



**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-2019-00072	Date July 26, 2019
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Application No.	File No.
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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: David Erb
121 North Lane
Conshohocken, PA 19428

AGENT: Mott Associates, LLC
3122 Fire Road
Egg Harbor Township, NJ 08234

WATERWAY: Patcong Creek

LOCATION: 95 Mays Landing Road
Somers Point, NJ 08244

ACTIVITY: The proposed activity includes the construction of docking structures, replacement of a bulkhead, and maintenance dredging at a vacant marina located at Lots 1.01 and 1.01.01, Block 1953 in Somers Point, Atlantic County, New Jersey. The project site was an active marina until recent years.

As proposed, the marina will provide approximately 88 boats slips. The proposed dock structures include the following:

An "L" shaped dock that includes a 134' X 6' dock perpendicular to shore with four (4) floating finger docks parallel to shore.

A "T" shaped dock that includes: a 132' X 6' dock perpendicular to shore with a 62' X 6' end dock parallel to shore and six (6) 18' X 4' floating finger docks perpendicular to shore; a 184' X 6' dock perpendicular to shore with a 62' X 6' end dock parallel to shore and six (6) 18' X 4' floating finger docks perpendicular to shore; a 198' X 6' dock perpendicular to

shore with a 62' X 6' end dock parallel to shore and six (6) 18' X 4' floating finger docks perpendicular to shore.

Three (3) floating docks parallel to shore that are 73' X 6', 50' X 6', and 149' X 6'.

A 106' X 6' dock perpendicular to shore with a 46' X 6' end dock parallel to shore and six (6) 18' X 4' floating finger docks perpendicular to shore.

A 76' X 6' dock perpendicular to shore with a 46' X 6' end dock parallel to shore and four (4) 18' X 4' floating finger docks perpendicular to shore.

A 54' X 6' dock perpendicular to shore with a 46' X 6' end dock parallel to shore and two (2) 18' X 4' floating finger docks perpendicular to shore.

A total of 95 timber piles (12" diameter) will be driven using a vibratory hammer.

The reconstructed bulkhead is proposed to be located 2" outshore from the existing wood bulkhead. A small amount of fill material (270 SF) will be placed behind the new bulkhead. The existing vinyl bulkhead that has already been reconstructed was also built within less than eighteen (18) inches outward of the previous wood bulkhead.

The project also includes maintenance dredging using the mechanical dredging method. The proposed length, width and depth of dredge area is limited to the same length, width, and depth as previous dredging operations that occurred while the marina was active (marina was active until 2012). The previous dredge area was determined by using the 1970 scaled aerial, which clearly shows the area that was used as an active marina. The proposed area to be dredged to -1.0 MLW is 9,155 square feet with the total area of disturbance (for side slopes) of 14,124 square feet. The proposed amount of material is 965 cubic yards. Dredge material will be transported by barge, de-watered and mixed with Portland cement, and disposed of in uplands where it will be beneficially reused to fill an existing parking lot.

Sediment samples were taken from within the proposed dredging area on October 18th, 2018. The grain size analysis samples ranged from 10.4 - 13.7% sand and from 86.3 - 89.6% silt.

Other active permits at this site include 0121-17- 0003.1 CZM170001 and 0121-17-0003.2 FHA170001 for the beneficial reuse of dredge material for a living shoreline and structural fill.

It is anticipated that construction will occur over the space of one month.

PURPOSE: The stated purpose of this proposed activity is to restore mooring and navigational capabilities to a pre-existing marina and to protect upland development.

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, maybe present in the action area. The ACOE will forward this PN to the US Fish and Wildlife Service or National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat maybe present in the area which would be affected by the

proposed activity. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with NOAA Fisheries as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

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

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 affect 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 63, indicates that the work may pose a minimal adverse effect on EFH. Installation of a turbidity curtain and sediment and erosion controls during dredging and construction will minimize impacts to EFH habitat, target species and their prey. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. An analysis will be completed and sent to the

National Marine Fisheries Service for review to determine the effects of the proposed project to EFH.

Analysis of the Effects: An Essential Fish Habitat Analysis will be completed and sent to National Marine Fisheries for review to determine the effects of the proposed project on any EFH in the project area.

Compensatory mitigation: The proposed placement of dredged or fill material in waters or wetlands is very minimal and, as such, compensatory mitigation has not been proposed and is not anticipated.

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 Rachel Ward at (215) 656-6733, via email at Rachel.J.Ward@USACE.army.mil, or writing this office at the above address.



Edward E. Bonner
Chief, Regulatory Branch