



# 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: 2004-00857-J1  
Issue Date: October 12, 2004  
Expiration Date: November 15, 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: Anthony Diaco  
97 Buena Vista Ave  
Rumson, NJ 07760-1231

ACTIVITY: Maintenance Dredge with Upland Disposal

WATERWAY: Shrewsbury River

LOCATION: Borough of Rumson, 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

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2004-00857-J1**

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.

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.

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 minor temporary increase in turbidity during construction and due to dredging activities. Although this may adversely affect the feeding success of some EFH-managed species or their prey, it is expected that fish population would avoid the area of disturbance. Upon review of the physical conditions of the project and the potential impacts of the project on EFH-managed species and their habitat, the District Engineer has determined that with the exception of winter flounder, the project's impacts would be temporary and the adverse effects on EFH would be no more than minimal due to the pelagic nature of the species and the expected recolonization of the benthic community that provides a forage base for the federally managed species. The proposed maintenance dredging would mostly impact the early stages of winter flounder. Therefore, based on the foregoing, the District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial, but proposes the inclusion of a Special Condition prohibiting construction activities from January 1 to May 31 of any year for which a permit may be issued to protect winter flounder. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final 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

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2004-00857-J1**

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

Enclosures

WORK DESCRIPTION

The applicant, Anthony Diaco, has requested Department of the Army authorization to dredge with ten years maintenance and subsequent upland disposal, in the Shrewsbury River, Borough of Rumson, Monmouth County, New Jersey.

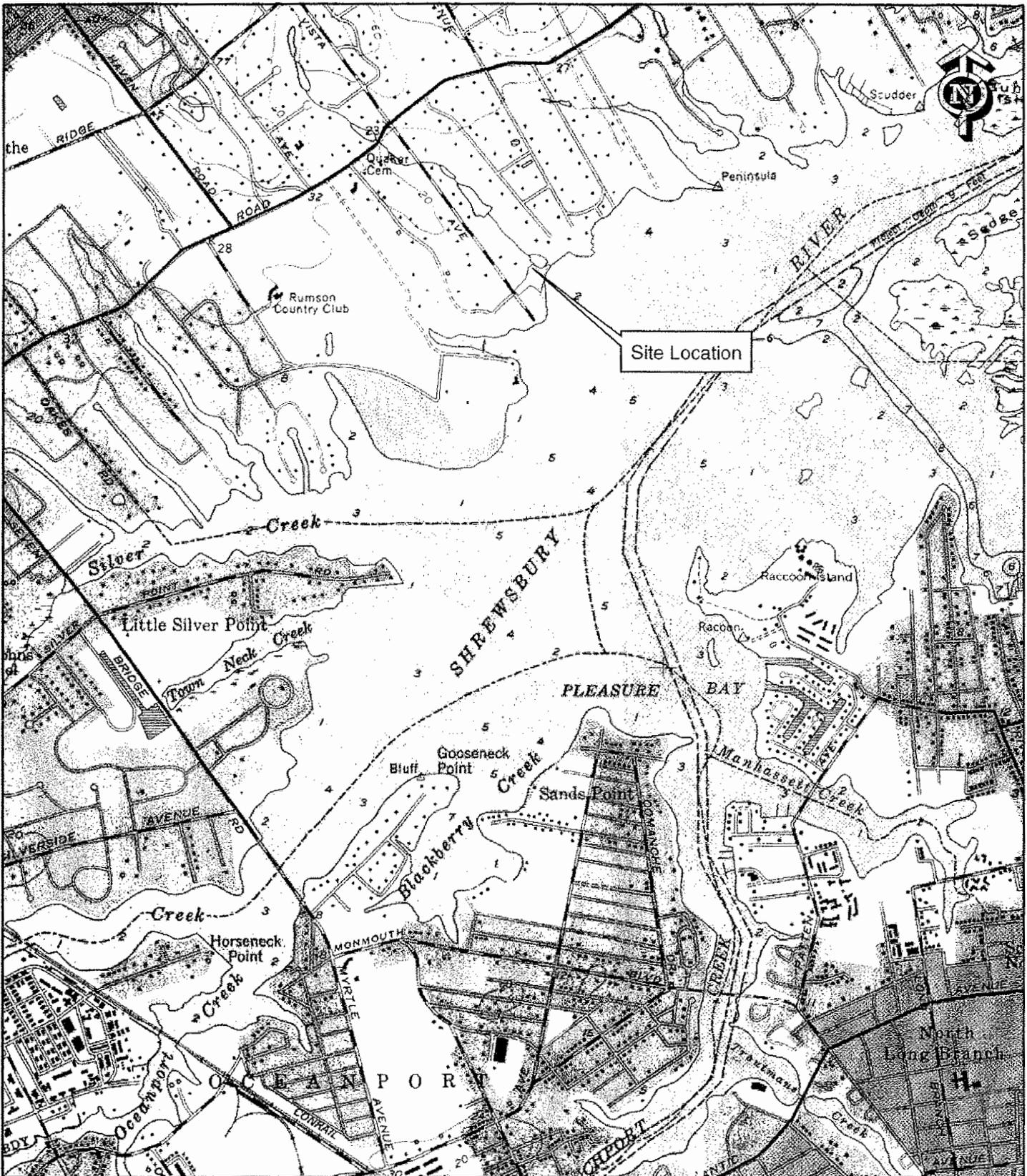
The work would involve dredging of an access channel from an unnamed pond to the Shrewsbury River, an irregularly shaped area of approximately 10,000 square feet to a depth of 5 feet below the plane of mean low water with no allowable overdepth, removing approximately 400 cubic yards of material.

Dredged material, removed by a closed clamshell bucket, would be placed on the applicant's upland property. Any excess water that may result from the upland management of the dredged material would be screened through a sediment curtain prior to reaching the existing lawn area. After deposition and dewatering of the dredged material, the sediments would be covered with 6-inches of clean fill material and stabilized with grass to restore the lawn. No return flow is anticipated.

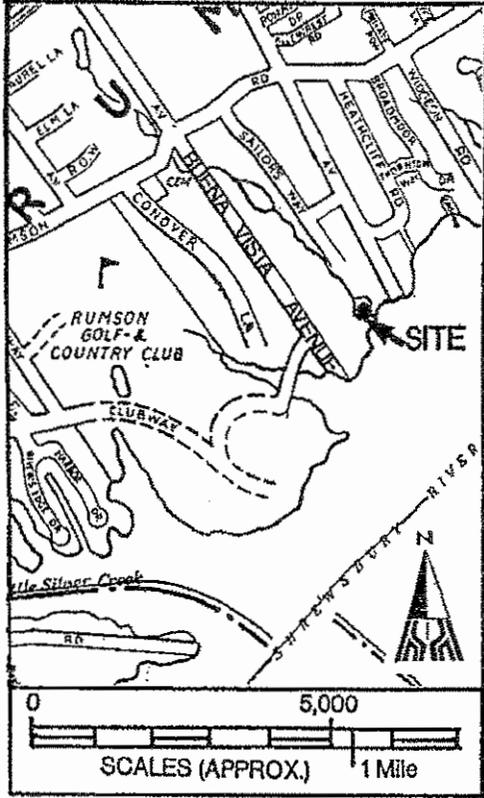
One additional dredging event is expected over the ten year life of permit, removing approximately 50 cubic yards of material.

The existing mooring facility was last dredged approximately 12 years ago under Department of the Army Permit No. 13954-90-0057-J1.

The stated purpose of this project is to restore previously authorized water depths for safe navigation and mooring of the applicant's vessel(s).

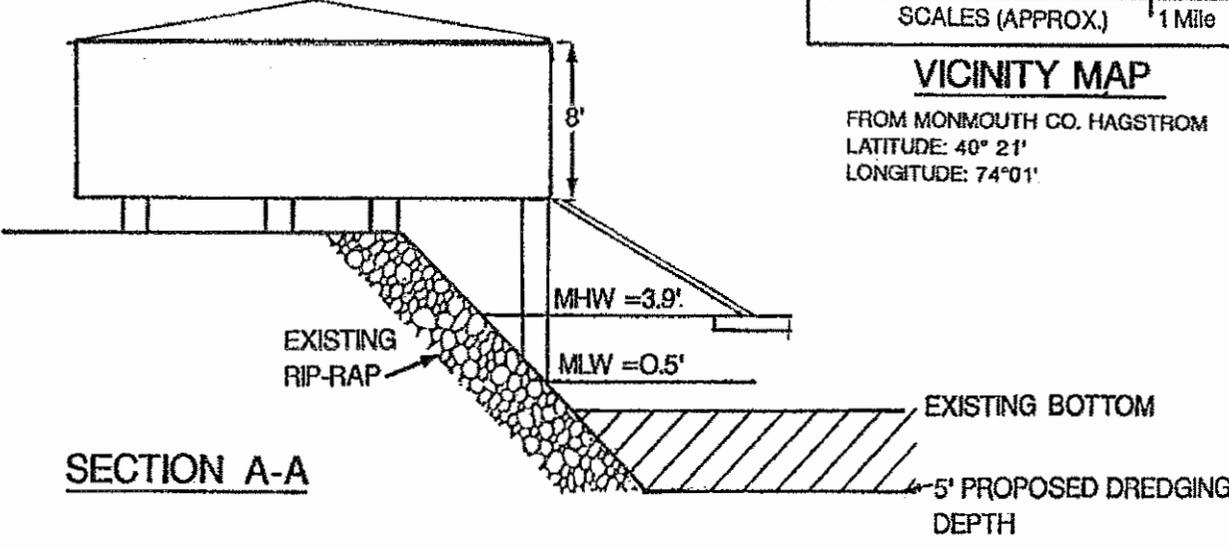


<p>STATE PLANE COORDINATES          E 6297674.02          N 552542.12</p> <p>LONGITUDE LATITUDE          74°0'22.84" W          40°20'57.89" N</p> <p>SOURCE:          USGS Topographic Map          7.5 Minute Series          Long Branch Quad</p>	<p><b>USGS SITE LOCATION MAP</b>  <b>97 BUENA VISTA AVENUE</b>  <b>BOROUGH OF RUMSON, MONMOUTH COUNTY</b>  <b>NEW JERSEY</b></p>	
	<p><b>Paulus, Sokolowski &amp; Sartor, LLC</b>  <small>consulting engineers and environmental planners</small></p> <p>A <b>KEYSPAN</b> BUSINESS SOLUTION</p>	
<p>Drawn By: BB</p> <p>Chk'd By: ID</p>	<p>Scale: 1" = 2,000'</p> <p>Date: 4-9-04</p>	<p>Project No. 01092.002.004</p> <p>Figure No. 1 of 3</p>



**VICINITY MAP**

FROM MONMOUTH CO. HAGSTROM  
 LATITUDE: 40° 21'  
 LONGITUDE: 74° 01'



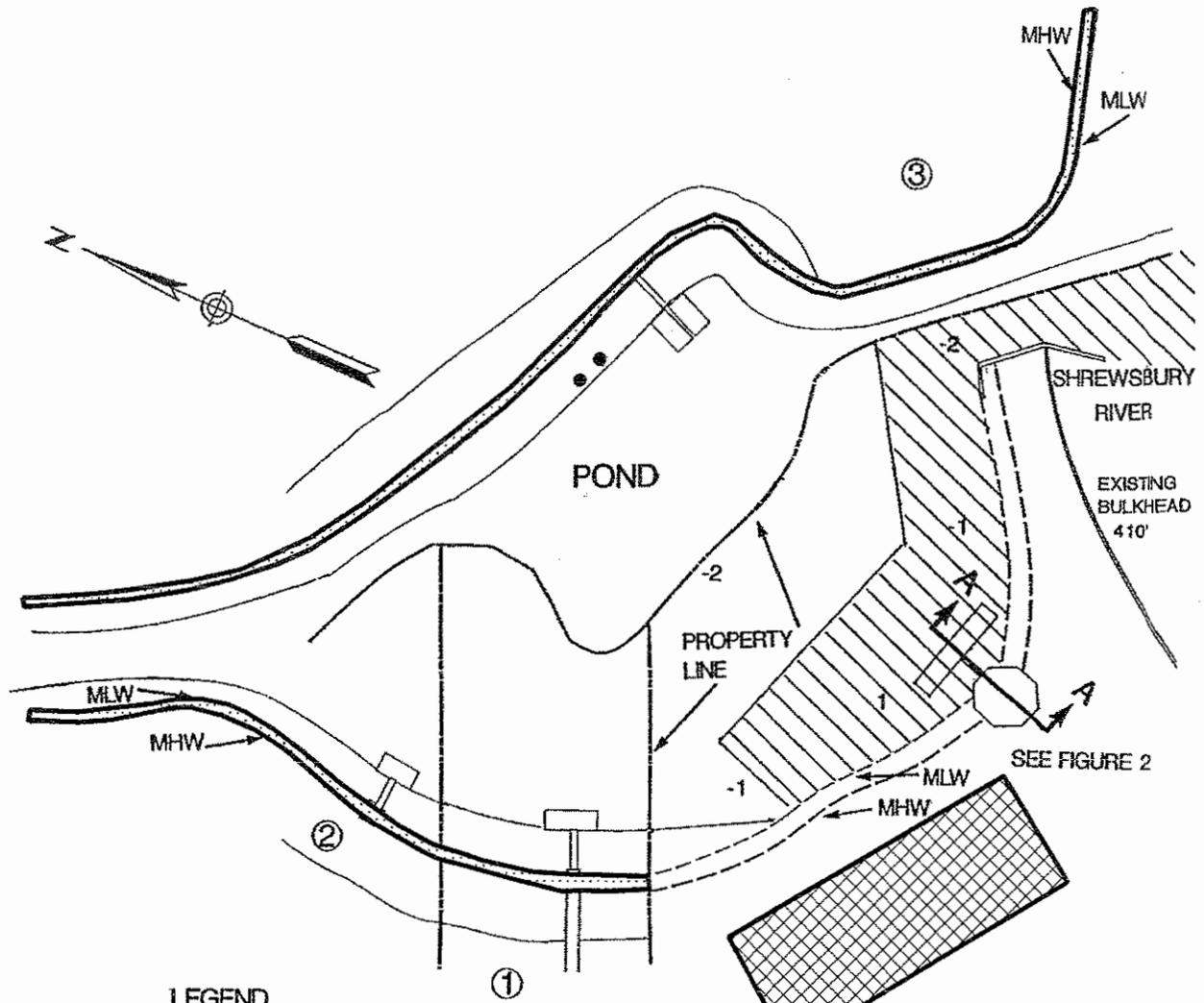
**SECTION A-A**

**CROSS SECTION PLAN  
 97 BUENA VISTA AVENUE  
 BOROUGH OF RUMSON, MONMOUTH COUNTY  
 NEW JERSEY**

Application By: A. Diaco  
 Datum = MLW  
 Adjacent Property Owners  
 1. Joseph Sheridan  
 2. Leopold Clemente  
 3. Edward Swikart

**Paulus, Sokolowski & Sartor, LLC**  
 consulting engineers and environmental planners  
 A **KEYSPAN** BUSINESS SOLUTION

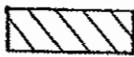
Drawn By: JJ	Scale: As Noted	Project No. 01092.004.004
Chk'd By: ID	Date: 6-30-04	Figure No. 2 of 3



**LEGEND**

MHW = 3.9'

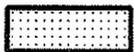
MLW = 0.5'



AREA TO BE DREDGED TO 5' BELOW MLW



UPLAND MANAGEMENT AREA



SPARTINA ALTERNIFLORA MARSH

**PROPOSED DREDGE AND MANAGEMENT AREA  
97 BUENA VISTA AVENUE  
BOROUGH OF RUMSON, MONMOUTH COUNTY  
NEW JERSEY**

Application By: A. Diaco  
Datum = MLW  
Adjacent Property Owners  
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**Paulus, Sokolowski & Sartor, LLC**  
consulting engineers and environmental planners  
A **KETSPAN** BUSINESS SOLUTION

Drawn By: JJ

Scale: 1" = 60'

Project No. 01092.004.004

Chk'd By: ID

Date: 6-30-04

Figure No. 3 of 3