

APPENDIX K
Public Access Plan

**ATLANTIC COAST OF NEW JERSEY,
SANDY HOOK TO BARNEGAT INLET
BEACH EROSION CONTROL PROJECT,
SECTION I- SEA BRIGHT TO OCEAN TOWNSHIP:
ELBERON TO LOCH ARBOUR REACH
Beach Erosion Control Project**

HURRICANE SANDY LIMITED REEVALUATION REPORT (HSLRR)

Public Access Plan

Summary of Federal and State Policy

[Department of the Army, ER 1165-2-130, dated 15 June 1989, Federal Participation in Shore Protection, paragraph 6h.] It is Corps policy to participate in the additional costs for placing beach-quality sand or other suitable material onto adjacent beaches or near shore providing that the beaches involved must be open to the public. Project beaches will not be limited for use by only a segment of the public; they must be open to all visitors regardless of origin or home area. Reasonable public access must be provided in accordance with the recreational use objectives of the particular area. However, public use is construed to be effectively limited to within one-quarter mile from available points of public access to any particular shore.

Additionally, nearby parking facilities, on free or reasonable terms, should be within a reasonable walking distance to the beach. Lack of sufficient public parking with reasonable public access to the beach will preclude federal participation. Items of local cooperation require the sponsor to provide necessary access roads, parking areas, and other public use facilities open and available to all on equal terms. However, even though the lack of such facilities may constrain beach use, it is not the intent to require that facilities be provided to meet all demand situations, but only that public use and access not be precluded by the lack of existing facilities due to local practices and/or unique situations.

Finally, in the event public access points are not within one-half mile of each other, either an item of local cooperation specifying such a requirement and public use throughout the project life must be included in project recommendations or the cost sharing must be based on private use.

Provisions set forth by the State of New Jersey's Public Trust Doctrine also apply to the project as the State is the non-federal sponsor for the project. As identified in the State of Jersey's Public Trust Doctrine Handbook

(http://www.state.nj.us/dep/cmp/access/public_access_handbook.pdf), public access

point must be clearly identified and marked with signs, every $\frac{1}{4}$ mile. Public access policy for the State is managed by the Division of Coastal and Land Use Planning.

The following is the U.S. Corps of Engineers, New York District assessment of the current public access to the subject project area.

Project Description

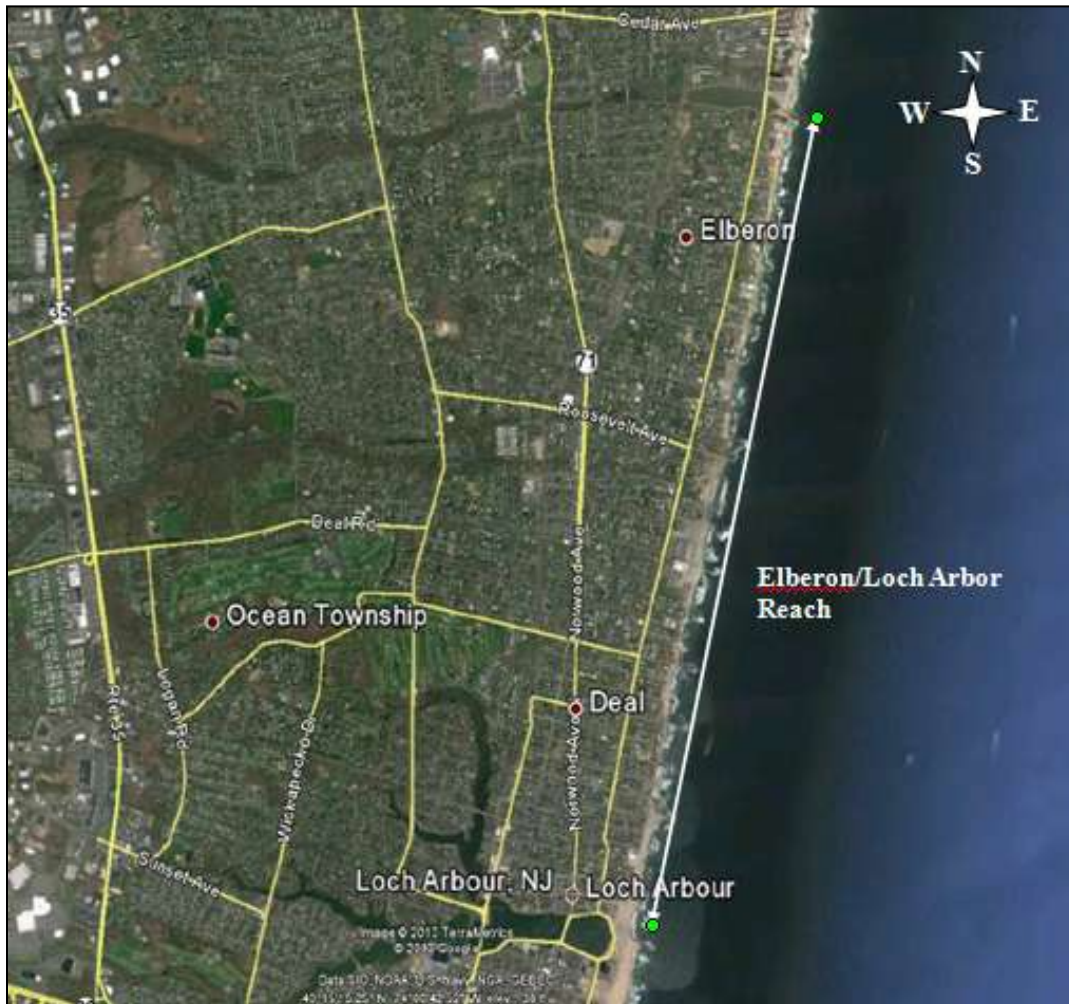


Figure 1 Project Area

The Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet Beach Erosion Control Project, Section I – Sandy Hook to Ocean Township: Elberon to Loch Arbor Reach extends approximately 3.5 miles, beginning at Lake Takanessee in the City of Long Branch neighborhood of Elberon and ending near Deal Lake, in the Village of Loch Arbor.

This 3.5 mile unconstructed portion of the previously authorized project will be designed and constructed in accordance with the 1958 authorized plan for Section I including construction of a 100 ft wide berm at an elevation of +7.3 ft NAVD88 (+10 ft MLW). Though authorized, new groin construction and extension of existing groins are not required for the construction of the Elberon to Loch Arbor reach. The project will include, as authorized in WRDA 1958, Federal participation in periodic renourishment.

Current Public Access

Using 2005 data provided by the State of New Jersey, the public and private access points and parking areas within the Elberon to Loch Arbour Reach have been illustrated in Figure 2. The following information on public access for each municipality within the reach was retrieved from NJ's Official Tourism website and the NJ Sea Grant Consortium.

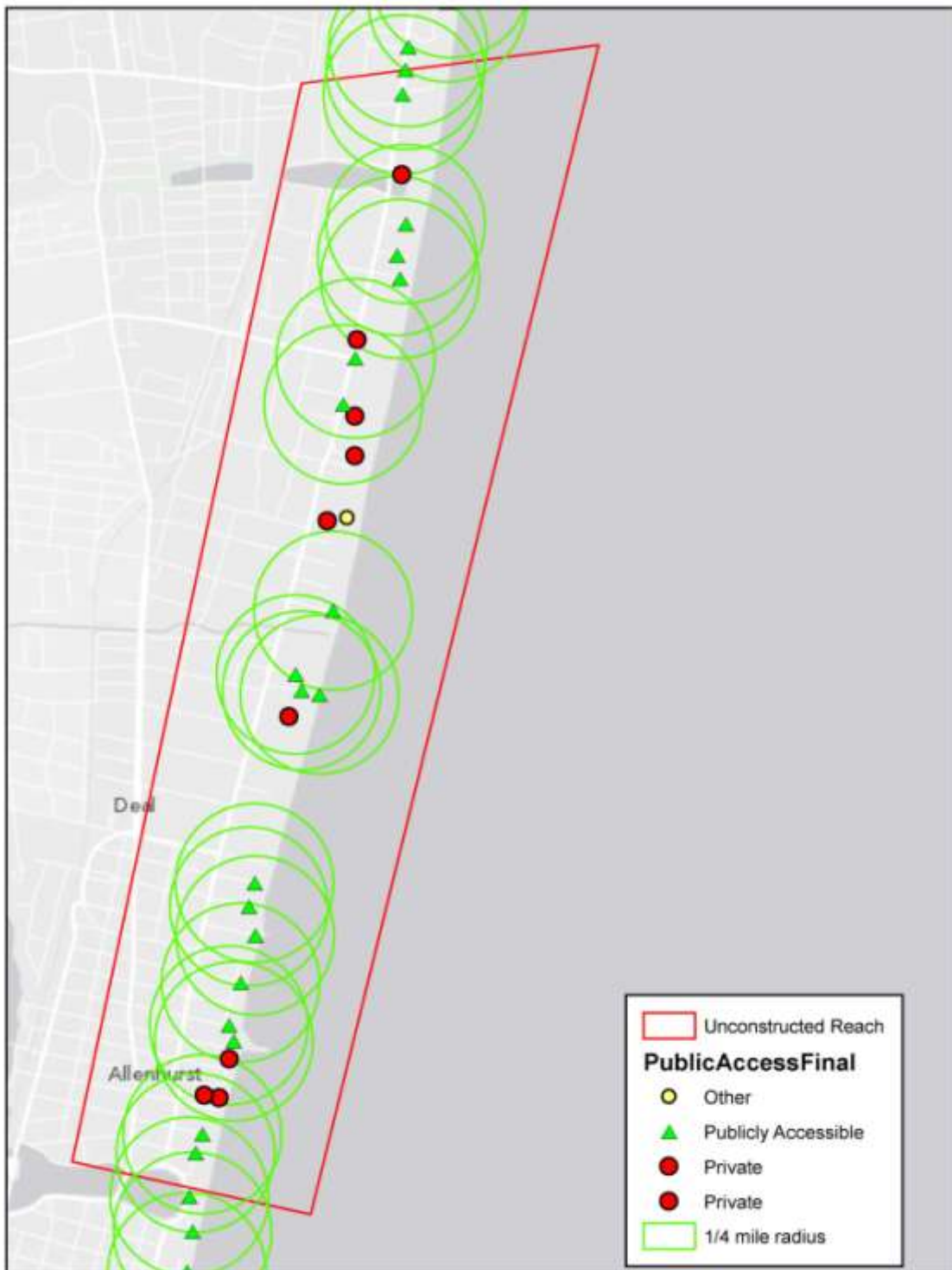


Figure 2 NJDEP Public Access Points (2005)

Elberon (City of Long Branch)

Status: All beach areas from Seaview Avenue (north) to Brighton Avenue (south) will open weekends only until June 15, then daily through Labor Day. However, access points will be limited.

Fees: Daily, \$5 weekdays; \$7, weekends and holidays. Ages 14 to 17, \$3 (daily or weekend). Ages 62 and older free. Season, \$45; ages 14 to 17, \$30.

Facilities: Portable restrooms at Great Lawn Beach; Laird Street Beach, Pier Village, Morris Avenue Beach; South Bath Beach and West End Avenue Beach. Shower towers located outside restrooms.

Lifeguards: 9 a.m. to 5 p.m. 14 lifeguard stations will be open.

Parking: Privately operated parking on Ocean Boulevard off Laird Street and at Pier Village.

Handicapped access: Yes and beach wheelchair is available.

Borough of Deal

Status: Conover Pavilion was destroyed by Hurricane Sandy, but the borough will have a new "partial" facility erected by July 1. The facility will have restrooms, changing area with showers, snack bar and office, but no bathhouses. Bathhouses will be constructed next winter, in time for the 2014 beach season. According to borough administrator Jim Rogers, all beach areas will be open and, with the beaches at about the same width as last year, "we will have adequate beach area available for people to enjoy." On Memorial Day weekend, beaches will open with portable restrooms.

Fees: Daily, \$6; weekends, \$7. Ages 12 and younger free. Season badges, \$100. No senior discounts.

Lifeguards: 9 a.m.-5 p.m., weekends only until June 14, then daily through Labor Day.

Parking Free parking at municipal lot at Phillips and Ocean avenues.

Handicapped access: At the foot of Phillips Avenue. When completed, the pavilion will provide ADA-compliant accessibility.

Rules: No pets, vehicles, bikes or campfires allowed on beach. Surfing and fishing permitted in designated areas. Ball playing, kite flying and Frisbee tossing permitted. A volleyball net is provided. Coolers with food and discretionary consumption of alcohol is permitted.

Borough of Allenhurst

Status: Opens daily June 14 through Sept. 8.

Fees: Daily badges \$8.

Lifeguards: Two stands staffed 10 a.m-6 p.m.

Facilities: Restrooms, but no shower or changing facilities.

Parking: Limited free street parking.

Handicapped access: Off Cedar Avenue Rules

No pets, vehicles or campfires. Coolers permitted and fishing allowed at the jetty. The municipality provides volleyball net.

Village of Loch Arbour

Status: The village suffered some damage during Hurricane Sandy, but officials are busy bringing back this spot in the sand in time for the summer season. According to deputy clerk Marilyn Simons, the beach will open May 25, weekends only, until June 17, then daily through Labor Day.

Lifeguards: 10 a.m.-6 p.m.

Fees: Daily badges, good Monday to Thursday, excluding holidays, \$5. Friday, Saturday and Sunday, \$8. Seasonal badges \$90 for ages 12 and older; \$50 for senior citizens.

Facilities: The Loch Arbour Village Beach Club — or pavilion, as it is known — was damaged in the storm and is being rebuilt. The structure, at Euclid Avenue and Ocean Place, housed the food concession and restrooms. The reconstructed pavilion will have a kitchen, restrooms with a changing area and a covered, open-air eating section. The pavilion is expected to be complete by July 1. Until the facility is rebuilt, the village will have "temporary services" with portable restrooms, portable food concessions and temporary offices where badges can be purchased.

Parking: Electronic metered parking \$1 per hour seven days a week.

Conclusion and Recommendations

Suitable public access is required for any areas where Federal expenditure of funds will be utilized for beach restoration. Based upon data provided by the New Jersey State Department of Environmental Protection (Figure 2), there appear to be two areas within the Borough of Deal that do not meet public access requirements as established by the Corps of Engineers (ER 1165-2-130) and State of New Jersey (Public Trust Doctrine).

As stated in Article II, Obligations of the Parties, Project Partnership Agreement Between The Department Of The Army And The New Jersey Department Of Environmental Protection For The Atlantic Coast Of New Jersey Sandy Hook To Barnegat Inlet Section I - Sea Bright To Ocean Township, New Jersey Hurricane And Storm Damage Reduction Project, the Non-Federal Sponsor shall ensure the continued public use of such shores compatible with the authorized purpose of the Project.

It is therefore the responsibility of the non-federal Sponsor, the State of New Jersey, to survey the project area further paying specific attention to the Borough of Deal, to identify and clearly mark public access points and nearby parking facilities, on free or reasonable terms within a reasonable walking distance to the beach. If access points have not been established or are not clearly marked, the non-federal sponsor shall ensure that all Federal and State public access requirements are met.