



**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-2007-1192

Date
DEC 04 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).

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: LITTLE EGG HARBOR YACHT CLUB (LEHYC)

AGENT: Chuck Maschal, LEHYC, Administrator
401 Berkeley Avenue
Beach Haven, New Jersey 08008

WATERWAY: Little Egg Harbor

LOCATION: Block 94, Lot1/Block 114, Lot 2, Beach Haven, Ocean County, New Jersey

ACTIVITY: The applicant proposes to dredge approximately 8,000 cubic yards of material from Little Egg Harbor within the marina portion of the Little Egg Harbor Yacht Club Marina.

Material would be by hydraulically dredged to a depth of -4.75 feet NAVD 88 (approximately 4.0 feet below Mean Low Water), with a 6 inch over-dredge. Generally, the depths in the marina currently range from -0.5 NAVD 88 to -4.0 NAVD 88. Dredging would be from an area of approximately 4.30 acres. Most of the area was previously dredged in 1980, when approximately 18,200 cubic yards were dredged and in 1987/1988 when 7,000 cubic yards of material was hydraulically dredged. The dredged material would be temporarily placed onsite and mechanically dewatered with a filter press or geotextile tubes. Following the dewatering the material would be transported to the Ocean County Landfill for final disposal. The landfill is located on the south side of Route 70 at Green Acres Road, Block 2, Lots 6 and 59, in Manchester Township, Ocean County, New Jersey.

The nearest waterway adjacent to the site is Liberty Thorofare which ranges from 75 to 200 feet from the site and is approximately 100 feet wide.

The applicant has also applied for authorization from the New Jersey Department of Environmental Protection. The State's file numbers are 1503-07-0006.1 and WFD 070001.

LEHYC is currently in the process of obtaining Tidelands Licenses for two (2) additional tracts of land, seaward of the Mean High Water line. These areas, included within the area to be dredged, are shown as "License Request" areas on the Tidelands Information drawing (E-6) included with this notice.

From the area proposed to be dredged, the applicant obtained three (3) individual sediment core samples, and analyzed the samples pursuant to a State of New Jersey, Department of Environmental Protection (NJDEP), Office of Dredging and Sediment Technology (ODST) approved Sampling and Analysis Plan, dated March 30, 2006. Concentrations of Aluminum, Iron, Manganese, Sodium and Selenium were detected in site water and/or supernatant water that exceed NJGWQS. One pesticide (4,4'-DDE) was detected in a composite sample that exceeds NJSCC for residential and non-residential areas. The complete sediment and testing results are included in the record as Attachment 9 of the permit application package to NJDEP. The applicant states that all dredged material will be dewatered using a filter press or geotextile tubes and handled in a manner that is protective of human health, groundwater quality and surface water quality and that manages ecological risks. Dewatered dredged material will be trucked offsite to the Ocean County Landfill noted above.

PURPOSE: The applicant states the purpose of the proposed project is to provide adequate depth for the safe navigation and mooring of recreational vessels.

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.

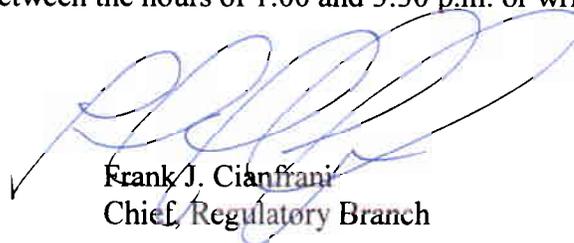
Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

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 33, 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 (proposed to be dredged) 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 dredging operations in order to ensure that impacts resulting from the project would not be more than minimal. The seasonal restriction would prohibit dredging 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. 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.



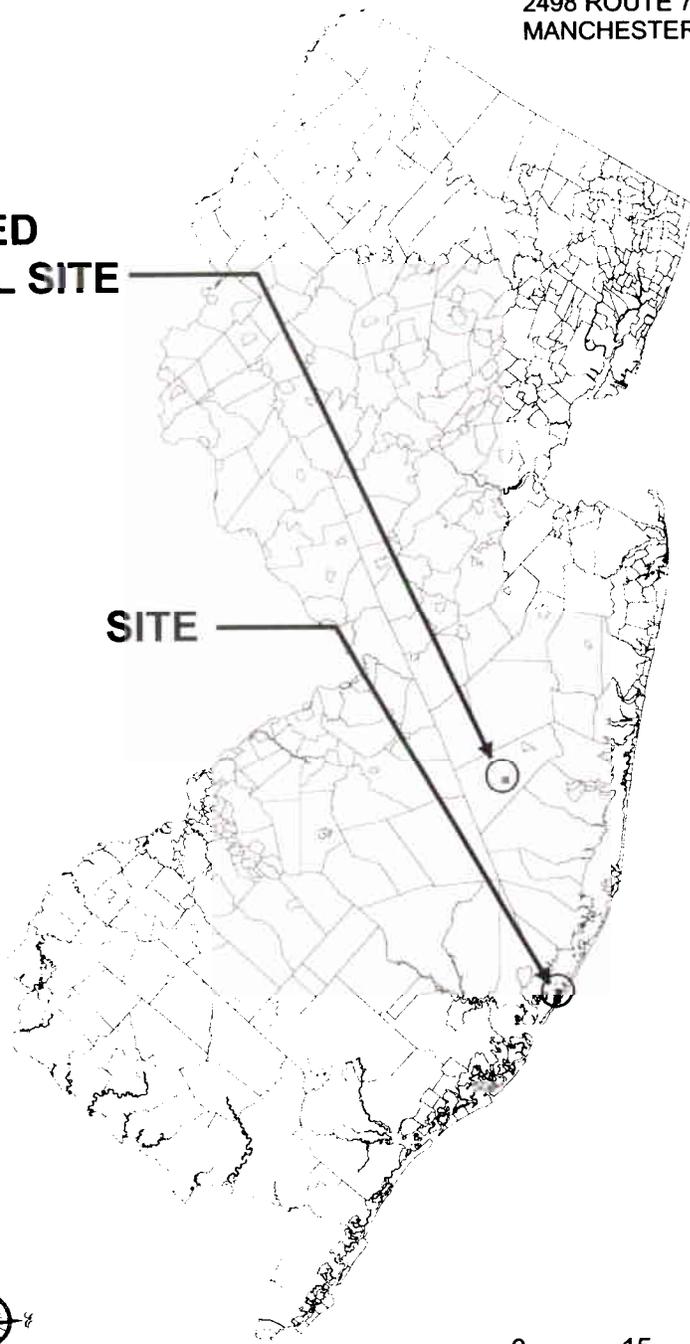
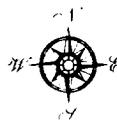
Frank J. Cianfrani
Chief, Regulatory Branch

L:\PROJECTS\205067-LEHYC\Task 005 - Dredging Permits\Permit Application Forms\FIGURES\Figure 1a_disposal.mxd

DREDGED MATERIAL DISPOSAL LOCATION:
OCEAN COUNTY LANDFILL CORPORATION
2498 ROUTE 70
MANCHESTER, NJ 08759

**PROPOSED
DISPOSAL SITE**

SITE



Designed By: D.A.G.
Drawn By: E.S.G.
Checked By: RM

LITTLE EGG HARBOR YACHT CLUB

**Porposed Disposal
Location**

SCALE: AS NOTED
DATE: 11/14/07

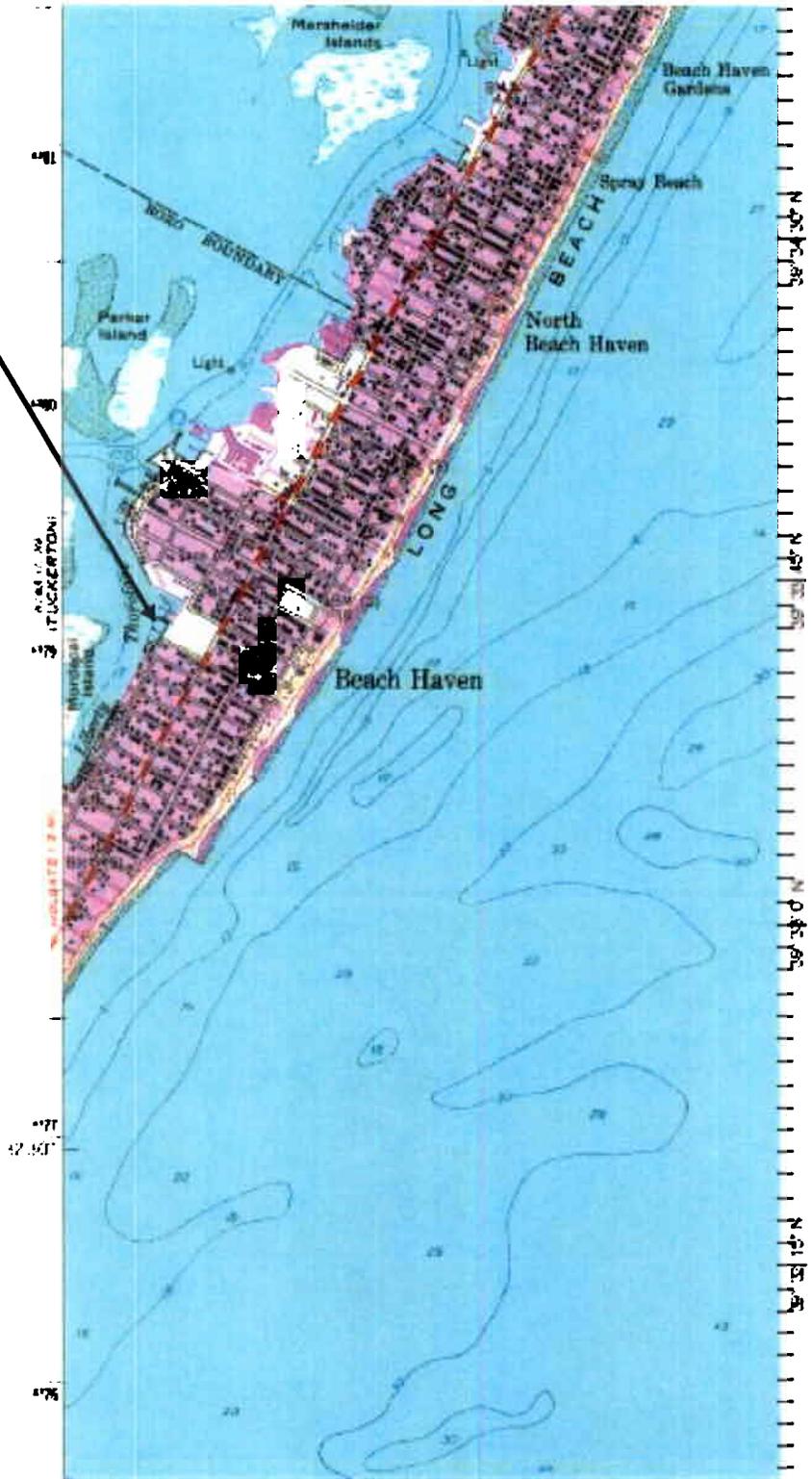
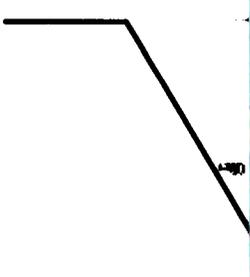
REV:
0

SKETCH NO.
205067.0-05-1a

E-1



SITE



Designed By: D.A.G.
 Drawn By: E.S.G.
 Checked By: RM

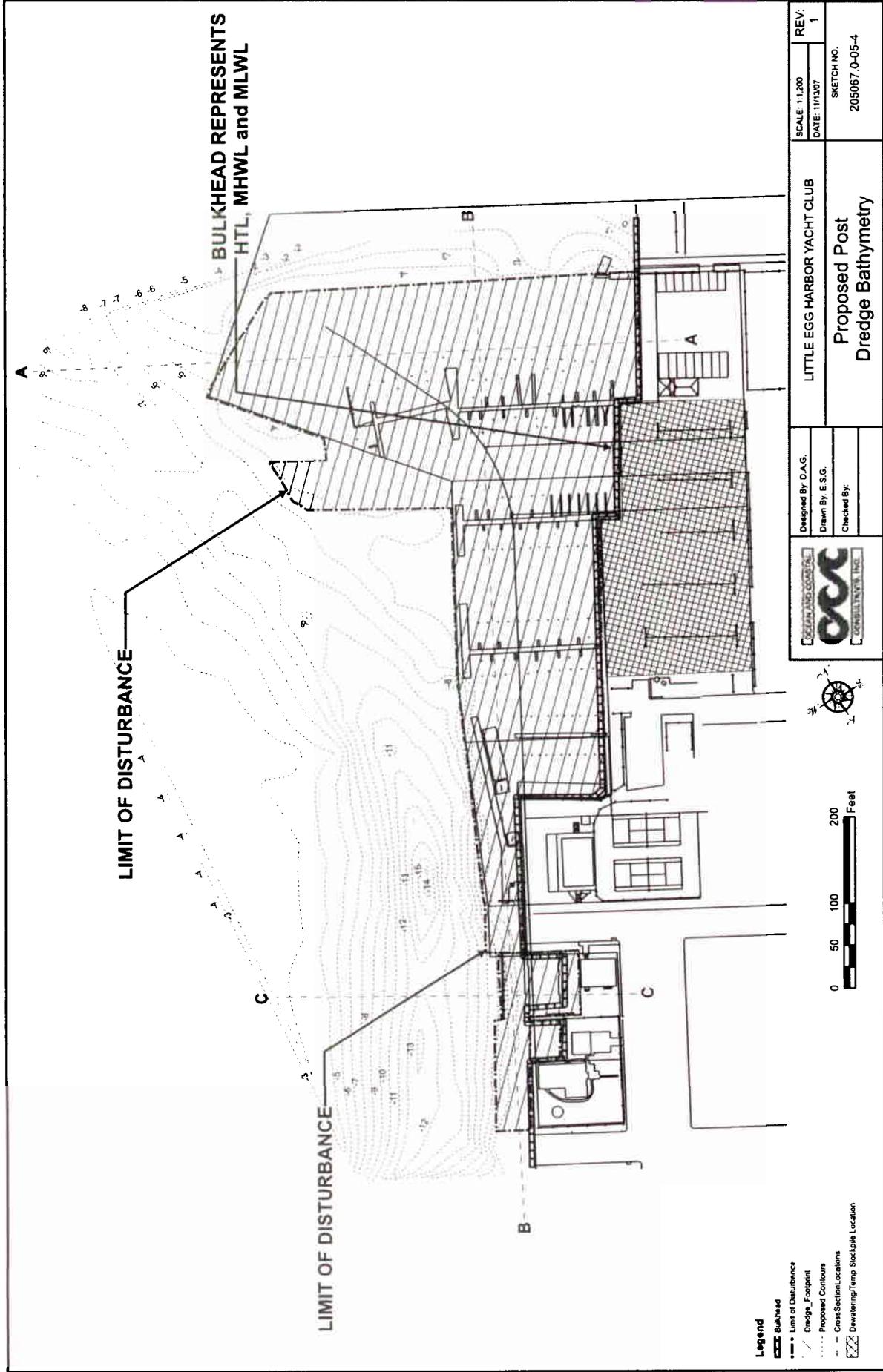
LITTLE EGG HARBOR YACHT CLUB

VICINITY MAP

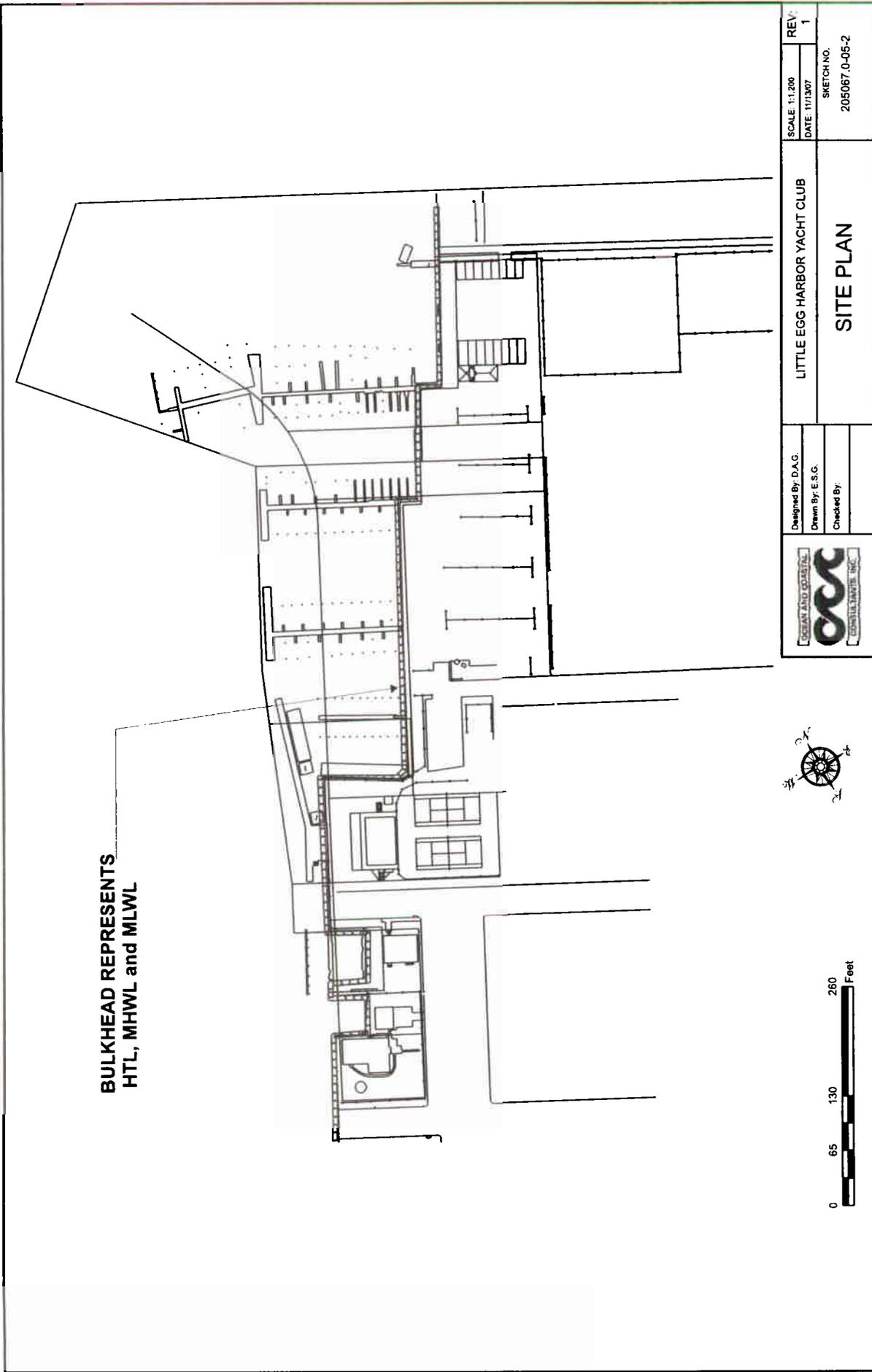
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 DATE: 9/1/07

REV:
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SKETCH NO.
 205067.0-05-1
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E-3



BULKHEAD REPRESENTS
HTL, MHWL and MLWL



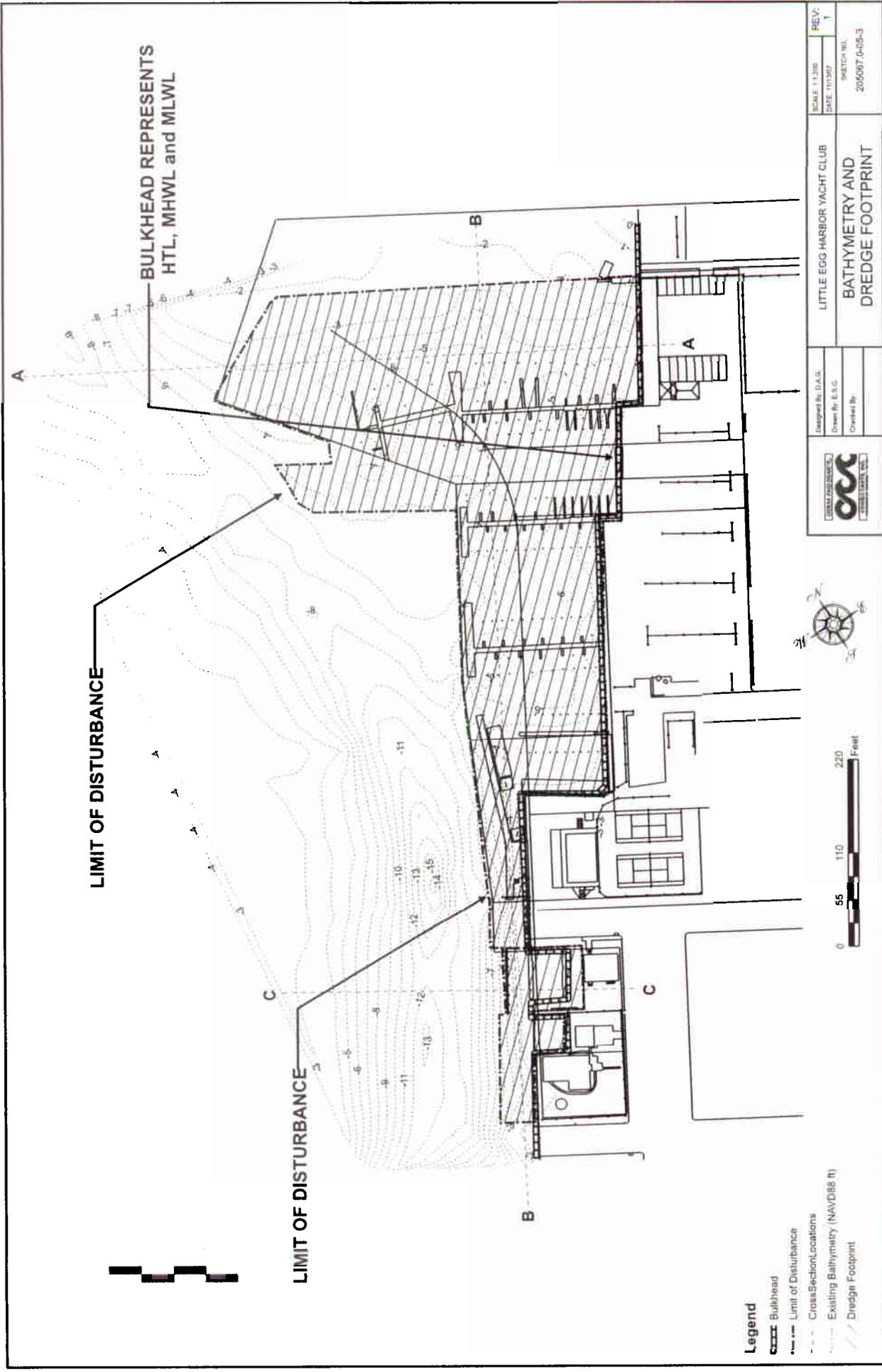
Designed By: D.A.G.
Drawn By: E.S.G.
Checked By:

LITTLE EGG HARBOR YACHT CLUB

SITE PLAN

SCALE: 1:1,200	REV: 1
DATE: 11/13/07	
SKETCH NO. 205067.0-05-2	

E-4



BULKHEAD REPRESENTS
HTL, MHWL and MLWL

LIMIT OF DISTURBANCE

LIMIT OF DISTURBANCE

Legend

- Bulkhead
- Limit of Disturbance
- Cross Section Locations
- Existing Bathymetry (NAVD88 ft)
- Dredge Footprint

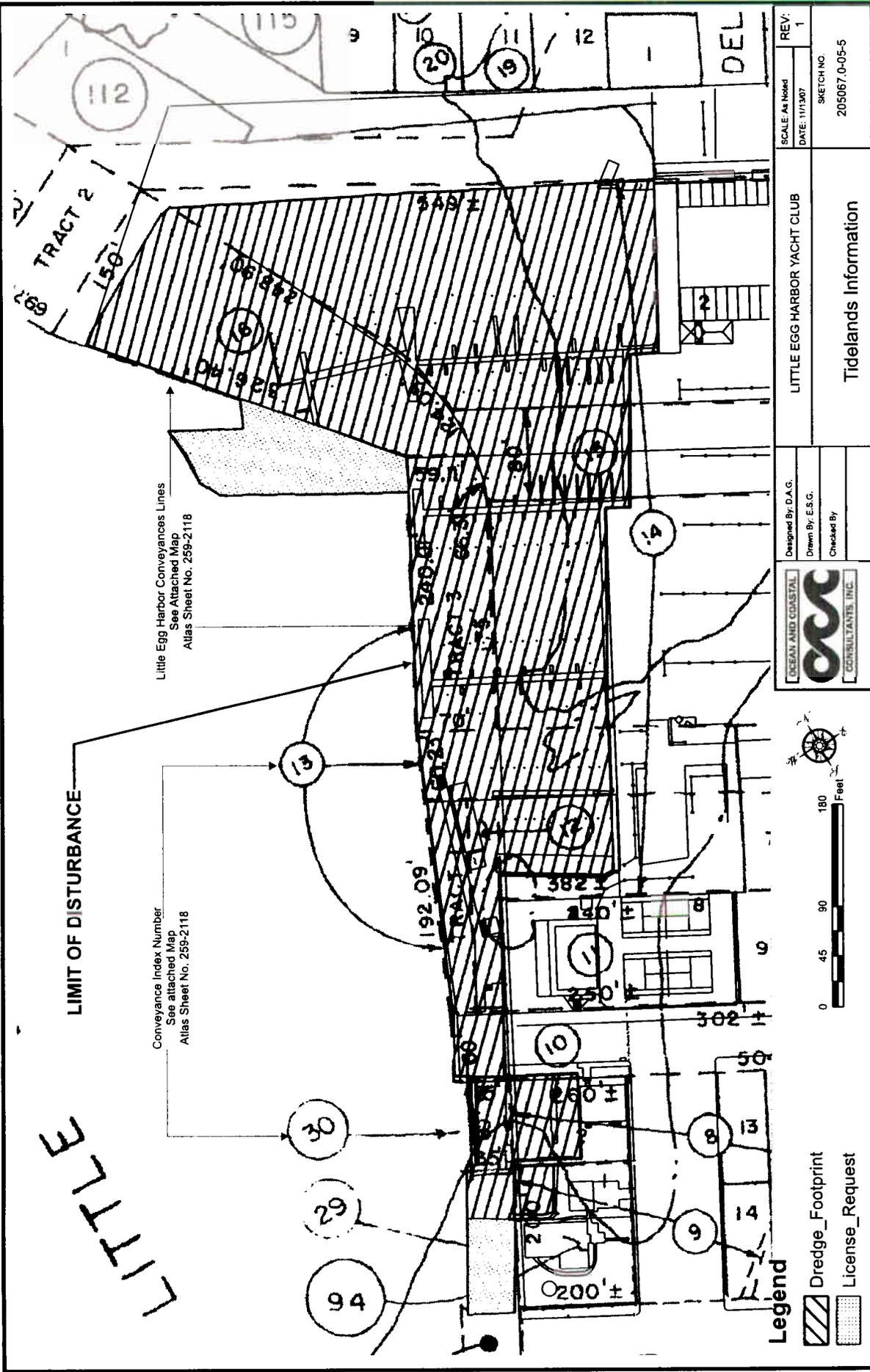


Designed By: D.A.S.
Drawn By: E.S.G.
Checked By:

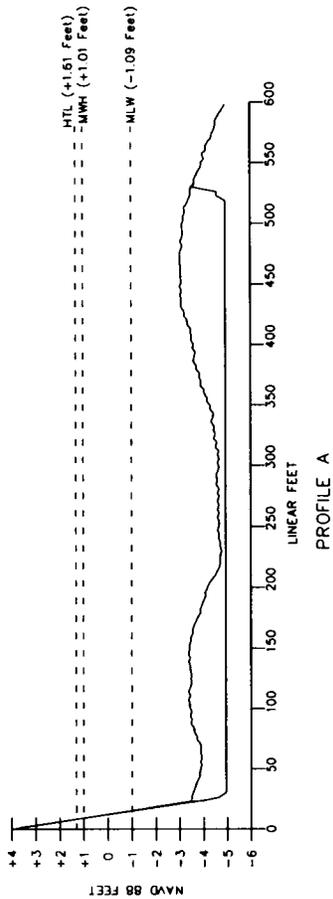
LITTLE EGG HARBOR YACHT CLUB
BATHYMETRY AND
DREDGE FOOTPRINT

SCALE: 1"=30'	REV: 1
DATE: 11/10/07	SHEET NO. 1
2055087.0-55-3	

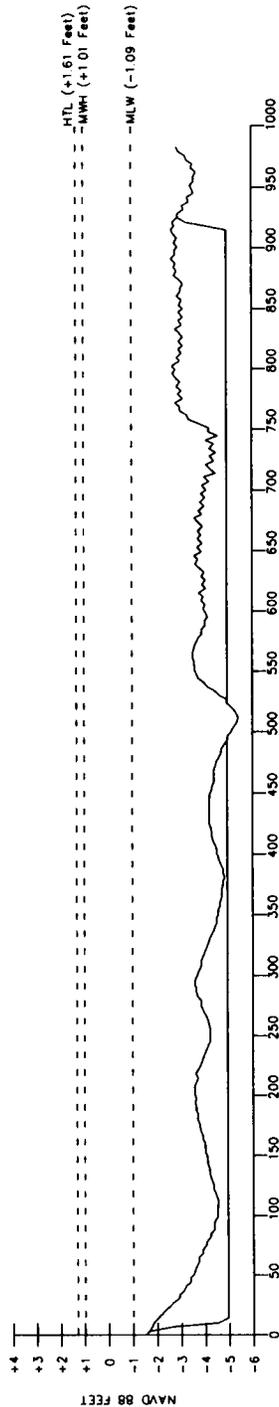
E-5



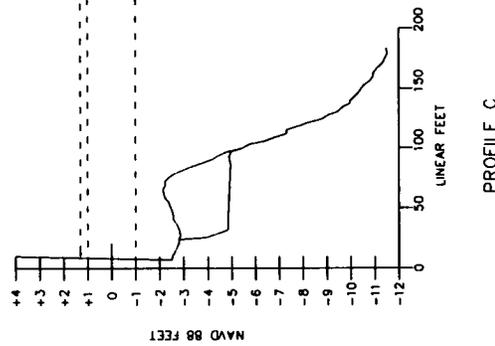
E-6



PROFILE A



PROFILE B



PROFILE C

NOTES:
 1. Vertical axis exaggerated 20 times for clarity.
 2. All elevations in NAVD 88 Feet.
 3. See drawing 205067.0-05-3 for profile locations.



Designed By: D.A.L.
 Checked By: S.S.C.
 Checked By:

20 E. Chatterbox Avenue, Suite 201
 Chatterbox, New Jersey 08028 (7) (609) 248-1200

Little Egg Harbor Yacht Club
 Pre and Proposed Dredging Profiles

Sheet No. 1
 of 1
 Drawing No. 205067.0-05-6

E-7