



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2012-01062-EHA
Issue Date: November 21, 2012
Expiration Date: December 21, 2012

To Whom It May Concern:

The New York District, Corps of Engineers 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).

APPLICANT: New Jersey Department of Environmental Protection
Bureau of Coastal Engineering
1510 Hooper Avenue
Toms River, New Jersey 08753

ACTIVITY: Dredging with ten years maintenance and return flow to the waterway

WATERWAY: Waackaack Creek and Thorns Creek, tributary to Raritan Bay

LOCATION: Borough of Keansburgh, Borough of Union Beach, Township of Hazlet, Monmouth County, New Jersey.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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 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.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the

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permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act 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 and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8523 and ask for Naomi Handell.

In order for us to better serve you, please complete our Customer Service Survey located at: <http://per2.nwp.usace.army.mil/survey.html>.

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For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



JM Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, New Jersey Department of Environmental Protection, Bureau of Coastal Engineering, has requested Department of the Army authorization for dredging with ten years maintenance and return flow to the waterway in Waackaack and Thorns Creek, tributary to Raritan Bay, Borough of Keansburg, Borough of Union Beach, Township of Hazlet, Monmouth County, New Jersey.

The work would involve: .

Dredge via hydraulic pipeline dredge approximately 13,098 cubic yards of sediment, comprised of 4.2% sand, 64.2% fines and 4.2% gravel, from an approximately 1,350 foot long by 50 foot wide section of Waackaack Creek to 5-6 feet below mean low water (Sheet 2 of 4).

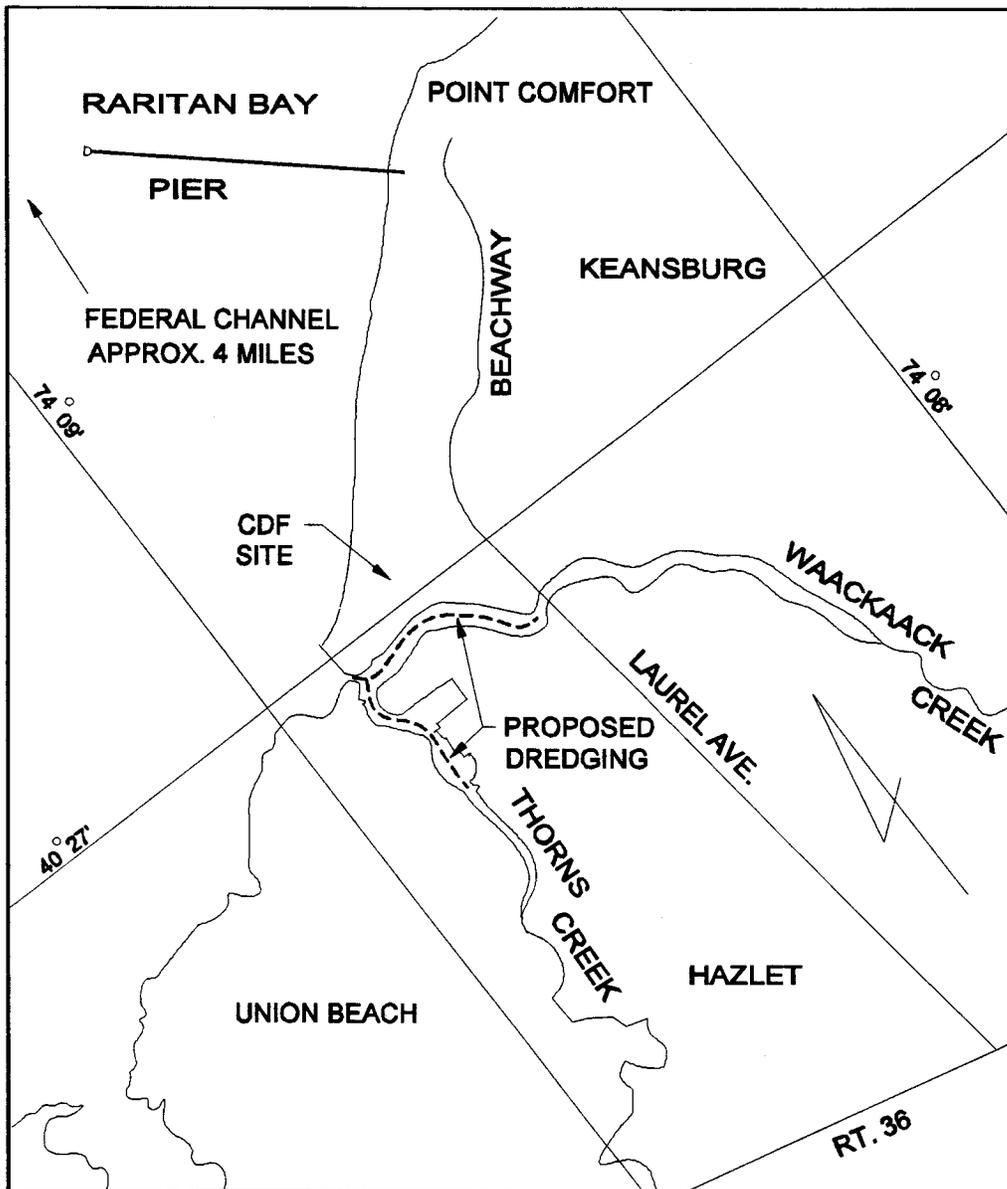
Dredge via hydraulic pipeline dredge approximately 2,717 cubic yards of sediment, comprised of 22.4% sand, 75.8% fines and 1.8% gravel from an approximately 1,100 foot long by 25-40 foot wide section of Thorns Creek to 5-6 feet below mean low water (Sheet 2 of 4).

The dredged material will be placed via pipeline at the adjacent Confined Disposal Facility located on Keansburg Beach, with return flow to Raritan Bay (Sheet 2 and 3 of 4).

If a Department of the Army permit is issued, the applicant proposes one additional dredging event, with removal of up to 30,000 cubic yards of dredged material from Waackaack Creek and Thorns Creek combined, and placement at the same site.

The applicant has stated that they have avoided, minimized, and mitigated for impacts proposed to the maximum extent practicable by: including a no work window to avoid adverse impacts to aquatic resources, minimizing turbidity caused by return water to the waterway and designing the project to the minimum extent practicable.

The stated purpose of this project is to maintain safe navigational depths for users of these waterways.



LOCATION PLAN

SCALE : 1:15,000

STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF ENGINEERING & CONSTRUCTION
 BUREAU OF COASTAL ENGINEERING
 PROJECT NO. 2162

PROPOSED MAINTENANCE DREDGING
 WAACKAACK AND THORNS CREEKS
 BOROUGH OF KEANSBURG
 COUNTY OF MONMOUTH

DWN. BY : BMC

APPROVED BY

SCALE : AS SHOWN

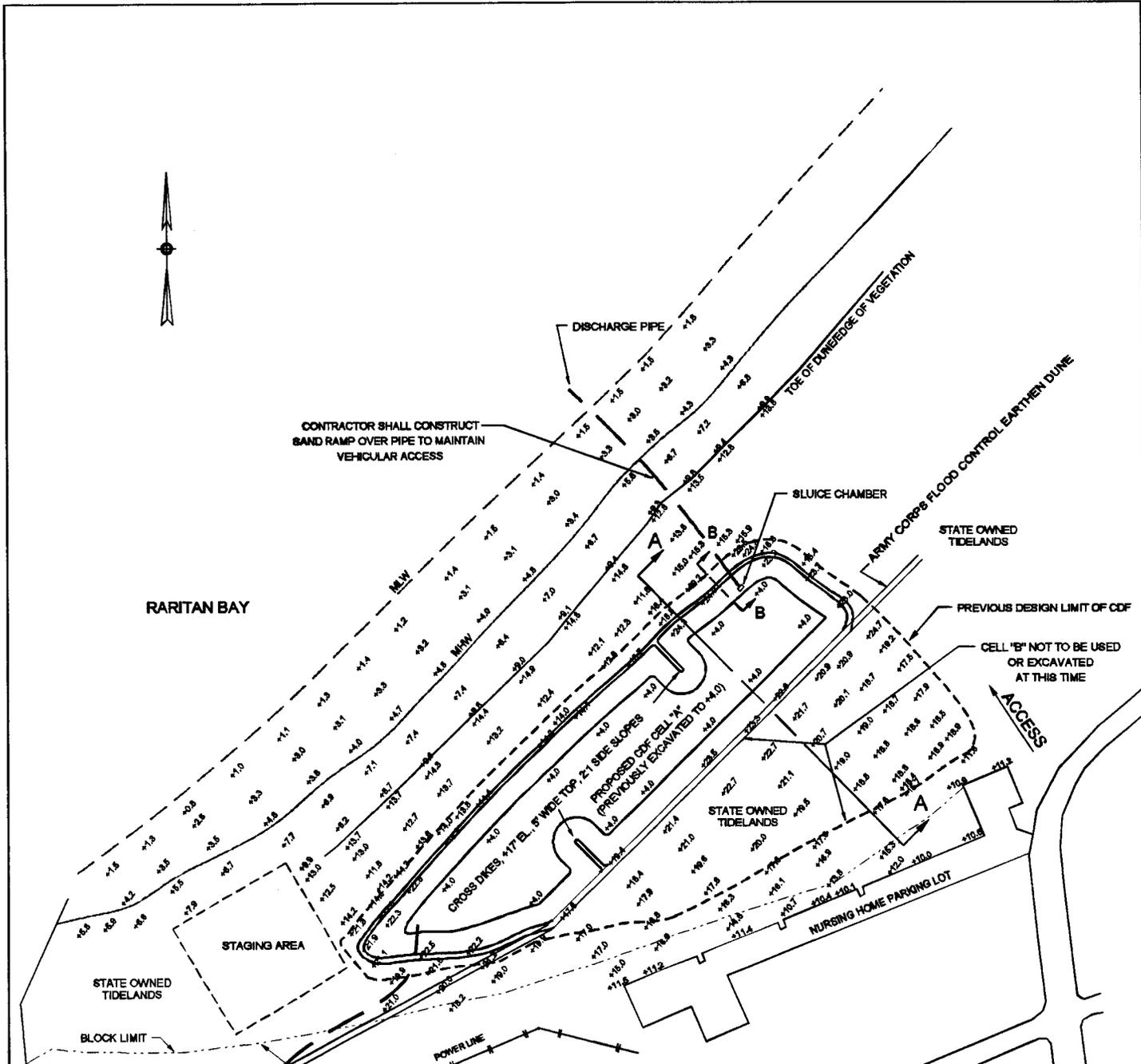
DATE : SEPT. 28, 2012

SHEET 1 OF 4

Benjamin Kaiser

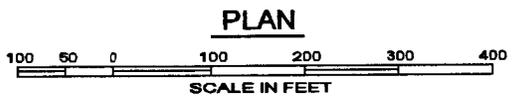
REVISED OCT. 11, 2012
 ADDED MLW, NOTES, LABELS

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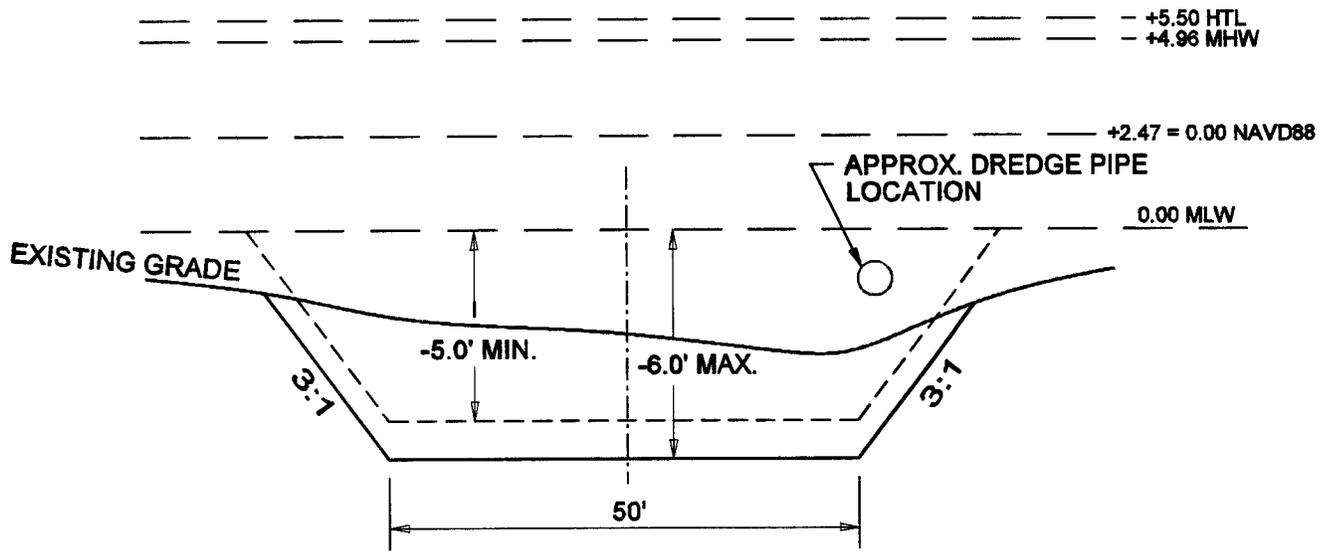
MATCH LINE, SEE SHEET 2

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF ENGINEERING & CONSTRUCTION BUREAU OF COASTAL ENGINEERING PROJECT NO. 2162	
PROPOSED MAINTENANCE DREDGING WAACKAACK AND THORNS CREEKS BOROUGH OF KEANSBURG COUNTY OF MONMOUTH	
DWN. BY : BMC	APPROVED BY <i>Benjamin K...</i>
SCALE : AS SHOWN	
DATE : SEPT. 28, 2012	
SHEET 3 OF 4	



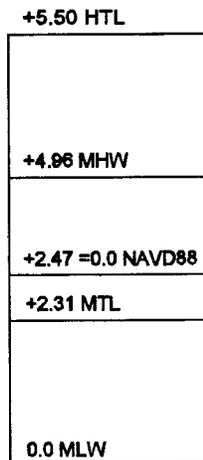
NOTE: ALL SOUNDINGS AND ELEVATIONS ARE IN FEET AND TENTHS OF FEET AND REFER TO MEAN LOW WATER (MLW).

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DREDGE SECTION B-B

SCALES: VERT. 1"=5', HORIZ. 1"=20'



RANGE OF TIDE

NTS

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PROPOSED MAINTENANCE DREDGING WAACKAACK AND THORNS CREEKS BOROUGH OF KEANSBURG COUNTY OF MONMOUTH	
DWN. BY : BMC SCALE : AS SHOWN DATE : SEPT. 28, 2012 SHEET 4 OF 4	APPROVED BY 