

**US Army Corps
of Engineers**
Philadelphia District
100 South Independence Mall West
Philadelphia, PA 19106
Attn: CENAP-OPR

Public Notice

Comment Period Begins: January 6, 2023
Comment Period Ends: February 5, 2023
File Number: NAP-OPR-2015-00098-86
File Name: Delaware River and Bay Authority Delaware Memorial Bridge NC
Contact: Genevieve T. Sarlo
Email: Genevieve.T.Sarlo@usace.army.mil

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: Gregory Pawlowski, Delaware River and Bay Authority

AGENT: Paul Ferry, S.T. Hudson Engineers, Inc.

LOCATION: The project is located in the Delaware River adjacent to the existing bridge piers supporting the center span of the Delaware Memorial Bridge between New Castle County, Delaware and Salem County, New Jersey. Coordinates for the project are (39.688866, -75.518553). **The proposed temporary access trestle would be located in the Delaware River directly south of the existing Delaware Memorial Bridge in New Castle County, DE. Coordinates for the proposed trestle are (39.691966, -75.530269).**

PURPOSE: The purpose of the proposed project is to upgrade the existing bridge protection system and provide added protection to the existing bridge piers from potential ship collisions. **The proposed temporary access trestle is solely to be utilized to support the construction of the pier protection project. The trestle configuration provides daily access for crew and inspection staff, allows for transferring material and equipment onto barges for shuttling to the project site, and provides a safe staging location for mooring barges.**

PROJECT DESCRIPTION:

Please note that Department of the Army Permit NAP-OPR-2015-00098-1 was previously issued for the pier protection project. This Public Notice is only soliciting comments for the proposed modification of the permit to authorize the **proposed temporary access trestle**. In order to facilitate the public in distinguishing between

previously authorized work and the newly proposed work, the proposed work has been bolded.

Previously permitted work includes the construction of a new bridge pier protection system. Specifically, the installation of eight (8) separate solid-fill dolphin cells. Each cell would measure eighty (80) feet in diameter. Four cells would be installed at the piers supporting the western towers with two cells on the upstream side and two cells on the downstream side. The same configuration would be utilized for the dolphin cells at the piers supporting the portion the eastern towers of the bridge. The dolphin cells at the western towers would be located at a minimum of 454 feet from the edge of the Delaware River Federal navigation channel while the dolphin cells at the eastern towers would be located a minimum of 413 feet from the edge of the Delaware River Federal Navigation Channel.

The proposed trestle will be 320 foot long by 24 foot wide with a 40 foot long by 48-foot-wide terminal platform. The trestle will be constructed of steel decking sitting atop thirty-two (32) 24-inch steel pipe piles. Five (5) 36-inch diameter steel pipe mooring piles will be installed just channel ward of the terminal. The proposed trestle will be constructed incrementally from the land side in 40-foot sections. The trestle will be removed in its entirety and all areas of disturbance will be restored to pre-installation condition upon completion of the project.

For additional project details, see the attached plans identified as: **“Contact No. DMB-20-A-CMGC Ship Collision Protection System Temporary Trestle” prepared by R.E. Pierson Construction Co., dated 11/04/2022, unrevised, sheets REP 001 - REP003.**

MITIGATION

The applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. Information provided in the application and on plans indicates that there will be no discharge of dredged or fill material in waters of the United States and as such, compensatory mitigation for the proposed structure(s) and/or work is not proposed

CORPS EVALUATION FACTORS

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 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 permit 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. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties as necessary.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the National Marine Fisheries Service (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 EFH is present within the project area. 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 permit 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. The applicant has received a WQC from the State for the subject project. **The temporary access trestle does not require a new WQC to be issued from the Delaware**

Department of Natural Resources and Environmental Control (DNREC) for the project.

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.

SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST

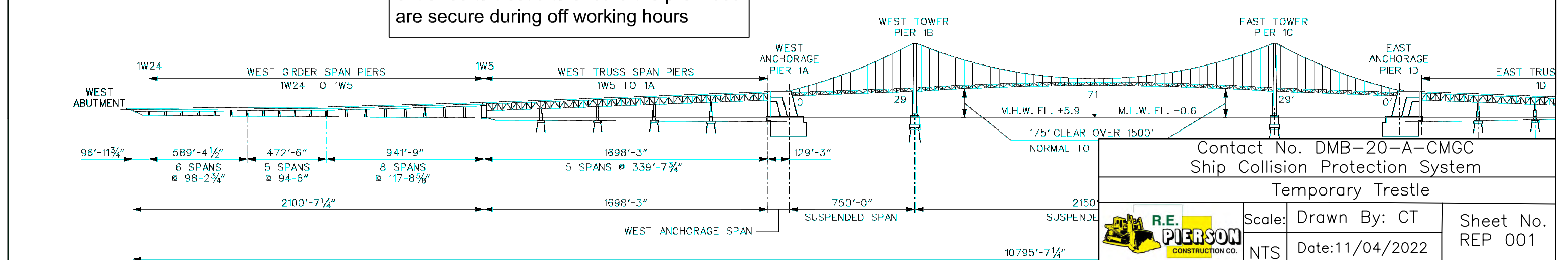
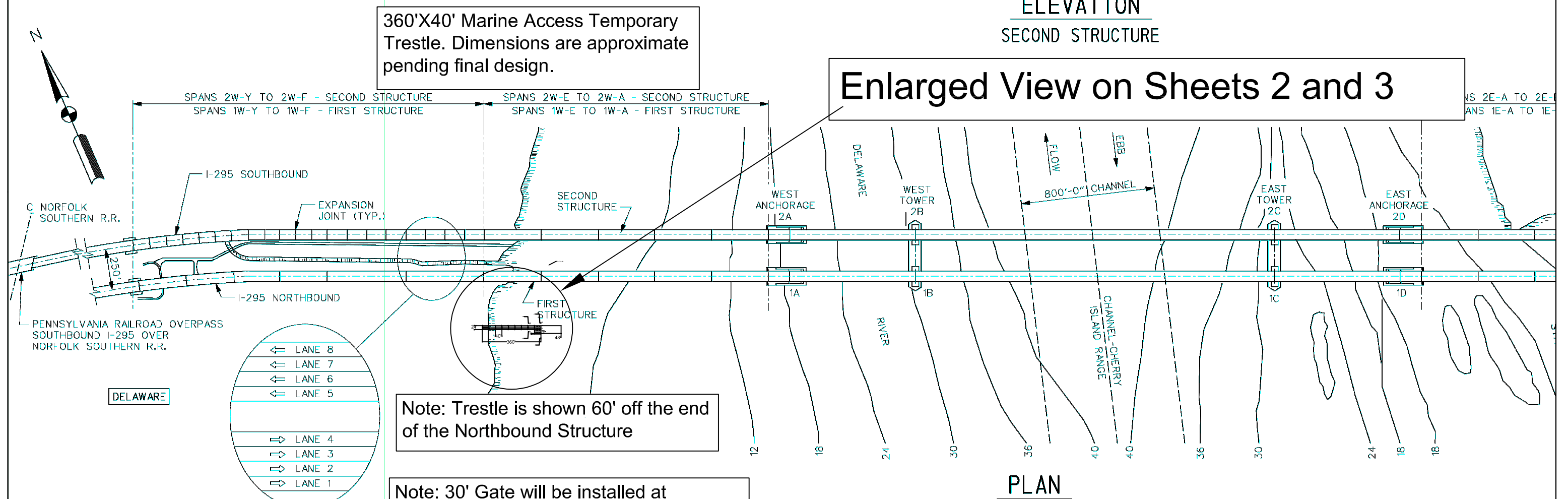
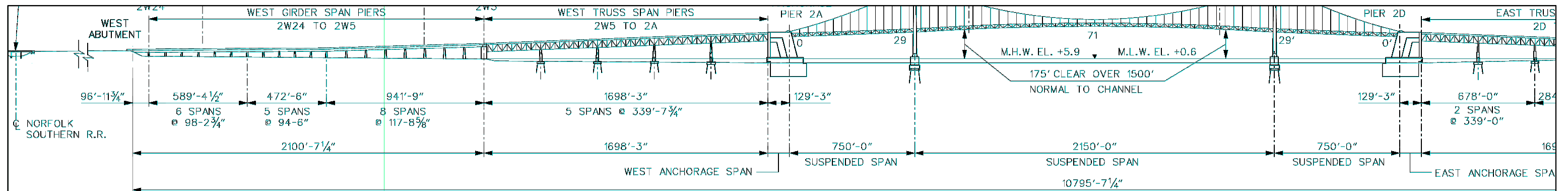
Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. Comments are also used to determine the need for a public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

FOR: Todd A. Schaible
Chief, Regulatory Branch



360'X40' Marine Access Temporary Trestle. Dimensions are approximate pending final design.

Enlarged View on Sheets 2 and 3

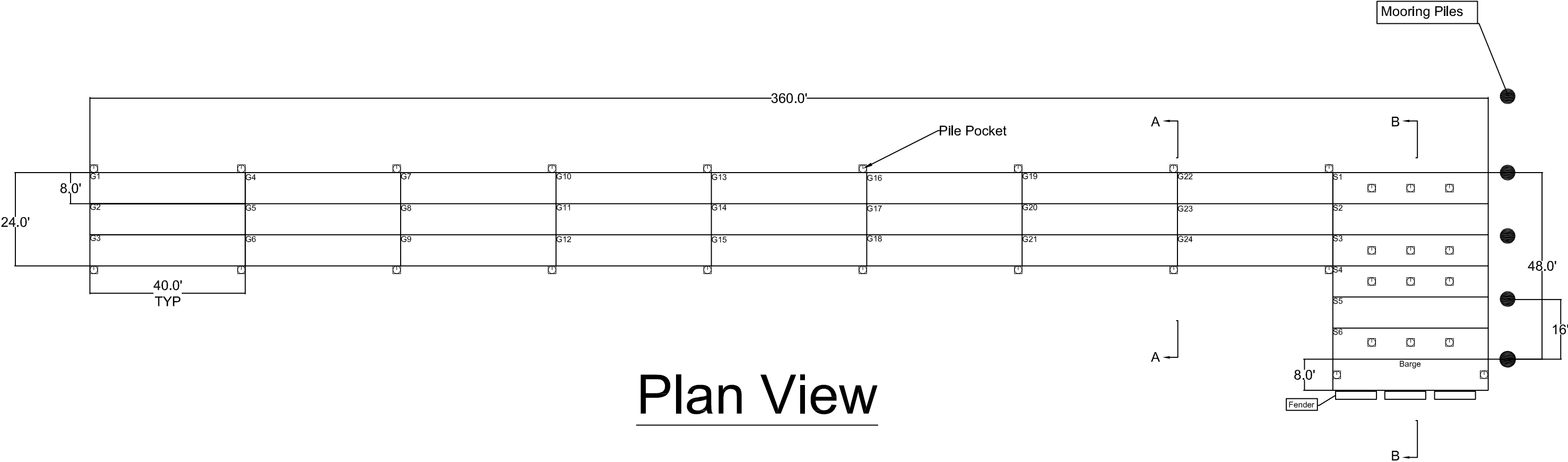
Note: Trestle is shown 60' off the end of the Northbound Structure

Note: 30' Gate will be installed at entrance to trestle to ensure the premises are secure during off working hours


Contact No. DMB-20-A-CMGC
Ship Collision Protection System
Temporary Trestle

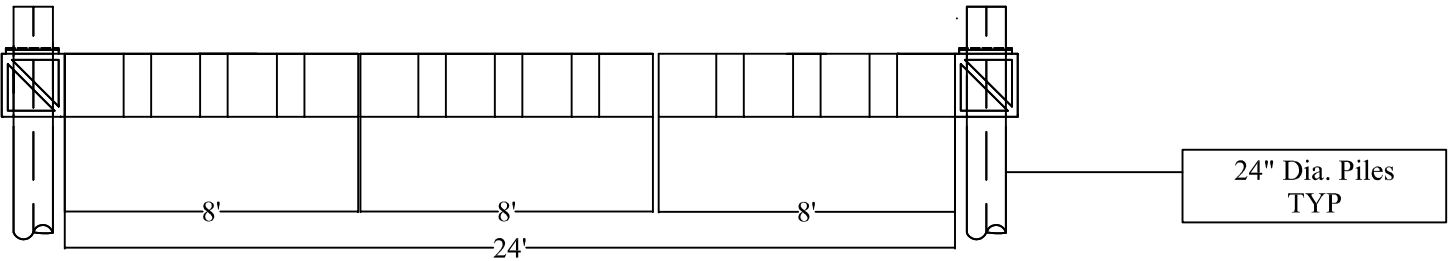


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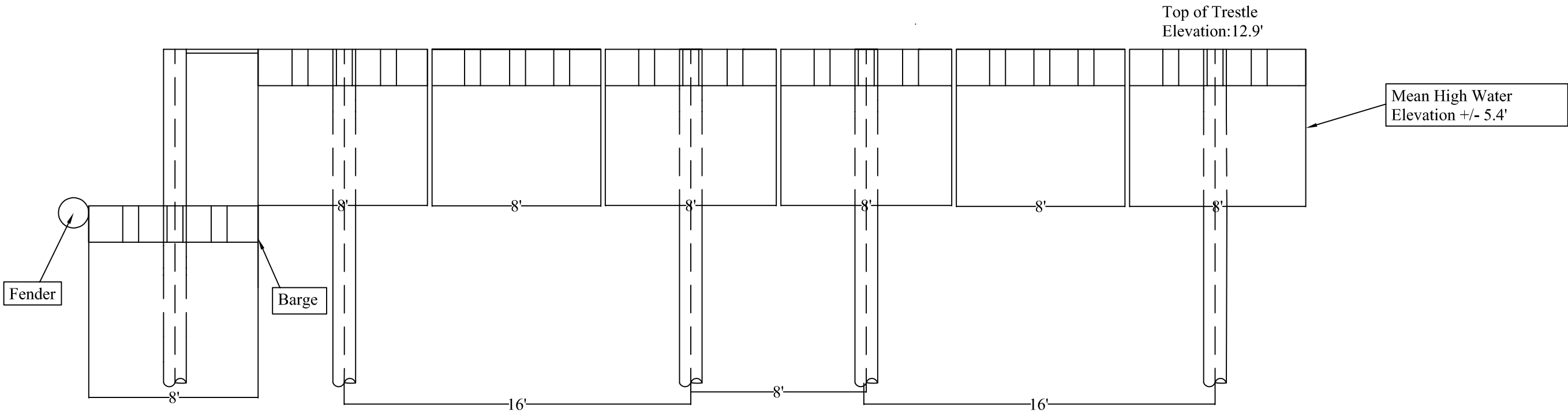


Plan View

Contact No. DMB-20-A-CMGC Ship Collision Protection System			
Temporary Trestle			
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Section A-A



Section B-B

Contact No. DMB-20-A-CMGC
Ship Collision Protection System

Temporary Trestle



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Date: 11/04/2022

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REP 003