



**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-2016-0160-24** Date

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) 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: Margaret L. Grotle

AGENT: George W. Henn, Inc.
435 Mantoloking Road
Brick, NJ 08723

WATERWAY: Metedeconk River

LOCATION: Decimal Latitude: 40.048008° North; Longitude: -74.091825° West
The project site is located along the southern shore of the Metedeconk River, at 35 Hulse Landing Road, Block 108.01, Lots 6.01 and 6.02, in Brick Township, Ocean County, NJ.

ACTIVITY: The applicant seeks “after-the-fact” authorization for replacement of a timber bulkhead and modification to a previously-authorized fixed timber pier and mooring piles. The applicant purchased the property in 2011, with all structures and fill as noted below already existing (with the exception the replaced pier decking as described below). It is noted that in 1981, this office issued a permit to the previous owner to “construct a pier.” The plan attached to that permit showed a 5x62’ (approximate) pier with a 10x21’ “L” section on the end. As noted on the plans included with this notice, the currently existing dock structure is a 5x62’ linear pier only, with the outer “L” portion no longer present. As such, the existing dock was previously authorized. However, the number and location of mooring piles are different from what was authorized by the 1981 permit. In addition, at some time after the issuance of the prior permit, the previous owner constructed 77 linear feet of new timber bulkhead 18 inches out from the old one, with fill material placed between the structures. This resulted in filling approximately 115.5 square feet of water area with approximately 10.7 cubic yards of fill.

The only new work conducted by the current owner was to replace storm-damaged wood decking on the pier, with ½-inch spacing as required by a State permit from NJDEP. The existing wood decking was re-used. Since pressure-treated wood was used for the structures in mapped shellfish habitat, the work was not eligible for our NWP-3.

The State of New Jersey, Department of Environmental Protection (NJDEP), issued a Waterfront Development Permit and Water Quality Certificate to legalize the bulkhead, dock and mooring piles on October 1, 2015 (NJDEP # 1506-09-0022.2).

The applicant has stated the following as their position with regard to (a) avoidance and minimization of impacts to aquatic resources, and (b) compensatory mitigation for such impacts:

- a) "Concerning impacts from the bulkhead (with fill) was avoided and minimized; in the past it was done with fill which was composed of recycled and ground concrete materials with sand. This material will allow the fill to aerate and not cause rot in the wood as ordinary dirt would cause."
- b) "We are requesting exemption from compensatory mitigation because Ms. Margaret L. Grotle is retired and therefore cannot afford mitigation costs as it would be a hardship."

PURPOSE: The applicant's stated purpose is to: "legalize 77 feet of timber bulkhead and 2 piles" and that the mooring piles "are used for mooring a boat."

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 (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 by the Corps of Engineers 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 work to be authorized would not or has not had a substantial adverse effect on the EFH of any managed species, such as winter flounder (Pseudopleuronectes americanus).

Analysis of the Effects: Effects of the previously completed bulkhead replacement (on the face of the old bulkhead) and past removal and replacement of pilings (including removal of the previously constructed pier segment) would have occurred primarily as a result of the physical disturbance by the removal and replacement of pilings and installation of the new bulkhead (with fill). Significant cumulative impacts are not anticipated, since the effects would have been mostly temporary except for the actual physical displacement of waterway bottom from the new bulkhead and pilings. The effects would not have been more than minimal, with adults and juveniles able to move away from construction disturbance. No dredging is proposed, and direct impacts to eggs and larvae from piling installation would have been minimal. The project site is located within or directly adjacent to an area that has been designated as shellfish habitat ("soft clam beds") on a 1984 map prepared by the NJDEP. It is adjacent to an area classified as "occurrence" for hard clam density in 1984. Prey species (shellfish) may have been impacted by contaminants from previously-placed structures with CCA-treated wood. These structures have been in place for more than 5 years, and the replacement of decking by the applicant in 1985 made use of the old material.

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. The only EFH conservation measure proposed by the Corps at this time would be to require the use of all non-polluting materials for any future repair, rehabilitation or replacement of the structures to be authorized, since the project site is located within waters that have been mapped as shellfish habitat. This determination could change following consultation with the NMFS.

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.

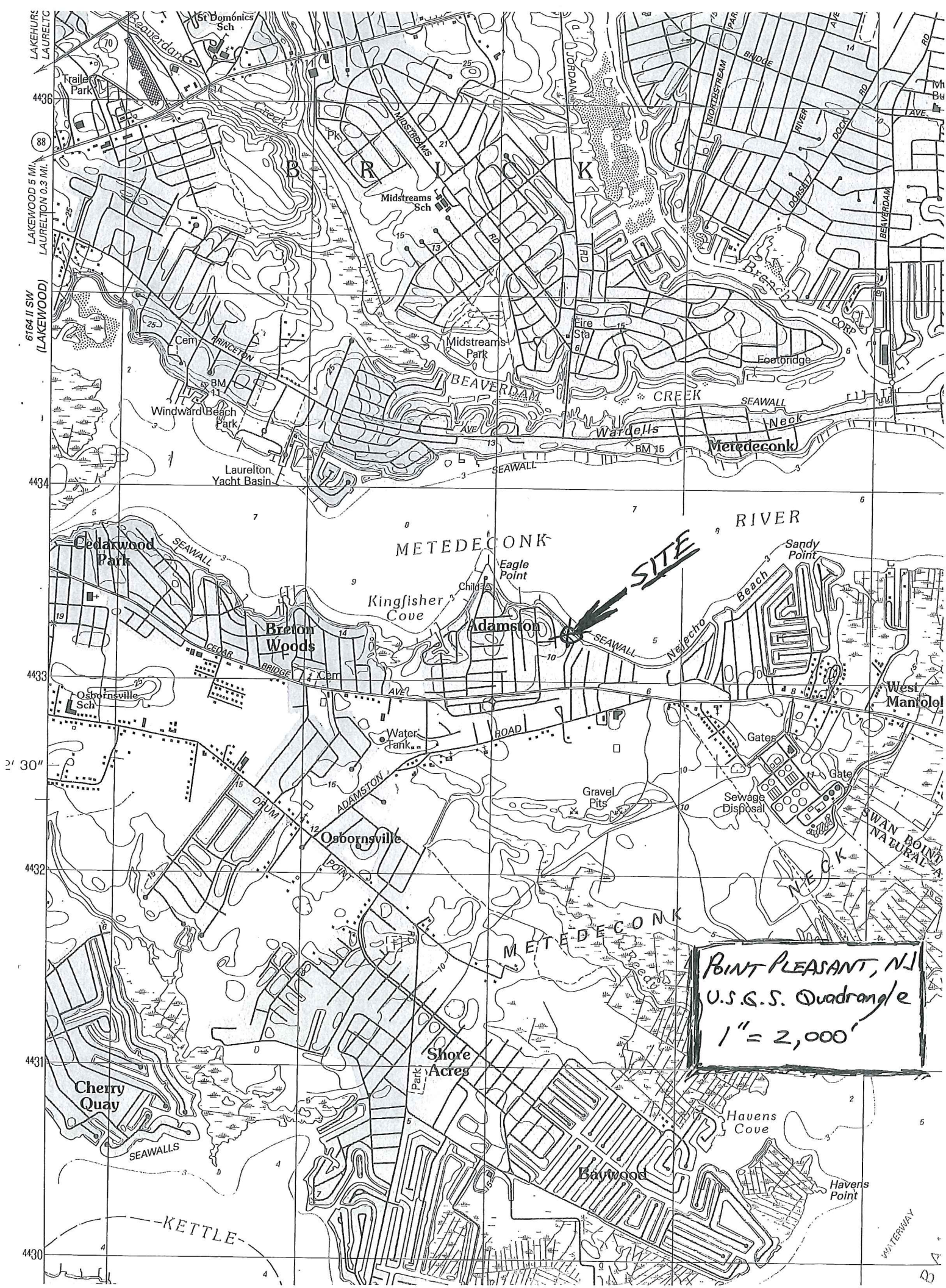
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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.

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.

Samuel L. Reynolds
Acting Chief, Regulatory Branch



POINT PLEASANT, NJ
U.S.G.S. Quadrangle
1" = 2,000'

Line Table		
Line #	Length	Direction
L1	4.042	S15° 19' 50.00"W
L3	1.505	N42° 24' 25.41"E

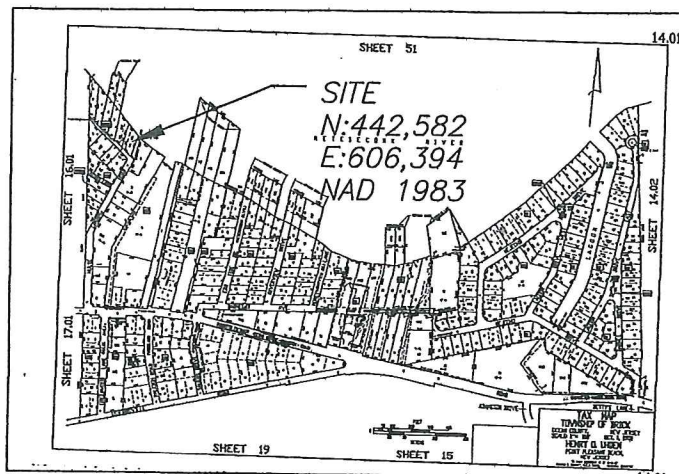
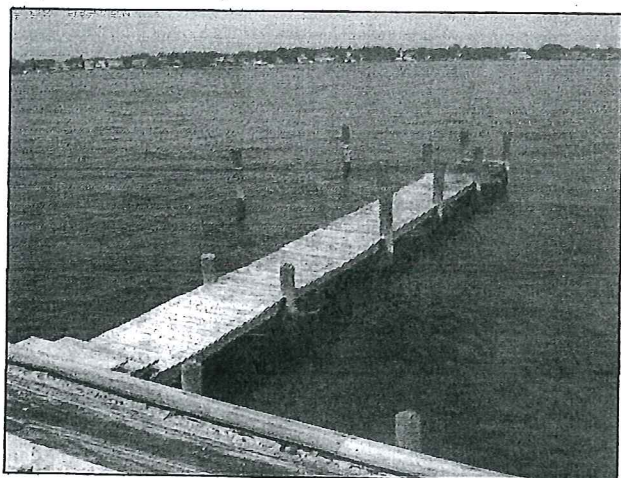
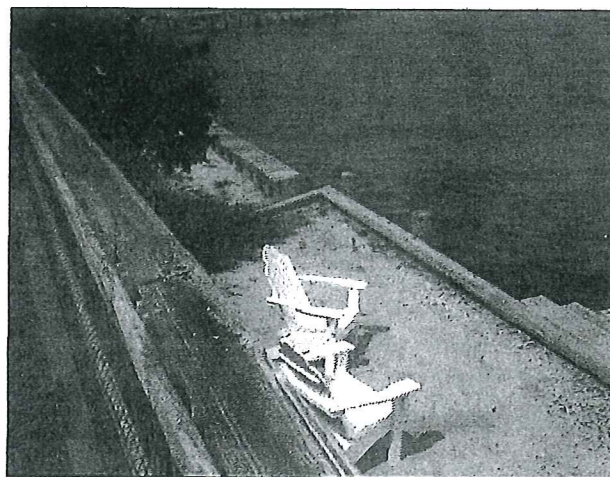
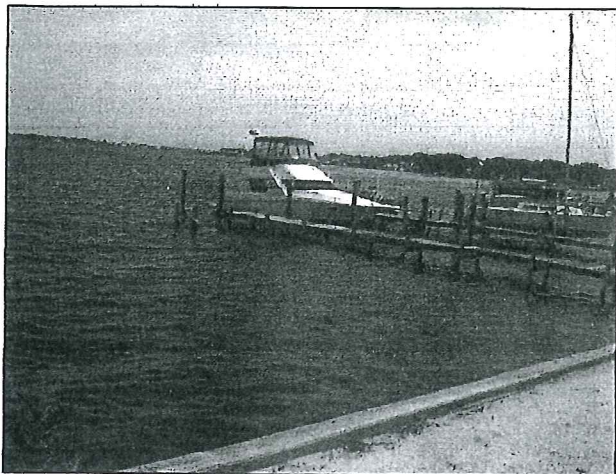
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SHEET 1 OF 4

435 MANTOLOKING RD., BRICKTOWN, NJ 08723
PHONE: 732-477-6500 FAX: 732-920-8459

I CERTIFY THIS SURVEY AND FIND CONDITIONS AS SHOWN. THIS CERTIFICATION IS MADE ONLY TO HEREON NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF ABOVE PREMISES BY HEREON NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING BUT NOT LIMITED TO SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON. THIS SURVEY IS SUBJECT TO ADDITIONAL FACTS THAT MAY BE DISCLOSED BY AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION.

WALTER SCHARFENBERG, P.L.S. 14159, P.P.385
PROFESSIONAL LAND SURVEYOR AND PROFESSIONAL PLANNER
CERTIFICATE OF AUTHORIZATION # 24GA28197300



AREA MAP

APPLICANT:
MARGARET L. GROTE
35 HULSE LANDING ROAD BRICK, N.J. 08732

CAUTION I ALL COPIES VOID WITHOUT RAISED SEAL ON SIGNATURE.

WATERFRONT DEVELOPMENT APPLICATION

TAX LOT 6.01&6.02, TAX BLOCK 108.01
BRICK TOWNSHIP
OCEAN COUNTY, NEW JERSEY

DESCRIPTION:

THIS MAP IS FOR A WATERFRONT DEVELOPMENT APPLICATION.

SHEET 4 OF 4

GEORGE W. HENN, INC.
RIPARIAN CONSULTANTS
ENGINEERS • SURVEYORS • PLANNERS
435 MANTOLOKING RD., BRICKTOWN, NJ 08723
PHONE: 732-477-6500 FAX: 732-920-8458
Est. 1945

I CERTIFY THIS SURVEY AND FIND CONDITIONS AS SHOWN. THIS CERTIFICATION IS MADE ONLY TO HEREON NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF ABOVE PREMISES BY HEREON NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING BUT NOT LIMITED TO SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON. THIS SURVEY IS SUBJECT TO ADDITIONAL FACTS THAT MAY BE DISCLOSED BY AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION.

Walter Scharfenberg
WALTER SCHARFENBERG, P.L.S. 14150, P.P.365
PROFESSIONAL LAND SURVEYOR AND PROFESSIONAL PLANNER
CERTIFICATE OF AUTHORIZATION # 24GA28157500

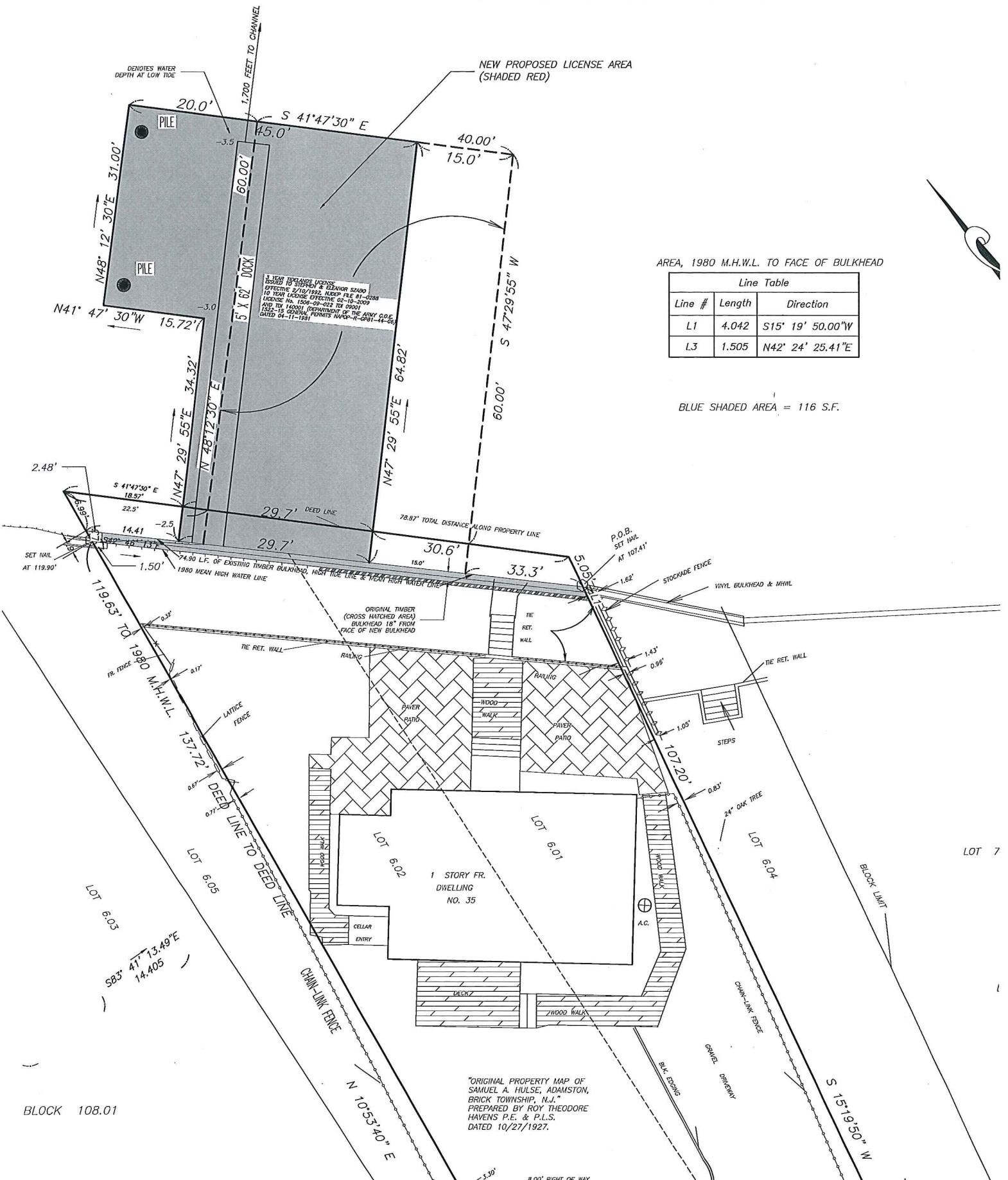
FILE:12-103

DATE:10-03-2014

SCALE:1" = 20'

DRWN:SJH

METEDECONK RIVER



DENOTES WATER
DEPTH AT LOW TIDE

NEW PROPOSED
(SHADED RED)

