

US Army Corps of Engineers Philadelphia District

1650 Arch Street Philadelphia, PA 19103-2004

Attn: CENAP-OPR

Public Notice

Comment Period Begins: August 18, 2023 Comment Period Ends: September 18, 2023

File Number: NAP-2017-00179-45

File Name: Amboy Bank Realty, LLC- Waretown Harbor Marina

Contact: Mr. Bryan P. Bellacima, (215) 656-6732

Email: bryan.p.bellacima@usace.army.mil

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: Amboy Bank Realty, LLC.

AGENT: David Suermann

MidAtlantic Engineering LLC. 2026B Briggs Road, Suite 300

Mount Laurel, NJ 08054

LOCATION: The project is located in the waterways known as Yacht Basin Lagoon

and Louise Lagoon (man-made lagoons), at 53 Pennsylvania Avenue, on the property known as block 169, lots 8.01, 12, 13, and block 191, lot 13, in Waretown Harbor, Ocean Township, Ocean County, New

Jersey. Center coordinates: 39.793497°, -74.187675°

PURPOSE: The purpose of the project is to install/construct a public marina for the

mooring of 29 recreational vessels.

PROJECT DESCRIPTION:

The project involves the construction and/or installation of a public marina, known as Waretown Harbor Marina, for the purpose of mooring 29 recreational vessels, no more than 26 feet in length. The proposed marina would include installing seven, 15' X 2' fixed finger piers, a 30' X 2' fixed finger pier, an aluminum gangway leading to a 6 fingered, 130' X 8' floating dock, and 61, ten-inch piling. In addition, the upland areas of the property would be developed to include the main access road, the main marina building/office, vehicle parking, and stormwater management facilities.

Prior to the installation of the marina structures (docks, piers, piling), turbidity curtains would be placed around all proposed in-water work areas. As indicated by the applicant, a temporary floating barge would be used for staging and as a work platform, to install the in-water marina structures. In addition, the floating barge would support a vibratory

hammer to install the 61 piling. As specified, all in-water marina structures would be comprised of alternative and/or non-polluting construction materials, which include greenheart lumber and composite/plastic materials. At this time, the proposed marina would impact and/or occupy an area of approximately **0.31 +/- acres** within waters of the United States. Impacts to wetlands are not proposed due to the construction of the marina facility. Furthermore, the marina would be subject to any United States Coast Guard requirements for navigational safety associated with marina operations.

For additional project details, see the attached plans identified as: "USACE Site Plan-Marina...Waretown Harbor...", sheets 2, 4, 5, 8, and 12 of 13, dated October 24, 2013, and February 16, 2017, last revised May 10, 2023, and July 5, 0223. All plans were prepared by MidAtlantic Engineering LLC.

MITIGATION

The applicant has stated that the proposed project has been designed to avoid and minimize adverse effects/impacts on the aquatic environment to the maximum extent practicable. The project would include the use of alternative/non-polluting materials, turbidity curtains, and a vibratory hammer to construct the marina facility. Information provided in the application and on plans indicates that there will be no discharge of dredged or fill material in waters of the United States and as such, compensatory mitigation for the proposed structure(s) and/or work is not proposed.

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 has reviewed 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. Based on the review of the District's Cultural Resource Specialist and Tribal Liaison, it was determined that little likelihood exists for the project to impact a historic property due to the permit area being extensively modified.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the 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

The project as proposed does not involve a discharge of fill material and therefore a water quality certificate Is not required.

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.

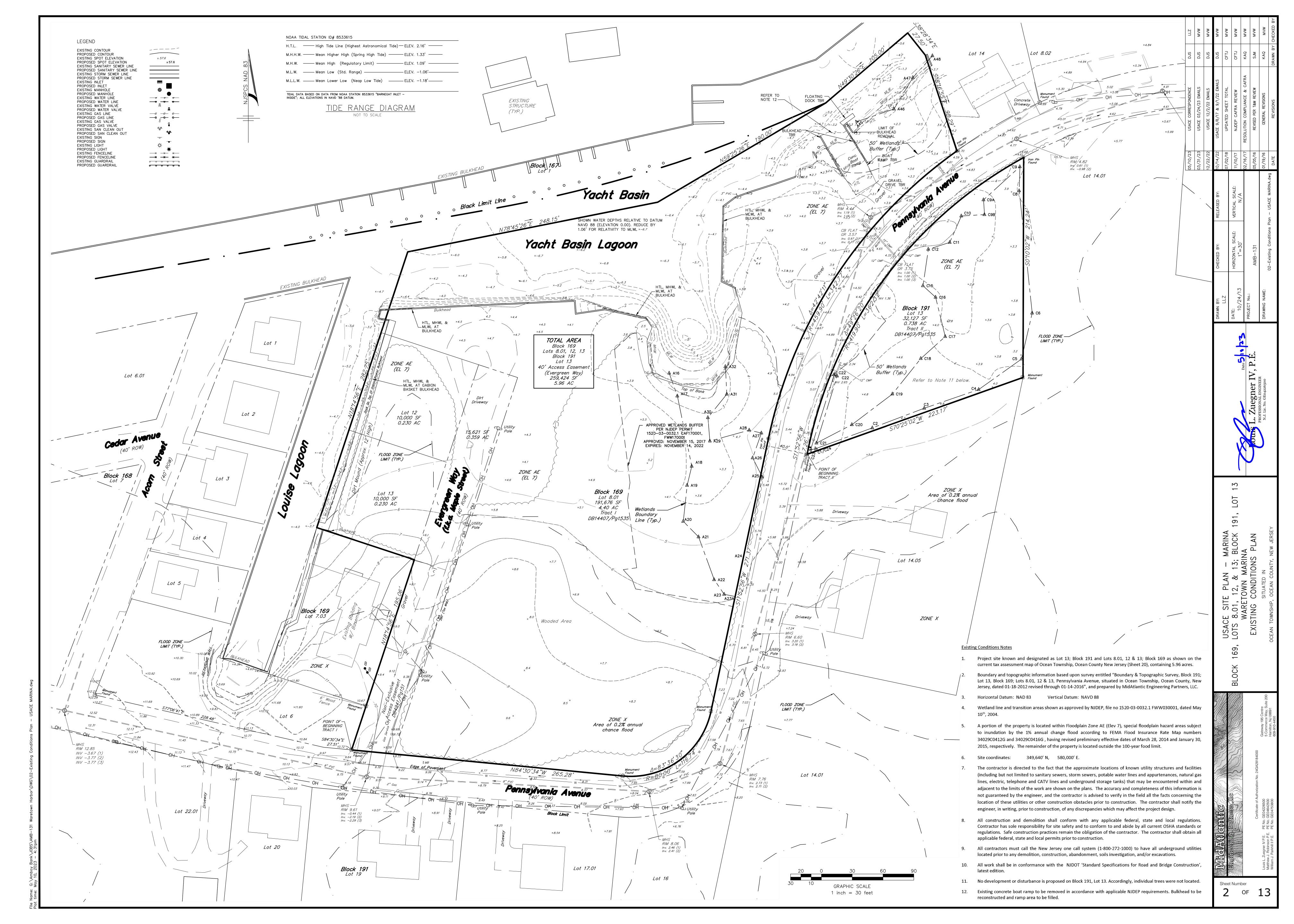
Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

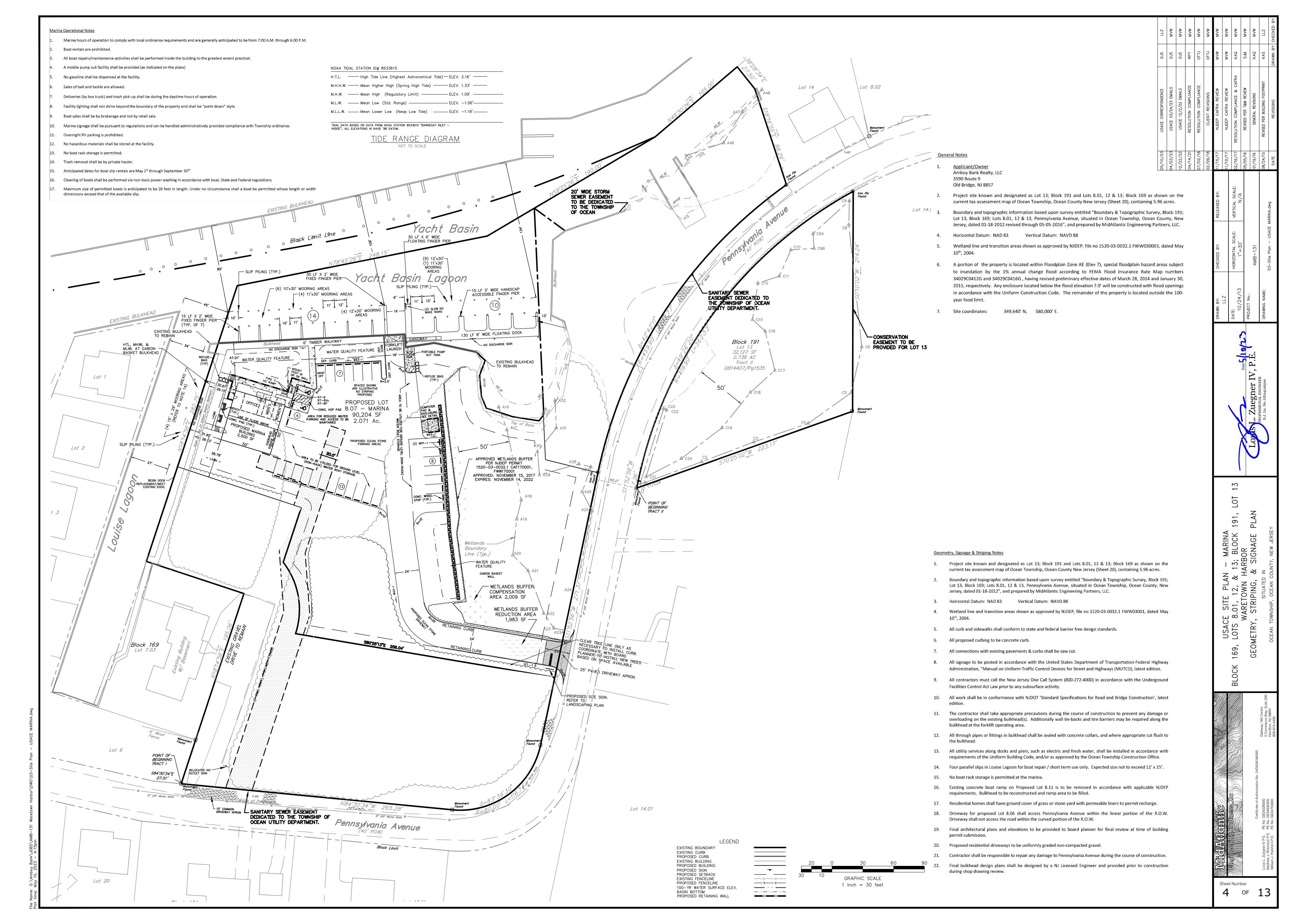
Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

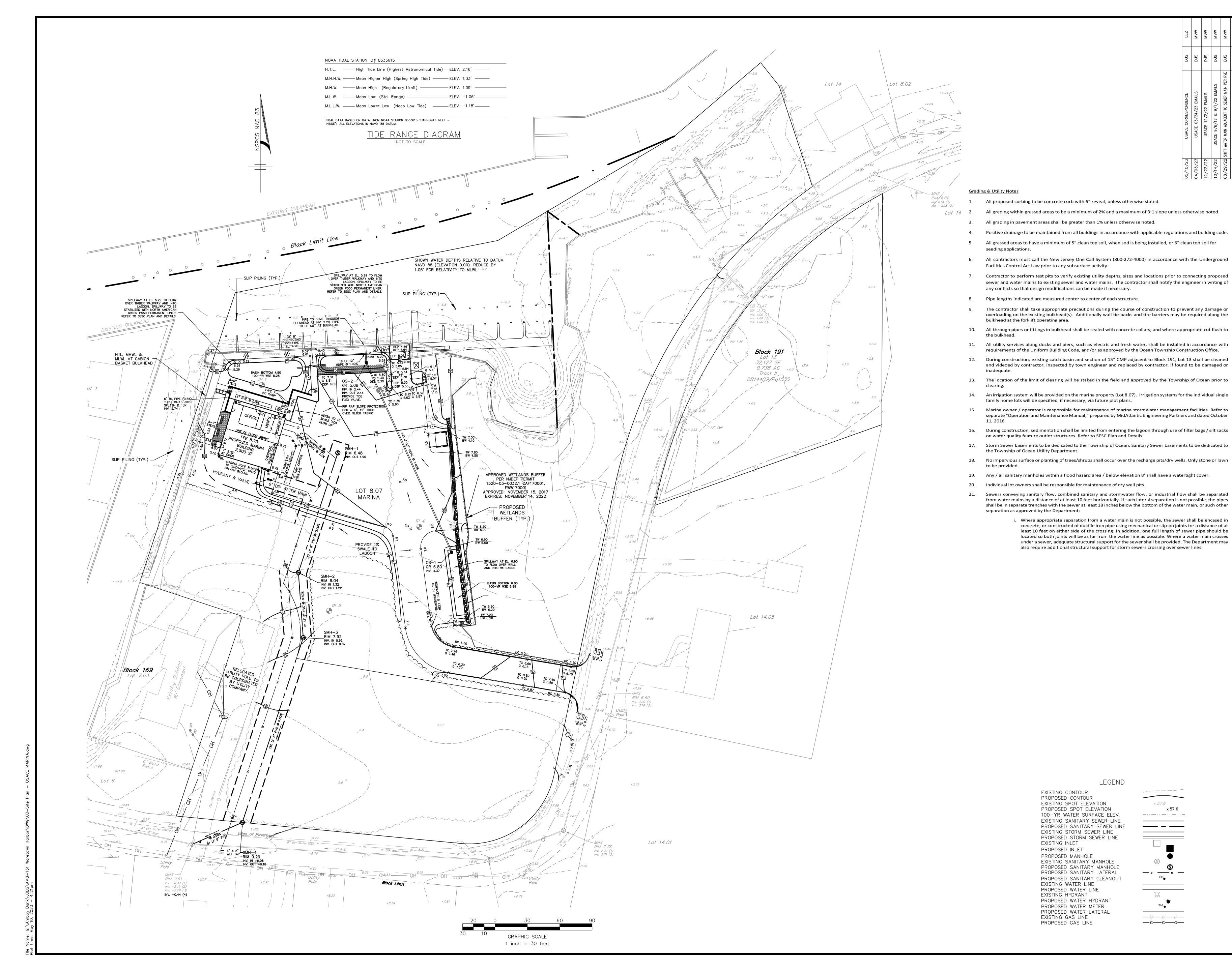
https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/

FOR: Todd A. Schaible

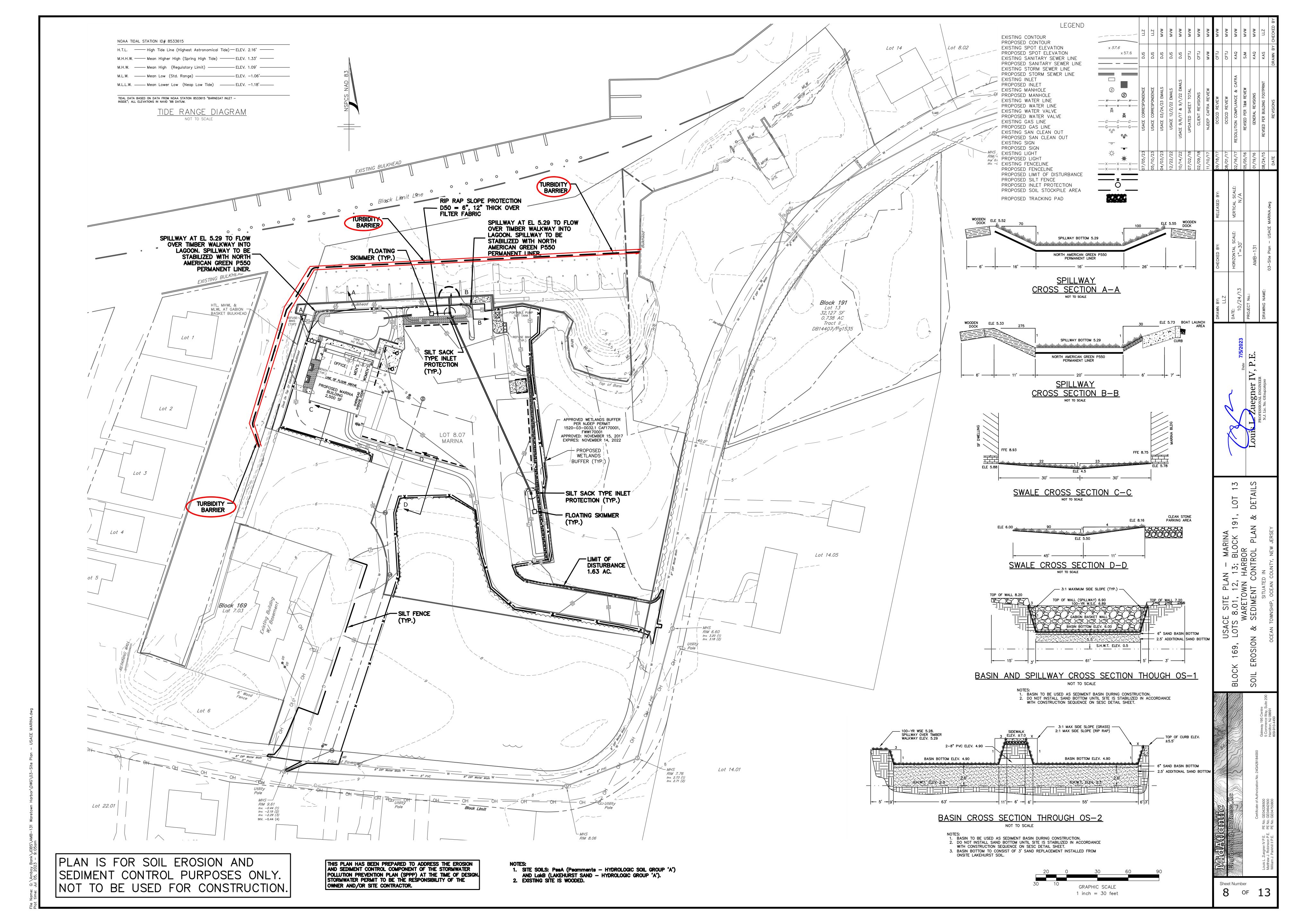
Chief, Regulatory Branch

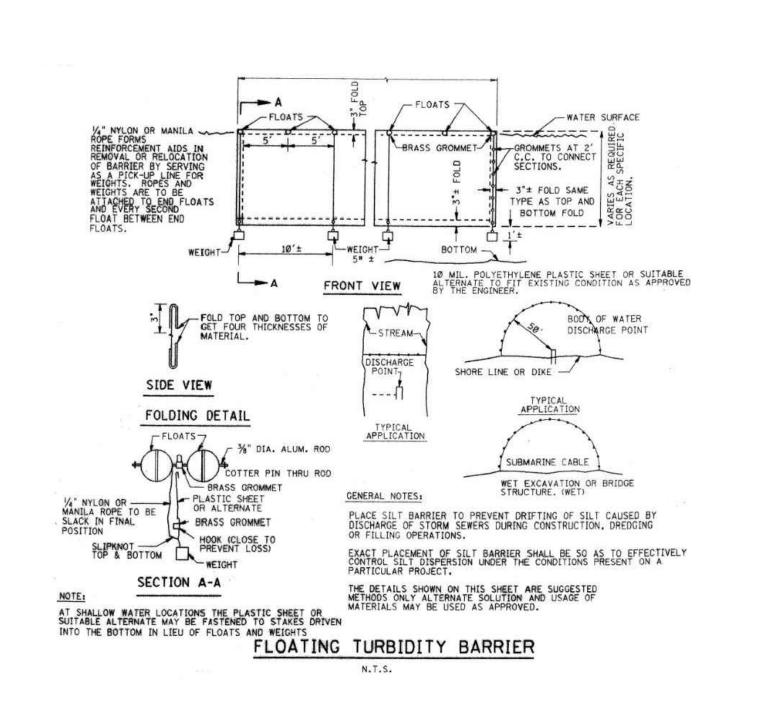


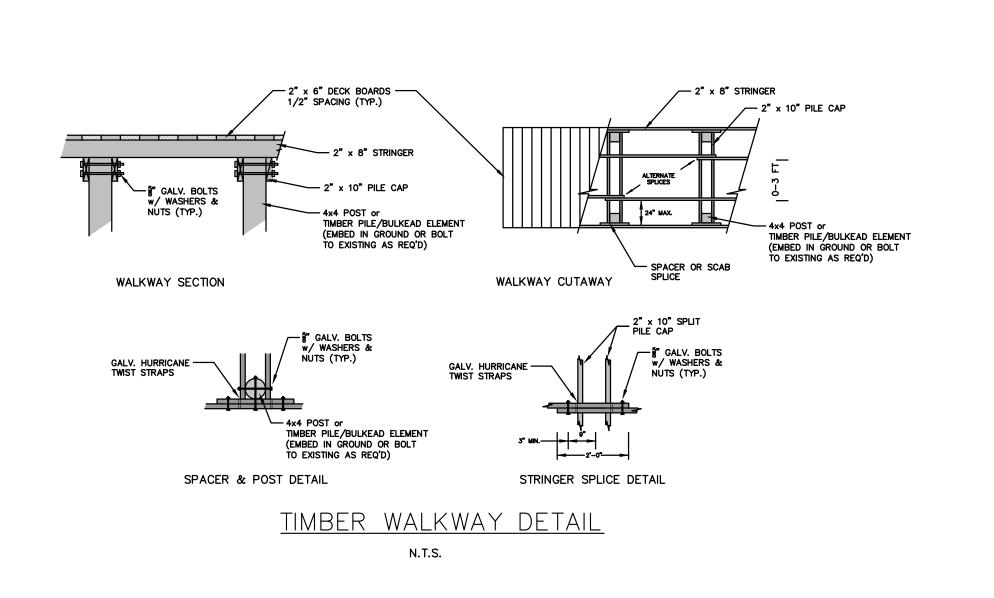


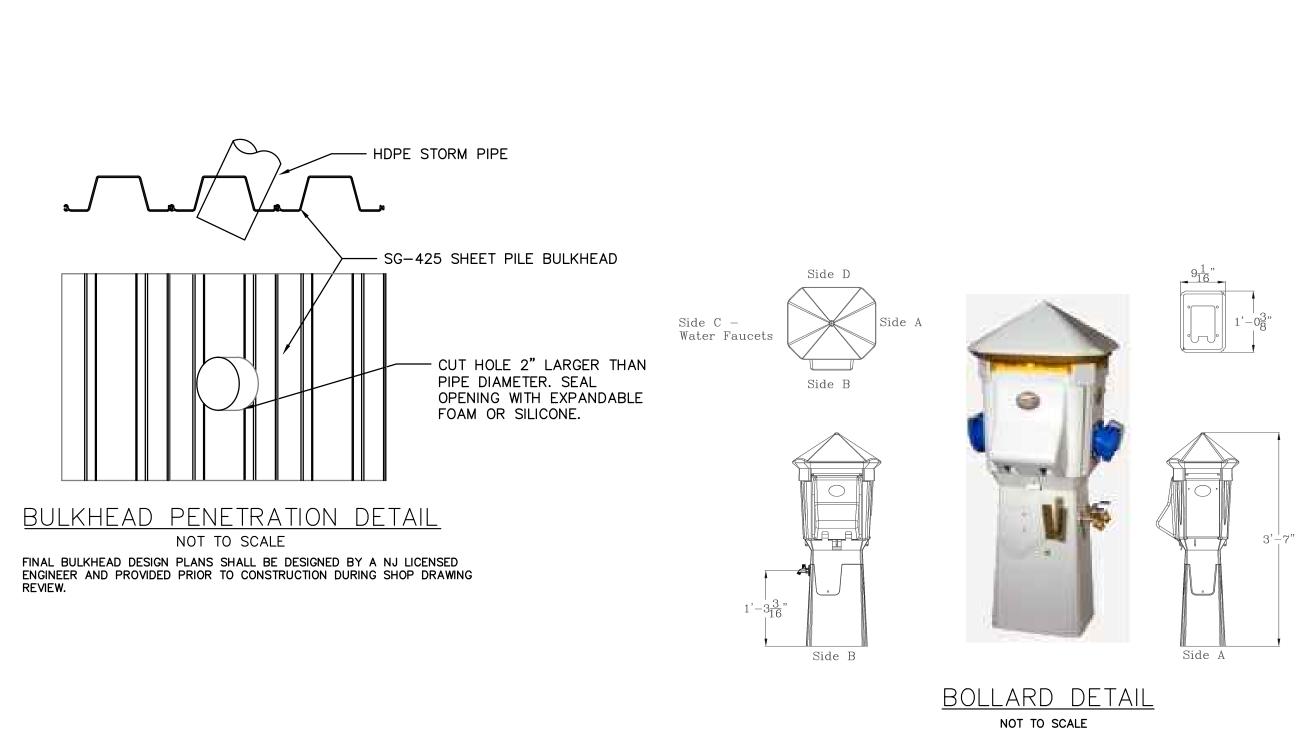


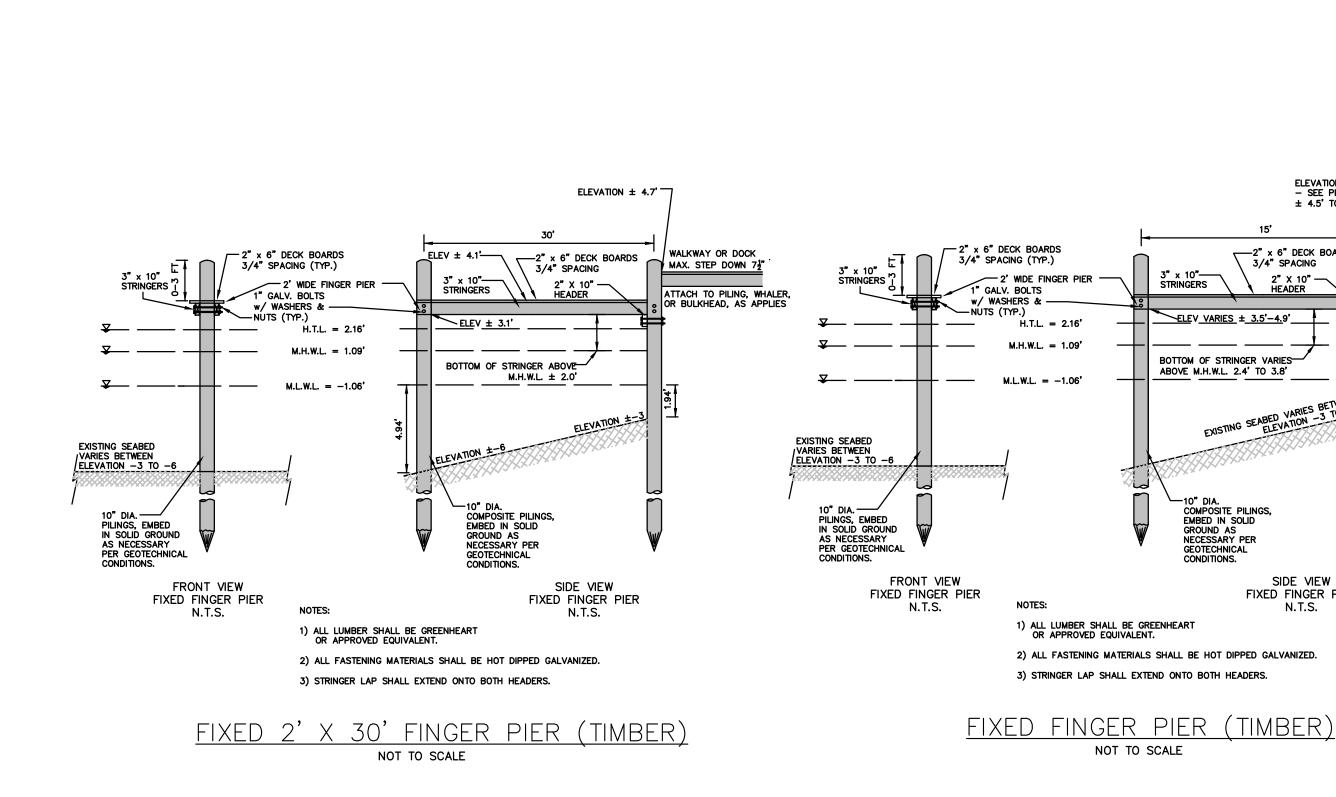
Sheet Number 5 of 13

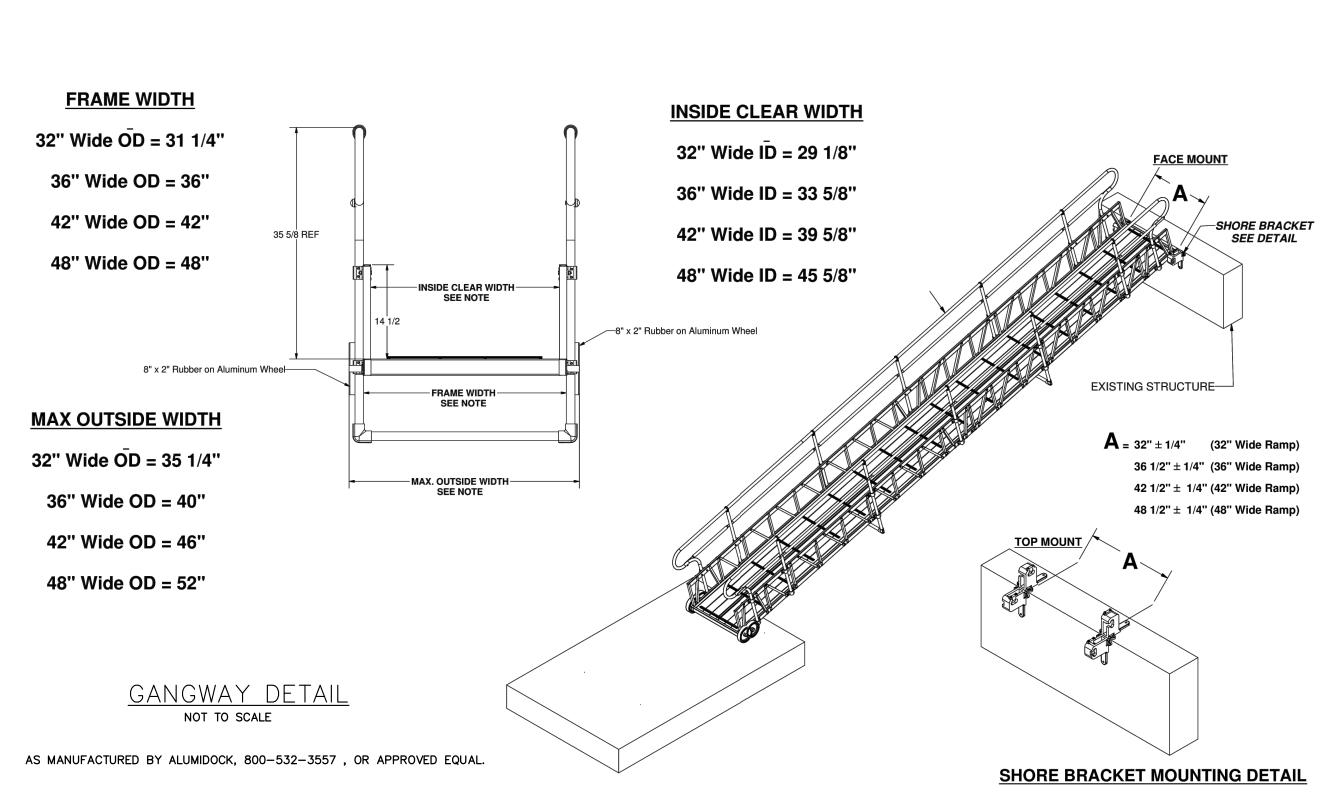




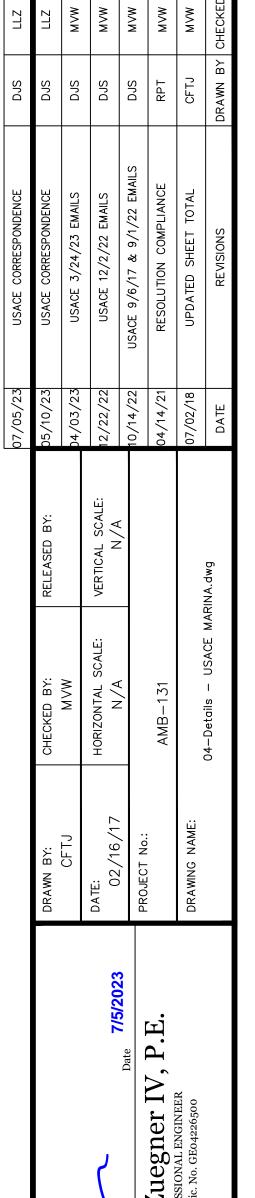








FLOATING DOCK SECTION NOT TO SCALE



-MEAN LOW WATER

14' IMBEDMENT * OR AS REQUIRED

* PILING INSTALLATION NOTES:

MINIMUM LOAD CAPACITY.

OWNER AND/OR MUNICIPAL ENGINEER.

1. CONTRACTOR TO PROVIDE CATALOG CUTS, SHOP DRAWINGS

2. ALL PILES TO BE SET AN AN ACCEPTANCE LOAD OF 20 TONS.

3. TONAGE TO BE VERIFIED USING GATES FORMULA (PUBLICATION

4. CONTRACTOR TO PROVIDE TEST PILINGS TO DETERMINE PILE LENGTH FOR REPRODUCTION PILES REQUIRED TO ACHIEVE

6. PILE RECORDS SHALL BE KEPT BY THE CONTRACTOR AND SUBMITTED TO OWNER UPON COMPLETION OF PROJECT. 7. SET TOP OF PILES AT ELEV 9 FOR BOAT SLIPS / FLOATING

DOCKS (2' ABOVE FEMA FLOOD ELEV 7).

9. ALL MATERIALS TO BE NON-POLLUTING.

5. MINIMUM TIP DEPTH FROM EXISTING MUD LINE IS TEN (10) FEET.

8. UTILIZE 30' PILES FOR BOAT SLIPS / FLOATING DOCKS. UTILIZE 25' PILES FOR BULKHEAD / SHEET PILE INSTALLATION.

10. PILINGS TO BE BY GREENHEART, TIMBERGUARD OR APPROVED

NOTES:
1. BOLLARDS TO BE HYPOWER POWER
PEDESTAL OR APPROVED EQUAL.
2. COLOR TO BE BLACK.

ELEV_VARIES_±_3.5'-4.9'____

2" x 6" DECK BOARDS WALKWAY OR DOCK MAX. STEP DOWN 7½"

SIDE VIEW FIXED FINGER PIER

11. SIXTY-ONE (61) PILINGS ARE TO BE INSTALLED FOR THE

NO. FHWA HI 97-014, REVISED NOVEMBER 1988.)

AND/OR DESIGN CALCULATIONS AS REQUIRED BY THE PROJECT

CONTRACTOR TO

VIBRATE PILING INTO THE RIVER FLOOR PROVIDED

PILING IS HAMMER SET TO VERIFY LOAD CAPACITY.

6

12 of 13