



# 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-2023-00874-TREC  
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: Anthony Diaco  
948 Highway 36  
Leonardo, NJ 07737

ACTIVITY: Maintenance Dredging with Upland Disposal

WATERWAY: Shrewsbury River

LOCATION: 97 Buena Vista Avenue, 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 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 SENT VIA ELECTRONIC MAIL TO [Brad.Sherwood@usace.army.mil](mailto:Brad.Sherwood@usace.army.mil), OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF BRAD SHERWOOD AT THE ABOVE ADDRESS, TO REACH THIS OFFICE BY 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

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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 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 (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. This public notice serves as notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than New Jersey, it will so notify such other state, the district engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

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

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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 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 Brad Sherwood at (518) 487-0382, or at [Brad.Sherwood@usace.army.mil](mailto:Brad.Sherwood@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/business/buslinks/regulat/index.php?survey>.

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

Jon T. Coleman  
FOR AND ON BEHALF OF  
Stephan A. Ryba Chief,  
Regulatory Branch

Enclosures

**WORK DESCRIPTION**

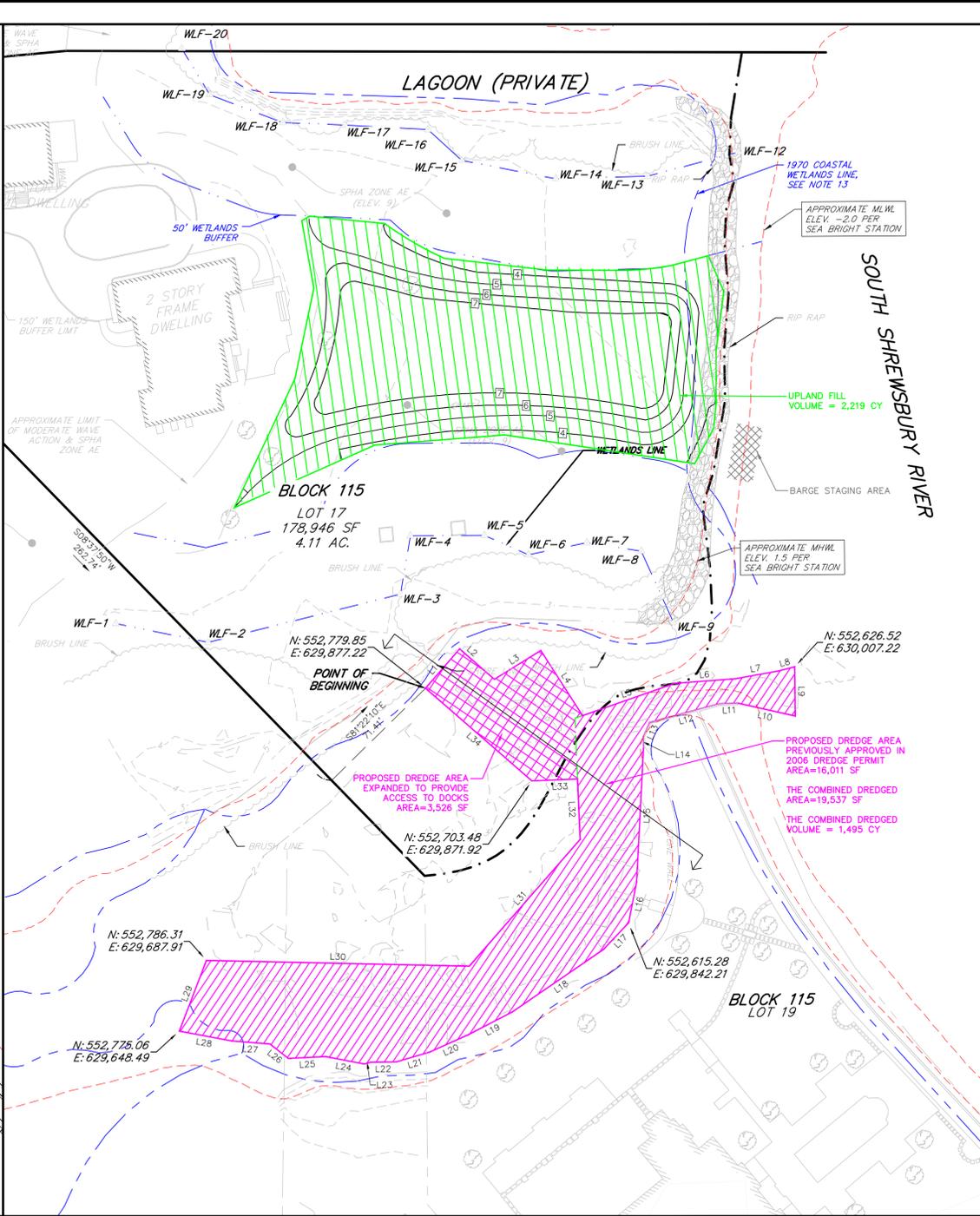
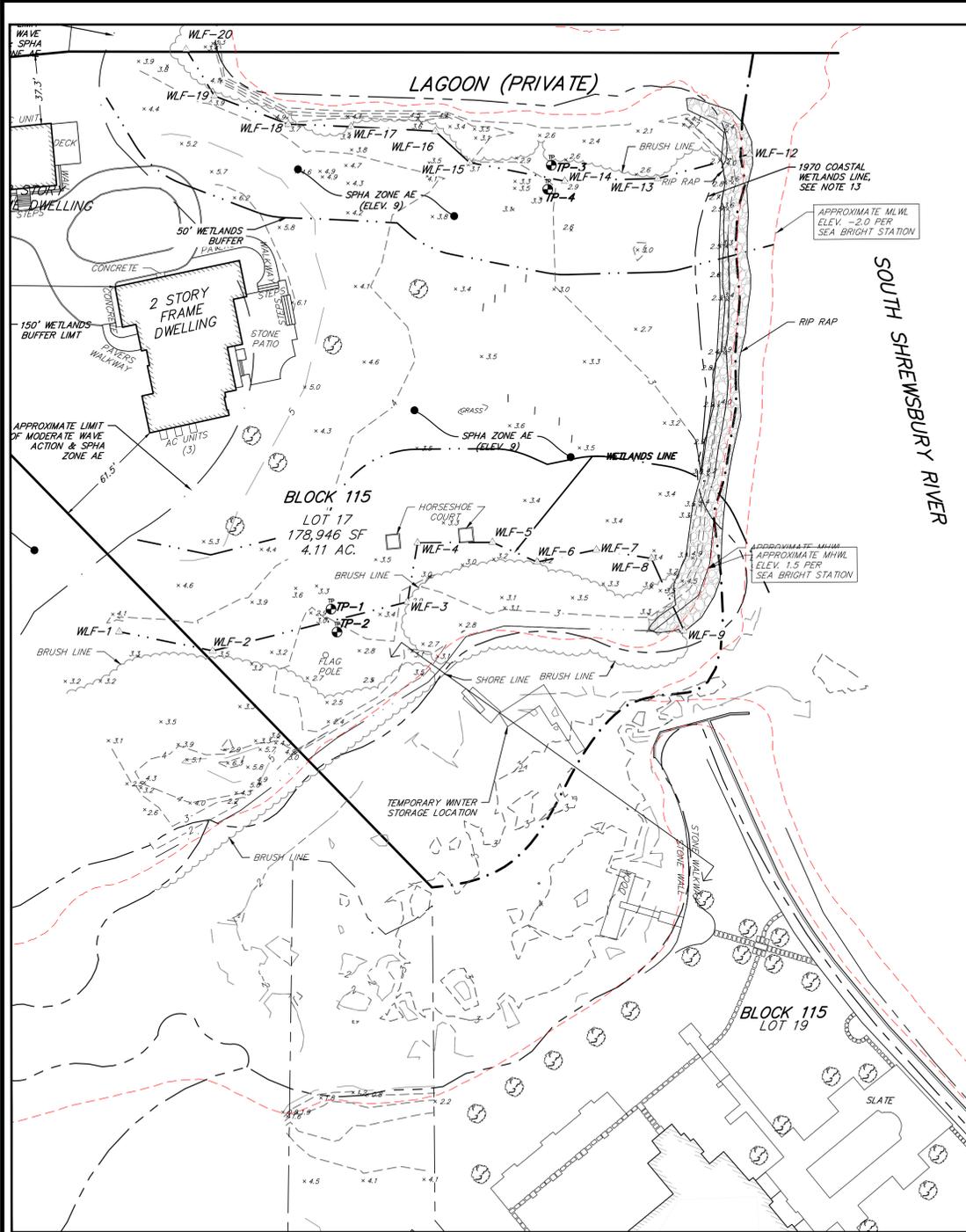
The applicant, Anthony Diaco, has requested Department of the Army authorization to conduct dredging and upland disposal. The project is located at 97 Buena Vista Avenue, within Shrewsbury River, in the Borough of Rumson, Monmouth County, New Jersey.

The work would involve the following:

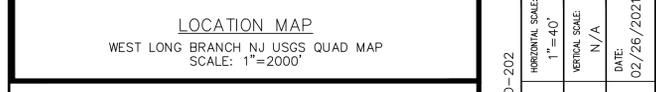
Mechanically dredge a maximum of approximately 2,219 cubic yards (CY) of material from an approximately 19,537 square-foot area and extend to a depth of 3.5 feet below the plane of Mean Low Water (MLW) with one-foot of allowable overdredge. The dredged material would be placed into scows and allowed to settle for a minimum of 24 hours, and the decant water would be returned directly to the waterway. The dredged material would then be off-loaded onto an adjacent upland property, and following a period of dewatering would be subsequently graded and planted on site.

The applicant has stated that they have avoided and minimized potential impacts proposed to the maximum extent practicable by limiting the dredged area to the minimum area required for safe and reasonable navigation. Any potential impacts would be temporary nature.

The stated purpose of this project is to maintain a safe navigational depth for recreational purposes.

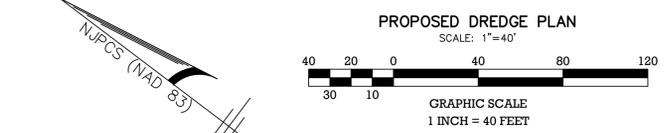
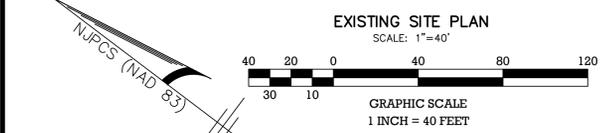


REVISIONS	DATE	BY	REASON
05/20/24	REV. 1	WJP	REVISED PER E-MAIL DATED MAY 07, 2024 FROM USACE
05/07/24	REVISED PER E-MAIL DATED MARCH 15, 2024 FROM USACE	WKS	
07/18/23	GENERAL REVISIONS	IAB	
06/05/23	WETLANDS BUFFER REVISION PER NUDEP	IAB	
05/18/23	GENERAL REVISIONS	IAB	
02/01/23	GENERAL REVISIONS	IAB	
10/12/21	REVISED PER NUDEP COMMENTS	MCL	
08/19/21	REVISED PER NUDEP COMMENTS	WKS	
			DATE



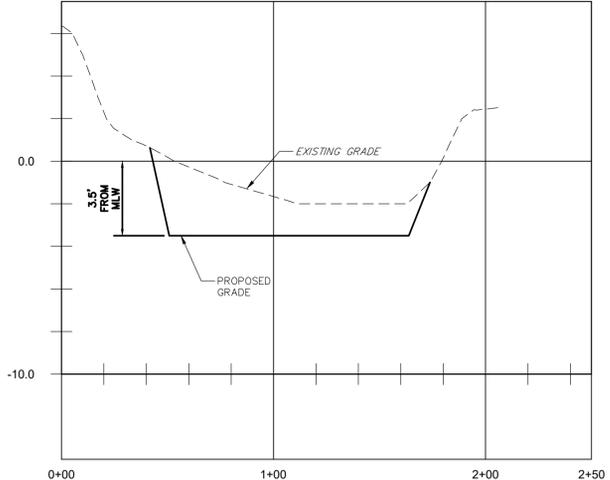
- MAP & DEED REFERENCES**
- BASE MAP ENTITLED "TOPOGRAPHIC/HYDROGRAPHIC SURVEY PLAN, LOTS 17, 19, & 20, BLOCK 115, PLATE 38, BOROUGH OF RUMSON, MONMOUTH COUNTY, NEW JERSEY", PREPARED BY MIDATLANTIC ENGINEERING PARTNERS, DATED FEBRUARY 9, 2021.
  - WETLANDS INFORMATION SHOWN BASED ON MAP ENTITLED "WETLANDS MAPPING PLAN, LOT 17, BLOCK 115, PLATE 38, BOROUGH OF RUMSON, MONMOUTH COUNTY, NEW JERSEY," PREPARED BY MIDATLANTIC ENGINEERING PARTNERS, DATED JULY 26, 2021 AND LAST REVISED JANUARY 31, 2023. LOI PENDING.

- GENERAL NOTES**
- PROPERTY BEING KNOWN AND DESIGNATED AS BLOCK 115, LOTS 17, 19, & 20 AS SHOWN ON THE CURRENT TAX ASSESSMENT MAP OF THE BOROUGH OF RUMSON, MONMOUTH COUNTY, NEW JERSEY (SHEET 38).
  - PROPERTY IS LOCATED IN ZONES AE (EL. 10) AND VE (EL. 11), ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBERED 340250182G HAVING AN EFFECTIVE DATE OF JUNE 20, 2018. PROPERTY IS ALSO LOCATED IN ZONE AE (EL. 7 & EL. 9), ACCORDING TO FEMA PRELIMINARY FLOOD INSURANCE RATE MAP NUMBERED 340250182H HAVING AN PRELIMINARY DATE OF JANUARY 31, 2014.
  - THE HORIZONTAL DATUM OF THIS PLAN IS REFERENCED TO THE NEW JERSEY PLANE COORDINATE GRID SYSTEM AS ESTABLISHED BY GPS OBSERVATIONS USING LEICA SMARTNET (NAD 83). THE MERIDIAN AND BEARINGS HEREON MAY NOT MATCH PRIOR RECORDS, DEEDS OR MAPS.
  - THE VERTICAL DATUM IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AND IS BASED ON GPS OBSERVATIONS UTILIZING LEICA SMARTNET VRS NETWORK.
  - IF THIS DOCUMENT DOES NOT CONTAIN THE EMBOSSED SEAL OF THE UNDERSIGNED PROFESSIONAL OR A DIGITAL ID, IT IS NOT A VALID COPY OF THE SURVEY AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.
  - THE INFORMATION SHOWN HEREON DEPICTS THE CONDITIONS AS FOUND IN THE FIELD DURING JANUARY, 2021.
  - DREDGE VOLUME TO BE REMOVED IS 1,495 CUBIC YARDS.
  - PROPOSED OVERDREDGE DEPTH IS 1'; PROPOSED OVERDREDGE VOLUME IS 724 CY. TOTAL DREDGE VOLUME, INCLUDING OVERDREDGE, IS 2,219 CY.
  - DREDGE VOLUME CALCULATED BASED ON 3.5 FEET BELOW MLW (-5.5 NAVD88).
  - SOUNDINGS WERE COLLECTED WITH HYDROLITE-TM HYDRO SURVEY SYSTEM USING OHMEX SONARITE ECHO SOUNDER, SUPPLEMENTED WITH LEICA GPS, UTILIZING LEICA SMARTNET NETWORK COVERAGE. FIELD WORK COMPLETED ON OCTOBER 10, 2020 BETWEEN 8:25 AM AND 10:50 AM.
  - THE RAW HYDROGRAPHIC DATA WAS COLLECTED IN NAVD88 AND THEN CONVERTED TO MEAN LOW WATER BY ADDING 2.00 FEET.
  - STATION 8531680 - SANDY HOOK, NJ  
NAVD88 = 0.00 WHERE THIS PLAN IS BASED ON:  
MEAN LOW WATER = -2.00 NAVD = 2.00  
MEAN LOW WATER = 0.00
  - COASTAL WETLANDS LINES DEPICTED FROM PROMULGATED MAPS NUMBERS 546-2184, 553-2184, AND 546-2178.



DREDGE AREA LINE TABLE								
Line #	Direction	Length	Line #	Direction	Length	Line #	Direction	Length
L1	S85°52'10"E	28'	L13	S77°22'20"W	8'	L25	N39°38'50"W	21'
L2	S04°07'10"W	25'	L14	S52°22'50"W	6'	L26	N01°14'50"E	13'
L3	S68°38'20"E	30'	L15	S55°59'40"W	73'	L27	N32°24'10"W	21'
L4	S20°17'30"W	42'	L16	S64°16'10"W	22'	L28	N26°23'00"W	29'
L5	S56°12'00"E	53'	L17	N83°25'30"W	20'	L29	N74°04'20"E	41'
L6	S41°17'00"E	33'	L18	N71°16'00"W	60'	L30	S35°45'00"E	143'
L7	S47°08'20"E	24'	L19	N64°12'20"W	27'	L31	S85°40'20"E	91'
L8	S51°17'40"E	9'	L20	N60°57'20"W	23'	L32	N50°33'40"E	33'
L9	S52°25'50"W	27'	L21	N53°20'00"W	19'	L33	N39°26'20"W	25'
L10	N24°19'00"W	32'	L22	N37°40'00"W	14'	L34	N03°58'40"E	77'
L11	N39°03'30"W	10'	L23	N52°50'40"W	3'			
L12	N51°58'40"W	39'	L24	N26°05'40"W	21'			

- SURVEY LEGEND**
- IRON PIN/CAPPED IRON PIN FOUND
  - IRON PIPE FOUND
  - MONUMENT FOUND
- LEGEND**
- PROJECT BOUNDARY
  - EXISTING BUILDING
  - EXISTING MAJOR CONTOUR
  - EXISTING MINOR CONTOUR
  - EXISTING SPOT ELEVATION
  - EXISTING FENCE
  - EXISTING WETLANDS LINE
  - EXISTING WETLANDS FLAG
  - EXISTING MHWL LINE



DREDGE AREA SECTION  
HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'

DREDGE AREA SECTION

**PROPOSED MAINTENANCE DREDGING  
SOUTH SHREWSBURY RIVER TRIBUTARY  
DREDGE & SAMPLING PERMIT PLAN**

**BLOCK 115, LOTS 17, 19, & 20**

BOROUGH OF RUMSON, MONMOUTH COUNTY, NEW JERSEY

05/20/24  
  
 William J. Parkhill II, P.E.  
 PROFESSIONAL ENGINEER  
 N.J. Lic. No. GR0423890

MidAtlantic  
 Engineering Partners, LLC  
 5 Commerce Way, Suite 200  
 Hamilton, NJ 08691  
 609-910-4450

Certificate of Authorization No. 240A28184000  
 Louis L. Zoeger IV P.E. PE No. GE04226500  
 William J. Parkhill II P.E. PE No. GE04238900