

**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OPR

# Public Notice

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Public Notice No.  
**CENAP-OPR-2021-00794-95**

Date  
**SEPTEMBER 23, 2021**

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Application No.  
**CENAP-OPR-2021-00794-95**

File No.

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In Reply Refer to:  
**REGULATORY BRANCH**

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

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

**APPLICANT:** New Jersey Department of Transportation  
Office of Maritime Resources  
Attn: Ms. Genevieve Clifton  
P.O. Box 600  
Trenton, New Jersey 08625-0600

**WATERWAY:** Fortescue Creek State Channel (#211) located in Delaware Bay.

**LOCATION:** Fortescue Creek and Fortescue Beach, both located in Downe Township, Cumberland County, New Jersey; Latitude: 39.242596, Longitude: -75.178658.

**ACTIVITY:** The applicant, New Jersey Department of Transportation – Office of Maritime Resources (NJDOT-OMR), has requested Department of the Army (DA) authorization to perform ten (10)-year maintenance dredging of Fortescue Creek State Channel (#211) located in Delaware Bay. Fortescue Creek State Channel has been historically maintenance-dredged, most recently under DA Permit Number NAP-2015-00603-39, which expired on December 31, 2018.

All of the dredging work would be accomplished via hydraulic cutterhead dredge. All resultant dredged material, estimated to total approximately 40,421.0-cubic yards of coarse-grained sediment (i.e. greater than 90% sand), would be transported via floating and submerged pipeline for shoreline placement at Fortescue Beach. The hydraulic dredge pipeline would be marked in accordance with U.S. Coast Guard regulations and would be floating, except where it crosses navigation channels where it will be sunken for safety reasons.

Each maintenance dredging event is anticipated to be approximately nine (9) to twelve (12) weeks in duration, including mobilization/demobilization, dredging, and material placement activities. Two (2) or three (3) maintenance dredging events are anticipated to be conducted over the next ten (10)-years,

with the initial dredging event proposed to be undertaken on or after November 15, 2021.

Fortescue Creek State Channel (#211):

Maintenance dredging of 40,421.0-cubic yards of shoaled sediments from a 3,800.0-foot long channel to -6.0-feet below the plane of Mean Low Water (MLW), plus 1.0-foot of allowable overdredge is proposed. The total dredge footprint is approximately 8.72-acres.

The channel design width is 212.0-linear feet between Station 0+00 and Station 27+88, variable between Station 27+88 and 38+30, with 3:1 side slopes throughout. Between Station 14+00 and Station 27+00, a 130.0-foot wide by 1,350.0-foot long north “dredged basin” and a 100-foot wide by 700.0-foot long south “dredged basin” are proposed adjacent to the channel, where the project depths therein would be -5.0-feet below the plane of MLW, plus 1.0-foot of allowable overdredge. Based on a sediment transport analysis performed by the Stevens Institute of Technology, both dredged basins are designed to accommodate future shoaling and reduce the frequency of maintenance dredging.

Dredged Material Placement:

All resultant dredged material would be transported via pipeline and pumped into an upland training dike for dewatering at the Fortescue Beach shoreline placement location. Return water into Delaware Bay is proposed. Subsequent to dewatering, grading via bulldozer and excavator would be undertaken within approximately 7.50-acres below the plane of Mean High Water. The dredged material placement location, previously authorized under DA Permit Number NAP-2013-00589-39, is located approximately 5,562.0-linear feet south of the Fortescue Creek mouth; and extends approximately 1,868.0-linear feet, parallel with Jersey Avenue.

**PURPOSE:** The stated purpose of this project is to maintain safe navigational depths for transiting vessels; and restore eroded Delaware Bay shoreline habitat by reutilizing dredged material within the bay system.

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.

Due to the potential for extensive telework associated with the COVID-19 situation, all comments on the proposed work should be submitted, within thirty (30) days, via email only to the District Engineer, U.S. Army Corps of Engineers - Philadelphia District at [PhiladelphiaDistrictRegulatory@usace.army.mil](mailto:PhiladelphiaDistrictRegulatory@usace.army.mil).

The USACE Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

A preliminary review of this application indicates that the proposed work may affect listed aquatic-based species or their critical habitat. Pursuant to Section 7 of the Endangered Species Act (ESA), the Philadelphia District will evaluate the potential effects from the proposed actions to these species and their habitat and consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

A preliminary review of this application indicates that the proposed work may affect listed land-based species or their critical habitat. Pursuant to Section 7 of the Endangered Species Act (ESA), the Philadelphia District will evaluate the potential effects from the proposed actions to these species and their habitat and consult with the U.S. Fish & Wildlife Service as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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

Per Federal Regulations 33 CFR 325.1(d)(7), the applicant has stated that compensatory mitigation is not required because the proposed project is expected to result in a net increase in habitat functions and values through beneficial re-utilization of all resultant dredged material within the Delaware Bay system to restore and enhance eroded shoreline habitat.

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 to [PhiladelphiaDistrictRegulatory@usace.army.mil](mailto:PhiladelphiaDistrictRegulatory@usace.army.mil), with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by contacting Mr. Robert Youhas of our office at via email at [robert.youhas@usace.army.mil](mailto:robert.youhas@usace.army.mil), or by phone at 215-656-6729.

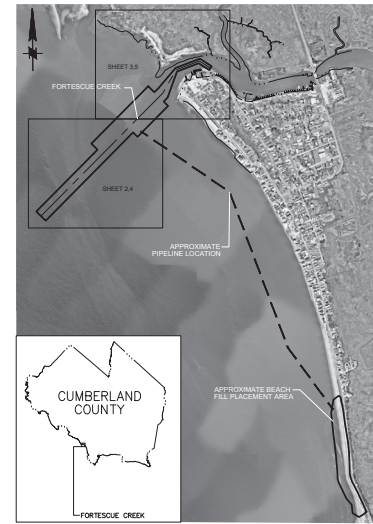
Todd A. Schaible  
Chief, Regulatory Branch



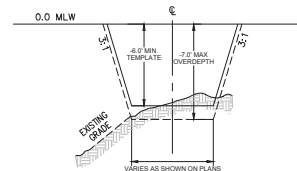
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211-21-02	149288.50	299353.59
211-21-03	149655.00	299844.49
211-21-04	149994.90	300094.94
211-21-05	150227.70	300691.79
211-21-N1	149113.00	298953.39
211-21-N2	149431.50	299257.79
211-21-N3	149727.90	299613.39
211-21-S1	149149.00	299546.69
211-21-S2	149545.40	299935.89
211-21-B1	149721.60	300346.89
211-21-B2	149432.00	300630.30
211-21-B3	149218.30	300801.59
211-21-B4	148941.30	301072.19

FORTESCUE CREEK	
DEPTH	STA. 0+00 TO 38+30
TEMPLATE (-5 & -6 MLW)	21,257 CY
OVERDEPTH (-6 & -7 MLW)	19,164 CY
<b>TOTAL VOLUME</b>	<b>40,421 CY</b>

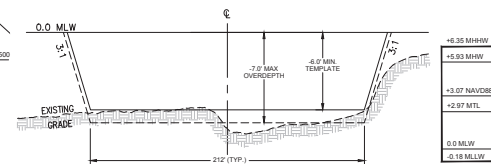
FORTESCUE CREEK CENTERLINE COORDINATES		
STATION	NORTHING	EASTING
0+00	147843.89	297993.10
27+88	149825.29	299954.65
32+21	150201.10	300170.25
36+18	150341.26	300541.34
38+30.1	150226.55	300719.66



CHANNEL LOCATION PLAN  
NOT TO SCALE



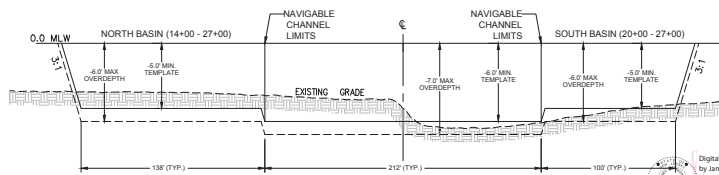
TYPICAL SECTION:  
FORTESCUE CREEK STA 27+88 to 38+30.  
NOT TO SCALE



TYPICAL SECTION: FORTESCUE CREEK STA 0+00 to 14+00  
AND STA. 27+00 to 27+88

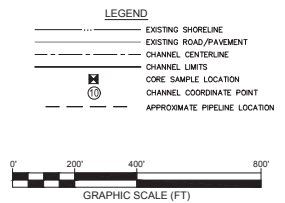
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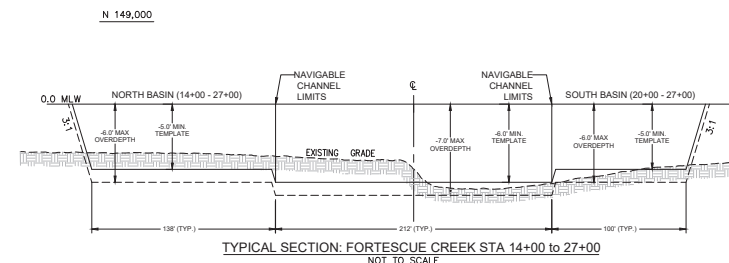
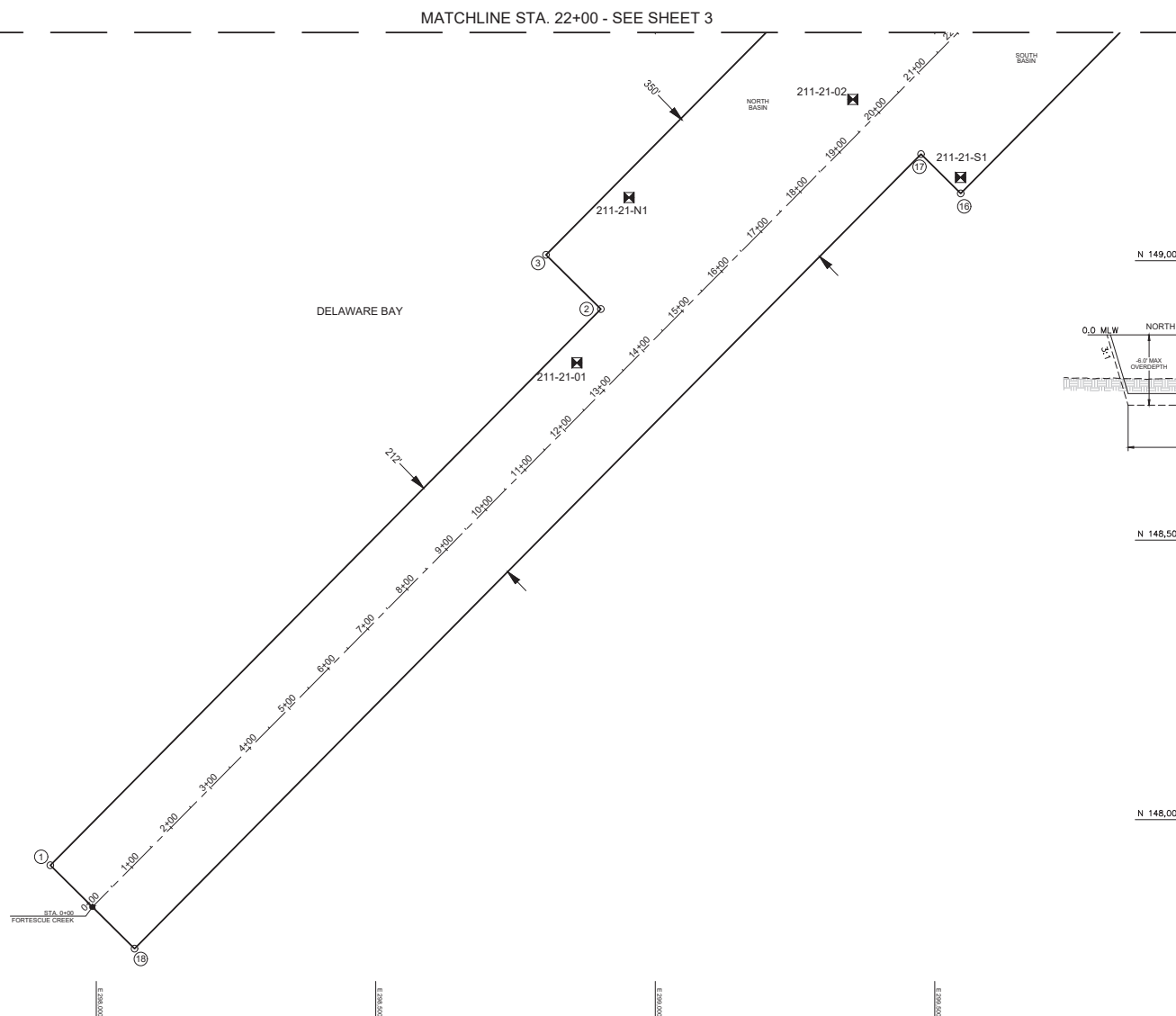
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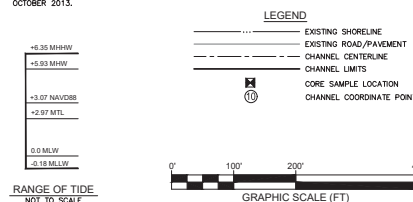
TYPICAL SECTION: FORTESCUE CREEK STA 14+00 to 27+00  
NOT TO SCALE

- NOTES:
1. VERTICAL DATUM IS IN REFERENCE TO MEAN LOW WATER (MLW). MLW IS 3.67 FEET BELOW THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83). INFORMATION PROVIDED BY GARGAN & BRYANT ASSOCIATES, INC. AND OBTAINED FROM NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA) DATUM DATUM CONVERSION PROGRAM.
  2. COORDINATES ARE EXPRESSED IN FEET AND REFER TO THE NEW JERSEY STATE GRID COORDINATE SYSTEM NORTH AMERICAN DATUM OF 1983 (NAD83).
  3. EXISTING SHORELINE & DOCK LOCATIONS SHOWN BASED ON AERIAL IMAGERY AND SHOULD BE CONSIDERED APPROXIMATE.
  4. BATHYMETRIC DATA IS EXPRESSED IN FEET BELOW MLW BASED UPON SURVEY COMPLETED FEBRUARY 12, 2020 BY GARGAN & BRYANT ASSOCIATES, INC.
  5. THE INFORMATION DERIVED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEY CONDUCTED ON THE ABOVE DATE AND CAN BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
  6. AERIAL IMAGERY FROM NEARMAP WAS SERVER, 2020.
  7. CHANNEL LIMITS/CENTRLINE SHOWN FROM NADOP OFFICE OF ENGINEERING & CONSTRUCTION, BUREAU OF CANALS, LIMITING PROPOSED EMBANKMENT DREDGING FORTRESS CREEK" (PROJECT NO. 2156), DATED OCTOBER 2013.

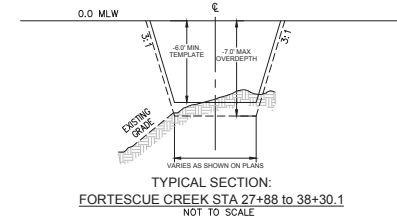
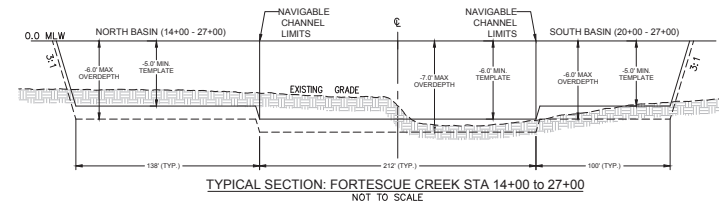
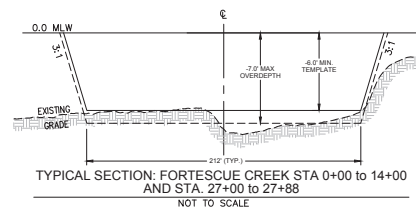
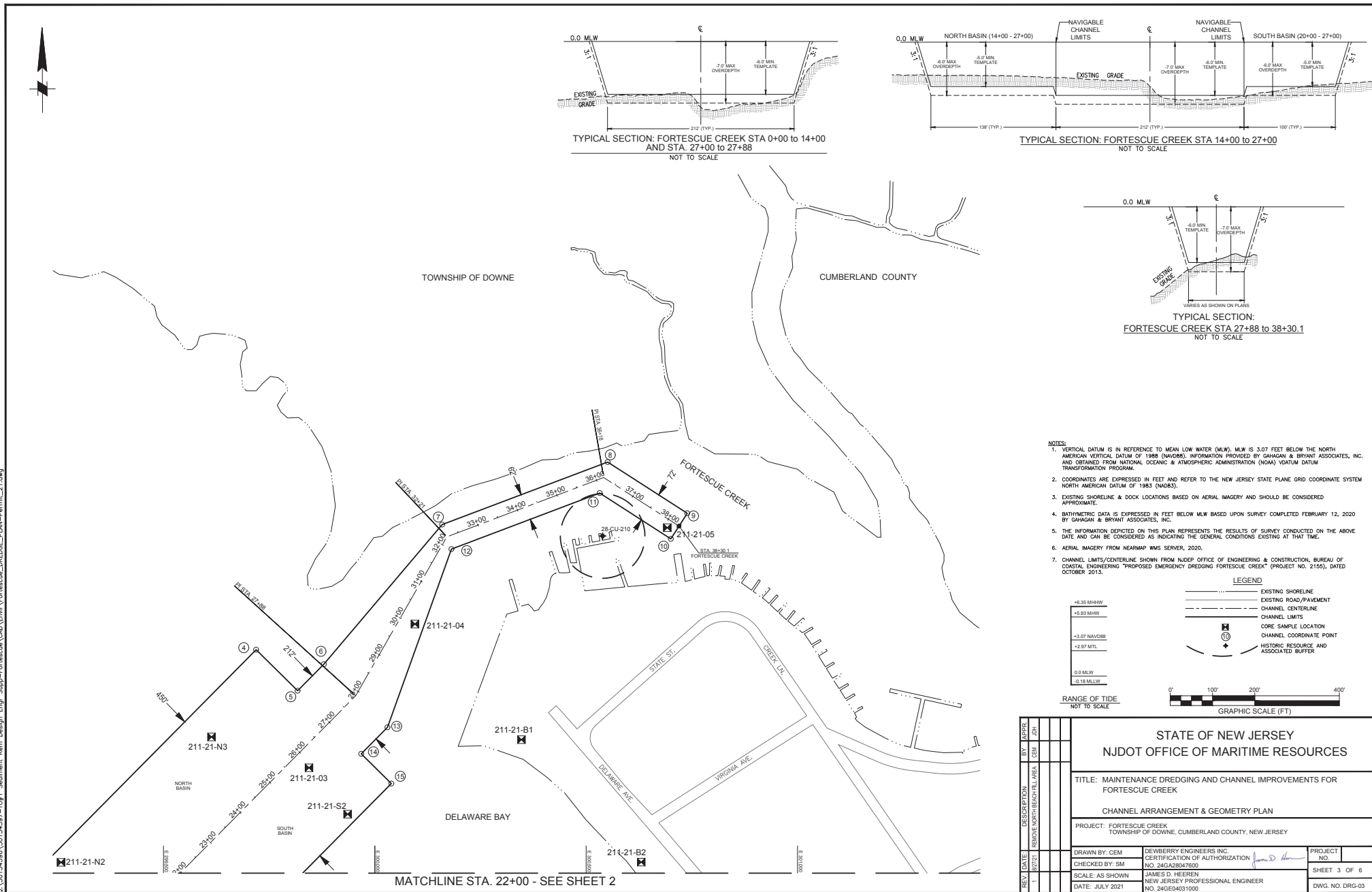
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  6. AERIAL IMAGERY FROM NEARMAP WMS SERVER, 2020.
  7. CHANNEL LIMITS/CENTRLINE SHOWN FROM NUDEP OFFICE OF ENGINEERING & CONSTRUCTION, BUREAU OF COASTAL ENGINEERING "PROPOSED EMERGENCY DREDGING FORTLESCUE CREEK" (PROJECT NO. 2155), DATED OCTOBER 2018.

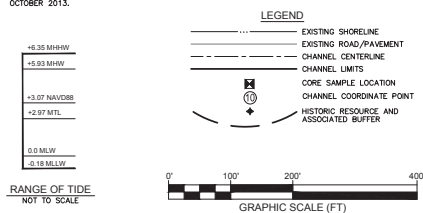
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NOTES:

1. VERTICAL DATUM IS IN REFERENCE TO MEAN LOW WATER (MLW). MLW IS 3.07 FEET BELOW THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). INFORMATION PROVIDED BY GAHAGAN & BRYANT ASSOCIATES, INC. AND OBTAINED FROM NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA) DATUM TRANSFORMATION PROGRAM.
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6. AERIAL IMAGERY FROM NEARMAP WMS SERVER, 2020.
7. CHANNEL LIMITS/CENTERLINE SHOWN FROM NJDEP OFFICE OF ENGINEERING & CONSTRUCTION, BUREAU OF COASTAL ENGINEERING "PROPOSED EMERGENCY DREDGING FORTESCUE CREEK" (PROJECT NO. 2150), DATED OCTOBER 2013.

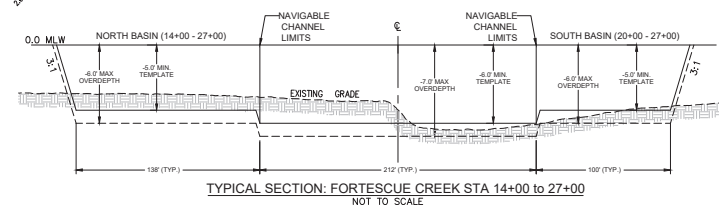
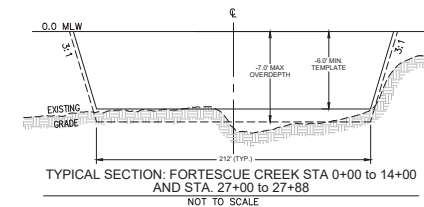
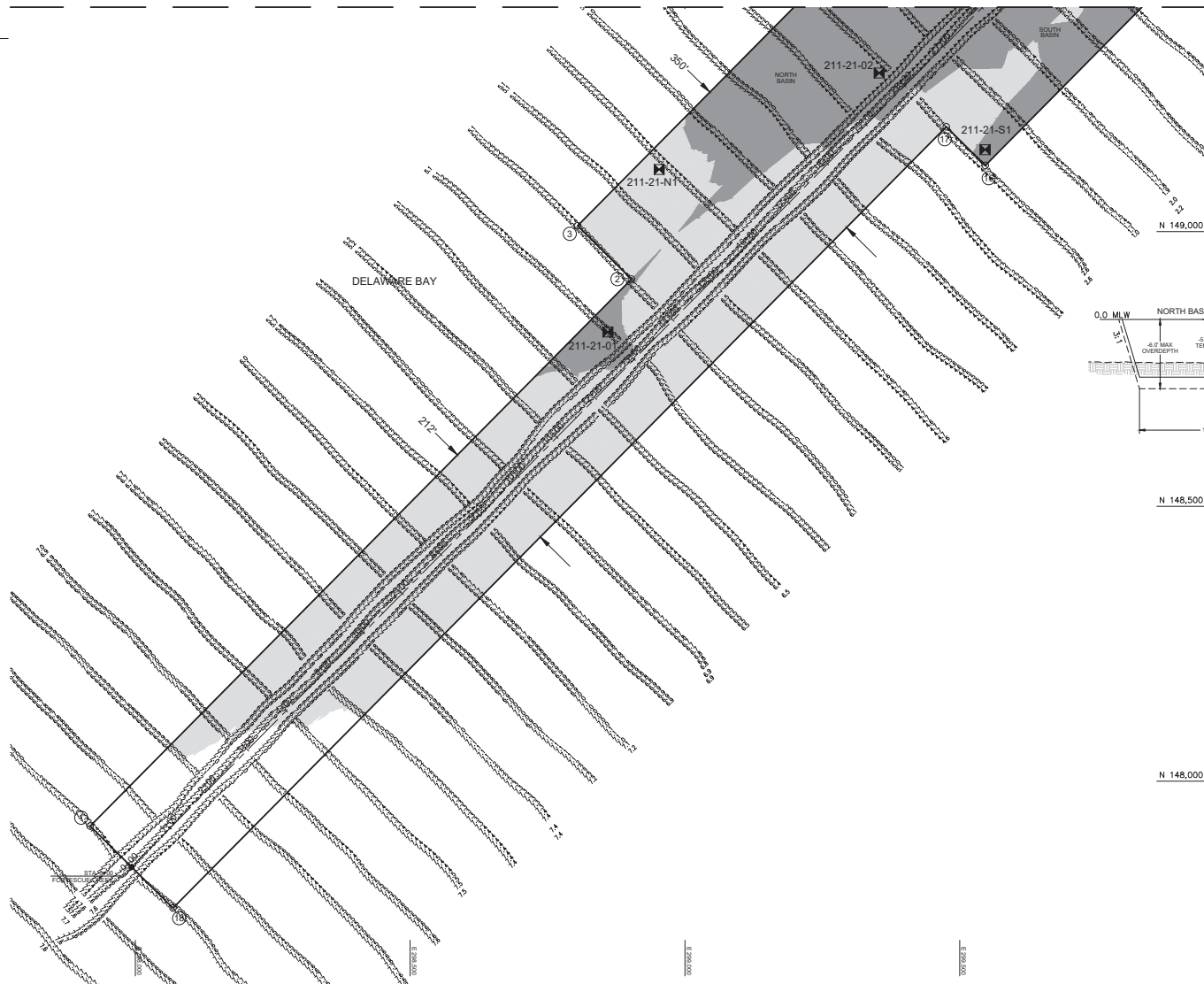


STATE OF NEW JERSEY NJDOT OFFICE OF MARITIME RESOURCES		
TITLE: MAINTENANCE DREDGING AND CHANNEL IMPROVEMENTS FOR FORTESCUE CREEK		
CHANNEL ARRANGEMENT & GEOMETRY PLAN		
PROJECT: FORTESCUE CREEK TOWNSHIP OF DOWNE, CUMBERLAND COUNTY, NEW JERSEY		
DRAWN BY: CEM	DEWBERRY ENGINEERS INC. CERTIFICATION OF AUTHORIZATION <i>James D. Heeren</i>	PROJECT NO.
CHECKED BY: SM	NO. 24GA28047600	SHEET 3 OF 6
SCALE: AS SHOWN	JAMES D. HEEREN NEW JERSEY PROFESSIONAL ENGINEER	DWG. NO. DRG-03
DATE: JULY 2021	NO. 24GED4031000	

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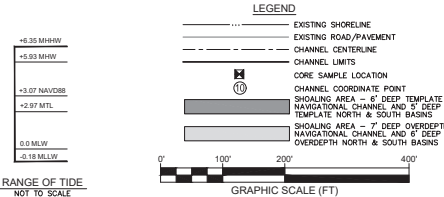
MATCHLINE STA. 22+00 - SEE SHEET 5



N 148,500

N 148,000

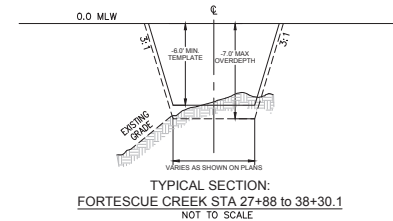
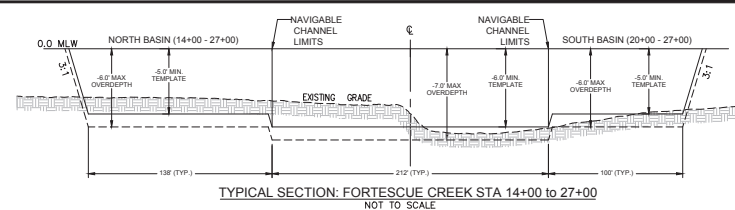
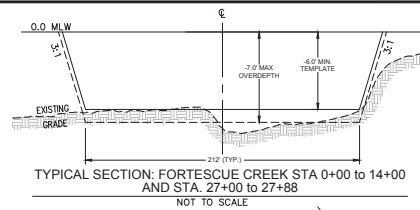
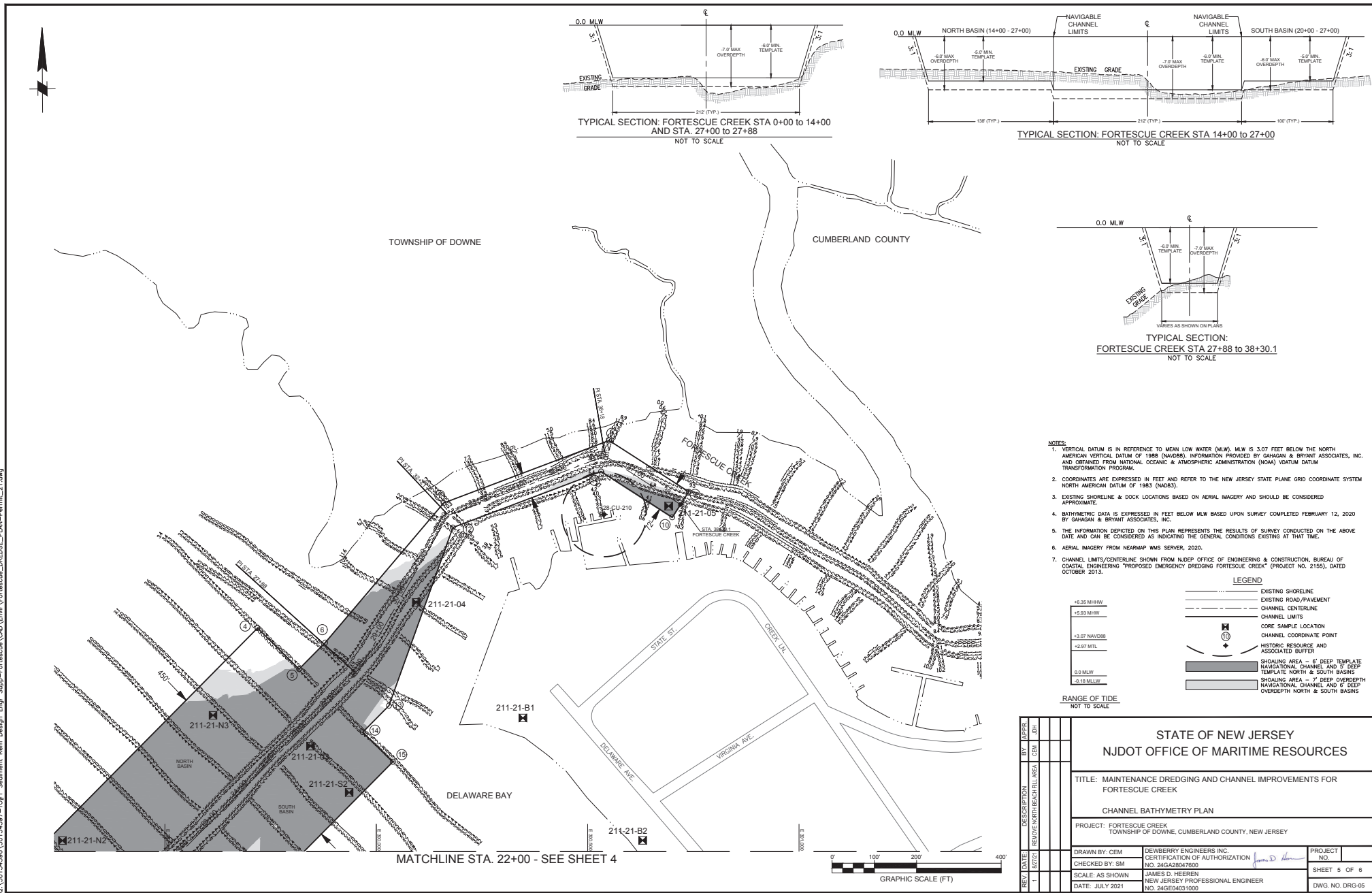
- NOTES:
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  2. COORDINATES ARE EXPRESSED IN FEET AND REFER TO THE NEW JERSEY STATE PLANE GRID COORDINATE SYSTEM NORTH AMERICAN DATUM OF 1983 (NAD83).
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  4. BATHYMETRIC DATA IS EXPRESSED IN FEET BELOW MLW BASED UPON SURVEY COMPLETED FEBRUARY 12, 2020 DATE AND CAN BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
  5. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEY CONDUCTED ON THE ABOVE DATE AND CAN BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
  6. AERIAL IMAGERY FROM NEARMAP WMS SERVER, 2020.
  7. CHANNEL LIMITS/CENTERLINE SHOWN FROM NJDEP OFFICE OF ENGINEERING & CONSTRUCTION, BUREAU OF COASTAL ENGINEERING "PROPOSED EMERGENCY DREDGING FORTESCUE CREEK" (PROJECT NO. 2150), DATED OCTOBER 2013.



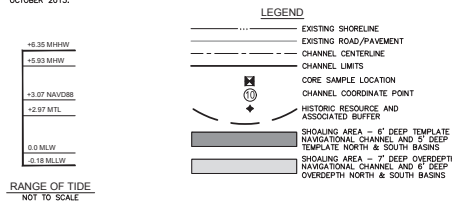
REV	DATE	DESCRIPTION	BY	APPR

STATE OF NEW JERSEY NJDOT OFFICE OF MARITIME RESOURCES		
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CHANNEL BATHYMETRY PLAN		
PROJECT: FORTESCUE CREEK TOWNSHIP OF DOVNE, CUMBERLAND COUNTY, NEW JERSEY		
DRAWN BY: CEM	DEWBERRY ENGINEERS INC. CERTIFICATION OF AUTHORIZATION <i>James D. Heeren</i>	PROJECT NO.
CHECKED BY: SM	NO. 24GA28047600	SHEET 4 OF 6
SCALE: AS SHOWN	JAMES D. HEEREN NEW JERSEY PROFESSIONAL ENGINEER	DWG. NO. DRG-04
DATE: JULY 2021	NO. 24GED4031000	

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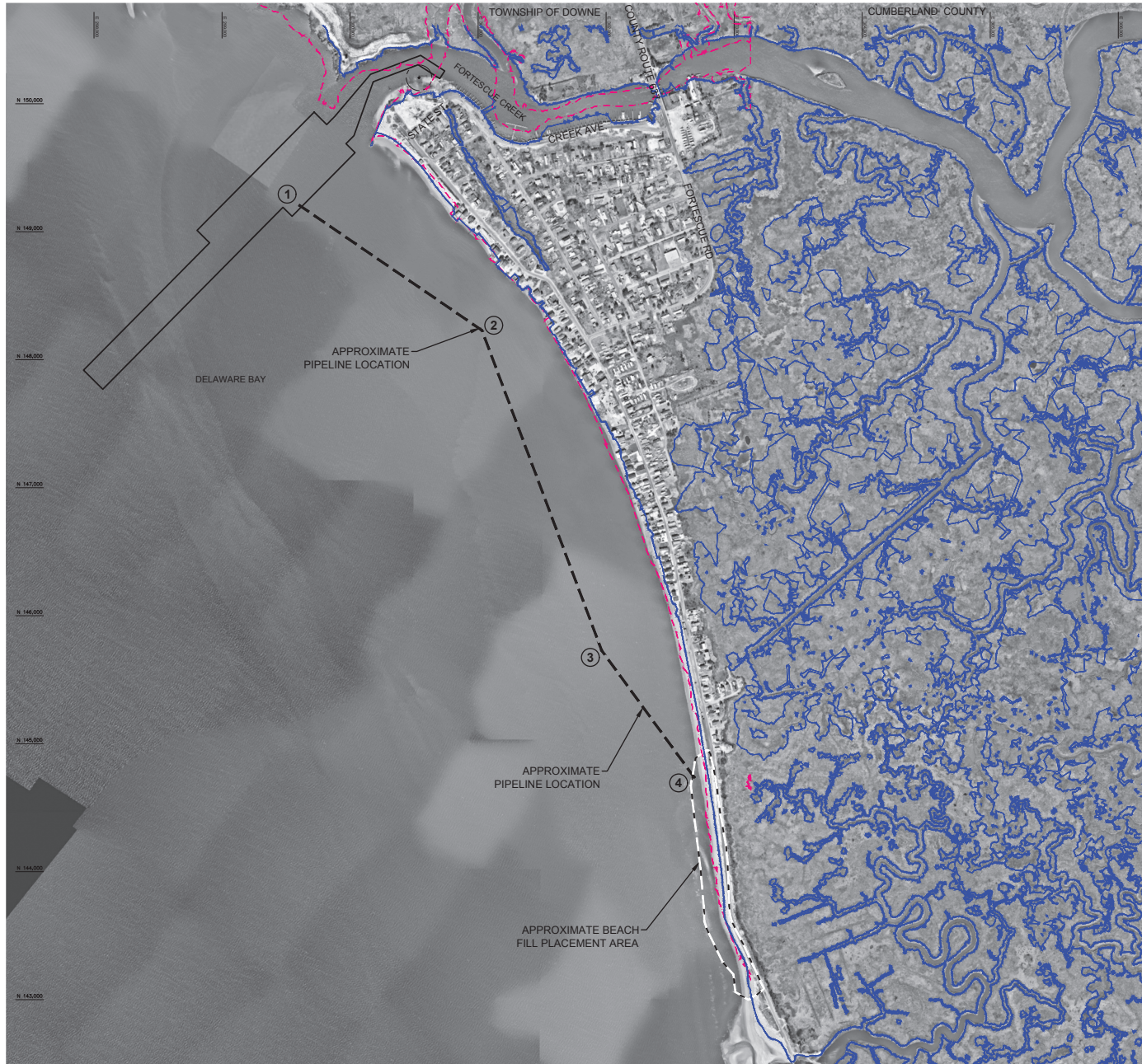
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BY	APPRO		
CEM	JDH		
DESCRIPTION	STATE OF NEW JERSEY NJDOT OFFICE OF MARITIME RESOURCES		
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CHANNEL BATHYMETRY PLAN			
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DRAWN BY: CEM	DEWBERRY ENGINEERS INC.	CERTIFICATION OF AUTHORIZATION	PROJECT NO.
CHECKED BY: SM	JAMES D. HEEREN	NO. 24GA28047600	SHEET 5 OF 6
SCALE: AS SHOWN	JAMES D. HEEREN	NEW JERSEY PROFESSIONAL ENGINEER	DWG. NO. DRG-05
DATE: JULY 2021	NO. 24GED4031000		



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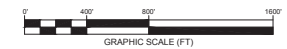
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2	148229.1	301030.3
3	145728.2	301964.9
4	144732.4	302690.9

#### LEGEND

- CHANNEL LIMITS
- HISTORIC RESOURCE AND BUFFER
- APPROXIMATE PIPELINE LOCATION
- APPROXIMATE MEAN HIGH WATER LINE (ELEV. 2.86)
- APPROXIMATE TIDELANDS CLAIM LINE

#### NOTES:

- AERIAL IMAGERY FROM NEARMAP WMS SERVER, 2020.
- COORDINATES ARE EXPRESSED IN FEET AND REFER TO THE NEW JERSEY STATE PLANE GRID COORDINATE SYSTEM NORTH AMERICAN DATUM OF 1983 (NAD83).
- THE DREDGE DISCHARGE PIPELINE WILL BE SUBMERGED AND SECURED TO THE WATERWAY BOTTOM TO MAINTAIN THE SAME LOCATION AND PREVENT SHIFTING OR SLIDING DURING DREDGING OPERATIONS. THE CONTRACTOR WILL BE REQUIRED TO SUBMIT WORKING DRAWINGS FOR APPROVAL THAT INCLUDE THE PIPELINE ROUTE AND ANCHORING DETAIL.
- VERTICAL DATUM IS IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). MEAN HIGH WATER (MHW) ELEVATION 2.86 FEET BASED ON CONVENTIONAL AND AERIAL TOPOGRAPHIC MEASUREMENTS PERFORMED BY DONBERRY ENGINEERS INC., MAY AND JUNE 2021 AND NOAA 2017 NGDS TOPOGRAPHY LIDAR: POST-SANDY (SC TO NY).
- TIDELAND CLAIM LINES TAKEN FROM NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP), BUREAU OF TIDELANDS MANAGEMENT, 1996.

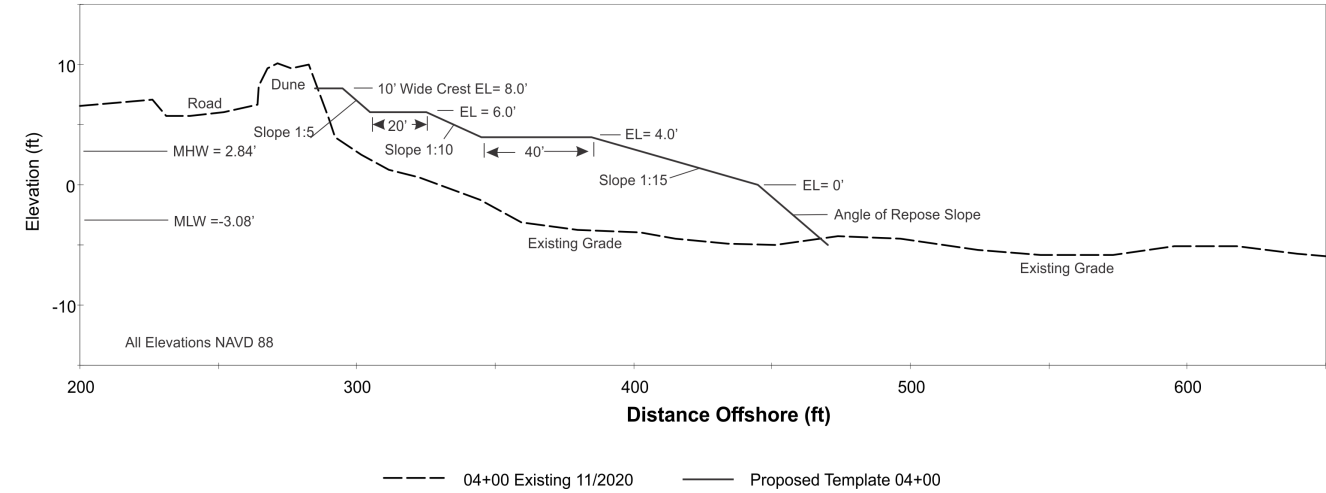


REV	DATE	DESCRIPTION	BY	APP'D	<table><tr><td colspan="2">STATE OF NEW JERSEY</td></tr><tr><td colspan="2">NJDOT OFFICE OF MARITIME RESOURCES</td></tr><tr><td colspan="2">TITLE: MAINTENANCE DREDGING AND CHANNEL IMPROVEMENTS FOR FORTESCUE CREEK</td></tr><tr><td colspan="2">PIPELINE LOCATION ROUTE</td></tr><tr><td colspan="2">PROJECT: FORTESCUE CREEK TOWNSHIP OF DOWNE, CUMBERLAND COUNTY, NEW JERSEY</td></tr><tr><td>DRAWN BY: CEM</td><td>DEWBERRY ENGINEERS INC.</td><td>CERTIFICATION OF AUTHORIZATION</td><td>PROJECT NO.</td><td rowspan="4">SHEET 6 OF 6</td></tr><tr><td>CHECKED BY: SM</td><td>NO. 24GA28047600</td><td></td><td></td></tr><tr><td>SCALE: AS SHOWN</td><td>JAMES D. HEEREN</td><td>NEW JERSEY PROFESSIONAL ENGINEER</td><td></td></tr><tr><td>DATE: JULY 2021</td><td>NO. 24GED4031000</td><td></td><td></td></tr><tr><td colspan="4"></td><td>DWG. NO. DRG-06</td></tr></table>	STATE OF NEW JERSEY		NJDOT OFFICE OF MARITIME RESOURCES		TITLE: MAINTENANCE DREDGING AND CHANNEL IMPROVEMENTS FOR FORTESCUE CREEK		PIPELINE LOCATION ROUTE		PROJECT: FORTESCUE CREEK TOWNSHIP OF DOWNE, CUMBERLAND COUNTY, NEW JERSEY		DRAWN BY: CEM	DEWBERRY ENGINEERS INC.	CERTIFICATION OF AUTHORIZATION	PROJECT NO.	SHEET 6 OF 6	CHECKED BY: SM	NO. 24GA28047600			SCALE: AS SHOWN	JAMES D. HEEREN	NEW JERSEY PROFESSIONAL ENGINEER		DATE: JULY 2021	NO. 24GED4031000							DWG. NO. DRG-06
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1	8/2/21	REMOVE NORTH BEACH FILL AREA	CEM	JCH																																	

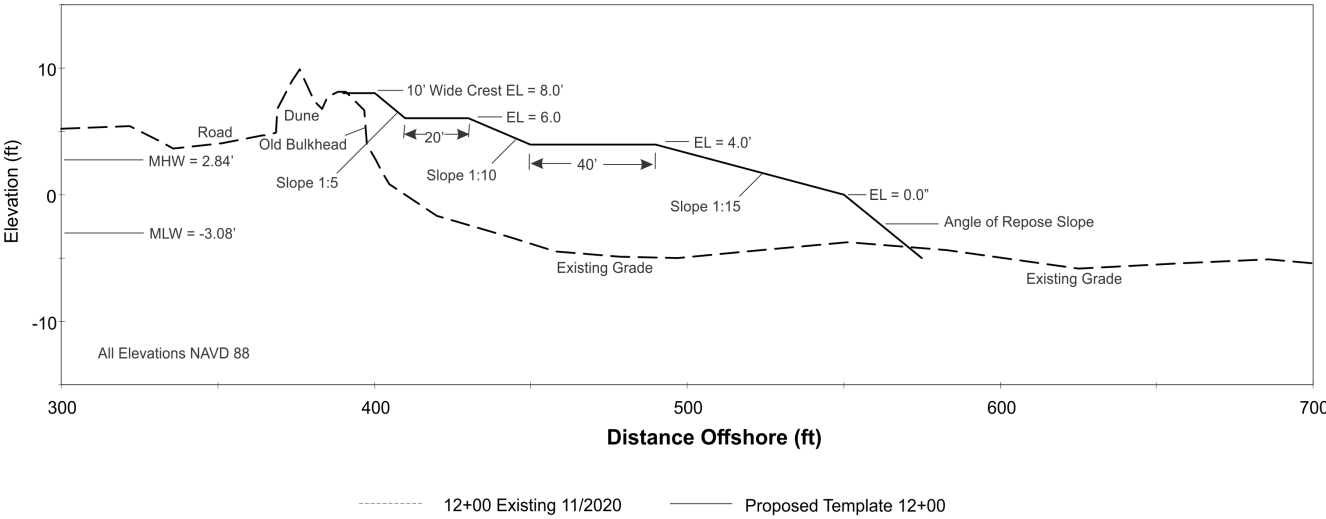




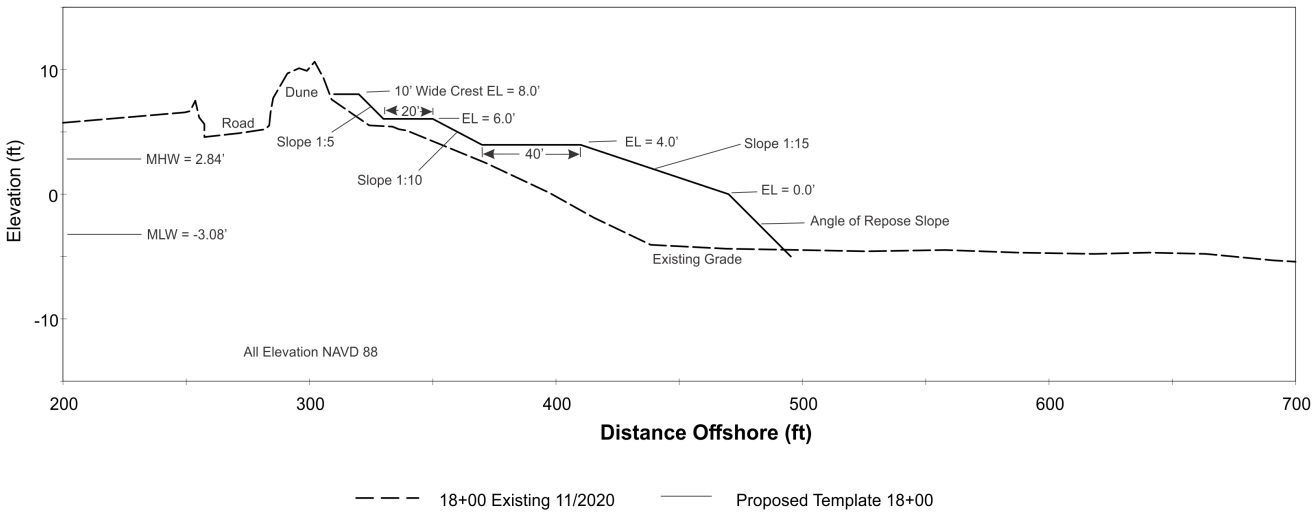
Fortescue Beach - Shoreline Restoration Project  
Proposed Beach Template - Maximum Disturbance Limit  
Section 04+00 = 36.8 cu.yds./ft.; Shoreline = 116 ft.



Fortescue Beach - Shoreline Restoration Project  
Proposed Beach Template - Maximum Disturbance Limit  
Section 12+00 = 42.9 cu.yds./ft.; Shoreline = 140 ft.



Fortescue Beach - Shoreline Restoration Project  
Proposed Beach Template - Maximum Disturbance Limit  
Section 18+00 = 21.7 cu.yds./ft.; Shoreline = 72 ft.



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NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24GA27936900

JEFFREY S. RICHTER  
NEW JERSEY PROFESSIONAL ENGINEER LIC. NO. 24GE03252000

DRAWN: MRD      CHECKED: SH

STOCKTON UNIVERISTY  
COASTAL RESAERCH CENTER  
30 WILSON AVE., PORT REPUBLIC, NJ 08241

American Littoral Society  
Fortescue Restoration Project  
Typical Cross Sections  
Downe Township, Cumberland County, NJ

06-22-2021	1" = As Shown	2 of 2
DATE	SCALE	SHEET

\*This plan is intended for permitting use only\*

Elevations shown hereon are in US Survey Feet, NAVD88.

Typical Cross Sections drawn by Steve Hafner

