



**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-2015-0538-39

Date  
**DEC 23 2015**

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:** John R. Armstrong  
City of Absecon  
500 Mill Road  
Absecon, New Jersey 08201

**AGENT:** Jeanmarie Murphy  
Remington, Vernick and Walberg Engineering, Incorporated  
232 Kings Highway East  
Haddonfield, New Jersey 08033

**WATERWAY:** Absecon Creek

**LOCATION:** Block 171.01, Lot 17; adjacent to the intersection of Absecon Boulevard and Turner Avenue, in the City of Absecon, Atlantic County, New Jersey.

**ACTIVITY:** The applicant proposes to remove existing structures, provide bank stabilization to an existing swimming pond located at the site. The work would take place in a man-made lagoon/swimming pond that was constructed prior to 1931. At the mouth of the pond (the north side of the site) that connects Absecon Creek to the worksite, an existing sluice would be removed from the waterway. This structure appears on aerial photography taken in 1951. Standard construction equipment would be used from both the eastern and western shores of the pond to remove the structure. Cofferdams would be used to dewater portions of the site where the existing structure would be removed. The equipment would be staged on the western shore on existing upland locations. A temporary road, consisting of composite and timber matting, would be constructed on the east side of the pond and would impact two thousand five hundred twenty five (2525) square feet of regulated waters/wetlands. Approximately three hundred (300) linear feet of concrete bulkhead would be removed and the vegetative stabilization would replace the bulkhead. Finally along the eastern shore, an existing wooden dock would be removed from the watercourse. No dewatering would be performed on the eastern side of the pond, with the

work being performed between the high tide cycles. All debris would be disposed of off-site at an approved facility

Along the southern shoreline, a one hundred fifty (150) foot linear retaining wall would be installed as a stabilizing structure. Fill would be placed behind the wall, impacted approximately nine hundred twenty five (925) square feet of waters/wetlands. Along the western shoreline cofferdams would be temporarily installed in two (2) phases, to allow work to be performed. The existing approximately four hundred seventy five (475) foot long section of concrete bulkhead and walkway would be removed and the remaining area would be re-graded to allow for stabilization of the shoreline using bio-engineering. Work would be staged in the adjoining stone parking lot. A low stone sill would be placed at the waterward side of the bio-engineering, impacting approximately two thousand nine hundred and seventy five (2975) square feet of the waterway. Approximately one thousand nine hundred seventy five (1975) square feet of wetlands and an area below the high tide line would be impacted by this portion of the project. Two (2) fifteen (15) foot wide access ramp would be constructed along the shoreline to allow public access to the water. A new open cell concrete walkway would be constructed along the proposed shoreline and would impact approximately two thousand one hundred fifty (2150) square feet of wetlands by the walkway and grading landward of the proposed walkway. Total area of habitat created by the bio-engineering would be approximately seven thousand five hundred seventy five (7575) square feet.

At the northern most end of the proposed walkway, a new non-CCA treated timber structure would be installed in the mouth of the pond. The structure would be eight (8) feet wide and would extend approximately thirty five (35) waterward of mean high water. Land based equipment would be used to install the structure. The site would be dewatered with cofferdams to allow for the installation of the pier. For the entire proposal, the total area of permanent impacts to areas of Federal jurisdiction would be eleven thousand seven hundred fourteen (11,714) square feet and temporary impacts would be six thousand eleven (6011) square feet. No dredging is proposed at the project site.

**PURPOSE:** The applicant's stated purpose is to provide flood protection to the intersection of Turner Avenue and Absecon Boulevard and to provide improved access to residents using the park.

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.

Historic properties eligible for or listed on the National Register of Historic Places are within the permit area, but will not be adversely affected by the proposed action. A determination of "No Adverse Effect" was coordinated with the SHPO in a letter dated July 14, 2015. The SHPO concurs with the USACE determination.

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 42, shows that the project would have an adverse effect. However, any adverse effects on EFH is not substantial and no mitigative measures would be required.

**Analysis of the Effects:** Due to the limited nature of the work below mean high water, it is unlikely any species of concern would be directly impacted by the project. Due to the shallow nature of the opening to the pond and the pond proper, these area would have limited EFH potential for the species of concern. This office will coordinate with the National Marine Fisheries Service to ensure any impacts to EFH or the species of concern would be minimal.

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. Additionally, several areas of the site shall be re-graded and/or re-vegetated as part of the overall project. First, the western shoreline (an area filled in association with the original swimming hole construction) would be re-graded and planted with indigenous wetland species. A stone sill would be added to minimize wave damage in this area of the

project. Approximately seven thousand five hundred seventy five (7575) square feet of vegetative wetland would be created along the western shore. Along the eastern shore, the existing concrete walkway and bulkhead would be removed and re-graded. Additionally, the existing tennis courts will be removed and re-graded allowing for wetland habitat creation. The area would also be planted with native wetland vegetation. This would create approximately twenty two thousand five hundred fifty (22,550) square feet of wetlands that is currently uplands. Lastly the existing concrete pool facility will be removed and restored with topsoil and vegetation. The total area of habitat improvement/restoration of all the removed impervious structures would create an additional twenty seven thousand eighty (27,080) square feet of habitat (wetlands and uplands). The areas where wetland habitat would be created will be monitored up to 5 years to ensure success criteria are met.

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.

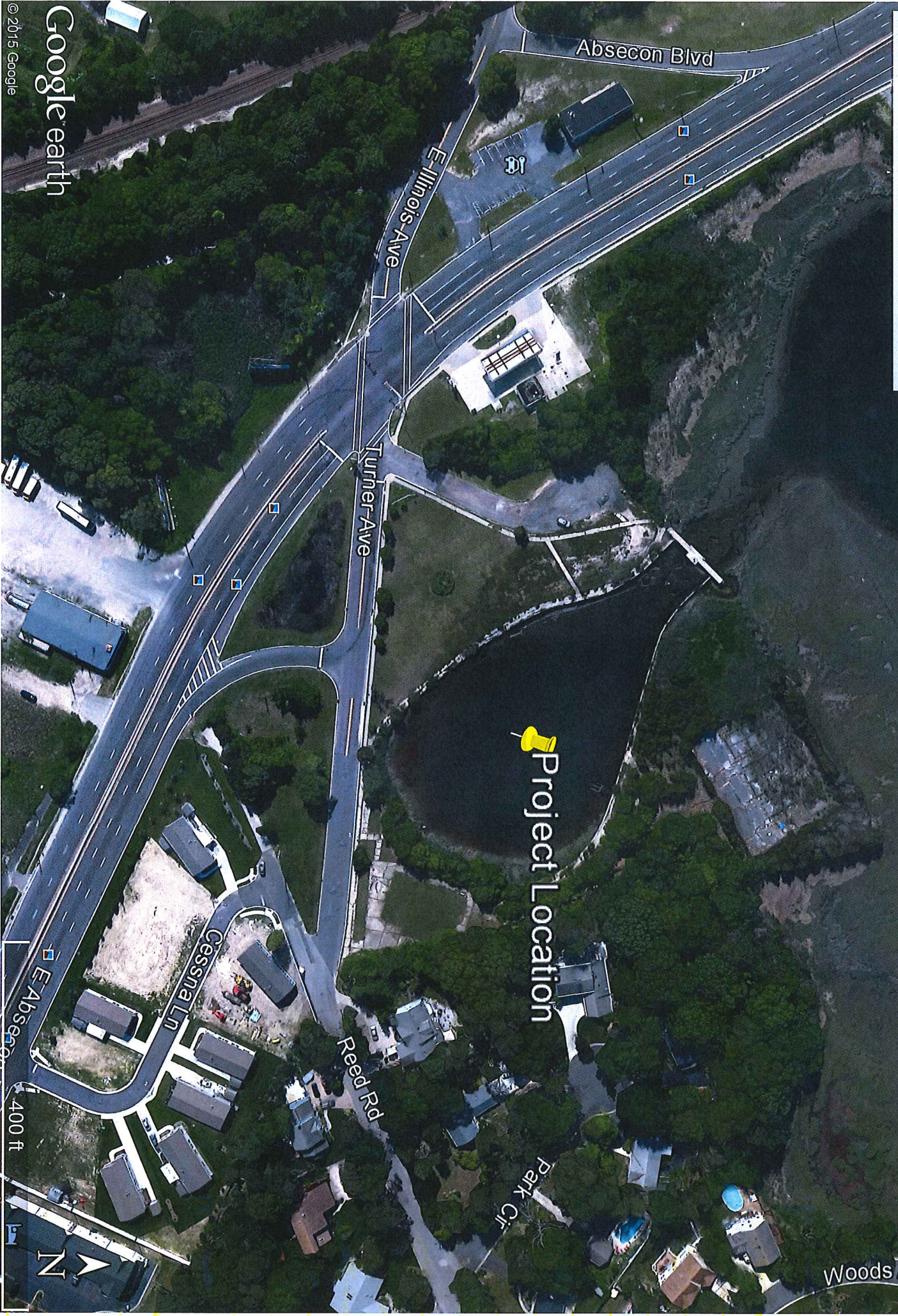
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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](mailto:lawrence.m.slavitter@usace.army.mil), or writing this office at the above address.

  
for Frank J. Cianfrani  
Chief, Regulatory Branch







A

PROPOSED IMPACTS PER CONSTRUCTION ACTIVITY					
ACTIVITY	SEASONAL	WINTER	SPRING	SUMMER	FALL
DEMOLITION	0.5%	0.5%	0.5%	0.5%	0.5%
CONSTRUCTION	0.5%	0.5%	0.5%	0.5%	0.5%
OPERATION	0.5%	0.5%	0.5%	0.5%	0.5%
MAINTENANCE	0.5%	0.5%	0.5%	0.5%	0.5%

NOTE: TOTAL TEMPORARY IMPACTS BELOW THE LINE (TTL) = 3.0%.

C

GENERAL NOTES:

1. PERMIT TO CONSTRUCT SHALL BE OBTAINED FROM THE CITY OF ATLANTA, GEORGIA, AND THE STATE OF GEORGIA, BEFORE ANY CONSTRUCTION SHALL BE INITIATED. THE PERMIT TO CONSTRUCT SHALL BE OBTAINED FROM THE CITY OF ATLANTA, GEORGIA, AND THE STATE OF GEORGIA, BEFORE ANY CONSTRUCTION SHALL BE INITIATED.
2. TOTAL EXISTING IMPROVEMENTS THAT WILL BE REMOVED AND RECONSTRUCTED IS 2.0%.
3. TEMPORARY IMPACTS SHALL BE USED DURING CONSTRUCTION FOR EQUIPMENT ACCESS TO PROTECT EXISTING IMPROVEMENTS, AS DIRECTED BY THE ENGINEER.

Tidal Datum (NAVD-1988)					
MEAN LOW WATER	-2.0'	MEAN LOW WATER	-2.0'	MEAN LOW WATER	-2.0'
MEAN TIDE LEVEL	-1.0'	MEAN TIDE LEVEL	-1.0'	MEAN TIDE LEVEL	-1.0'
MEAN HIGH WATER	1.0'	MEAN HIGH WATER	1.0'	MEAN HIGH WATER	1.0'
MEAN TIDE LEVEL	1.0'	MEAN TIDE LEVEL	1.0'	MEAN TIDE LEVEL	1.0'
MEAN TIDE LEVEL	2.0'	MEAN TIDE LEVEL	2.0'	MEAN TIDE LEVEL	2.0'

B

D

SURVEY NOTES:

1. THE HORIZONTAL DATUM IS BASED ON NAD-83 (NAD 1983) AND THE VERTICAL DATUM IS BASED ON NAVD-83.
2. PROPERTY AND RIGHT-OF-WAY LINES SHOWN ON THESE PLANS ARE BASED ON THE CURRENT TAX MAPS OF THE CITY OF ATLANTA, ATLANTA COUNTY, GEORGIA.
3. EXISTING TOPOGRAPHIC CONTOURS WERE SURVEYED BY REMITTAL, WATKINS & ASSOCIATES, INC. UNDER THE SUPERVISION OF CHARLES E. REMITTAL, A.L.S., IN 1994.
4. THE SURVEY WAS COMPLETED ON AUGUST 13, 1994.
5. THE SURVEY WAS TAKEN FROM THE MEAN TIDE LEVEL (MTL) AND THE MEAN TIDE LEVEL (MTL) IS BASED ON THE MEAN TIDE LEVEL (MTL) AND THE MEAN TIDE LEVEL (MTL) IS BASED ON THE MEAN TIDE LEVEL (MTL).

LEGEND:

- TEMPORARY IMPACTS BELOW THE LINE (TTL)
- TEMPORARY IMPACTS TO WETLANDS
- TEMPORARY IMPACTS TO WETLANDS BELOW THE FIRST TIDE LINE (FTL)

USACE PERMITTING PLAN  
TEMPORARY IMPACTS

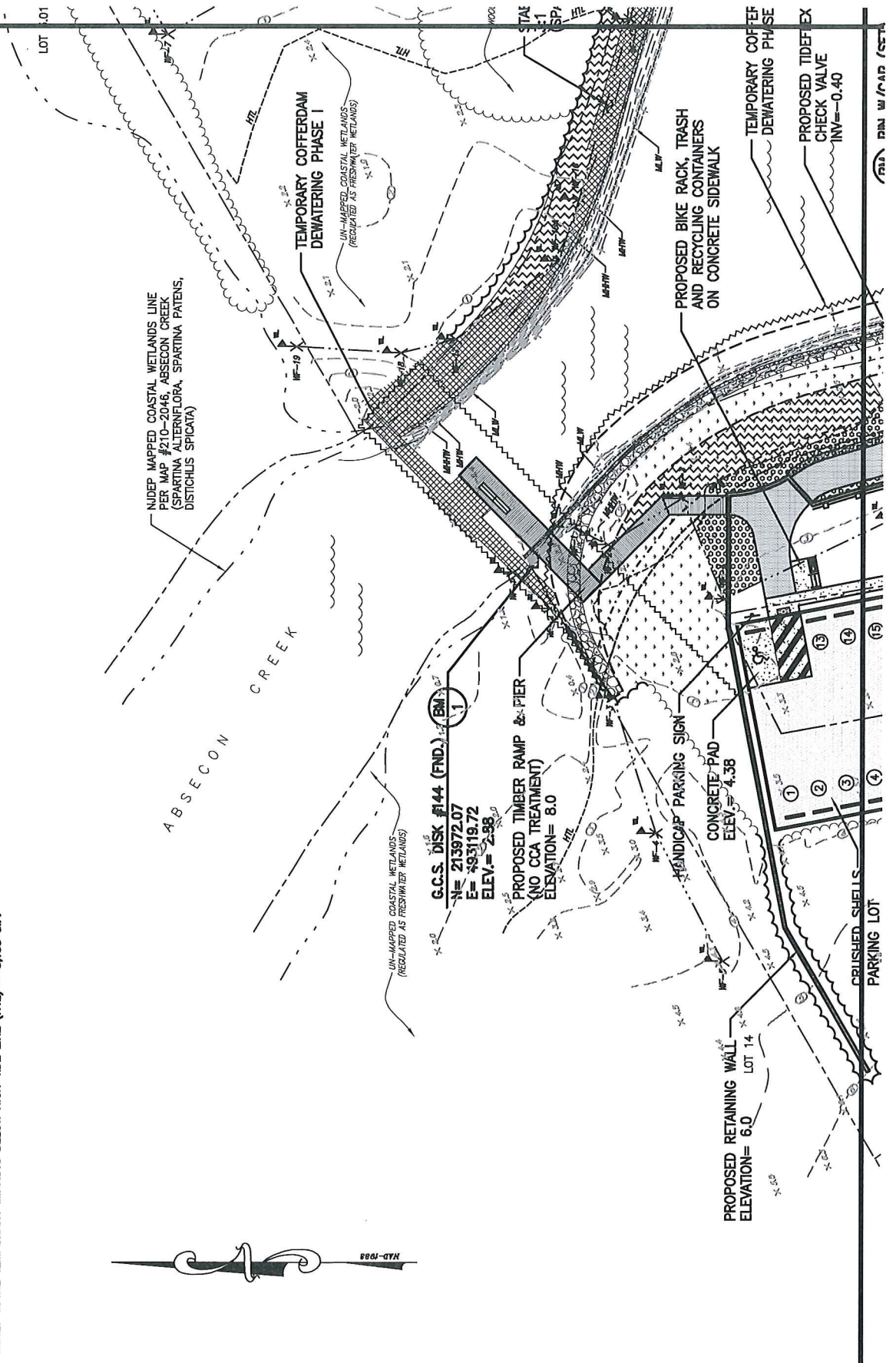


A

PROPOSED IMPACTS PER CONSTRUCTION ACTIVITY

	DEMOLITION	STONE SILL	CONCRETE RAMP	VEGETATION	PERMEABLE PAVERS	RETAINING WALL	BACKFILL
WATERWAY	1,291 S.F.	0 S.F.	0 S.F.	0 S.F.	0 S.F.	0 S.F.	0 S.F.
WETLANDS	0 S.F.	0 S.F.	0 S.F.	4,720 S.F.	0 S.F.	0 S.F.	0 S.F.

NOTE: TOTAL TEMPORARY IMPACTS BELOW HIGH TIDE LINE (HTL) = 3,138 S.F.



[illegible]

1. THE HORIZONTAL DATUM IS BASED ON NAD-1983 (GRID COORDINATES) AND THE VERTICAL DATUM IS BASED ON NAVD-1988.
2. PROPERTY AND RIGHT-OF-WAY LINES SHOWN ON THESE PLANS WERE BASED ON THE CURRENT TAX MAPS OF THE CITY OF ABSECON, ATLANTIC COUNTY, NEW JERSEY.
3. EXISTING TOPOGRAPHIC CONDITIONS WERE SURVEYED BY REMINGTON, VERNICK & WALBERG ENGINEERS UNDER THE SUPERVISION OF CHARLES E. ADAMSON, N.J.P.L.S. LICENSE NO. 42627. THE SURVEY WORK WAS COMPLETED ON AUGUST 5, 2014.
4. TIDAL BENCH MARK TAKEN FROM TIDAL DISK 853-4540E-1977/NGS PID# JU2456, DISK SET ON TOP OF THE SOUTHEAST CONCRETE ABUTMENT WALL ON THE SOUTHEAST SIDE OF THE ABSECON CREEK.

—  TEMPORARY IMPACTS BELOW THE HIGH TIDE LINE (HTL)

—  TEMPORARY IMPACTS TO WETLANDS

—  TEMPORARY IMPACTS TO WETLANDS BELOW THE HIGH TIDE LINE (HTL)

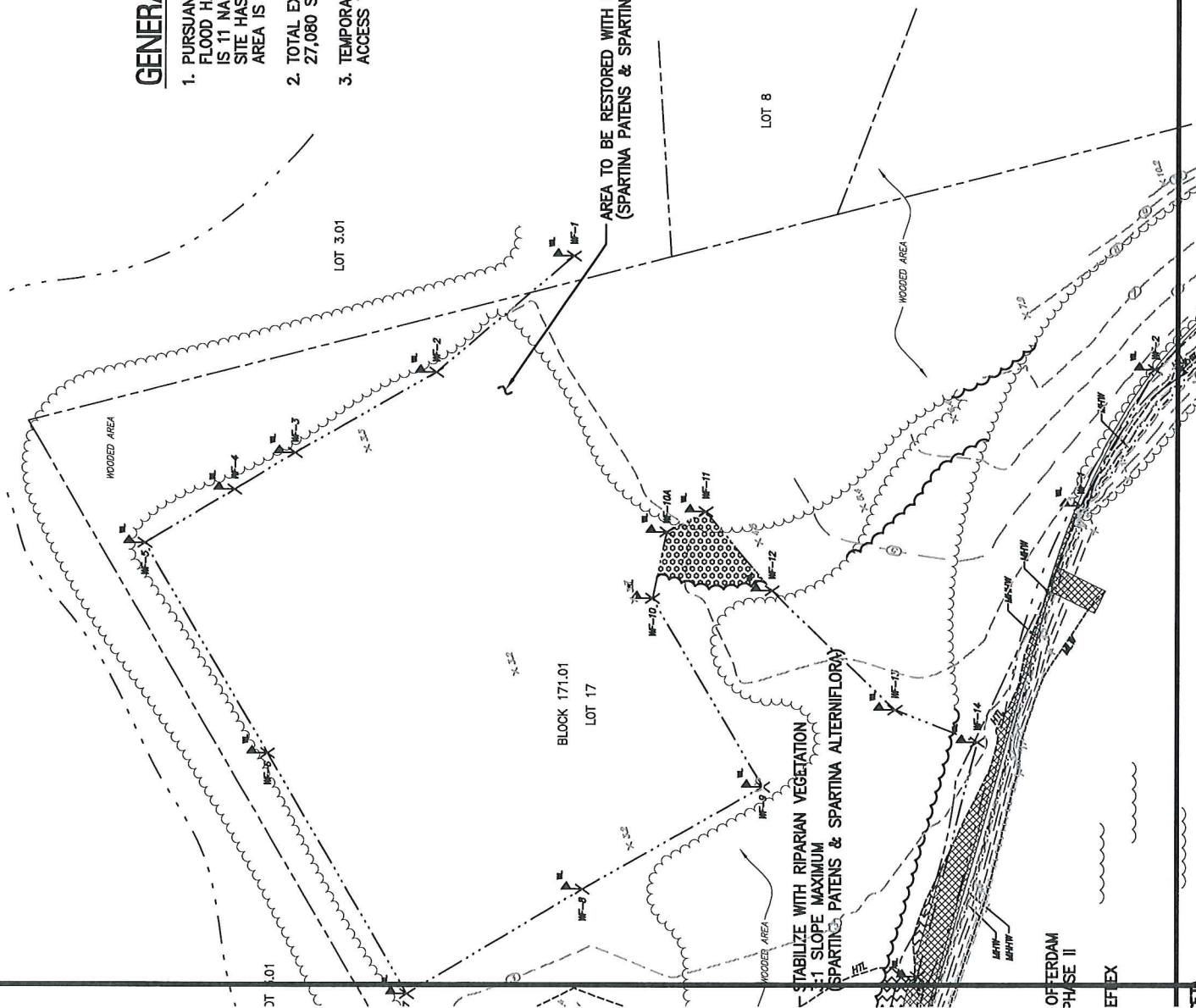


C

# **GENERAL NOTES:**

1. PURSUANT TO PRELIMINARY FIRM DATA FOR ATLANTIC COUNTY, NEW JERSEY, THE FLOOD HAZARD AREA DESIGN FLOOD ELEVATION FOR THE MAJORITY OF THE SITE IS 11 NAVD 1988. A VERY SMALL PORTION OF THE SOUTHEAST CORNER OF THE SITE HAS A FLOOD PLAIN ELEVATION OF 10 NAVD 1988. THE ENTIRE PROJECT AREA IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
2. TOTAL EXISTING IMPERVIOUS THAT WILL BE REMOVED AND REVEGETATED IS 27,080 S.F.
3. TEMPORARY MATS SHALL BE USED DURING CONSTRUCTION FOR EQUIPMENT ACCESS TO PROTECT EXISTING VEGETATION, AS DIRECTED BY THE ENGINEER.

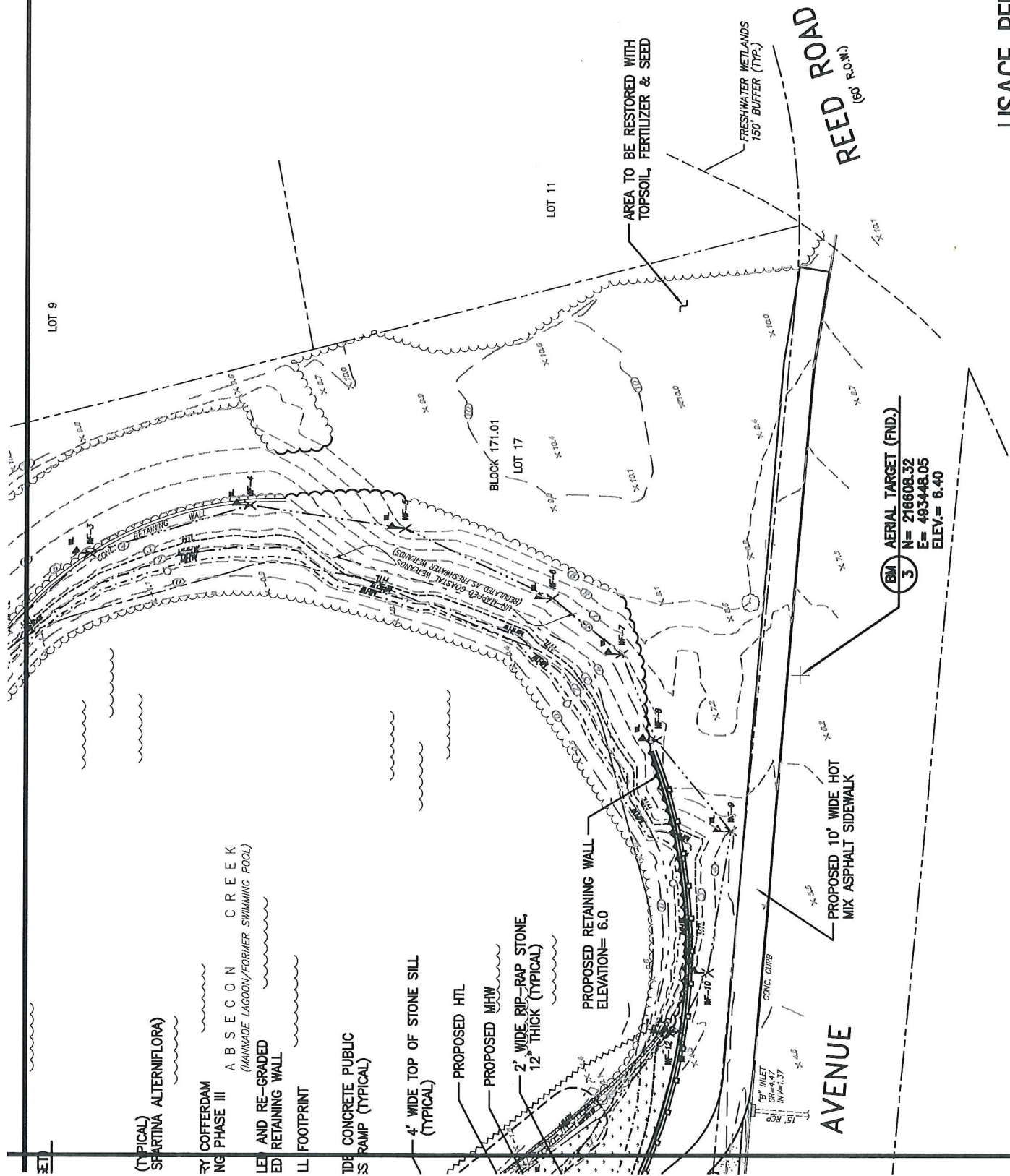
TIDAL DATUM (NAVD-1988)		
MLW	MEAN LOWER LOW WATER	-2.65'
MLW	MEAN LOW WATER	-2.51'
MTL	MEAN TIDAL LEVEL	-0.56'
MHW	MEAN HIGH WATER	1.38'
MHHW	MEAN HIGHER HIGH WATER	1.74'
HTL	HIGH TIDE LINE	2.60'



OFFERDAM  
PHASE II  
EFEX

D

USACE PERMITTING PLAN  
TEMPORARY IMPACTS

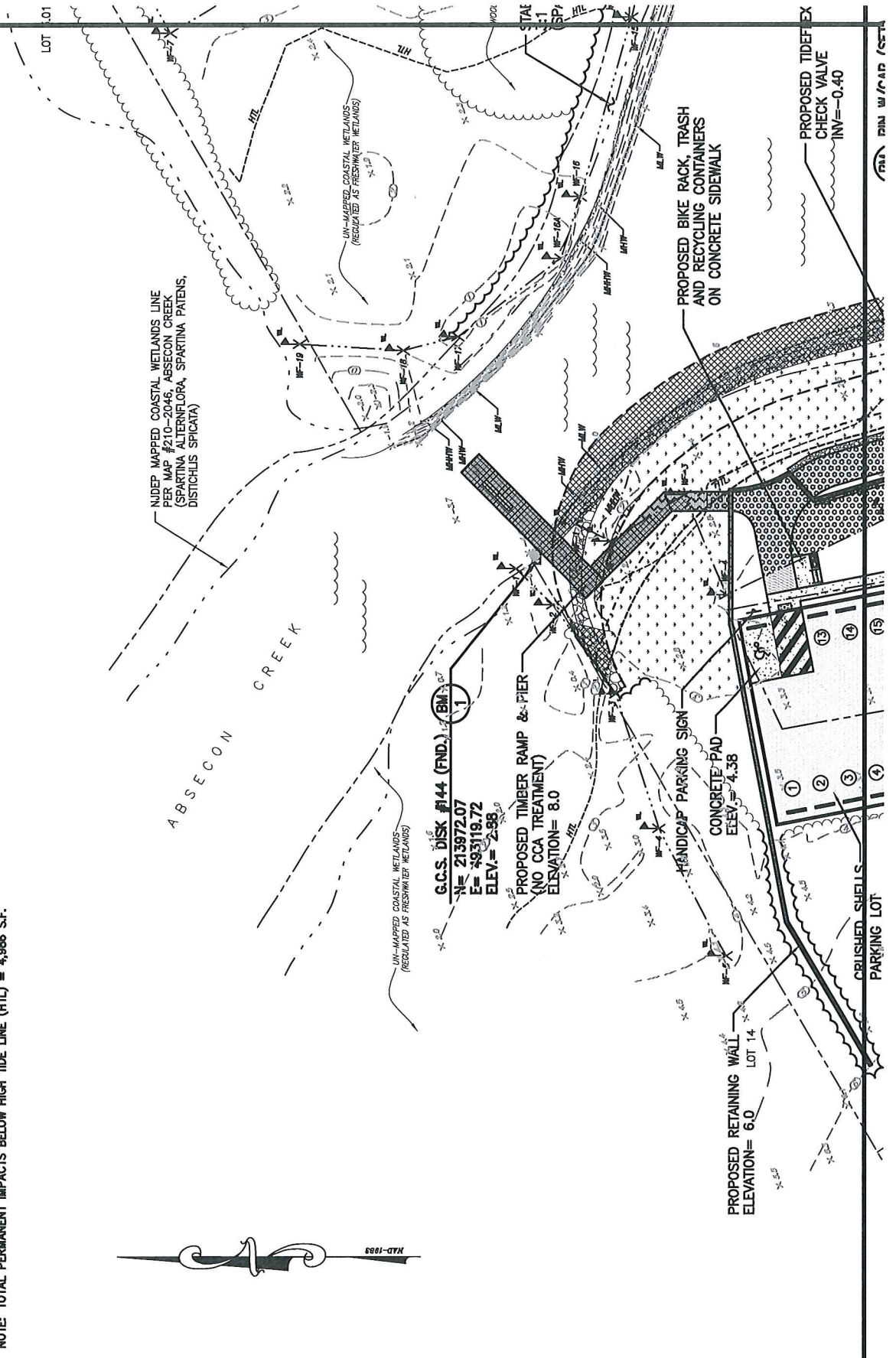






PROPOSED IMPACTS PER CONSTRUCTION ACTIVITY							
	DEMOLITION	STONE SILL	CONCRETE	VEGETATION	PERMEABLE PAVERS	RETAINING WALL	BACKFILL
WATERWAY	0 S.F.	2,972 S.F.	458 S.F.	0 S.F.	0 S.F.	0 S.F.	0 S.F.
WETLANDS	0 S.F.	1,979 S.F.	757 S.F.	0 S.F.	2,151 S.F.	308 S.F.	3,089 S.F.

NOTE: TOTAL PERMANENT IMPACTS BELOW HIGH TIDE LINE (HTL) = 4,986 S.F.





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PERMANENT IMPACTS BELOW THE HIGH TIDE LINE (HTL)

PERMANENT IMPACTS TO WETLANDS

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PERMANENT IMPACTS TO WETLANDS

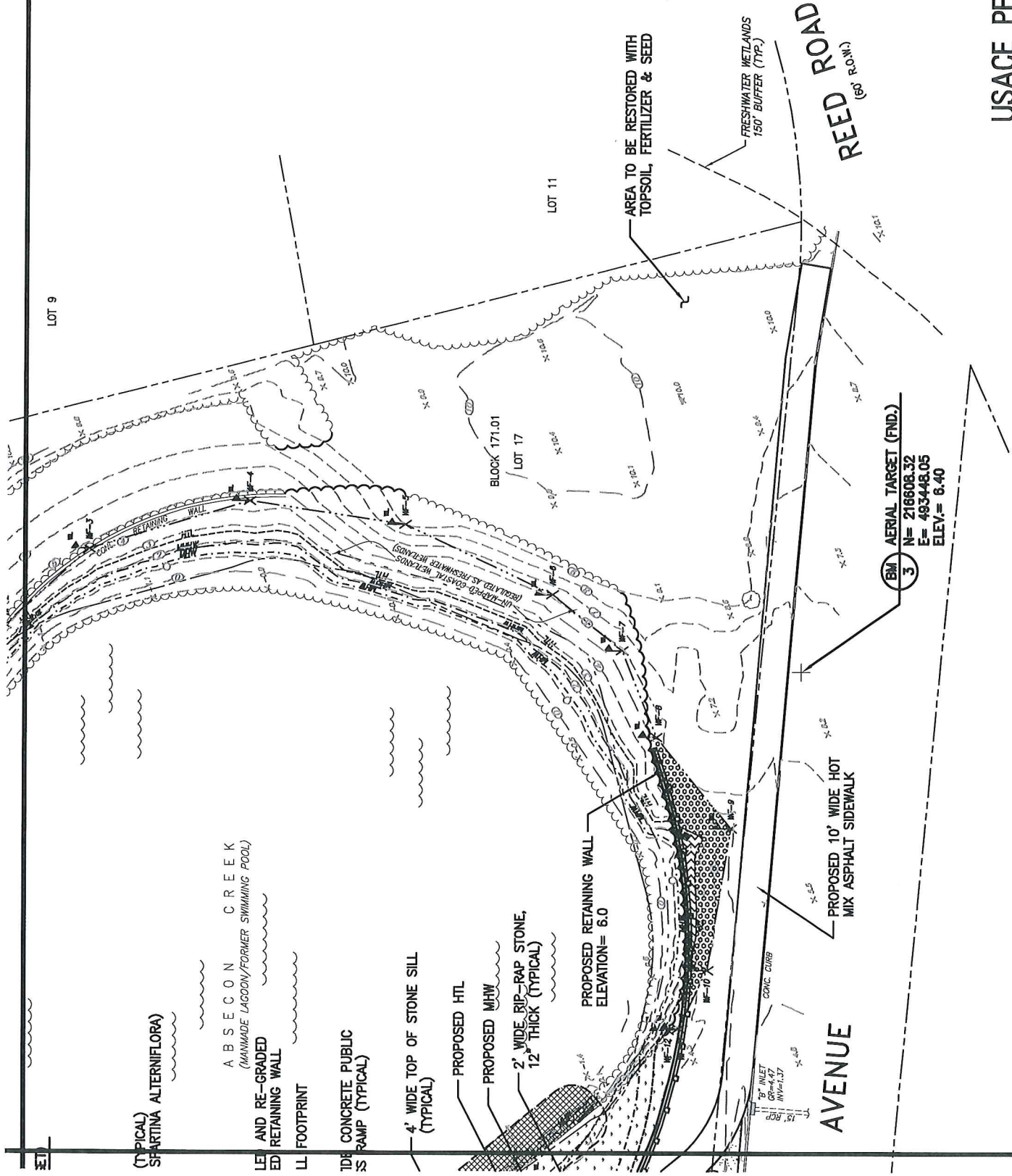
PERMANENT IMPACTS TO WETLANDS BELOW THE HIGH TIDE LINE (HTL)





H

USACE PERMITTING PLAN  
PERMANENT IMPACTS



**DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT – PHILADELPHIA  
CORPS OF ENGINEERS**

**WANAMAKER BUILDING – 100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3390**

**ATTN: REGULATORY BRANCH**