



**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-2007-0228-39	Date May 24, 2007
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Application No.	File No.
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In Reply Refer to: REGULATORY BRANCH
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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).

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: Windmill Marina Associates L.P.

AGENT: John W. Kornick
Kernan Consulting Engineers
Kingsway Commons
Suite 100
935 Kings Highway
Thorofare, New Jersey 08086

WATERWAY: Spicer's Creek

LOCATION: Block 763, Lots 9 and 10 and Block 764, Lots 11 and 12, in Lower Township, Cape May County, New Jersey.

ACTIVITY: The applicant proposes to remove existing structures, including forty (40) piles, and install a floating dock, finger piers and mooring piles. The existing structures as shown on the attached plan would be removed using barge mounted equipment. An approximately one hundred thirty (130) foot long, six (6) foot wide floating "L" shaped dock would be installed approximately two (2) feet from the existing bulkhead. The floating dock would be secured to the bulkhead at its southern end by a three (3) foot by ten (10) foot aluminum ramp; and secured at the northern end by a four (4) foot square fixed pier and a three (3) foot by fifteen (15) foot aluminum ramp. Five finger piers, ten (10) feet long, three (3) feet wide would be attached to the proposed floating structure. Twenty (20) piles would be re-installed at the site. All structures would be constructed using non-polluting materials and the work would be performed using barge mounted equipment. Vessels at the site would be a maximum of fifty (50) feet in length, with a four (4) foot draft. The existing facility can moor fourteen (14) vessels; the new facility would secure seven (7) vessels. No dredging or filling operations would be performed at the project site. The project site is noted as being Hard Clam – High Value Commercial on Plate – V of the map entitled "Distribution of Shellfish Resources in Relation to the Intracoastal Waterway Longport to Cape May", prepared by the US Fish and Wildlife Service, January 1963.

It should be noted that existing unauthorized fill, with an associated bulkhead, was constructed at the site during the 1970s. As part of corrective measures at the site, a new vinyl bulkhead was constructed landward of the previously constructed bulkhead, then the old bulkhead, and fill behind the bulkhead was removed. The work created approximately thirteen hundred (1300) square feet of open water habitat.

PURPOSE: The applicant's stated purpose is to provide safe mooring for private vessels.

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 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.

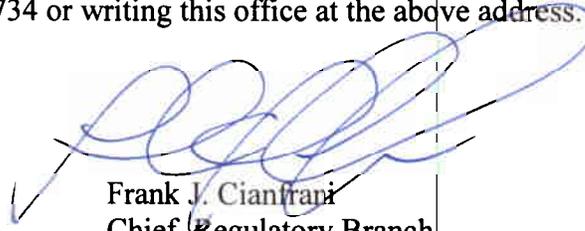
The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency 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 page 72 has determined that the project will have minimal effects on EFH or the species of concern at the project site. Minimal impacts to the existing substrate, along with the use of non-polluting materials will cause minimal impacts to the aquatic environment. This is due to the proposal to reduce the number of boat slips at the site and the use of non-polluting materials. This office will coordinate with the National Marine Fisheries Service to ensure that impacts associated with the project will be minimal.

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.

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 Lawrence M. Slavitter at 216-656-6734 or writing this office at the above address.



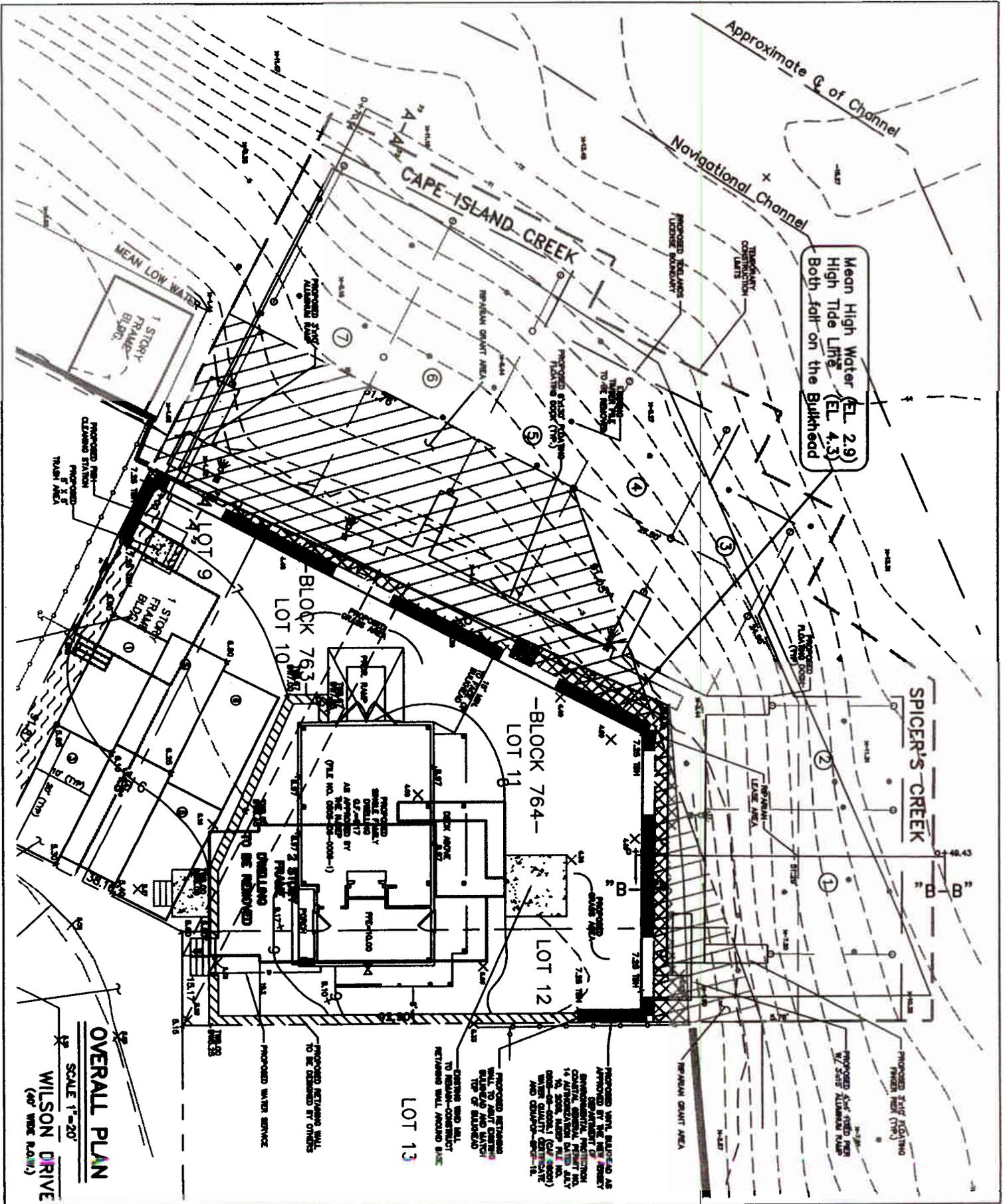
Frank J. Cianfrani
Chief, Regulatory Branch



<Default> - 1 Markers, Length = 0 feet

Site Location - 038° 56' 55.1" N, 074° 54' 43.6" W

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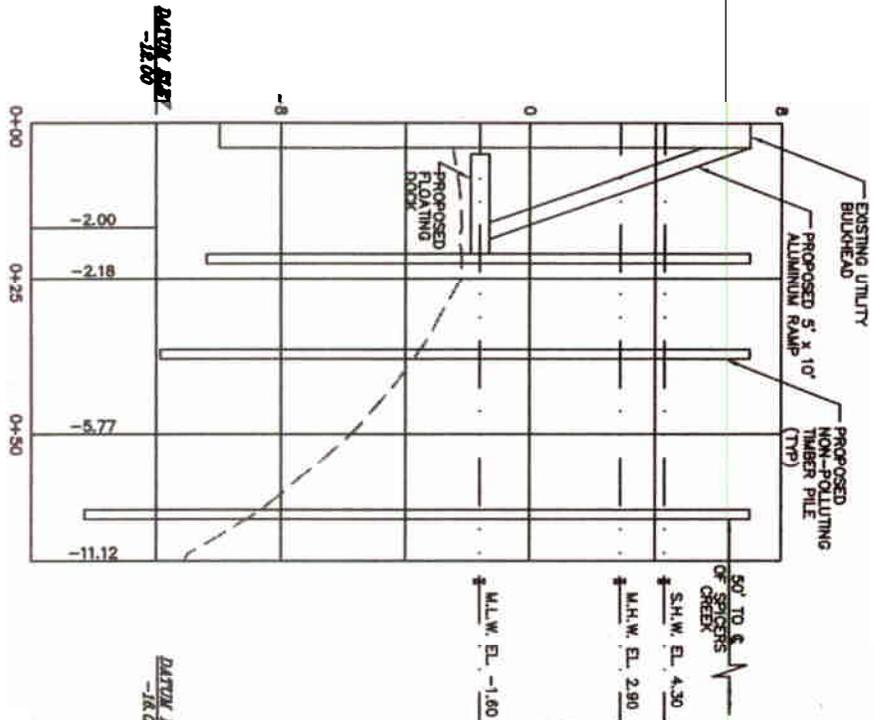
WATERFRONT DEVELOPMENT PLAN
 FOR
 WINDMILL MARINA ASSOCIATES, L.P.
 PLOT 1462, BLOCK 763, LOTS 9 AND 10 AND LOTS 11 & 12
 LOWER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY

SCALE 1" = 20'
 WILSON DRIVE
 (AND WIDE PLANNING)
 SHEET NO.
 2 OF 6

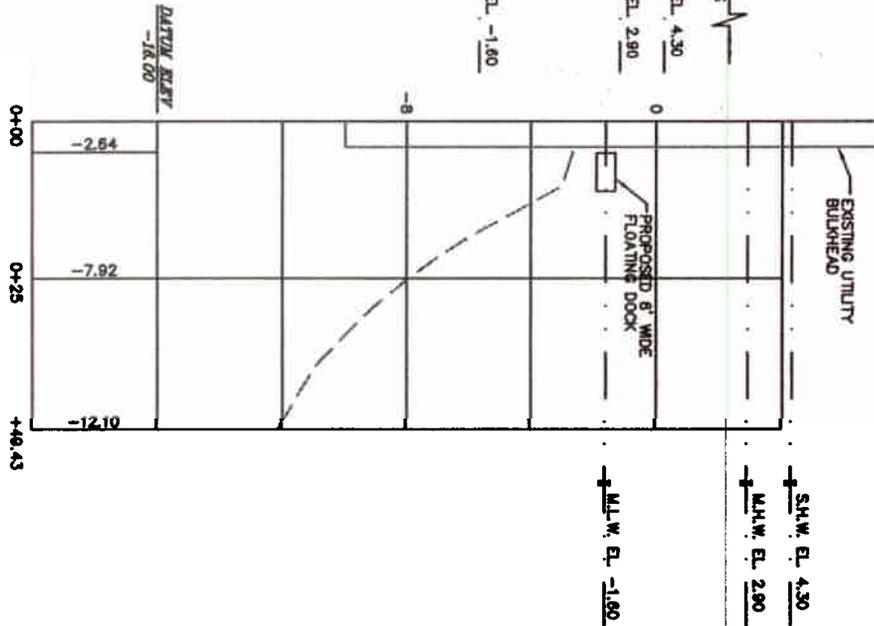
PROPOSED RETAINING WALL TO BE REMOVED
 PROPOSED WATER SERVICE
 PROPOSED 24" DIA. RIBBON PIPE WITH 3" DIA. ALUMINUM RINGS
 PROPOSED 12" DIA. RIBBON PIPE WITH 3" DIA. ALUMINUM RINGS
 PROPOSED 24" DIA. RIBBON PIPE WITH 3" DIA. ALUMINUM RINGS
 PROPOSED 12" DIA. RIBBON PIPE WITH 3" DIA. ALUMINUM RINGS

J. Timothy Korman, Inc.
 PROFESSIONAL ENGINEER
 LICENSE NO. 37400
 PROFESSIONAL PLANNER
 P.L. LICENSE NO. 6897

PAUL D. CRAY
 PROFESSIONAL ENGINEER
 LICENSE NO. 37400
 PROFESSIONAL PLANNER
 P.L. LICENSE NO. 6897



SECTION "A-A"
 HORIZONTAL: 1"=30'
 VERTICAL: 1"=6'



SECTION "B-B"
 HORIZONTAL: 1"=30'
 VERTICAL: 1"=6'

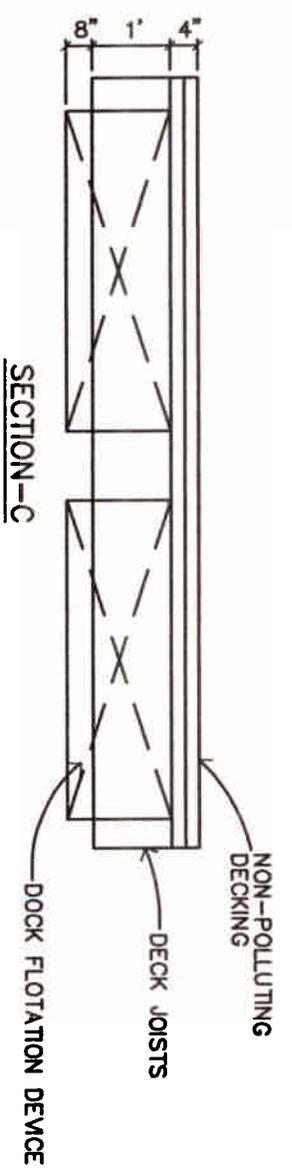
WATERFRONT DEVELOPMENT PLAN
 FOR
WINDMILL MARINA ASSOCIATES, L.P.
 PLOTS 1A, 1B, 1C, 1D, 1E, 1F, 1G AND 1H
 LOWER TOWNSHIP, OCEAN COUNTY, NEW JERSEY

J. Timothy Kernan, Inc.
 PROFESSIONAL ENGINEER
 1000 ROUTE 138
 FREEHOLD, NEW JERSEY 07728

DATE	
SCALE	
PROJECT NO.	
DRAWN BY	
CHECKED BY	
APPROVED BY	

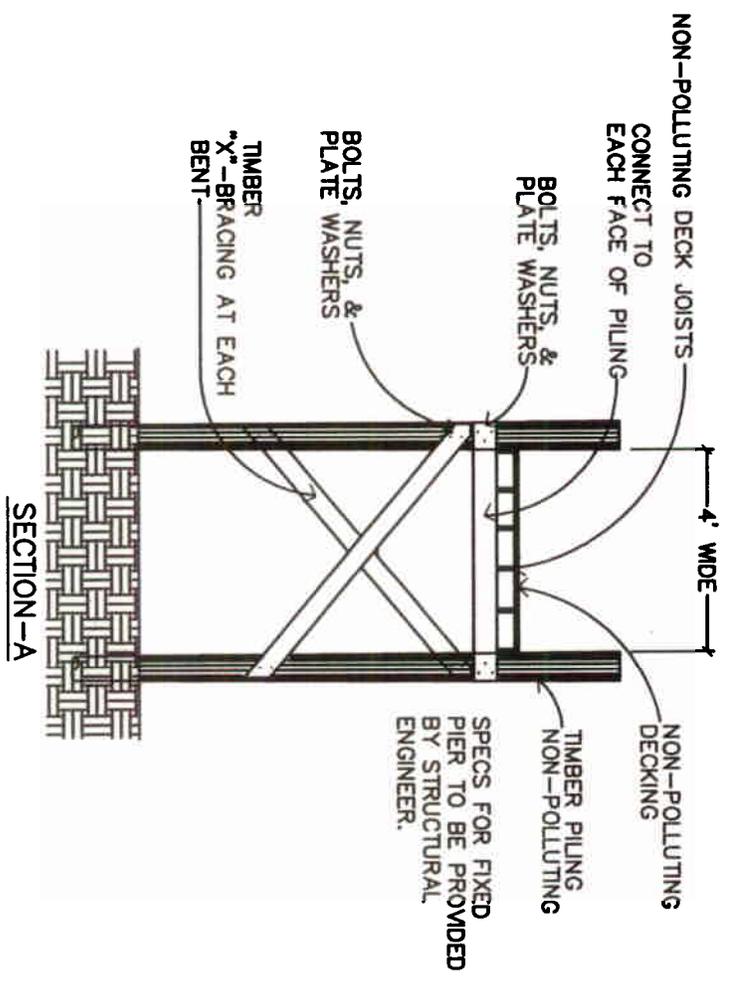
PAUL D. CRAY
 PROFESSIONAL PLANNER
 N.J. LICENSE NO. 37408
 N.J. LICENSE NO. 68977

SHEET NO.
 3 OF 6



SECTION-C
FLOATING DOCK DETAIL

NOT TO SCALE



SECTION-A
FIXED PIER DETAIL

NOT TO SCALE

<p>WATERFRONT DEVELOPMENT PLAN</p> <p>FOR WINDMILL MARINA ASSOCIATES, L.P. PLANS 14-01, 14-02, 14-03 & 14-04 AND LOTS 11 & 12 WINDMILL MARINA LOWER TOWNSHIP, OCEAN COUNTY, NEW JERSEY</p>	<p>J. Timothy Kernan, Inc. kernan ARCHITECTS & PLANNERS 1000 ROUTE 138, SUITE 200 MILLSBORO, DE 19966 TEL: 302-391-1100 FAX: 302-391-1101</p>	<p>DATE: _____</p> <p>PAUL D. CRAY PROFESSIONAL ENGINEER, P.E. LICENSE NO. 27458 PROFESSIONAL PLANNER, P.A. LICENSE NO. 6697</p>
<p>SHEET NO. 5 OF 6</p>		

GENERAL NOTES

1. APPLICANT/OWNER: WINDMILL MARINA ASSOCIATES, L.P.
1001 EAST HECTOR STREET, SUITE 100
CONSHOHOCKEN, PA. 19428
2. SUBJECT PARCEL IS KNOWN AND DESIGNATED AS BLOCK 763, LOTS 9 & 10 AND BLOCK 764, LOTS 11 & 12 AS SHOWN ON THE OFFICIAL LOWER TOWNSHIP TAX MAP, PLATE 14.02.
3. SUBJECT APPLICATION IS FOR THE CONSTRUCTION OF FINGER PIERS WITH A FLOATING DOCK IN CONFORMANCE WITH N.J.A.C. 7:7 AND N.J.A.C. 7:7E. ALL EXISTING WATERFRONT STRUCTURES TO BE REMOVED WITHIN PROPERTY BOUNDARY.
4. OUTBOUND, TOPOGRAPHIC AND SOUNDING INFORMATION TAKEN FROM A PLAN ENTITLED "EXISTING CONDITIONS PLAN, SITUATED IN BLOCK 763, LOTS 9 & 10, TOWNSHIP OF LOWER, CAPE MAY COUNTY", AS APPROVED BY STEPHEN C. MARTINELLI N.P.L.S. NO. 30089, DATED 3/28/06, LAST REVISED 11/20/06.
5. SOUNDINGS TAKEN BY HAND ON NOVEMBER 20, 2006 AND ARE SHOWN IN N.G.V.D. 1929 DATUM BY STEPHEN C. MARTINELLI.
6. NO OTHER ACTIVITIES ARE PROPOSED AS A RESULT OF THIS APPLICATION.
7. THIS PLAN IS FOR NJDEP PERMITTING PURPOSES ONLY.
8. NO MORE THAN 7 MOORING SLIPS SHALL BE MAINTAINED ON-SITE.
9. THE NJDEP HAS APPROVED THE UPLAND DEVELOPMENT OF THE CONSTRUCTION OF A SINGLE FAMILY DWELLING ON FEBRUARY 14, 2007, APPLICATION NO. 0505-06-006.1 THE AUTHORIZATION TO REMOVE ALL EXISTING UPLAND STRUCTURES WITH THE EXCEPTION OF THE WINDMILL, RELOCATED THE 5 FOOT WIDE PUBLIC ACCESS EASEMENT AND RECONSTRUCT A SINGLE FAMILY DWELLING INCLUDES THE REMOVAL OF ALL NON-COMPLIANT STRUCTURES.
10. PROPOSED GRADING TO BE ESTABLISHED UPON COMPLETION OF ARCHITECTURAL DESIGN. ALL IMPERVIOUS AREAS TO BE DRAINED TO PERVIOUS AREAS OF THE SITE. PROPOSED DRIVEWAY TO DRAIN TO STREET.
11. THE FLOATING DOCK AND FINGER PIERS HAVE BEEN DESIGNED SO THAT NO STRUCTURE WILL REST ON THE EXISTING SUBSTRATE DURING ANY PORTION OF THE TIDAL CYCLE.
12. TYPICAL INSTALLATION METHODS MAY INCLUDE A BARGE & CRANE TO INSTALL NON-POLLUTING TIMBER PILES ALL OTHER CONSTRUCTION ACTIVITIES WILL BE PERFORMED BY THE CONTRACTOR WITH METHODS COMMON TO DOCK CARPENTRY. THE TEMPORARY AREA FOR PIER INSTALLATION HAS BEEN SHOWN ON THE PLAN AND WILL NOT DISTURB THE NAVIGATION CHANNEL.
13. WATER AND ELECTRIC SERVICE TO DOCK WILL BE CONSTRUCTED WITHIN A UTILITY CHASE.

WATERFRONT DEVELOPMENT PLAN
FOR
WINDMILL MARINA ASSOCIATES, L.P.
PLAT 14.02, BLOCK 763, LOTS 9 & 10 AND LOTS 11 & 12
LOWER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY

J. Timothy Kernan, Inc.
Professional Engineer
Professional Planner
PAUL D. CRAY
PROFESSIONAL ENGINEER
PROFESSIONAL PLANNER
N.J. LICENSE No. 27458
N.J. LICENSE No. 68977

SHEET NO.
6 OF 6