



PUBLIC NOTICE

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

In replying refer to:

Public Notice Number: 1996-06250-1-J1
Issue Date: 20 SEP 2004
Expiration Date: 19 OCT 2004

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 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Borough of Union Beach
650 Poole Ave
Keyport, NJ 07735-3039

ACTIVITY: Dredge with Upland Disposal

WATERWAY: Flat Creek, Raritan Bay

LOCATION: Town of Union Beach, 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 benefits 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, historical properties, fish and wildlife values, 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, consideration 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 permit decision process and bears the same weight

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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 of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is 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.

Review 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 occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

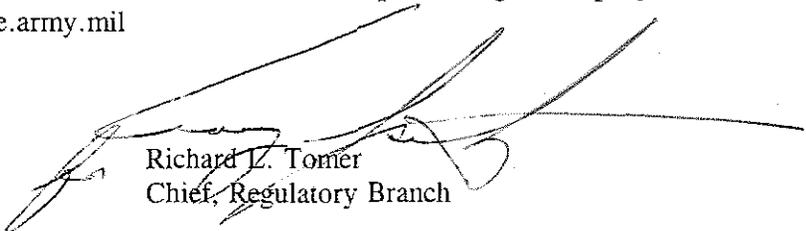
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

New Jersey Department of Environmental Protection Permit

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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 (212) 264-3912 and ask for Sophie Ettinger.

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

A handwritten signature in black ink, appearing to read 'Richard L. Tomer', is written over the typed name and title.

Richard L. Tomer
Chief, Regulatory Branch

Enclosures

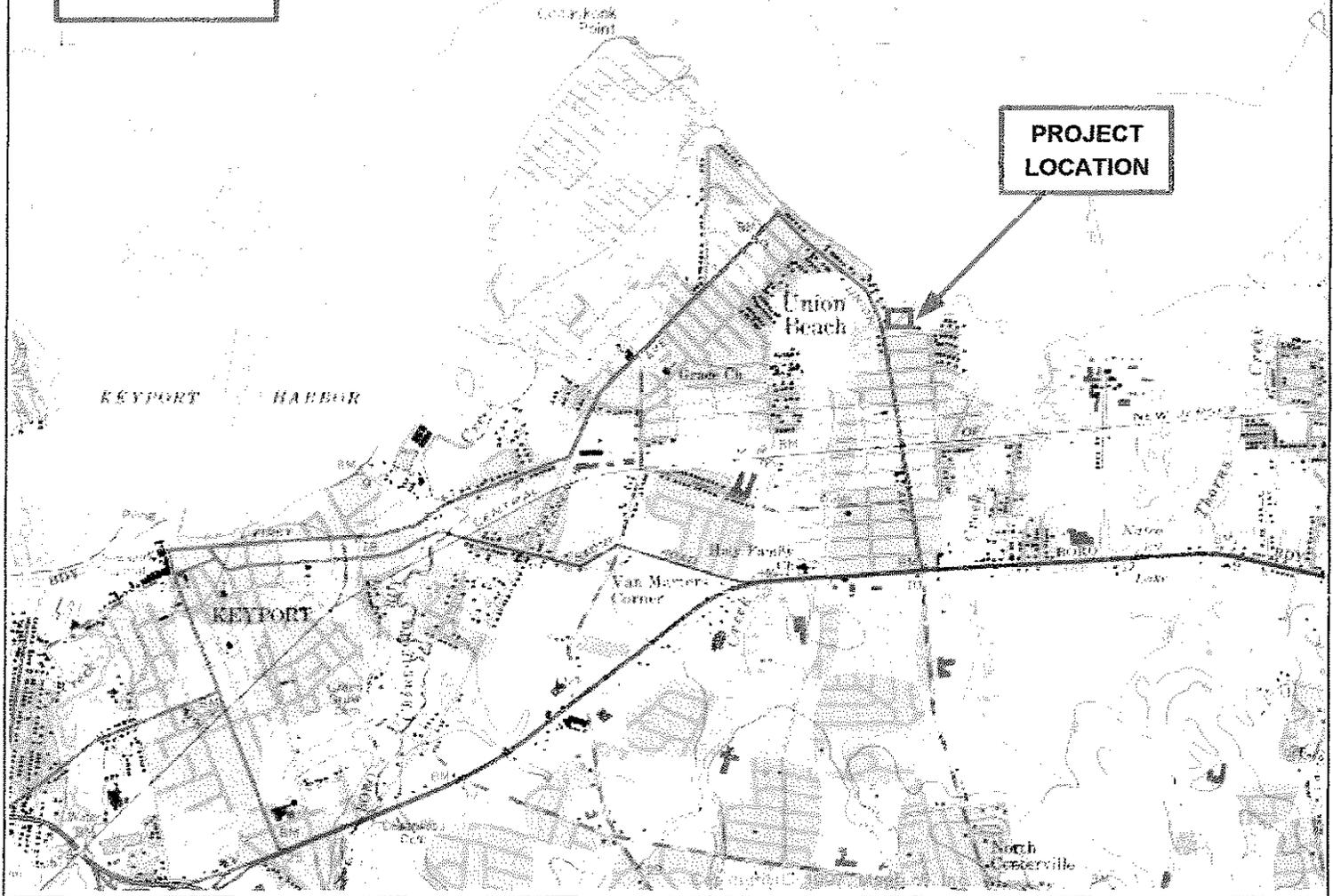
WORK DESCRIPTION

The applicant, Borough of Union Beach, has requested Department of the Army authorization to dredge material from Flat Creek, Raritan Bay at Borough of Union Beach, Monmouth County, New Jersey with subsequent upland disposal.

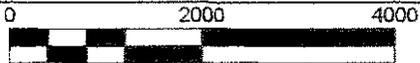
The work would involve dredging of approximately 5,000 cubic yards of material from approximately 1,000 linear feet of Flat Creek upstream from its confluence with Raritan Bay to a maximum depth of three feet below mean low water. The dredged material would be dewatered on site using siltation control measures at the perimeter of the dewatering area with return flow allowed to re-enter the creek. The dredged material would be transported in watertight trucks and stored by the Borough for use as backfill material.

The stated purpose of this project is to restore flow carrying capacity to the creek and restore the boat launch located at the terminus of Front Street.

STATE PLANE
 COORDINATES
 588,368N
 2,139,390E



ELEVEN TINDALL ROAD
 MIDDLETOWN, NEW JERSEY 07748
 PHONE: (732) 671-6400 FAX (732) 671-7365



SCALE IN FEET

SITE LOCATION

**FLAT CREEK DREDGING PROJECT
 TOWNSHIP OF UNION BEACH
 MONMOUTH COUNTY, NEW JERSEY**

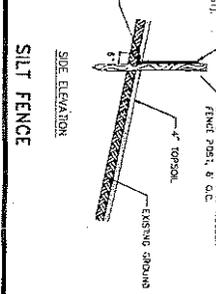
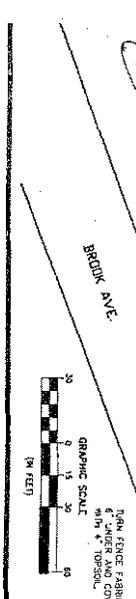
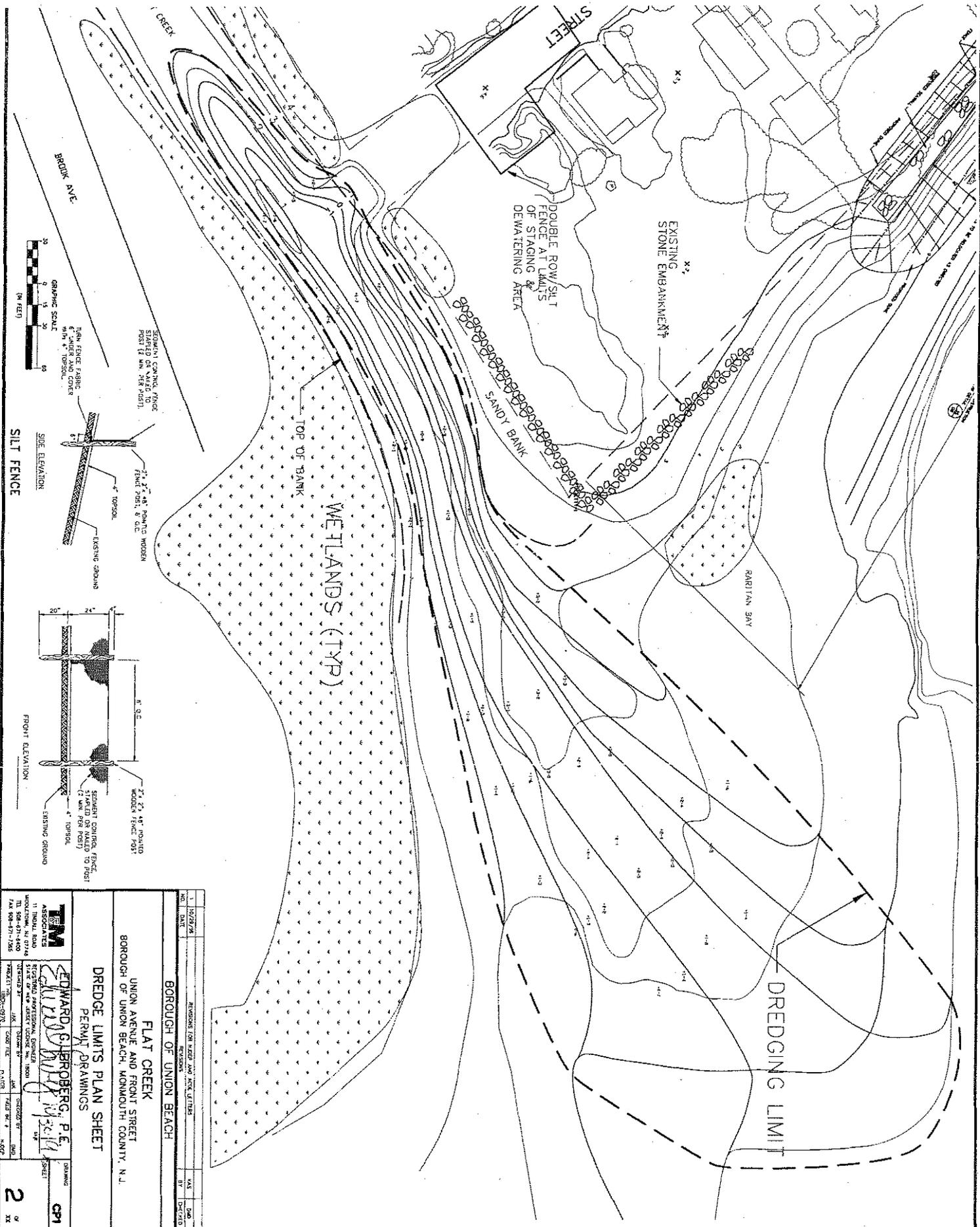
SOURCE: USGS -KEYPORT, NEW JERSEY QUADRANGLE (1981)



March 2004

UBCH - 01800

TABLE 1



NO.	DATE	REVISIONS FOR NOTES AND JUNE UTILITIES	BY	DATE
1	10/27/78			

BOROUGH OF UNION BEACH

FLAT CREEK
 UNION AVENUE AND FRONT STREET
 BOROUGH OF UNION BEACH, MONMOUTH COUNTY, N.J.

DREDGE LIMITS PLAN SHEET
 PERMIT DRAWINGS

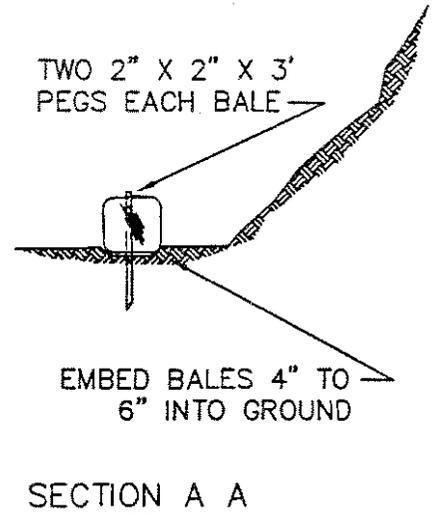
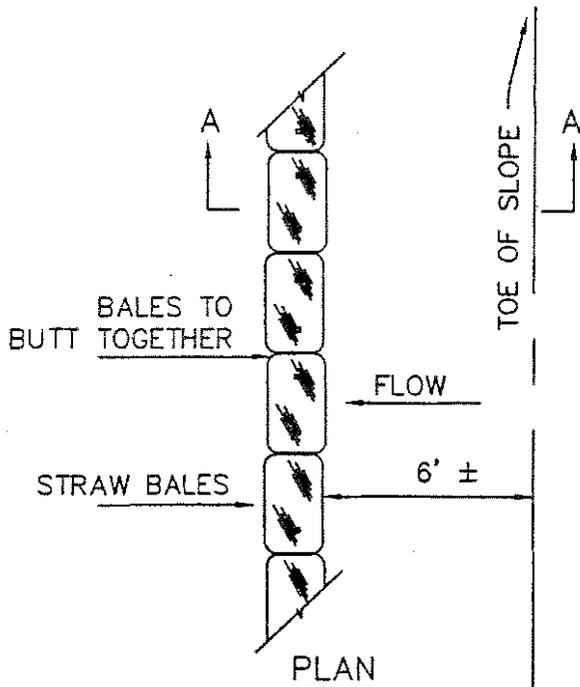
EDWARD S. HERBERG, P.E.
 REGISTERED PROFESSIONAL ENGINEER
 11 HINDAL ROAD
 UNION BEACH, N.J. 08003
 TEL 808-471-4400
 FAX 808-471-7385

TM ASSOCIATES

DRIVING SHEET

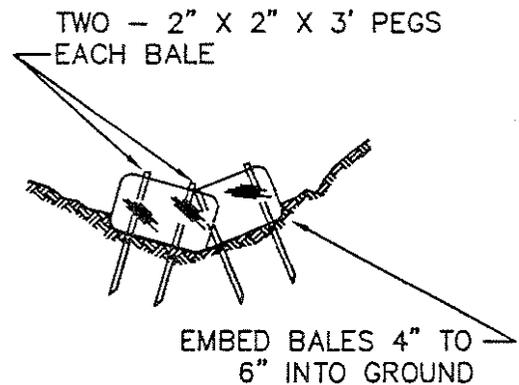
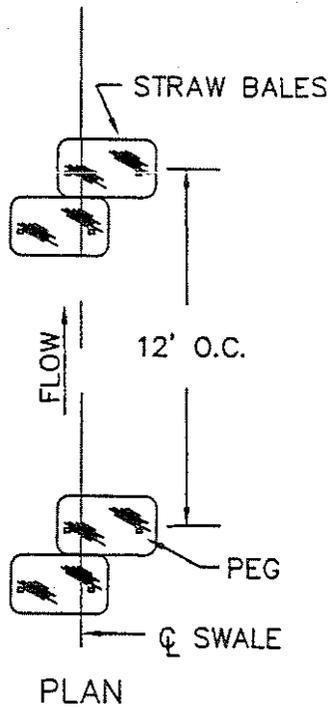
2 OF 3

2/5



SLOPE APPLICATION

PLAN SYMBOL



SWALE AND DITCH APPLICATION

PLAN SYMBOL



CONSULTING AND MUNICIPAL ENGINEERS

- MIDDLETOWN
- FREEHOLD
- PRINCETON
- TOMS RIVER

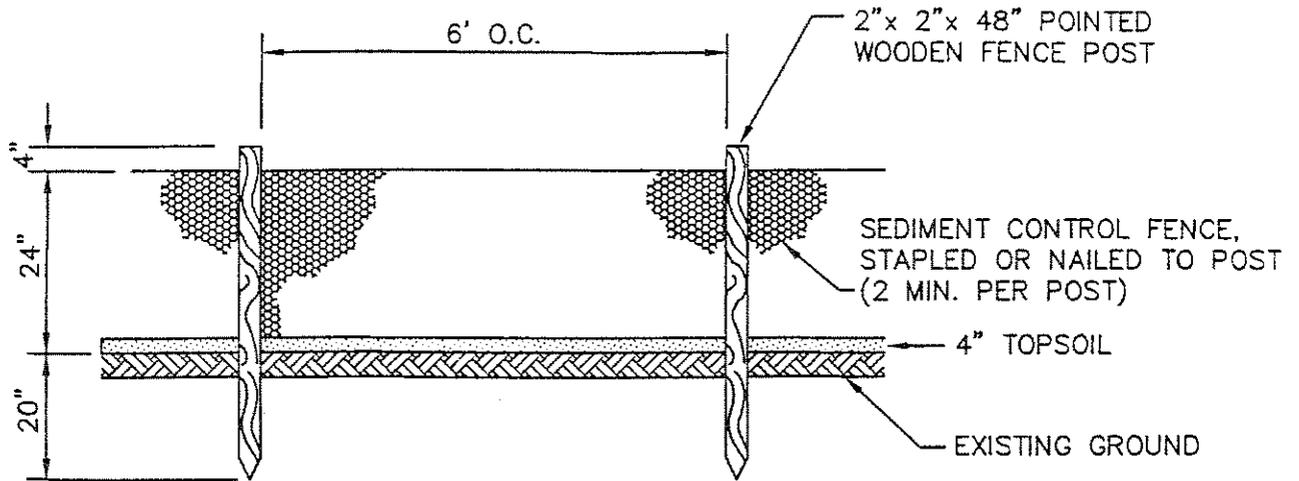
STANDARD DETAIL

BALED STRAW
EROSION CHECK

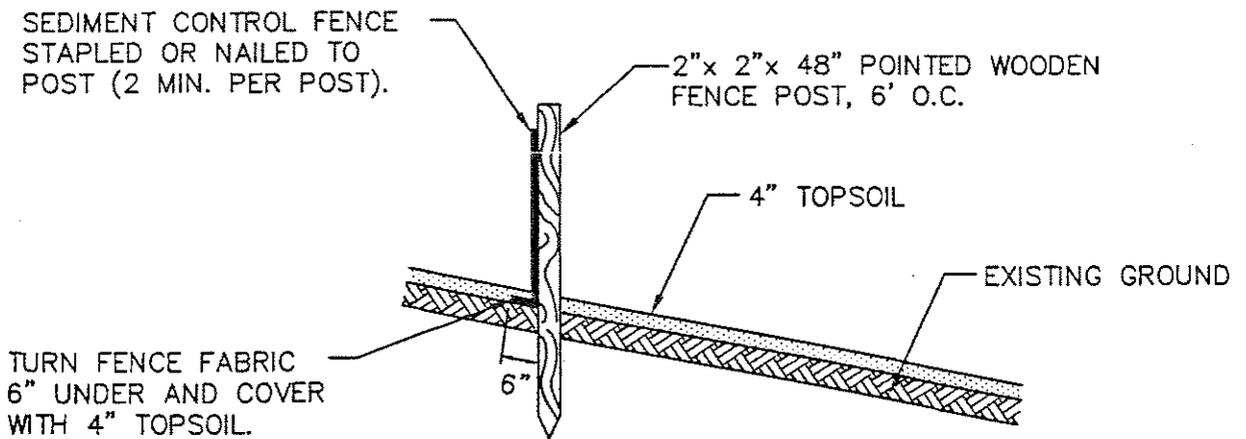
SCALE: NONE

PLATE NO. 111D12

3/5



FRONT ELEVATION



SIDE ELEVATION

PLAN SYMBOL



CONSULTING AND MUNICIPAL ENGINEERS

- MIDDLETOWN
- FREEHOLD
- PRINCETON
- TOMS RIVER

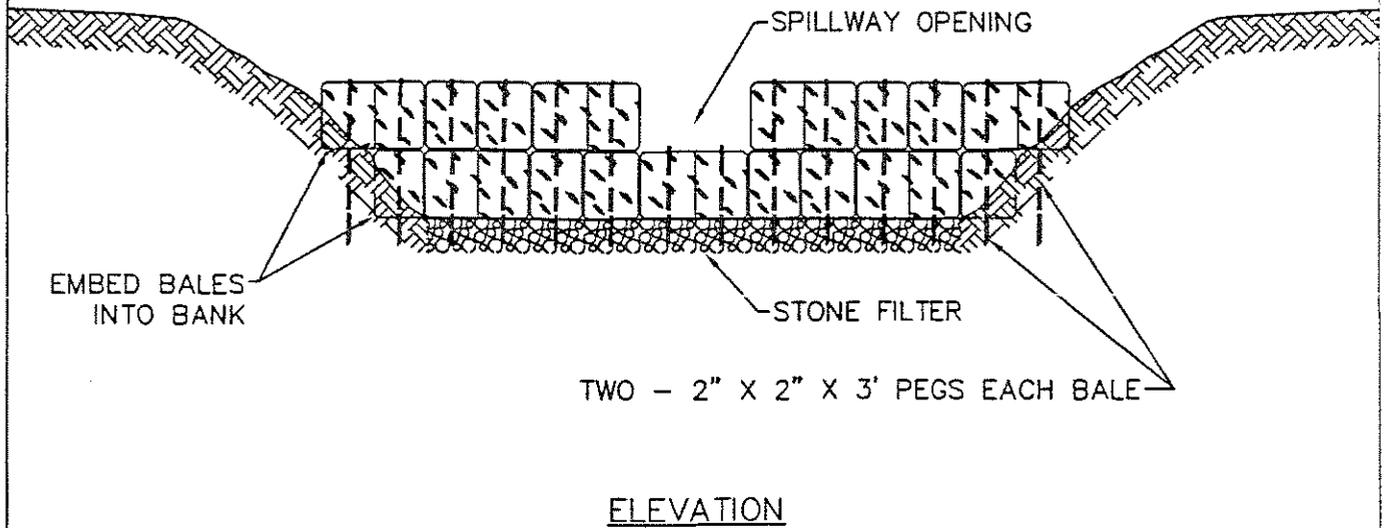
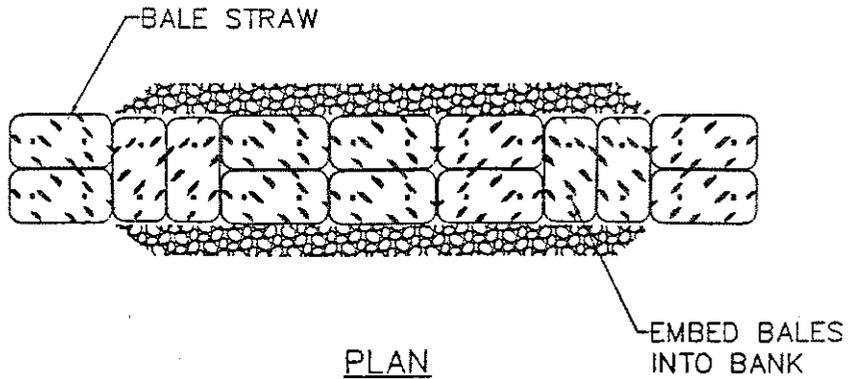
STANDARD DETAIL

SILT FENCE

SCALE: NONE

PLATE NO. 111C1

4/5



NOTE:
 DAM SHOULD EXTEND FAR ENOUGH UP
 DITCH SIDE SLOPES TO EFFECTIVELY
 POND RUNOFF AND PREVENT EROSION
 AND WASHOUT.

PLAN SYMBOL 

T&M
 ASSOCIATES
 CONSULTING AND MUNICIPAL ENGINEERS

- MIDDLETOWN
- FREEHOLD
- PRINCETON
- TOMS RIVER

STANDARD DETAIL

**STACKED STRAW BALE
 SEDIMENT FILTER**

SCALE: NONE | PLATE NO. 111D3

S.F.S.