



**US Army Corps
of Engineers®**
Philadelphia District

Wanamaker Building
1650 Arch Street, Fifth Floor
Philadelphia, PA 19103-2004
ATTN: CENAP-OPR

Public Notice

File Number:
NAP-2018-00567-46

Comment Period Begins: March 20, 2025
Comment Period Ends: April 19, 2025

File Name:
EMR EASTERN

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This District 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).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Mr. Joseph A. Balzano
EMR Eastern, LLC
201 North Front Street
Camden, New Jersey 08102

AGENT: Ms. Clare Mueller
S.T. Hudson Engineers, Incorporated
900 Dudley Avenue
Cherry Hill, New Jersey 08002

WATERWAY: Delaware River

LOCATION: Waterward terminus of Kaighns Avenue, City of Camden, Camden County, New Jersey

ACTIVITY: The applicant proposes to expand the capabilities of their existing facility on the Delaware River in Camden, NJ to accommodate deeper draft vessels (-36 ft MLW) than the wharf can currently support. The project would include the following structural work. The applicant would construct additional pile-supported dolphins with connecting walkways to facilitate line handling. Such structures required during construction would include the following: (1) new breasting/mooring dolphin w/fender system [20ft x 20ft with twenty (20) 16-inch steel concrete-filled pipe piles], (1) new walkway bent, and (1) new walkway span (4' wide by 30' long) constructed of steel grating, and associated pneumatic rubber fenders. The pile placement would result in the filling of 15 square feet of waterway below the high tide line through the discharge of 8.72 cubic yards of concrete. All piles would be driven by vibratory hammer and finished by impact hammer. In addition, the current (29) rubber fenders along the existing bulkhead will need to be replaced.

The applicant proposes dredging of the waterfront access area. Although the applicant currently has a valid DA permit to dredge immediately along the wharf for vessel berthing (expires December 31, 2031), the applicant proposes further mechanical dredging of 12.7 acres of waterfront to a design depth of -36 ft MLW with allowance for 2 feet of over-dredging. The dredging discussed herein is considered independent of the currently-approved berth dredging and would initially generate approximately 111,000 cubic yards including the over-dredge. The applicant also proposes up to 6 maintenance dredging events of up to 10,000 cubic yards per each spread out over the 10-year life of the proposed permit. All initial dredge materials would be transported to the Waste Management of Pennsylvania's Biles Island disposal facility, in Morrisville, Bucks County, Pennsylvania.

The proposed work is depicted on a 3-page plan set prepared by S.T. Hudson on January 30, 2025 and entitled "Permit Application, Proposed: Berths Improvements and Dredging, AT: Kaighns Point, Camden, NJ, County of: Camden, Application By: EMR Eastern LLC, " File E-1234, Drawing Numbers 1 through 3 of 3, un-revised.

PURPOSE: The applicant's stated purpose for the project is to allow for EMR to load larger, deeper draft vessels, thereby allowing diversity in the types of vessels that can access EMR's existing facility.

ENDANGERED SPECIES: A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) or their critical habitat pursuant to Section 7 of the ESA, as amended, may be present in the action area. This District will forward this Public Notice to the United States Fish and Wildlife Service and the National Marine Fisheries Service 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 District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the United States Fish and Wildlife Service and the National Marine Fisheries Service, as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

PUBLIC INTEREST: The decision whether to issue a permit 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 those 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. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

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 the 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.

HISTORIC RESOURCES: Preliminary review of the National Register of Historic Places indicates that no historic resources are located within the permit area of the work. Internal historic and cultural review is on-going at this time.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended, requires all federal agencies to consult with the National Marine Fisheries Service on 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 EFH is present within the project area but no habitat area of particular concern (HAPC) is noted. This District will evaluate the potential effects of the proposed actions on EFH and will consult with the National Marine Fisheries Service as appropriate. Consultation will be concluded prior to the final decision on this permit application. The site does not include submerged aquatic vegetation or shellfish habitat.

MITIGATION: Federal regulations contained in 33 CFR 325.1(d)(7) require applicants to include a statement describing how impacts to waters of the United States are to be avoided and minimized. Furthermore, the application must also contain a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

Avoidance and Minimization: The dredging and construction activities would be conducted using best management practices by minimizing impacts to aquatic resources. Additionally, 400 square feet of open-water coverage/shading will be added to the facility by the 20-ft. by 20-ft. proposed mooring dolphin. The 400 square feet is the minimum amount of over-water coverage because the mooring dolphin must be robust enough to brace a ship of the size the facility is being designed for. This includes having the pile spacing, pile count, length and width of the dolphin proposed in the application because our engineers have concluded that this is what is necessary to support these ships with an appropriate margin of safety. Permanent waterway loss would involve only 15 square feet of waterway bottom from the placement of concrete-filled pilings.

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 would place dredged materials in a non-regulated disposal facility typically used for construction and disposal activities.

Compensation: Less than 0.001 acre is proposed for permanent waterway loss from the work (15 square feet for pile placement) and compensatory mitigation is not practicable at that scale. As such, no further compensation is suggested at this time.

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 States' coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and would be conducted in a manner that is consistent with the approved New Jersey State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its rights to do so. Comments concerning the impact of the proposed and/or existing activity on the State coastal zone should be sent to this office, with a copy to the State Office of Coastal Zone Management.

SECTION 401 WQC : In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State governments in which the work is located. No permit will be issued until the State has issued such certification or has waived its right to do so. 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.

SECTION 404(b)(1) : The evaluation of the impact of the work described above on the public interest 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.

COMMENTS: Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, 1650 Arch Street, Fifth Floor, Philadelphia, Pennsylvania 19103-2004 or by e-mail. Additionally, any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling David J. Caplan of my office at (215) 656-6731 (office) or 215-605-7029 (mobile), via email at david.j.caplan@usace.army.mil, or writing this office at the above address.



Digitally signed by
Glenn R. Weitknecht
Date: 2025.03.19
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FOR: Todd Schaible
Chief, Regulatory Branch