



June 24, 2010

Colonel Tickner
US Army Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

Dear Colonel Tickner,

We understand the Philadelphia District of the US Army Corps of Engineers is in negotiations with PSEG regarding a land swap of 84 acres. We understand that PSEG is seeking to secure title to 84 acres on Artificial Island from the Army Corps for the purposes of constructing a new nuclear power plant, ("Salem 4"). We understand PSE&G has already submitted application materials to the NRC demonstrating their intent. It is our understanding that in exchange for this 84 acres the Army Corps is seeking that PSE&G identify and transfer ownership to the Army Corps of another 84 acres, yet to be determined, that the Army Corps would use as a dredge spoil disposal site for its projects.

It is our position that negotiating and undertaking the land swap for the purposes of allowing the construction of Salem 4 by PSEG on this location and identifying a new location to be used for Army Corps projects spoils disposal, is the undertaking of a new activity(ies) and project(s) that are being

- ✓ assisted;
- ✓ regulated; and/or
- ✓ approved

by the Army Corps, a federal agency.

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Furthermore, it is clear that the Army Corps is and/or will be preparing and adopting plans and documents which would encourage, support and guide the selection of the Artificial Island location as the preferred alternative for construction of a new nuclear facility in the region, i.e. Salem 4. We understand that through this process the Army Corps will necessarily also be identifying, pursuing, planning and/or using (including adopting plans and documents) a new location for a federal confined disposal facility for dredge spoils.

It is clear the land swap is intended to result in the construction of Salem 4 on Artificial Island. The Army Corps taking affirmative action to remove the impediment of federal ownership of the lands PSEG desires for this purpose, to engage in the decision of negotiating a land swap, and to take the actions to accomplish this negotiated deal all for the purposes of constructing Salem 4 in this location is a major federal action that will affect the human environment and therefore is subject to NEPA.

Additionally, it is clear the land swap is for the purposes of identifying, securing and utilizing a new location for purposes of a federal confined disposal facility for receipt of dredge spoils from the Delaware River and/or other Army Corps projects. This too is a major federal action that will affect the human environment and therefore is subject to NEPA.

And it is clear the Army Corps is undertaking a series of systematic and connected agency steps in order to accomplish the goals of allowing construction of Salem 4 on Artificial Island and utilizing a new location for purposes of dredge spoil disposal for Army Corps projects.

Therefore, it is required that before engaging in the negotiation and implementation of this action the Army Corps must prepare an EA. And we would suggest, considering the use to be made of this land, it is most probable that an EA will and should require completion of an EIS.

There are several significant environmental impacts from the proposed construction of Salem 4 on Artificial Island that the Corps must consider, including, but not limited to:

- Studies are documenting the increasing level of flooding that will take place on the island in the coming 50 and 100 year time frames. Additional development of a nuclear plant puts the facility, the workers, and the nuclear materials to be stored on the site at risk of harm, and in the case of the nuclear materials at risk of release into the River and environment.
- Construction of a new nuclear facility at this location will require the damage of wetlands and have adverse affects on a variety of aquatic life, bird life and wildlife.
- Construction of an additional nuclear facility on this location will impact the health, aesthetics and quality of life of those fishing, boating, birding and living in the region.

Issues associated with the new spoil disposal site are as yet unknown as the sites under consideration are unknown. But there are likely to be issues considering the Army Corps' preference from riverfront lands.

These issues and others need to be examined by the Army Corps, including being subject to public comment, before the Army Corps makes the decision and takes the action that supports, assists, regulates, approves, encourages, and acquiesces to construction of Salem 4 on Artificial Island and creates a new confined disposal facility for accommodating dredge spoils from federal projects.

Respectfully,

A handwritten signature in black ink, appearing to read 'Maya K. van Rossum', written in a cursive style.

Maya K. van Rossum
the Delaware Riverkeeper