

Participating Organizations

Clean Ocean Action

www.CleanOceanAction.org



*Ocean Advocacy
Since 1984*

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February 15, 2005

Richard Tomer, Chief
Regulatory Branch
US Army Corp of Engineers
New York District
Jacob K. Javits Federal Building
New York, NY 10275-0090

**RE: Berry's Creek Canal Wetlands Fill Project
PN # 2004-00792-J2**

Dear Mr. Tomer,

Clean Ocean Action (COA, representing 170 organizations) has reviewed the above referenced project and submits the following comments.

Berry's Creek is an EPA designated Superfund site and a New Jersey National Priorities Site due to high levels of mercury, arsenic, copper, lead and PCBs. In fact, Berry's Creek has the dubious distinction of containing the highest concentration of mercury in freshwater sediments in the world. To date, no efforts have been undertaken to cleanup the contamination. According to an EPA Fact Sheet on Berry's Creek:

“Soils, sediments, surface water, and groundwater are contaminated with mercury. Off-site sediments and surface water are also contaminated with mercury. Exposure to site-related contaminants could occur by drinking or direct contact with the water or sediments in the creek. In addition, on-site workers may also be exposed to contaminants located in the soils and sediments. Exposure to mercury via consumption of organisms in Berry's Creek may impact human and wildlife consumers.”

Until these environmental risks are remediated, this is not an appropriate location for residential development; especially considering the fact that elevated mercury levels were already discovered in soils at nine residential properties in the surrounding area.

In addition to the human health concerns, the impacts of filling the emergent wetlands and constructing and installing a retaining wall and stormwater management structure, on the contamination load to the creek, remaining wetlands and upland are not evaluated. Indeed, wetlands act as a buffer and filter for contaminants, any loss of wetlands should be avoided. EPA is currently developing a Remedial Investigation Work Plan to determine the best way to remediate the area. Construction of a 20-story, 614-unit, residential apartment complex could negatively impact the ability to adequately clean up the creek. A thorough remediation of Berry's Creek must be completed before any type of construction can even be considered.

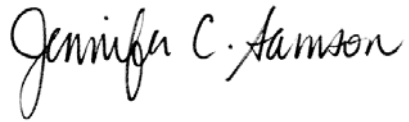
- Albans for a Living Ocean
- American Littoral Society
- Arthur Kill Coalition
- Asbury Park Fishing Club
- Bayberry Garden Club
- Bayshore Saltwater Flyrodders
- Belford Seafood Co-op
- Belmar Fishing Club
- Beneath The Sea
- Bergen Save the Watershed Action Network
- Berkeley Shores Homeowners Civic Association
- Cape May Environmental Commission
- Central Jersey Anglers
- Citizens Conservation Council of Ocean County
- Clean Air Campaign
- Coalition Against Toxics
- Coalition for Peace & Justice
- Coastal Jersey Parrot Head Club
- Coast Alliance
- Communication Workers of America, Local 1054
- Concerned Businesses of COA
- Concerned Citizens of Bensonhurst
- Concerned Citizens of COA
- Concerned Citizens of Montauk
- Dosil's Sea Roamers
- Eastern Monmouth Chamber of Commerce
- Environmental Response Network
- Explorers Dive Club
- Fisheries Defense Fund
- Fishermen's Dock Cooperative
- Fisher's Island Conservancy
- Friends of Island Beach State Park
- Friends of Liberty State Park
- Friends of Long Island Sound
- Friends of the Boardwalk
- Garden Club of Englewood
- Garden Club of Fair Haven
- Garden Club of Long Beach Island
- Garden Club of Morristown
- Garden Club of Navesink
- Garden Club of New Jersey
- Garden Club of New Vernon
- Garden Club of Oceanport
- Garden Club of Princeton
- Garden Club of Ridgewood
- Garden Club of Rumson
- Garden Club of Short Hills
- Garden Club of Shrewsbury
- Garden Club of Spring Lake
- Garden Club of Washington Valley
- Great Egg Harbor Watershed Association
- Greater Point Pleasant Charter Boat Association
- Hi-Mar Striper Club
- Highlands Business Partnership
- Highlands Chamber of Commerce
- Hudson River Fishermen's Association/NJ
- Interact Clubs of Rotary International
- Jersey Coast Shark Anglers
- Jersey Shore Audubon Society
- Jersey Shore Captains Association
- Jersey Shore Running Club
- Junior League of Monmouth County
- Junior League of Summit
- Kiwanis Club of Manasquan
- Kiwanis Club of Shadow Lake Village
- Leonardo Party & Pleasure Boat Association
- Leonardo Tax Payers Association
- Main Street Wildwood
- Marine Trades Association of NJ
- Monmouth Conservation Foundation
- Monmouth County Association of Realtors
- Monmouth County Audubon Society
- Monmouth County Friends of Clearwater
- Montauk Fisherman's Emergency Fund
- National Coalition for Marine Conservation
- Natural Resources Protective Association
- Navesink River Municipalities Committee
- Newcomers Club of Monmouth County
- NJ Beach Buggy Association
- NJ Commercial Fishermen's Association
- NJ Council of Dive Clubs
- NJ Environmental Federation
- NJ Environmental Lobby
- NJ Marine Educators Association
- NJ PIRG Citizen Lobby
- NJ Sierra Club
- NJ Windsurfing Association
- Nottingham Hunting & Fishing Club
- NYC Sea Gypsies
- NY/NJ Baykeeper
- NY Marine Educators Association
- Ocean Advocates
- Ocean Conservancy
- Ocean County Citizens for Clean Water
- Ocean Divers
- Ocean Wreck Divers
- Outreach/First Presbyterian Church of Rumson
- Piscataway Saltwater Sportsmen Club
- Raritan Bay Anglers Club
- Raritan Riverkeeper
- Riverside Drive Association
- Rotary Club of Long Branch
- Saint George's by the River Church, Rumson
- Saltwater Anglers of Bergen County
- Sandy Hook Bay Catamaran Club
- Save Barnegat Bay
- Save the Bay
- SEAS Monmouth
- Seaweeders Garden Club
- Shark River Cleanup Coalition
- Shark River Surf Anglers
- Sheepshead Bay Fishing Fleet Association
- Shore Adventure Club
- Shore Surf Club
- Sierra Club, Shore Chapter
- Soroptimist Club of Cape May County
- South Monmouth Board of Realtors
- Staten Island Friends of Clearwater
- Strathmere Fishing & Environmental Club
- Surfers' Environmental Alliance
- Surfrider Foundation, Jersey Shore Chapter
- TACK I
- Terra Nova Garden Club
- Unitarian Universalist Congregation of Mon. County
- United Boatmen of NY/NJ
- United Bowhunters of NJ
- Volunteer Friends of Boaters
- Waterspirit
- Women's Club of Brick Township
- Women's Club of Keyport
- Women's Club of Long Branch
- Women's Club of Merchantville
- Zen Society

In conclusion, based on the above concerns, this project must be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'CZipf'.

**Cindy Zipf,
Executive Director**

A handwritten signature in black ink, appearing to read 'Jennifer C. Samson'.

**Jennifer Samson, Ph.D.
Principal Scientist**