



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OPR

Public Notice

Public Notice No.	Date
CENAP-OPR-2012-00487-86	December 22, 2021

Application No.	File No.
CENAP-OPR-2012-00487-86	

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) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

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: Joanne Bergin
Brick Township
401 Chambers Bridge Road
Brick Township, New Jersey 08723

AGENT: Marianne G. Risley
ARH Associates, Inc.
215 Bellevue Avenue, P.O. Box 579
Hammonton, NJ 08027

WATERWAY: Barnegat Bay

LOCATION: The proposed activity is located within Barnegat Bay at 40 Mantoloking Road, Brick Township, Ocean County, New Jersey, Block 68, Lots 3.02 and 3.03 and Lot 3.04 (40.0419904, -74.059388).

ACTIVITY: Brick Township is proposing to maintenance dredge within the Trader's Cove Marina basin, as well as, applying to authorize the existing reconfigured structures that were not previously authorized by the U.S. Army Corps of Engineers (USACE) and is proposing to install additional jet ski ramps/docking systems along with a police boat lift. The project is separated into three proposals.

First, Brick Township is proposing maintenance mechanical dredging of approximately 3,202 cubic yards of sediment from Trader's Cove Marina -5' below Mean Low Water (MLW). Dredging material is to be dewatered in a temporary dewatering area located in the parking lot at the marina. Once dried, the material will be transported to the Township of Brick Public Works Facility located at 836 Ridge Road, Brick, New Jersey, Block 1422, Lot 20, where it will be beneficially used by the municipality in public works projects.

Second, the Township is applying to authorize four (4) interlocking dock structures with numerous finger piers and an 8' x 159' floating dock running parallel to the existing bulkhead within the main marina basin. The northern most interlocking floating dock measures at 8' x 410' with; two (2) 5' x 18', three (3) 5' x 24', two (2) 5' x 32', three (3) 5' x 40', one (1) 7' x 50', and two (2) 7' x 60' finger piers; and an additional 8' x 251' floating dock. The second interlocking dock to be authorized is a 6' x 147' and 9' x 38' "L" shaped floating dock with six (6) 5' x 32' and one (1) 5' x 28' finger piers. The third interlocking pier to be authorized is a 6' x 187' and 9' x 71' "T" shaped floating dock with six (6) 5' x 28' and six (6) 5' x 32' finger piers. The last interlocking pier to be authorized is a 6' x 287' and 12' x 109' "T" shaped floating dock with; five (5) 5' x 28', ten (10) 5' x 32', one (1) 5' x 42', one (1) 4' x 52', and one (1) 3' x 62' finger piers.

Third, the Township is proposing new structures to the western side of the property as well as within the main marina basin. In the main marina basin, the applicant is proposing a new 14' x 140' floating jet ski/ personal watercraft. On the western portion of the site, the applicant is proposing; one (1) 14' x 37', one (1) 14' x 62', and one (1) 14' x 254' floating jet ski/personal watercraft docks, and one (1) 15' x 20' boat lift plus a 4' x 15' dock.

PURPOSE: The applicant's stated purpose of the project is to provide public docking facilities at a new township park. The Redevelopment Plan includes a marina and park that includes the amenities necessary for marina operations, while also providing an all-season public waterfront park.

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. The USACE will forward this PN to the US Fish and Wildlife Service or National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat may be present in the area which would be affected by the proposed activity. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with NOAA Fisheries as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

The USACE Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

Compensatory mitigation is not required by this office because the proposed project does not result in a loss of function and values of the waterbody.

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 USACE 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.

Due to COVID-19, comments on the proposed work are encouraged to be submitted by email, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District at: PhiladelphiaDistrictRegulatory@usace.army.mil. If it is necessary to provide a paper copy, comments should be submitted, by traditional mail 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.

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.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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.

Due to COVID-19, any person may request, by email, to the District Engineer at the PhiladelphiaDistrictRegulatory@usace.armymil within the comment period specific 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. If it is necessary to provide a written request by traditional mail, such request should be submitted within the comment period specified in this notice to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Additional information concerning this permit application may be obtained by calling Genevieve T. Sarlo at (215) 656-8597, via email at Genevieve.T.Sarlo@usace.army.mil.

FOR Todd A. Schaible
 Chief, Regulatory Branch