

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-2024-00757-EKO**
Issue Date:
Expiration Date:

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: Charles Cummins, Ryan Fause, Debbie Keller, Valerie Brett and Rodney Gardner
19 Spaulding Ave
Monmouth Beach, NJ 07750

ACTIVITY: Ten-Year Maintenance Dredging with Upland Disposal and Return Flow to the Waterway

WATERWAY: Jim's Creek, a tributary of Navesink River

LOCATION: 19 Spaulding Ave, Monmouth Beach, Monmouth County, New Jersey (40.335532, -73.989675)

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.

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

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 email 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 adversely 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), but the effects are not likely to be substantial. 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 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 occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from

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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 the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection Permit No. 1333-08-0002.2 LUP240001

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. Please send all comments and questions concerning this application to Zachary.J.Kocsik@usace.army.mil.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

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

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicants, Charles Cummins, Ryan Fause, Debbie Keller, Valerie Brett and Rodney Gardner, has requested Department of the Army (DA) authorization to conduct dredging, with ten-years maintenance with placement of all resultant dredged material at an upland disposal area with return flow to the waterway. The project is located at 19 Spaulding Ave, Monmouth Beach, Monmouth County, New Jersey (40.335532, -73.989675)

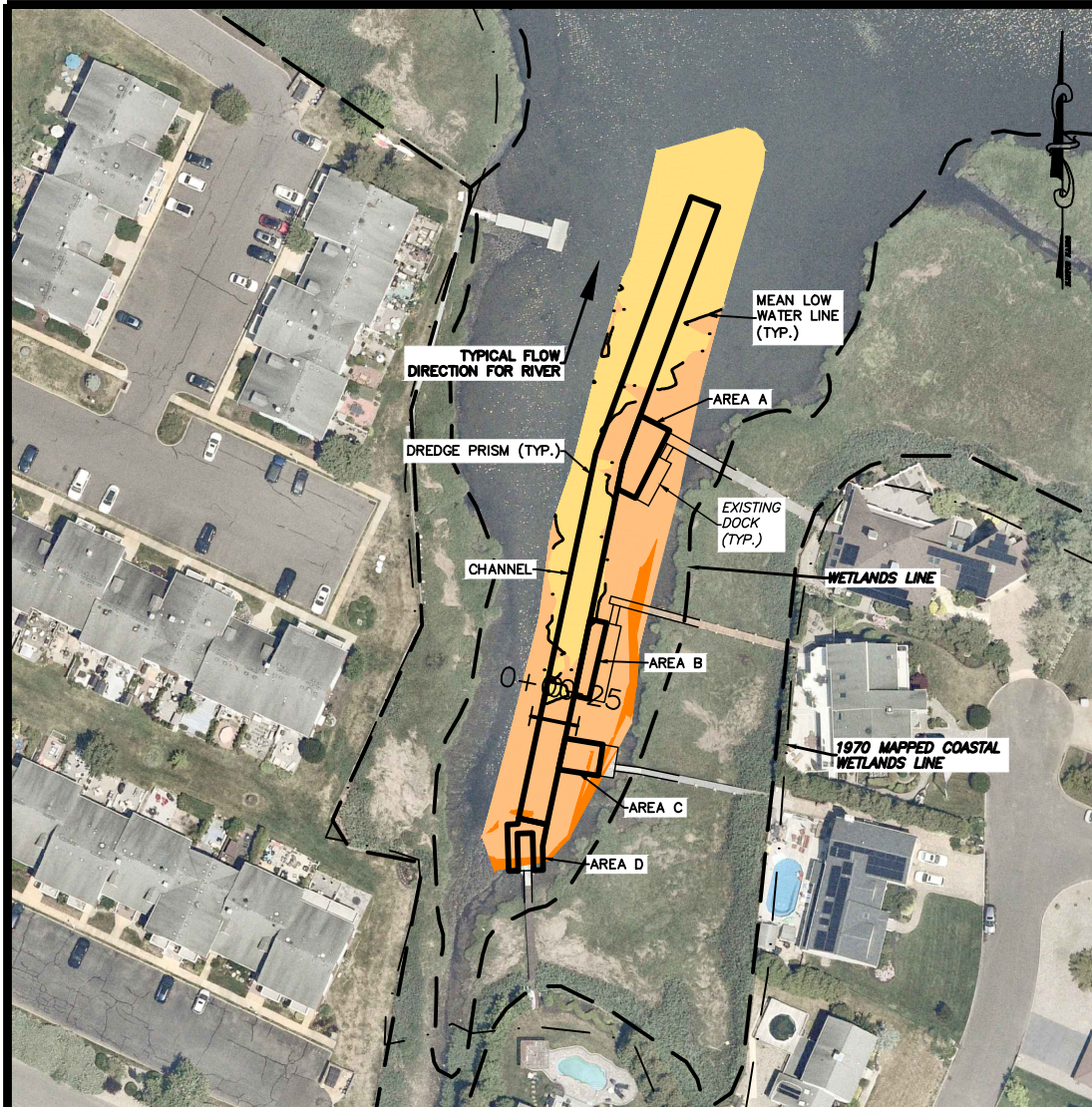
The proposed work would involve the following:

Maintenance dredge with ten-years maintenance, by environmental closed clamshell bucket, approximately 742-cubic yards (CY) of material from an approximately 4650 square foot area and extend to a depth of 3.5 feet below the plane of Mean Low Water (MLW) with 0.5 feet over-dredge and dredge four boat slip for a combined total of approximately 260 CY. The approximate total of all dredge material is 1002 CY. The dredged material would be loaded into a dredge scow and dewatered into an adjacent scow located in the dredge area. The dewatered dredge material will be transported to a state-approved upland area for disposal. The decant scow will be allowed to settle for 24 hours prior to discharge back into Jim's Creek.

The applicants plan to conduct one (1) additional dredging event within the ten-year maintenance dredging period removing approximately 500 CY of material within the same dredging area with disposal at the same upland site.

The applicants have stated that they have avoided, minimized, and mitigated for potential impacts proposed, to the maximum extent practicable by using a turbidity curtain around the project area, using environmental closed clamshell bucket when mechanically dredging, and preventing barge overflow of dredge material.

The purpose of this project is to maintain safe navigation within the canal for recreational marine vessels.

**GENERAL NOTES:**

1. PHYSICAL FEATURES OUTSIDE OF THE SITE HAVE NOT BEEN COMPLETELY SHOWN.
2. THE LOCATIONS AND/OR EXISTENCE OF ANY UNDERGROUND UTILITY SERVICE LINES NOT SHOWN WERE NOT VISIBLE AT THE TIME OF SURVEY AND ARE UNKNOWN.
3. UNDERGROUND ENCROACHMENTS, IF ANY, HAVE NOT BEEN SHOWN.
4. HORIZONTAL DATUM IS THE NEW JERSEY STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, (N.J.S.P.C.S., NAD 83). VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). AND WAS CONVERTED TO TIDAL DATUM USING TIDAL ELEVATIONS BASED ON: TIDAL DATUM NOAA TIDAL STATION 8531804 SEA BRIGHT, NJ (TIDAL EPOCH 1983-2001).
5. VERTICAL DATUM RELATIONSHIP: MEAN LOW WATER (MLW) IS 2.00' BELOW NAVD88.
6. MEAN LOW WATER IS EL. -2.00 NAVD88, MEAN HIGH WATER IS EL. 1.51 NAVD88. SPRING HIGH WATER IS EL. 2.17 NAVD88.
7. DATUMS WERE ESTABLISHED ON SITE USING GPS OBSERVATIONS.
8. THE FIELD SURVEY WAS CONDUCTED BY ACT ENGINEERS, INC. ON 7/10/24.

REFERENCE NOTES:

1. AERIAL IMAGE OBTAINED VIA NEARMAP, DATED 6/18/24.
2. WETLANDS LINE FROM NJDEP GIS WETLANDS OF NEW JERSEY, TO BE FIELD VERIFIED PRIOR TO DREDGING ACTIVITIES.

COLOR LEGEND

	ELEVATION	-3 TO -2
	ELEVATION	-2 TO -1
	ELEVATION	-1 TO 0
	ELEVATION	0 TO 1
	ELEVATION	1 TO 2

DREDGE VOLUMES			
LOCATION	DESIGN VOLUME (EL. -3.5)	OVERDREDGE VOLUME (EL. -4)	TOTAL VOLUME
CHANNEL	648 CY	94 CY	742 CY
AREA A	84 CY	11 CY	95 CY
AREA B	48 CY	7 CY	55 CY
AREA C	52 CY	6 CY	58 CY
AREA D	47 CY	5 CY	52 CY
TOTAL	879 CY	123 CY	1,002 CY

NOTICE:

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ENGINEERS, INC.

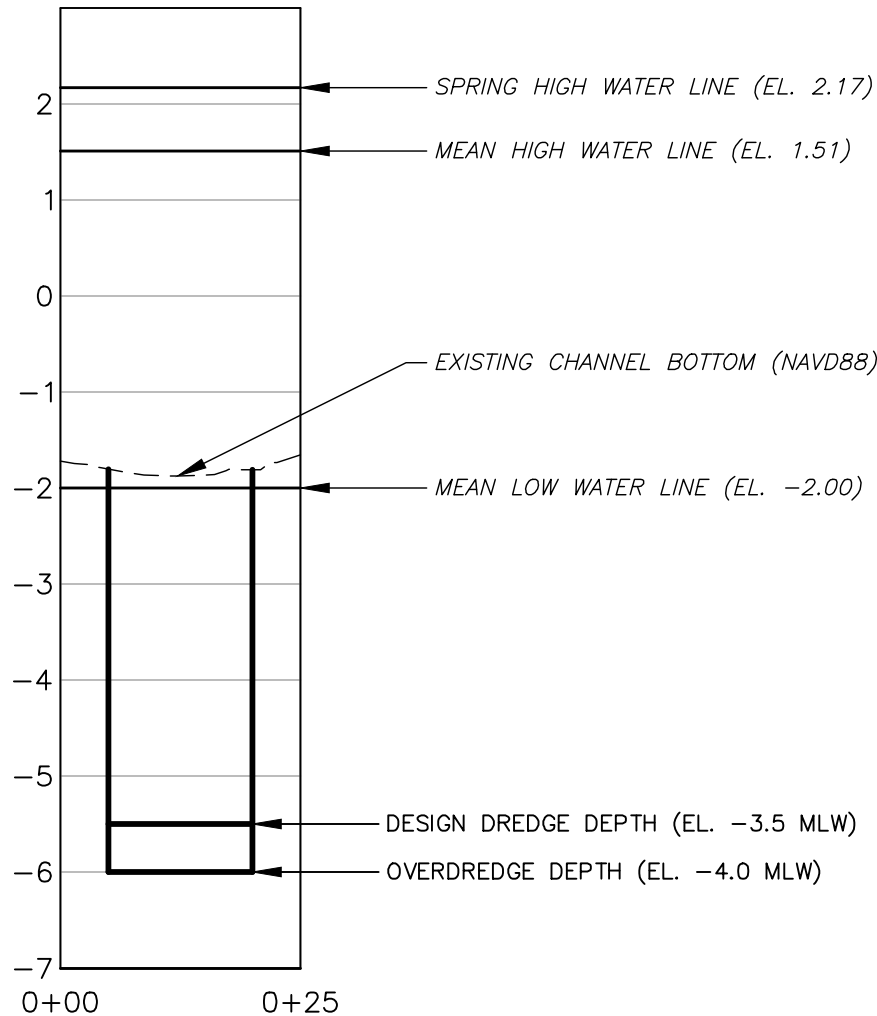
A SMALL BUSINESS ENTERPRISE

CIVIL ENGINEERING ☒ LAND SURVEYING ☒ ENVIRONMENTAL PERMITTING
NEW JERSEY CERTIFICATE OF AUTHORIZATION No. 24GA27936900

DREDGE DESIGN PLAN FOR JIMS CREEK

SITUATED IN
MONMOUTH BEACH MONMOUTH COUNTY NEW JERSEY

CADD FILE	PROJECT NO.	DRAWN BY	CHECKED BY	SCALE	DATE	SHEET
F-SITE	240623-00	NH	JR	1"=100'	8/27/24	1 OF 1

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DREDGE PRISM SECTION VIEW FOR JIMS CREEK

SITUATED IN
MONMOUTH BEACH MONMOUTH COUNTY NEW JERSEY

CADD FILE	PROJECT NO.	DRAWN BY	CHECKED BY	SCALE	V: 1"=2'	DATE	SHEET
F-SITE	240623-00	NH	JR	H: 1"=20'	8/27/24	1	OF 1

