



**US Army Corps
of Engineers**
Philadelphia District

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

Public Notice

Public Notice No. NAP-OPR-2007-01125-39	Date JUNE 25, 2021
Application No. NAP-OPR-2007-01125-39	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: South Jersey Port Corporation
101 Joseph A. Balzano Boulevard
Camden, New Jersey 08103
Attn: Mr. Kevin Castagnola

AGENT: Sigmond Rutkowski
Jacobs Engineering Group Inc.
2301 Chestnut Street
Philadelphia, PA 19103

WATERWAY: Delaware River

LOCATION: The former BP Oil Terminal and the former Essex Industrial Facility, Block 1, Lots 1, 2, 3, 4, 5, 8, 18 through 24; Block 1.02, Lot 3; Block 1.03, Lot 3; Block 1.04, Lots 1 and 2; Block 1.07, Lots 20, 23, 26-44; Block 1.13, Lot 6; and Block 1.14, Lots 45-49; Borough of Paulsboro, Gloucester County, New Jersey.

ACTIVITY: The applicant proposes to perform dredging, install mooring dolphins and place fill at the port facility that has previously received authorization from the Corps of Engineers. All work would be performed on the downstream side of the previously approved structure and previously approved dredging. Approximately 8.9 acres of the waterway would be dredged to a depth of -31 Mean Lower Low Water (MLLW) plus up to 2 feet of over dredge for a maximum depth of -33 feet MLLW. The top layer is composed of soft silt material with the lower layer being coarser sand and gravel. Approximately 141,000 cubic yards of material would be removed from the river. The upper material would be removed via mechanical bucket dredge. The coarse-grained material would be removed by either mechanical or hydraulic methods from the waterway. All dredge equipment would be staged using barged mounted equipment. None of the equipment would be located within the Federal navigation channel during the work in the waterway.

The fine-grained sediment on the upper layer of the river would be placed into watertight scows and moored at the existing wharf for decanting after an approved settling time (approximately 24 hours). Decant water, after adequate clarification, will be returned to the Delaware River, and the solid material would be offloaded mechanically and trucked to a dedicated on-site stockpile area for processing. If the material is determined to be contaminated (per New Jersey Department of Environmental Protection standards), it would be treated with Portland cement, and additional dewatering would be performed. Any contaminated materials would be sent to the Gloucester County Solid Waste Complex or other state approved disposal site. Uncontaminated material would be used as on-site fill.

Mechanical and/or hydraulic dredging would be used for coarse-grained material. If mechanically dredged, it will be offloaded from scows, excess water decanted from the scows and the material would be trucked to the sand placement area currently being used as a borrow pit on an upland site. If hydraulically dredged, dredged slurry material would be directly pumped via dredge pipeline to the same on-site dredged material placement area. This long, narrow borrow pit would be diked and configured to maximize settling time of sands. The slurry discharge would be positioned at one end and standpipe(s) (previously constructed during borrow pit excavation) would be positioned to skim decant water at the other. The borrow pit would be partitioned into cells with weir structures installed, as required, to enable adequate settling prior to decant water collection for discharge. Decant water will be collected by the standpipe(s) and discharged through pipes by gravity back to the Delaware River. The coarse material, once dried, would be used on-site as needed.

Four mooring dolphins would be constructed along the landward edge of the area to be dredged. Three 36-inch-diameter steel-pipe piles would support each dolphin, with a single 24-inch-diameter steel-pipe pile providing support at the three intermediate platforms supporting a walkway. Piles would be driven using a barge-mounted crane. Pile driving would occur with a soft start using a reduced driving force on piles. After piles have been installed, the above-water components of the dolphins would be constructed. The concrete caps would be either cast-in-place or precast concrete craned into position. Once the pile caps are cast, installation of bollards, fenders and the walkways would take place. This work is all over water. Gangways would be constructed between the dolphins to allow access to the dolphins. Electric conduits would be installed to allow lighting of the structures and water so work can be performed at night.

After dredging is completed, about 2,900 cubic yards of armor stone would be placed around the dolphin piles to construct a submerged revetment, providing stabilization of side slope of the dredged area and shoreline protection. Armor stone would be placed with a clamshell from a barge-mounted crane. A 2-foot layer of armor stone (6- to 15-inch diameter) would be placed on the graded revetment slope ranging from the existing sediment surface at an approximate depth of -7 MLLW down to -33 MLLW to meet the dredged area. The graded revetment slope would be at a ratio of 1V:1.5H when constructed.

PURPOSE: The applicant's stated purpose is to allow for a mooring location for ships to transfer monopiles from the port to the proposed wind turbine farms located off the coast of Mid-Atlantic region.

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. The Corps of Engineers will forward this Public Notice to the United States Fish and Wildlife Service and/or 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. The Corps of Engineers will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the US Fish and Wildlife Service and/or NOAA Fisheries as appropriate. An ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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.

Due to the potential for extensive telework associated with the COVID-19 situation, all comments on the proposed work should be submitted, within thirty (30) days, via email only to the District Engineer, U.S. Army Corps of Engineers - Philadelphia District at PhiladelphiaDistrictRegulatory@usace.army.mil. If you do not have access to email you may submit written comments, within 30 days of this notice, to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires Federal agencies to take into account the effects of their undertakings on historic properties. The permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places (NRHP). An investigation for the presence of potentially eligible historic properties is required. This office will consult with the New Jersey State Historic Preservation Officer, the Tribes and other consulting parties regarding potential historic properties within the permit area and potential impacts to those resources.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the National Marine Fisheries Service 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 and fish species are present within the project area. The Corps of Engineers will evaluate the potential effects of the proposed actions on EFH and will consult with National Marine Fisheries Service as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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 waters of the United States 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 will substantially reduce impacts to aquatic resources. Additionally, the applicant states that alternative sites were considered for construction of monopiles for the turbines, and the use of the Paulsboro Marine Terminal was selected as the alternative with the fewest environmental impacts due to the presence of supporting infrastructure, limited additional development required to support the new berth, and location downstream. Other port options would be at a greater distance from potential wind farm destinations, adding days of transit time and associated environmental and economic costs. Alternative dredging and filling options were evaluated as part of value engineering efforts at the Paulsboro Marine Terminal. This design optimization also served to minimize impacts to the aquatic environment associated with dredging and filling activities. The armor stone fill (riprap) used to form the revetment will be placed within the proposed dredge footprint in an area already disturbed by historic dredging and, therefore, is expected to have minimal additional impacts on SAV and benthic communities. The placement of 2,900 CY of stone rip-rap fill also contributes to the net reduction in permanent disturbance of river bottom substrate. Any remaining unavoidable impacts will be mitigated through an approved mitigation bank, by paying into an in-lieu fee program, or through site-specific in-kind restoration of functions lost to the aquatic ecosystem from the proposed action.

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. 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 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. 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 concurrences.

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.

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.

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.

A handwritten signature in black ink, appearing to read "Todd A. Schaible". The signature is fluid and cursive, with the first name being the most prominent.

Todd A. Schaible
Chief, Regulatory Branch