



**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-200600277-1

Date
OCT 24 2006

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: James J. Knoeller
18 Montgomery Lane
Greenwich, CT 06830-4012

WATERWAY: Little Egg Harbor Bay

LOCATION: The proposed project is located at the end of South Green Street in the Borough of Tuckerton, Ocean County, New Jersey. The property is identified as Lot 2.01 of BLock 119.

ACTIVITY: The proposed project is an oyster aquaculture operation. The work would consist of floating plastic mesh bags. Each bag would be supported by a PVC frame and would measure approximately 10 feet x 2 feet x 14 inches. The floating bags would be configured in 20 pairs with a total 40 floating bags on one line set. Each set of 40 bags would be anchored in place with anchor lines and weights. The floating bags would be periodically scrubbed to remove any debris and parasites to maintain effective water flow and circulation through the bags. The oysters would be removed from the bags when they have reached a market size.

The proposed project would not involve any dredging or any new permanent structures within the waterway. The site of the proposed operation has an existing pier and upland facilities that have been operating as a clam aquaculture operation for approximately 20 years. The proposed oyster aquaculture is intended to supplement the on-going clam aquaculture operation. Additional information on the proposed project is shown on the attached plans labeled as E-1 through E-5.

PURPOSE: The purpose of the proposed project is to develop a commercial oyster aquaculture operation.

Our review of this application to date 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. This public notice also serves as our request for concurrence from the National Marine Fisheries Service with respect to this 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.

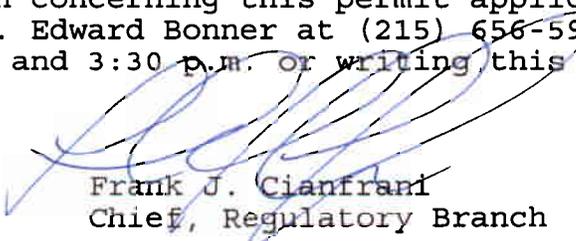
Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

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). We have prepared an assessment of the species listed, and additional species not 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 33. Based upon our review of the available information, we have determined that the project site may offer potential habitat for various life stages of the following species: winter flounder (*Pseudopleuronectes americanus*); windowpane flounder (*Scopthalmus aquosus*); summer flounder (*Paralichthys dentatus*); bluefish (*Pomatomus saltatrix*); scup (*Stenotomus chrysops*); black sea bass (*Centropristus striata*); sandbar shark (*Charcharinus plumbeus*); clearnose skate (*Raja eglanteria*); little skate (*Leucoraja erinacea*); winter skate (*Leucoraja ocellata*). Based upon our evaluation of the proposed project, we have further determined that the proposed project would have no effect on any essential fish habitat (EFH) for the above listed species. However, the National Marine Fisheries will have an opportunity to review this determination prior to any final decision on this application.

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 Mr. Edward Bonner at (215) 656-5932 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

074° 20' 0.08"

074° 19' 0.08"

074° 18' 0.08"

039° 36' 0.09"

039° 36' 0.09"

039° 35' 0.09"

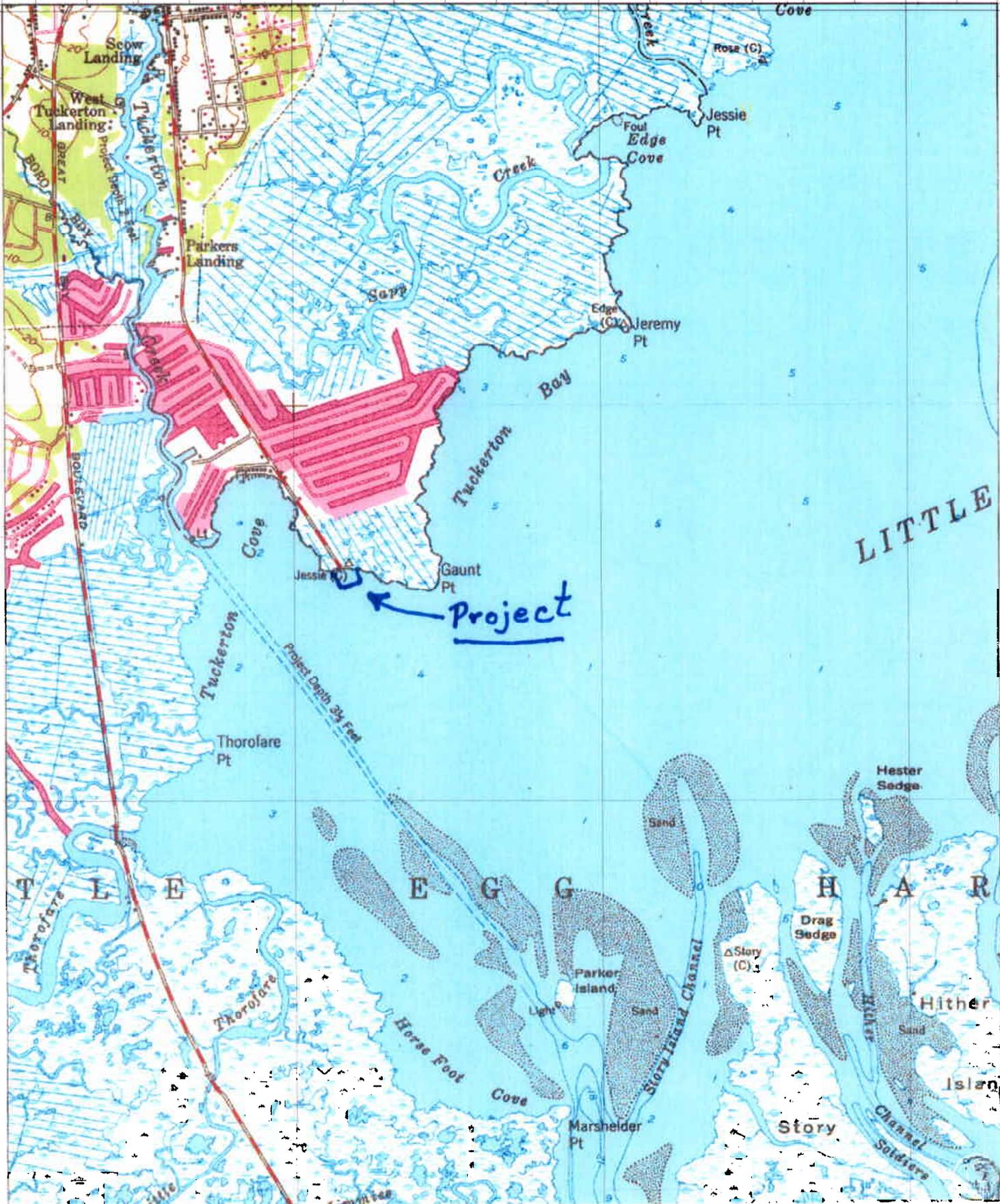
039° 35' 0.09"

039° 34' 0.09"

039° 34' 0.09"

039° 33' 0.09"

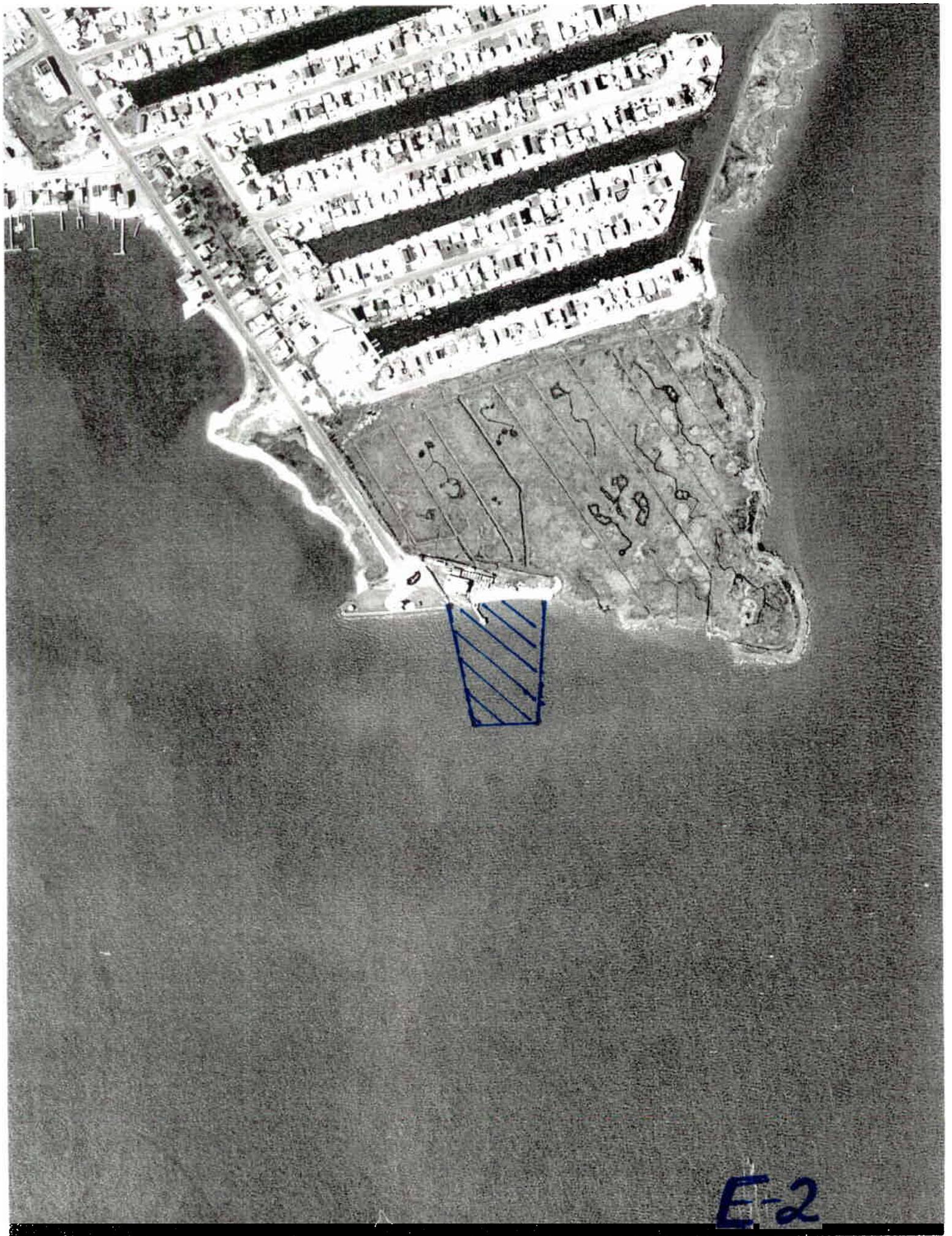
039° 33' 0.09"



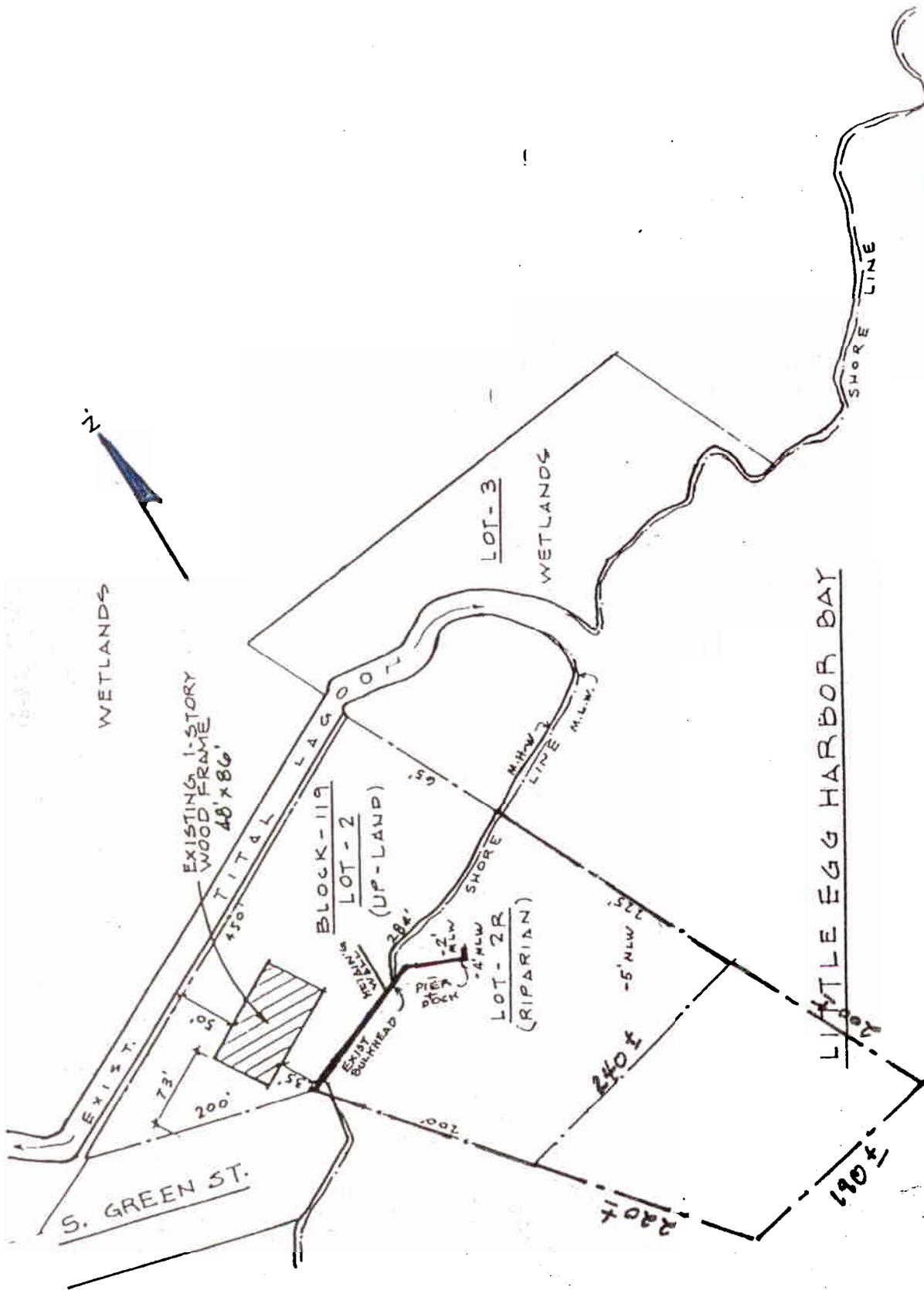
Name: TUCKERTON
 Date: 9/20/106
 Scale: 1 inch equals 2000 feet

Location: 039° 34' 29.4" N 074° 19' 0.4" W

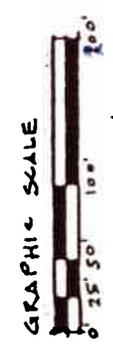
E-1



E-2

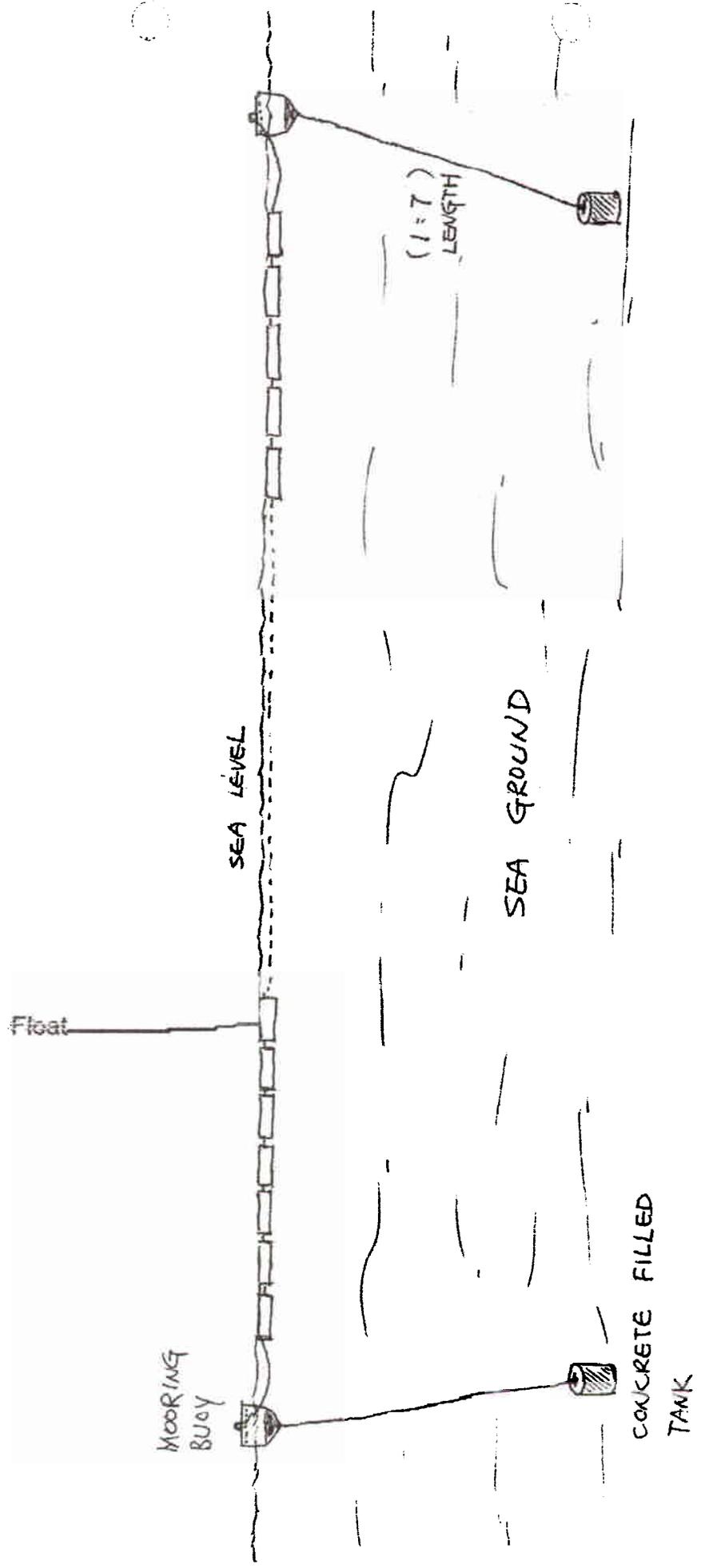


APPLICANT:
 JAMES LAURA KNOEHLER



E-3

TYPICAL RIGS



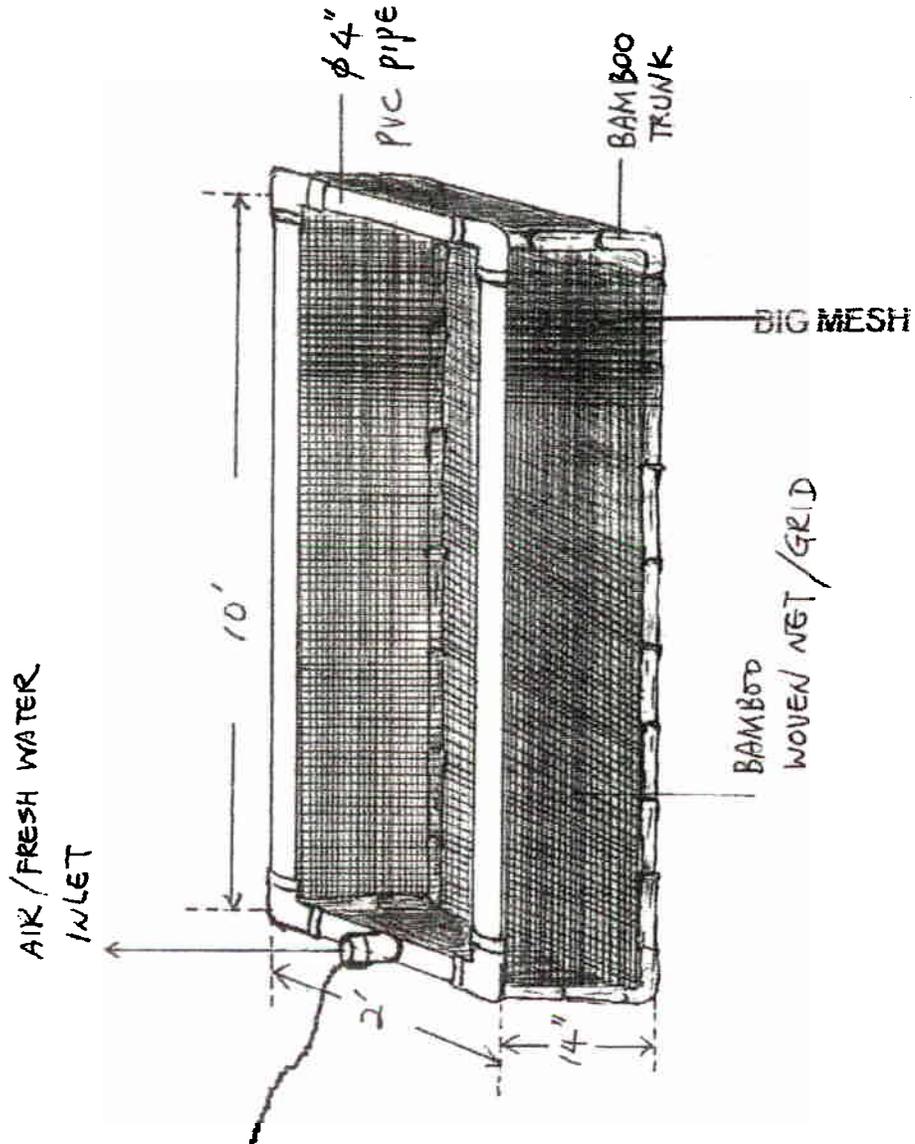
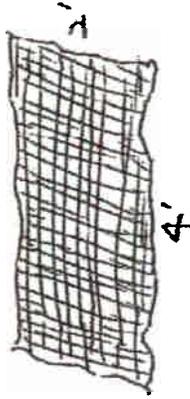
E-4

UP-GRADED TAYLOR FLOAT

1. L 2' X W 1/2": STEEL BAR.

2. SPACE BETWEEN FLOAT: 2 FEET

3. ADPI OYSTER BAG: 4' X 2'.



winter fill up fresh water let suspend under frozen ice