



**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-2007-280-61

Date
MAR 29 2007

Application No.
CENAP-OP-R-2007-280-61

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: Nikolas Souris

WATERWAY: Barnegat Bay

LOCATION: 472 Tamiami Drive
Dover Township, Ocean County, New Jersey
Lots 18 and 18.01, Block 1946.09

The project location is shown on the enclosed "Waterfront Development Application Lots 18 and 18.01, Block 1946.09," sheets 1 and 3 of 8.

ACTIVITY: The proposed work is shown on the enclosed plans labeled "Waterfront Development Application Lots 18 and 18.01, Block 1946.09," sheets 5 and 6 of 8. The applicant proposes to legalize a 5' by 40.4' dock with a 5.6' by 30.4' "L" that was built prior to 1978; to construct a 4' by 20' dock extension to allow the boats to be moored in a water depth of 4.5 to 5.5 feet; to legalize and relocate 2 boat lifts, also built prior to 1978; and to replace 95 linear feet of wooden bulkhead with vinyl bulkhead, within 18 inches outshore of the existing timber bulkhead. The space between the new and existing bulkheads will be filled with quality fill material; the details are shown on the enclosed "Bulkhead Retaining Plan," pages 1 and 2 of 2. The end of the pier will be 1000' from the Intra-Coastal Waterway navigation channel. These activities have been authorized by NJDEP (Permit number 1507-02-0037.1 WFD 020001).

PURPOSE: The purpose of the project is to replace the existing deteriorating bulkhead with a new bulkhead in order to provide bank stabilization. The purpose of the boat dock is for access to ocean fishing grounds and Barnegat Bay recreation. The boat lifts are necessary due to the high wave and wind action that this area receives.

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.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

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 the summary sheet for Barnegat Bay, New Jersey, indicates that the following managed species of fish have been listed in the above-referenced guide as occurring within the vicinity of the project: red hake (*Urophycis chuss*), witch flounder (*Glyptocephalus cynoglossus*), winter flounder (*Pleuronectes americanus*), yellowtail flounder (*Pleuronectes ferruginea*), and windowpane flounder (*Scopthalmus aquosus*). The property is located within the 1979 State mapping of submerged aquatic vegetation (SAV).

The Corps of Engineers has determined that the proposed project would not have substantial direct, indirect, or habitat-wide impacts on EFH, or upon the managed species and their life stages listed in the above-referenced EFH guide, either individually or cumulatively. A restriction on work during the period from January 1 to May 31 of any given year is being proposed as a conservation measure. Further consultation with National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final permit decision. The Corps of Engineers will coordinate with the applicant regarding implementation of the recommendations.

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.

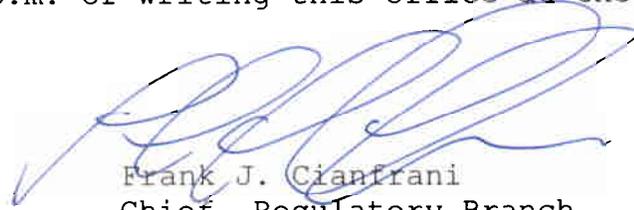
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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 Brenda R. Schrecengost at (215) 656-5866 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

A handwritten signature in blue ink, appearing to read 'Frank J. Cianfrani', is written over the typed name and title.

Frank J. Cianfrani
Chief, Regulatory Branch



IN-DEPTH MARINE CONSTRUCTION
2716 ROUTE 37 EAST
TOWNS RIVER, NJ 08753

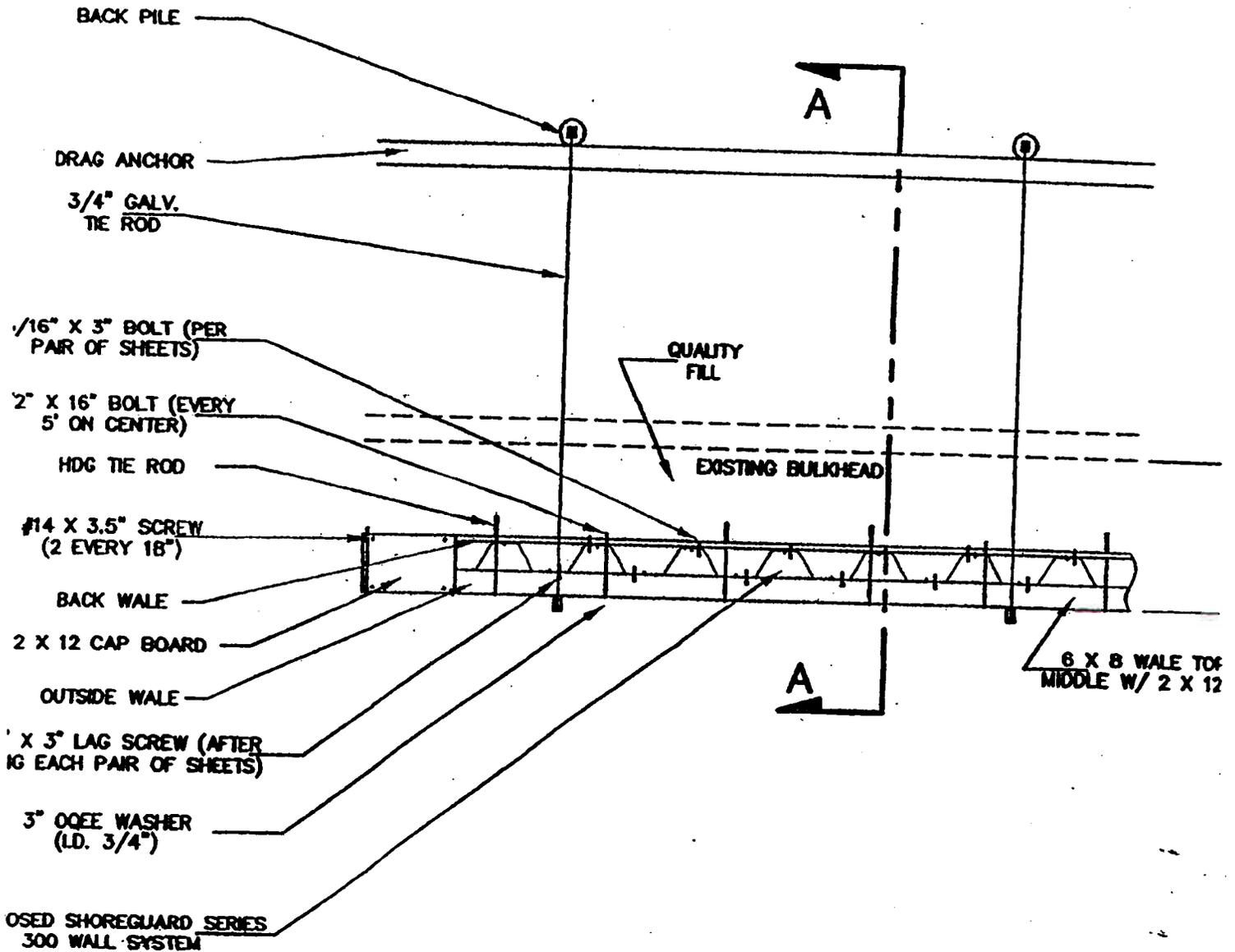
TEL: 732 270-6812

FAX: 732 270-8719

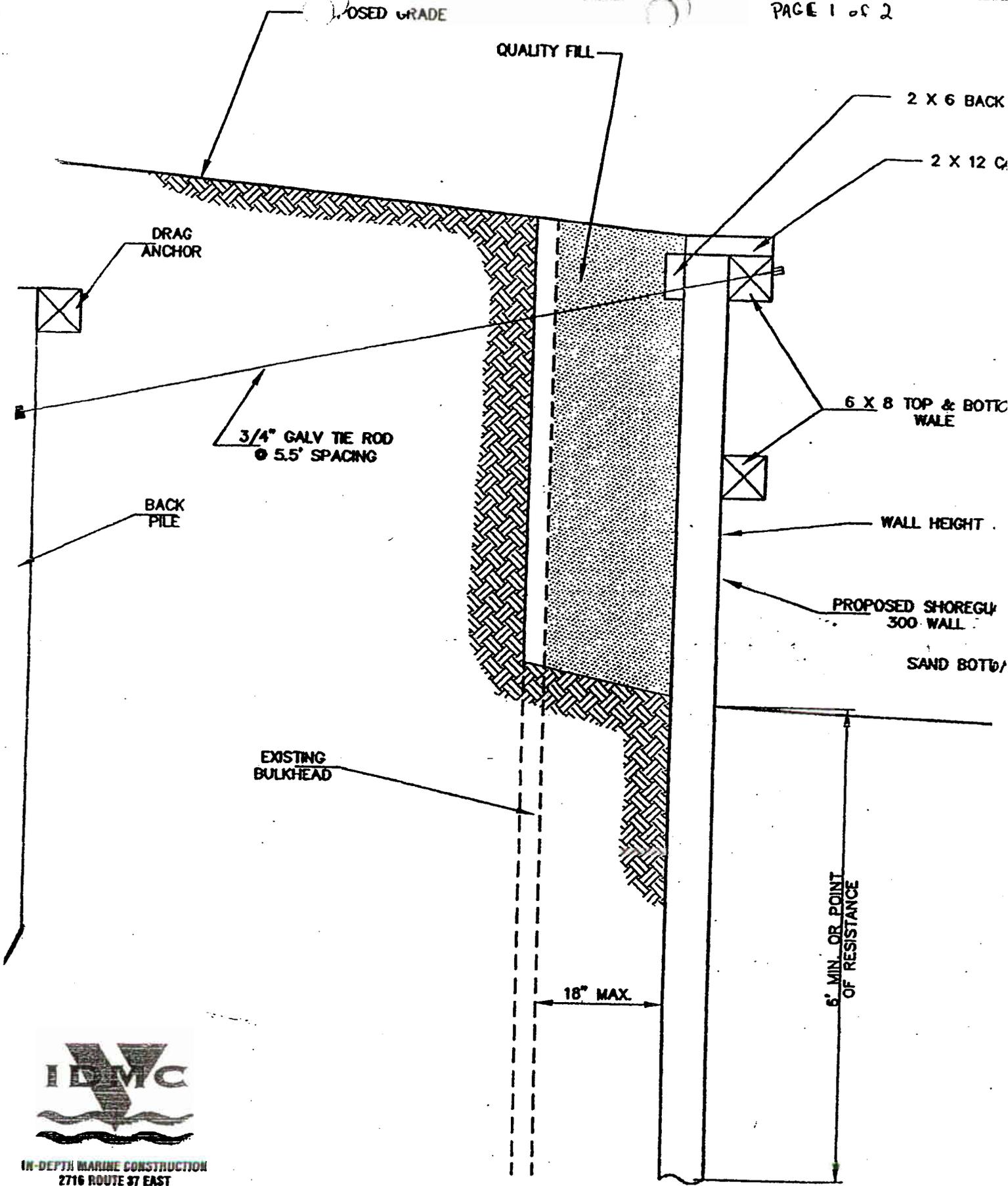
BULKHEAD RETAINING WALL PLAN

N.T.S.

PAGE 2 OF 2



E-1



IN-DEPTH MARINE CONSTRUCTION
 2716 ROUTE 37 EAST
 TOMS RIVER, NJ 08753

TEL: 732 278-6812 FAX: 732 278-8719

E-2
 [Signature]

Part of Riparian Grant to
Inward Thorofare Co.
Sept. 21, 1867
Liber R-5, pg. 105

BARNEGAT BAY

19.01

N.J. Bulkhead Line

Robert Cimaroza
40 Rector Court
Bergenfield, NJ 08761

19

18

18.01

TAMIAMI DRIVE

APPROVED
FILE NO. 01-424-R

1507-0970037
JUN 12 2002

Robert & Margaret Buesser
66 Horizon Court
Jersey City, NJ 07310
Land Use Regulation Program

1 LOCAL TIDE DATA

FROM NJDEP STATION # 8532885

Mean higher high water	= 0.58 feet
Mean high water	= 0.44 feet
Mean tide level	= 0.26 feet
Mean low water	= 0.07 feet
Mean lower low water	= 0.00 feet

WATERFRONT DEVELOPMENT APPLICATION
LOTS 18 & 18.01, BLOCK 1946.09
DOVER TOWNSHIP
OCEAN COUNTY, NEW JERSEY
Applicant: Nikolas & Eileen Souris

GEORGE W. HENN, INC.

RIPIARIAN CONSULTANTS
ENGINEERS SURVEYORS PLANNERS
655 MANTOLOKING RD., BRICKTOWN, NJ 08723
PHONE: 732-471-6500 FAX: 732-928-8459

Walter Scharfenberg
WALTER SCHARFENBERG
PROFESSIONAL LAND SURVEYOR 14159

DATE: Oct. 4 2001	SCALE: 1" = 20'	FILE: 01-424-R
REVISION: June 12, 2002 as per NJDEP	SHEET 6 OF 8	