

# **PUBLIC NOTICE**

## **REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408**

**TITLE:** IMCMV Holdings – Landshark Bar & Grille Expansion Project – sited at the New Jersey Shore Protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island Coastal Storm Risk Management Federal Civil Works Project in Atlantic City, Atlantic County, New Jersey

**PUBLIC NOTICE IDENTIFICATION NUMBER:** NAP-2024-408-01

### **PUBLIC NOTICE COMMENT PERIOD:**

Begins: **29 January 2024**

Expires: **28 February 2024**

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work at or near a federal project of the United States, as described below and shown on attached figures. Written comments are being solicited from anyone having an interest in the requested alteration. Comments will become part of the U.S. Army Corps of Engineers' (USACE's) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are all welcome.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply USACE endorsement of the project as described.

**1. REQUESTER:** In compliance with 33 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), IMCMV Holdings has requested permission to renovate and expand the existing Landshark Bar & Grille restaurant facility, which is sited at the New Jersey Shore Protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island Coastal Storm Risk Management Federal Civil Works Project.

**2. LOCATION:** The proposed project is located in uplands (i.e. landward of the High Tide Line of the Atlantic Ocean) at 1133 Boardwalk in Atlantic City, Atlantic County, New Jersey; approximate center coordinates 39.358035, -74.420949.

**3. LOCATION MAP(S)/DRAWING(S):** Please see attached Project Plan Sheets 1 through 4.

**4. REQUESTER'S PROPOSED ACTION:** The proposed action entails renovation and expansion of the existing Landshark Bar & Grille restaurant facility, which is sited in uplands at the New Jersey Shore Protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon

Island Coastal Storm Risk Management Federal Civil Works Project. The proposal entails expansion of the existing interior food storage area of the Landshark Bar and Grille facility to service the expanded seating capacity of the restaurant and existing and future beach bar operations. To accommodate this expansion, approximately 600.0-square feet (0.014-acres) of dry storage areas and walk-in coolers will be constructed.

**5. REGULATORY AUTHORITY:** This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). A requestor has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344) and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). Any Section 10/404/103 permit decision associated with the proposed alteration is separate from and will not be included in the Section 408 permission decision. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

**6. ENVIRONMENTAL COMPLIANCE:** A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the Philadelphia District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. Based on information provided by the applicant to date, current Corps regulations governing NEPA implementation, and/or the contents of existing NEPA documentation if available, it is likely that the proposed action will be determined to be categorically excluded from the need to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). This determination will be finalized following completion of agency coordination and prior to issuance of the Section 408 Permission Decision.

**7. EVALUATION:** As part of its evaluation, USACE will first make a determination that the submittal from the requestor is complete. The Philadelphia District is working closely with the requestor to ensure that all required technical plans, maps, drawings, and specifications are provided and are complete. Once the package is complete, a District-led review will be conducted to determine, in accordance with Engineering Circular (EC) 1165-2-216, whether the proposed alteration will impair the usefulness of the USACE Project or be injurious to the public interest, as follows:

- A. *Impair the Usefulness of the Project Determination.* The Philadelphia District's Section 408 review team will determine if the proposed alteration will limit the ability of the federally authorized project to function as authorized, or will compromise or change any authorized project conditions, purposes or outputs.
- B. *Injurious to the Public Interest Determination.* Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of

all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

**8. SOLICITATION OF COMMENTS:** The USACE 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 the proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are considered in making a final determination whether the proposed action will be categorically excluded from the need to prepare further NEPA documentation. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

- A. It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to the Philadelphia District Corps of Engineers, Office of Counsel to obtain copies of said materials under the FOIA.
- B. It is presumed that all parties viewing this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

**9. COMMENT SUBMISSION AND ADDITIONAL INFORMATION:** Written comments on the described work should reference the USACE Public Notice Identification Number found on the first page of this notice. Comments must reach this office no later than the stated expiration date of the Public Notice to become part of the record and be considered in the decision. Comments or requests for additional information should be mailed or emailed to the following address:

Email: [Bishel.Baby@usace.army.mil](mailto:Bishel.Baby@usace.army.mil)

Mailing Address:

U.S. Army Corps of Engineers

Philadelphia District

Attn: Bishel B. Baby

1650 Arch Street, 7<sup>th</sup> Floor

Philadelphia, PA 19103-2004









## GENERAL

## 1. CONT

- CONTRACTOR TO VERIFY EXISTING CONDITIONS AND DIMENSIONS AND SHALL REVIEW THE DRAWINGS AND SPECIFICATIONS PRIOR TO BIDDING. WORK SHALL BE IN ACCORDANCE WITH EACH OF THE SPECIFICATIONS, DRAWINGS, AND CONDITIONS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING NOTES:
2. THE OWNER AND CONTRACTOR SHALL INDEMNIFY, INSURE AND HOLD HARMLESS EACH OTHER AND EACH OTHER'S EMPLOYEES, AGENTS, SUBCONTRACTORS, ATTORNEYS, AGENTS, SUBCONTRACTORS, HEIRS AND ASSIGNS, AGAINST, AND TO THE EXTENT OF THE NECESSITY, ALL DAMAGES, LOSSES, COSTS, CLAIMS, CAUSES OF ACTION, COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES AND DISBURSEMENTS, SUFFERED OR INCURRED BY ANY OF THEM AS A RESULT OF OR IN CONNECTION WITH THE CONTRACT OR IN ANY MANNER CONNECTED WITH THE CONTRACTOR'S PERFORMANCE, NONPERFORMANCE, NEGLIGENCE, PERFORMANCE, OR BREACH OF THE CONTRACT AGREEMENT.
3. CONTRACTOR MUST NOTIFY THE OWNER AND ENGINEER OF ANY OMISSIONS, CONTRADICTIONS OR CONFLICTS SEVEN DAYS BEFORE THE BID DATE. ENGINEER SHALL HAVE THE FINAL SAY IN ALL MATTERS. IF THE CONTRACTOR DOES NOT NOTIFY THE OWNER AND ENGINEER OF ANY SUCH CONDITION, IT WILL BE CONSIDERED THAT THE CONTRACTOR HAS ACCEPTED THE CONDITION.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL AND STATE REGULATIONS, BUILDING CODES, ORDINANCES AND GOOD CONSTRUCTION PRACTICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR BEING CONSIDERED GOOD CONSTRUCTION PRACTICE AND THESE PLANS, HE SHALL STATE IN WRITING ALL OBJECTIONS PRIOR TO SUBMITTING QUOTATIONS. ANY DISCREPANCY SHALL BE THE CONTRACTOR'S RESPONSIBILITY. THE INTEGRITY OF EXISTING STRUCTURES AND THE PROTECTION OF ADJACENT WORK ARE THE CONTRACTOR'S RESPONSIBILITY DURING THE COURSE OF THE WORK, TO BRING TO THE ATTENTION OF THE OWNER AND ENGINEER ANY DEleterious DISCOVERY OR DISCREPANCY.
5. CONTRACTOR SHALL SUBMIT ALL ALTERNATE MATERIALS, METHODS OR CONSTRUCTION DETAILS TO THE OWNER AND ENGINEER FOR APPROVAL, PRIOR TO CONSTRUCTION.
6. CONTRACTOR SHALL HAVE SOLE RESPONSIBILITY FOR THE ACCURACY OF ALL QUANTITIES, MATERIALS, METHODS, MATERIAL QUANTITIES AND SIZES, AND SITE CONDITIONS THAT WILL AFFECT WORK.
7. REFER TO THE ARCHITECTURAL DRAWINGS AND SPECIFICATIONS FOR
8. CZAR ENGINEERING'S SERVICES LIMITED TO WORK AS DESCRIBED HEREIN ONLY. NO OTHER STRUCTURE HAS REVIEWED AND HE DEFER TO THE BUILDING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE OWNER, CONTRACTOR, OR ANY OTHER INTERESTED PARTY ARE AWARE OF DEFICIENCIES IN THE BUILDING. THE STATE OF CALIFORNIA IS NOT RESPONSIBLE FOR ANY NOTIFICATION OF ENGINEERING, WRITING, AND ADDITIONAL WORK. THERE WILL FOLLOW UNDER SEPARATE CONTRACT, OTHERWISE, CZAR ENGINEERING HAS NO LIABILITY FOR ANY DEFICIENCIES IN THE BALANCE OF THE STRUCTURE.

## CONCRETE AND REINFORCING

1. ALL CONCRETE SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI IN 28 DAYS. TWO TEST CYLINDERS FOR STRENGTH TESTS OF 12" DIAMETER SHALL BE CASTED FOR EACH 100 CYCLES OF PLACEMENT. AIR ENTRAINED ALL CONCRETE TO SIX PERCENT.
2. ALL CONCRETE SHALL BE NOTIFIED AND ERECTED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS FOR REINFORCED CONCRETE AS ADOPTED BY ACI 318 AND LOCAL CODES.
3. THIS WORK SHALL CONFORM TO ACI 301 STANDARD SPECIFICATIONS FOR REINFORCED CONCRETE.
4. ALL REINFORCING SHALL BE DEFORMED BARS INTERMEDIATE GRADE ASTM A615, GRADE 60. DETAILS OF REINFORCEMENT SHALL BE SUBMITTED AND SHALL BE FABRICATED AND PLACED IN ACCORDANCE WITH THE MANUFACTURER'S STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES. BARS SHALL BE LAPPED WITH LAP LENGTHS NOT LESS THAN 48 BAR DIAMETER UNLESS OTHERWISE NOTED. HELDED WIRE FABRIC (ASTM A195) SHEETS SHALL LAP 8" MINIMUM.
5. YIELDING SHALL BE FOUR HOURS OF CONCRETE PLACEMENT, SAWCUT JOINTS 1/4" DEEP BY 1/4" TOTAL SLAB THICKNESS.

## PILING/FOUNDATION

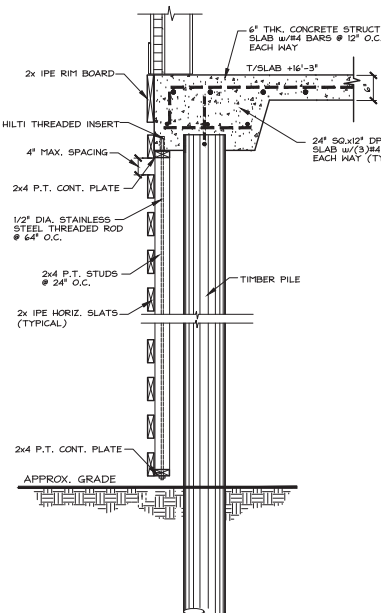
1. PILES SHOULD SUPPORT A SAFE LOAD OF 12 TONS PER PILE AS DETERMINED BY THE ENGINEERING NEWS RECORD FORMULA FOR PILING CAPACITY.
2. PILING CONTRACTOR SHALL CONFIRM BY TEST PILE THE LENGTH AND DIMENSION OF THE PILING AS REQUIRED TO OBTAIN THE STATED CAPACITY, BUT IN NO CASE LESS THAN THE FOLLOWING:
  - A. -10.00' M.S.L. MINIMUM DEPTH
  - B. 12" MINIMUM TIP DIAMETER
3. FOR SEVERE EXPOSURE A MINIMUM NET RETENTION OF 1.0 PCF IN ACCORDANCE WITH AWPCT SPECIFICATION HP4.
4. MINIMUM ALLOWABLE FIBER BENDING STRESS OF THE TIMBER SHALL BE 2000 PSI.
5. SEE GEOTECHNICAL REPORT # SPECIFICATIONS.

## DESIGN LOAD SCHEDULE

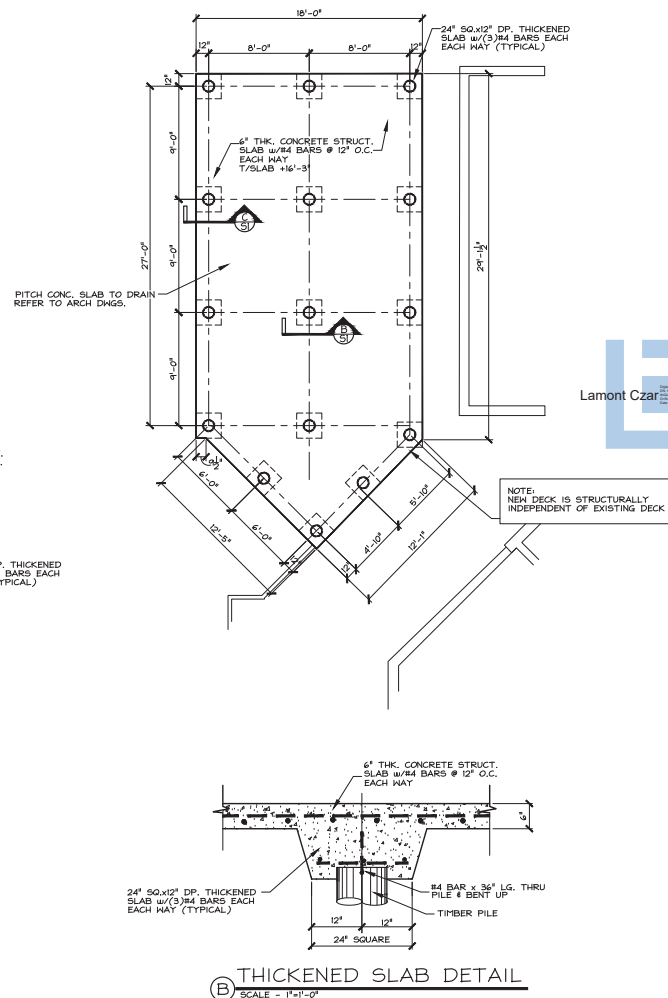
GOVERNING CODE: 2021 NJIBC, ASCE 7-10 AND ATC COUNCIL WEB APP FOR WIND SPEED MAPPING.

1. LIVE LOADS: 100 PSF
2. WIND LOADS 125 MPH  
EXPOSURE CLASSIFICATION D  
RISK CATEGORY IIIS.
3. SEISMIC:  
AV = AA = 0.06  
HAZARD EXPOSURE GROUP II  
SOIL PROFILE TYPE S4 - COEFFICIENT = 2.0  
PERFORMANCE CATEGORY B  
RESPONSE MODIFICATION FACTOR R = 4.5  
DEFLECTION AMPLIFICATION FACTOR CD = 4.0

(A) SCALE - 1"=1'-0"



(C) SECTION  
SCALE - 1"=1'-0"



Lamont Czar

**SOSH**  
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MARGARITAVILLE  
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AT  
RESORTS  
ATLANTIC CITY, NJ 08401

Block 1, Lot 142 & 142.01

## SUBMISSIONS

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**CONCLUSIONS**

FOUNDATION  
PLAN & SECTIONS

|     |     |
|-----|-----|
| ACE | S-1 |
| BC  |     |

S-1