



**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-2014-0120

Date

Application No.

File No.

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 H. Ballard
City of Burlington
525 High Street
Burlington, New Jersey 08016

AGENT: Marianne G. Risley
Adams, Rehmann and Heggan Associates Incorporated
850 South White Horse Pike
Hammonton, New Jersey 08037

WATERWAY: Devlin Channel/Delaware River

LOCATION: Adjacent to Pearl Avenue, in the City of Burlington, Burlington County, New Jersey

ACTIVITY: The applicant is proposing to construct a transient marina at the subject site. From an existing upland path, a ten (10) foot long fixed landing, attached to the existing bulkhead would extend approximately six (6) feet waterward of mean high water. A forty (40) foot long, four (4) foot wide floating aluminum gangway would be located parallel to the shoreline. A thirty two (32) foot long, eight (8) foot wide floating aluminum dock would be attached to the gangway and extend perpendicular to the shoreline. Approximately sixteen (16) foot waterward of the gangway, fifteen (15) foot long, four (4) foot wide aluminum ramp would connect one hundred fifty (150) foot long, six (6) foot wide galvanized steel floating dock would be constructed parallel to the bulkhead, heading downstream. At the downstream end of this structure, a three (3) pile dolphin would be constructed. At the waterward end of the perpendicular structure, a two hundred sixty (260) foot long, eight (8) foot wide galvanized steel dock with wooden deck would be constructed parallel to the shoreline, facing upstream. At both ends of this waterward most structure, three (3) pile dolphin would be constructed. All dolphins would be made from 3 concrete filled steel piles with three (3) inch thick non-polluting timber planks attached to form a "V" shape.

All initial work, including the initial installation of the structures would be performed using barge mounted equipment; that would be located approximately ninety (90) feet from the centerline of Devlin Channel and approximately four hundred (400) feet from the edge of the Federal navigation channel. Thirty six (36) concrete filled piles steel would be used to secure the structures to the site. The fill associated with the piles would impact approximately eighty one (81) square feet of the waterway. The vessels at the proposed marina would have a maximum length of approximately fifty (50) feet with a six (6) foot draft. No dredging is proposed at the project site. The floating structures and ramp would only be located within the waterway between April 1st through September 30 of any year. Barge equipment would be used to remove the floating structures seasonally.

A grant through the Sport Fishing and Boating Safety Act of 1998 (16 U.S.C. 777g) would be provided for work at this site. Under the Act, the U.S. Fish and Wildlife Service conducts the Boating Infrastructure Grant (BIG) Program, which would supply funds for this project.

PURPOSE: The applicant's stated purpose is to improve city owned property and to allow for increased utilization of the surrounding local businesses.

A preliminary review of this application indicates that the proposed work may impact 2 species listed on the Endangered Species List, Shortnose Sturgeon (Acipenser brevirostrum) and Atlantic Sturgeon (Acipenser oxyrinchus). Based on the proposed activity, with the inclusion a seasonal restriction, from between March 15 through June 30 of any year on the installation of the piles, it is the determination of this office that the project is not likely to adversely affect these 2 aquatic species. As required under Section 7 of the Endangered Species Act, this office will coordinate with the National Marine Fisheries Service to ensure impacts to these species will be minimal.

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.

With regard to historic resources, a historic properties investigation has been conducted within the permit area. Historic properties eligible for or listed on the National Register of Historic Places are within the permit area, but will not be affected by the proposed action. A determination of “**No Effect**” will be coordinated with the New Jersey State Historic Preservation Office.

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, shows that the site is not located in the EFH zone.

Analysis of the Effects: It is noted that impacts to species that may use the area of the project site. These species may then move into the EFH zone; however, any impact to these species will not be a substantial adverse affect. No mitigative measures are warranted in this matter with respect to EFH.

Corps of Engineers View: Based upon the above analysis, the Corps of Engineers has determined that the proposed project would not have a direct, indirect, site-specific, or habitat-wide impact on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH.

Compensatory mitigation According to Federal regulation 33 CFR 325.1(d)(7), applicants wishing to discharge fill material into waters of the U.S. must include a statement on how they have avoided and minimized impacts as well as how they intend to compensate for unavoidable impacts. The applicant has avoided/minimized impacts to the aquatic environment by incorporating engineering/construction procedures into the process that will substantially reduce impacts to aquatic resources. Further the applicant states that there are no SAV located at the site of the project and that no dredging is proposed for the project. Due to the de-minimis impacts associated with the project, it is the opinion of the applicant that compensatory mitigation is not warranted in this matter.

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.

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.

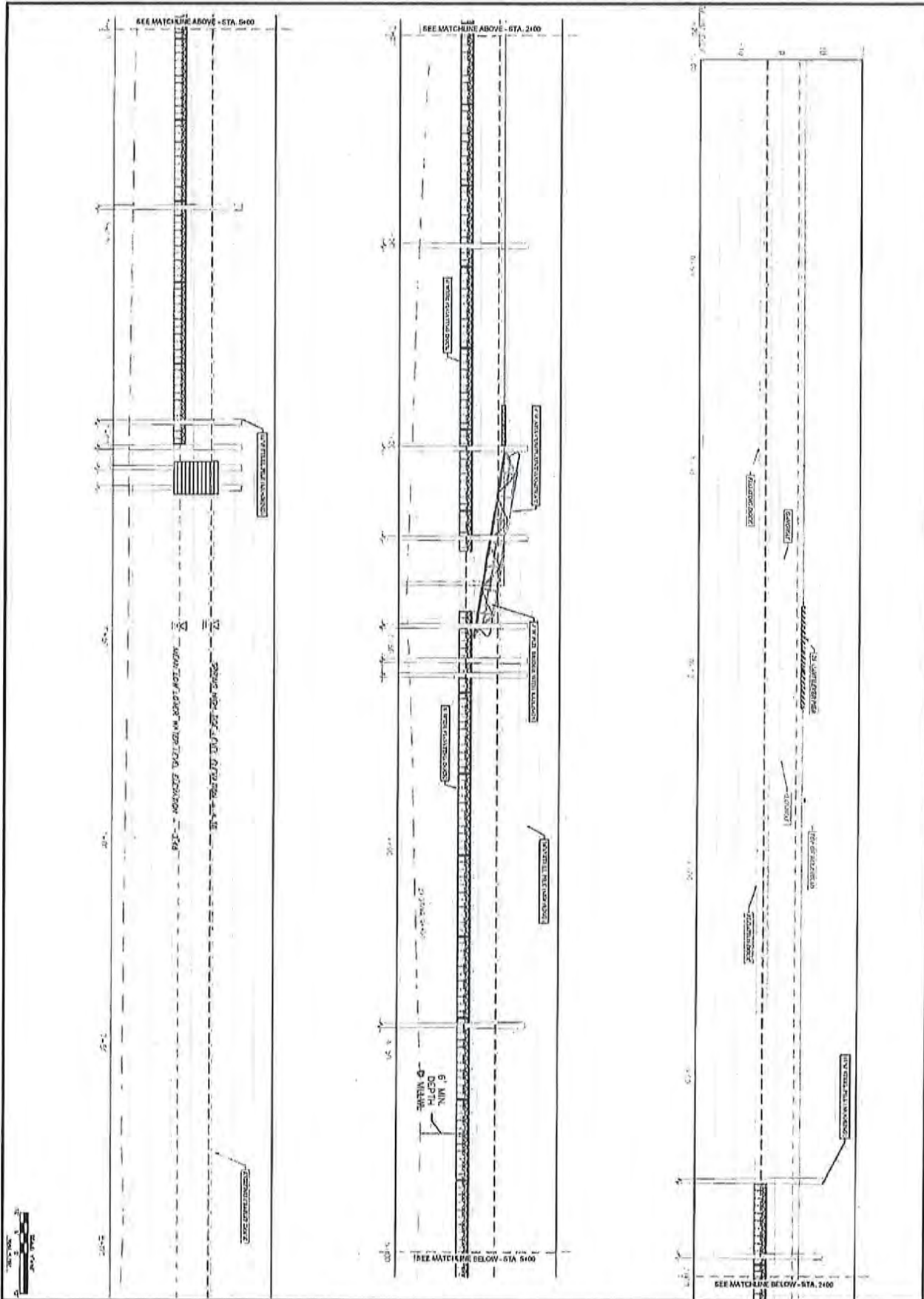
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 Lawrence Slavitter at 215-656-6734, via email at lawrence.m.slavitter@usace.army.mil, or writing this office at the above address.

Samuel L. Reynolds
Acting Chief, Regulatory Branch

DATE	12/14/2011
BY	AKA/118
REVISION	1.00
PROJECT	BURLINGTON TRANSIENT MARINA
DATE	12/14/2011



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PROPOSED FOR:
BURLINGTON TRANSIENT MARINA
NATIONAL BOATING INFRASTRUCTURE
GRANT PROGRAM

OWNER: NATIONAL BOATING INFRASTRUCTURE GRANT PROGRAM
 LOCATION: BURLINGTON, MISSISSIPPI
 DRAWING NO.: 11-000001

arh adams, rehmann & heggan
 ENGINEERS
 ARCHITECTS
 PLANNERS

8000 W. UNIVERSITY BLVD.
 SUITE 200
 MEMPHIS, TN 38117
 (901) 521-1100
 (901) 521-1101 FAX

PROJECT NO. 11-000001

Theodore Wilkinson
THEODORE WILKINSON, PE
 PROFESSIONAL ENGINEER
 MISSISSIPPI LICENSE NO. 3601

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