



**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-2010-898-24

Date

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: Clarks Landing Marina

AGENT: S. T. Hudson Engineers, Incorporated
900 Dudley Avenue
Cherry Hill, New Jersey 08002

WATERWAY: Manasquan River

LOCATION: Decimal Latitude: 40.092526° North; Longitude: -74.058232° West.
The project site is located in and along the southeast shore of the Manasquan River, approximately 4,000 feet upstream from the Route 35 bridge, at 847 Arnold Avenue, Block 112, Lot 65, in the Borough of Point Pleasant, Ocean County, New Jersey.

ACTIVITY: The applicant proposes to replace an existing fixed, pile-supported dock system for 188 boat slips. The application is to maintain (i.e. legalize) some work which has already occurred, in addition to new work that is proposed. There are three (3) main docks (A, B and C), 8 feet wide and extending perpendicular to the shore line for approximately 385.25, 373, and 337.25 feet, respectively, waterward from the mean high water line at the bulkhead. There would be 30, 41, and 34 slips, respectively, at docks A, B, and C, totaling 105 slips for the facility. Boats would range in size from 16 to 60 feet in length (unchanged from existing). In addition, there is a smaller 8' x 127' dock (Dock D), located at the extreme southwest (upstream) end of the marina, which has been reduced in size from a previous structure.

Dock "A" (a fixed pier at the northeast or down-river end of the marina) was re-built in-kind in early 2013. Pressure-treated wood was used for structural components and decking. Many of the old pilings were re-used, while some new pilings were pressure-treated wood. This dock includes a fixed wave attenuator at the outer end.

Dock "B" is an existing fixed pier between A and B, which is proposed to be replaced with a floating dock system. It would have a 5 X 40' ramp or gangway to a 10' wide landing as part of each main floating dock. All finger piers would be 2' to 2'6" wide (various lengths). A 10'

wide fuel dock is proposed at the end of dock B, which would also act as a wave attenuator (due to its width). Non-polluting materials are proposed for this dock.

Dock "C" (a fixed pier near the southwest or up-river end of the marina) was re-built in-kind in early 2016. Pressure-treated wood was used for structural components, while non-polluting materials were used for the decking. Many of the old pilings were re-used, while some new pilings were pressure-treated wood. This dock includes a fixed wave attenuator at the outer end.

A 16-foot by 8-foot "T" would be added to the existing Dock D. Non-polluting materials are proposed for this work.

In addition to the main dock work described above, the project would include removal of several other existing minor dock structures, including pilings. For the existing, completed work (Docks A and C), a total of 257 pilings were removed, and approximately 106 of those were re-used. The rest (approximately 151) were new pressure-treated wood. For work yet to be completed (Docks B and D plus other structures to be removed), there would be a total of 157 pilings removed. Pilings would be (and have been) removed (and installed) by vibrational method. For the existing work on Docks A and C, a total of 309 pilings were re-installed (142 and 167 for A and C, respectively), including a total of 52 new ones (12 and 40 for A and C, respectively). The remaining pilings for each of those two docks were re-used from the original ones. A total of 67 new pilings would be installed, including 7 near Dock A (to be removed and relocated), 54 for the proposed new Dock B, with 128 existing pilings to be re-used, for a total of 182 pilings for the new floating dock B. There would be 6 additional new pilings for the proposed "T" section on the end of Dock D. All new construction materials will be "non-polluting." A tug and single spud barge (2 spuds) would be used to accomplish the work. All materials would be stockpiled and staged from the adjacent on-land parking lot next to the bulkhead.

The project site is located within an area that has been designated as shellfish habitat ("hard clam – high density") on a map prepared by the New Jersey Bureau of Shellfisheries in 1984. No structures encroach within approximately 900 feet of the federal navigation channel (New Jersey Intracoastal Waterway).

The Corps of Engineers issued a prior permit to replace the docks and perform maintenance dredging at this marina on October 12, 2005 (CENAP-OP-R-2005-111-24). That permit expired on December 31, 2008, with no work having been completed. Another Corps permit was issued on January 5, 2011, for replacement of the dock system and a new fixed breakwater (CENAP-OP-R-2010-898-24). That permit expired on December 31, 2016 with only partial work having been completed as described above. Other prior permits dating back to the 1970s and 1980s have been issued by this office for structures and dredging at this marina.

No dredging is proposed. The applicant has applied for a State permit from the New Jersey Department of Environmental Protection for the proposed work (NJDEP # 1524-05-0005.1).

PURPOSE: The applicant's stated purpose is to "Convert one (1) dock, (Dock B) from fixed to a floating structure, requiring less maintenance and potential for damage as was experienced during Hurricane Sandy. Authorize changes already performed to upgrade and

modernize facility." The following additional purpose statement was provided by the applicant: "Dock structures are necessary at this site to retain its function as a marina. Renovations are necessary to retain proper functioning and safety of the docks. Proposed changes to the docks are intended to improve and simplify ingress and egress to and from the upland facilities. The conversion of Dock B to a floating dock will provide greater durability during extreme storm events."

A preliminary review of this application indicates that the proposed work as described in that notice is not likely to adversely affect the following federally listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) as amended:

Atlantic sturgeon, New York Bight DPS (Acipenser oxyrinchus oxyrinchus), endangered.

This species falls under the jurisdiction of the National Marine Fisheries Service (NMFS), and this office has requested initiation of Section 7 consultation with NMFS regarding this determination. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

This office determined that the proposed work as described in this notice would not affect any federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service. As the evaluation of this proposal 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 affect 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 14, indicates that the proposed work would not have a substantial adverse effect on any managed species. We have determined that winter flounder (Pseudopleuronectes americanus) is the only managed species with EFH that would potentially be adversely affected by the project (all life stages).

Analysis of the Effects: Effects would occur primarily as a result of the physical disturbance by the removal and replacement of existing dock structures with new dock structures, including removal and installation of pilings. Significant cumulative impacts are not anticipated, since the effects would be mostly temporary except for the actual physical displacement of habitat by pilings. The effects would not be more than minimal, with winter flounder adults and juveniles able to move away from construction equipment and disturbance. No dredging is proposed, and direct impacts to eggs and larvae from piling installation would be minimal with the inclusion of a seasonal restriction (see below). The project site is located within an area that has been designated as shellfish habitat. Prey species (shellfish) may have been impacted by contaminants from previously-placed structures with CCA-treated wood. Many of these structures have been in place for many years. While the prior replacement of Docks A and C included the use of pressure-treated wood for structural components, many of the old pilings were re-used, while some new pilings were pressure-treated wood. The decking for Dock A was replaced with pressure-treated wood, while the decking for Dock C was replaced with non-polluting material. All new proposed structures (Dock B and the new "T" section on Dock D) would consist of non-polluting material (pilings, structural members and decking), along with the re-use of many old leached pilings.

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. The only conservation recommendations proposed at this time to further minimize the adverse effect on these species would be: a) the inclusion of a seasonal restriction on the removal and installation of pilings from January 1 through June 30, inclusive, to protect winter flounder early life stages and prey species such as anadromous fish; and b) a requirement to use non-polluting materials for any new structural components in or over the water in order to minimize impacts to prey species such

as shellfish, as the project site is located within waters that have been mapped as shellfish habitat. This determination may change as a result of consultation with the National Marine Fisheries Service.

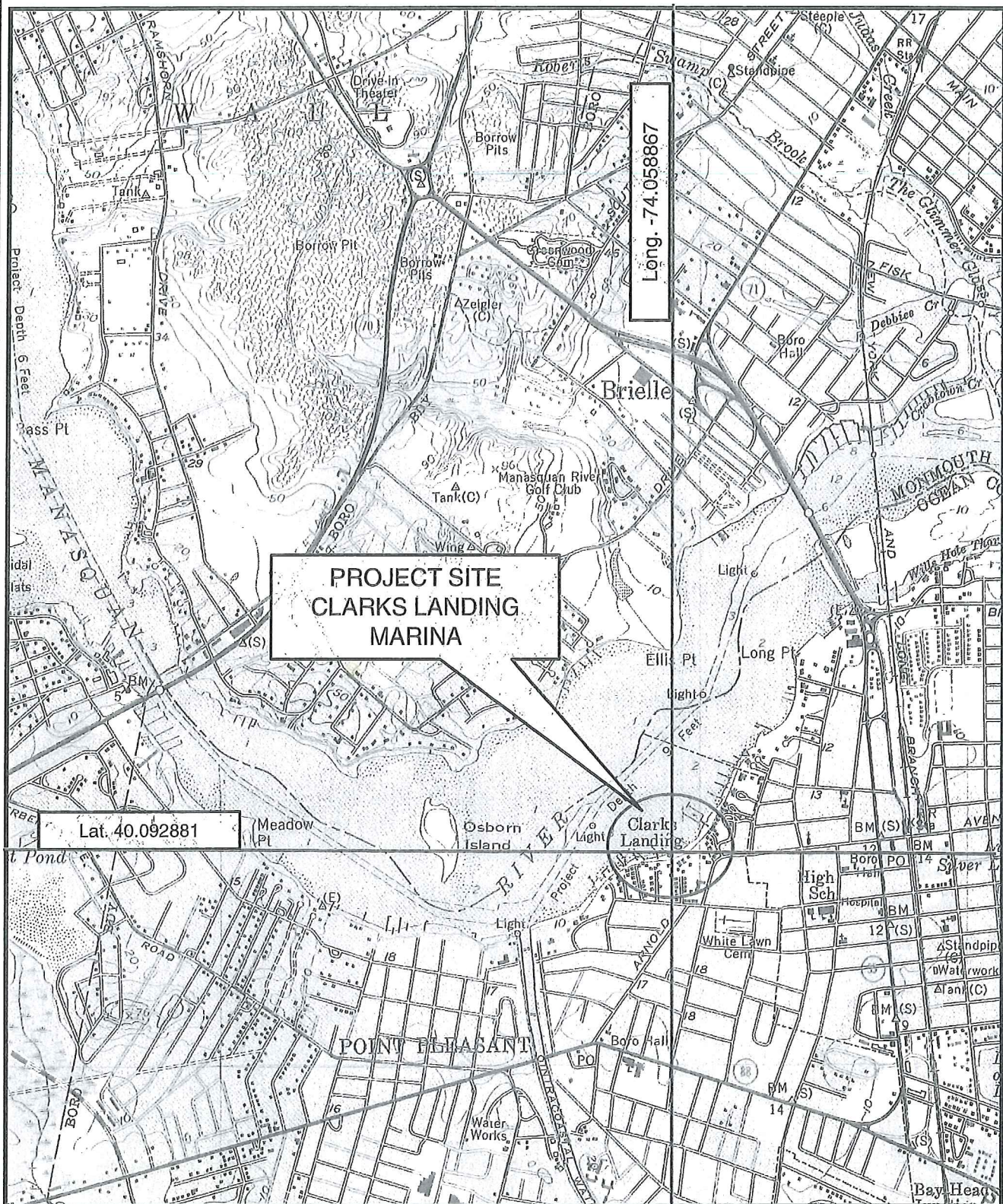
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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.

Compensatory Mitigation: There is no proposed placement of dredged or fill material in waters or wetlands. As such, compensatory mitigation has not been proposed and 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 calling 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.

Edward E. Bonner
Chief, Regulatory Branch



PROJECT SITE LOCATION MAP

UNITED STATES GEOLOGIC SURVEY QUADRANGLE

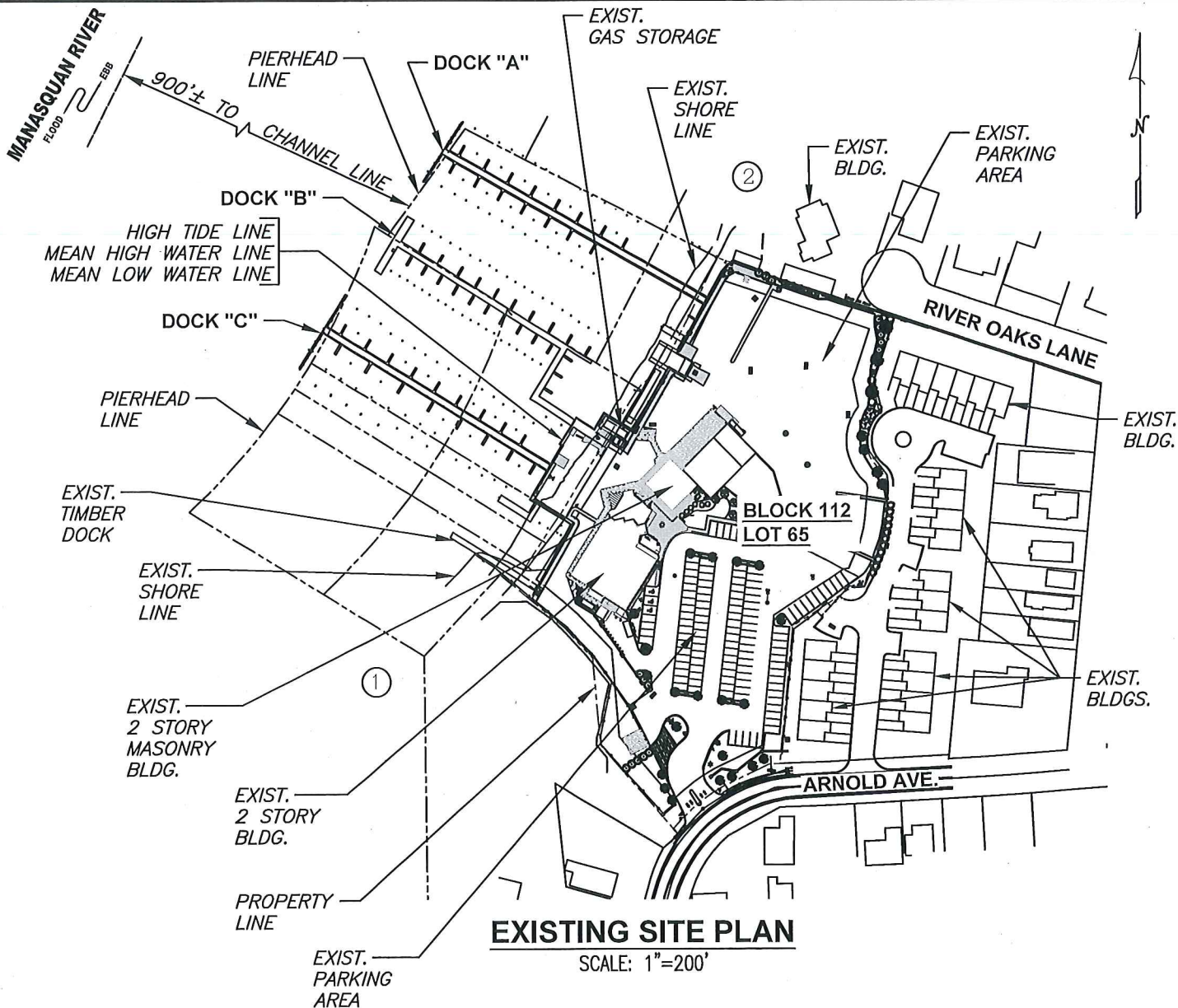
POINT PLEASANT, NEW JERSEY

SCALE 1:24000

H-7259



S. T. HUDSON ENGINEERS, INC.



DATUM CHART:

TOP OF CONCRETE	+8.09
HIGH TIDE LINE (H.T.L.)	+5.20
MEAN HIGH WATER (M.H.W.)	+4.20
NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929	+1.32
MEAN LOW WATER (M.L.W.)	+0.18
MEAN LOWER LOW WATER (M.L.L.W.)	0.00

8.09'

REFERENCE DRAWING::

TITLE: "PLAN OF SURVEY,
BLOCK 112, LOT 65,
CLARK'S LANDING"

BY: MIDATLANTIC ENGINEERING
PARTNERS, LLC
OF HAMILTON, NJ

PROJECT No.: GTR-151

DRAWING NAME: 00-Survey.dwg

DATED: 3/19/2015

LAST REVISION DATED: 5/3/2016

ADJACENT PROPERTY OWNERS

- ① JOHN C. PAGLIA & C. MAROTTE & C.C.
- ② KATHERINE J. FUNARO

FILE No. C-2233

CONTRACT No. H-7259

DATE 7/1/2016

SHEET No. 1 of 7

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS
DRAWING IS FOR PERMITTING PURPOSES ONLY.

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PROFESSIONAL ENGINEERS & CONSULTANTS



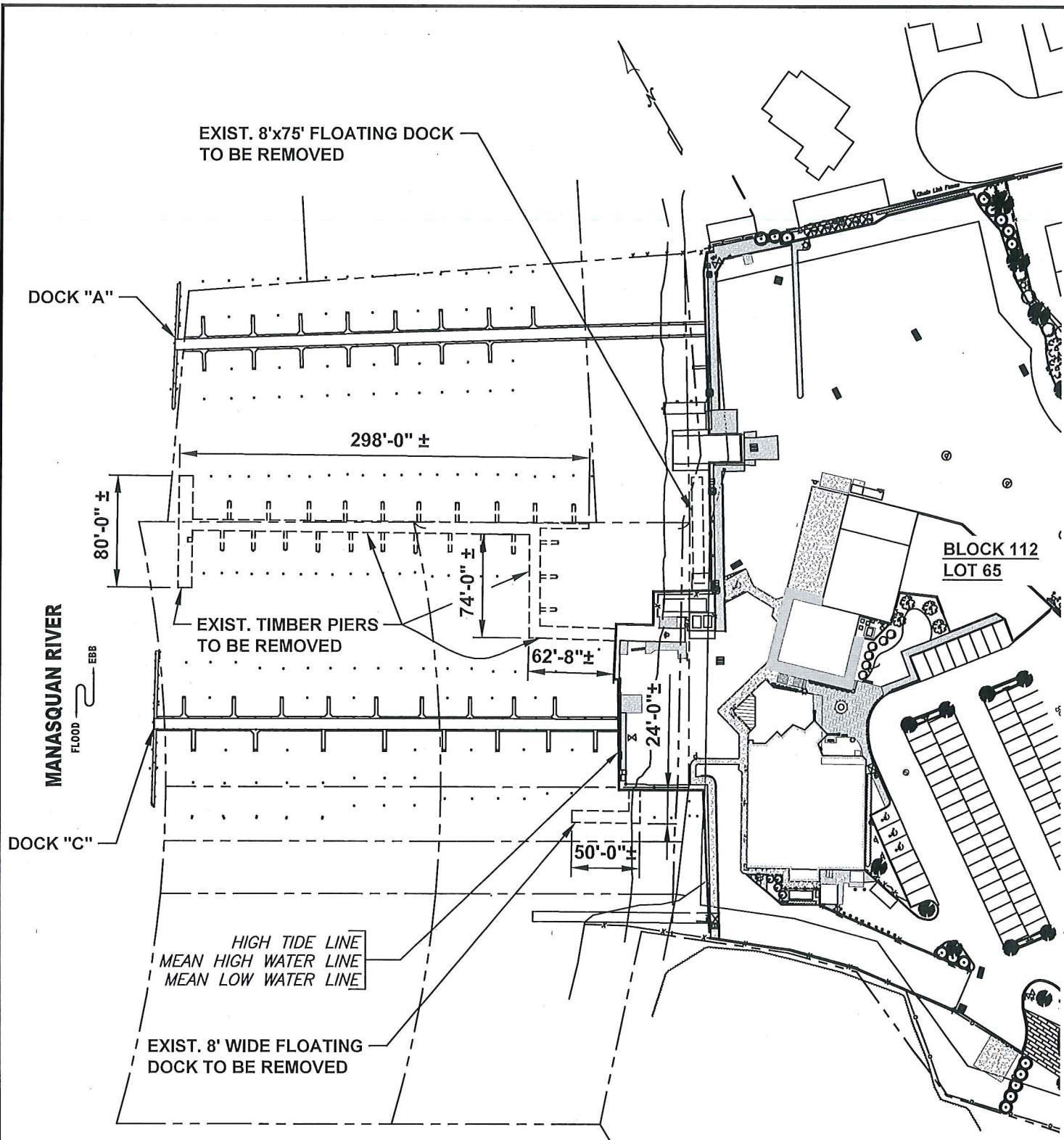
900 Dudley Avenue
Cherry Hill, NJ 08002
Phone 856-342-6600
Fax No. 856-342-8323

PROPOSED: MAINTENANCE REPAIRS

AT: POINT PLEASANT, NJ

COUNTY OF: OCEAN COUNTY

APPLICATION BY: CLARK'S LANDING MARINA



REMOVAL PLAN

SCALE: 1"=100'

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

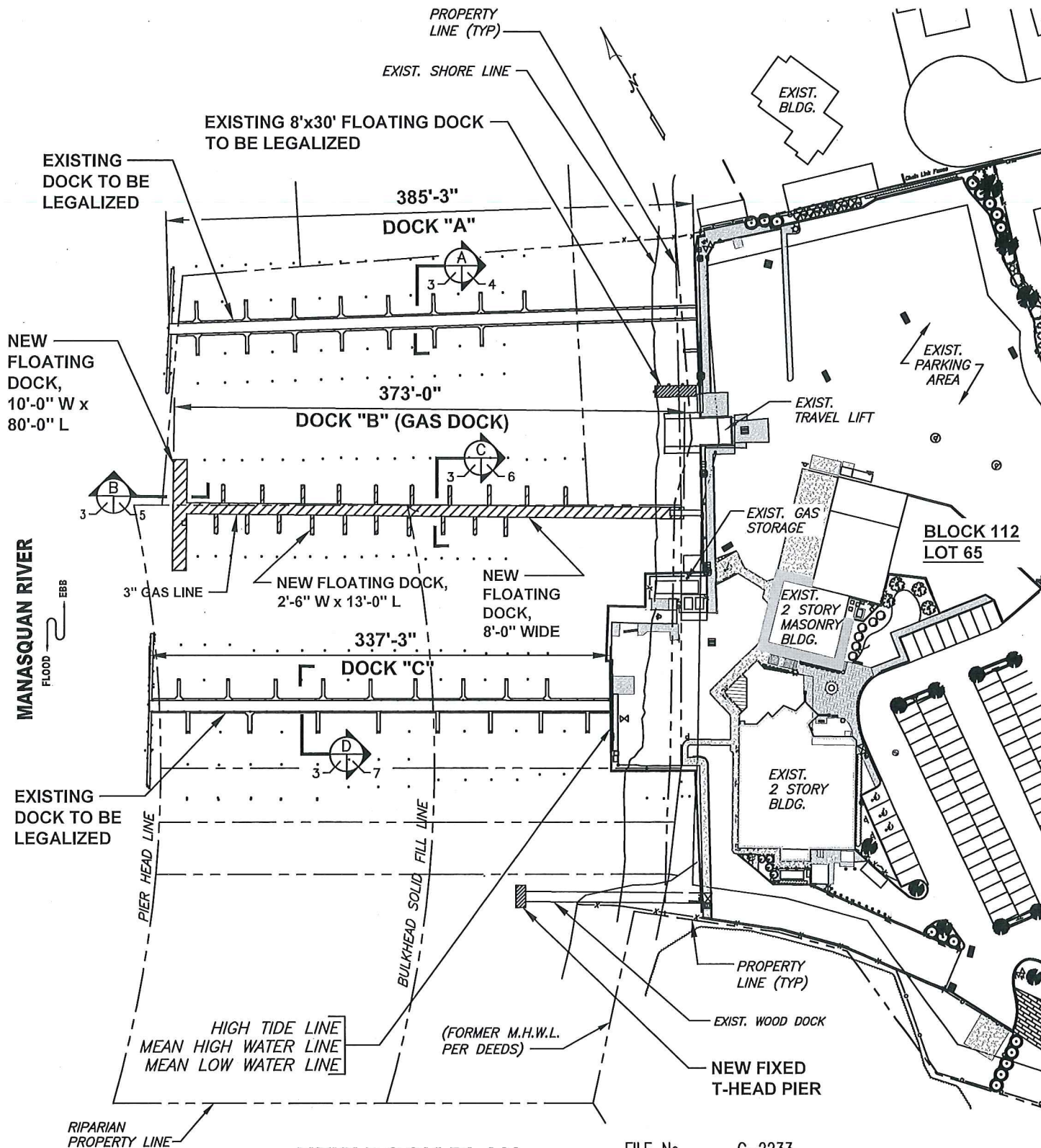
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PROFESSIONAL ENGINEERS & CONSULTANTS



900 Dudley Avenue
Cherry Hill, NJ 08002
Phone 856-342-6600
Fax No. 856-342-8323

FILE No. C-2233
CONTRACT No. H-7259
DATE 7/1/2016
SHEET No. 2 of 7

PROPOSED:	MAINTENANCE REPAIRS
AT:	POINT PLEASANT, NJ
COUNTY OF:	OCEAN COUNTY
APPLICATION BY:	CLARK'S LANDING MARINA



NEW DOCK PLAN

SCALE: 1"=100'

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

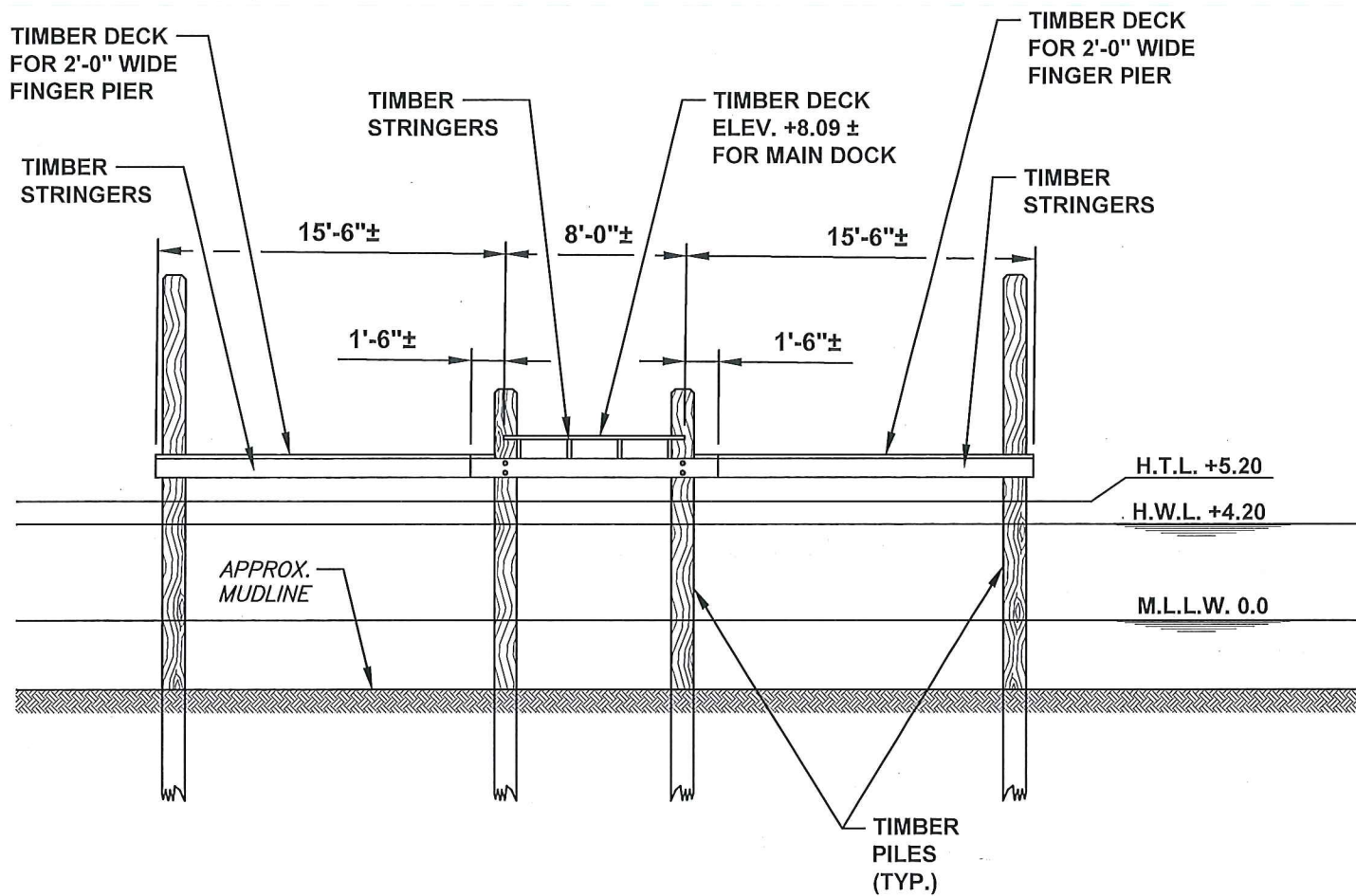
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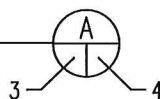
FILE No. C-2233
CONTRACT No. H-7259
DATE 7/1/2016
SHEET No. 3 of 7

PROPOSED:	MAINTENANCE REPAIRS
AT:	POINT PLEASANT, NJ
COUNTY OF:	OCEAN COUNTY
APPLICATION BY:	CLARK'S LANDING MARINA



SECTION

SCALE: 1/8"=1'-0"



NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

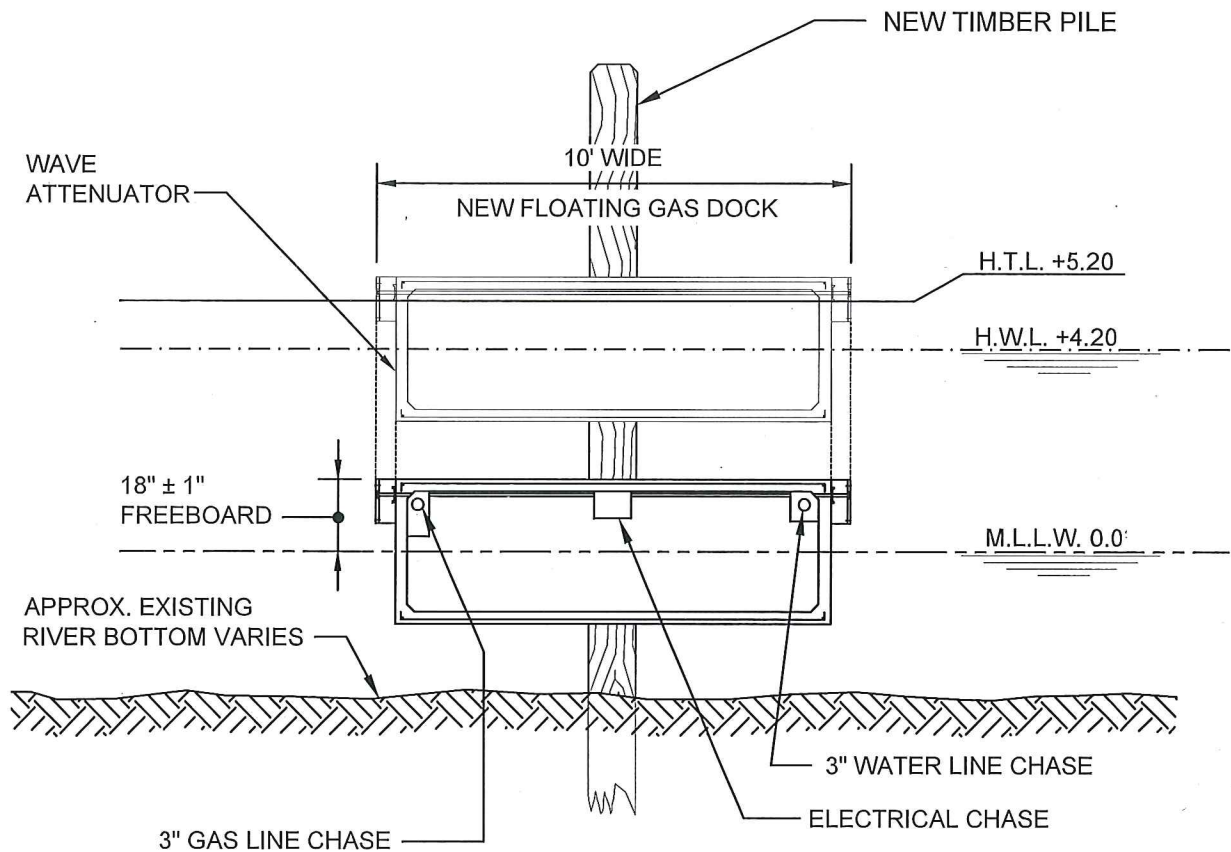
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Cherry Hill, NJ 08002
Phone 856-342-6600
Fax No. 856-342-8323

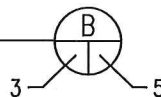
FILE No. C-2233
CONTRACT No. H-7259
DATE 7/1/2016
SHEET No. 4 of 7

PROPOSED:	MAINTENANCE REPAIRS
AT:	POINT PLEASANT, NJ
COUNTY OF:	OCEAN COUNTY
APPLICATION BY:	CLARK'S LANDING MARINA



SECTION

SCALE: 1/4"=1'-0"



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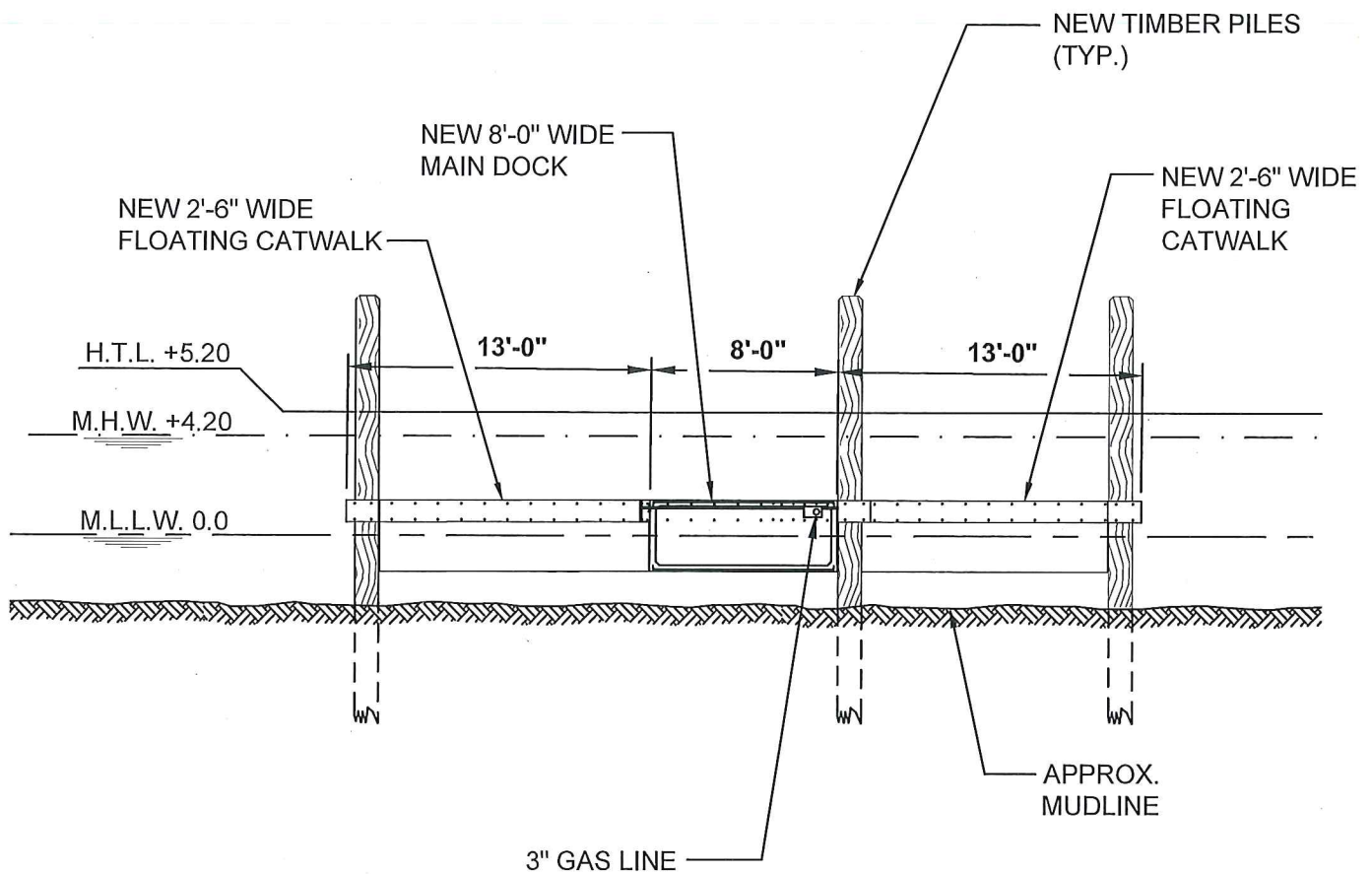
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CONTRACT No. H-7259

DATE 7/1/2016

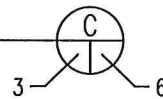
SHEET No. 5 of 7

PROPOSED:	MAINTENANCE REPAIRS
AT:	POINT PLEASANT, NJ
COUNTY OF:	OCEAN COUNTY
APPLICATION BY:	CLARK'S LANDING MARINA



SECTION

SCALE: 1/8"=1'-0"



NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

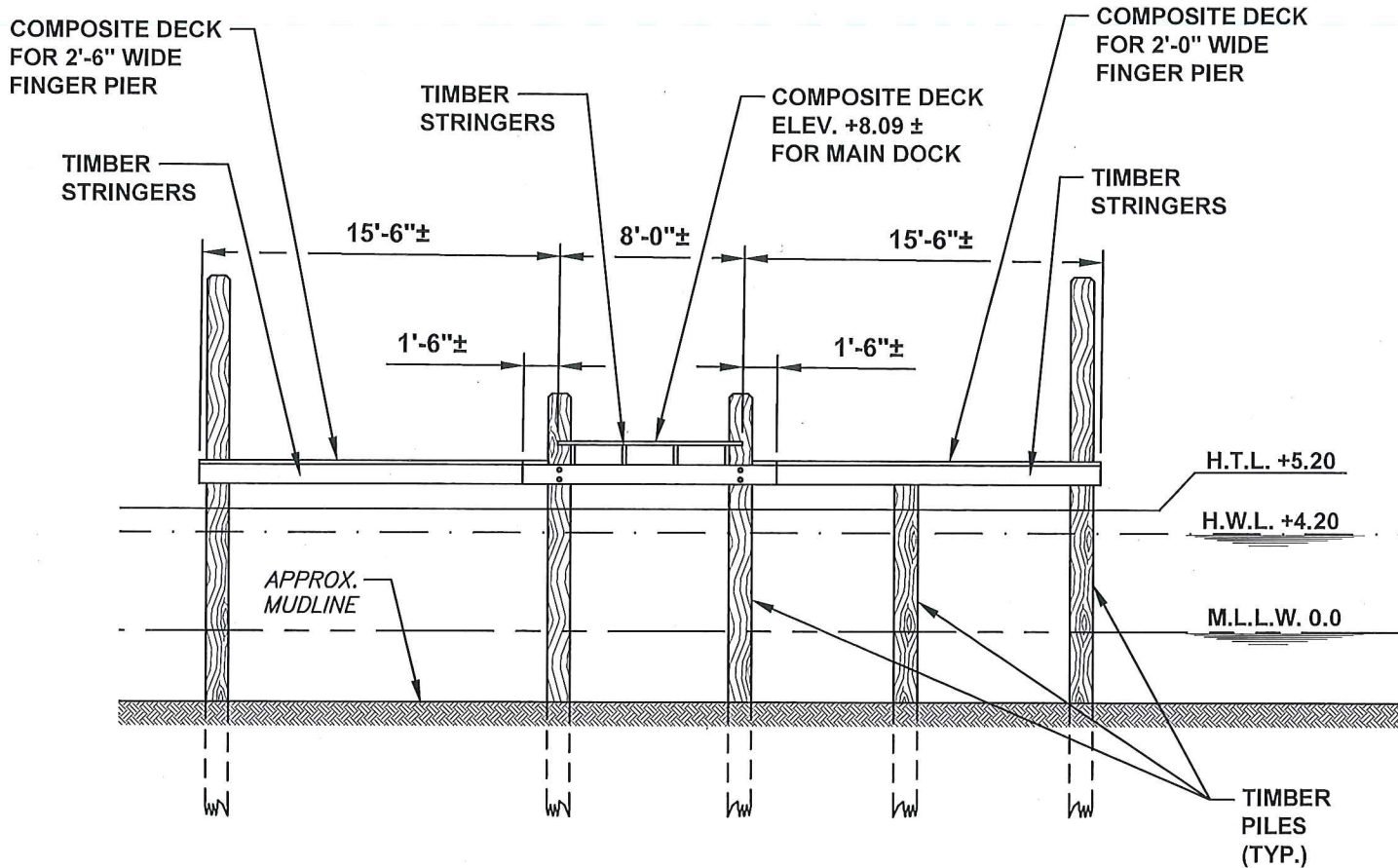
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Cherry Hill, NJ 08002
Phone 856-342-6600
Fax No. 856-342-8323

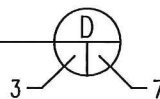
FILE No. C-2233
CONTRACT No. H-7259
DATE 7/1/2016
SHEET No. 6 of 7

PROPOSED:	MAINTENANCE REPAIRS
AT:	POINT PLEASANT, NJ
COUNTY OF:	OCEAN COUNTY
APPLICATION BY:	CLARK'S LANDING MARINA



SECTION

SCALE: 1/8"=1'-0"



NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

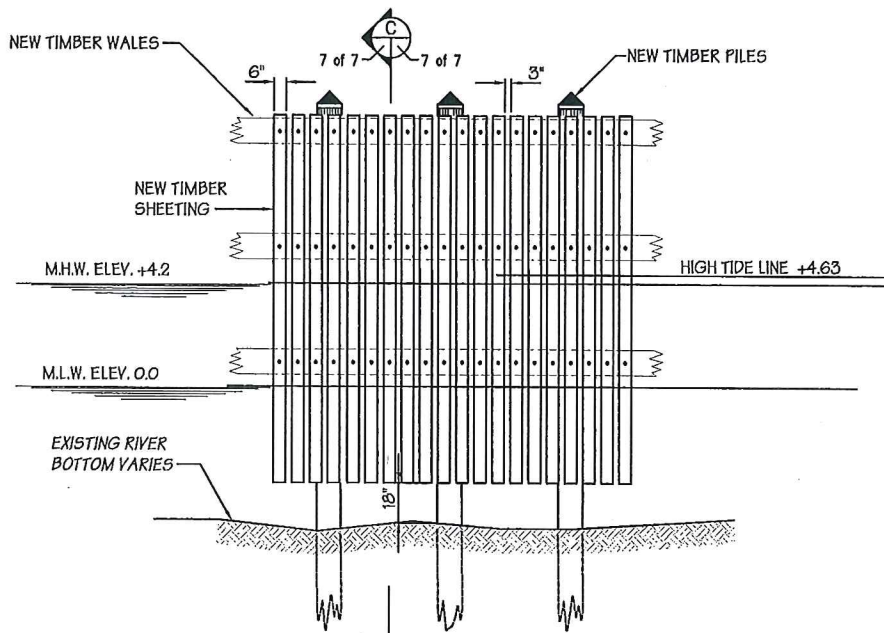
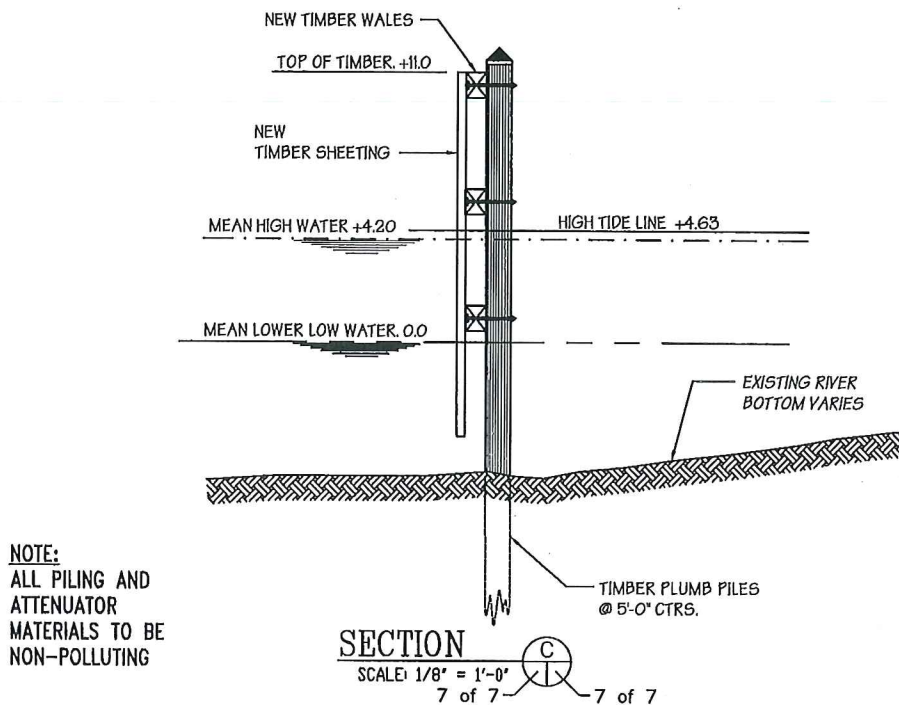
S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS



900 Dudley Avenue
Cherry Hill, NJ 08002
Phone 856-342-6800
Fax No. 856-342-8323

FILE No. C-2233
CONTRACT No. H-7259
DATE 7/1/2016
SHEET No. 7 of 7

PROPOSED:	MAINTENANCE REPAIRS
AT:	POINT PLEASANT, NJ
COUNTY OF:	OCEAN COUNTY
APPLICATION BY:	CLARK'S LANDING MARINA



WAVE ATTENUATOR

FILE No. C-2221
CONTRACT No. H-6645
DATE 10/12/10
SHEET No. 7 of 7 REV. 1

S.T. HUDSON ENGINEERS, INC.

PROFESSIONAL ENGINEERS & CONSULTANTS



Fax No. 856-342-8323

840 Cooper Street
P.O. Box 9106
Camden, N.J. 08102
856-342-8600

PROPOSED:	REPLACEMENT OF FLOATING DOCKS
AT:	POINT PLEASANT, NJ
COUNTY OF:	OCEAN COUNTY
APPLICATION BY:	CLARKS LANDING MARINA