



**US Army Corps  
of Engineers**  
Philadelphia District

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

# Public Notice

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Public Notice No.	Date
<b>CENAP-OP-R-2018-0095-45</b>	April 20, 2020

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Application No.	File No.
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In Reply Refer to:  
**REGULATORY BRANCH**

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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: R.E. Pierson Construction Company, Incorporated

AGENT: Mr. John Helbig  
Professional Planner  
67 Bayview Drive  
Summers Point, New Jersey 08244

WATERWAY: Delaware River and Oldmans Creek

LOCATION: The project begins within an area of the Delaware River located at **Latitude 39.78221, Longitude -75.442119**, near River Mile Marker 76, in New Castle County, Delaware, and extends into Oldmans Creek to **Latitude 39.785794, Longitude -75.407103**, just west the U.S. Route 130 Bridge, in Oldmans and Logan Townships, Salem and Gloucester Counties, New Jersey. The project also includes related activities/work located on two properties known as block 1, lot 10, and block 101, lots 3 and 3.01, located in Oldmans and Logan Townships, Salem and Gloucester Counties, New Jersey.

ACTIVITY: The applicant proposes to perform hydraulic dredging to provide access/egress by marine construction transport barges drafting **6.5 to 8.0** feet of water fully loaded, to two properties located in Oldmans and Logan Townships, Salem and Gloucester Counties, New Jersey. As shown on the attached project plans **E-1 through E-10**, dredging would occur within multiple areas of the Delaware River and Oldmans Creek to elevation **-11.7** and/or to a depth of **-9** feet below Mean Low Water (MLW), producing approximately **66,500** cubic yards of dredged material. The dredged material would be transported via a dredge slurry pipeline onto lands of the United States (U.S.) known as the **Pedricktown Material Placement Complex Confined Disposal Facility** (CDF) operated by the U.S. Army Corps of Engineers, Philadelphia District, located adjacent to Oldmans Creek, in Salem County, New Jersey, as shown on plan **E-10**. During dredging operations, the dredge pipeline would remain floating or possibly partially submerged within the waterways, and would be clearly marked in accordance with U.S. Coast

Guard regulations/specifications. At no time would the pipeline rest on the waterway bottom. At this time, the pipeline would be marked with highly visible signs and orange floats along its length. Dredging activities would impact approximately **352,900 square feet (8.1 acres)** within the **deauthorized Federal Navigation Channel** and/or waters of the U.S, and provide for the Loss of **4,000 square feet (0.091acre)** of **Estuarine Emergent Wetlands**. Estuarine emergent wetlands would be temporarily impacted by the placement of the dredge pipeline into the CDF. The dredging operations would take place **3,500 +/-** linear feet from the Delaware River's Federal Navigational Channel. Impacts to navigation were not identified at this time. At this time, the applicant is requesting a **5** year maintenance dredging permit. The applicant also proposes to unload, store, and reload the barges at the above referenced properties.

The existing property known as **block 1, lot 10**, located in Oldmans Township, Salem County, New Jersey, has been used in the past for commercial and industrial purposes. As shown on plan **E-7**, the applicant proposes to install **515 linear feet of Steel bulkhead** along the banks of Oldmans Creek to provide for a stable shoreline, and for the purpose of supporting equipment (cranes) to facilitate the temporary mooring and safe loading and unloading of the marine construction barges. The bulkhead would be installed above the High Tide Line (HTL) using an impact hammer. Waters of the U.S. would not be impacted due to the installation of the bulkhead. In addition, as shown on plan **E-9**, the property known as **block 101, lots 3 and 3.01**, located in Logan Township, Gloucester County, New Jersey, is already being utilized by the applicant for the temporary mooring and safe loading and unloading of the marine construction barges. Furthermore, the act of unloading, storing, and loading of the construction barges on the above stated properties would not involve impacts within waters of the U.S. or wetlands.

At this time, project impacts have been **minimized and avoided** by relocating the proposed steel bulkhead above the HTL, dredging to the minimum depth necessary to satisfy the project purpose, and by using a turbidity curtain.

**PURPOSE:** The purpose of the project is to provide for the safe navigation (access and egress) of Marine Construction Barges transporting heavy construction equipment and other materials to two properties located on Oldmans Creek, for the purpose of unloading, temporary storage, and eventually the loading of barges when required for projects undertaken by the applicant.

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 office will forward this notice to the U.S. 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 maybe 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 U.S. Fish and Wildlife Service and/or National Marine Fisheries Service as appropriate. 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.

Comments on the proposed work should be submitted, in writing, within **30 days** to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The USACE Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries 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 NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

Compensatory mitigation: At this time the applicant proposes to compensate for the Loss of Estuarine Emergent and Scrub/Shrub wetlands by performing permittee responsible, on-site restoration and enhancement of **21,000 square feet (0.48 acres)** of existing Phragmites australis dominated wetlands and the planting of intertidal areas, as shown on plans **E-8**.

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. At this time, the **New Jersey Department of Environmental Protection (NJDEP)** has authorized the project (**NJDEP Permit Number 0000-18-0018.2 LUP 190001, dated 11/14/2019**) and has determined that the project is in compliance with State's Coastal Zone Management Program (CZM).

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. At this time, the **New Jersey Department of Environmental Protection (NJDEP)** has authorized the project (**NJDEP Permit Number 0000-18-0018.2 LUP 190001, dated 11/14/2019**) and has issued a **Section 401** Water Quality Certificate (**WQC**).

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.

Additional information concerning this permit application may be obtained by emailing Mr. Bryan Bellacima at [bryan.p.bellacima@usace.army.mil](mailto:bryan.p.bellacima@usace.army.mil), or by calling (215) 656-6732.

Edward Bonner  
Chief, Regulatory Branch