



**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.	Date
CENAP-OPR-2019-01084-39	October 5, 2020

Application No.	File No.
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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: David Hinchey
PSEG Nuclear LLC
80 Park Plaza T20
Newark, NJ 07102

AGENT: Robert Rech
AKRF, Incorporated
307 Fellowship Road, Suite 214
Mount Laurel, NJ 08054

WATERWAY: Delaware River

LOCATION: Block 26, Lots 2 and 4, adjacent to the Salem Nuclear Power Plant, in the Lower Alloways Creek Township, Salem County, New Jersey.

ACTIVITY: The applicant proposes to construct a port facility by installing docking structures and performing dredging. The proposed port would cater to proposed offshore wind turbine projects that would be located off the east coast of the United States. Approximately 1,300 linear feet of the shoreline would be developed to allow for the offloading and loading of wind turbine components. An AZ 14-770 hot rolled interlocking sheet bulkhead would be installed along approximately 1,080 linear feet along the shoreline, driven into place using a vibratory hammer. The proposed bulkhead would be located immediately adjacent to the existing timber bulkhead. The cast in place concrete docking structure would be divided into 2 berthing areas; one approximately 480 foot installation berth and a 600-foot delivery berth. The structure would extend approximately 57 feet waterward of mean high water line. Fenders and cleats would be installed on the dock structure to secure vessels while in port. No water and electrical connections as shown on the attached drawings would be installed waterward of mean high water.

One thousand fifty-six 30" square pre-cast concrete piles would be installed, via an impact hammer, waterward of mean high water to support the proposed concrete docking structure. Additionally, two 19' by 39' mooring dolphins and one 29' by 39' breasting dolphin would be installed to secure vessels moored at the delivery berth, along the upstream portion of the site. The dolphins would be supported using 29 piles. Three steel walkways (33', 50' and 55') would be installed between the dolphins to allow for access while the port is in operation.

In the river adjacent to the shoreline, rock riprap would be installed along the bulkhead, at a 3 to 1 slope, impacting approximately 1.86 acres of the waterway. Additionally, a 250' by 450' concrete pad would be installed in front of the delivery section of the dock to support the spuds of a jack up barge that are required to install the turbines at the wind farm site. A 230kV subsea cable crossing the Delaware River makes landfall immediately south of the proposed project. To ensure the project would not impact the cables, an approximately 296 linear foot wall would be constructed at the southernmost portion of the in-water work. Approximately 156 linear feet would be a sheet pile wall and approximately 140 would be a combination wall. Approximately 24 HZ piles and 24 pairs of sheet piles. The sheet pile and combination wall would be installed using a vibratory hammer with the HZ piles for the combination wall being installed using both vibratory and impact hammer.

An area approximately 86 acres in size would be dredged to a depth of -35.5 feet mean lower low water \pm 1.5 foot overdraft. Approximately 1,960,000 cubic yards of material, composed primarily of a silt layer covering sand, would be removed using mechanical and/or hydraulic methods. A 1.98-acre area, adjacent to the shoreline, would be dredged using an on-shore drag line. This work would be performed behind siltation curtains to minimize the spread of sediment during the dredging. The material would be placed into scows and transported to the adjoining confined disposal site (CDF). The remaining 84 acres of the waterway would be dredged using a cutter head hydraulic dredge. A channel leading from the Federal navigation channel would be dredged, with a circular turning basing being dredged approximately 300 from the bulkhead as shown on the attached drawings. The material would be pumped via pipeline to the adjacent CDF. The applicant has requested that any permit issued by this office include a provision to allow for maintenance dredging for 10 years after the initial dredging cycle is completed.

The proposed 30 acres of on-shore work would take place within an existing active disposal site. Vessels utilizing the site would have a maximum length of 580 feet with a maximum of a 29.5 foot draft. Work would occur in the waterway no closer than 300 from the edge of the Federal navigation channel.

PURPOSE: The applicant's stated purpose is create a deep water marine terminal that can accommodate vessels that would marshal wind turbine components and then allow these components to be shipped to the offshore wind turbine farms.

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. The ACOE will forward this PN to the US Fish and Wildlife Service 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. The Philadelphia District 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 NOAA Fisheries 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.

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 NJSHPO, 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 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: 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 U.S. 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 they have redesigned the channel leading to the proposed dock to minimize dredging required in the waterway. No regulated wetlands will be filled as a result of the project.

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 concurrence.

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.

Additional information concerning this permit application may be obtained by calling Lawrence Slavitter at 215-656-6734, via email at: lawrence.m.slavitter@usace.army.mil.

Todd A. Schaible
Chief, Regulatory Branch