

US Army Corps of Engineers. Philadelphia District

Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390 ATTN: CENAP-OP-R

### **Public Notice**

Public Notice No. [CENAP-OP-R-2009-1256-46]

Application No.

File No.

In Reply Refer to:

REGULATORY BRANCH

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: NATIONAL GYPSUM OF NEW JERSEY

AGENT: Urban Engineers, Incorporated

530 Walnut Street

Philadelphia, Pennsylvania 19106

WATERWAY: Delaware River

LOCATION: 1818 River Road, identified as Lot 2 of both Block 154 and 154.01,

Burlington City, Burlington County, New Jersey.

The applicant proposes to rehabilitate the existing loading dock facility. The work would include the construction of 5 new dolphins and associated catwalk ramps from the existing structures. All dolphins would consist of cast-in-place concrete caps supported by vibratory and impact hammer-driven HP14x117 steel piles (14 to 15 inches wide, approximately 80 feet long), encased in tremie-poured concrete-filled 24" steel sleeves. Two new mooring dolphins would be placed, upstream and downstream of the existing structure, involving the placement of 36 batter piles per dolphin (totaling a disturbance to 1350 square feet of open waters below the high tide line, but above the mudline, and 270 square feet of lost waterway bottom). Three breasting dolphins would be placed along the shore-parallel dock and walkway and would involve the placement of 27 steel piles per dolphin (totaling a disturbance of 1839 square feet of open waters below the high tide line, but above the mudline, and 252 square feet of lost waterway bottom). The project would result in a total of 3189 square feet of waterway disturbance from overall mooring and breasting dolphin construction and a direct loss of 520 square feet of waterway bottom from pile placement for the five dolphins. Each concrete pile cap would be constructed of poured concrete in tightly sealed forms. Additionally, 4 support piles would be placed for catwalks to the new upstream and downstream dolphins. Such pile placement would impact a total of 4 square feet of waterway below the high tide line. A total of 55 linear feet of 3.5 foot wide metal catwalk would be constructed for the 2 walkways.

It should be noted that this project would not involve dredging although such was approved by DA permit (issued March 14, 2011) which remains valid until 2021. Additionally, it should be noted that the initial loading facility as currently exists was originally approved by this office in a Department of the Army permit dated March 31, 1956.

PURPOSE: The applicant's stated purpose is to replace existing elements exhibiting significant deterioration and section loss and to improve the dock's ability to serve modern vessels.

A preliminary review of this application indicates that the proposed work may affect shortnose and Atlantic sturgeons (Federally-listed species) and potential critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) as amended. To minimize impacts to such fisheries, the applicant shall employ a turbidity barrier around the construction site as well as would use vibratory pile driving methodologies for pile placement for setting the piles and timber-damped impact hammer driving to minimize vibrational effects on listed fisheries. Additionally, all work would be restricted from March 15 and May 31 to minimize impacts to shortnose sturgeon.

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.

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, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), 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 effect Essential Fish Habitat (EFH). A preliminary review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, suggests that the site is not located in essential fish habitat. However, to minimize impacts to food source fisheries associated with species of concern in Essential Fish Habitat, the applicant has stated that all inwater work would be restricted from the period of March 1 through June 30.

### Compensatory Mitigation:

Pursuant to 33 CFR 332, the applicant's agent has noted the following points concerning compensatory mitigation.

This section of the Delaware River has limited in stream habitat structures that can be used as resting and protective areas for prey species. The addition of 153 piles and 5 raised concrete caps will contribute to such key resources. Over a short time these new structures will act as fish attractants making the habitat more valuable. It is anticipated that there will be only one arriving vessel per month using the facility, which allows these new in-water structures to be use by local fishers.

No compensatory mitigation would be necessary for this project since the proposed work would enhance available fish habitat by providing submerged structures, which are limited in this section of the Delaware River. The direct loss of waterway bottom would be limited to 520 square feet from the pile placement for the dolphins. An additional 3,189 square feet of impacts would occur below the AHT but this fill is located above the mudline allowing for access by fish and benthic organisms this would create additional foraging areas.

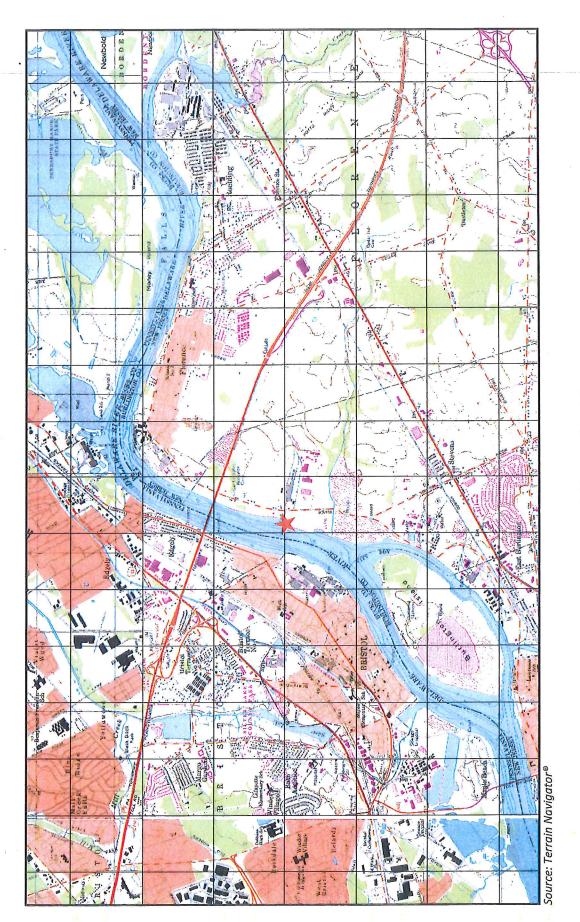
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary 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.

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.

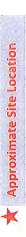
Additional information concerning this permit application may be obtained by calling David Caplan at 215-656-6731 or writing to this office at the above address.

Edward E. Bonner Chief, Regulatory Branch



### **USGS Location Map**

National Gypsum Company – Breasting Dolphin Replacement Burlington, New Jersey





Source: Google Earth®

### Aerial Location Map

National Gypsum Company – Breasting Dolphin Replacement Burlington, New Jersey

| 3TAQ    | 묎  | DESCRIPTION       | REV. |                               | WAS  | APPROVED BY: S  | PROJECT NO: 2016610115 |     |       |   | Г        | 11  |
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# BURLINGTON DOCK REHABILITATION

1818 RIVER ROAD, BURLINGTON, NJ 08016 FOR

# NATIONAL GYPSUM COMPANY

2001 REXFORD ROAD, CHARLOTTE, NC 28211





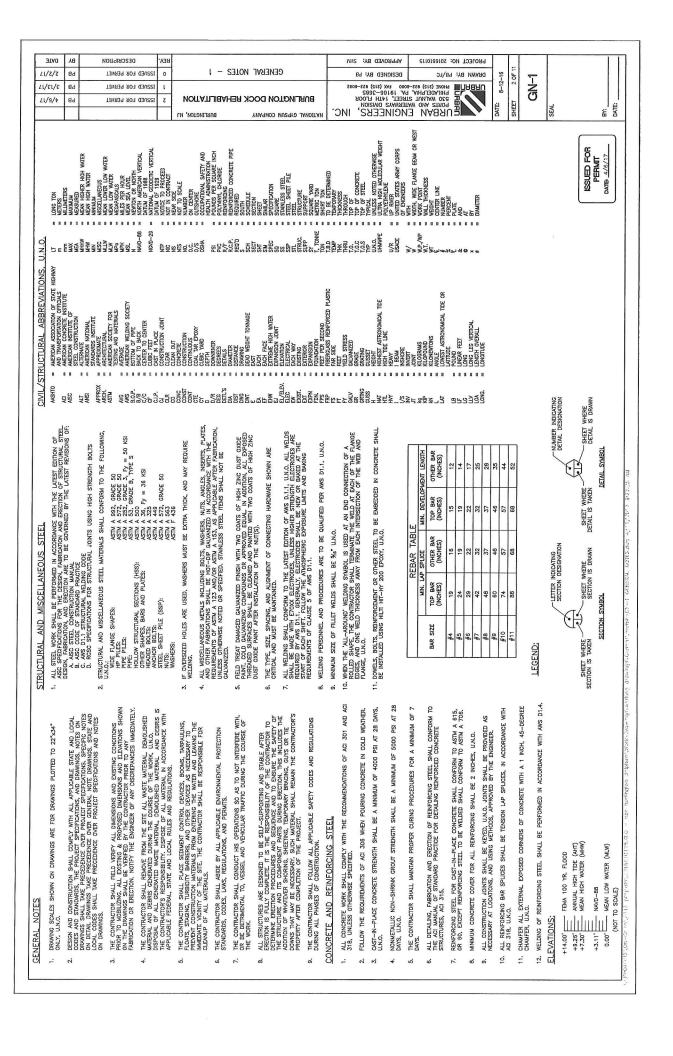


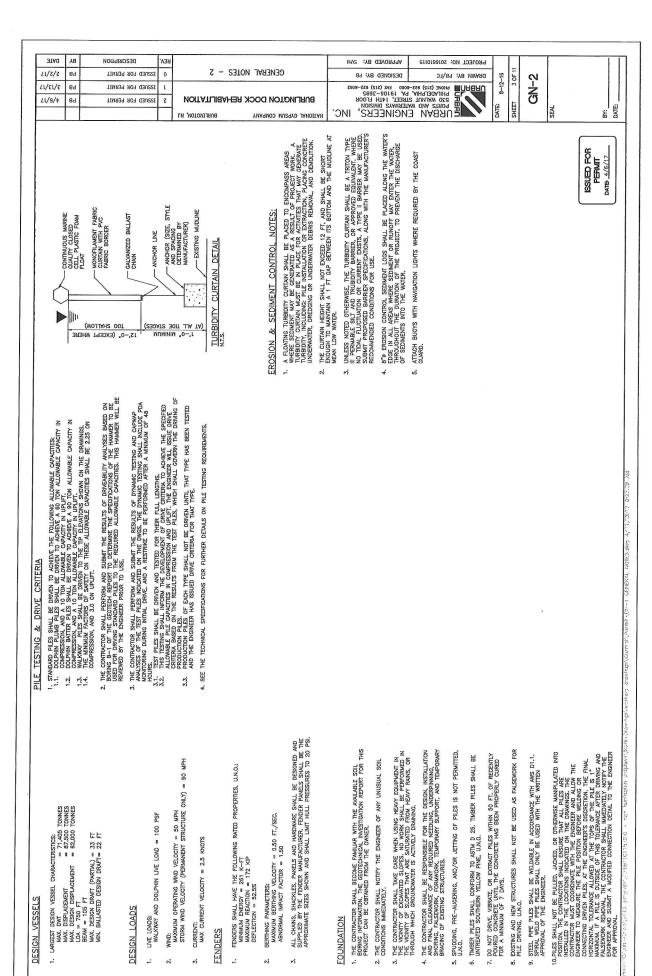
LOCATION MAP

ISSUED FOR PERMIT DATE 4/6/17

URBAN PROJECT NO. 2016610115

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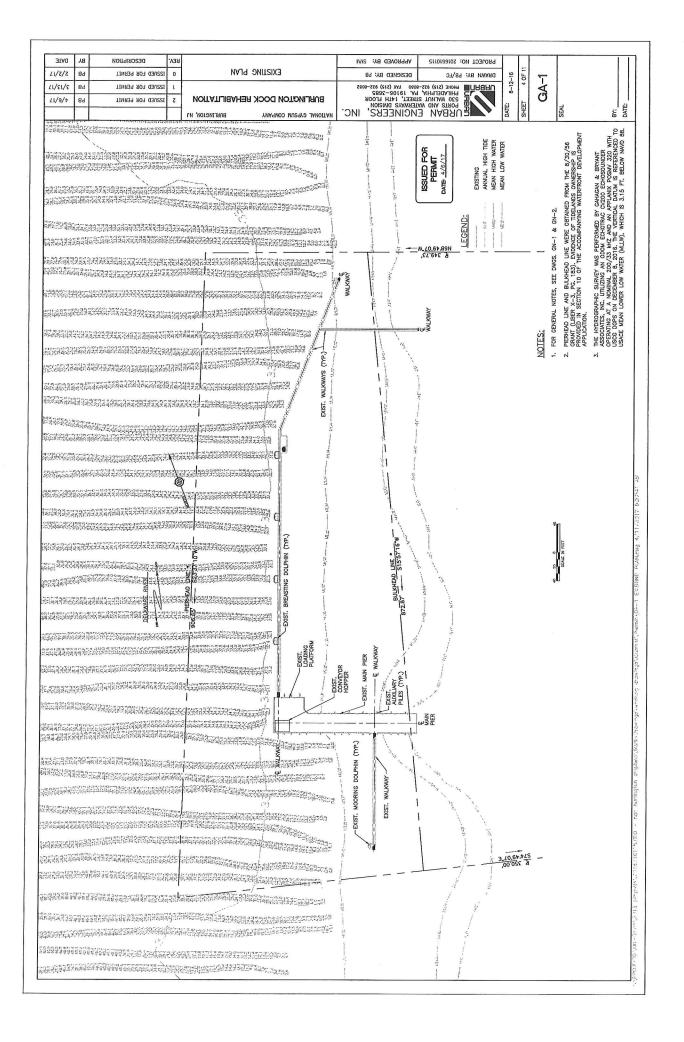
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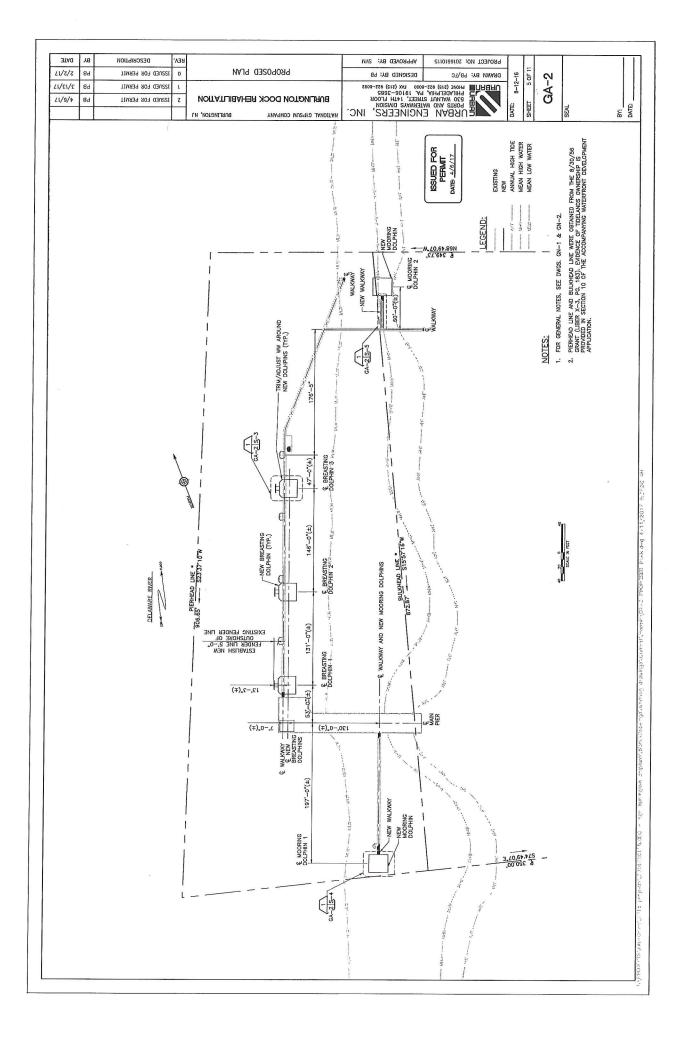
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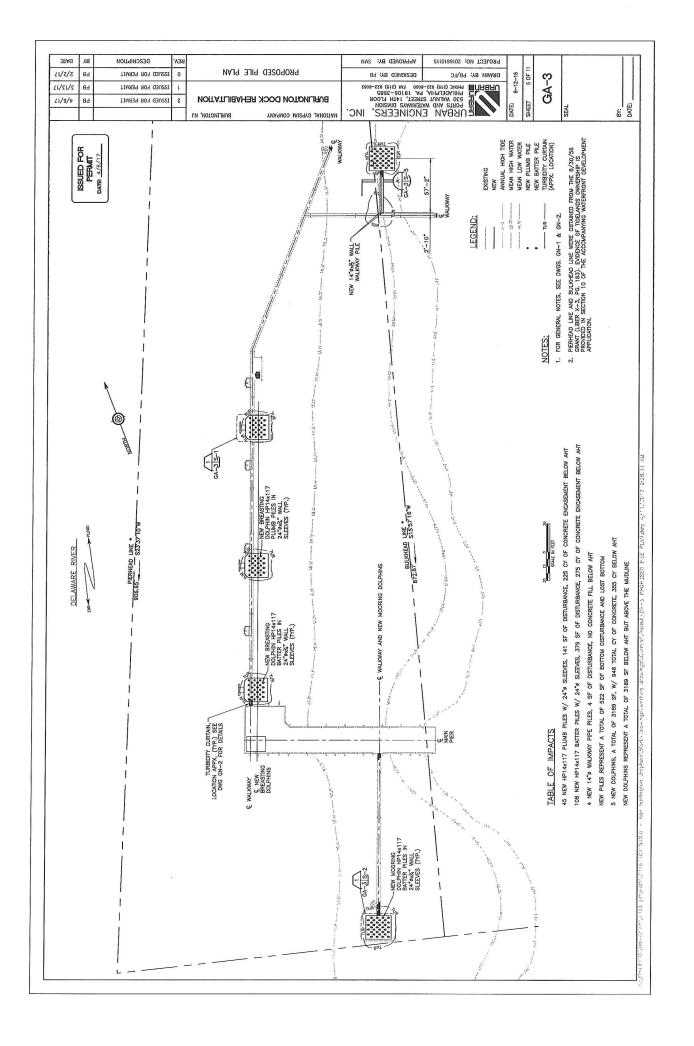
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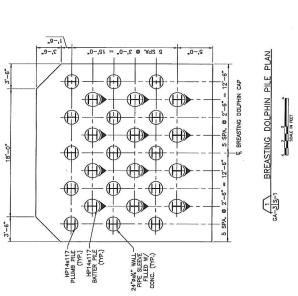
DESIGN VESSELS







| 3TAQ    | 묎  | DESCRIPTION       | REV. |                                       | APPROVED BY: SUM        | PROJECT NO: 2016610115  |         |         |        |  |       |
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| 2/2/17  | 84 | ISSUED FOR PERMIT | 0    | BREASTING DOLPHIN PILE PLAN           | DESIGNED BJ: PB         | DRAWN BY: PB/FC   | 9       | 7 OF 11 |        |  |       |
| ۲۱/۲۱/۲ | 88 | ISSUED FOR PERMIT | ı    |                                       | 2020 FAX (215) 922-8062 | URBANT PHONE (215) 922-   | 8-12-16 | -       | S-1    |  |       |
| L1/9/t  | 88 | ISSUED FOR PERMIT | 2    | BURLINGTON DOCK REHABILITATION        | TREET, 14TH FLOOR       | AW CAS CASO STATE OF THE CASO WALNUT STATE CASO WALNUT STATE CASO |         |         | 0,     | L  |       |
|         |    |                   |      | имитомые сурѕим сомрану вияшистом, ил | NCINEERS' INC.          | B NA8AU ₽   | DATE    | SKEET   |        | SEAL   | PATE: |
|         |    |                   |      |                                       |                         | SAUED POR<br>PERMIT<br>DATE ±18/17  |         |         |        | NOTES, SEE DWGS, GN-1 & GN-2.<br>EVES SHALL BE SHOPE COATED WITH COAL              |       |
|         |    |                   |      |                                       | L                       |   |         |         | NOTES: | <ol> <li>FOR GENERAL NOTE</li> <li>NEW PIPE SLEEVES</li> <li>TAR EPOXY.</li> </ol> |       |



DELAWARE RIVER

# TABLE OF IMPACTS (EACH BREASTING DOLPHIN)

- 15 NEW HP14x117 PLUMB PILES W/ 24"¢ SLEEVES
- 12 NEW HP14x117 BATTER PILES W/ 24"¢ SLEEVES
- NEW PILES REPRESENT 90 SF OF BOTTOM DISTURBANCE AND LOST BOTTOM AND 143 CY OF CONCRETE ENCASEMENT BELOW AHT
- NEW DOLPHINS REPRESENT 613 SF BELOW AHT BUT ABOVE THE MUDLINE, W/ 182 TOTAL CY OF CONCRETE, 97 CY OF CONCRETE BELOW AHT

| <b>DATE</b> | 묎  | рессиндои         | REV. |   | APPROVED BY: SWM            | PROJECT NO: 2016610115   |      |     |    |         |    |
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| 2/2/17      | 84 | ISSUED FOR PERMIT | 0    | MOORING DOLPHIN PILE PLAN               | DEZIGNED BJ: 58             | DRAWN BY: PB/FC          | 1 9  | 101 | C) |         |    |
| 2/12/11     | 84 | TINR39 ROR DESULT | ı    |   | 97 19106-3685<br>19106-3685 | URBANT PHONE (215) 922-8 | 8-12 | "   | 1  |         |    |
| ∠1/9/₩      | 84 | TIMES FOR PERMIT  | 2    | BURLINGTON DOCK REHABILITATION          |                             |                          | iii  | Ē   | ഗ  | L       | 6  |
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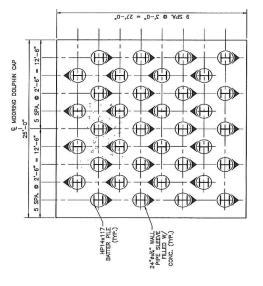


(1) MOORING DOLPHIN PILE PLAN



### NOTES:

- 1. FOR GENERAL NOTES, SEE DWGS. GN-1 & GN-2.
  2. NEW PIPE SLEEVES SHALL BE SHOPE COATED WITH COAL TAR EPOXY.



EBB FLOOD
DELAWARE RIVER

## TABLE OF IMPACTS (EACH MOORING DOLPHIN)

36 NEW HP14x117 BATTER PILES W/ 24"¢ SLEEVES

NEW PILES REPRESENT 126 SF OF BOTTOM DISTURBANCE AND LOST BOTTOM AND 36 CY OF CONCRETE ENCASEMENT BELOW AHT

NEW DOLPHINS REPRESENT 675 SF BELOW AHT BUT ABOVE THE MUDLINE, W/ 200 TOTAL CY OF CONCRETE, 32 CY OF CONCRETE BELOW AHT

