



**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-2006-6389-24	April 9, 2018

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 Avalon
3100 Dune Drive
Avalon, New Jersey 08202

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

WATERWAY: Atlantic Ocean

LOCATION: Latitude: 39.103973° N; Longitude: -74.707250° W (center of nourishment)
Latitude: 39.089370° N; Longitude: -74.721232° W (center of borrow area)

The proposed nourishment area is the ocean-front beach between 9th and 16th Streets, at the northern end of the Borough of Avalon, in Cape May County, New Jersey. The Borough's proposed borrow area for obtaining sand is located to the south of the nourishment area on the ocean-front beach between 32nd and 40th Streets. Both the nourishment and borrow areas are situated within an authorized Corps Civil Works Project, i.e. the Townsends Inlet to Cape May Inlet Shore Protection Project.

ACTIVITY:

Background:

On April 20, 2007, this office issued Department of the Army permit number CENAP-OP-R-2006-6389-24 to the Borough of Avalon for beach re-nourishment between 9th and 18th Streets, using alternate sources of sand: a) dredged from Townsends Inlet by hydraulic dredging with pipeline discharge; and b) placed by truck from land-based locations. The permit included authorization for 10 years of maintenance. The permit was modified on March 16, 2010, to extend the authorized nourishment area south to 26th Street.

The permit was further modified on December 20, 2011, to include “back-passing” or scraping/excavating sand from two borrow areas on the beach to the south of 32nd Street, with transport of the sand northward along the beach by truck to the nourishment area. The specific areas designated for proposed borrow at that time were 32nd to 40th and 58th to 79th Streets. The area between 40th and 58th Streets was not included in the borrow area, although trucks would cross this area. The permit expired on December 31, 2017.

New Application:

The new application is only to re-authorize a portion of the previously-authorized back-passing operation for continued nourishment of the northern beach area. The proposed borrow area is limited to the previously-authorized “northern” zone (i.e. above 40th Street only, with no trucks or equipment south of that area). This area has been used for borrow on three prior occasions: 2012, 2014 and 2016.

The borrow area comprises an area of approximately 19.386 acres between the mean low water line (MLWL) and the upper (landward) limit of scraping (approximately 2,000 linear feet of beach). Approximately 15.0 acres of this area would be below the high tide line (HTL), or within the Corps’ jurisdiction. Based on the applicant’s recent survey, they have estimated that approximately 88,000 cubic yards of sand is available for harvest in this area above the lower limit previously established as part of the above-referenced prior authorization (i.e. MLW elevation -2.25 feet NAVD 88).

The proposed nourishment or fill area is approximately 6.663 acres in size, including 5.286 acres below the HTL, 5.143 acres of that between the HTL and the MLWL, with the remaining 0.143 acre below the MLWL. This represents approximately 1,363 linear feet of beach. Access to the beach by equipment, vehicles and workers for the proposed back-passing work areas would be limited to street ends between 10th and 15th Streets, with an additional access point at 32nd Street. The nourishment or fill work would include restoration of the eroded fore dune and construction of a variable width beach berm at elevation 7.22 feet NAVD 88, with a foreshore slope of 20 (H) : 1 (V) to the new MLWL, then 12:1 from the MLWL to the toe of the fill limit as practicable. The fill template would taper to meet the existing beaches at the northern and southern limits of the nourishment area.

For the current year (2018), the applicant plans to complete the work prior to Memorial Day weekend. However, it is possible that work could continue into June.

The applicant has requested authorization for 10 years of maintenance of the proposed project, allowing the Borough to transfer scraped sand on a periodic basis as needed. Such maintenance could include scraping and transfer of up to 100,000 cubic yards in a given year. Maximum excavation depth would be to the elevation indicated above.

The State of New Jersey, Department of Environmental Protection (NJDEP), Division of Land Use Regulation (DLUR) has issued an Emergency Authorization dated March 20, 2018, for the proposed project. This included concurrence on consistency with the New Jersey Coastal Zone Management Program and Section 401 Water Quality Certification (NJDEP File Number 0501-04-0037.1 WFD180001 CAF180001).

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 beach renourishment will minimize impacts to waters of the U.S. necessary to repair dune scarps and reestablish the beach by utilizing the 2002 USACE "engineered beach" design template initially constructed in 2003. The fill template will taper to meet the existing beaches at the northerly and southerly limits of the renourishment area from 9th Street to 16th Street. The backpassing project will utilize scraped sand from a borrow area between 32nd Street and 40th Street. The sand scraping activities will be limited to between the mean low water line and the limit determined by the recovered beach berm elevations from past scraping activities. Harvesting sand from within the swash zone and the previously determined scrape limits will minimize temporary benthic impacts. It is anticipated that accretion will begin replacing the harvested sand in the borrow area immediately. Past observations of scraping in 2012, 2014, and 2016 found daily accretion of the scraped beach occurred before completion of the backpassing project."

b) "The purpose of the beach renourishment project is to mitigate recent storm damage resulting in the loss of beach and frontal dunes, which has created an unacceptable loss of the beach berm, exposed the dunes to erosion, and created unsafe conditions at designated beach access paths. The proposed borrow area 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 beach renourishment project."

PURPOSE: The applicant's stated purpose for the project is to "restore a portion of its recreation beach as soon as possible to prevent further damage to the protective dunes."

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

BOROUGH OF AVALON
CAPE MAY COUNTY, NEW JERSEY

2018 BEACH RENOURISHMENT PROJECT



MARCH 2018

MAYOR

MARTIN L. PAGLIUGH

BOROUGH COUNCIL

JOHN M. MCCORRISTIN, PRESIDENT

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CHARLES P. COVINGTON

RICHARD E. DEAN

NANCY M. HUDANICH

BOROUGH ADMINISTRATOR

SCOTT J. WAHL

BOROUGH CLERK

MARIE J. HOOD



LOCATION PLAN
NOT TO SCALE

PUBLIC UTILITIES	
WATER & SEWER	WINDLESS WATER COMPANY 1401 BANK DRIVE AVENUE, NJ 08210 609.662.5443 - AFTER HOURS
	CAPE MAY COUNTY M.U.A. CAPE MAY COURT HOUSE, NJ 08210 609.465.9626
GAS	SEVEN JOES GAS COMPANY 1708 ROUTE 9 CAPE MAY COURT HOUSE, NJ 08210 609.465.9626
SEWER	CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY P.O. BOX 610 CAPE MAY COURT HOUSE, NJ 08210 609.465.9626
CABLE TV	COMCAST CABLE SERVICES 2701 BANK DRIVE AVENUE, NJ 08210 1.800.867.3511
ELECTRIC	ATLANTIC CITY ELECTRIC 1000 JIMMIE LEEDS ROAD AVENUE, NJ 08210 1.800.867.3511
TELEPHONE	VERIZON 1000 JIMMIE LEEDS ROAD AVENUE, NJ 08210 1.800.867.3511

INDEX OF DRAWINGS	
SHEET	DESCRIPTION
1	TITLE SHEET AND UTILITIES PLAN
2	NORTH BOROUGH AREA
3	FILL AREA
4	FILL AREA
5	BEACH RENOURISHMENT PLAN - NOTED FOR

M M
MOTT
MACDONALD

2711 Broadway Drive, Suite 1A
Cape May Court House, NJ 08210
Tel: (609) 465-9626 Fax: (609) 465-9626

THOMAS R. THORNTON
NJ Lic. No. JAC0001100



DESCRIPTION	QUANTITY
NORTH BORROW AREA (MULV TO LIMIT OF DRAIN)	10,360 AC.
NORTH BORROW AREA (MULV TO HTL)	15,000 AC.
VOLUME OF SAND AVAILABLE	88,000 CY

- ### LEGEND

TIDE TABLE

DESCRIPTION	MAX. 1988 DATUM	N.G.V. 1929 DATUM
HIGH TIDE LINE	+3.76	+5.54
MEAN HIGH WATER	+2.58	+4.28
MEAN HIGH WATER	+1.78	+3.06
N.G.V. 1988 DATUM	0.00	+1.28
N.G.V. 1929 DATUM	-1.28	0.00
MEAN LOW WATER	-2.25	-0.97
MEAN LOW WATER	-2.41	-1.13

ALL EXCAVATION & BORROW
ACTIVITIES NORTH OF 40TH STREET
SHALL BE COMPLETED IN
ACCORDANCE WITH THE REGULATORY
AGENCY SEASONAL REQUIREMENTS.
EXCAVATION TO THE SOUTH OF THE
BORROW ZONE LIMITS AT 40TH STREET
IS PROHIBITED.

PROVIDE A MINIMUM OF 6" COVER OVER THE OUTFALL PERKS, PILES, AND CRUISING TO PREVENT DAMAGE FROM CONSTRUCTION OPERATIONS INCLUDING THE OUTFALLS LOCATED AT 22ND STREET AND 30TH STREET. MAIL ROUTE COVER OUTFALL PIPE MAY NEED TO BE RELOCATED TO THE WEST IN ORDER TO ENSURE SUFFICIENT COVER OVER THE PIPE TO PREVENT DAMAGE. ANY SAND USED TO PROVIDE SUFFICIENT COVER OVER STRUCTURES SHALL BE REPLACED TO ITS ORIGINAL LOCATION UPON COMPLETION OF THE PROJECT.

THOMAS R. THORNTON
Printed: Laydon
N.J. License No. 243E1477000

Part 1:

9 1/2"

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201511
1110

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NY 09210
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House,

465.9377
Jy Court

Café M
P 6097

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No

SITE PU

AREA 5

FOROY

ORTH B

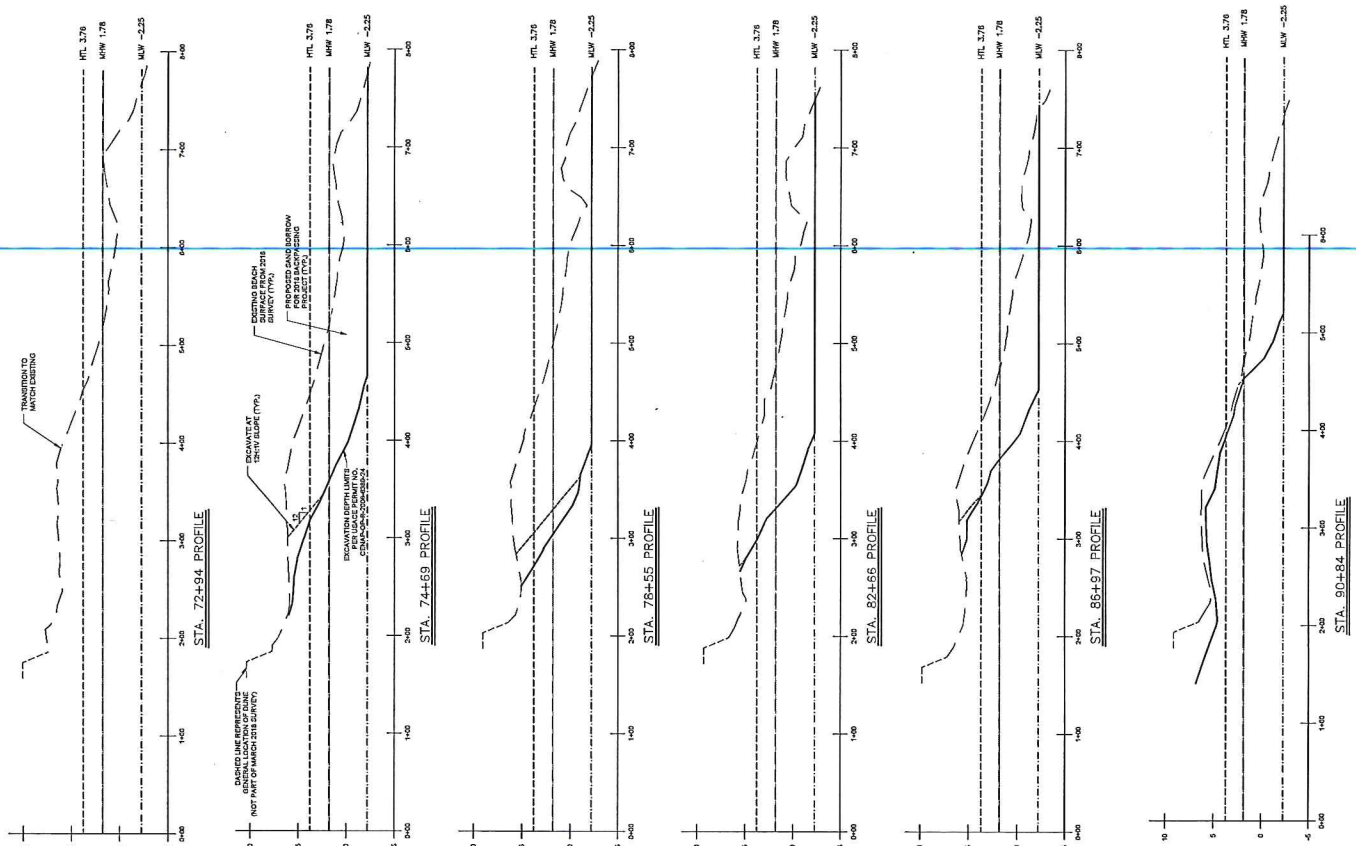
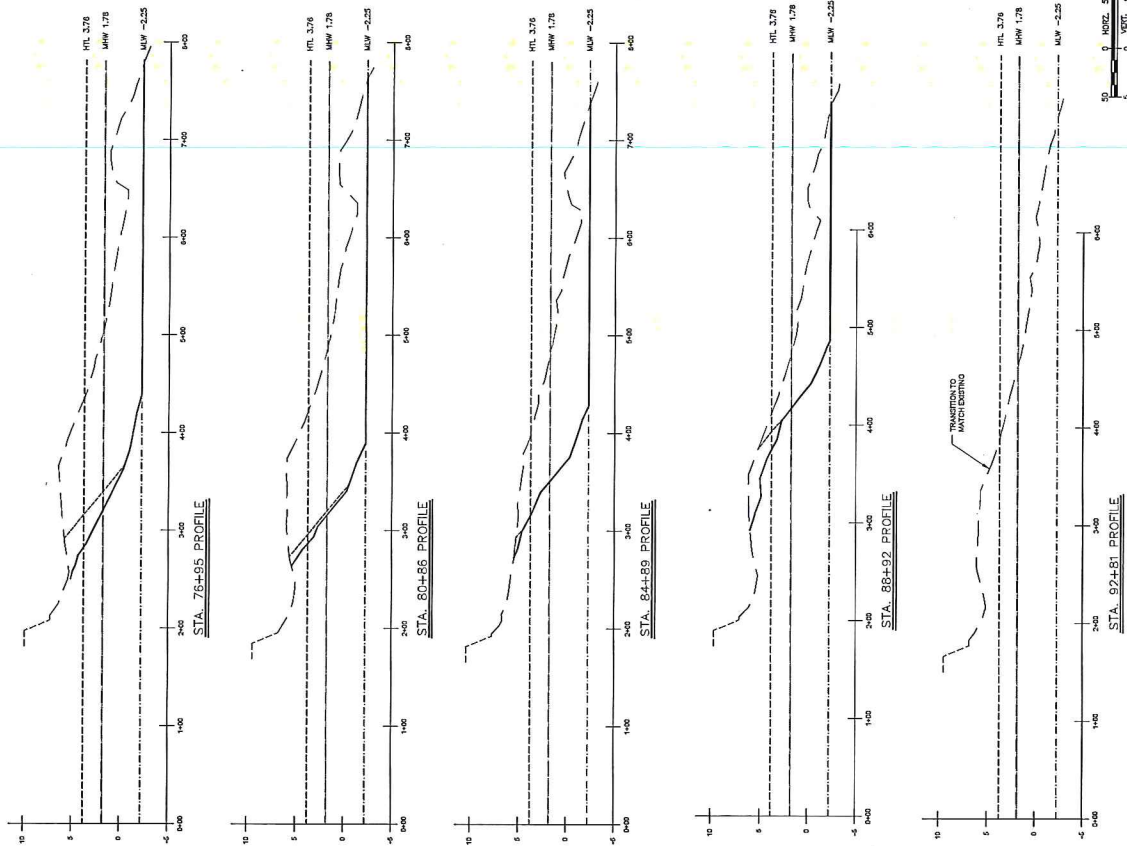
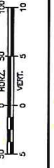
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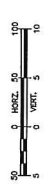
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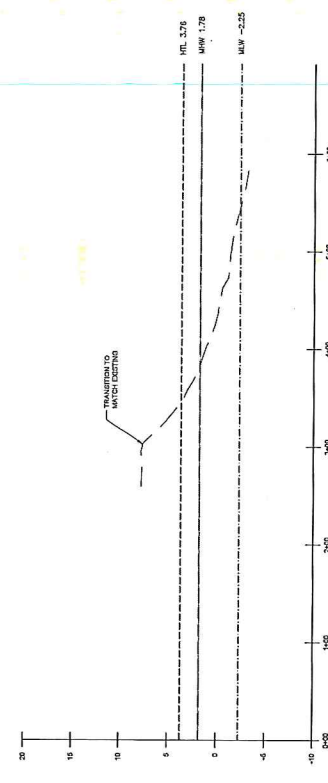
PROJECT: 2018 BEACH RENOURISHMENT PROJECT
DATE: 08/15/2018
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
APPROVED BY: J. HARRIS



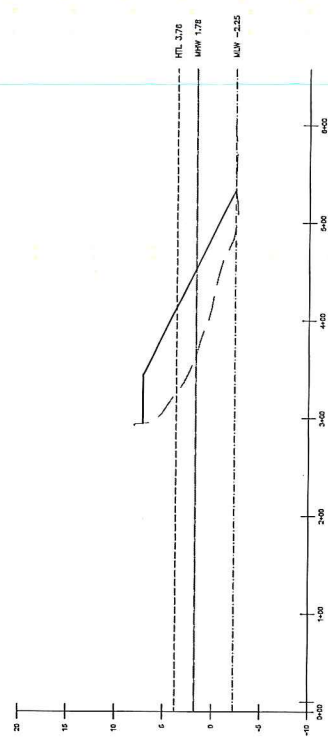
TIDE TABLE

DESCRIPTION	NAVD. 1988 DATUM	NAVD. 1928 DATUM
HIGH TIDE ENE	+3.76	+4.54
MEAN HIGH WATER	+4.28	+5.06
MEAN LOW WATER	-1.26	-2.04
LOWEST LOW WATER	-2.25	-3.03
MEAN LOW WATER	-2.25	-3.03
MEAN LOW WATER	-2.41	-3.19

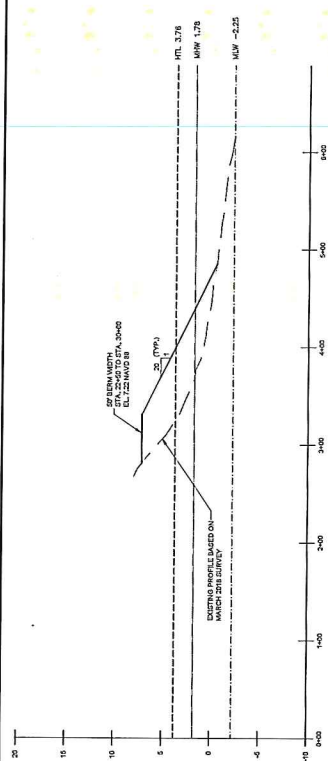
STA. 33+63 PROFILE (USACE SM007)



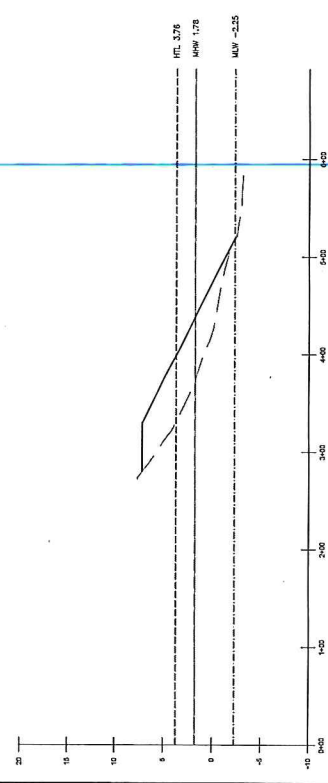
STA. 27+50 PROFILE



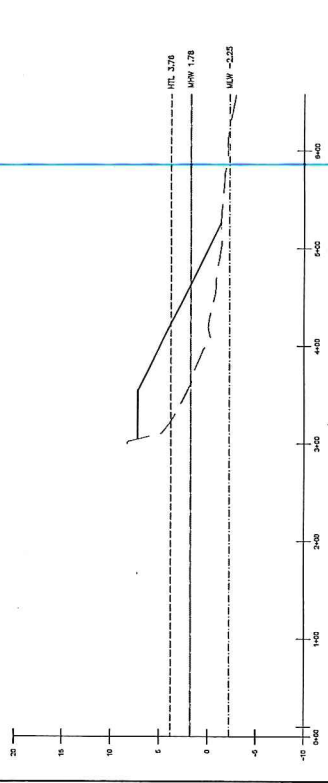
STA. 22+50 PROFILE



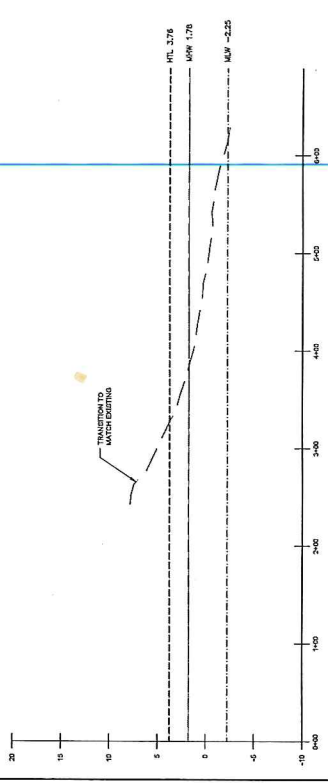
STA. 30+00 PROFILE (USACE SM006)



STA. 25+00 PROFILE (USACE SM005)



STA. 20+00 PROFILE (USACE SM003)



2018 BEACH RENOURISHMENT PROJECT	FILE AREA PROFILES
REBOROUGH OF NANTUCKET CAPE MAY COUNTY, NEW JERSEY	
39+48229	5

THOMAS R. THORNTON	THOMAS R. THORNTON
REGISTERED PROFESSIONAL ENGINEER	REGISTERED PROFESSIONAL ENGINEER
NO. 000000000	NO. 000000000
STATE OF NEW JERSEY	STATE OF NEW JERSEY
EXPIRATION DATE: 12/31/2020	EXPIRATION DATE: 12/31/2020

DATE: 08/15/2018	PROJECT: 2018 BEACH RENOURISHMENT PROJECT
DRAWN BY: J. HARRIS	CHECKED BY: J. HARRIS
APPROVED BY: J. HARRIS	DATE: 08/15/2018



DESCRIPTION	NAVD. 1988 DATUM	NAVD. 1929 DATUM
HIGH TIDE LINE	+2.76	+5.04
MEAN HIGH WATER	+2.68	+4.26
MEAN HIGH WATER	+1.78	+2.06
NAVD. 1988 DATUM	0.00	+1.28
NAVD. 1929 DATUM	-1.28	0.00
MEAN LOW WATER	-2.25	-0.07
MEAN LOW WATER	-2.41	-1.13

PROTECTED ZONE PLAN

- NOTES:**
1. THIS MAP WAS PREPARED FOR PURPOSES OF CONSISTENCY WITH THE ITEM# CONDITIONS CONTAINED IN PREVIOUS ALIAS ITEM# COUN-UP-90-0086-33B-24.
 2. THE "PROTECTED ZONE PLAN" DESCRIBES STOP EMBLEMATIONS ALONG THREE TRANSIT LINES FROM TWO SHINERS DOWNING ON DECEMBER -4-A, 2017 AND FROM MARCH 10-12, 2018.
 3. THE BASKINS WITH HIS PROTECTED ZONE WERE PROVIDED BY THE CAPITAL DEFENSE COUNTY OF LOS ANGELES.
 4. DOTTED CONDITIONS SHOWN IN THE PLAN SUCH AS BLOCK PARKING, TRUCKS, STREET SURFACES ETC ARE BASED UPON DOTATED LEGAL PHOTOGRAPHY OF EXISTING FEATURES CONDUCTED IN 2005. THE DOTTING FEATURES ON THIS PLAN ARE FOR GENERAL INFORMATION ONLY.
 5. ALL DRAWINGS ARE REFERENCED TO NAD83 (1983 DATUM).