



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER

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October 12, 2023

Mayor Patrick T. Rosenello
City of North Wildwood
901 Atlantic Avenue
North Wildwood, NJ 08260

RE: Beach Erosion Concerns
City of North Wildwood

Dear Mayor Rosenello:

The Department of Environmental Protection (DEP) is in receipt of your latest letter dated October 3, 2023 objecting to the sand mitigation obligations that were a condition of DEP's May 17, 2023 authorization, requiring the City of North Wildwood (City) to replenish sand on its beach.

This mitigation is necessary to restore sand disturbed by the City during emergent bulkhead construction authorized by DEP, but the City now contends that it is impractical to replenish sand prior to construction of the larger engineered beach and dune project that will run from Hereford Inlet to Cape May ("Shore Protection Project"). While DEP recognizes the City's position that tidal action may erode newly placed sand, the City's inaction is not acceptable insofar as the required sand mitigation will nonetheless afford interim shore protection benefits. Indeed, had the City completed the sand mitigation by September 30, 2023 as originally required, the dune at 15th Avenue may have been less susceptible to breach during recent October storms.

With respect to the unnecessary delay in construction of the larger Shore Protection Project, DEP shares in the public frustration that Five Mile Island is the last of New Jersey's barrier islands to receive the protection afforded by an engineered beach and dune system. As you know, the delay is solely a product of the years-long refusal of neighboring Five Mile Island municipalities to accept the project, even though it is fully federally- and state-funded. That neighboring community leaders would not previously support this free barrier island-wide resilience solution is incomprehensible, especially considering that erosional forces repeatedly remove sand from North Wildwood, often depositing it in Wildwood. I was happy to intervene and ultimately bring the standoff between North Wildwood, Wildwood Crest, Wildwood, and Lower Township to an end earlier this year. This DEP effort to support North Wildwood has made way for the Shore Protection Project to proceed, which is now under detailed design and anticipated to begin construction in early 2025. Continuing support from neighboring municipal leadership will be critical to keeping this project on track.

In years past, and despite the municipal standoff, the City had nonetheless facilitated sand replenishment at its own expense by back passing sand from Wildwood. The City could, but has not to, continue back passing sand as an interim measure pending construction of the Shore Protection Project. Although the City has more recently asserted that back passing is impractical, DEP has evaluated the City's contention and found that, with some minor modifications to past techniques, back passing could be accomplished.

Absent the City's endeavor toward a neighborly agreement on back passing, or its procurement of alternative sand, the City faces conditions where, by design or default, incremental bulkheading of the shoreline appears its only option. However, as you know, bulkheading may not be advisable or approvable, especially where other viable shore protection measures are available. To that end, DEP has continuously invited the City to engage with DEP in a holistic evaluation of such measures. This could have been achieved during DEP's evaluation of the City's long-pending CAFRA individual permit, which was first submitted by the City in 2020, but which the City never completed. Instead, the City has sought a series of emergency authorizations (EA) for discrete sections of bulkhead. But, as the City is aware, not all conditions warrant an EA.

Ultimately, the City's inaction contributed to the conditions warranting the emergent bulkhead installation at 15th Avenue that the Department authorized in the September 26, 2023 EA. Had the City collaborated with DEP in review and potential redesign discussions on its long-pending CAFRA individual permit, City-led shore protection measures could have been approved and built in the year that has passed since the City's first EA denial in October 2022. These measures would have protected the City against the erosion that ultimately resulted in the dune breach at 15th Avenue.

It bears noting that, contrary to your public statements, the September 26 EA allowing bulkhead installation at 15th Avenue was not issued in response to the breach of the dune at 15th Avenue on or about October 1, 2023. Rather, the EA was issued prior to the breach and, notably, at the urging of the DEP Division of Land Resource Protection (DLRP), as reflected in DLRP's August 4, 2023 letter, and with the Department's assistance.

Rather than engage in continued emergency permitting driven by preventable conditions, DEP strongly urges the City to resume and complete its long-pending CAFRA individual permit application. Through technical review of that application, the City and DEP can engage in a productive dialogue about more sound beach management practices that will meet our shared goal of improving coastal resilience.

Of course, the City must also address its prior environmental violations, including the bulldozing of acres of mature, vegetated dunes that had provided shore protection and offered a more stable reservoir of sand that was vital to the beach and dune system.

With respect to the concerns about DLRP's sand mitigation guidance articulated in your October 3 letter, the EA condition in question required that sand volumes removed by the City from the dune at the midblock of 12/13th Avenues to 15th Avenue be restored. During sand mitigation discussions with the City, DLRP granted an extension until September 1 for the City to submit its mitigation plan, with a deadline of September 30 for the City to complete the mitigation.



The City's sand mitigation proposal did not propose to replace the sand volumes as required under the EA. The City proposed to place no sand between 12th and 15th Avenues, and instead proposed to import sand to push the established and vegetated dune at 15th Avenue landward. DLRP denied that proposal because the Department determined sand replacement between 12th and 15th Avenues would replenish the reservoir of sand in the system and enhance the vegetated dune near 15th Avenue, thereby reducing erosion. Had the sand mitigation been undertaken at this location and by September 30 as was required, the dune at 15th Avenue may have been less susceptible to breach.

Notwithstanding these avoidable circumstances, as in all other matters involving the City, DEP-DLRP has shown a continuing willingness to help the City find a solution. In fact, DLRP has already proposed another option to your agent that accounts for the changing coastal dynamic since the dune breach event. My strong advice is that you ensure that City representatives continue productively discussing this matter with DLRP's management and staff. These experienced public servants, who are deeply committed to the protection of all of New Jersey's coastal communities, are the appropriate audience for the technical onsite meeting your October 3 letter requests. DLRP Assistant Director Colleen Keller will gladly facilitate the necessary arrangements and you are invited to contact her via email at colleen.keller@dep.nj.gov.

The City's continual cooperation is critical to achieving our shared goal of improving coastal resilience, and your renewed commitment toward that end is appreciated.

Sincerely,



Shawn M. LaTourette
Commissioner

- c: Katrina Angarone, Assistant Commissioner, DEP Watershed and Land Management
Jennifer Moriarty, Director, DEP-WLM Division of Land Resource Protection
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