



**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-2015-110-24

Date
MAR 24 2015

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: George R. Harms and Ruth DeGraaf Harms

AGENT: Paulus, Sokolowski and Sator, LLC
Central Monmouth Business Park
1433 Highway 34, Suite A-4
Wall, New Jersey 07727

WATERWAY: Manasquan River

LOCATION: Decimal Latitude: 40.104082° North; Longitude: -74.056304° West.
The project site is located at 814 Linden Lane; Block 87, Lots 5 and 5.01; on the northwest shore of Manasquan River, approximately 600 feet up-river from the Route 35 bridge, in the Borough of Brielle, Monmouth County, New Jersey. The proposed site for off-loading and de-watering dredged material from the barge and transferring to trucks is at Laurelton Welding Services, 117 Channel Drive in the Borough of Point Pleasant, Ocean County, New Jersey. The final disposal site is the Ocean County Landfill, at 2498 Route 70, Manchester Township, Ocean County, New Jersey. Location maps are included with this notice.

ACTIVITY: The applicant proposes to conduct maintenance dredging, by mechanical (clamshell bucket) method, from a barge, within the waters of Manasquan River. The maximum area of dredging is 0.217 acre (9,444 square feet), and the maximum depth would be 6 feet below the elevation of MLW. The project site is adjacent to the Manasquan River federal navigation project (minimum 150 feet away). It is proposed to dredge up to 199 cubic yards for the initial event. Dredged material would be initially placed in watertight containers on barges at the dredge site, and transported by barge across the river to the upland off-load site in Point Pleasant Beach for dewatering and transfer to trucks. Dewatering would be accomplished by surrounding with hay bales and silt fence prior draining water from containers. Trucks would haul the material to the Ocean County landfill for final disposal.

The applicant has requested authorization for ten (10) years of maintenance dredging. Future maintenance under this permit could result in up to 200 cubic yards of additional dredging per year over the proposed 10 years of authorization (i.e. up to 2,199 cubic yards total through the end of 2025).

This office has issued prior permits to the applicant for structures and dredging, including CENAP-OP-R-2004-584-24, issued June 3, 2004. That permit included authorization for 10 years of mechanical maintenance dredging (through December 31, 2014).

The New Jersey Department of Environmental Protection, Office of Dredging and Sediment Technology, has issued a Waterfront Development Permit, Water Quality Certification and Acceptable Use Determination on March 17, 2015 (NJDEP File Number 1308-03-0005.2).

PURPOSE: The applicant's stated purpose is "to allow the continued use of an existing dock and two boat moorings."

A preliminary review of this application indicates that the proposed work 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 could be present in the waterway since they use coastal estuaries as forage habitat.

As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. This office shall consult under Section 7 of the ESA with the National Marine Fisheries Service with regard to our initial determination for the respective listed species.

The decision whether to issue (or modify) 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 (or modification) 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 project, as described in this public notice, would not have a substantial (i.e. not more than minimal) adverse effect on the EFH of any managed species. We have determined that winter flounder (Pseudopleuronectes americanus) is the only managed species with EFH that would potentially be adversely affected (directly) by the project. The Manasquan River also has a run of alewife and blueback herring. They are a food source for bluefish and other federally managed fish. Striped bass may also be present during migration up the river to spawn upstream between March 1 and June 30.

Analysis of the Effects: This EFH determination is made based on the fact that shallow water habitat (proposed to be dredged) would be impacted by the proposed dredging. While the winter flounder adults and juveniles are highly motile, and would be able to avoid the equipment being used at the project site, eggs and larvae of this 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 to protect the EFH of winter flounder. In addition, dredging would be prohibited from March 1 through June 30 to protect the above referenced anadromous fish species (also a food source for federally managed species. This would result in a total restricted period of January 1 through June 30 of any year. 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. Significant cumulative impacts are not anticipated, since the effects on EFH would be mostly temporary, and the depths would not change substantially. No adverse effects on prey species are anticipated, due to the seasonal restriction. The proposed dewatering and disposal areas are within uplands, with no impacts to waters or wetlands.

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. Any Department of the Army permit issued for the proposed work would include a seasonal restriction prohibiting dredging from January 1 through June 30 of any year in order to ensure that impacts resulting from the project would not be more than minimal. No other conservation recommendations are proposed at this time to further minimize the adverse effect on these species. 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.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

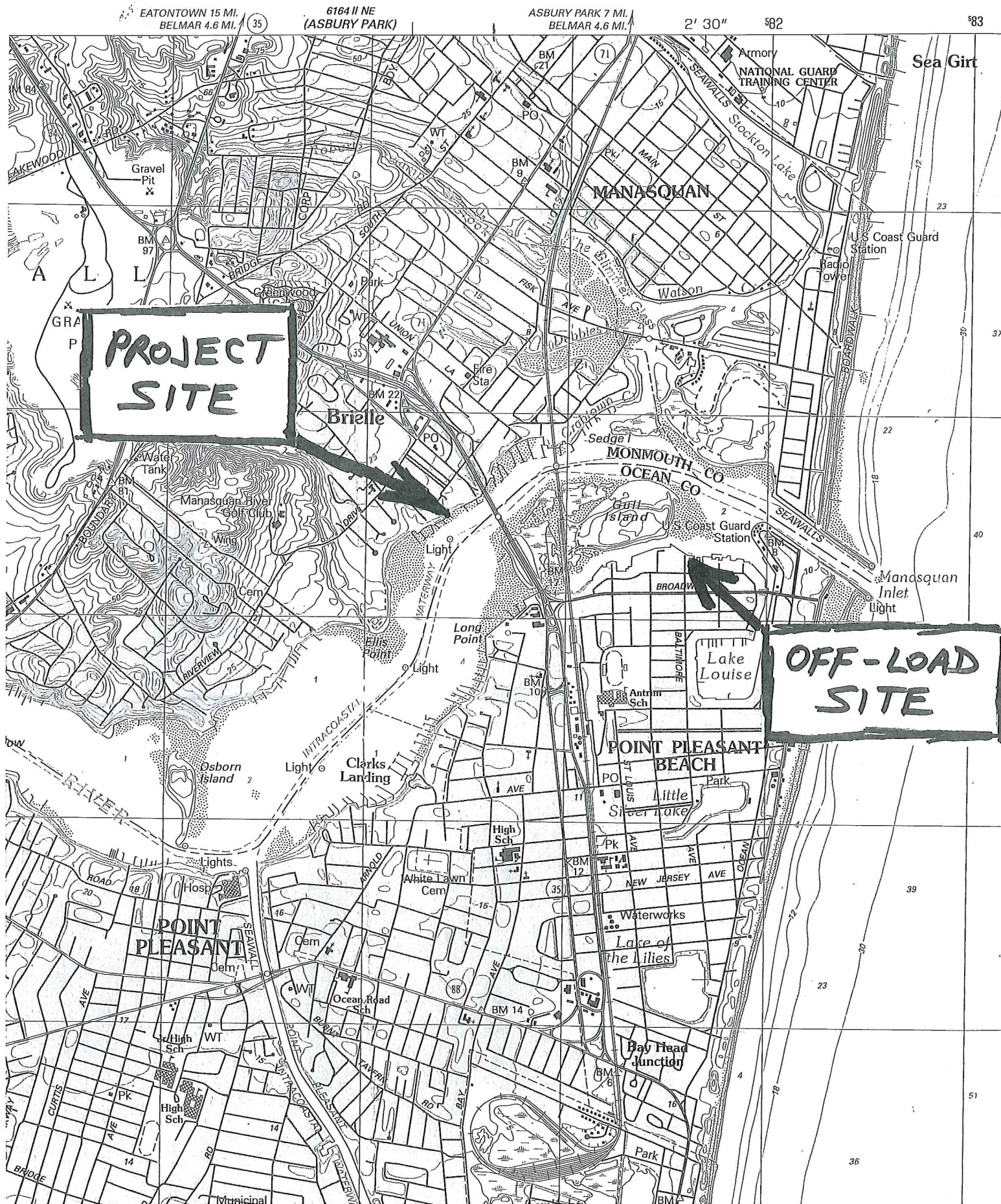
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

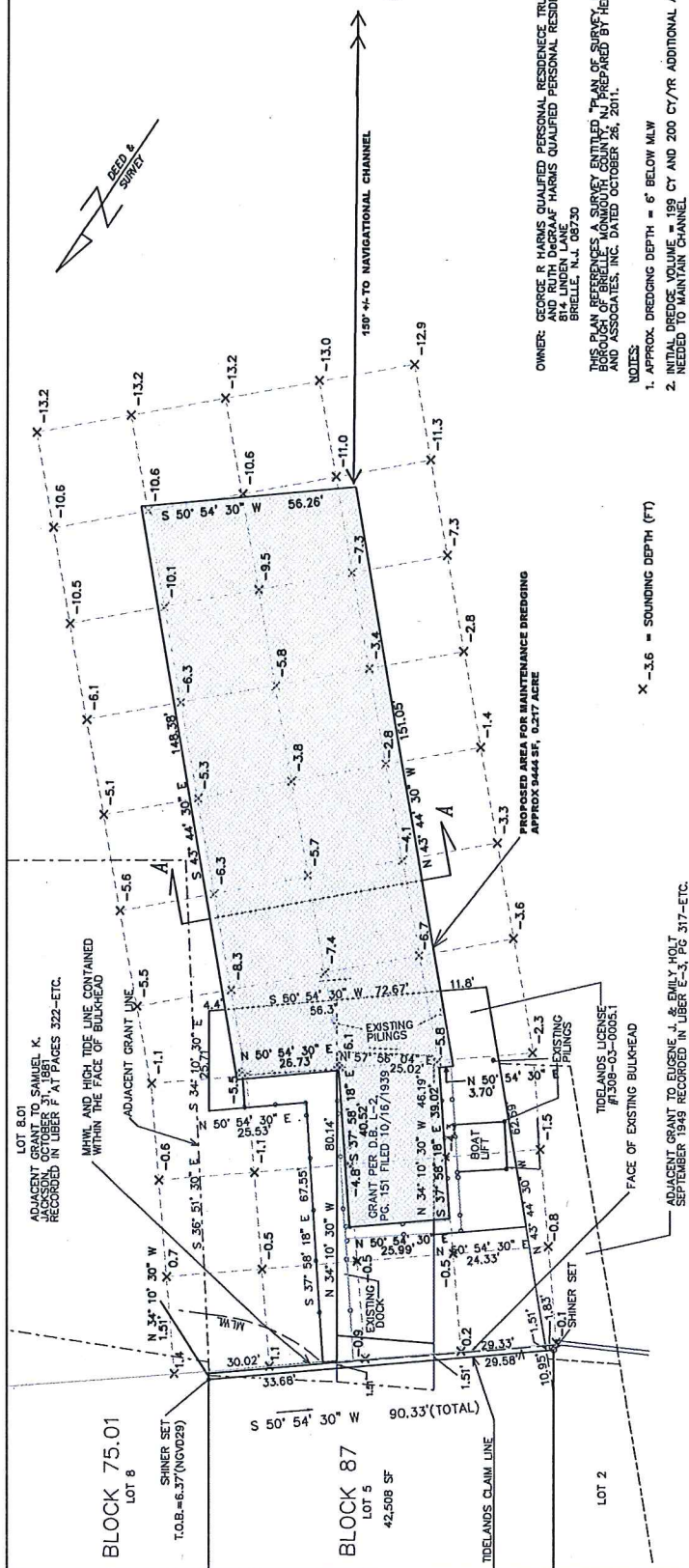
Additional information concerning this permit application may be obtained by calling James Boyer at (215) 656-5826, by electronic mail to James.N.Boyer@usace.army.mil, or by writing to this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch

U.S.G.S. QUAD. "BINT PLEASANT" (1" = 2,000')





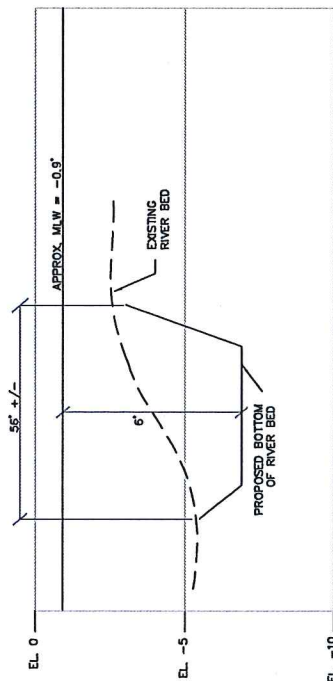
OWNER: GEORGE R HARMS QUALIFIED PERSONAL RESIDENCE TRUST &
AND RUTH DeGRAAF HARMS QUALIFIED PERSONAL RESIDENCE TRUST
814 LINDEN LANE
BRIELLE, N.J. 08730

THIS PLAN REFERENCES A SURVEY ENTITLED "PLAN OF SURVEY LOT 5 BLOCK 87, GOROUGH OF BRIELLE, MONMOUTH COUNTY, NJ PREPARED BY HEDGES AND ASSOCIATES, INC. DATED OCTOBER 26, 2011."

OTES:

1. APPROX. DREDGING DEPTH = 6' BELOW MLW
2. INITIAL DREDGE VOLUME = 1,199 CY AND 200 CY/YR ADDITIONAL AS MAY BE
3. 10' MAXIMUM DEPTH
4. THE AREA OF THE OFF LOADED MATERIALS TO BE OFF LOADED AT THE POINT PLEASANT CO. CONC COMPANY CHANNEL, DRIVE POINT PLEASANT, N.Y. FOR DISPOSAL AT THE OCEAN COUNTY LANDFILL, WHEN THE DREDGE MATERIALS ARE OFF LOADED THEY WILL BE EITHER OFF LOADED DIRECTLY INTO TRUCKS OR TEMPORARILY STOCKPILED AT THE OFF LOADING SITE ON FILTER FABRIC AND CONTAINED WITH SALT PELLETS AND HAYBALS.
5. ELEVATIONS BASED ON TIDE BENCHMARK (853 2585 A TDA) PD AIB477 LOCATED ON COLUMN OF RT 35 BROWN LN.-6.16'(NAVD 83)
6. SOUNDINGS ARE MEASURED FROM MEAN LOW WATER ELEVATION -0.9'(NOV029)
7. SOUNDINGS WERE RECORDED ON NOVEMBER 8,2013
8. PROJECT WILL INVOLVE MECHANICAL DREDGING USING A CLAMSHELL BUCKET OR BACK

X-3.6 - SOUNDING DEPTH (FT)



CROSS SECTION A-A
(NTS)

HEDGES AND ASSOCIATES Inc. PLANNERS & SURVEYORS Certificate No. 240A28087000		DESCRIPTION HYDROGRAPHIC SURVEY FOR TAX LOT 5 BLOCK 87 BOROUGH OF BRIELLE	
D. ERNEST HEDGES N.J. LICENSED LAND SURVEYOR 18256		MONMOUTH COUNTY NEW JERSEY	
DATE	11/26/2014	DRAWN	JUH
SCALE	1"=30'	CHECKED	DEH
		FIELD BOOK	

LOT 8.01
ADJACENT GRANT TO SAMUEL K.
JACKSON, OCTOBER 31, 1881
RECORDED IN LIBER F AT PAGES 322-ETC.

MHWL AND HIGH TIDE LINE CONTAINED
WITHIN THE FACE OF BULKHEAD

ADJACENT GRANT LINE

75.01
8
-INNER SET
'(NGVD29)

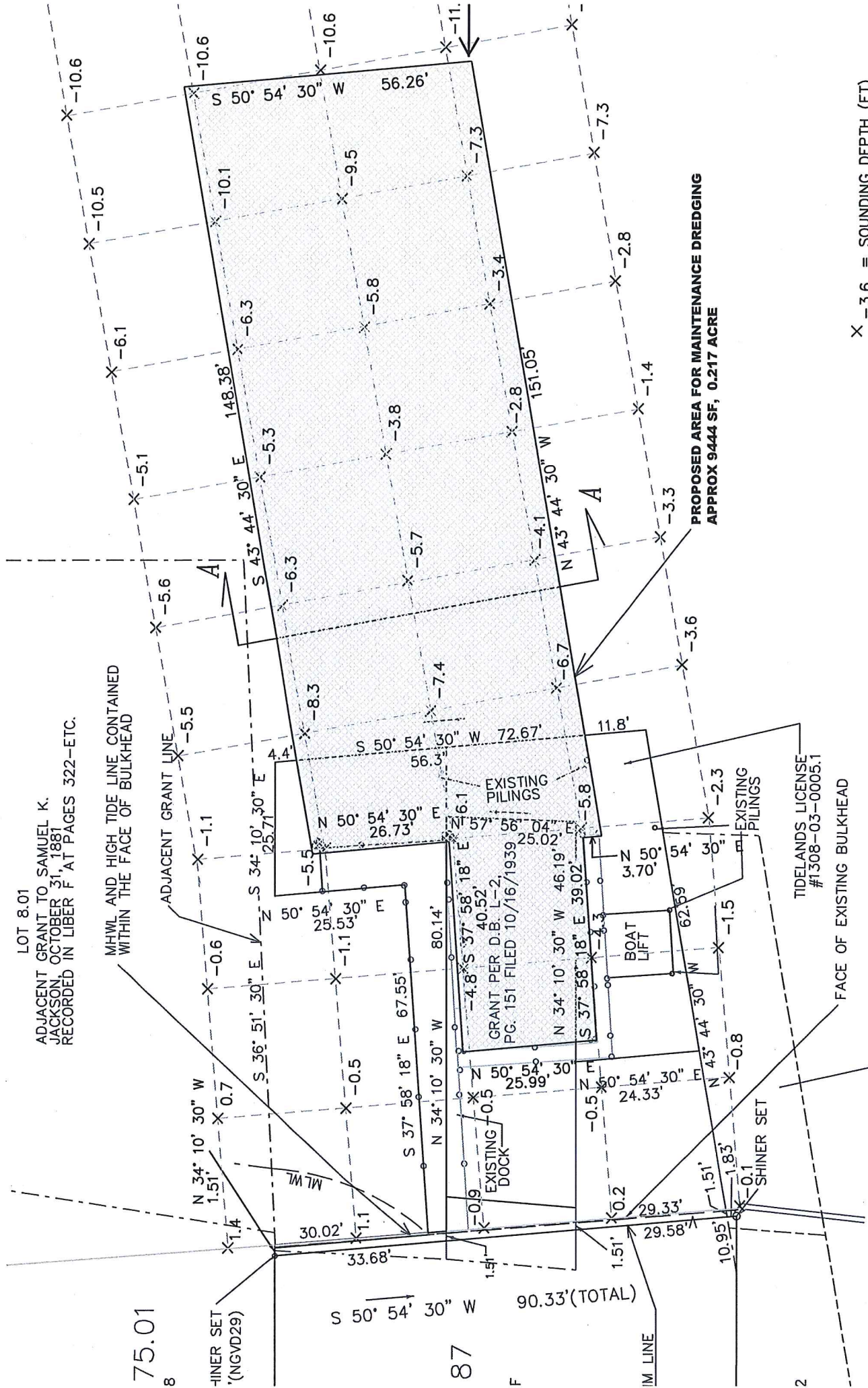
S 50° 54' 30" W 90.33'(TOTAL)

87

F

IM LINE

2



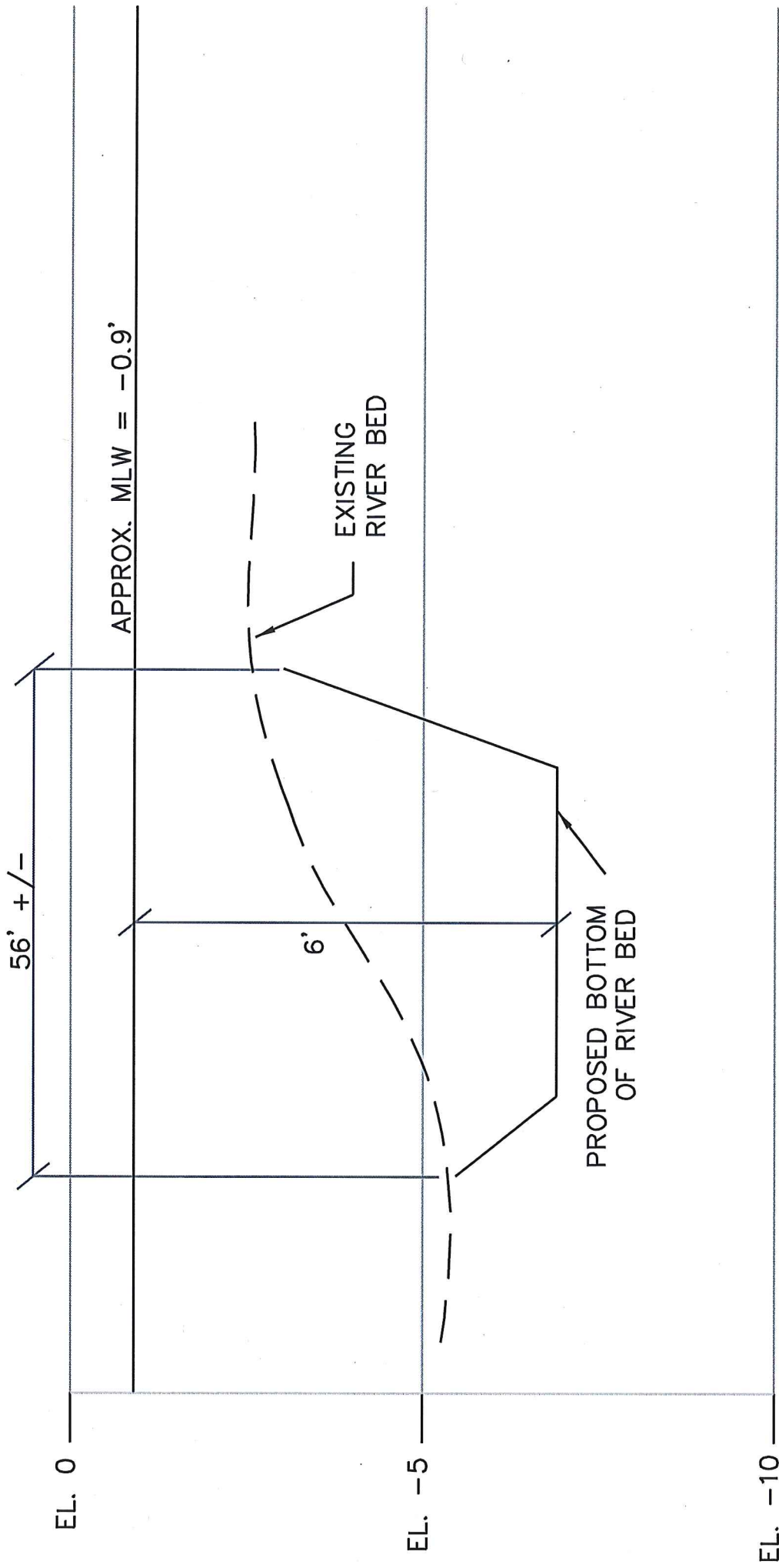
PROPOSED AREA FOR MAINTENANCE DREDGING
APPROX 9444 SF, 0.217 ACRE

TIDELANDS LICENSE
#1308-03-0005.1

FACE OF EXISTING BULKHEAD

ADJACENT GRANT TO EUGENE J. & EMILY HOLT
SEPTEMBER 1949 RECORDED IN LIBER E-3, PG 317-ETC.

X -3.6 = SOUNDING DEPTH (FT)



CROSS SECTION A-A
(NTS)