

objection to the final determination of non-navigability. The determination is required to be made for each proposed project within the identified reaches and within 150 days of submission of plans.

It should be noted that the declaration of this portion of the Delaware River as non-navigable does not alter or restrict the applicability of the U.S. Army Corps of Engineers regulatory authority under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act. Rather, it would affect the government's authority under what is commonly referred to as "navigational servitude." Under this authority, the Federal government may require a permittee to remove and/or modify any authorized work or structures in navigable waters where those structures may conflict with a Federal navigation or other civil works projects. Department of the Army permits for work in navigable waters are subject to the following condition:

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (This special condition is applicable to Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act of 1899.)

Under the provisions of Section 1308 of the Water Infrastructure Improvements for the Nation (WIIN) Act dated December 5, 2016, this condition would be removed from any authorized structures within this specific section of the Delaware River. The purpose of this notice is to solicit comments and recommendations from the public concerning areas along the Delaware River in the City of Philadelphia to be declared as non-navigable pursuant to the above referenced legislation.

An application for a Department of the Army permit (CENAP-OP-R-2014-0280-83) has been submitted by the Delaware River Waterfront Corporation for work in the Delaware River in conjunction with the re-development of the Spring Garden and Festival Piers (Piers 27-35) Delaware River (RM100.5) at the intersection of Delaware Avenue and Spring Garden Street in the City and County of Philadelphia, Pennsylvania. A public notice soliciting comments on that Department of the Army permit application was published on March 23, 2017. The review of that permit application, which also includes a public interest determination, will also include an evaluation of the proposed activity pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

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 declaration. This public interest

determination will be based on an evaluation of the probable impact including its cumulative impacts on the public interest, and in particular, navigation.

Comments on the above referenced legislation 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. Additional information concerning this action may be obtained by calling Mr. Timothy J. Rooney at 215-656-6592, via email at timothy.j.rooney@usace.army.mil or writing this office at the above address.

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Chief, Operations Division