



**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-2012-00196-64	SEP 24 2012
Application No.	File No.
CENAP-OP-R-2012-00196-64	CENAP-OP-R-2012-000196-64
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: City of Atlantic City, Suite 603 1301 Bacharach Blvd., Atlantic City, NJ 08401

AGENT: Arthur W. Ponzio Company and Associates, Atlantic City, NJ 08401

WATERWAY: Gardners' Basin

LOCATION: Melrose Park located adjacent to Melrose Avenue (a.k.a. Mediterranean Ave), Atlantic City, NJ, Lot 5 Block 106.

ACTIVITY: The proposed activity, identified as "Fisherman's Park and Atlantic Avenue Stormwater Control and Flood Mitigation Project", includes, but is not limited to the following: (a) removal of existing bulkhead and construction of 542 linear feet of new bulkhead (+/- 50 linear feet across existing canal and +/-492 feet upland of the High Tide Line (HTL); this would include placement of fill material behind 40 linear feet of the new bulkhead below the HTL; (b) construction of closed drainage culvert to replace open drainage culvert; (c) construction of storm-water control gates; and (d) construction of new storm water pumping structure and piping.

There is no proposed dredging and no proposed fill in wetlands. Total proposed area of fill material, in waters, below the HTL: 5,855.26 square feet [27.63 sq. ft. behind the bulkhead and 5,827.63 sq. ft. in the drainage canal]. The existing canal is proposed to be filled with a combination of granular fill (sand/gravel), a closed culvert structure, and storm-water pump chambers. Proposed area of structure below the HTL: 100 square feet.

PURPOSE: The applicant has stated that the purpose of the project is to construct new improvements as a part of an overall intent to improve storm-water collection and management in the City and to provide additional flood control measures to these parts of the City that have historically been prone to severe flooding from both tidal and storm events. The project focus is at an existing canal which provides stormwater relief to a significant portion of the City, with

outfall locations positioned at both Gardner's Basin and Beach Thorofare. Improvements are necessary to meet the needs of the City for stormwater management and flood control.

A preliminary review of this application indicates that the proposed work would not 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 fifteen (15) days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

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 effect Essential Fish Habitat (EFH). A preliminary 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 sheet 41, indicates that the proposed project may have an effect on EFH of winter flounder (*Pseudopleuronectes americanus*) however, due to the small area of impact, the location and frequent boat traffic, the adverse effect on EFH would not be substantial. This determination may change upon further coordination with Federal resource agencies.

Compensatory mitigation: In accordance with the June 9, 2008 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR 325 and 332 and 40 CFR 230) the applicant has indicated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. Information provided in the application and on plans indicates that there will be no placement of fill material in jurisdiction wetlands. The applicant has stated that the existing man-made drainage canal will be converted to a closed culvert system that will utilize stormwater pump chambers to collect and manage stormwater. The extent of fill is limited to the existing man-made drainage canal and approximately 27 square feet of waters behind a bulkhead. The applicant has indicated that as the nature of the proposed structures and fill are integral to an overall stormwater collection and management system, and because the area is currently used for the purpose of stormwater collection and management, it is not believed that compensatory mitigation should be required. The proposed bulkhead has been located to approximate location of high tide line minimizing the need to fill waters.

Exhibits E-1 through E-8 which accompany this notice, provide a site vicinity map, cross section views or other information for proposed project.

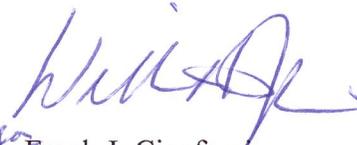
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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. The proposed work has been authorized the the State of New Jersey, Department of Environmental Protection Coastal General Permit 10, Permit #0102-12-0003.1, WFD 120001. 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.

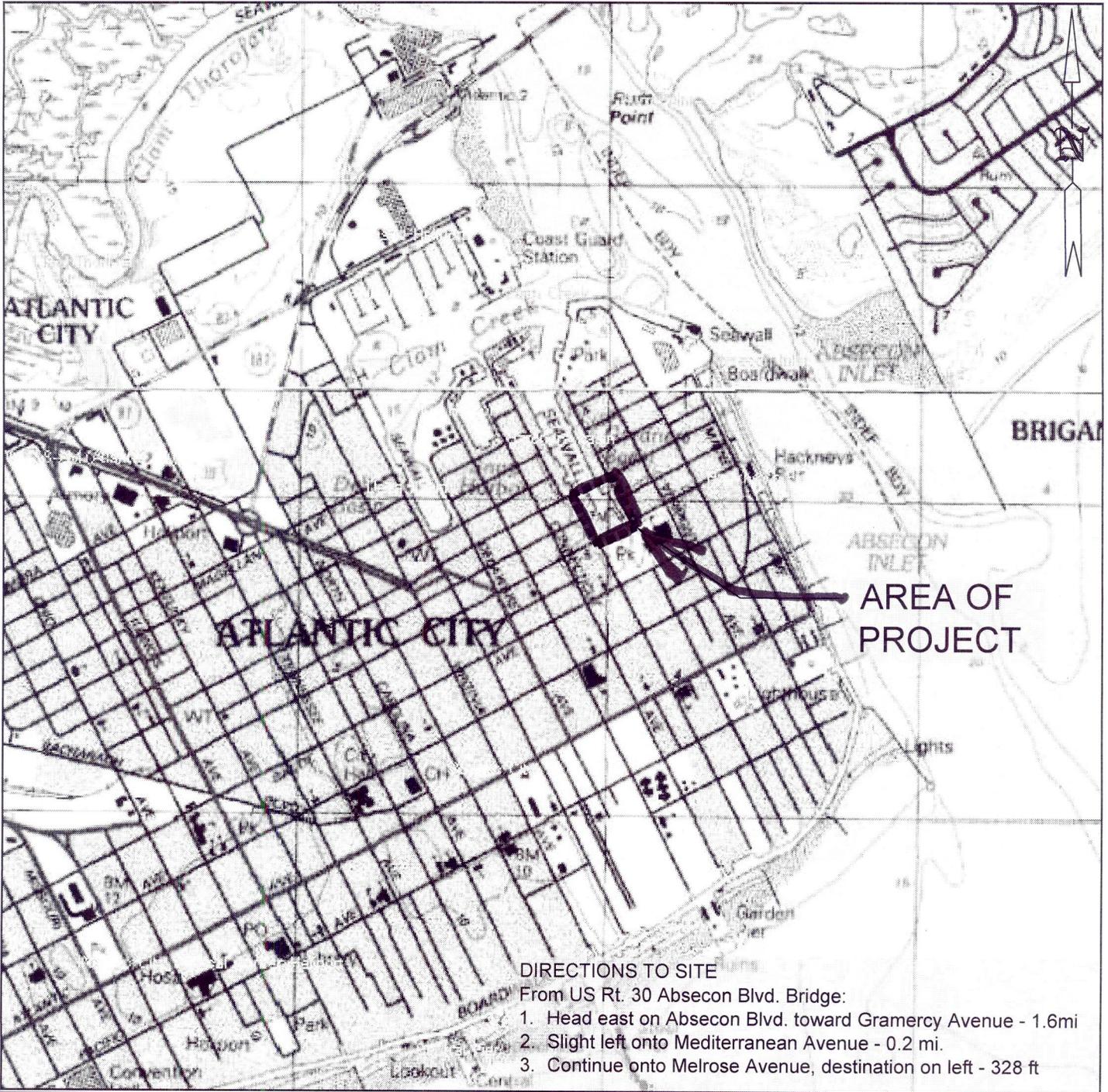
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 Michael F. Green at 215-656-6836, via email at Michael.F.Green@usace.army.mil, or writing this office at the above address.



Frank J. Cianfram
Chief, Regulatory Branch



LOCATOR MAP - MELROSE AVENUE

CITY OF ATLANTIC CITY
 PORTION OF ATLANTIS AVENUE
 ATLANTIC COUNTY, NEW JERSEY

REV. 5/8/12 - TAD - PER USACE COMMENTS

[Signature]
JON J. BARNHART
 PROFESSIONAL ENGINEER N.J. NO. GE43483

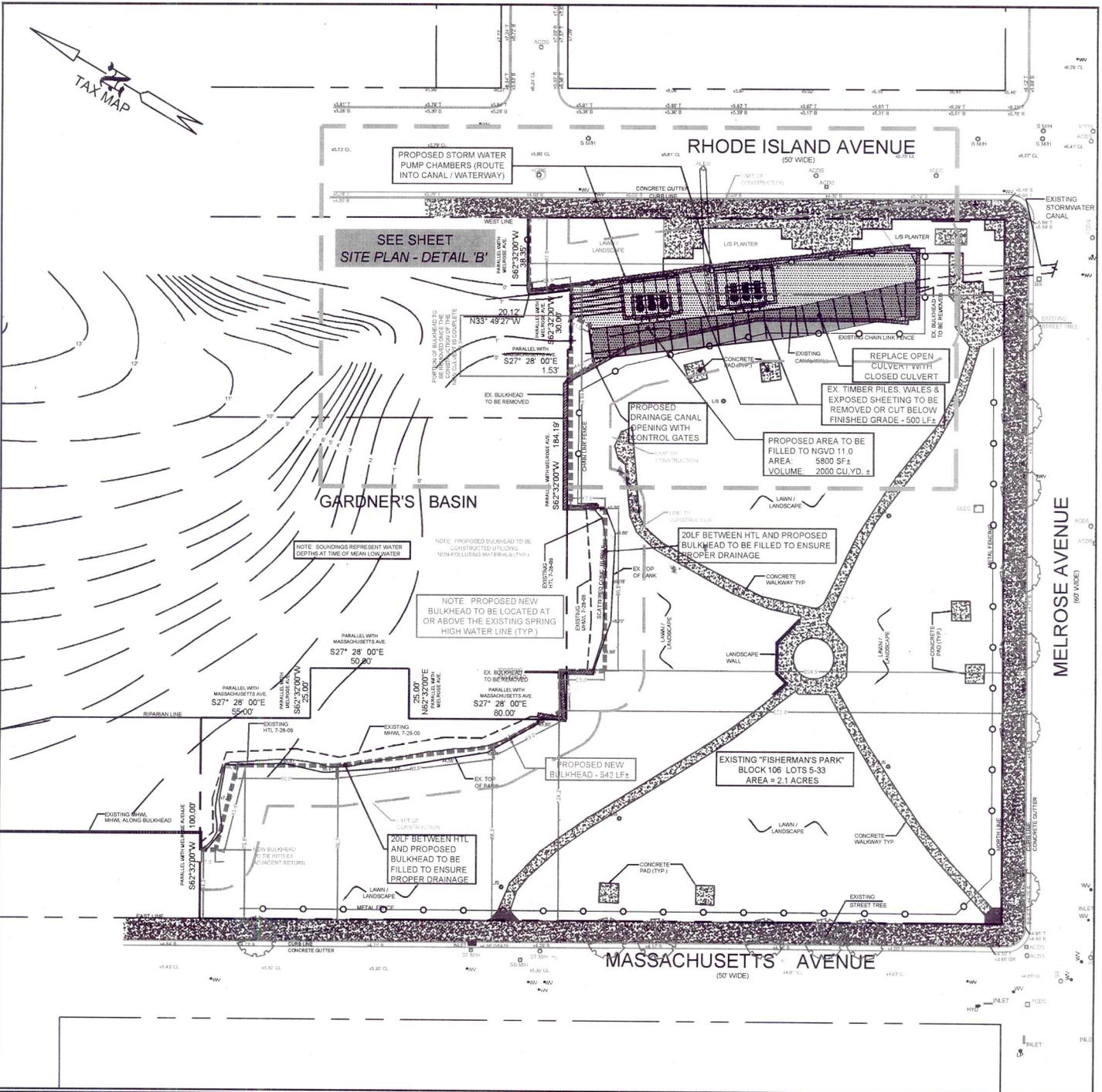
**ARTHUR W. PONZIO CO.
 & ASSOCIATES**
 SURVEYING-ENGINEERING-PLANNING



400 NORTH DOVER AVENUE
 ATLANTIC CITY, NEW JERSEY 08401
 PHONE (609) 344-8194 FAX (609) 344-1594
 NEW JERSEY AUTH. NO.: 24GA28001300

DATE: 1/18/12
 SCALE: NTS

DRAWN BY: T DASE
 PROJECT NO.: 22161



SITE PLAN - MELROSE AVENUE
 CITY OF ATLANTIC CITY
 PORTION OF ATLANTIS AVENUE
 ATLANTIC COUNTY, NEW JERSEY

REV. 5/8/12 - TAD - PER USACE COMMENTS

[Handwritten Signature]
JOHN J. BARNHART
 PROFESSIONAL ENGINEER N.J. NO. GE43483

ARTHUR W. PONZIO CO.
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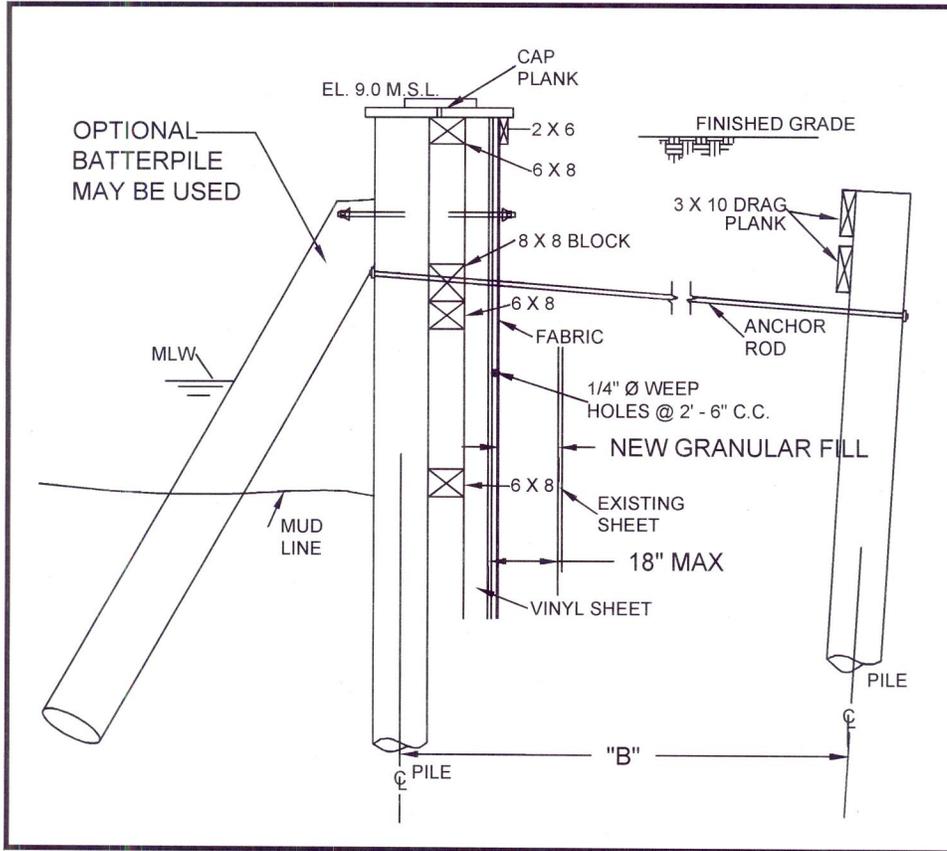


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 PHONE (609) 344-8194 FAX (609) 344-1594
 NEW JERSEY AUTH. NO.: 24GA28001300

DATE: 1/18/12
 SCALE: 1" = 70'

DRAWN BY: T DASE
 PROJECT NO.: 22161

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TYPICAL BULKHEAD SECTION

CITY OF ATLANTIC CITY
 PORTION OF ATLANTIS AVENUE
 ATLANTIC COUNTY, NEW JERSEY

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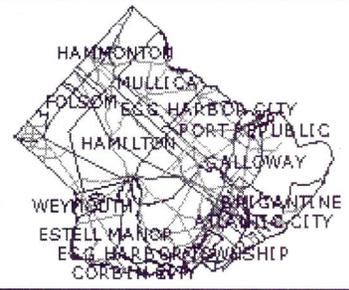
DRAWN BY: T DASE

SCALE: NTS

PROJECT NO.: 22161

E-C

ArcIMS HTML Viewer Map



Legend
1957 View

DRAINAGE
CANAL

Department of Regional Planning & Economic Development

1957 AERIAL
CITY OF ATLANTIC CITY
PORTION OF ATLANTIS AVENUE
ATLANTIC COUNTY, NEW JERSEY

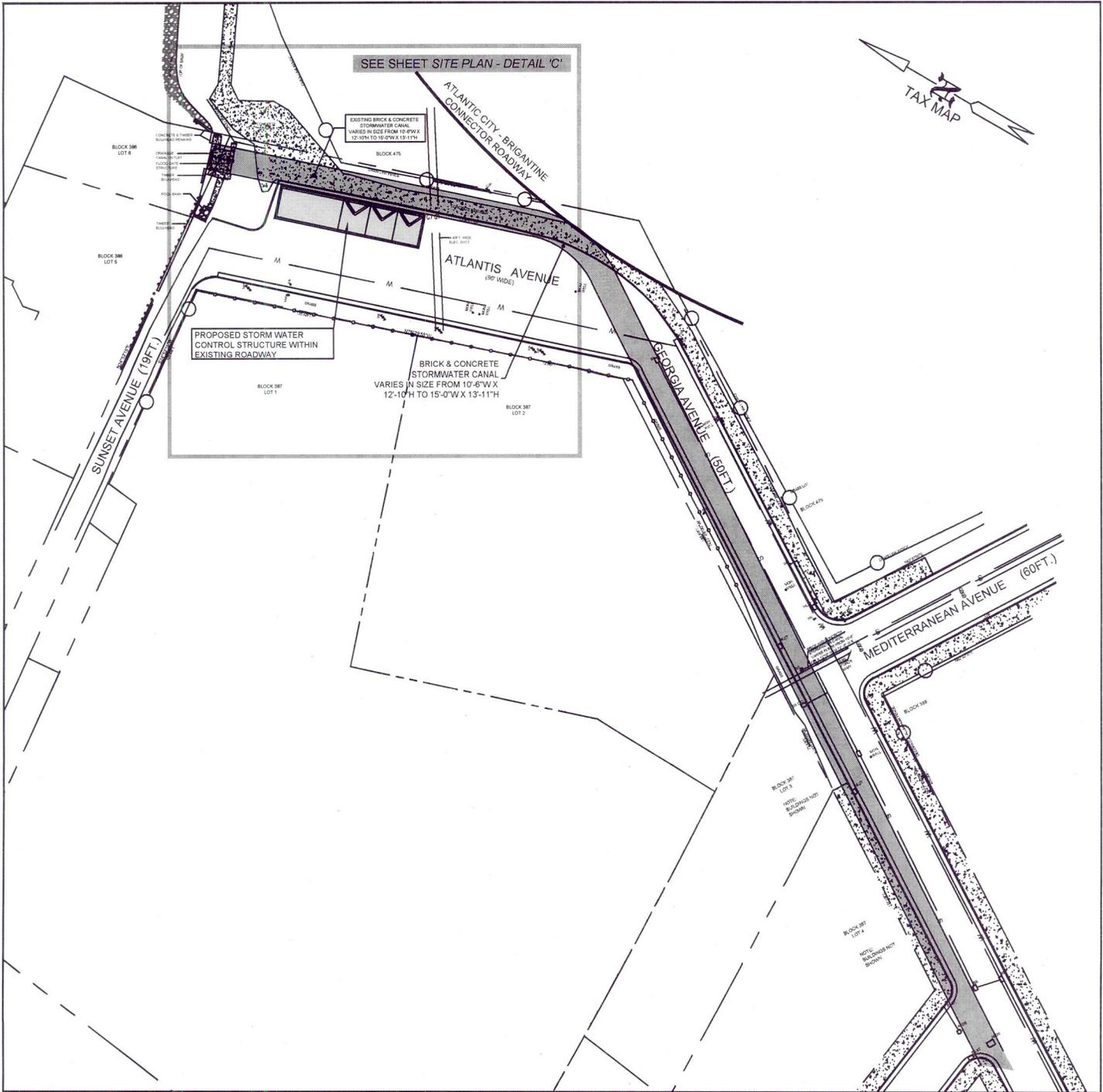
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PHONE (609) 344-8194 FAX (609) 344-1594
NEW JERSEY AUTH. NO.: 24GA28001300

DATE: 1/18/12	DRAWN BY: T DASE
SCALE: 1" = 40'	PROJECT NO.: 22161

6-6



SITE PLAN - ATLANTIS AVENUE

CITY OF ATLANTIC CITY
 PORTION OF ATLANTIS AVENUE
 ATLANTIC COUNTY, NEW JERSEY

REV. 5/8/12 - TAD - PER USACE COMMENTS

JON J. BARNHART

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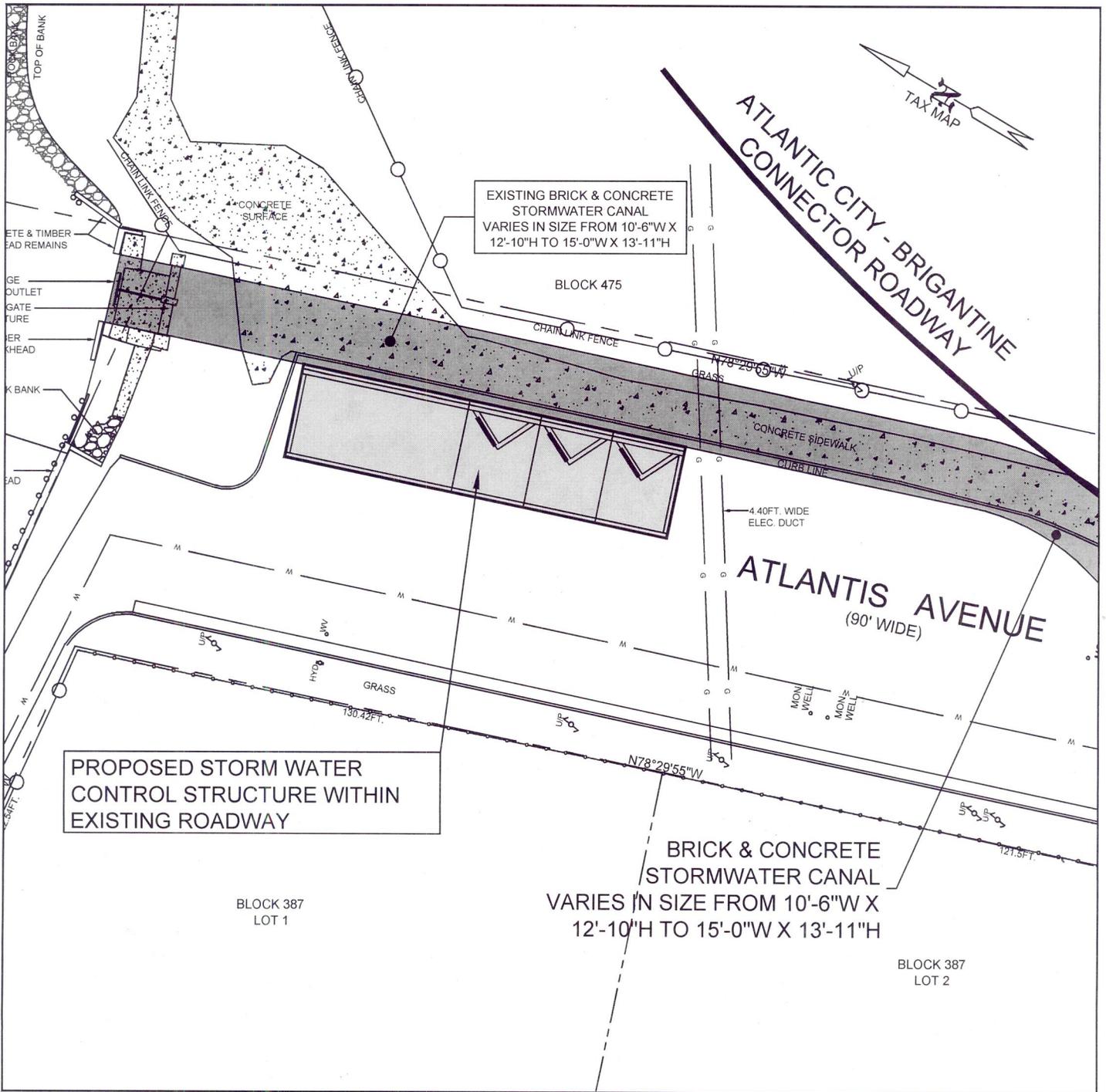


DATE: 1/18/12

SCALE: 1" = 80'

DRAWN BY: T DASE

PROJECT NO.: 22161



SITE PLAN - ATLANTIS AVENUE - DETAIL 'C'

CITY OF ATLANTIC CITY
 PORTION OF ATLANTIS AVENUE
 ATLANTIC COUNTY, NEW JERSEY

REV. 5/8/12 - TAD - PER USAGE COMMENTS

[Handwritten Signature]

JON W. BARNHART
 PROFESSIONAL ENGINEER N.J. NO. GE43483

**ARTHUR W. PONZIO CO.
 & ASSOCIATES**
 SURVEYING-ENGINEERING-PLANNING



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 PHONE (609) 344-8194 FAX (609) 344-1594
 NEW JERSEY AUTH. NO.: 24GA28001300

DATE: 1/18/12

DRAWN BY: T DASE

SCALE: 1" = 30'

PROJECT NO.: 22161

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