**US Army Corps of Engineers**
Philadelphia District
**1650 Arch Street**
**Philadelphia, PA 19103-2004**
**Attn: CENAP-OPR**

# Public Notice

**Comment Period Begins: July 10, 2025**
**Comment Period Ends: August 11, 2025**
**File Number:** NAP-2019-01084-46
**File Name:** NJEDA Artificial Island Hope Creek Offshore New Jersey Wind Port
**Contact:** David J. Caplan
**Email:** PhiladelphiaDistrictRegulatory@usace.army.mil

This District has received an application for an individual Department of the Army approval issued 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).

This public notice was previously sent to the applicant, state agencies, and federal agencies on July 22, 2024; however, it was not posted on the Philadelphia District Regulatory webpage at that time. This District is re-issuing the public notice, without changes, for posting on the Philadelphia District Regulatory webpage at https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/. If you already received a copy of, and provided comments on, the previous public notice, there is no need to resubmit comments you may have already sent; however, all comments are welcome. The purpose of this re-issued public notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

This public notice is an administrative step in the review process prepared in accordance with 33 CFR 325.3 and is the primary method of advising all interested parties of the proposed activity for which a permit is sought and of soliciting comments and information necessary to evaluate the probable impact on the public interest. This public notice is not a permit decision and in no way constitutes authorization or endorsement of any activity in any area subject to USACE permitting authorities.

**APPLICANT:** New Jersey Economic Development Agency (NJEDA), 36 West State Street, P.O. Box 990, Trenton, New Jersey 08625

**AGENT:** Robert Rech, AKRF, Incorporated, 307 Fellowship Road, Suite 214 Mount Laurel, New Jersey 08054

**LOCATION:** Block 26, Lots 1, 2, 4.02, 5.02, 5.03 (pending approved subdivision: Lots 1.01, 2.01, 2.02, 4.02, 5, 5.02, 5.03), adjacent to the Salem Nuclear Power Plant, in Lower Alloways Creek Township, Salem County, New Jersey.

**PURPOSE:** The applicant's stated purpose is to increase the New Jersey Wind Port's (NJWP) capacity to better serve as a marshalling port and manufacturing hub supporting offshore wind (OSW) development along the eastern seaboard of the United

States. This second phase would allow for marshalling of simultaneous OSW development projects as well as manufacturing and other supply chain infrastructure.

**PROJECT HISTORY:** On March 21, 2022, this office issued a Department of the Army individual permit to PSEG Nuclear LLC to construct **PHASE 1** of the NJWP. Phase 1 of the project is essentially finished at this time with only minor items to complete. Phase 1 consists of: approximately 1,100 linear feet of the shoreline was developed to allow for the offloading and loading of wind turbine components. This was accomplished by creating a new bulkhead approximately 60 feet landward of the old timber bulkhead and creating a pile supported wharf that extends an additional 57 feet from the new bulkhead. The project also consists of approximately 87 acres of dredging. The dredged area includes the docking area adjacent to the wharf, a turning basin and an access channel to the main federal navigation channel in the Delaware River. The docking area is divided into two berths, one approximately 480-foot installation berth and a 600-foot delivery berth. The project included the construction of various docking structures required to safely moor vessels while in the NJWP. This includes two mooring dolphins, a breasting dolphin, and steel walkways connecting them to provide access during port operations. Additionally, a 250-foot by 450-foot rock pad was installed in front of the delivery berth to support the spuds of the jack up barge that is required to install the turbines at the wind farm site. Lastly, on the southern, downstream, side of the docking area an approximately 300 linear foot sheet pile wall was constructed extending from the shoreline to protect a 230 kilovolt subsea cable that conducts electricity from the nuclear generation facility under the Delaware River to Delaware.

On October 24, 2022, the permit was transferred from PSEG Nuclear, LLC to the New Jersey Economic Development Agency (NJEDA).

**PROJECT DESCRIPTION:** On May 17, 2024, this office received an application for Department of the Army approval to construct **PHASE 2** of the NJWP. Phase 2 of the port is proposed to be constructed immediately north of the existing Phase 1 facility already approved in support of OSW development in New Jersey and throughout the eastern United States. The construction of the second marshalling berth, manufacturing facilities, associated shoreline structures and dredging activities require both the discharge of dredged and/or fill material into waters of the United States and work in a navigable waters of the United States. The project would involve both in-water and upland activities to prepare the site for use in the manufacturing, construction, staging, vessel loading, shipping of materials to OSW installation areas, as depicted on the Engineering Design Drawings prepared by Moffatt & Nichol, dated May 7, 2024 (see Attached Plans). The total area of disturbance for Phase 2 is approximately 70 acres of additional dredging and approximately 154 acres of additional upland area spread across six (6) distinct sites located on Artificial Island (Table 2). Each proposed project site or parcel is intended to support a unique activity vital to the continued growth of OSW in the United States.

### a. Shoreline Activities

Approximately 2,485 linear feet (LF) of shoreline would be developed as an open wharf structure, as part of Phase 2 development activities, required for berthing of delivery and installation vessels for unloading and loading operations. The proposed wharf would be an extension of the 1,080 LF wharf structure and berthing areas authorized as part of Phase 1 development of the NJWP, ultimately resulting in a continuous concrete wharf with a length of approximately 3,565 LF. The open wharf structure would consist of a concrete deck supported by steel sheeting (parallel to the shoreline and at the landward extent of the wharf structure allowing for the open wharf design) and 30-inch concrete square piles. The fender line for the wharf will generally align with the existing timber bulkhead (installed as part of the original construction of Artificial Island by the USACE at the turn of the 20th Century) line and the mean high water (MHW) elevation contour.

In addition to the 3,565 LF wharf structure to be utilized by delivery and installation vessels, an existing berthing area to the south of the proposed wharf will be utilized for the local berthing of tugboats. This existing wharf is approximately 290 LF and is presently used by the PSEG Nuclear Station for infrequent loading/offloading of oversized components needed at the nuclear generating plant. To prepare this wharf for the berthing of tugboats, existing mooring hardware will be removed with improvements proposed including the installation of 10-ton and 30-ton cleats, new bollards, and new arch fenders. Structural improvements are also proposed including the repair of cracked concrete on the deck and steel plate patching of the existing sheet pile bulkhead. No bulkhead or wharf expansion is required to support the proposed tugboat operations. A new channel will be dredged for tugboat access to this wharf as further discussed below. Allowing for the local berthing of tugboats on-site will reduce environmental impacts (specifically related to sturgeon vessel impacts) by minimize the number of trips that would result from outsourcing tugboats from off-site berthing areas.

To provide structural support to the upland areas of surcharged fill (see description below) the project includes the installation of a new steel sheet pile bulkhead wall (approximately parallel to the existing shoreline), which is located approximately along the MHW line (extended north from the Phase 1 development). The extended bulkhead wall would extend along approximately 2,485 LF of shoreline and would be driven to a depth of approximately -43.0 feet NAVD 88 at the delivery berths and driven to a depth of -70.0 ft NAVD88 at the installation berth. The sheet pile wall would be comprised of hot rolled interlocking sheet piles (NZ 19 for the delivery berths and NZ 38 for the installation berth). A 3-foot sheet pile wall cap would be installed at the top of the bulkhead wall.

Once completed the NJWP wharf would consist of five (5) berthing areas extending across three (3) separate and distinct working areas. Phase 1 of the NJWP (previously authorized) included a marshalling port which include two (2) berthing areas and one (1) wharf position for a total wharf length of approximately 1,080 LF. Also included were a breasting dolphin and two (2) mooring dolphins. The NJWP Phase 1 wharf consisted of one (1) berth for delivery vessels and one (1) berth for

installation vessels capable of supporting the marshalling for a single OSW project. Phase 2 of the NJWP will expand the existing NJWP Phase 1 to add three (3) additional berthing areas and three (3) wharf positions, increasing the total wharf length by approximately 2,485 LF. The extended wharf area would also replace the previously installed breasting and mooring dolphins in favor of the single continuous wharf structure. NJWP Phase 2 development will consist of a second marshalling wharf position to allow for simultaneous marshalling of two OSW projects and a manufacturing wharf position to support on-site component manufacturing facilities. As a result, the extended wharf would include a second installation vessel berth, a delivery vessel berth vessel berth to support marshalling operations, and an additional delivery berth to support manufacturing operations. The top elevation of these platforms would be 12.5 feet NAVD 88.

The installation berth is the larger of the areas, which involve mooring of larger installation vessels sufficient in size to haul large components of wind turbines to be delivered to the offshore construction areas. As the industry matures, ever larger and more specialized installation vessels will be constructed allowing for more efficient operations including multiple complete OSW turbine assemblies. The wind turbines components are typically staged on the barges in an upright fashion for ease of handling in the offshore work areas. Typically, these towers extend approximately 300 to 500 feet in height. As such, the jack-up installation vessels are expected to have 300-foot spuds. An approximately 1,200-foot by 250-foot (**6.89 acres**) crushed gravel mat is also proposed waterward of the installation berth to provide support along the river bottom to these large vessels. This mat would be utilized as a stable area to support installation vessels mooring at the Port. The area would be over dredged to a depth of -47.5 ft NAVD 88 with an over dredge estimate of -1.0 ft for a potential dredge depth of -48.5 ft NAVD 88, and 12 ft of gravel would be placed to an elevation of -35.5 ft NAVD88. The installation berth will be supported by 2,662 30-inch square concrete pre-cast piles, 726 of these piles are located below the MHW line, resulting in 4,538 SF (**0.10 acres**) of permanent in-water impacts.

A second delivery berthing area (supporting marshalling) would be smaller in size to accommodate the delivery of wind turbine components which would be assembled/ manufactured at the NJWP prior to delivery out to the offshore construction areas. This delivery berth is located directly north of the installation berth and is 707 LF in length. These vessels would be standard ocean vessels, requiring less space for mooring and off-loading. The berthing areas would be supported by 568 30-inch square concrete pre-cast piles and 54 21-inch square pre-cast piles. 344 of the 30-inch piles are located below the MHW line, resulting in 2,150 SF (**0.05 acres**) of permanent in water impacts.

One additional wharf position, consisting of the third delivery berth, is proposed to support OSW component manufacturing facilities, and will be located north of the Phase 2 marshalling wharf position. This berth will be 698 LF and will be constructed similarly to the delivery berths at the Phase 1 and Phase 2 marshalling ports. The additional berthing area will be supported by 700 30-inch square concrete pre-cast

piles and 67 24-inch square concrete pre-cast piles. 420 of the 30-inch piles are located below the MHW line, resulting in 2,625 SF (**0.06 acres**) of permanent in-water impacts.

The berthing areas extend 57 feet waterward of the bulkhead line, overhanging the Delaware River and supported by concrete piles, reducing the amount of in-water filling required to support the proposed platforms. The approximately **2.70-acres** of wetland and intertidal mudflat that is currently east of the existing timber bulkhead would be excavated to create open water area beneath the overhanging wharf. This would allow for the installation of the rip rap revetment waterward of the sheet pile wall. This activity would result in approximately 2.7 acres of new open-water area. Beneath the overhang of the wharf, the slope would be protected by 3 feet of rip rap revetment along a 2.5:1 slope extending waterward just past the fender to an elevation of -39.5 feet NAVD 88.

The platforms would be constructed of a 2-foot cast-in-place (CIP) bentonite cap, covered with a slightly less than one-foot-thick CIP concrete topping. Granular fill ballast will then be placed to raise the to an elevation of 12.5 feet NAVD 88. The platforms of the berthing areas would include a fascia beam at the face of the concrete, affixed with a fender installed with a counterfort. The delivery platform would also include a 6-foot battered pile cap approximately 36 feet landward of the sheet pile wall cap.

Two (2) mooring dolphins and one (1) breasting dolphin were installed as part of the previously authorized Phase 1 marshalling port development. These dolphins were included as part of the design to accommodate limitations in property ownership and NJDEP land use requirements. With these issues resolved, the proposed Phase 2 development would remove these previously installed dolphins in favor of extending the concrete wharf as noted above. As a result, a continuous concrete wharf structure of 3,565 LF would be installed as part of the final project development (Phase 1 and Phase 2 combined).

To support the development of the shoreline, approximately 2.7 acres of wetland and mudflat area along the shoreline would be dredged which would create approximately 2.7-acres of open water. Concrete piles supporting the proposed new wharf structure would be installed within this newly created open water and would result in 9,313 SF (**0.21 acres**) of open water fill. Construction of the wharf structure will also result in approximately 3.36-acres of impacts to intertidal shallows (2.55 acres due to shading and 0.81-acres for rip rap erosion protection measures). An approximately 300,000 SF (**6.89 acres**) area of the river bottom would also be covered in gravel for the proposed gravel mat. This area would be over dredged and then filled with the crushed gravel, so it would be level with the remaining dredged river bottom.

**b. Proposed Dredging Activity**

The proposed dredging footprint is included as Drawing D-101, Plan – Dredging, prepared by Moffatt and Nichol. The total estimated dredged material quantity is approximately 3,000,000 cubic yards (cy), based upon current hydrographic data obtained in October 2022 by S. T. Hudson Engineers, Inc. The Tugboat channel dredging is much smaller in scale consisting of approximately 24,000 cy of material. The dredge footprint for the Phase 2 development would include extension of the existing berth pocket north to allow for access to the new wharf areas and minor modifications to the existing access channel connection to the Delaware River Navigation channel. The existing access channel will be utilized by all vessels entering and existing the NJWP.

The proposed expanded development would require increasing the depth of the previously authorized access channel from -35.5 ft. North American Vertical Datum 1988 (NAVD 88) to - 39.5 ft. North American Vertical Datum 1988 (NAVD 88) with an over-dredge estimate of -1.0 ft. for a total potential dredge depth of -40.5 ft. NAVD 88. This increased channel depth would allow for accommodation of larger vessels with deeper drafts. The shipping channel design depth is -45 ft. Mean Lower Low Water (MLLW). The approach channel dredging footprint, at a design depth of -39.5 ft. NAVD88) ends approximately 300 feet landward from the toe of the Delaware River navigation channel, as depicted on the Moffatt and Nichol Drawing D-101. In addition, cross sections that depict the vertical extent of dredging are provided on Moffatt and Nichol Drawings D-301 though D-306. Berthing pockets for the installation vessels would be dredged to -47.5 ft. North American Vertical Datum 1988 (NAVD 88) with an over-dredge estimate of -1.0 ft. for a total potential dredge depth of -48.5 ft. NAVD 88. The increased depth at the berthing pockets for the installation vessels is intended to support placement of a stone base (to be installed by potential operators of the port) for use with jack up installation vessels.

The Tugboat access channel will be dredged south of and parallel to the existing submarine cables. This channel will be approximately 120 ft wide and dredged to a depth of -21.1 ft NAVD88 with an over dredge allowance of -1.5 ft for a total potential dredge depth of 22.6 ft NAVD88. This dredge area extends approximately 1,400 ft waterward of the bulkhead line, resulting in an estimated 23,493 cy of dredge material. This access channel will be located sufficiently south, approximately 500 ft south of the existing Silver Run sub-sea cables to avoid impacts. It should be noted that this channel does not extend to the Delaware River Navigation channel, but instead will extend to waters deep enough for tugboats to freely navigate. These improvements significantly reduce operational impacts to the Delaware River and its wildlife from marshalling by allowing for the local berthing of tugboats and reducing the number of trips that would be necessary if off-site tugboat support were utilized.

Various options for removal of material were evaluated prior to the selection of hydraulic dredge. First, the proximity to various dredge material management areas including the proposed Mad Horse Creek Nearshore Placement Beneficial Use site

(including as part of this application) lends itself to utilization of hydraulic dredging and reducing both cost and potential impact. Clamshell dredge operation would have resulted in significantly increased costs, mobilization of larger amounts of suspended sediment into the water column and had an increased risk of a larger discharge resulting from operation of dredge scows with transport to another disposal facility. Second, the USACE has a long history of successful hydraulic dredging operations in this stretch of the Delaware River. Recent channel deepening operations relied on hydraulic dredging and disposal in the USACE Artificial Island CDF facilities. Finally, hydraulic dredging completed as part of Phase 1 dredging was completed efficiently, quickly and with little to no impact on surrounding facilities (PSEG Nuclear intake structures) or natural resources.

In order to match the new fender line to the existing timber bulkhead line, portions of the shoreline would need to be dredged to facilitate construction of the wharf structure and the eastern portions of the berthing pockets. These sections along the shoreline would utilize a dragline or some other form of bucket excavation from upland staging areas or barge mounted equipment. These shore-based or water-based operations would incorporate turbidity curtains or other appropriate BMPs to limit disturbance to adjacent open water areas to the fullest extent practical. This limited mechanical dredging (estimated at approximately 250,000 cy) would be required at the berth slope. The material excavated is placed in scows or hopper barges that are towed to the disposal area, where it would be unloaded using hydraulic equipment.

Approximately 3,000,000 cy of dredged material would be excavated to accommodate the minor modifications to the existing approach channel (deepening) and expanded berthing pockets. The project would use hydraulic and mechanical dredging methods. Some of the dredge material will be utilized to support continued development at NJWP (e.g. surcharge activities) with other material beneficially used to create the Mad Horse Creek Nearshore Placement Beneficial Use site.

It should be noted that the proposed development includes lands previously transferred from the USACE and utilization of material originating from former USACE CDF Cell No.3. However, the proposed project is separate and distinct from the proposed land exchange between PSEG and the USACE, which included the construction of a Confined Disposal Facility (CDF) in Oldmans Township, Salem County and Logan Township, Gloucester County in New Jersey. The proposed land exchange and development of a new CDF has independent utility under the National Environmental Policy Act of 1969 (NEPA) and were pursued by the USACE via a separate NEPA process from the potential new plant at the PSEG Site. A Final Environmental Assessment and Finding of No Significant Impact (FONSI) was issued by the USACE for the new CDF.

### c. Dredged Material Disposal/Beneficial Re-Use

As part of the development of Phase 2 of the NJWP approximately 3,000,000 cubic yards of Delaware River sediments will need to be disposed of. As part of a combined mitigation strategy for the challenges of both local dredge material disposal and wetland restoration/mitigation, dredge material will be beneficially used along an approximately 7-mile stretch of eroding shoreline located south of the Station and within the Mad Horse Creek Wildlife Management Area (WMA). The material would be hydraulically placed approximately 100 ft waterward of the shoreline in mounds that are approximately 100 ft wide and at a length typically bounded by tidal channels (i.e. the mounds would start and end proximate but not blocking an existing channel). The mounds would be placed such that the top of the mound would not exceed the MHW elevation. The resulting mounds would serve the dual purpose of providing a wave break against the tide and provide a source of River sediment. The wave break would help reduce ongoing erosion along the shoreline. The conceptual proposal estimates that over 1,000,000 cy of dredge material will be utilized within the Mad Horse Creek nearshore placement site.

In addition to the beneficial use of dredge material at the Mad Horse Creek WMA, dredge material will also be temporarily managed within the proposed 21-acre CDF on parcel E and dredge material will be used for the Abbots Meadow Wetland Restoration project north of Artificial Island as well (authorized under a separate action).

### d. Compensatory Mitigation

Compensatory mitigation: According to Federal regulation located at 33 CFR 325.1(d)(7) and 33 CFR 332.4(b)(1), applicants wishing to discharge fill material into water of the U.S. must include a statement on how they have avoided and minimized impacts as well as how they intend to compensate for unavoidable impacts. The applicant has avoided/minimized impacts to the aquatic environment by incorporating engineering/construction procedures into the process that would substantially reduce impacts to aquatic resources. Additionally, the applicant states they have redesigned the channel leading to the proposed dock to minimize dredging required in the waterway.

Unavoidable temporary impacts to regulated resources (predominately Phragmites dominated wetlands) will be addressed via restoration to preconstruction conditions. Proposed restoration procedures have been coordinated through consultation with NJDEP Division of Land Resource Protection. Unavoidable permanent impacts to regulated resources will be addressed via the purchase of mitigation credits through an approved mitigation bank. Similar coordination with a mitigation bank was conducted as part of the Phase 1 activities with confirmation on availability of suitable credits to support the proposed activities identified in this notice.

In addition to the impacts to regulated resources detailed in the table below, mitigation for impacts to sand waves located within the proposed dredge footprint for the expanded NJWP will be included. Similar to mitigation for sand wave impacts from the

initial phase of development, NJEDA is proposing to expand the mitigation proposal agreed upon to include any additional sand wave impacts.

**Proposed Impacts From NJWP – Phase 2 Development**

| | Intertidal & Subtidal Shallows | | Open Water Impacts | | Habitat Conversion (Hard Substrate Habitat) | Riparian Zone Vegetation | Open Water Creation | FWW Impacts | | FWW TA Impacts | | CW Impacts (Landside) | | CW Impacts (Waterside) | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Perm | Temp | Perm | Temp | | | | Perm | Temp | Perm | Temp | Perm | Temp | Perm | Temp |
| Parcel B1 | 5.258 | -- | -- | -- | -- | 0.45 | 2.699 | -- | -- | -- | -- | 1.378 | 4.55 | 1.384 | -- |
| Parcel B2 | 0.812 | -- | -- | -- | -- | 0.42 | -- | -- | -- | -- | -- | 0.048 | 3.096 | 0.568 | -- |
| Parcel C2 | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | 0.911 | 6.137 | -- | -- |
| Parcel D | -- | -- | -- | -- | -- | -- | -- | 0.23 | 0.03 | 0.52 | 0.09 | -- | -- | -- | -- |
| Parcel E | -- | -- | -- | -- | -- | -- | -- | 0.514 | -- | 1.297 | -- | -- | -- | -- | -- |
| MHCBUA | -- | 178.794 | 0.512 | 83.228 | 1.558 | -- | -- | -- | -- | -- | -- | -- | -- | .02 | -- |
| ***Total*** | **6.07** | **178.794** | **0.512** | **83.228** | **1.558** | **0.87** | **2.699** | **0.744** | **0.03** | **1.817** | **0.09** | **2.337** | **13.783** | **1.952** | **0.00** |

Notes:
1) FWW = Freshwater Wetland; TA = Transition Area; CW=Coastal Wetland; Perm = Permanent; Temp = Temporary; MHCBUA = Mad Horse Creek Beneficial Use Area
2) All values presented as acreage

## CORPS EVALUATION FACTORS

The decision whether to issue an approval will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The 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 work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof. Among these factors are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people.

The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency if the project includes a discharge of dredge or fill material pursuant to Section 404 of the Clean Water Act.

## ENDANGERED SPECIES

A preliminary review of this application indicates that species and/or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) may be present in the action area. This office will forward this Public Notice to the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) with a request for technical assistance on whether any ESA-listed species or their critical habitat may be

present in the area which would be affected by the proposed activity. This office will evaluate the potential effects of the proposed actions on ESA-listed species or their critical habitat and will consult with the USFWS and/or NMFS, as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this application.

CULTURAL RESOURCES AND TRIBAL TRUST

The District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places and for potential issues concerning the Tribes. This office would consult with the NJSHPO, the Tribes and other consulting parties regarding potential historic properties within the permit area and potential impacts to those resources.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the NMFS for all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that this office will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS, as appropriate. Consultation would be concluded prior to the final decision on this application.

WATER QUALITY CERTIFICATE

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

COASTAL ZONE MANAGEMENT ACT

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management (CZM) Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State CZM Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact on the State's coastal zone should be sent to this office with a copy to the State's CZM office. An application has been submitted to the Delaware Department of Natural Resources and Environmental Control and the New Jersey Department of Environmental Protection for the necessary State approvals, which would include the required CZM consistency concurrence.

SECTION 408 DETERMINATION

Section 14 of the Rivers and Harbors Act of 1899, as amended, and codified in 33 U.S.C. 408 (Section 408) provides that the Secretary of the Army may, upon the recommendation of the Chief of Engineers, grant permission to other entities for the permanent or temporary alteration or use of any USACE Civil Works project. This requires a determination by the Secretary that the requested alteration will not be injurious to the public interest and will not impair the usefulness of the USACE project. It was determined by the USACE, Philadelphia District that Phase 1 of the NJWP did not require a Section 408 review. Phase 2 will be coordinated and if it is determined to require a Section 408 review no Department of the Army permits may be issued to such time that the review is completed.

SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/

Todd A. Schaible

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**Todd A. Schaible**
**Chief, Regulatory Branch**