


**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-2007-520-64

Date
AUG 15 2008

Application No.
CENAP-OP-R-2007-520

File No.
CENAP-OP-R-2007-520

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: Township of Berkeley, Ocean County, New Jersey

AGENT: CMX Engineering, 200 State Highway, PO Box 900, Manalapan, New Jersey

WATERWAY: Barnegat Bay/Amherst Channel (a.k.a. Berkeley Shores Inlet)

LOCATION: There are no designated street address numbers for the subject project site as the project would occur on vacant open space preservation parcels owned by the municipality. The subject parcels are situated between street address numbers 68 – 103 along Amherst Drive and 278 – 299 along Allen Road near coordinates 39° 54' 40" north latitude and 74° 07' 31" west longitude.

ACTIVITY: Construct an extension to an existing rock groin to the south of Amherst Channel, a.k.a. Berkeley Shores Inlet, and construction of a new beach groin with Z-form plastic bulkhead sheeting with rip-rap stone, on either side, to the north of Amherst Channel, as depicted on a submitted plan entitled "Preliminary Plan, Improvements to Amherst Beach Protection, Block 1221.01 – Lot 1, Berkeley Township, Ocean County, New Jersey" dated December 5, 2005, last revised July 15, 2008, prepared by Chris A. Theodos, CMX Engineering (formerly known as Schoor DePalma), Manalapan, New Jersey.

The proposed groin extension would be approximately 45 feet by 25 feet and to a depth of water between -4.0 and -4.5 mean low water (MLW). The new vinyl and rock groin to the north of the channel would impact an area of approximately 75 feet by 25 feet, with rip-rap (per N.J.D.O.T. 901.16) extended 10 feet outward from either side of the central bulkhead [Creane Materials International CL 4500 (C-LOC)] or approved equal on both side of piles (minimum 8 inch and 5 ft. O.C. treated).

The proposed project would include the discharge of a total volume of 155 cubic yards of 6 – 12 inch granite stone and installation of 65 linear feet of vinyl sheathing bulkhead below the High Tide Line (HTL). The vinyl sheat pile bulkhead will be installed by a commercial

bulkheader via barge and the rip-rap stone will be placed by a backhoe operated from adjacent upland areas. There would be no wetlands disturbance.

No dredging is necessary and no dredging is proposed for the project.

PURPOSE: The applicants' stated purpose of the proposed project: The purpose of the groin construction is to eliminate the transport of sediment into a channel leading to an extensive lagoon system in order to provide continued safe access to the residences located along the lagoon system.

A 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. Submitted with the permit application was a copy of a letter from the U. S. Fish and Wildlife Service (USFWS), Pleasantville, New Jersey, No. 050135401, dated April 20, 2007. The letter states, in part, "Except for an occasional transient bald eagle (*Haliaeetus leucocephalus*), no other federally listed or proposed endangered or threatened flora or fauna under Service jurisdiction are known to occur within the project impact area. Therefore, no further consultation pursuant to Section 7 of the Endangered Species Act is required by the Service." 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 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

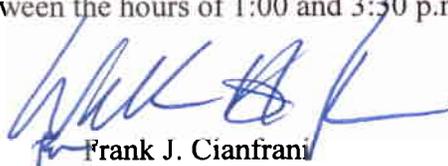
Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

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 proposed project, as described in this public notice, may have an adverse effect on the EFH of winter flounder (*Pseudopleuronectes americanus*). This determination is made based on the fact that shallow water habitat would be impacted by the project. While the adults and juveniles are highly motile, and would be able to avoid the equipment being used at the project site, eggs and larvae of these species may be affected. Any Department of the Army permit issued for the proposed work would include a seasonal restriction on construction operations in order to ensure that impacts resulting from the project would not be more than minimal. The seasonal restriction would prohibit groin construction from January 1 through May 31. However, the specific dates may be adjusted following coordination with the National Marine Fisheries Service. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. The project would not have more than minimal impact on the EFH of any other managed species.

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.

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 Michael F. Green at 215-656-6836 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch



<Default> - 1 Markers, Length = 0 feet

Name: TOMS RIVER
 Date: 7/30/108
 Scale: 1 inch equals 2000 feet

520 AMHERST BEACH - 039° 54' 38.8" N, 074° 07' 34.5" W

Location: 039° 55' 35.2" N 074° 09' 06.8" W

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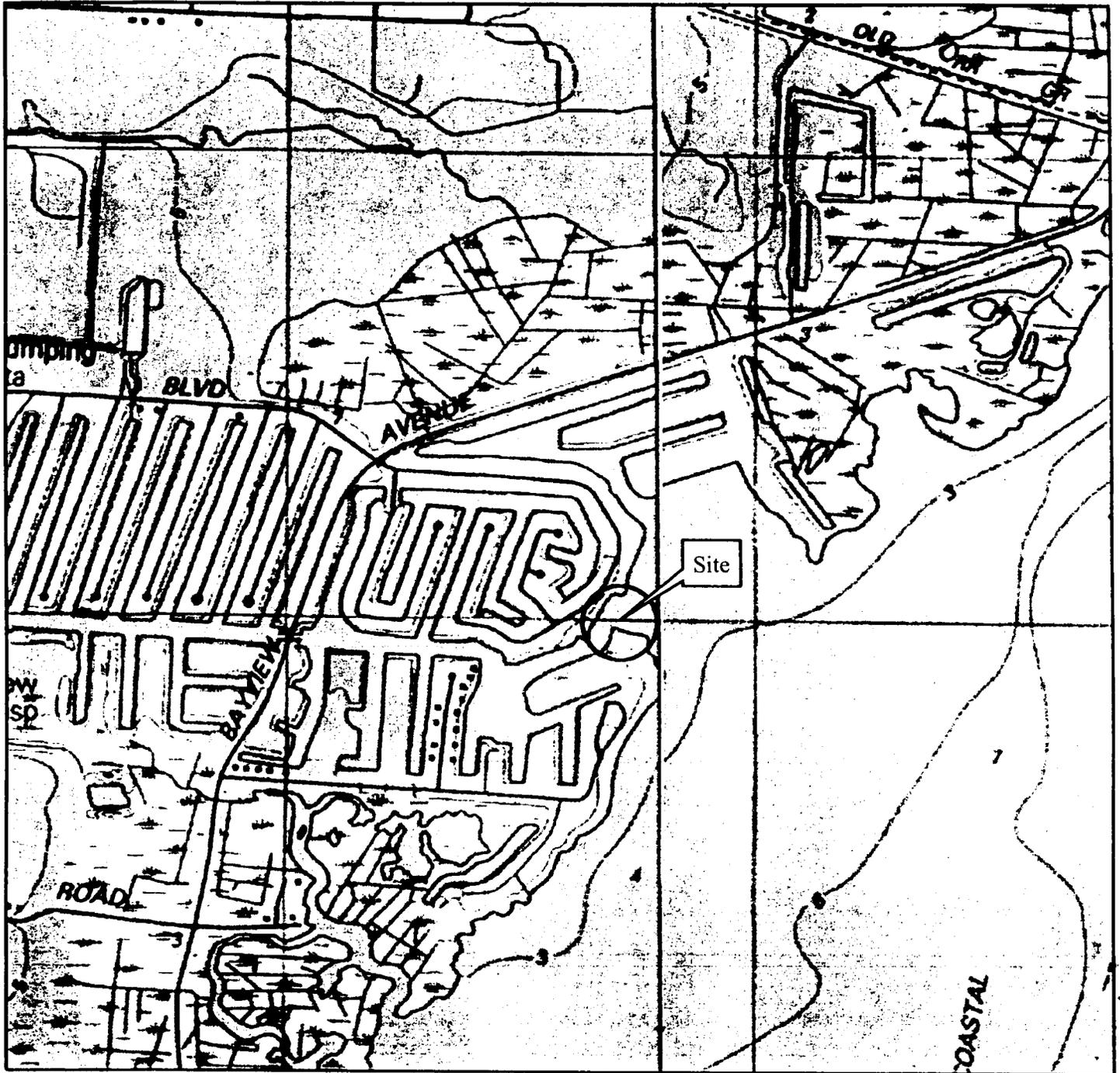


FIGURE 1: APPROXIMATE SITE LOCATION OUTLINED ON A COPY OF THE USGS 7.5 MINUTE QUAD MAP TOMS RIVER & SEASIDE PARK QUADS.

USGS MAP



SCHOOR DEPALMA
 Engineers and Consultants

200 STATE HIGHWAY NINE
 P.O. BOX 900

MANALAPAN, N.J. 07726-0900
 TEL. (732) 577-9000 FAX (732) 577-9888



IMPROVEMENTS TO
 AMHERST BEACH PROTECTION
 BLOCK 1219.01, LOT 1
 TOWNSHIP OF BERKELEY
 OCEAN COUNTY, NJ

SCALE
 1" = 1000'

DATE
 3-16-07

DRAWN BY
 RTM

PROJECT #
 050135401

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