



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2011-01307-EHA
Issue Date: May 14, 2012
Expiration Date: June 13, 2012

To Whom It May Concern:

The New York District, Corps of Engineers 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).

APPLICANT: Borough of Avon-by-the-Sea
301 Main Street
Avon, New Jersey 07717

ACTIVITY: Remove existing structures from marina, install new docks, construct kayak launch, dredge with ten years maintenance.

WATERWAY: Shark River

LOCATION: Borough of Avon-by-the-Sea, Monmouth County, New Jersey.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

CENAN-OP-RE
PUBLIC NOTICE NO. NAN-2011-01307-EHA

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance and a no work window from January 1 to July 1 is proposed. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey State Department of Environmental Protection

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8523 and ask for Naomi Handell.

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Borough of Avon-by-the-Sea, has requested Department of the Army authorization for the removal of existing structures, construction of new docks and a kayak launch, and dredging with ten years maintenance in Shark River, Borough of Avon-by-the-Sea, Monmouth County, New York.

The work would involve:

Reconstruct marina with the following structures (in same location as existing marina, which is to be removed):

Current Phase: 5 foot wide by 11 foot long fixed dock leading to 3 foot wide by 40 foot long ramp leading to 8 foot wide by 167 foot long floating dock with a 8 foot wide by 63 foot long float located at the western end, arranged in an "L" configuration, secured by 12 inch diameter pilings. Install three (3) 3 foot wide by 32 foot long finger floats and two (2) 3 foot wide by 21 foot long finger floats perpendicular to the 167 foot long floating dock. Six mooring piles proposed, 14 piles proposed to secure floats. Total proposed overwater coverage for Current Phase is 2,015 feet. See Sheet 2 of 6.

At the eastern end of the proposed float, construct a "U" shaped bulkhead in the upland area and excavate material to create a kayak floating launch with an 8 foot wide by 20 foot long floating gangway and two (2) 2.5 foot wide by 12 foot long floats. See Sheet 4 of 6.

Future Phase: At the southern end of the 63 foot long floating dock, install an 8 foot wide by 64 foot long floating dock and an 8 foot wide by 79 foot long floating dock in an "L" configuration, secured by 12 inch diameter pilings. Install two (2) 3 foot wide by 32 foot long finger floats perpendicular to 79 foot long floating dock. Two mooring piles proposed, 6 piles proposed to secure floats. Total proposed overwater coverage for Future Phase is 1,285 feet. See Sheet 2 of 6.

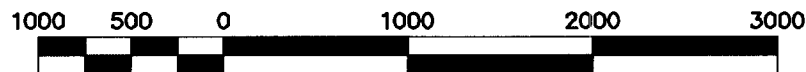
Dredge 1,000 cubic yards of sandy, silty material from marina to a depth of 4 feet below the plane of mean low water via excavator bucket or clamshell dredge. Place material in upland area landward of bulkhead for dewatering. The dredged material would be retained onsite to raise the elevation of the marina. See Sheet 2 of 6.

Future dredging events would occur every three years, with the same amount of material to be removed and placement of dredged material at a state approved upland location.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by: using best management practices to minimize turbidity during dredging that include limiting velocity of the dredging bucket and retaining the dredged material in an upland area with no return flow. Additionally, the applicant has proposed a no work window from January 1 to July 1 to minimize adverse impacts to Essential Fish Habitat and managed species.

The stated purpose of this project is to reconstruct existing marina that is currently in a state of disrepair and provide safe navigational depths for recreational vessels using the marina.

Plotted: 03/12/12 - 2:55 PM, By: dgjulliano
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GRAPHIC SCALE
 1 inch=1,000 feet

ADJACENT PROPERTY OWNERS:

EAST SIDE OF PROPERTY:	BRENDA MESKO, 20 POOLE AVENUE, AVON-BY-THE-SEA, NJ 07717
SOUTH SIDE OF PROPERTY:	BORDERS SHARK RIVER
WEST SIDE OF PROPERTY:	BORDERS MAIN STREET
NORTH SIDE OF PROPERTY:	BORDERS POOLE AVENUE

NAN-2011-01307-ETHA

PROPOSED MUNICIPAL MARINA
LOTS 1 & 1.01, BLOCK 43.02
SHARK RIVER
LOCATION MAP: USGS QUADRANGLE

SITUATED IN
 BOROUGH OF AVON BY THE SEA, MONMOUTH COUNTY, NEW JERSEY



BIRDSALL SERVICES GROUP
 ENGINEERS & CONSULTANTS

611 Industrial Way West
 Eatontown, NJ 07724
 NJ Certificate of Authorization No. 24GA28060600

Tel: 732.380.1700
 Fax: 732.380.1701
 WWW.BIRDSALL.COM

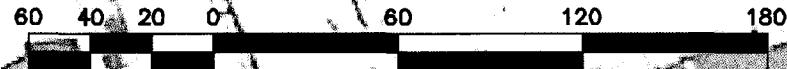
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Date
 3/12/2012

Scale (H)
 1" = 100'
 (V)

1 of 6

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GRAPHIC SCALE
 1 inch = 60 feet

NOTES

1. EXISTING DOCKS ARE TO BE ENTIRELY REMOVED (1410 SF TOTAL).
 2. EXISTING 12" TIMBER PILES ARE TO BE REMOVED (32 TOTAL). PILES WILL BE PULLED FROM THE MUDLINE MECHANICALLY THROUGH THE USE OF HEAVY EQUIPMENT.
 3. DREDGING WILL BE CONDUCTED MECHANICALLY WITH AN EXCAVATOR BUCKET OR A CLAMSHELL DREDGE. IF NECESSARY, AN "ENVIRONMENTAL CLAMSHELL" WILL BE UTILIZED.
 4. PROPOSED PILES WILL BE INSTALLED WITH A DROP HAMMER.
 5. TOTAL AREA OF PROPOSED DOCKS: 3300 SF (2015 IN CURRENT PHASE, 1285 SF IN FUTURE PHASE)
- proposed*
 All piles 12" diameter
 8 proposed mooring piles
 20 proposed piles to secure floats

PROPOSED ON-SITE DREDGED MATERIAL DEWATERING AREA (CAPACITY @ 5 FT HEIGHT = 1,200 C.Y.)

DEWATERED MATERIAL TO BE UTILIZED AS ON-SITE FILL TO ACHIEVE NJDEP APPROVED GRADING PLAN

Building Depicted on Aerial Photograph is No Longer Present (Demolished by Others)

Existing HTL, MHW, and MLW Lines Follow Existing Timber Bulkhead

PROPOSED 12" TIMBER PILING (TYP.) 28 TOTAL

Total PROPOSED FLOATING DOCKS (8' WIDE): ~330 LF.
 SOUTHWEST CORNER OF PROPOSED DOCK (CURRENT PHASE): 625,365 E, 483,401 N
 Total PROPOSED FLOATING FINGER DOCK (TYP.) (8' WIDE): ~190 LF.

SOUTHWEST CORNER OF PROPOSED DOCK (FUTURE PHASE): 625,397 E, 483,345 N

Property Boundary

PROPOSED HAYBALE & SILT FENCE BARRIER (SEE DETAIL)

PROPOSED RAILING AROUND RAMP, INCLUDES ACCESS GATE AT TOP OF STAIRS

PROPOSED GANGWAY (8' X 20') WITH CENTRAL KAYAK CHANNEL (SEE KAYAK RAMP SECTION)

PROPOSED STEEL SHEETPILE BULKHEAD WITH TIMBER CAP & RAILING (~30 FT) (OPEN WATER CREATION = 70 S.F.)

PROPOSED KAY-ACCESS "DRIVE-THRU" FLOATING LAUNCH WITH SAFETY HANDRAIL (SEE KAYAK RAMP SECTION)

PROPOSED 5'x11' FIXED DOCK (SEE DETAIL)

PROPOSED A.D.A.-COMPLIANT GANGWAY (3'x40') (SEE DOCK & GANGWAY DETAIL)

PROPOSED DREDGING WITHIN LIMITS OF EXISTING TIDLANDS GRANT TO -4.0' (MLW): 1,000 CY +/-

Existing Fixed Timber Dock

SOUTHWEST CORNER OF PROPOSED DOCK (FUTURE PHASE): 625,473 E, 483,387 N

SHARK RIVER FLOOD

Edge of Navigation Channel (per USGS Quadrangle)

**PROPOSED MUNICIPAL MARINA
 LOTS 1 & 1.01, BLOCK 43.02
 SHARK RIVER
 MARINA PLAN**

SITUATED IN
 BOROUGH OF AVON BY THE SEA, MONMOUTH COUNTY, NEW JERSEY

Bsg BIRDSALL SERVICES GROUP
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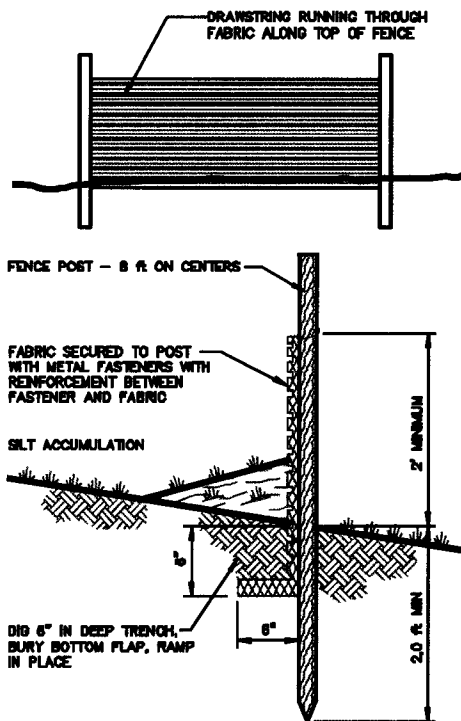
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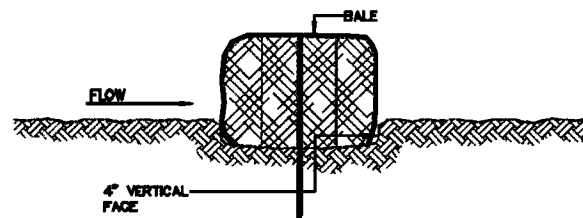
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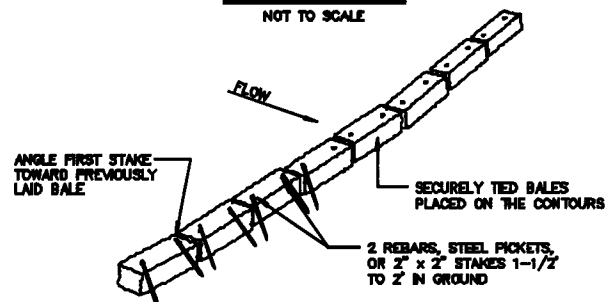


NOTE:
 ALL SILT FENCE TO BE INSPECTED AND REMEDIAL MAINTENANCE PERFORMED BY CONTRACTOR WITHIN 24 HOURS AFTER EACH RAIN.

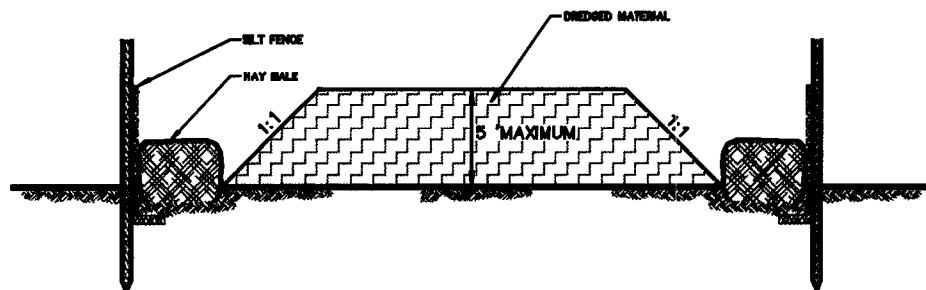
SILT FENCE
 NOT TO SCALE



EMBEDDING
 NOT TO SCALE



PLACEMENT & ANCHORING BALE SEDIMENT BARRIERS
 NOT TO SCALE



DREDGED MATERIAL DEWATERING AREA SECTION
 NOT TO SCALE

NAN-2011-01307-617A

**PROPOSED MUNICIPAL MARINA
 LOTS 1 & 1.01, BLOCK 43.02
 SHARK RIVER
 DETAILS**

SITUATED IN
 BOROUGH OF AVON BY THE SEA, MONMOUTH COUNTY, NEW JERSEY



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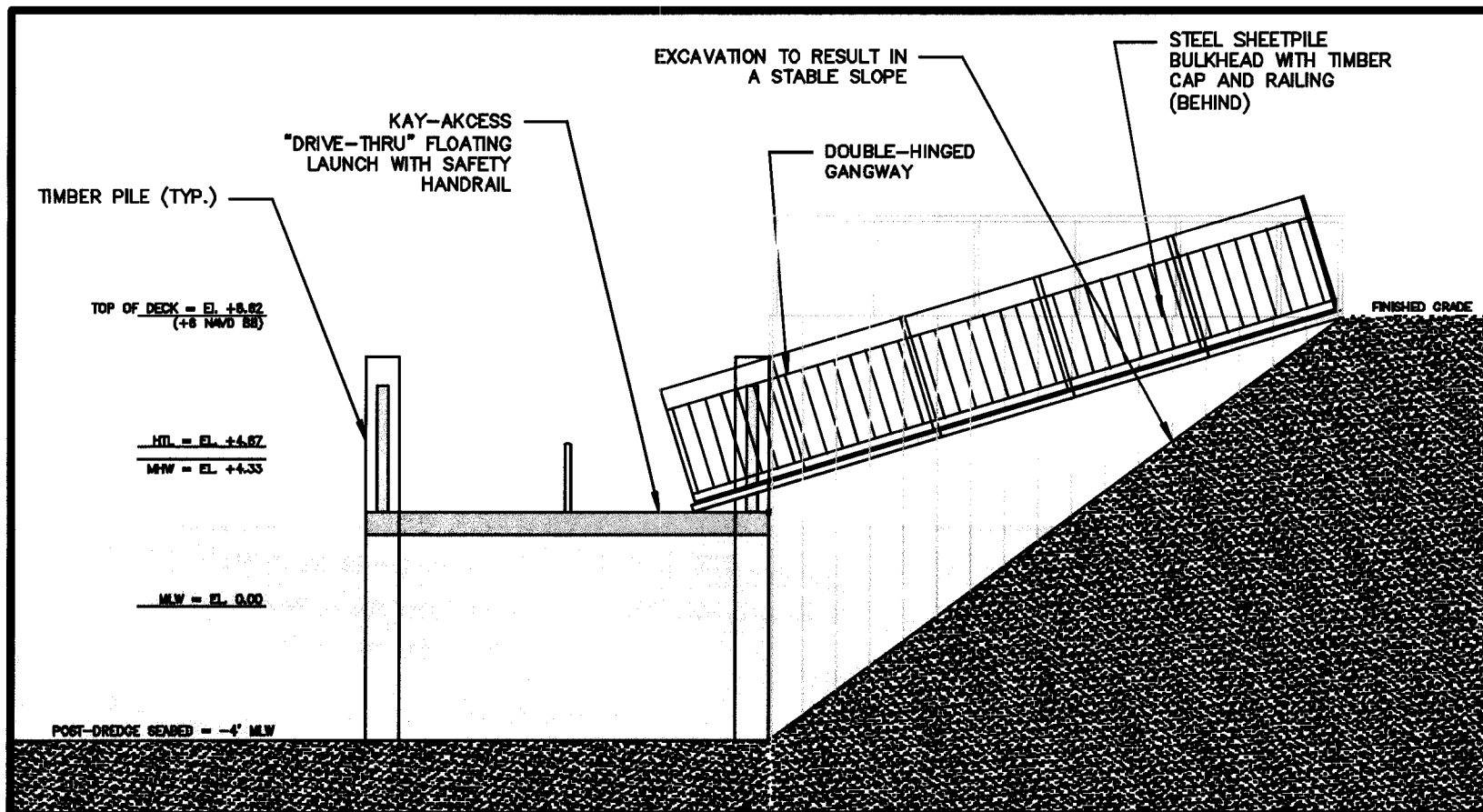
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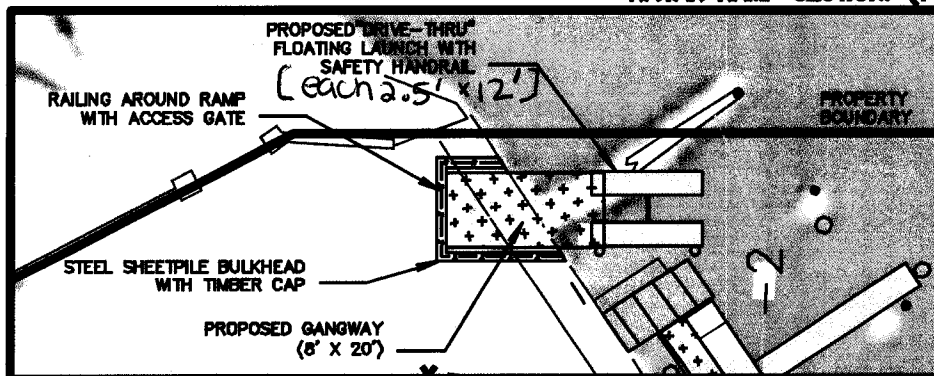
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KAYAK RAMP SECTION: (1" = 5')



INSET: PLAN VIEW OF KAYAK RAMP (1" = 20') NAW-2011-01307-C17A

PROPOSED MUNICIPAL MARINA LOTS 1 & 1.01, BLOCK 43.02 SHARK RIVER DETAILS

SITUATED IN
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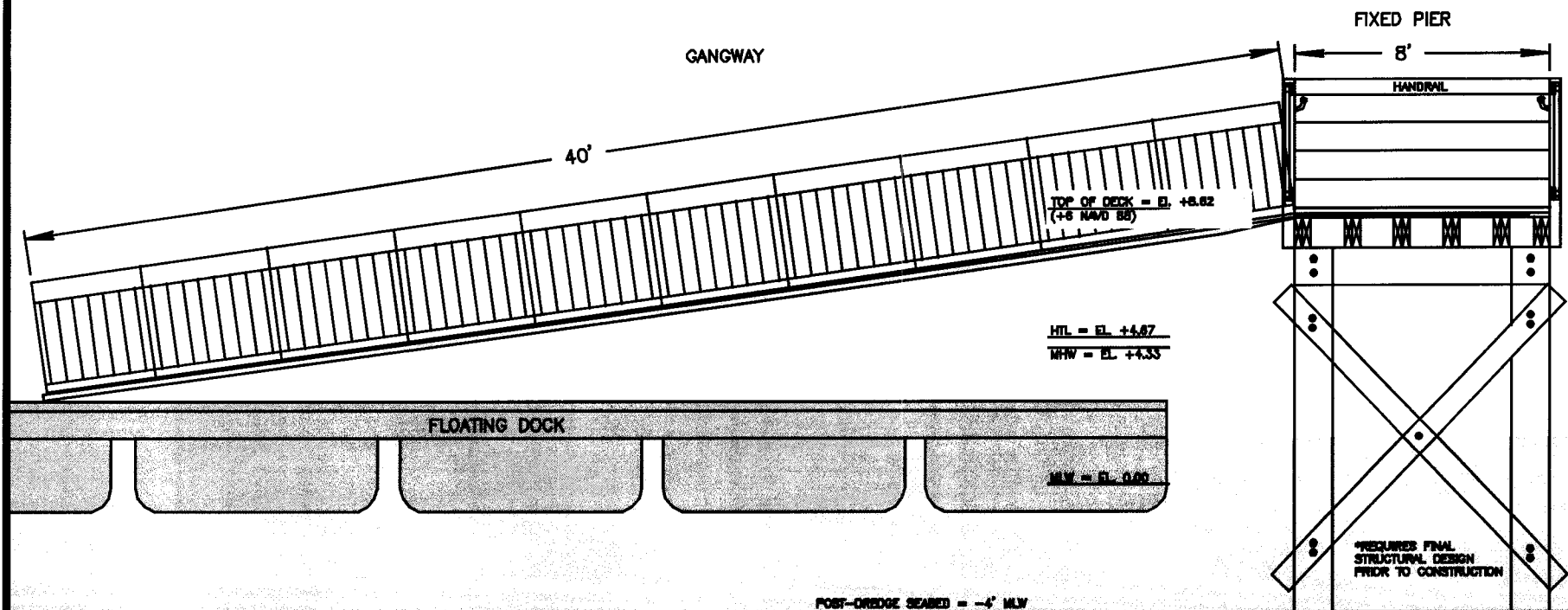
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Job No. 00001100000	Date 1/9/12	Scale (H) (V)	1" = 5'
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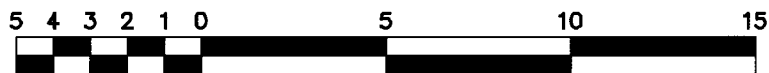
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NAW-2011-01307-TM



DOCK AND GANGWAY DETAIL: (1" = 5')



GRAPHIC SCALE
 1 inch=5 feet

**PROPOSED MUNICIPAL MARINA
 LOTS 1 & 1.01, BLOCK 43.02
 SHARK RIVER
 DETAILS**

SITUATED IN
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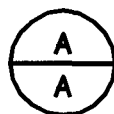
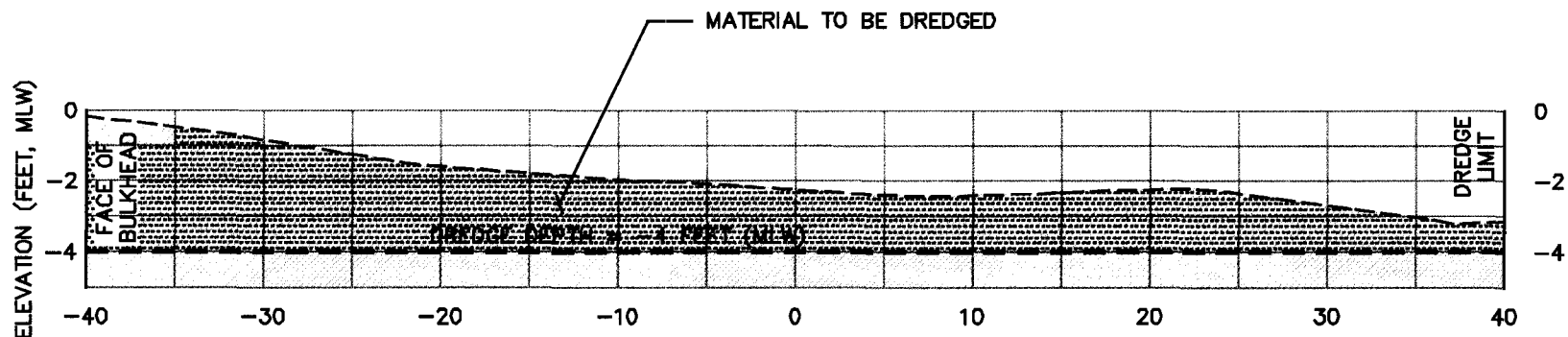
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DREDGE SECTION

1" = 10' (HORIZONTAL)

1" = 5' (VERTICAL)

**PROPOSED MUNICIPAL MARINA
 LOTS 1 & 1.01, BLOCK 43.02
 SHARK RIVER
 PROPOSED DREDGE CROSS-SECTION**

SITUATED IN
 BOROUGH OF AVON BY THE SEA, MONMOUTH COUNTY, NEW JERSEY



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