



**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.
CENAP-OP-R-2013-0179

Date

Application No.

File No.

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

AGENT: Mott MacDonald
833 Route 9 North
P.O. Box 373
Cape May Court House, New Jersey 08210

WATERWAY: Gravens Thorofare

LOCATION: Approximately 1800 feet south and west of the Gravens Thorofare crossing Avalon Boulevard, identified as Lot 1, Block 121.01, in Middle Township, Cape May County, New Jersey

ACTIVITY: On September 6, 2013, this office issued a verification of Nationwide Permits 16 and 33 for A) the temporary construction of a 2156 linear foot temporary road through tidal marsh and navigable waters for the removal of dredged materials from the Borough's confined disposal facility (CDF) site located on Macchia's (Graven's) Island and B) return water discharge associated with the removal of dredged materials. The work included the following: A) discharge of approximately 2.17 acre of fill within tidal marsh for the 2156 feet of road construction; B) placement of a CDF outfall extending approximately 110 linear feet waterward of the mean high water line; C) a timber matted equipment access extending approximately 90 feet waterward of the mean high water line of Graven's Thorofare, and D) the discharge of return water from the CDF. The approval was conditioned to require the removal of all fill and structures in regulated areas (including fill in wetlands and structures waterward of the mean high water line) no later than February 8, 2015 with final restoration of all aquatic resources, including return of grades and final re-vegetation, to be completed no later than May 22, 2015. The approval was later modified on December 9, 2013 and October 24, 2014 to allow for revised impacts of a maximum of 2.035 acre of wetland fill and extension of time for complete removal and restoration of the road by June 15, 2016. It should also be noted that the project included

placement of four culverted crossings of small tidal streams waterward of the mean high water line. These crossings received advanced approval as temporary from the U.S. Coast Guard on October 13, 2013.

On June 15, 2016, this office received an application from the Borough for the permanent maintenance of the road to the CDF. The applicant has also mentioned that it is the intent of the applicant that the road will be subject to inspection prior to future contracted use or specific project. As necessary there would be need for routine maintenance work on the road surface course to re-establish its thickness and width for safe use. They also mention that such maintenance would be limited to the wetland fill approved on December 9, 2013 as described on the plans attached to this notice. The applicant continues that further modification to the CDF is also proposed to create a ramp in both uplands and originally-approved road fill when access is required in order for vehicles to cross the CDF berm.

PURPOSE: The applicant's stated purpose to maintain the road in perpetuity is to allow for heavy equipment access to the CDF for removal of materials from the CDF and for pre-dredging preparation of the CDF.

This application for verification of Nationwide Permits 16 and 33 was reviewed under Section 7 of the Endangered Species Act. This office then determined that no species listed under the Endangered Species Act were likely to be affected by the project. As the work discussed herein includes no further regulated activities, a preliminary review indicates that the proposed work would not further affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The original application for verification of Nationwide Permits 16 and 33 was reviewed under Section 106 of the National Historic Preservation Act. This office had determined that the project would have no potential to affect historic resources due to the limited scope of project. As no further regulated activity is proposed, this office maintains its original determination herein.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). For the original nationwide permit verification, an assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, specifically page 63, was performed. This office determined that there may be adverse effects to species of concern but such effects would not be substantial and so would not require conservation measures. This was coordinated with NMFS on August 8, 2013. As no further regulated activity is proposed, this office maintains its original determination herein.

Compensatory mitigation: The applicant has determined that the project would require mitigation to compensate for un-avoidable losses to wetlands. As such, the applicant proposes to purchase 2.2 credits from an approved mitigation bank

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 Mr. David J. Caplan at 215-656-6731, via email at David.J.Caplan@usace.army.mil, or by writing to this office at the above address.

Samuel L. Reynolds
Acting Chief, Regulatory Branch

BOROUGH OF AVALON
CAPE MAY COUNTY, NEW JERSEY

GRAVEN'S ISLAND CONFINED DISPOSAL FACILITY ACCESS ROAD

JUNE 2016

MAYOR

MARTIN L. PAGLIUCCI

BOROUGH COUNCIL

RICHARD E. DEAN, PRESIDENT

WILLIAM BURNS

CHARLES P. COVINGTON

NANCY M. HUDANICH

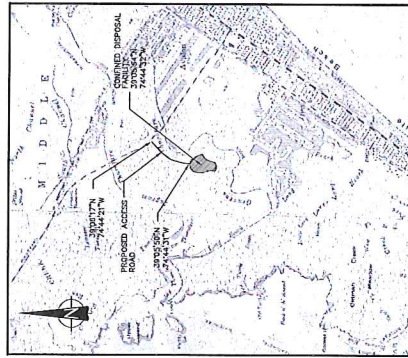
JOHN M. MCCORRISTIN

BOROUGH ADMINISTRATOR

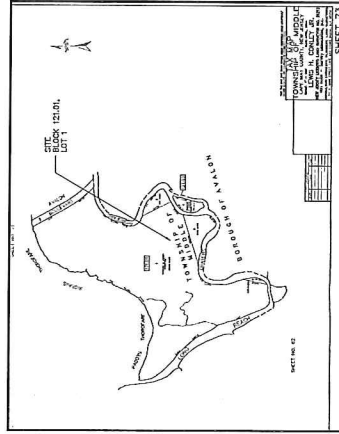
SCOTT J. WAHL

BOROUGH CLERK

MARIE HOOD



LOCATION MAP
NOT TO SCALE



TAX MAP
NOT TO SCALE

INDEX OF DRAWINGS

SHEET	DESCRIPTION
1	TITLE SHEET AND LOCATION MAP
2	ACCESS ROADWAY PLAN
3	CROSS SECTIONS AND DETAILS
4	

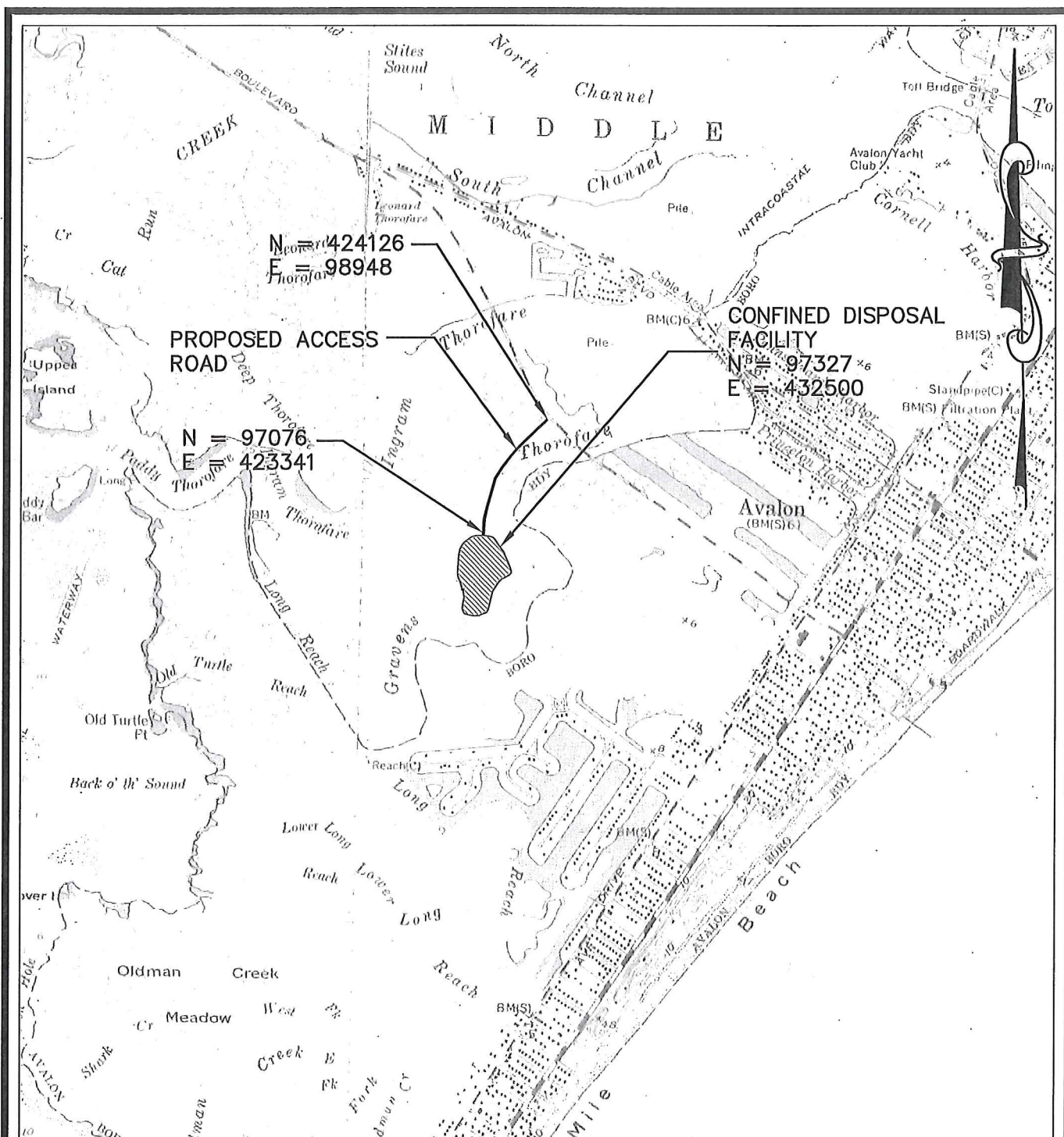


Hatch Mott
MacDonald

Camden, New Jersey 08103
633 Route 9 North, P.O. Box 273
Cape May Court House, New Jersey
08210-0273

THOMAS R. THORNTON
Professional Engineer
No. 121610000

PERMIT PLANS - NOT FOR CONSTRUCTION



USGS
QUADRANGLE

ABOVE PLAN TAKEN FROM
USGS QUADRANGLE
"AVALON, NJ"
NOT TO SCALE



**Hatch Mott
MacDonald**

Certificate No. 24GA28016600

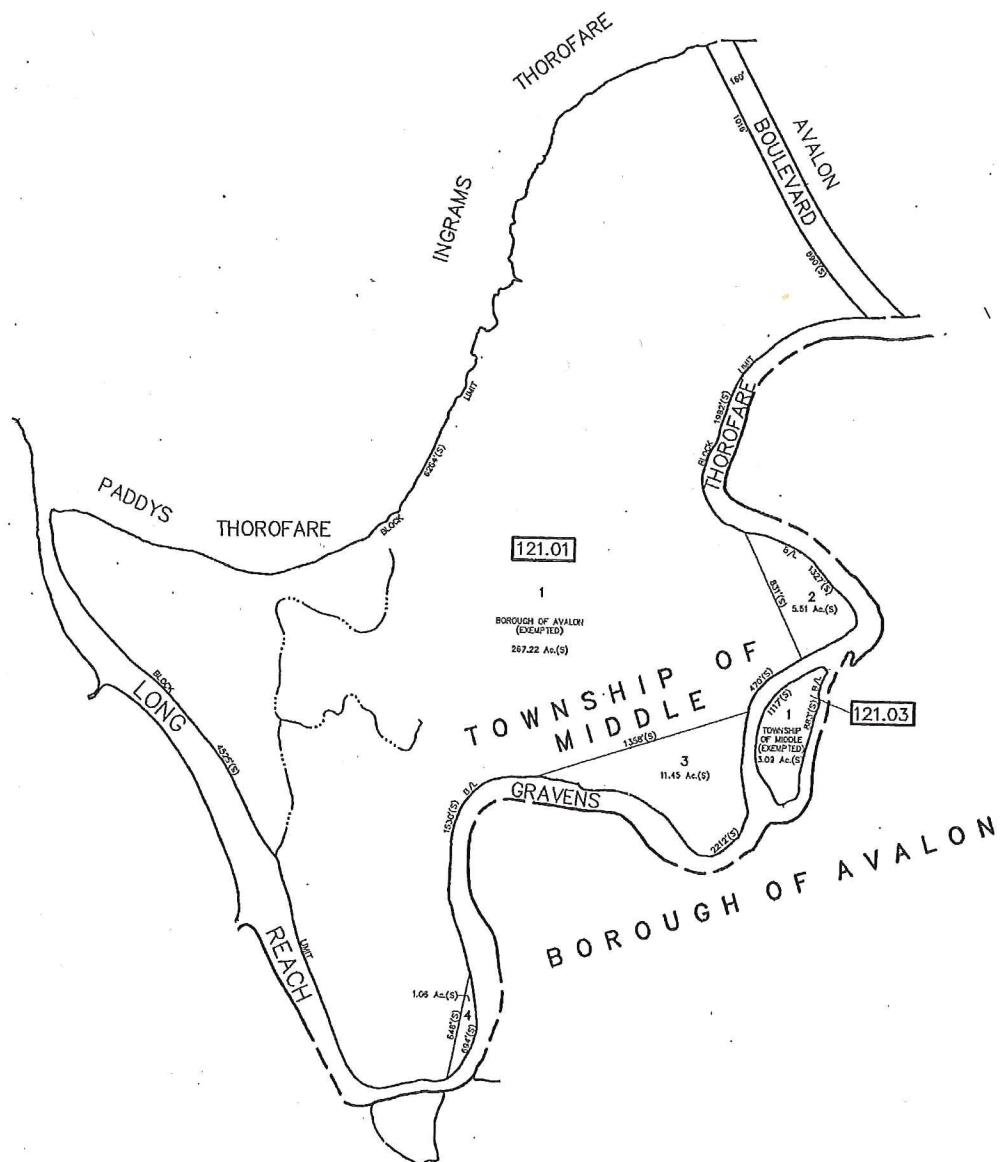
833 Route 9 North, P.O. Box 373
Cape May Court House, New Jersey
08210-0373

Tel: 609.465.9377
Fax: 609.465.5270

APPLICANT:
BOROUGH OF AVALON

SUBJECT PROPERTY:
BLOCK 121.01, LOT 1
MIDDLE TOWNSHIP
CAPE MAY COUNTY, NJ

Figure 1



SHEET NO. 62

REVISIONS		
DATE	NAME	NO.

**TAX
MAP**
ABOVE PLAN TAKEN FROM
MIDDLE TOWNSHIP
TAX MAP
SHEET 73
NOT TO SCALE



**Hatch Mott
MacDonald**

Certificate No. 24GA28016600

833 Route 9 North, P.O. Box 373
Cape May Court House, New Jersey
08210-0373

Tel: 609.465.9377
Fax: 609.465.5270

APPLICANT:
BOROUGH OF AVALON

SUBJECT PROPERTY:
BLOCK 121.01, LOT 1
MIDDLE TOWNSHIP
CAPE MAY COUNTY, NJ

Figure 2

CAPE MAY COUNTY, NEW JERSEY
GRAVEN'S ISLAND CONFINED DISPOSAL FACILITY
ACCESS ROAD
CROSS-SECTIONS AND DETAILS

CROSS-SECTIONS AND DETAILS

**Hatch Mott
MacDonald**
Certificate No. 24CA250155500
833 Route 9 North
Hope May Court House, NJ 08210
P 609.465.9377 F 609.465.5270

Grouped	1/1/1	Grouped	1/1/1	Grouped	1/1/1
1/1/1	1/1/1	1/1/1	1/1/1	1/1/1	1/1/1
2/1/5	2/1/5	2/1/5	2/1/5	2/1/5	2/1/5

222222

President Eringer - N.J. Lic. No. 240304177003

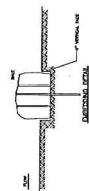
Parental stresses (continued)

11/22/13	Revised for USACE permit modification
11/19/13	Revised for USACE permit modification
11/18/13	Revised for USACE permit modification
07/23/13	Revised for USACE comments
07/15/13	Revised per USACE comments
07/02/13	Revised per agency comments

GENERAL NOTES:

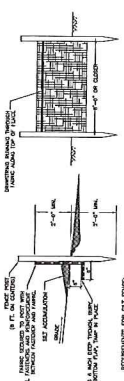
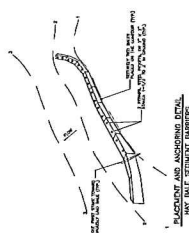
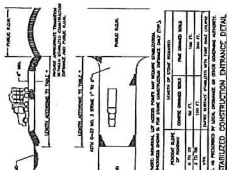
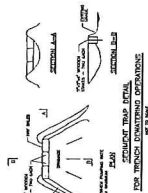
IN ALL AREAS WHERE THE WORK IS OUTSIDE OF PAVED ROADS, THE CONTRACTOR SHALL INSTALL AND MAINTAIN BARRIERS FOR EXPOSURE CONTROL. BARRIERS IN ACCORDANCE WITH THE FOLLOWING SHALL BE USED. IN REGARDS TO WHETHER OR NOT THE LOCATION OF SUCH BARRIERS ARE SPECIFICALLY SHOWN ON THE PLANS, CONTRACTORS ARE TO BE RESPONSIBLE FOR THE PROPER USE OF THE LIMITED SPACE AVAILABLE TO THEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, AIRWAYS AND AIRPORT MATERIALS, STRUCTURES AND STONES. CONSTRUCTION ENTRANCE PAGES AT POINTS OF ACCESS AND EXITS FROM PAVED AREAS TO UNPAVED AREAS.

WHERE WORK IS IN PAVED AREAS, EXPOSURE CONTROL MEASURES SHALL INCLUDE BUT NOT BE LIMITED TO: STORM DRAIN INLET PROTECTION, KEEPING AREAS CLEAN,



TO:
L. SPECIMEN TREES AS SHOWN ON THE PLANS TO
BE MAINTAINED SHALL BE PROTECTED DURING CONSTRUCTION. THE
CONTRACTOR SHALL NOTIFY THE OWNER OF ANY DAMAGE TO THE
TREES AT THE TIME OF EACH SPECIMEN TREE BEFORE WORKING IN THE VICINITY
OF THE TREE AS DIRECTED BY THE ENGINEER.

CORRECT FENCING
FOR SPECIMEN TREE PROTECTION

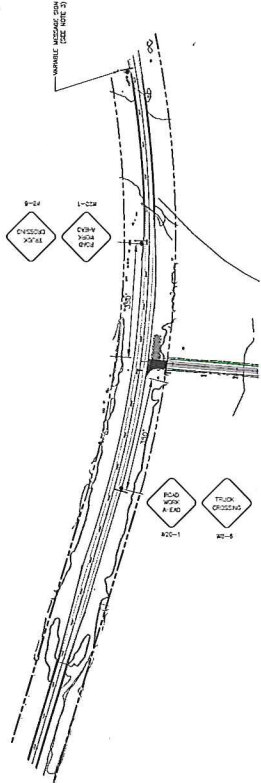


1. **FACE SHEET SHALL BE SPACED 2 FEET CENTER-TO-CENTER OF GRADES. TYPICAL SPACING AT GRADES 2 FEET AND THE GRAVING AND EXTEND AT LEAST 2 FEET ABOVE GRAVING. FACING SHALL BE CONSTRUCTED OF TYPICAL FACE WITH A MINIMUM DENSITY THICKNESS OF 1-1/2 INCHES.**

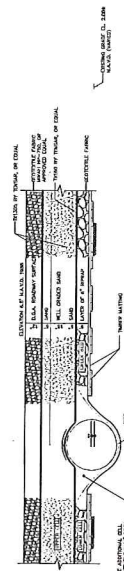
SILT FENCE DETAIL

TRAINING COURSE NOTES

- TRAFFIC CONTROL, INDICATE**
- UNDER COMMANDMENT OF THE PROJECT, ROAD WORK AHEAD WARNING SIGNS WILL BE REQUIRED 350 FEET IN ADVANCE OF THE WORK IN BOTH DIRECTIONS.
- ONCE THE WORK ON THE TEMPORARY ROAD IN THE VICINITY OF THE COUNTY ROAD IS COMPLETED, REPLACE THE WOOD-1 SIGNS WITH TRUCK PROGRESSOR (WB-6) SIGNS AT THE SAME LOCATIONS.
- THROUGHOUT THE ENTIRE PROJECT, A VARIABLE MESSAGE SIGN WITH A MESSAGE THAT WILL BE INSTALLED AND MAINTAINED FOR A MINIMUM OF 10 DAYS WILL BE MAINTAINED FOR A MINIMUM OF 10 DAYS.



TRAFFIC CONTROL



ACCESS ROAD CROSS SECTION (TYP)

575

STREAM CROSSING DETAIL - TYP (CREEK WIDTH VARIES)

MULLEN ROAD CROSS SECTION

— 359 K.T.A.