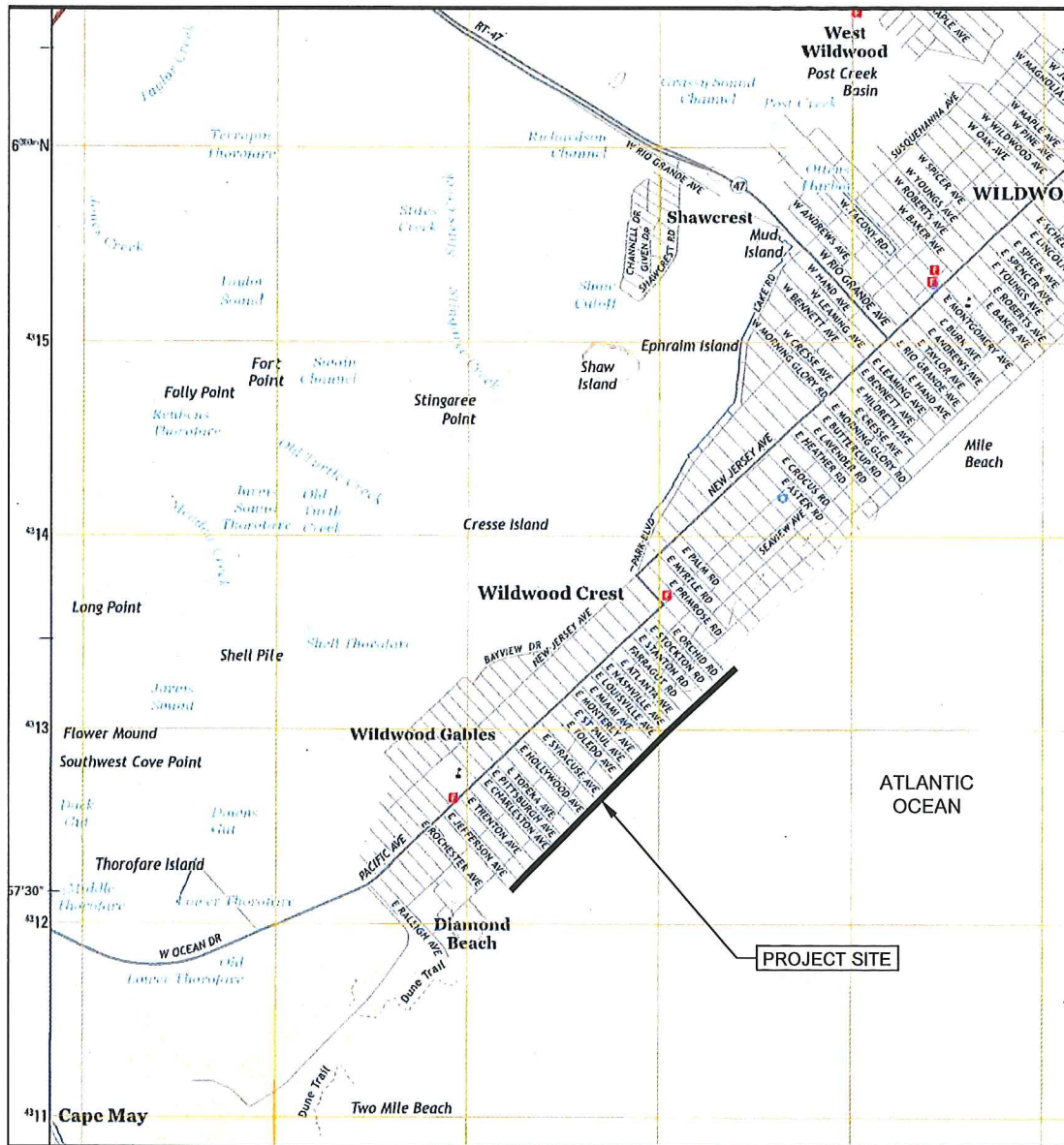
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling James Boyer at (215) 656-5826, by electronic mail to James.N.Boyer@usace.army.mil, or by writing to this office at the above address.

Edward E. Bonner
Chief, Regulatory Branch

MARCH 2019



LOCATION MAP

No Scale

M
M
MOTT
MACDONALD

Certificate No. 24GA28016600

211 Bayberry Drive, Suite 1A
Cape May Court House, NJ 08210
T 609.465.9377 F 609.465.5270

BOROUGH OF WILDWOOD CREST
CAPE MAY COUNTY, NEW JERSEY

2019 BACK BEACH FILL PROJECT

CONTRACT NO. M-4
MARCH 2019

MAYOR

DON CABRERA

COMMISSIONERS

JOYCE GOULD

DAVID C. THOMPSON

BOROUGH ADMINISTRATOR

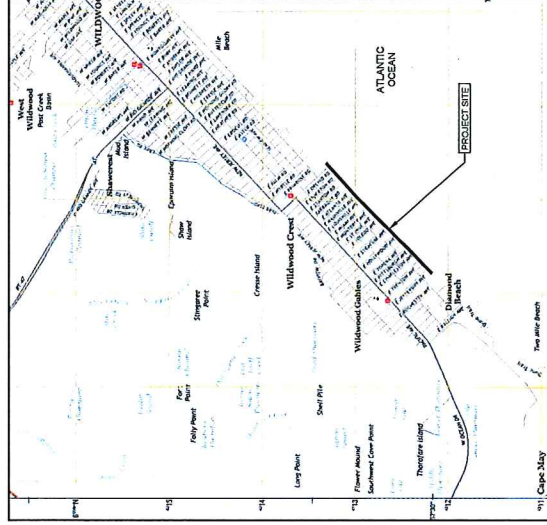
CONSTANCE A. MAHON, RMC, CMC, CMR

BOROUGH CLERK

PATRICIA A. FEKETICS, RMC, CMR

PUBLIC WORKS SUPERINTENDENT

JOSEPH BOND, CPWM



LOCATION MAP
No Scale

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MOTT
MACDONALD

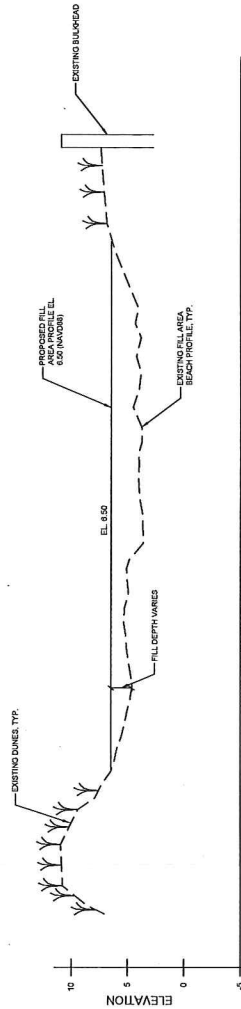
Certificate No. 24GCA28018600
211 Bayberry Drive, Suite 1A
Cape May Court House, NJ 08210
T 609.465.9377 F 609.465.5270

THORNTON
THOMAS R. THORNTON
Professional Engineer
N.J. License No. 24053477000

INDEX OF DRAWINGS				
NO.	SHEET	DESCRIPTION	DATE	REVISED
1	-	TITLE SHEET	3-15-19	-
2	EOO-1	ESTIMATE OF QUANTITIES, NOTES AND DETAILS	3-15-19	-
3	P-1	BEACH FILL PLAN (JEFFERSON AVE TO MONTEREY AVE)	3-15-19	-
4	P-2	BEACH FILL PLAN (MAIN AVE TO RAMBLER ROAD)	3-15-19	-

GENERAL NOTES

- THE CONTRACTOR SHALL CONDUCT SPREADING AND GRADING OF BEACH-FILL MATERIALS IN ACCORDANCE WITH ALL PROVISIONS CONTAINED IN FEDERAL AND STATE LAWS, ORDINANCES, ETC. IN THE EXECUTION OF THIS WORK.
- THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES OF AREAS OUTSIDE OF THE DESIGNATED CONSTRUCTION LIMITS. DAMAGE TO PROPERTY BEYOND THE CONSTRUCTION LIMITS WHICH OCCURS AS A RESULT OF THE CONTRACTOR'S ACTIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FULL RESTORATION OF ALL AREAS DAMAGED BY CONSTRUCTION OPERATIONS.
- THE CONTRACTOR MAY ACCESS THE BEACH USING THE ACCESS PATHS NEAR THE BEACH ENDS OF RAMBLER ROAD AND WASHINGTON AVENUE.
- ALL ELEVATIONS ARE REFERENCED TO N.A.D. 1983 UNLESS OTHERWISE NOTED.
- HORIZONTAL LOCATION REFERENCE GRID BASED ON NAD 1983.
- ANY PORTION OF THE EXISTING DUNE FROM ANY EXISTING OPERATIONS ASSOCIATED WITH THE EXCAVATION OR SPREADING OF SAND ON THE BEACH SHALL BE RESTORED BY THE CONTRACTOR TO PRE-CONSTRUCTION CONDITIONS.
- BODIES ARE EXPECTED TO READ AND BECOME FAMILIAR WITH THE CONTRACT DOCUMENTS, INCLUDING THE PLANS, SPECIFICATIONS, AND SUPPLEMENTAL CONDITIONS AND TO EVALUATE THE DIFFERENCES, ATTENDING THE LOCATION OF THE CONTRACT, INCLUDING LOCAL CONDITIONS, SITE CONDITIONS, LOCATION AND AVAILABILITY OF MATERIALS, AND OTHER FACTORS THAT MAY AFFECT THE CONSTRUCTION OF THE BEACH. THE CONTRACTOR SHALL VERIFY EXISTING UTILITY AND STRUCTURE LOCATIONS AND PROTECT ALL OBSTRUCTIONS LOCATED WITHIN THE WORKING AREA WHICH MAY BE DAMAGED BY THE CONSTRUCTION OPERATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL COSTS FOR REPAIRS TO EXISTING UTILITIES AND STRUCTURES.
- THE CONTRACTOR SHALL CONDUCT BEACH-FILL PROCEDURES IN ACCORDANCE WITH THE FOLLOWING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL COSTS FOR REPAIRS TO EXISTING UTILITIES AND STRUCTURES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL COSTS FOR REPAIRS TO EXISTING UTILITIES AND STRUCTURES.
- THE CONTRACTOR SHALL PLACE FILL MATERIAL IN ACCORDANCE WITH THE GRADES AND SLOPES SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL COSTS FOR REPAIRS TO EXISTING UTILITIES AND STRUCTURES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL COSTS FOR REPAIRS TO EXISTING UTILITIES AND STRUCTURES.



TYPICAL FILL AREA CROSS SECTION

2019 BACK BEACH FILL PROJECT ESTIMATE OF QUANTITIES			
Item No.	Description	Units	Total Contract
1	MOBILIZATION	LS	1
2	BEACH SAND, TRUCK MEASURE	CY	30,000

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Client
BOROUGH OF WILDWOOD CREST
CAPE MAY COUNTY, NEW JERSEY

THOMAS R. THORNTON
Professional Engineer N.J. License No. 24020477000

DATE 3/18/2019

Rev

Status

Approved

Rev

Security

Designated

Drawn

Eng check

Continuation

Sheet

Scale at A1/CH10

4

2

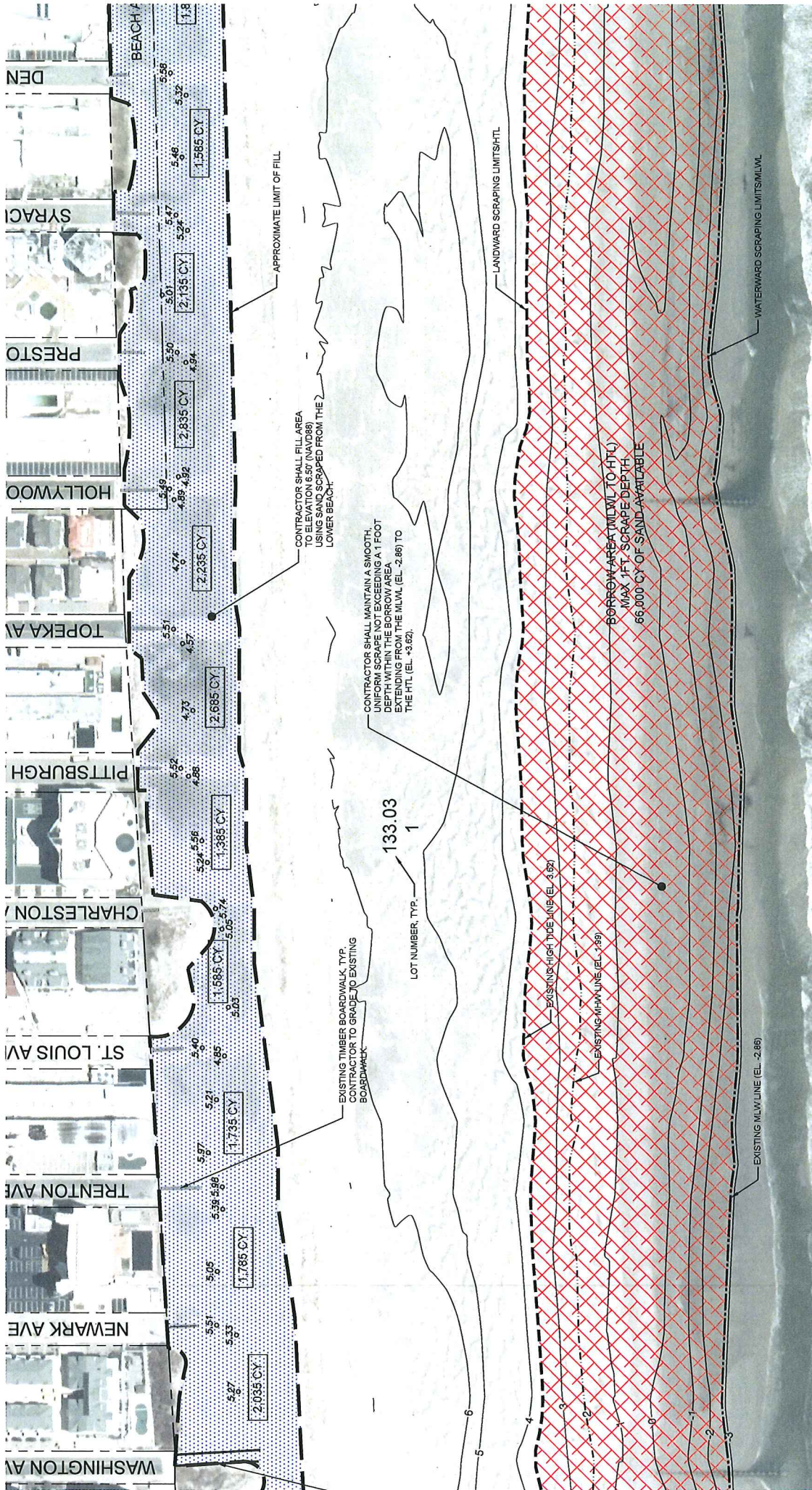
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EOQ-1

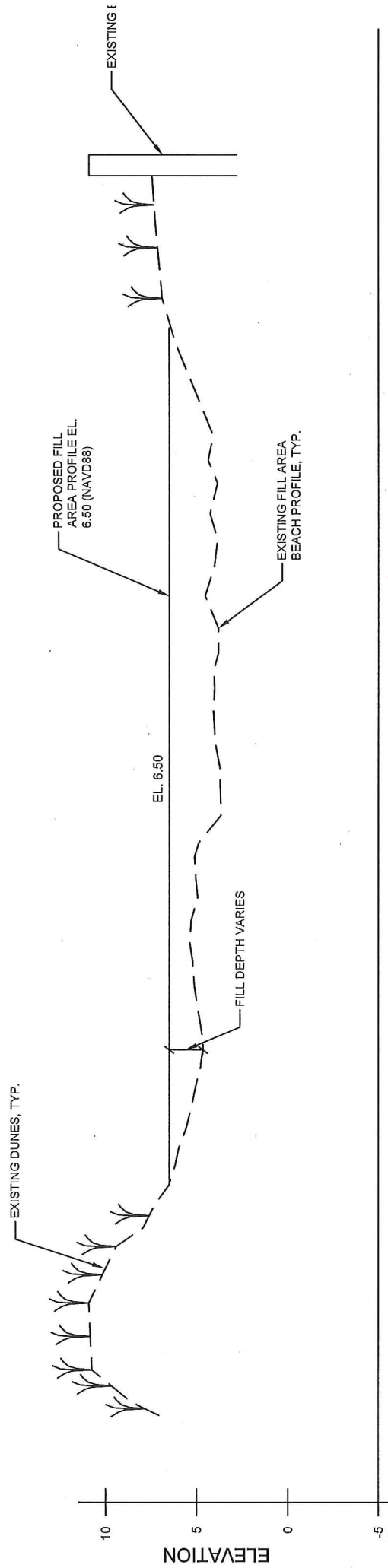
Time

2019 BACK BEACH
FILL PROJECT

ESTIMATE OF QUANTITIES,
NOTES AND DETAILS



Zoomed-in view of portion of plan.



TYPICAL FILL AREA CROSS SECTION