



**US Army Corps  
of Engineers**  
Philadelphia District  
100 South Independence Mall West  
Philadelphia, PA 19106  
Attn: CENAP-OPR

# Public Notice

**Comment Period Begins:** January 19, 2023  
**Comment Period Ends:** February 21, 2023  
**File Number:** NAP-2022-01101-97  
**File Name:** Kammermans Marina AT  
**Contact:** Kendall Papineau  
**Email:** Kendall.L.Papineau@usace.army.mil

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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) 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:** Chris Kammerman (Kamms Properties, LLC)

**AGENT:** Arthur Ponzio Company

**LOCATION:** Snug Harbor, Clam Creek and Gardners Basin at 447 Carson Avenue in the City of Atlantic City, Atlantic County, New Jersey (Center coordinates: 39.376314°, -74.423811°)

**PURPOSE:** To meet the need for safe mooring and navigation of seasonal and transient vessels for the public.

## PROJECT DESCRIPTION:

Installation of a new floating marina, all constructed using alternative materials that do not leach into water. The marina would contain a total of 44 slips, consisting of 34 slips for vessels 20-80 feet in length, and ten (10) personal watercraft (PWC) floats. The marina would have three sections and be comprised of the following: Section 1 located within Snug Harbor would have one (1) 5-foot by 40-foot pier, nine (9) 4-foot by 26-foot piers, one (1) 5-foot by 249-foot pier, and one (1) 3.5-foot by 22-foot gangway. Section 2 located within Clam Creek would include one (1) 12-foot by 179-foot pier with four (4) fuel dispensers, one (1) 8-foot by 36-foot pier, one (1) 12-foot by 186-foot pier with three (3) fuel dispensers, one (1) 8-foot by 16-foot pier, one (1) 5-foot by 52-foot pier, one (1) 8-foot by 87-foot pier, one (1) 5-foot by 58-foot pier, one (1) 5-foot by 55-foot pier, one (1) 4-foot by 30-foot pier, one (1) 5-foot by 31-foot pier, and two (2) 3.5-foot by 22-foot gangways. Section 3 located within Gardner's Basin would include two (2) 4-foot by 48-foot piers, one (1) 8-foot by 27-foot pier, one (1) 4-foot by 42-foot pier, one (1) 4-foot by 35-foot pier, one (1) 4-foot by 26-foot pier, ten (10) PWC floats, and one (1) 3.5-foot by 22-foot gangway. The project would include fifty-six (56) 12-inch timber piles and fourteen (14) 12-inch steel pipe piles filled with concrete. All piles would be installed via vibratory

hammer. Construction and installation of docking structures is anticipated to occur between March-May 2023.

Dredging within the project area was authorized by NAP-2021-00573-97, permittee City of Atlantic City on March 15, 2022. Dredging is anticipated to occur in September 2023. The removal of existing in water structures and the replacement of the existing bulkhead 24-inches waterward of existing was authorized as Nationwide Permit 3, Maintenance, under the same file number (NAP-2022-01101-97) on December 23, 2022. It has been determined that both the dredging and bulkhead replacement have independent utility from the marina docking structures and therefore each constitutes a single-and-complete project.

For additional project details, see the attached plans identified as: "Proposed Marina for Kamms Properties, LLC, Kammermans Marina", prepared by Arthur Ponzio Co., dated December 20, 2022, unrevised, sheets 1 through 8.

## **MITIGATION**

The applicant has stated 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 the plans indicates that compensatory mitigation is neither practicable nor feasible for the amount of dredged or fill material to be discharged into waters of the United States.

## **CORPS EVALUATION FACTORS**

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 these factors 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.

## **ENDANGERED SPECIES**

A preliminary review of this application indicates that species and/or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) may be present in the action area. This office will forward this Public Notice to the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) with a request for technical assistance on whether any ESA-listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This office will

evaluate the potential effects of the proposed actions on ESA-listed species or their critical habitat and will consult with the USFWS and/or NMFS, as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this permit application.

## **CULTURAL RESOURCES AND TRIBAL TRUST**

The District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places and for potential issues concerning the Tribes. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties as necessary.

## **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) for all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. This office will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS, as appropriate. Consultation would be concluded prior to the final decision on this permit application.

## **WATER QUALITY CERTIFICATE**

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required from the State government in which the work is located. The applicant has received a WQC from the State for the subject project.

## **COASTAL ZONE MANAGEMENT ACT**

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 (CZM) Program. The applicant has received a CZM consistency concurrence from the State for the subject project.

## **SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST**

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. 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 must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

<https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/>

FOR: Todd A. Schaible  
Chief, Regulatory Branch