



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

PUBLIC NOTICE

In replying refer to:

Public Notice Number: 2004-00664-J1
Issue Date: July 8, 2004
Expiration Date: August 6, 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).

APPLICANT: New Jersey Department of Environmental Protection
Division of Engineering & Construction
1510 Hooper Ave
Toms River, NJ 08753-2228

ACTIVITY: Maintenance Dredge with Upland Disposal

WATERWAY: Comptons Creek, Raritan Bay

LOCATION: Belford, Middletown Township, 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

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submitted by mail is considered just as carefully in the 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 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 proposed work could have a minor adverse impact on Essential Fish Habitat (EFH) and EFH-managed species as a result of a temporary increase in turbidity during dredging activities. 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.

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

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>


For Richard L. Tomer
Chief, Regulatory Branch

Enclosure

**CENAN-OP-RE
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WORK DESCRIPTION

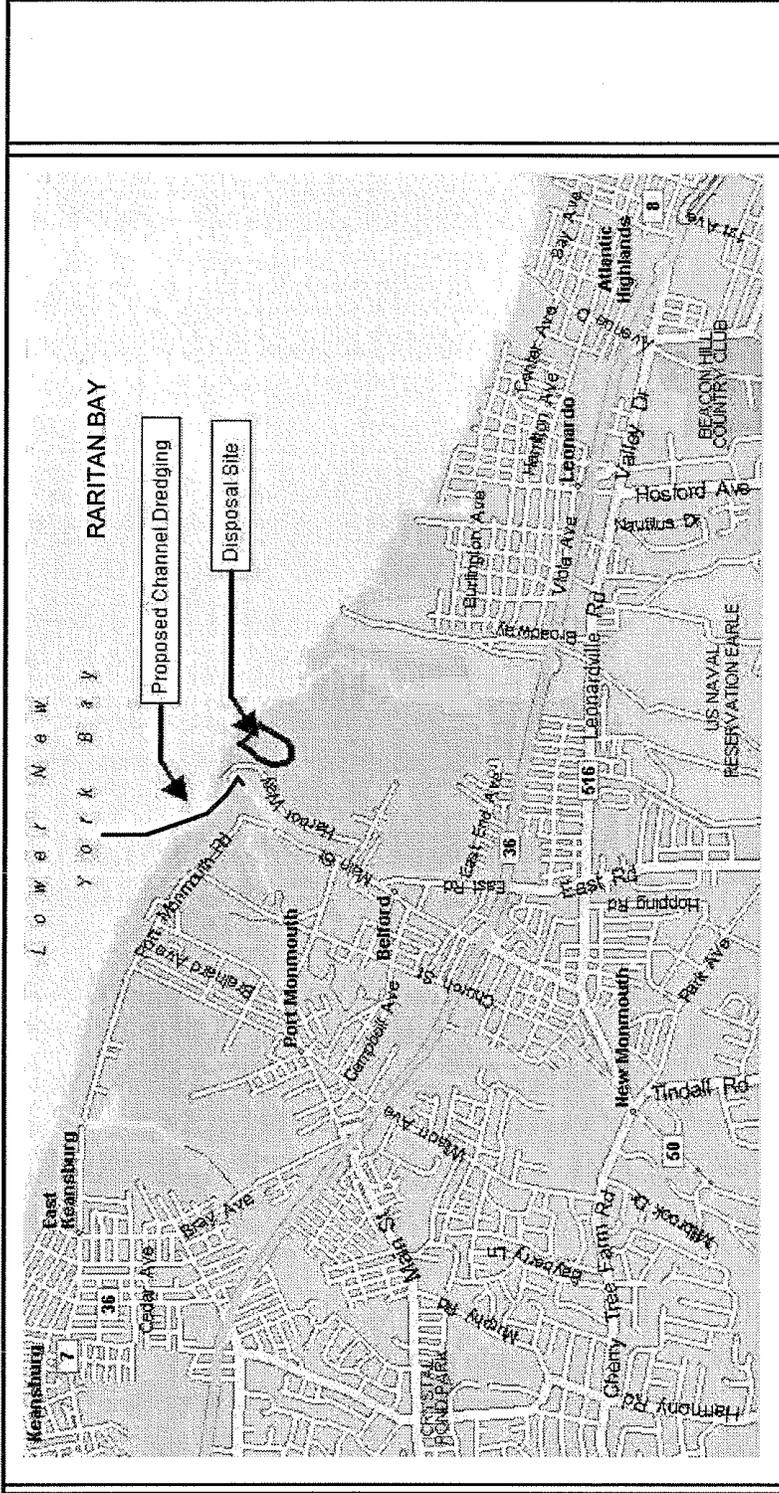
The applicant, New Jersey Department of Environmental Protection, has requested Department of the Army authorization to dredge with ten years maintenance and upland disposal, in Comptons Creek, Raritan Bay at Belford, Middletown Township, Monmouth County, New Jersey.

The work would involve hydraulic dredging of approximately 2,534 linear feet of Federal Navigation Channel within Raritan Bay and Comptons Creek, to the pre-authorized channel depth of 13.0 feet below mean low water, removing approximately 42,727 cubic yards of material. The channel width would taper from 150 feet out in the Raritan Bay and into the mouth of the channel, down to 75 feet for the remainder of the channel up to the Belford ferry terminal.

Two additional dredging events are anticipated over the next ten years, removing approximately 6,000 cubic yards of material per event.

All dredged material would be pumped into a previously used Army Corps of Engineers upland disposal facility known as N61 located within the Belford Landfill. The disposal site is approximately 13 acres in size; currently has vegetative cover with the dominant species being phragmites and is fully diked. New dikes would be constructed to an elevation of 20 feet to meet the specifications of the project. Decanting of excess water would occur through an adjustable weir box into Raritan Bay after a 24 hour settling period.

The stated purpose of this project is to reestablish and maintain previously authorized dimensions of the Federal Navigation Channel in order to provide adequate water depths for safe navigation.



LOCATION PLAN

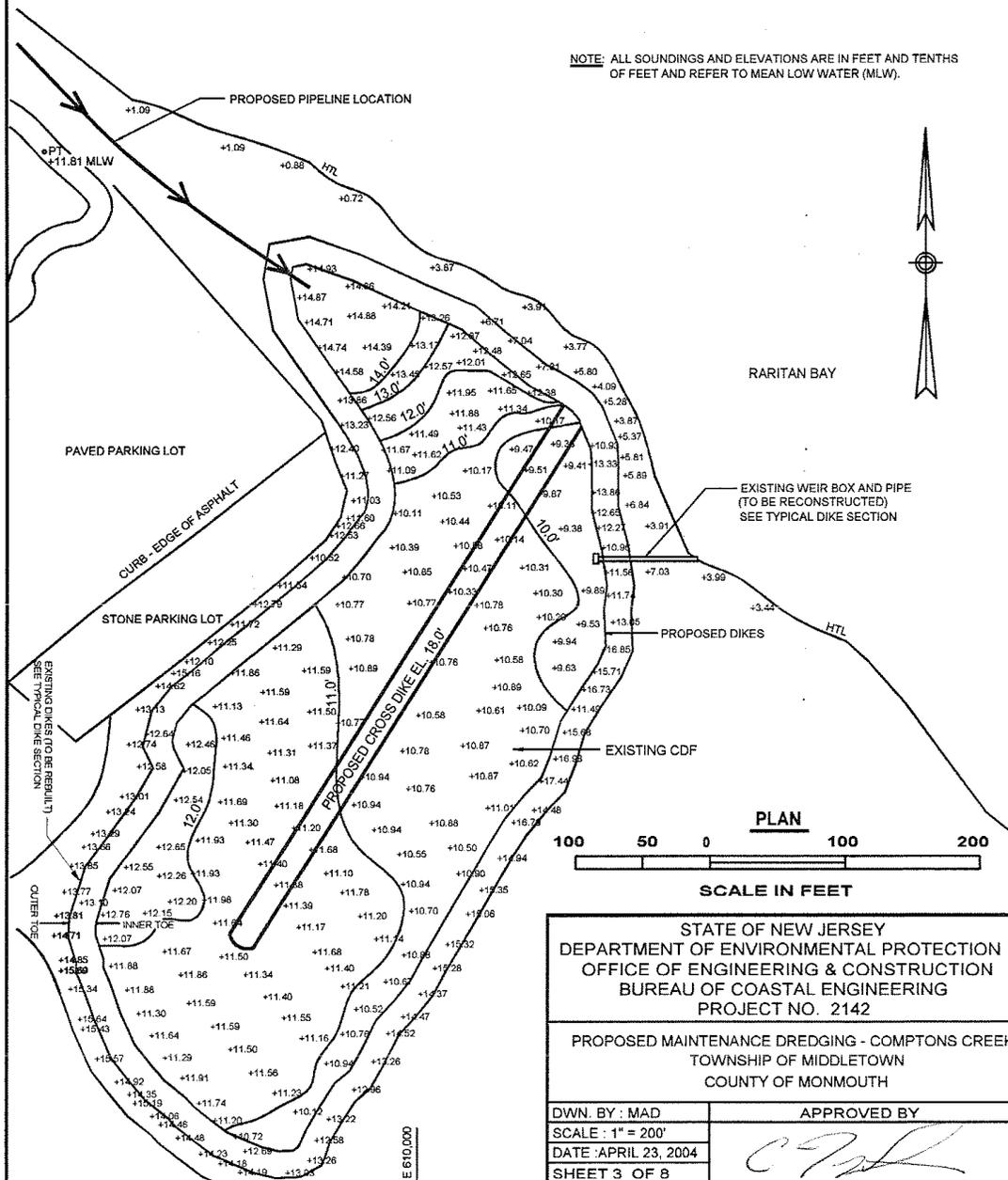
NTS

STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF ENGINEERING & CONSTRUCTION
 BUREAU OF COASTAL ENGINEERING
 PROJECT NO. 2142

PROPOSED MAINTENANCE DREDGING - COMPTONS CREEK
 TOWNSHIP OF MIDDLETOWN
 COUNTY OF MONMOUTH

DWN BY: MAD	APPROVED BY:
SCALE: N.T.S.	
DATE: APRIL 23, 2004	
SHEET 1 OF 8	

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

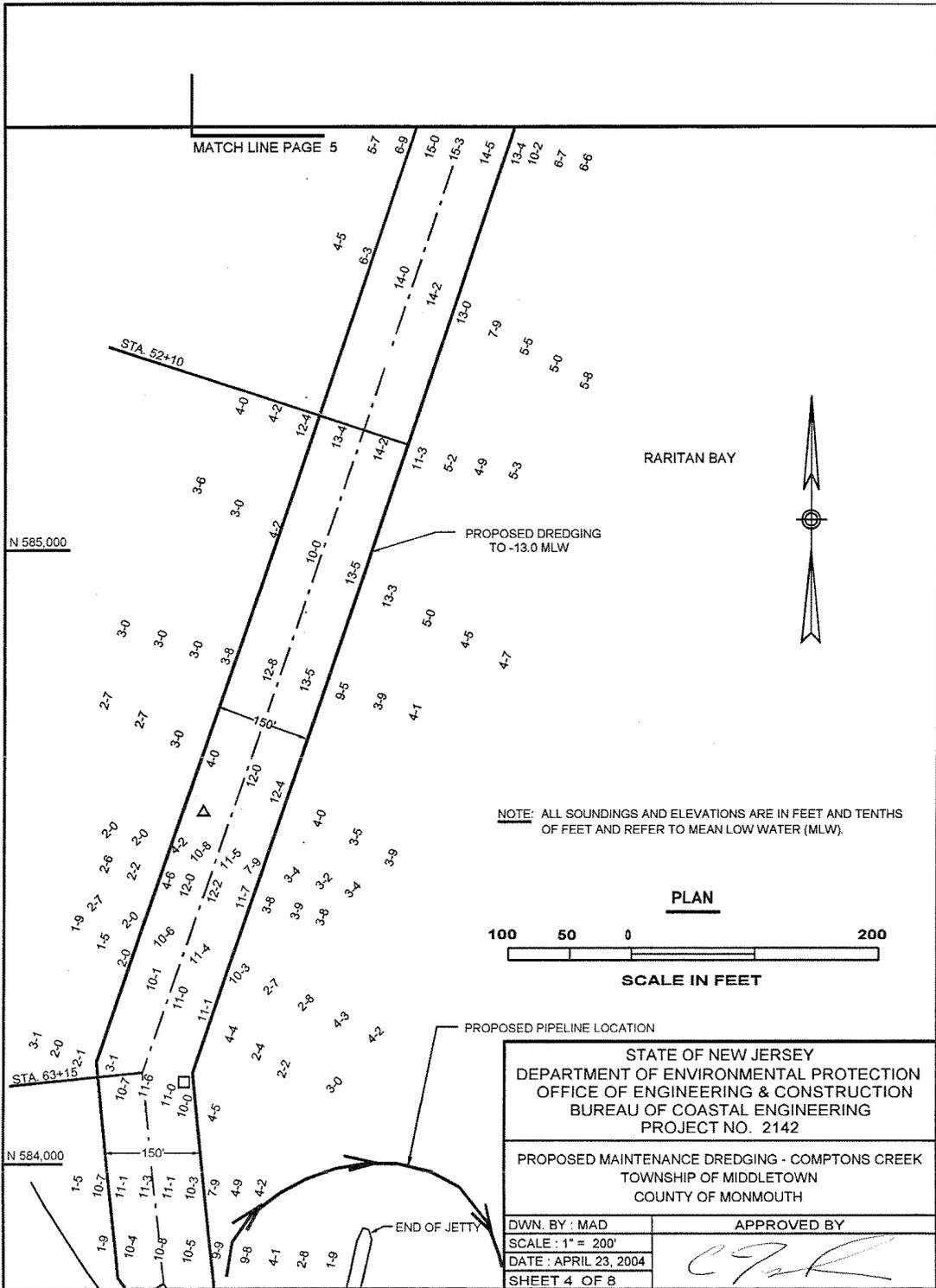


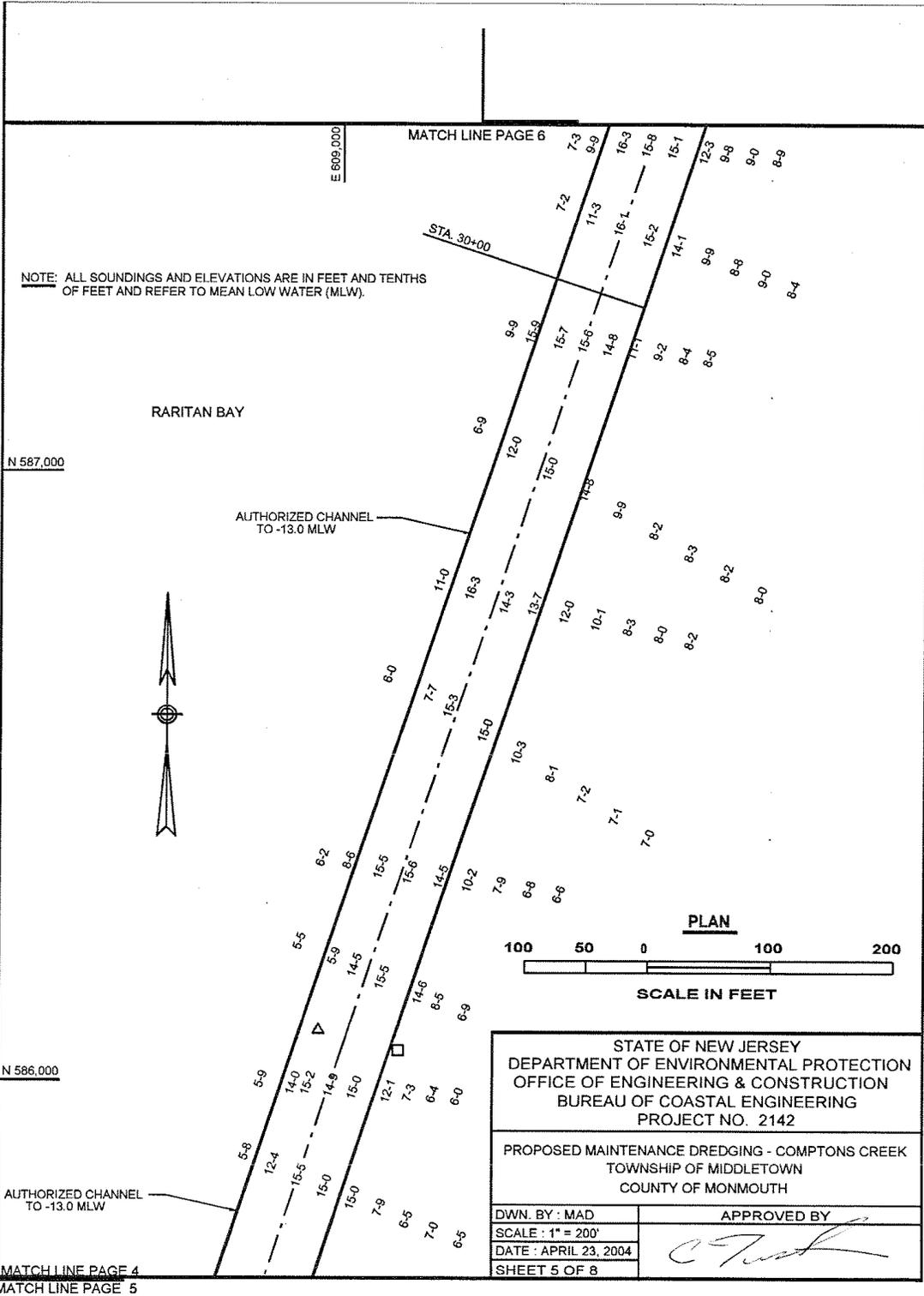
PLAN

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SCALE IN FEET

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF ENGINEERING & CONSTRUCTION BUREAU OF COASTAL ENGINEERING PROJECT NO. 2142	
PROPOSED MAINTENANCE DREDGING - COMPTONS CREEK TOWNSHIP OF MIDDLETOWN COUNTY OF MONMOUTH	
DWN. BY: MAD	APPROVED BY
SCALE: 1" = 200'	
DATE: APRIL 23, 2004	
SHEET 3 OF 8	





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

RARITAN BAY

N 587,000

E 609,000

MATCH LINE PAGE 6

STA. 30+00

AUTHORIZED CHANNEL TO -13.0 MLW



PLAN



N 586,000

AUTHORIZED CHANNEL TO -13.0 MLW

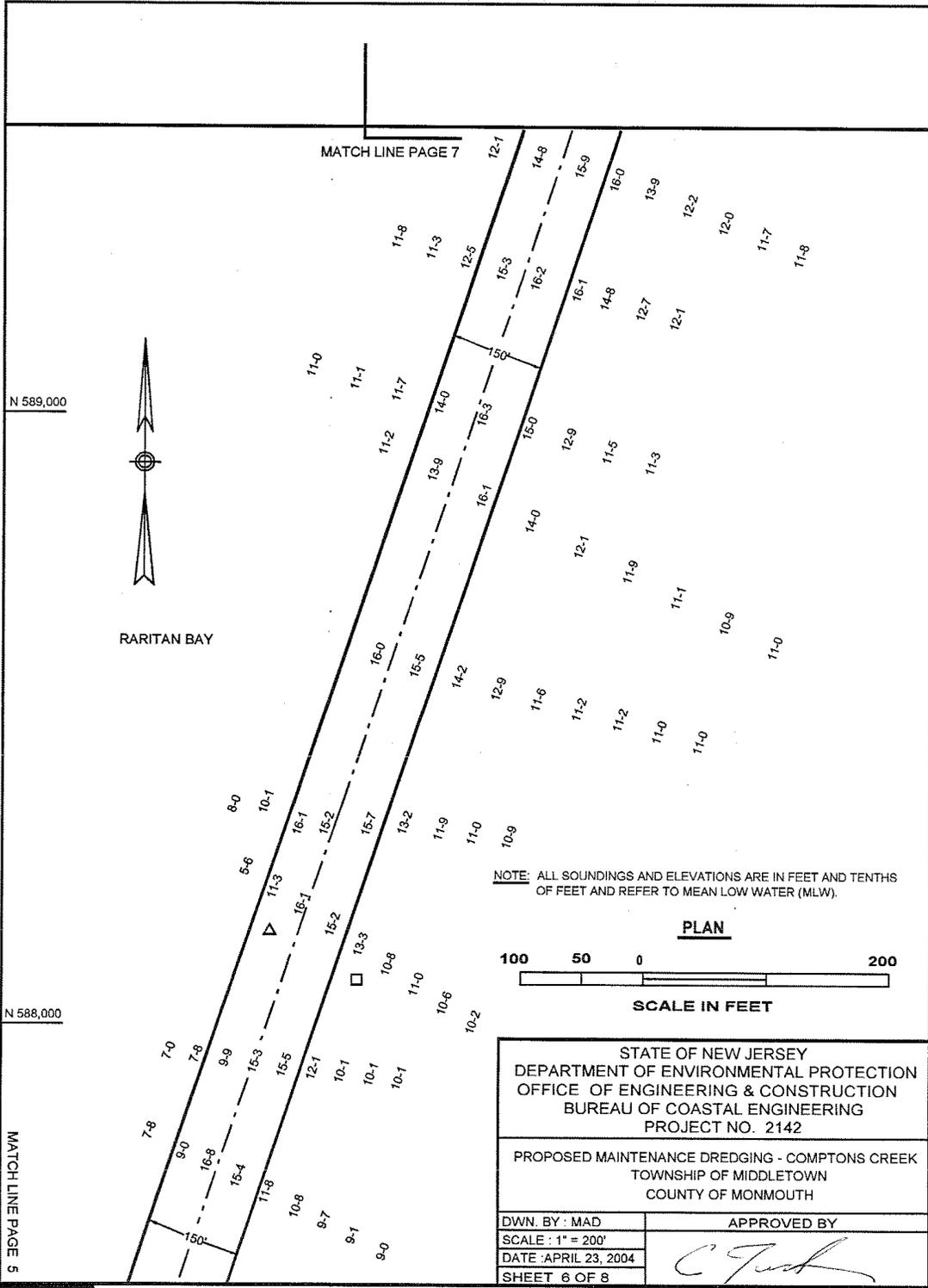
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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ENGINEERING & CONSTRUCTION
BUREAU OF COASTAL ENGINEERING
PROJECT NO. 2142

PROPOSED MAINTENANCE DREDGING - COMPTONS CREEK
TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH

DWN. BY: MAD
SCALE: 1" = 200'
DATE: APRIL 23, 2004
SHEET 5 OF 8

APPROVED BY
[Signature]



MATCH LINE PAGE 7

N 589,000



RARITAN BAY

N 588,000

MATCH LINE PAGE 5

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

