

Public Notice

Public Notice No. CENAP-OP-R-2018-00649

Date **October 3, 2018**

Application No.

File No.

In Reply Refer to:

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

REGULATORY BRANCH

(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:** Camden County Municipal Utilities Authority Attn: Andy Kricun 1645 Ferry Avenue Camden, New Jersey 08104
- WATERWAY: **Delaware River**
- 1645 Ferry Avenue, City of Camden, Camden County, New Jersey LOCATION:
- ACTIVITY: The applicant, Camden County Municipal Utilities Authority, has requested Department of the Army authorization for a proposed bank protection/wetland and mussel habitat establishment project in the Delaware River. The proposed project would include wetland creation component, mussel pen component, and engineered rock sill/breakwater component.

Creation of approximately 2.33 acres of wetlands waterward of an existing steel bulkhead would involve the discharge of approximately 9,222 cubic yards of fill material to create the appropriate elevation and slope to establish vegetated wetlands. Wetland plant species proposed would include Peltandra virginica, Pontedaria cordata, Sagittaria latifolia, and Schoenoplectus fluviatilis, arranged in clusters of 20-30; and Nuphar lutea.

Twenty-five wooden mussel pens would be constructed below the mean lower low water line. Pens are approximately 30-feet by 30-feet and would be arranged in various configurations. Drift logs will be used to construct the wooden pens and would be held in place using screw ground anchors and/or concrete weights. The pens would contain Eastern elliptio mussels (Elliptio complanata).

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

US Army Corps

of Engineers

Several rock sill/break water structures would be constructed along the filled area, covering approximately 0.47 acres total with 2,212 cubic yards of material. The rock sills would be constructed with the purpose of dampening wave energy, providing protection for the mussel pens and to prevent erosion of the wetland.

A temporary turbidity curtain would be used to minimize turbidity and sedimentation during construction. The project would involve the temporary use of barges, tug boats, barge mounted cranes and track hoes and small work vessels.

PURPOSE: The stated purpose of this project is shore stabilization and erosion protection, enhance water quality, and enhance fish and wildlife habitat.

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. A preliminary review of this application indicates that the proposed work is not likely to adversely affect NOAA Fisheries listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act, as amended. Consultation will be concluded prior to the final decision of this permit application in accordance to the procedures outlined set forth under the 2017 NLAA program that the Corp has established with NOAA Fisheries protective resource division.

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. The Philadelphia District 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: In accordance with the June 9, 2008 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR 325 and 332 and 40 CFR 230), 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. Because the purpose of the project is habitat enhancement, compensatory mitigation is not proposed.

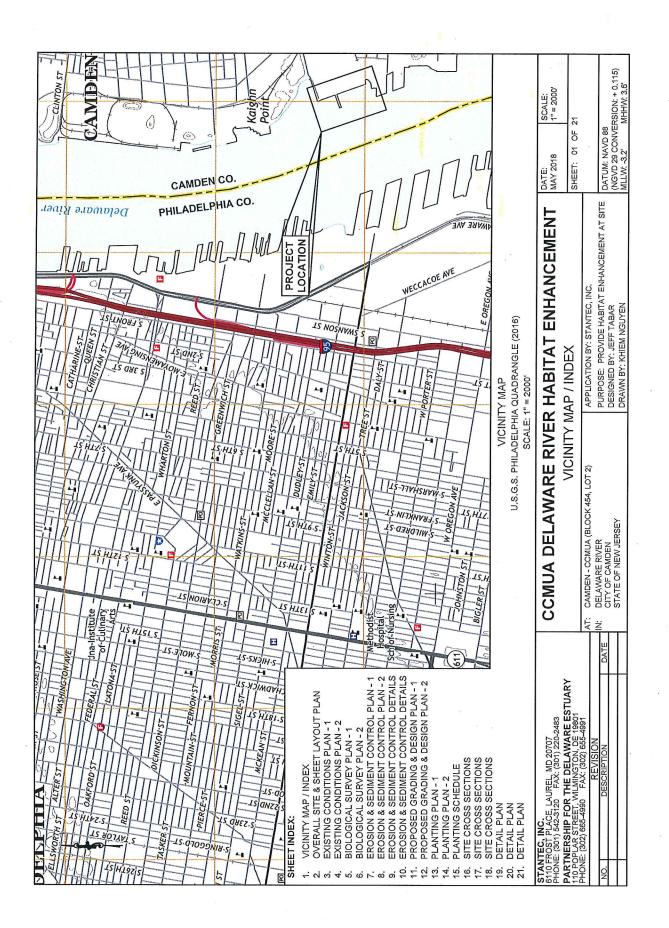
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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.

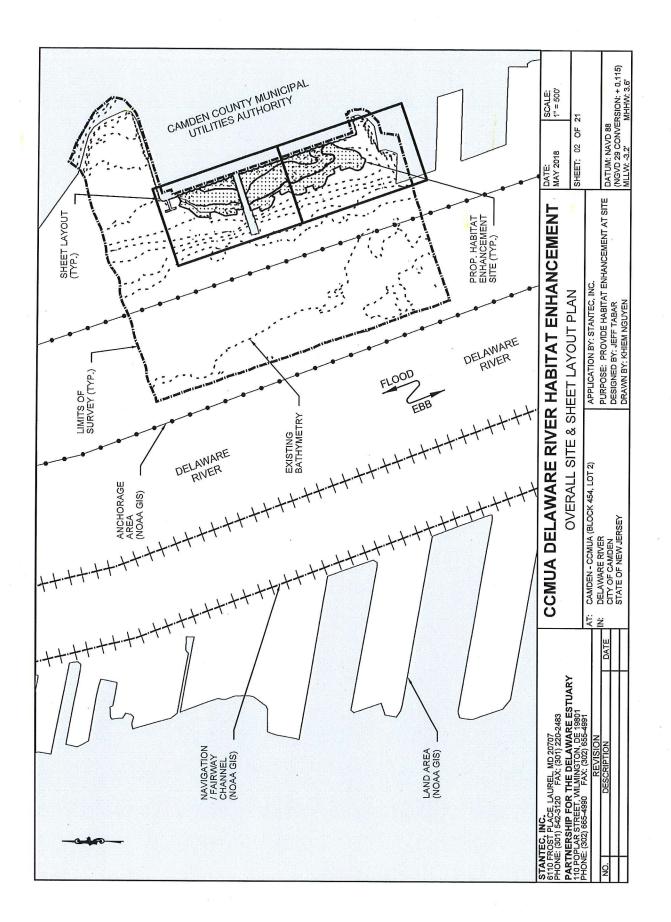
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

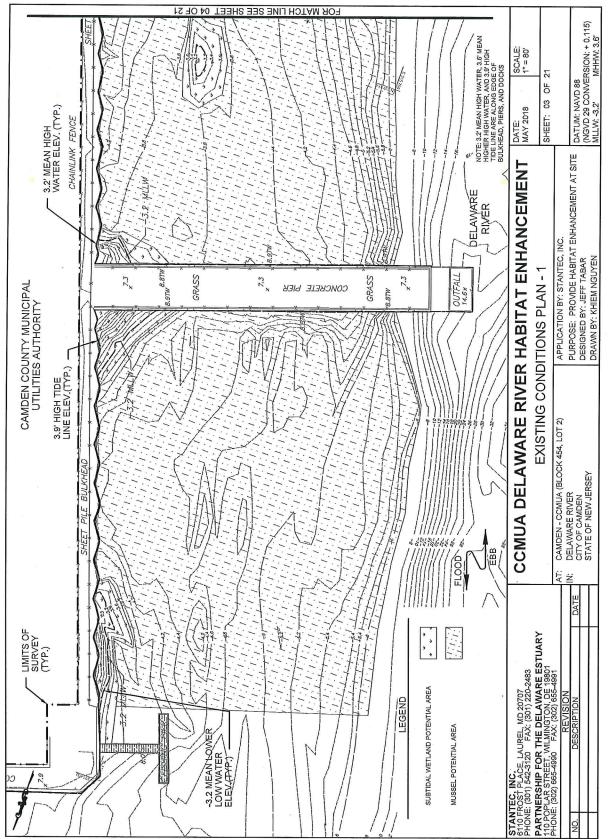
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

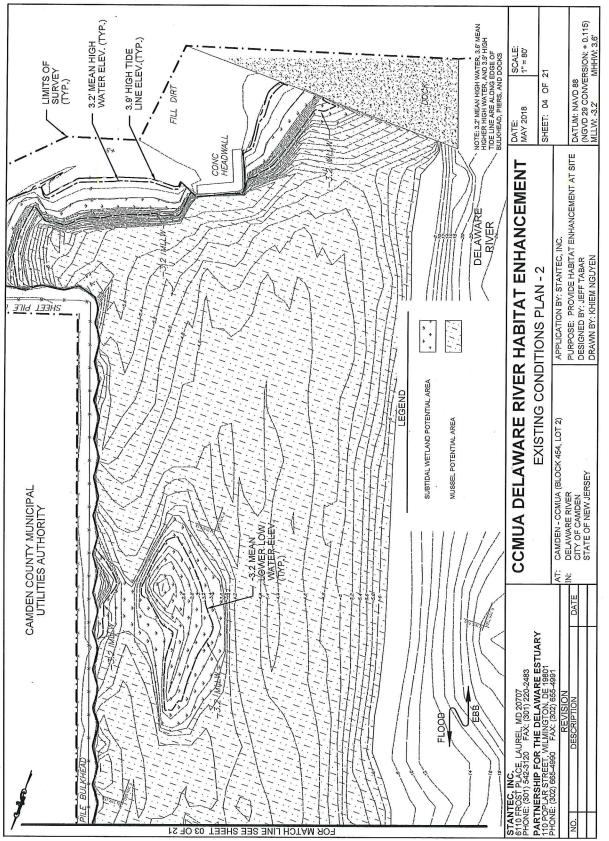
Additional information concerning this permit application may be obtained by contacting Ms. Kendall Miller of my staff at via email at Kendall.L.Miller@usace.army.mil, or by writing this office at the above address.

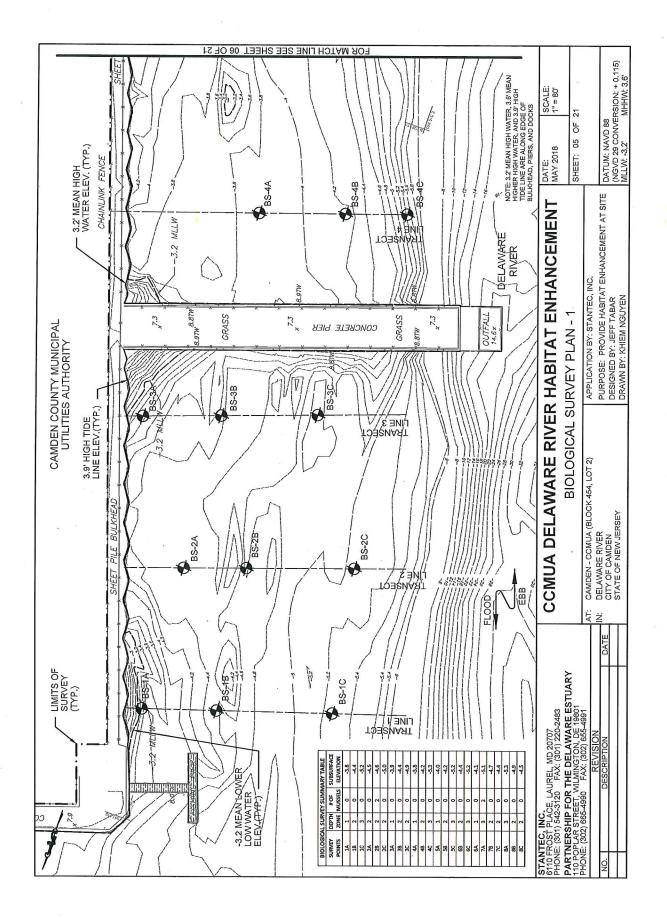
Edward E. Bonner Chief, Regulatory Branch

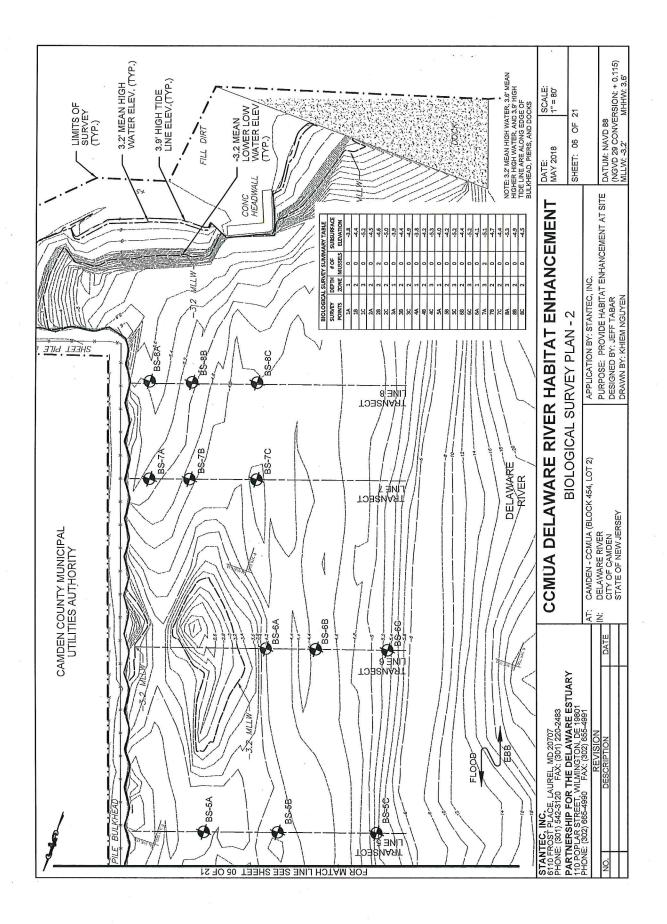


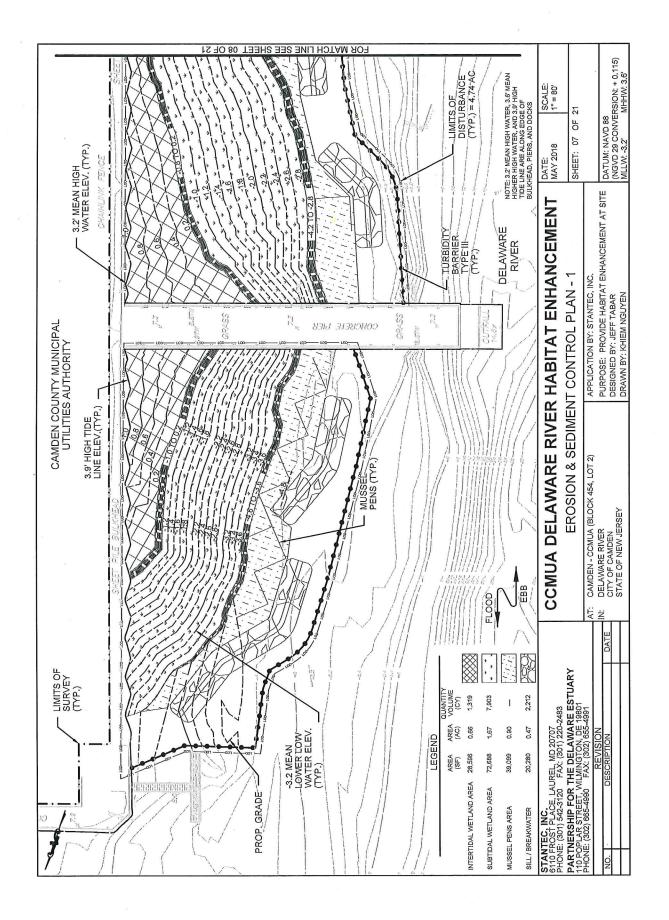


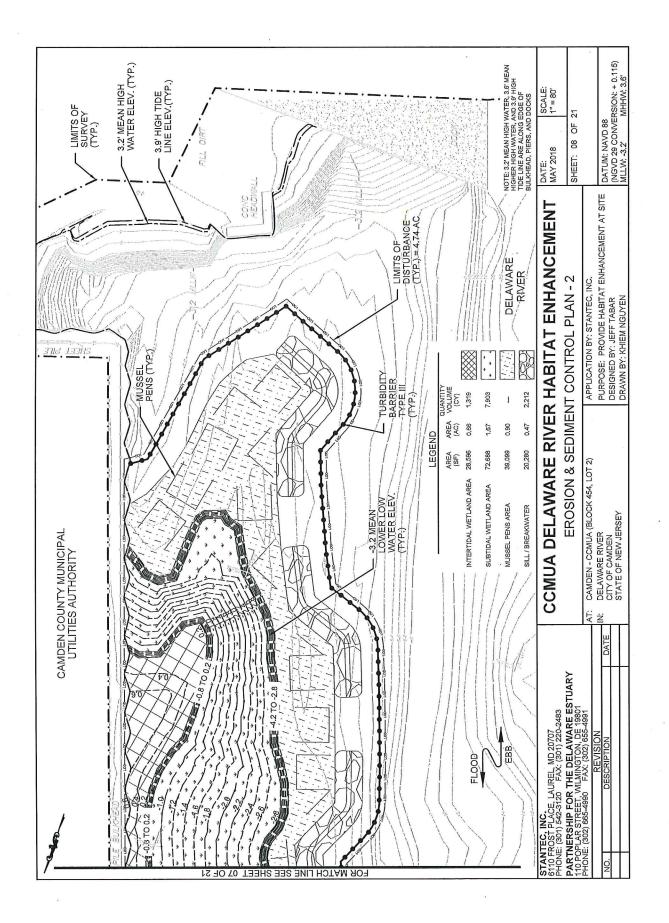


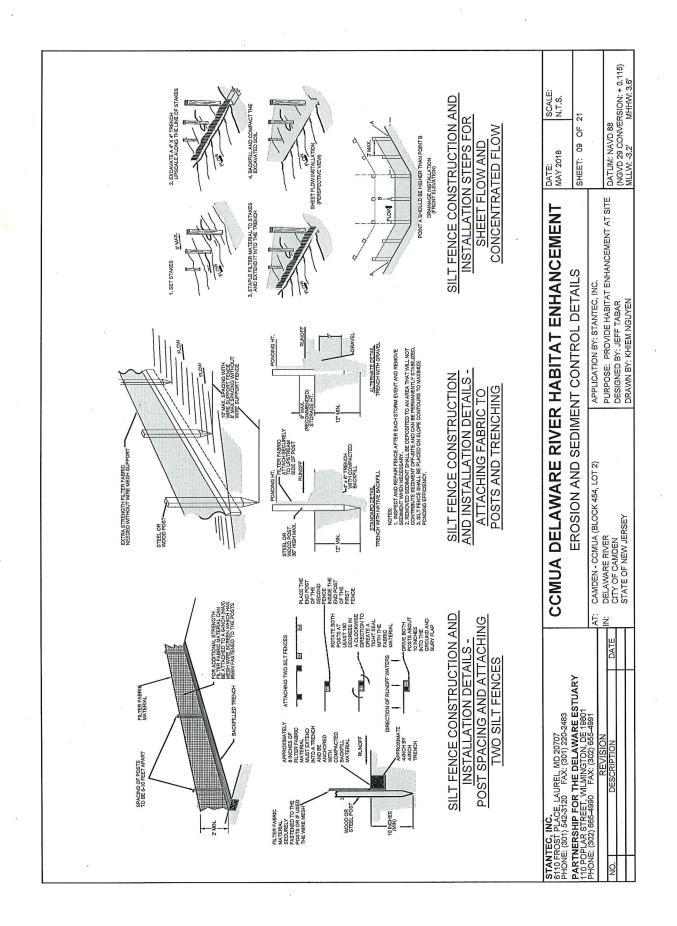


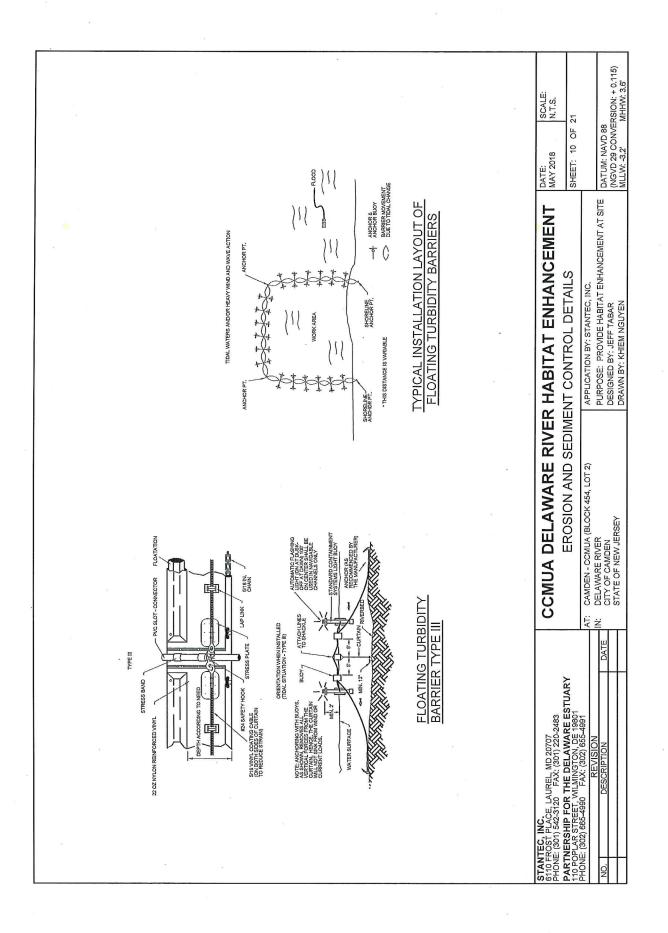


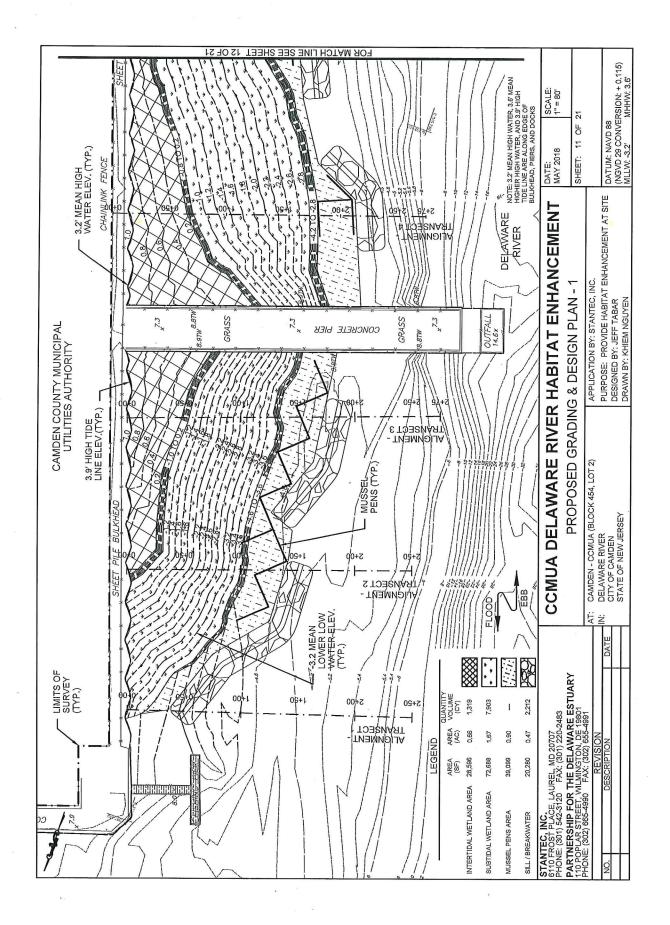


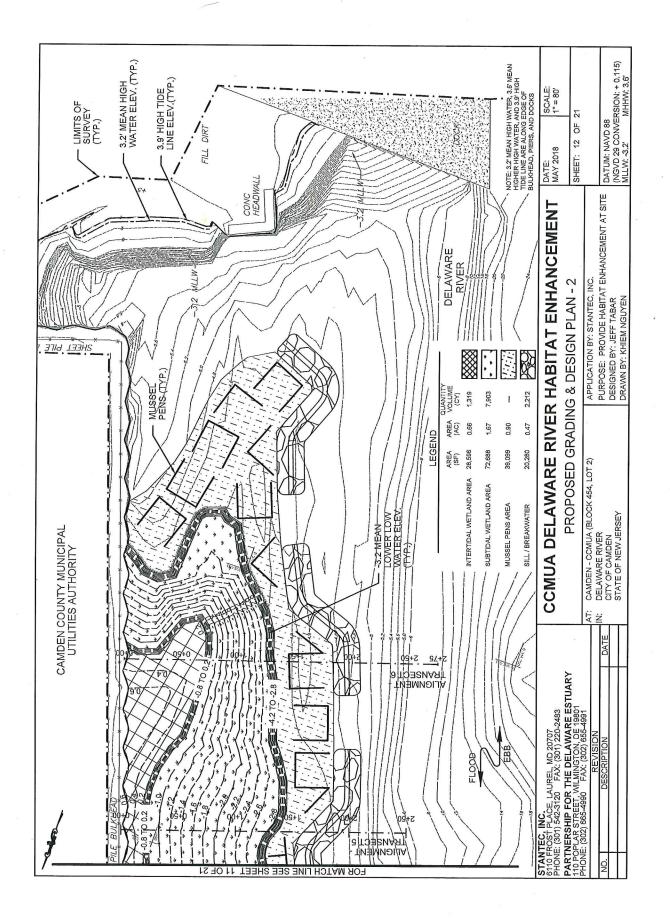


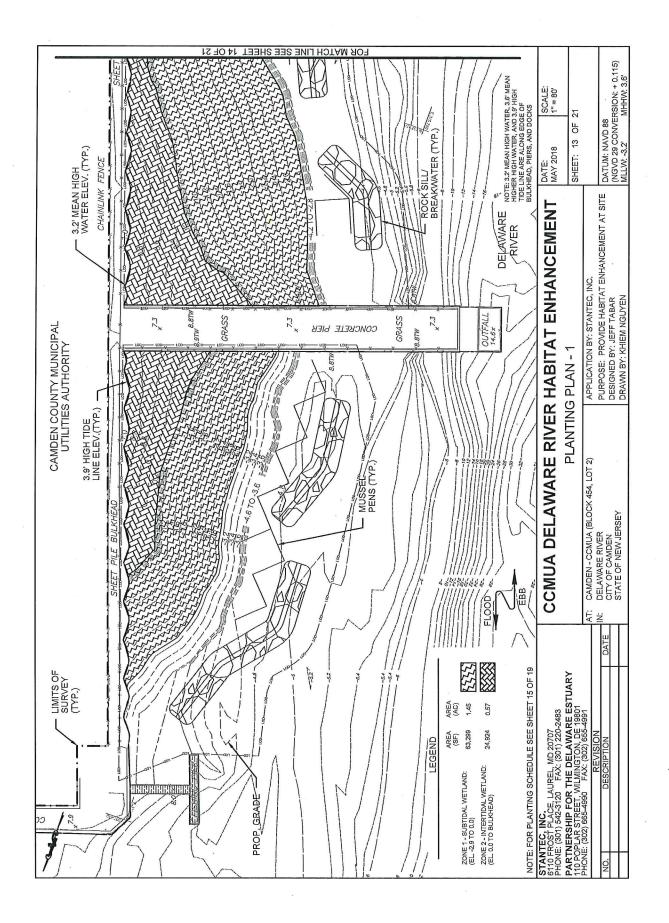


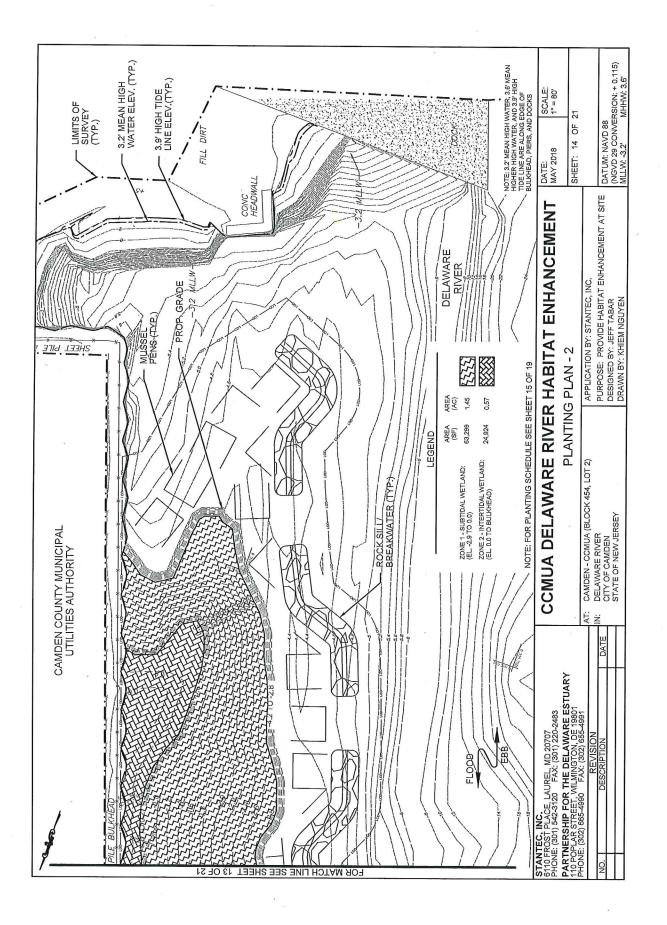




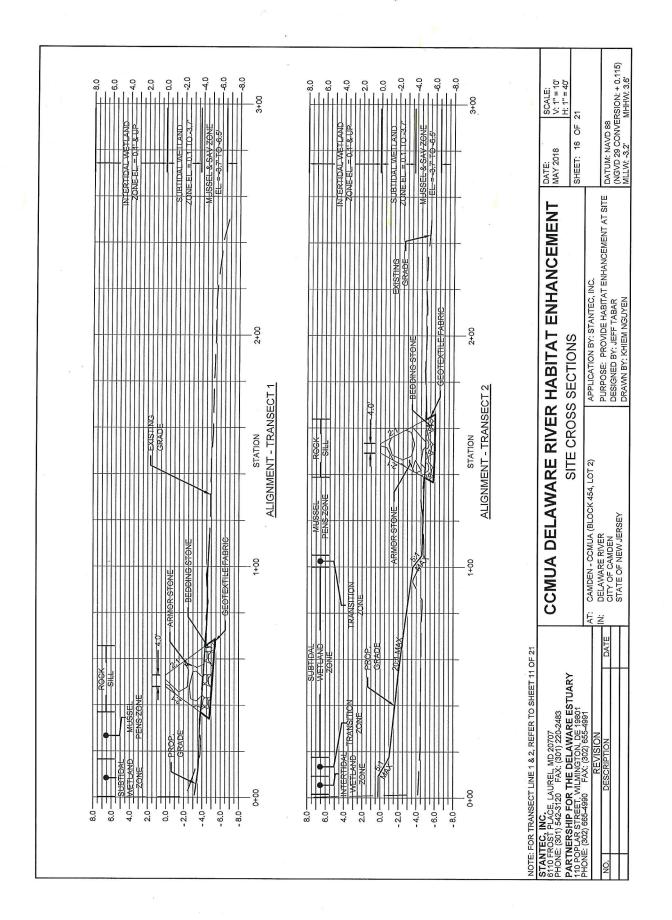


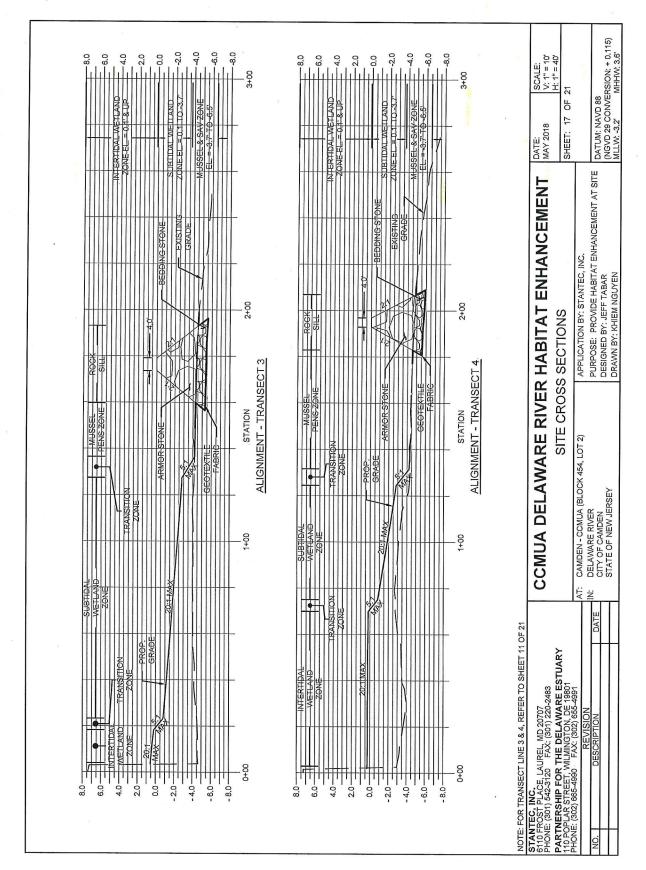






Common Quantity Size Spacing Percent Comment	Spatterdock 29,195 Quart 1.5' O.C. 100% 1. An additional 1,123 plantings are provided for Zone 2 provided for overlap into Zone 2	Arrow Arum 3,369 Quart 1.5' O.C 30% Locate throughout Zone 2	Pickerelweed 842 Quart 3' O.C 30% Locate in upper 50% of Zone 2	Duck Potato 211 Quart 6' O.C 30% Locate throughout Zone 2	River Bulrush 632 Quart 2' O.C 10% Locate in upper 10% of Zone 2	<i>ar lutea</i> plantings are provided to overlap into the lower 10% of Zone 2.	ng intertidal species in Zone 1 – elevations are too low for intertidal species.	Cluster intertidal species in groups of 20-30	As practicable, seeding may be applied to the upper region of Zone 2 for early season stabilization. The method of application is to be determined during site establishment. Recommended seed species include jewelweed (<i>Impatiens capensis</i>), bur-marigold (<i>Bidens laevis</i>), halberd-leaf tearthumb (<i>Persicaria arifolia</i>), and smartweed (<i>Polygonum punctatum</i>).		CCMUA DELAWARE RIVER HABITAT ENHANCEMENT PLANTING SCHEDULE	CAMDEN - CCMUA (BLOCK 454, LOT 2) APPLICATION BY: STANTEC, INC.
Latin Name	Nuphar lutea Sp	Peltandra Ar virginica	Pontedaria cordata	Sagittaria Du latifolia Du	Schoenoplectus Riv fluviatilis	1,123 Nuphar lutea p	Avoid planting interti	Cluster intertidal spec	As practicable, seedin application is to be de <i>capensis</i>), bur-marigo <i>punctatum</i>).	a		AT:
Planting Zone	Zone 1 – Subtidal Wetland (1.45 ac.)		Zone 2 – Intertidal	Wetland (0.57 ac.)			-	 	Notes:		STANTEC, INC. 6110 FROST PLACE, LAUREL, MD 20707 PHONE: (301) 542-3120 FAX: (301) 250-2483 PARTNERSHIP FOR THE DELAWARE ESTUARY 100 PDLAR STREET, WILMINGTON, DE 198E ESTUARY	X: (302) 655-4991 REVISION





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