



**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-2007-333-39	Date AUG 09 2007
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 and Hallie Aubin

AGENT: Mr. John Aubin
Connolly Environmental Incorporated
200 Bay Avenue
P.O. Box 1432
Island Heights, New Jersey 08732

WATERWAY: Dillons Creek

LOCATION: Lot 2.06, Lot 37, in the Borough of Island Heights, in Ocean County, New Jersey.

ACTIVITY: The applicant proposes to replace an existing bulkhead, construct a dock and perform minor dredging at the project site. Approximately ninety two (92) foot bulkhead would be replaced approximately one and one half (1.5) feet waterward of the existing structure using CCA treated lumber. Approximately one hundred twenty two (122) square feet of the waterway, waterward of the high tide line, would be filled behind the proposed bulkhead with the excavated material. A forty eight (48) foot by five (5) foot CCA treated timber dock would be constructed parallel to the proposed bulkhead. Ten (10) piles would be installed to secure the proposed structure. Two (2) additional piles would be installed approximately fourteen and one half feet waterward of the proposed dock. The proposed structures would be constructed using barge mounted equipment. The waterward most structure would be located approximately forty four (44) feet from the center of the waterway.

Approximately one thousand seven hundred ten (1710) square feet of the waterway would be dredged to allow for the mooring of a recreational vessel. Approximately forty one (41) cubic yards of accumulated sediment, composed of silt and sand, would be removed using land based clam shell bucket. The excavated material would be placed on the adjacent uplands and stabilized using existing structures and hay bales. The material would be stabilized with

vegetation and remain on the site. A sailboat, forty two and one half (42.5) feet in length and five (5) feet in draft would be secured to the proposed structure.

PURPOSE: The applicant's stated purpose is to provide for the recreational use of the waterway.

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 page 20 indicates that the work may adversely effect winter flounder

(*Pseudopleuronectes americanus*). This determination is made based on potential impacts to eggs and the larval phase of this species resulting from the removal of the accumulated sediment from the waterway. Also, the use of CCA treated lumber would have an impact on benthic organism at the project site. A seasonal restriction may be added to the Department of the Army permit to ensure impacts to this species, if a permit is issued, would be minimal. This office will coordinate with the National Marine Fisheries Service concerning this determination.

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.

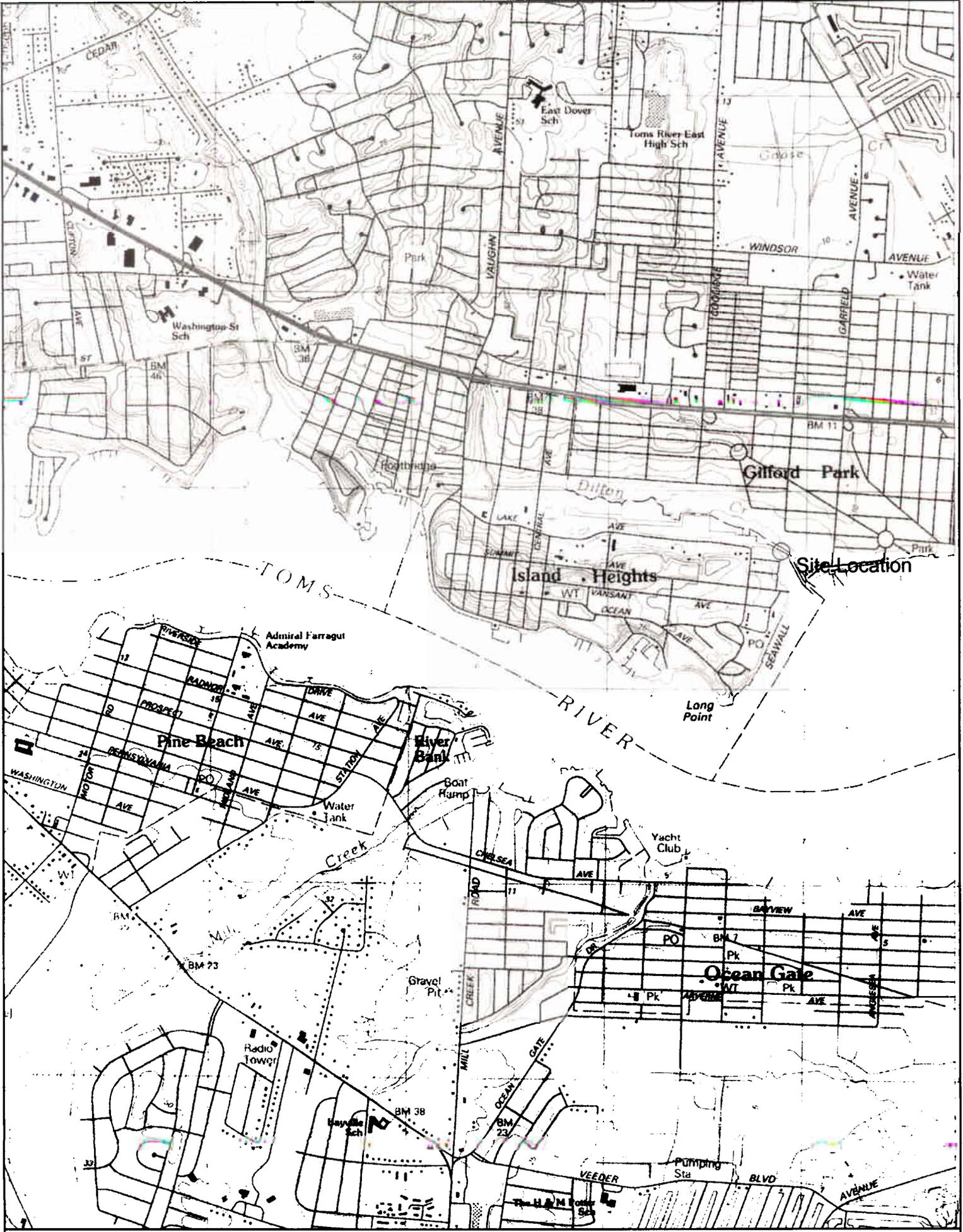
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 M. Slavitter at 215-656-6734 or writing this office at the above address.



Frank J. Ciantrani
Chief, Regulatory Branch

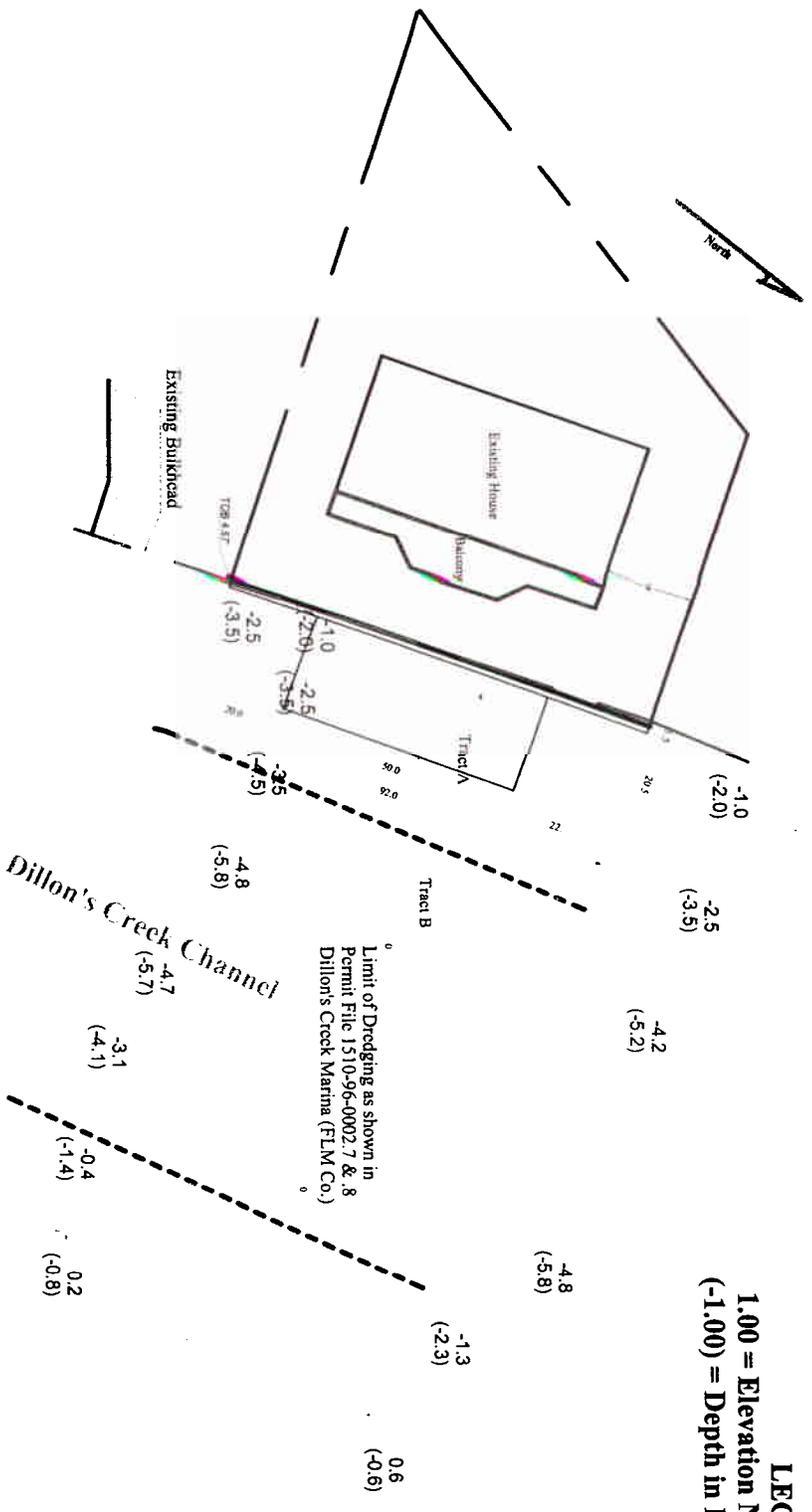


<Default> - 1 Markers, Length = 0 feet

Site Location - 039° 56' 38.6" N, 074° 08' 06.9" W

Copyright (C) 1997, Maptech, Inc.

LEGEND
 1.00 = Elevation NGVD 1929 Datum
 (-1.00) = Depth in Feet below Mean Low Water



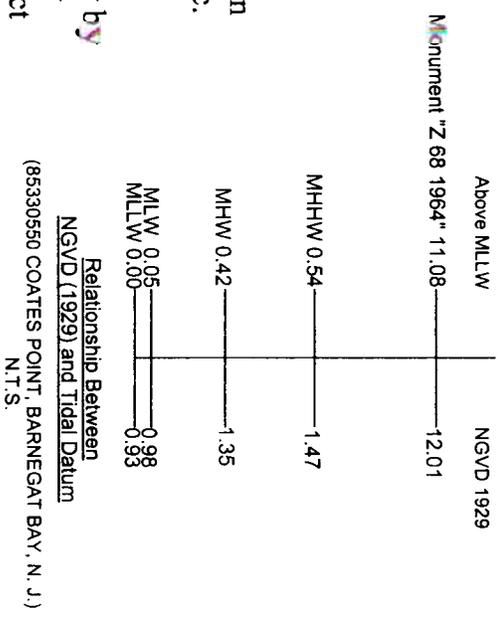
+ = Sounding by John Aubin 4/2/06

SHW & MHW taken from plans prepared by Ernst, Ernst & Lissenden, titled "Dredging Permit Plan", dated March 1999, Sheets 5 & 6
 File 1510-96-0002.7 & .8

Boundary and house location data taken from survey by Seneca Survey Co., Inc. prepared by Frank J. Ernst, PLS 28308 dated 12/29/97.

Tract A and Tract B taken from survey by Hedges & Associates, Inc, prepared by D. Ernest Hedges, PLS 18256 dated Oct

Scale 1" = 40"

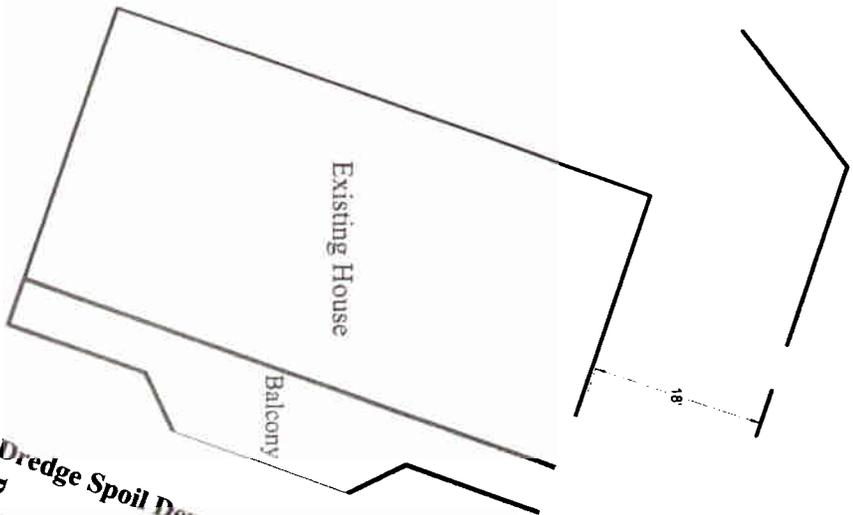


Bulkhead, Dock & Dredging Plan
 Block 37, Lot 2.06
 Borough of Island Heights
 Ocean County, New Jersey
 March 3, 2006
 Existing Conditions - Sheet 1 of 4

North

- Sounding interpolated
- + Soundings by John Aubin 4/2/06

Boundary and house location data taken from survey by Seneca Survey Co., Inc. prepared by Frank J. Ernst, PLS 28308 dated 12/29/97



TOB 4.67'

Existing Bulkhead

MHW & SHT Line

Dredge Spoil Dewatering & Deposition Area
 Proposed Replacement Bulkhead
 Proposed Dock 5' X 48'

SECTION B

SECTION A

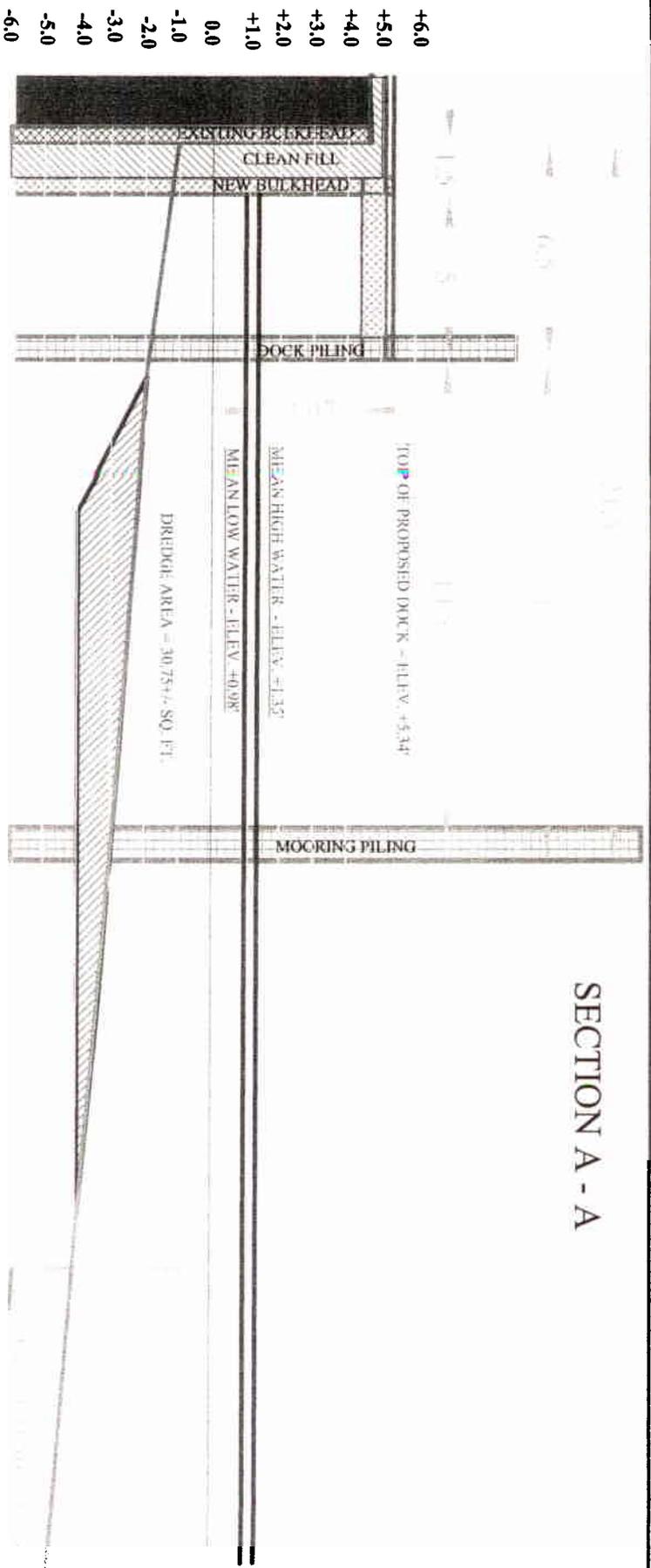
12" Mooring Piling

Limit of Dredging \pm shown in Permit File 1510-96-0002.7 & 8 Dillon's Creek Marina (FLM Cg.)
 50' X 20.5' Easement from FLM Co. to J & H Aubin

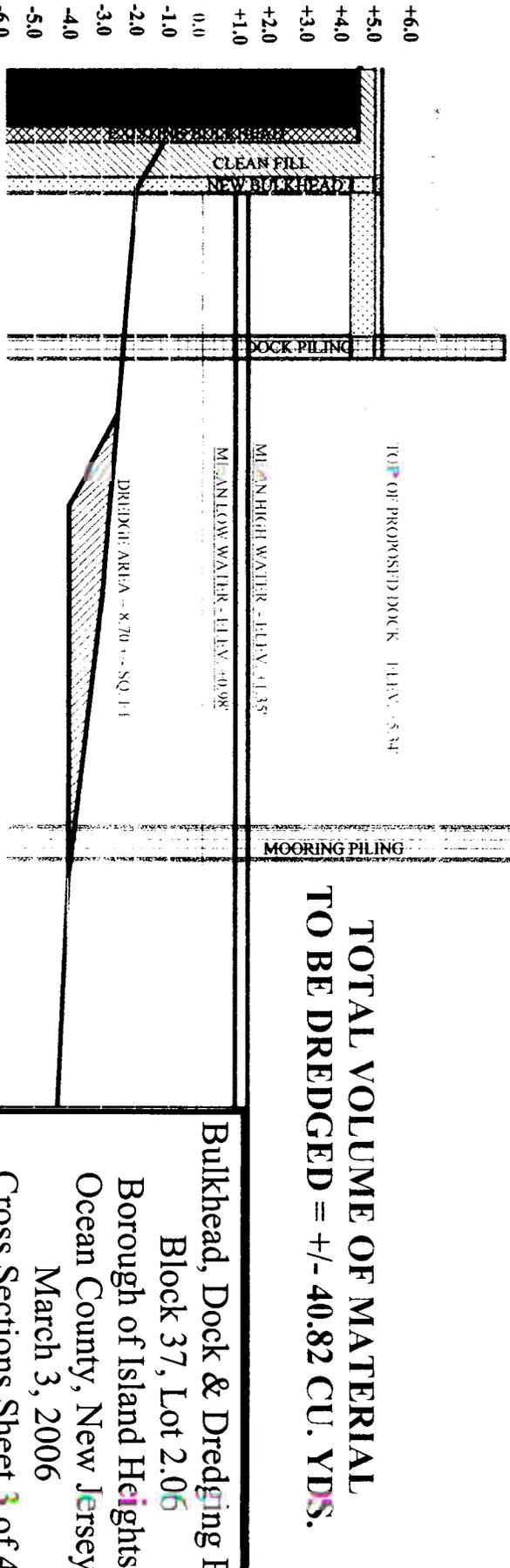
Riparian Tract 1.5 feet X 92 feet
 See Deed book 12908, Page 0688
 From FLM Co to J & H Aubin

Scale 1" = 20'

Bulkhead, Dock & Dredging Plan
 Block 37, Lot 2.06
 Borough of Island Heights
 Ocean County, New Jersey
 March 3, 2006
 Sheet 2 of 4



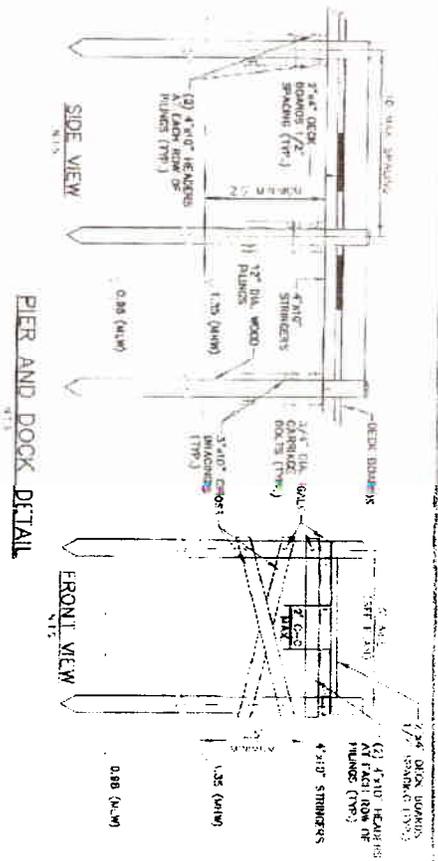
SECTION A - A



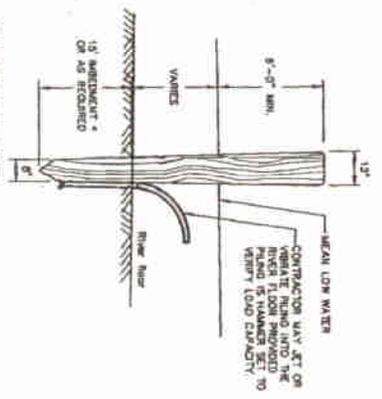
SECTION B - B

TOTAL VOLUME OF MATERIAL TO BE DREDGED = +/- 40.82 CU. YDS.

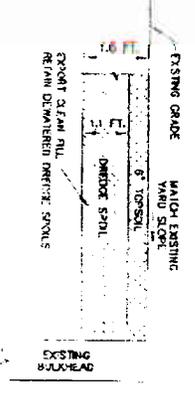
Bulkhead, Dock & Dredging Plan
 Block 37, Lot 2.06
 Borough of Island Heights
 Ocean County, New Jersey
 March 3, 2006
 Cross Sections Sheet 3 of 4



DREDGE SPOIL DEWATERING DETAIL



DREDGE SPOIL DISPOSAL DETAIL



- TYPICAL PILING DETAIL**
1. ALL PILES TO BE SET TO AN ACCEPTANCE LOAD OF 20 TONS.
 2. PILES TO BE SET TO AN ACCEPTANCE LOAD OF 20 TONS. (PRODUCTION NOT TO EXCEED 100 TONS PER HOUR).
 3. CONTRACTOR TO PROVIDE TEST PILES TO DETERMINE PILE CAPACITY AND TO VERIFY LOAD CAPACITY.
 4. UNLESS OTHERWISE SPECIFIED, ALL PILES TO BE SET TO AN ACCEPTANCE LOAD OF 20 TONS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PILING.

Bulkhead, Dock & Dredging Plan
 Block 37, Lot 2.06
 Borough of Island Heights
 Ocean County, New Jersey
 March 3, 2006
 Details Sheet 4 of 4