

GI 20200014

2020 0014

**US Army Corps
of Engineers.**
Philadelphia DistrictWanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-2019-0922-45Date
February 26, 2020

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).

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: DAY MARGARET-9420 AMHERST AVENUE AQUA PARK

AGENT: Ms. Faith Midgarden
Environmental Specialist
The Hyland Group
701 West Avenue
Suite 301
Ocean City, New Jersey 08226

WATERWAY: Beach Thorofare

LOCATION: The project is located at 9420 Amherst Avenue, known as block 528, lots 4, 4.01, and 5, block 529, lots 1, 1.01, 2, 2.01, 3, and 3.01, in Margate City, Egg Harbor Township, Atlantic County, New Jersey.

ACTIVITY: The applicant proposes to remove certain existing commercial marina structures (docks and piling), install new floating walkways and/or docks, to perform new dredging activities, and to install interconnected inflatable play equipment associated with the construction of a recreational Aqua Park for seasonal public use.

As shown on the attached plan E-1, the construction of the aqua park involves the installation of a new floating walkway/dock system (the system) comprised of five (5) interconnected sections measuring 55' by 8', 230' by 6', 189' by 6', 145' by 6', and 102.5' by 6', and accessed by an 18' by 3' ramp. The pre-manufactured system would be positioned into place using a floating barge and crane, while the 63, 12 inch pilings would be installed using a Vibratory Hammer. As shown on the attached plan E-1, the inflatable play equipment (aqua park) would be located within the floating walkway/dock system. The system would act as a wave attenuator and a barrier between the adjacent marinas providing for the safe public use and operation of the aqua park facility. The new system and certain existing docks would also provide 24 mooring

areas/slips for vessels, of which **12** are personal watercraft (jet ski) slips. The mooring areas would only be used by patrons accessing the aqua park from the waterway. The mooring of vessels at the facility would be temporary and/or seasonal and only during patron activity at the aqua park. In addition, the applicant has proposed to use Alternative Materials to construct all structures at the facility. The proposed floating walkway/dock system would be located a minimum of **150'**+/- from the Federal Navigation Channel (Intracoastal Waterway). At this time, no navigational hazards have been identified. As stated above, the project also involves **New Dredging** activities at the project site to provide for safe vessel navigation and mooring, to provide a minimum water depth throughout the aqua park facility to ensure patron and/or public safety using the inflatable play equipment, and to allow for water access for emergency responders.

As shown on the attached plans **E-1** and **E-2**, the applicant proposes to perform Mechanical dredging to a depth of **-4.00** feet below Mean Low Water, producing approximately **1,640 cubic yards** of dredged material. Mechanical dredging activities include using an excavator to place the dredged material within a floating hopper barge, transporting the barge containing the dredged material to the upland unloading area adjacent to the existing bulkhead, off-loading the dredged material directly into lined, sealed dump trucks along Amherst Avenue, and then transporting the dredged material for disposal at the approved Surran's Soil Replenishment Facility (see project plan **E-3**). Dredging activities would impact approximately **22,194 square feet (0.509 acres)** of waters of the United States. To minimize dredging impacts within the waterway, the applicant proposes to install a floating turbidity curtain during dredging operations to prevent the migration of a turbidity plume outside of the dredging area.

At this time, the proposed dredging and/or overall project will not impact any wetlands, submerged aquatic vegetation (SAV), shellfish, or shellfish habitat.

PURPOSE: The purpose of the project is to convert the existing commercial marina facility into a recreational Aqua Park for seasonal public use.

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, may be present in the action area. This District will forward this notice 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 may be present in the area which would be affected by the proposed activity. This District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the US Fish and Wildlife Service or National Marine Fisheries Service as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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 requires all federal agencies to consult with the NOAA Fisheries 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. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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. At this time, the State of New Jersey Department of Environmental Protection (NJDEP) has authorized the project (**NJDEP Permit# 0116-03-0009.3 LUP 190001**) and has determined that the project is in compliance with State's Coastal Zone Management Program (CZM).

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.

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 Bryan P. Bellacima at (215) 656-6732, via email at bryan.p.bellacima@usace.army.mil, or writing this office at the above address.

A handwritten signature in cursive script, appearing to read "Edward E. Bonner".

Edward E. Bonner
Chief, Regulatory Branch



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Product Team:

John E. Halbruner
MI Board of Education, District 10

New Aqua Park

Amherst Avenue
Block 528 Lots 4 & 4.01
Block 529 Lots 1, 1.01, 2,
2.01, 3 & 3.01
City of Margate
Atlantic County
New Jersey

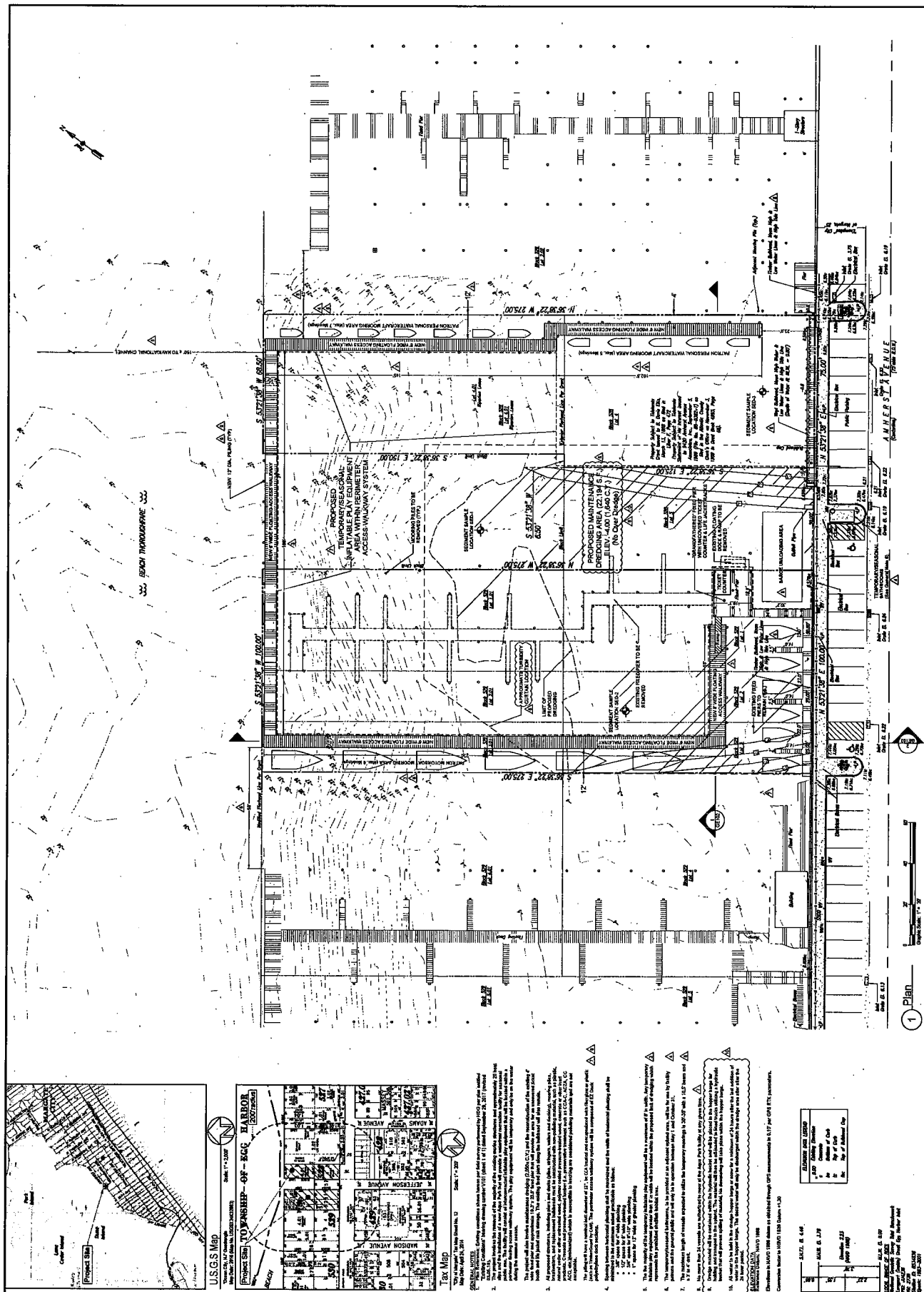
Margaret Day

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Permit Plan

GE101

Sheet 1 of 3





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Project Team:

John E. Halbruner

New Aqua Park

Amherst Avenue
Block 528 Lots 4 & 4.01
Block 529 Lots 1, 1.01, 2,
2.01, 3 & 3.01
City of Margate
Atlantic County
New Jersey

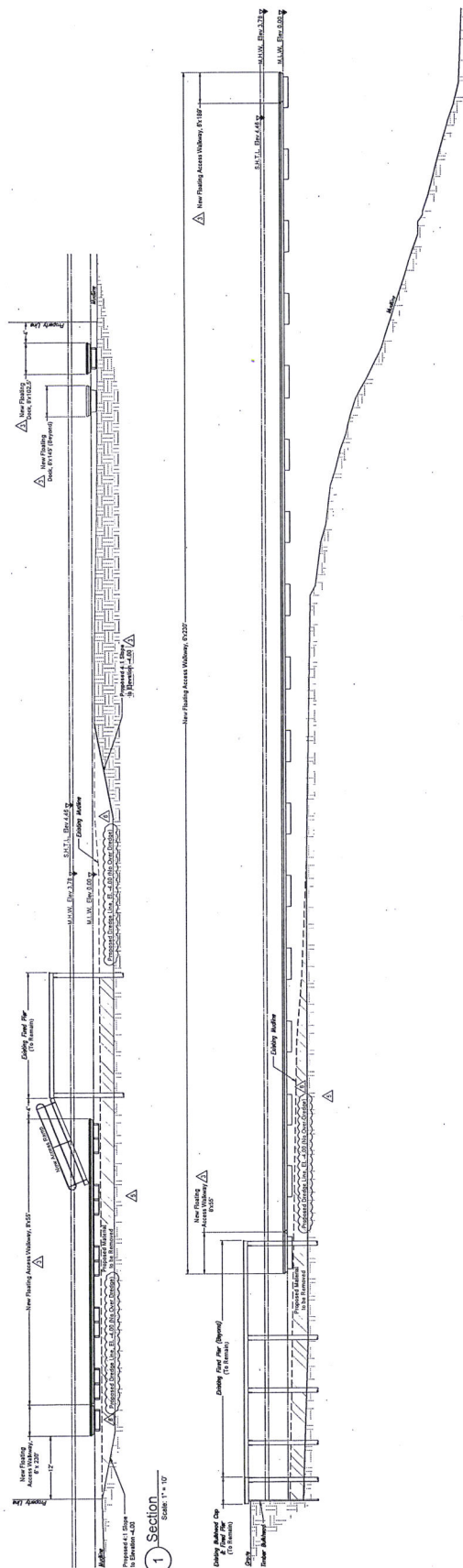
Chen et al.

Margaret Day

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Checked by: JEH
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Sections
GE102
Sheet 2 of 2



Section 2
Scale: 1" = 10'

E-2

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

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

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