



**US Army Corps
of Engineers**

Philadelphia District

Public Notice

Public Notice No.
CENAP-PL-E-06-04

Date
10 March 2006

Internet Homepage <http://www.nap.usace.army.mil>

In Reply Refer to: Environmental Resources Branch

NOTICE IS HEREBY GIVEN, that the Philadelphia District, U.S. Army Corps of Engineers is conducting an ecosystem restoration project at Grover's Mill Pond, which is owned jointly by West Windsor Township and Mercer County, New Jersey. Grover's Mill Pond (Figures 1, 2, and 3) is located on Big Bear Creek, a tributary of the Millstone River, which eventually flows into the Raritan River. Grover's Mill Pond is a 37-acre man-made lake created by an earthen dam across Big Bear Creek. The present earthen dam is 400 feet long and 11 feet high and forms the base for Clarksville Road. The pond was originally impounded in Colonial times to power a gristmill and the dam was first upgraded in 1931 with a subsequent upgrade in 2005.

The goal of the Grover's Mill Pond Restoration Project is to restore fisheries habitat in a degraded freshwater pond. The restoration goal will be accomplished through sediment removal from the existing pond bottom to create more favorable water depths for local fishery populations. The estimated quantity of material to be dredged is between 50,000 and 60,000 cubic yards. The material shall be placed in a constructed 11-acre confined disposal facility located on township owned property near the upstream end of the pond. Habitat structures such as porcupine cribs, random rock rubble humps, and gravel-spawning beds will be placed into the pond to further enhance the existing fishery habitat. Current design includes the construction of a handicap fishing pier in the Van Nest Park area of the pond by the sponsor. Subsequent placement of an aeration system into the pond is being considered by the sponsor, but is dependent on funding availability. The project is authorized under Section 206 of the Water Resources Development Act of 1996.

A Draft Environmental Assessment was prepared in accordance with the provisions of the National Environmental Policy Act of 1969, as amended. The EA assesses conditions at the project site and evaluates the potential impacts of the project on existing resources in the immediate and surrounding areas to include: physical, chemical, and biological characteristics of the aquatic and terrestrial ecosystem; endangered and threatened species; hazardous and toxic materials; aesthetics and recreation; cultural resources; and the general needs and welfare of the public.

All practicable means to avoid or minimize adverse environmental effects have been incorporated into the project plan. The proposed project is being coordinated with the U.S. Fish and Wildlife Service, New Jersey Field Office; U.S. Environmental Protection Agency Region 2, Environmental Compliance Division; New Jersey Department of Environmental Protection (NJDEP), Division of Fish and Wildlife; NJDEP, Division of Engineering and Construction; NJDEP, Office of Dredging and Sediment Technology; NJDEP, Division of Parks and Forestry;

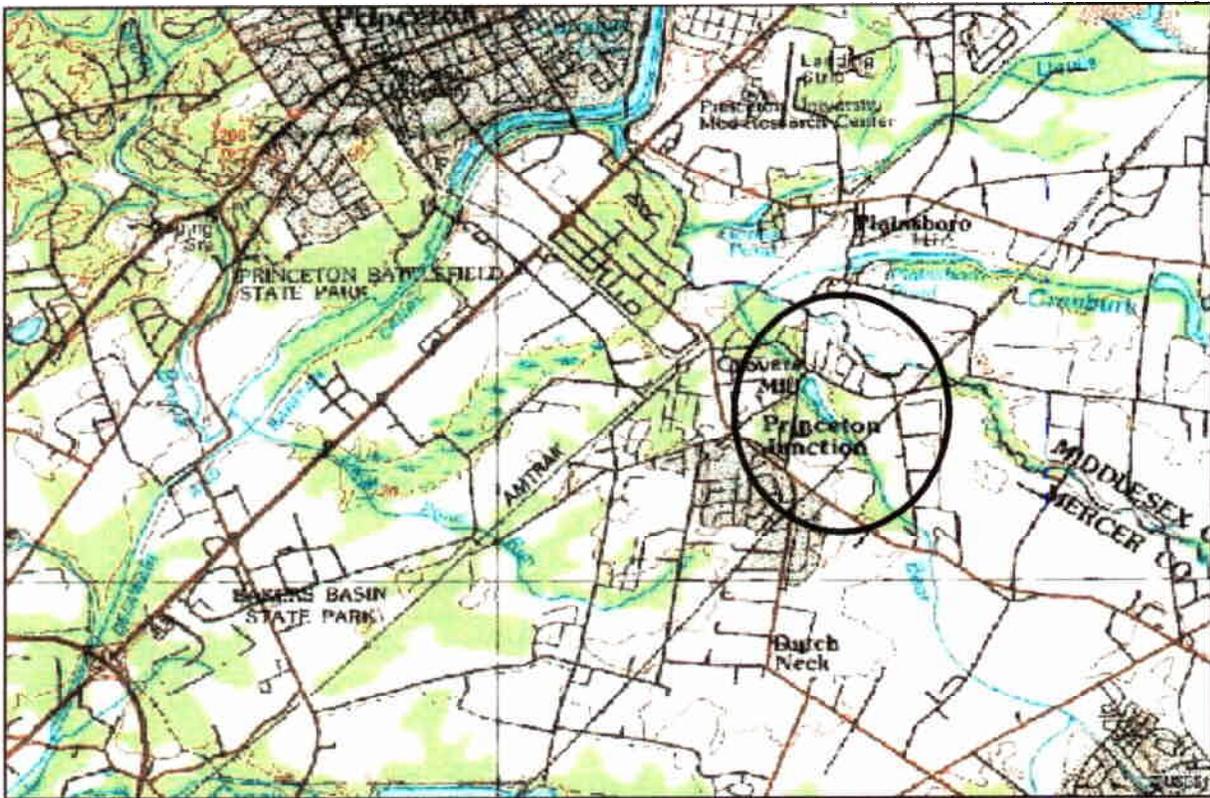


Figure 1. General site location for Grover's Mill Pond, NJ

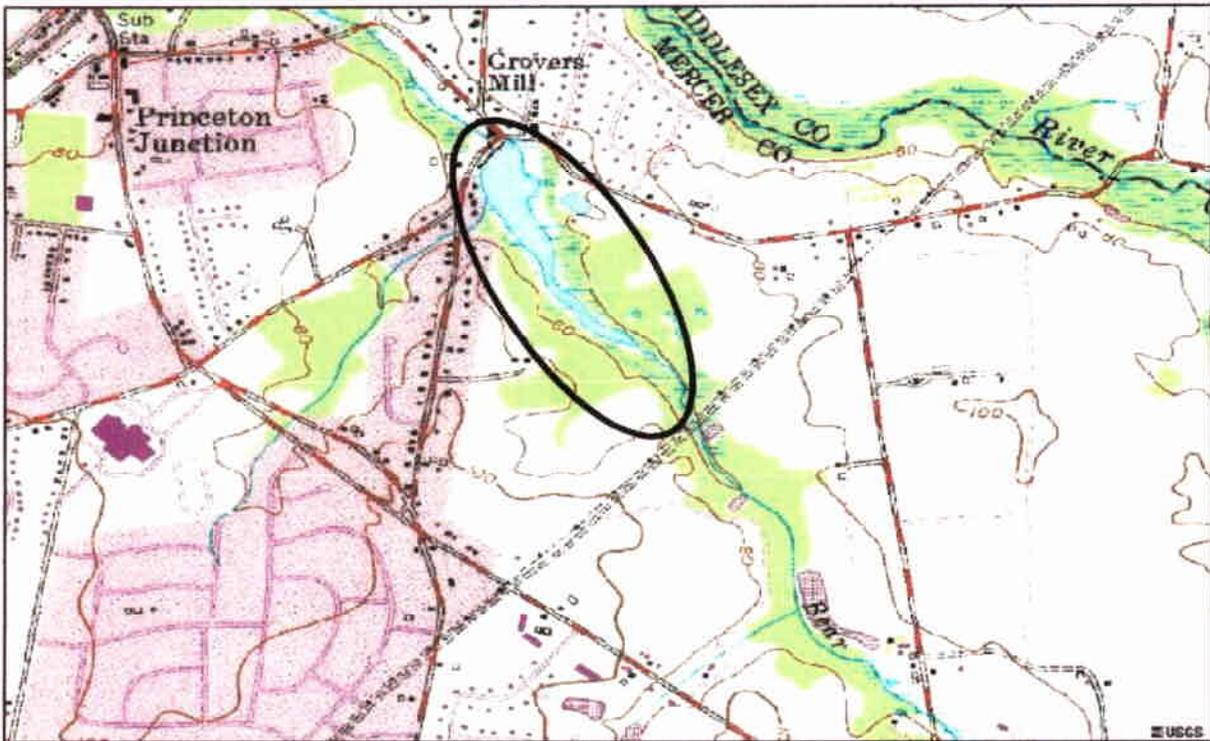


Figure 2. Grover's Mill Pond, NJ restoration

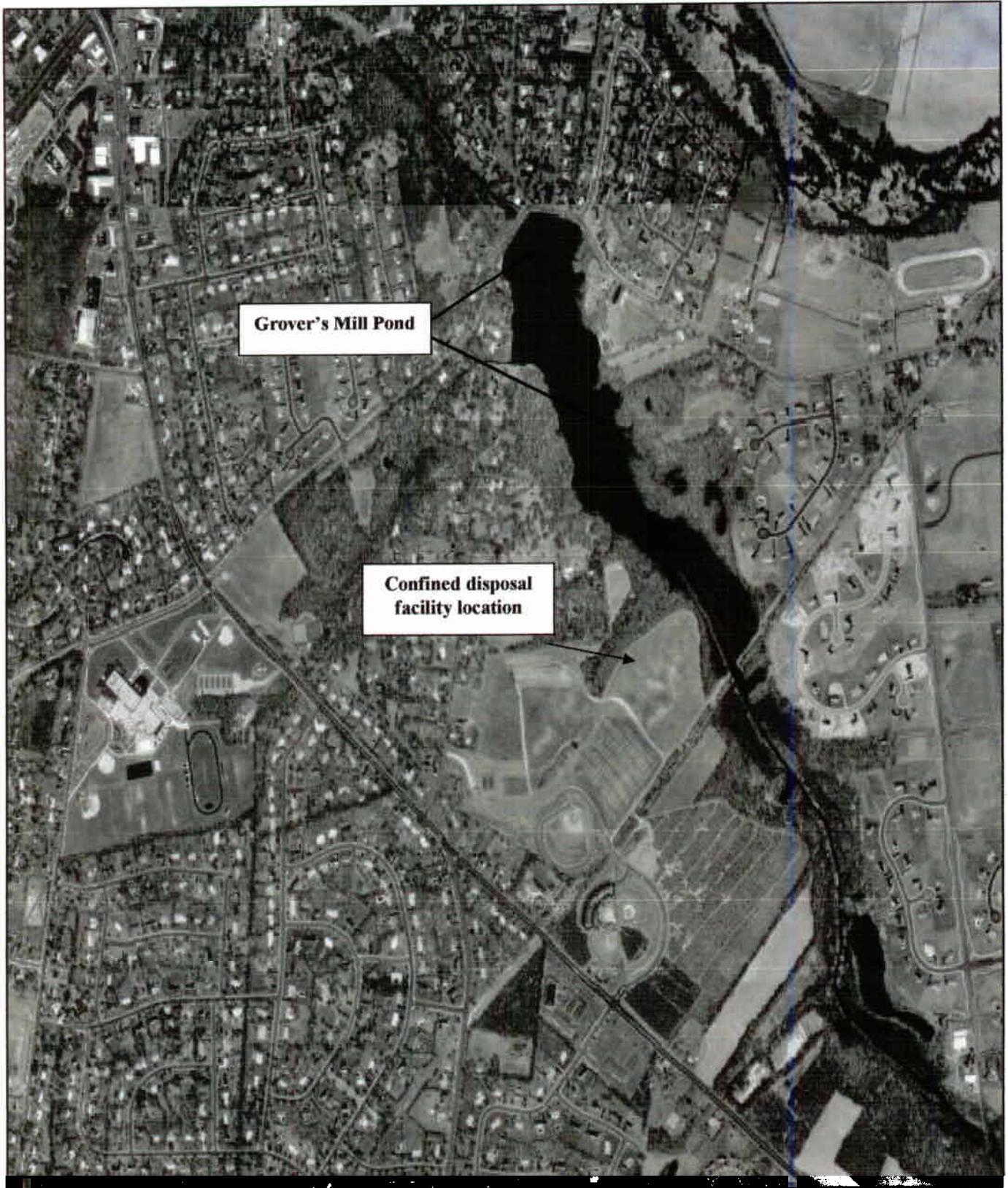


Figure 3. Aerial photograph of Grover's Mill Pond, NJ and upland disposal facility location

NJDEP, Land Use Regulation Program; New Jersey State Historic Preservation Office; Mercer County Soil Conservation District; and United States Department of Agriculture, Natural Resources Conservation Service.

The Draft Environmental Assessment has shown that the proposed activity is not likely to jeopardize the continued existence of any species or the critical habitat of any fish, wildlife or plant, which is designated as endangered or threatened pursuant to Section 7 of the Endangered Species Act, as amended. Other than the Bald Eagle (*Haliaeetus leucocephalus*), no other threatened or endangered species potentially utilizing the area have been identified.

Work in waters of the United States, including wetlands, must be in compliance with Section 404 of the Clean Water Act. Therefore, a review of impacts associated with the potential discharge of fill material has been performed as per Section 404(b)(1) of the Clean Water Act. No significant impacts were identified. The requirements of Executive Order 11990, Protection of Wetlands, are therefore met as a result of minimization of impacts to waters of the United States.

The State of New Jersey conducts a 401 Clean Water Act Water Quality Certification review as part of their Freshwater Wetlands Protection Act (FWPA) permitting program. Under their comprehensive permitting program they regulate all activities in freshwater wetlands, as well as in "transition areas" such as upland buffers adjacent to the wetlands. (N.J.S.A. 13:9B-1 et seq.). In general, Section 401 State water quality certifications are issued upon receiving a state permit under the FWPA. The project sponsor will apply for and secure a FWPA state permit for the project. Upon issuance of this permit, Section 401 of the Clean Water Act will be satisfied.

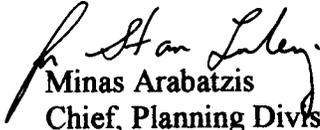
The Soil Erosion and Sediment Control Act of 1975 as amended, (N.J.S.A. 4:24-39 et. seq.) stipulates that any project proposing more than 5,000 square feet of soil disturbance for a construction project must create a Soil Erosion and Sediment Control Plan and have it certified by the local District before any construction may commence to ensure that the project meets State Standards. An approved Plan will be secured from the Mercer County Soil Conservation District prior to the start of construction activities for the project. In addition, a National Pollutant Discharge Elimination System permit will be secured from the Mercer County Conservation District and the New Jersey Department of Environmental Protection prior to construction activities commencing.

In accordance with guidelines established under Section 106 of the National Historic Preservation Act of 1966, as amended, coordination with the New Jersey State Historic Preservation Office (SHPO) is ongoing in regard to any potential effects on archaeological sites or historic structures. The NJ SHPO has concurred that the National Register of Historic Places (NRHP) eligible Grover's Mill Historic District will not be impacted by the project as now planned. An intensive Phase 1b archaeological survey will be conducted of the entire 11-acre disposal area and the results of that investigation will be coordinated with NJ SHPO pursuant to 36 CFR 800.4. Section 106 consultation on the methodology to be employed for this survey is ongoing.

The decision whether to accomplish the work proposed in this public notice is based on an evaluation of the probable impact of the proposed work on the public interest. The decision will reflect the national concern for the protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonable foreseeable detriments. All factors, which may be relevant to the proposal, will be considered. Among those are conservation, aesthetics, fish and wildlife, general environmental concerns, economics, historic values, navigation, energy needs, recreation, safety, water quality, food production, and in general, the needs and welfare of the people.

The public and all agencies are invited to comment on this proposal. Copies of the Draft Environmental Assessment are available upon request by calling (215) 656-6561. The public notice and Draft Environmental Assessment are available for review on the Philadelphia District web page at www.nap.usace.army.mil.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice (**10 March through 10 April**) that a public hearing be held to consider this proposal. Requests for a public hearing shall state, in detail, the reasons for holding a public hearing. All comments on the work described in this public notice and/or in the Draft Environmental Assessment should be directed to Mr. Minas Arabatzis, Chief, Planning Division, ATTN: Environmental Resources Branch, U.S. Army Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390 by **10 April 2006**.


Minas Arabatzis
Chief, Planning Division
Philadelphia District
U.S. Army Corps of Engineers