



**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.	Date
CENAP - OP - R - 2012 - 705 - 24	OCT 02 2012
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: Borough of Pine Beach

AGENT: Ernst, Ernst and Lissenden
P. O. Box 391
Toms River, New Jersey 08754

WATERWAY: Toms River

LOCATION: The proposed project site is situated along the south shore of Toms River, at Block 111, Lot 2, along the northeast side of Riverside Drive, between Hillside and Midland Avenues, in the Borough of Pine Beach, Ocean County, New Jersey.

ACTIVITY: The applicant proposes to remove: a) existing deteriorated pier structures with pilings; and b) an existing timber bulkhead. A new municipal pier and bulkhead are proposed to be constructed. The new pier would be 14 feet wide and 113 feet long, with a 10' X 147' "T"-section at the end. It would include a walk-through gazebo. The pier structure, including the pilings, would consist primarily of pressure-treated wood, with the exception of the decking, which would be vinyl. Approximately 310 linear feet of new bulkhead is proposed, with the sheeting made of vinyl, and the other structural members made of pressure-treated wood. The majority of this bulkhead (approximately 243 linear feet) would be constructed about 5.4 feet landward of the present location. Another 36 linear feet of bulkhead would be reconstructed (in-place) perpendicular to the main bulkhead at the western end. The remainder, 31 linear feet, would be reconstructed in place at the eastern end of the project. The relocated bulkhead would result in approximately 1,296 square feet of new aquatic area created out of uplands, with the removal of approximately 162 cubic yards of sandy fill material. The excavated material would be dewatered on-site, with the material re-used as fill behind the new bulkhead to raise the ground elevation. The proposed project is associated with the development of a municipal waterfront park.

The applicant has received a Waterfront Development Permit and Water Quality Certificate for the proposed work from the State of New Jersey, Department of Environmental Protection (NJDEP file number 1522-05-0002.3).

PURPOSE: The applicant's statement of purpose for the proposed action is: "The existing piers at the site are in extremely poor condition and unsafe for residents to use. This project will replace these piers with a new pier for use by Pine Beach residents for fishing, crabbing and enjoying the borough's largest waterfront park. The new bulkhead will replace the existing bulkhead, also in poor condition, and protect the shoreline from further erosion."

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.

The permit area has been so extensively modified that little likelihood exists for the proposed project to impact a historic property. This notice is being provided to the New Jersey Historic Preservation Office for review and comment. As the evaluation of this application continues, additional information may become available which could modify this preliminary 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 20, indicates that the proposed work would not have a substantial adverse effect on any managed species. We have determined that winter flounder (Pseudopleuronectes americanus), clearnose skate (Raja eglanteria) and little skate (Leucoraja erinacea) are the only managed species with EFH that would potentially be adversely affected by the project.

Analysis of the Effects: Effects would occur primarily as a result of the physical disturbance by the removal and replacement of a bulkhead and the removal of dilapidated pier structures, including pilings, and the installation of a new pile-supported pier. Significant cumulative impacts are not anticipated, since the effects would be mostly temporary except for the actual physical placement of pilings, and the effects would not be more than minimal. The site is not shellfish habitat. No adverse effects on prey species are anticipated.

Corps of Engineers View: Based upon the above analysis, the Corps of Engineers has determined that the proposed project would not have a substantial adverse effect (i.e. not more than minimal adverse effect) on the EFH of managed species, or upon their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. This includes direct, indirect, site-specific and/or habitat-wide impact on EFH. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH. No conservation recommendations are proposed at this time to further minimize the adverse effect on these species. This determination may change as a result of consultation with the National Marine Fisheries Service.

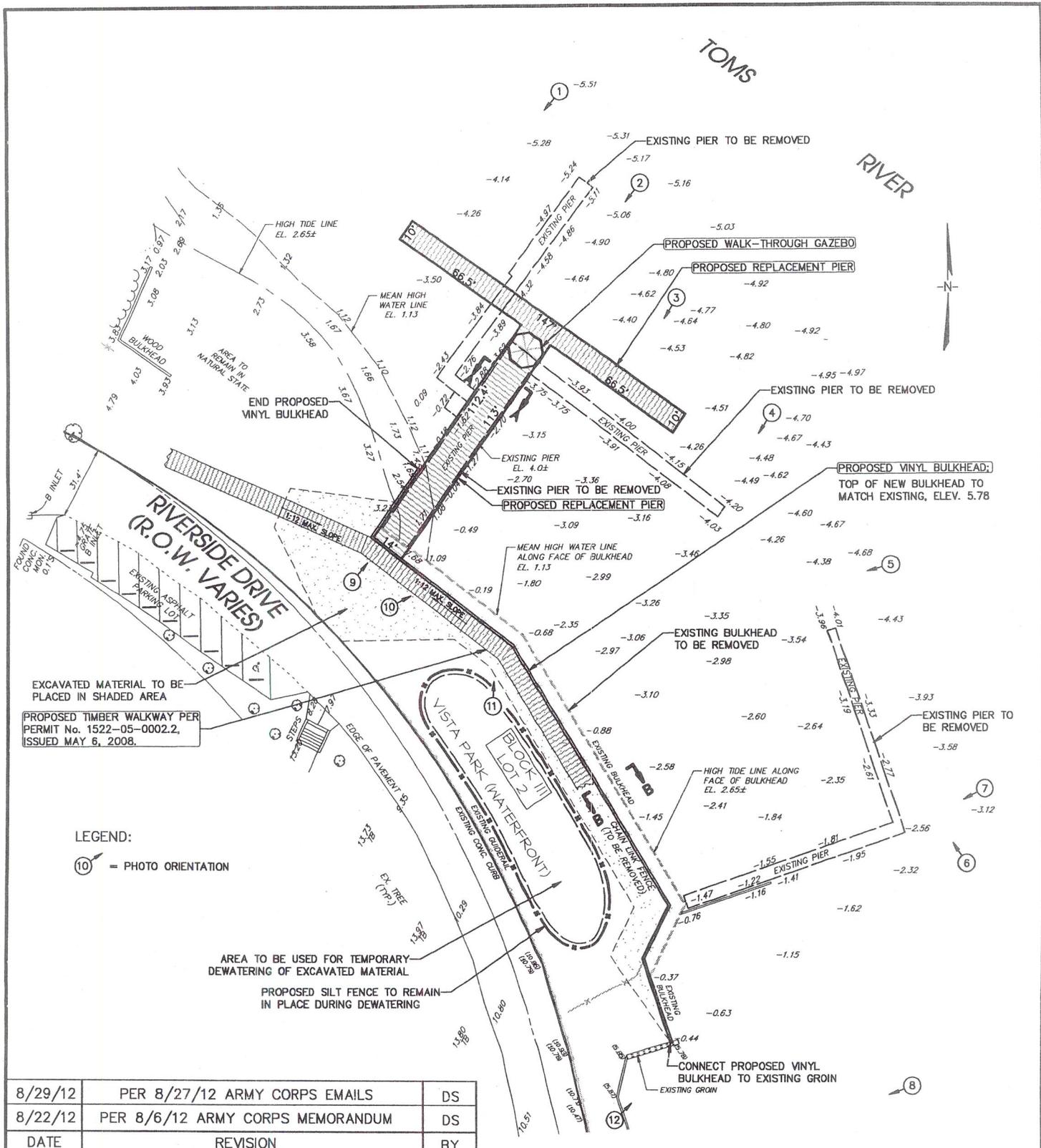
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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. The State of New Jersey, Department of Environmental Protection, has issued a Waterfront Development Permit and Water Quality Certificate for the proposed work (NJDEP file number 1522-05-0002.3).

Compensatory Mitigation: The proposed project does include placement of dredged or fill material in waters or wetlands. As such, compensatory mitigation has not been proposed, and it is not anticipated.

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 contacting James Boyer at (215) 656-5826, by electronic mail to James.N.Boyer@usace.army.mil, or by writing to this office at the above address.


for Frank J. Cianfrani
Chief, Regulatory Branch



8/29/12	PER 8/27/12 ARMY CORPS EMAILS	DS
8/22/12	PER 8/6/12 ARMY CORPS MEMORANDUM	DS
DATE	REVISION	BY

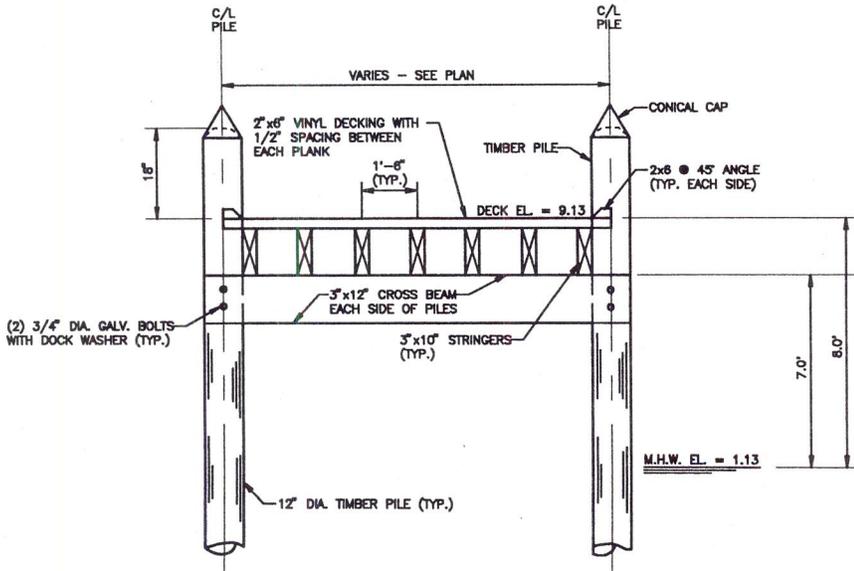
ERNST, ERNST & LISSENDEN
ENGINEERS & SURVEYORS
 P.O. Box 391 - 52 Hyers Street,
 Toms River, New Jersey 08754-0391
 (732) 349-2215
 CERTIFICATE OF AUTHORIZATION NO. 24GA27927500

John J. Mallon

JOHN J. MALLON, P.E.
 PROFESSIONAL ENGINEER, N.J. LIC. No. 21895

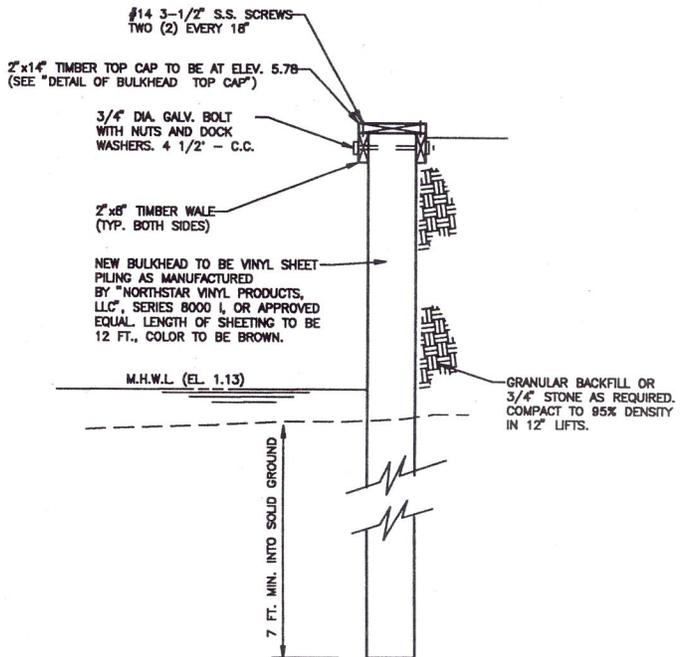
PLAN OF PROPOSED IMPROVEMENTS
VISTA PARK WATERFRONT
APPLICANT: BOROUGH OF PINE BEACH
BLOCK 111, P/O LOT 2
BOROUGH OF PINE BEACH
OCEAN COUNTY **NEW JERSEY**

DATE:	SCALE:	DRAWN BY:	CHECKED BY:	FILE No.
07-19-12	1"=60'	DS	JJM	08P4092



TYPICAL PIER CROSS-SECTION

(FOR PERMIT PURPOSES ONLY - NOT FOR CONSTRUCTION)



VINYL BULKHEAD DETAIL

(FOR PERMIT PURPOSES ONLY - NOT FOR CONSTRUCTION)

DATE	REVISION	BY

ERNST, ERNST & LISSENDEN ENGINEERS & SURVEYORS

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PIER SECTION AND BULKHEAD DETAIL VISTA PARK WATERFRONT APPLICANT: BOROUGH OF PINE BEACH BLOCK 111, P/O LOT 2

BOROUGH OF PINE BEACH
OCEAN COUNTY NEW JERSEY

DATE: 07-19-12	SCALE: NONE	DRAWN BY: DS	CHECKED BY: JJM	FILE No. 08P4092
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