



**US Army Corps
of Engineers**
Philadelphia District

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

Public Notice

Public Notice No.
CENAP-OP-R-2007-120-24

Date
MAR 05 2008

Application No. File No.

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: HSP Gaming, L.P.

AGENT: Keating Consulting, LLC
1600 Arch Street, Suite 300
Philadelphia, PA 19103

WATERWAY: Delaware River

LOCATION: The proposed project site is located on the southeast side of Delaware Avenue, between Ellen and Shackamaxon Streets, at 941 - 1025 North Delaware Avenue, Philadelphia, PA 19123. The project site currently occupies Piers 41 through 48 North.

ACTIVITY: The applicant proposes to redevelop a former industrial and port facility to construct a casino and entertainment complex known as "SugarHouse," and to provide new public access (greenway and river promenade), with a ferry boat dock and a river taxi dock. The property has been zoned as a commercial entertainment district by the City of Philadelphia. Redevelopment would include consolidating the remaining pier areas into a single uniform lot by relocating the City's Laurel Street combined sewer outfall (CSO) to the southwest edge of the property, and filling in the remaining two open pier slips. The proposed facilities would be constructed in several phases:

- 1) Phase I – a casino facility with 3,000 slot machines and a 2,460-car (approximate) parking garage, with approximately 560 additional valet parking spaces beneath the casino structure as well as on a surface parking lot on the south side of the site. Phase I would include relocation of the Laurel Street CSO and the proposed dock structures. A portion of Phase I would be opened prior to completing the full balance of Phase I. This would be referred to as an "interim phase."

- 2) Phase II – expand the facility by an additional 2,000 slots (5,000 total), with a 750-room (approximate) hotel, food and beverage venues, additional valet parking areas, expansion of the parking garage (north side of site), and construction of a new parking garage on the southwest lot.
- 3) Phase III – a 521-room (approximate) hotel constructed above the parking garage on the southwest lot.

In the 1980's, a portion of the open waters alongside Piers 42 and 43 was filled by the previous owner without a permit. A total of 0.41 acre of waters was filled. Most of this area is proposed to remain within the area proposed to be filled by the applicant, with a portion to be removed.

In Phase I, the following activities are proposed within the jurisdiction of the Corps of Engineers:

- Relocation of the Laurel Street CSO to the Pier 41 property line (southwest side) would involve construction of three box culverts, 11 feet wide and 11 feet high (inside), on a pile-supported, poured-in-place concrete cap. A new City-owned 48-inch storm water outfall pipe would also discharge at this point. This work would include the placement of a temporary 50' long soldier pile support wall with a 30' concrete wing wall at the new outfall location, and removal of a portion of Pier 41 (up to the new proposed bulkhead). It is proposed to mechanically dredge 5,500 cubic yards of sediments from 1.49 acres of the area in front of the new outfall to a depth of 6.5 feet below mean low water (MLW) to allow for drainage. The dredged material would be placed directly onto existing uplands at the project site and incorporated into structural fill below new proposed buildings.
- Construction of storm water outfalls. In addition to the relocated Laurel Street CSO and the new 48-inch City outfall, nine additional storm water outfalls are proposed for discharge of runoff from the site. The proposed outfall pipes range from 6 to 18 inches in diameter. Most of these pipes would be above and landward of the mean high water line (MHWL). Only three of the outfall pipes would extend past the MHWL and be within the Corps' jurisdiction.
- Installation of a 763' long cutoff wall is proposed along the Delaware River, consisting of a combination of steel sheet pile and poured concrete. Its purpose would be to provide support for the landward construction of the new casino structure. Approximately 100 linear feet of this wall would be constructed across open waters (steel sheet pile). The remaining 663 feet (concrete) would be above the high tide line (HTL).
- New in-filling between Piers 41 and 42 behind the new cutoff wall and installation of 400 linear feet of temporary rip-rap shoreline revetment. A total of 5,200 cubic yards of fill (including an existing 1,700 cubic yards of the 1980's unpermitted fill) would be discharged into 0.29 acre of open water below the HTL (including 0.112 acre of the unpermitted fill).
- New in-filling between Piers 43 and 44 behind the new cutoff wall (current location of the Laurel Street CSO). A total of 13,500 cubic yards of fill (including an existing 3,500 cubic yards of the unpermitted 1980's fill) would be discharged into 0.911 acre of open water below the HTL (including 0.235 acre of the unpermitted fill).
- Widening of a CSO drainage channel at Shackamaxon Street (450 linear feet), with the installation of 400 linear feet of rip-rap revetment (400 cubic yards). A total of 350 cubic yards of fill would be removed, with 0.5 acre of temporary impacts to open water.
- Construction of a 1.5-acre pile-supported river-side high-deck structure for public access. The total public access component would include an additional 0.5 acre with walkways on land at the northeast and southwest ends of the site to connect back to Delaware Avenue.

The deck would cover approximately 1.08 acre of open water, with about 9 feet of clearance beneath the underside of the structure to the MHWL. The deck would require installation of 450 14-inch diameter pipe piles, which would be filled with concrete. A 750' long rip-rap revetment is proposed along the shore-line under the deck, which would involve the placement of 2,700 cubic yards of stone over a total area of 0.448 acre.

- Construction of two floating docks and a 350' long, 8' wide, pedestrian access ramp. One dock would be 30 X 60 feet (proposed to serve a river ferry), and the other would be 12 X 50 feet (proposed to serve a river taxi). The docks would require installation of ten 14-inch diameter pipe piles, which would be filled with concrete, and four mooring clusters. Each cluster would contain 19 13-inch diameter timber piles. The total discharge of concrete associated with the 460 pipe piles (for the deck and floating docks) would be 185 cubic yards, impacting about 0.01 acre.

In Phase II, the relocated Laurel Street CSO would be extended by 200 feet, and a new 400' long sheet pile wall would be built to contain the 0.20 acre of additional fill (1,500 cubic yards).

The total permanent impacts to open waters from filling activities (i.e. loss of aquatic habitat by conversion to uplands) would be 1.411 acres. An additional 1.49 acre of open waters would be impacted by dredging, and 0.139 acre of existing open waters would be impacted by the placement of stone rip-rap from the revetments. Another 0.309 acre of rip-rap would be placed in uplands or in areas where pre-existing fill or structures is proposed to be removed. Most of the rip-rap fill would occur in existing or proposed (created) inter-tidal area, which would remain inter-tidal, but the depth would change, except for 0.082 acre which would remain uplands. This impact would not represent a loss of aquatic habitat, but rather a modification of inter-tidal habitat. The proposed structures and fill would be adjacent to the Federal navigation channel in the Delaware River.

The applicant is proposing the following actions (on-site and off-site) as compensatory mitigation for proposed filling activities in the Delaware River:

- On-site - Removal of 0.85 acre of previously approved structures. Timber piles, cribbing and decks would be removed from three areas to an elevation of 1.5 feet below MLW. In addition, 0.24 acre of unnecessary previously placed (legal) fill would also be removed down to the same elevation. Another 0.063 acre of the 1980's unpermitted fill would also be removed, although the applicant is not claiming any compensatory mitigation credit for this removal. In addition, the applicant is proposing 0.50 – 0.75 acre of aquatic vegetation plantings in the inter-tidal area along the river shore-line and Shackamaxon CSO drainage channel.
- Off-site – Creation of a tidal wetland and open water complex along the Delaware River near the City of Philadelphia's Baxter Water Treatment Plant. The proposed site is located approximately 8 miles upstream of the proposed development site, between Pennypack and Linden Avenues. A location map and proposed grading plan are included with the attached project plans. The 1.086-acre proposed project would include: a) 0.104 acre of wetlands (shoreline fringe and vegetated islands); b) 0.007 acre of sub-tidal area (open water ant MLW); c) 0.376 acre inter-tidal; and d) 0.560 acre of upland shrub buffer.

PURPOSE: The applicant's stated purpose of the project is: "to serve as an entertainment center and a catalyst for the positive redevelopment of former industrial facilities along the northern waterfront of the City of Philadelphia. This anchor facility will be interconnected to other city facilities and services to function as a core redevelopment centerpiece, and thereby promote the sustained economic and social development of the local community."

Section 38 of the Water Resources Development Act of 1988 (P.L. 100-676) ("Act") provides that the specified geographic boundaries of certain proposed projects located in and adjacent to the Delaware River in Philadelphia, Pennsylvania are declared to be "non-navigable waters of the United States" if certain conditions are met. The project that is the subject of this

Public Notice is within the specified geographic boundary for a project site identified in that Act as "National Sugar Company 'Sugar House.'" Among the conditions that must be met in order for the Declaration of Non-Navigability to be considered valid is the requirement that all work within the geographic boundaries comply with all applicable Federal statutes and regulations including the Federal permitting requirements which are the subject of this Public Notice. In the event that a Department of the Army permit is issued for this project all such authorized work may then be the subject of a valid declaration of non-navigability assuming that all other conditions specified in the Act are met.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work. However, the applicant is currently conducting studies of potentially eligible historic and pre-historic archaeological resources at the site. The Corps of Engineers has initiated a consultation process under Section 106 of the National Historic Preservation Act in order to account for any possible effects of the project on historic properties.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "[Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware](#)", dated March 1999, indicates that the proposed project would not affect any managed species.

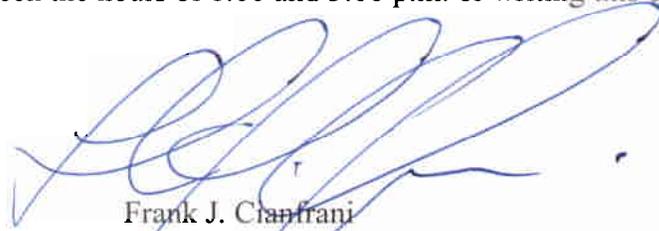
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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. It should be noted that the Commonwealth of Pennsylvania issued a determination on January 16, 2008, that the proposed project is consistent with their approved CZM program, subject to a condition that the appropriate Water Obstruction and Encroachment Permit is issued by the Pennsylvania Department of Environmental Protection.

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 James Boyer at (215) 656-5826 between the hours of 1:00 and 3:00 p.m. or writing this office at the above address.



Frank J. Cranfrani
Chief, Regulatory Branch

PHILADELPHIA QUADRANGLE
PENNSYLVANIA-NEW JERSEY
7.5 MINUTE SERIES (TOPOGRAPHIC)

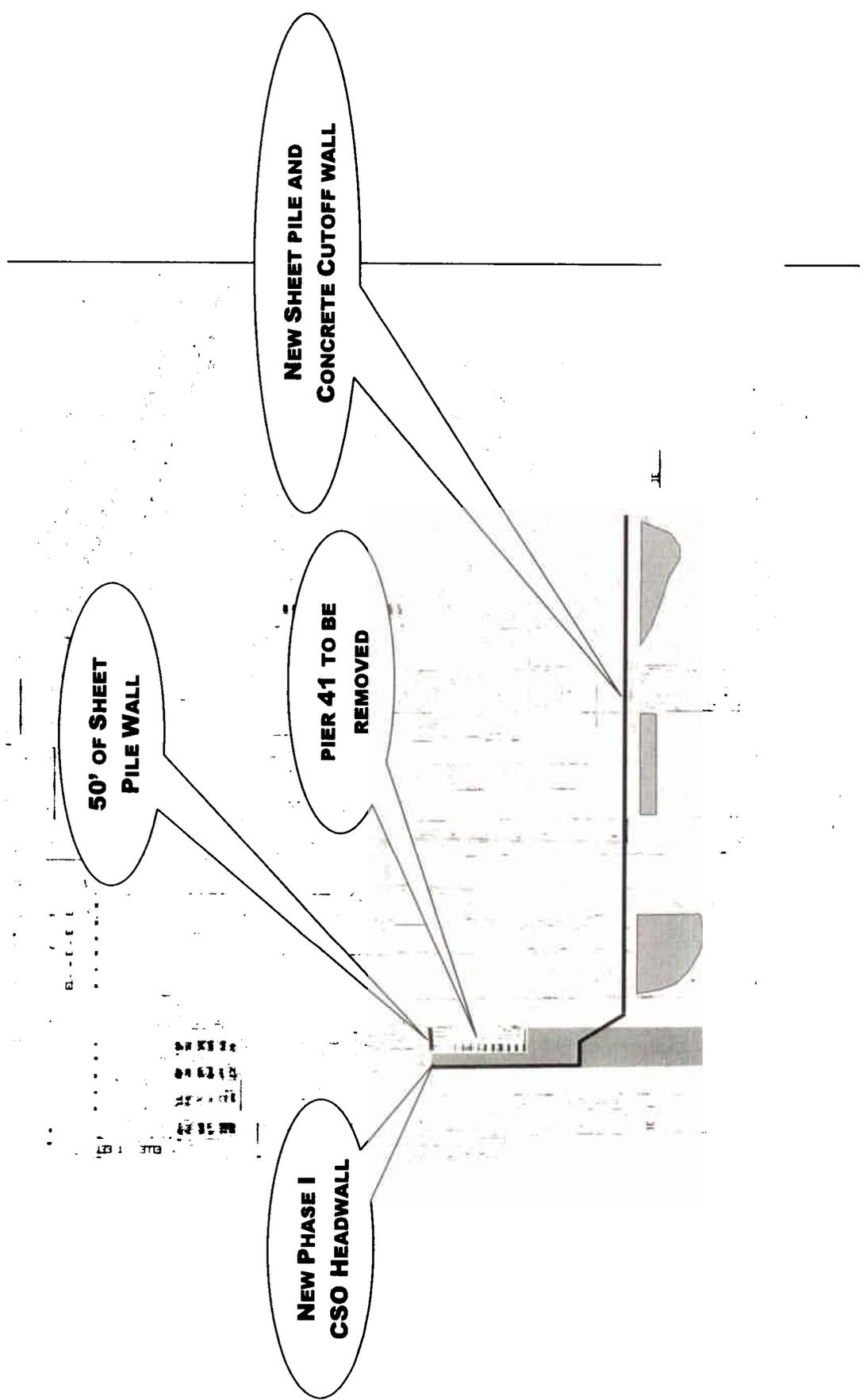
5961 11 SE
(FRANKFORD)



<Default> - 1 Markers, Length = 0 feet

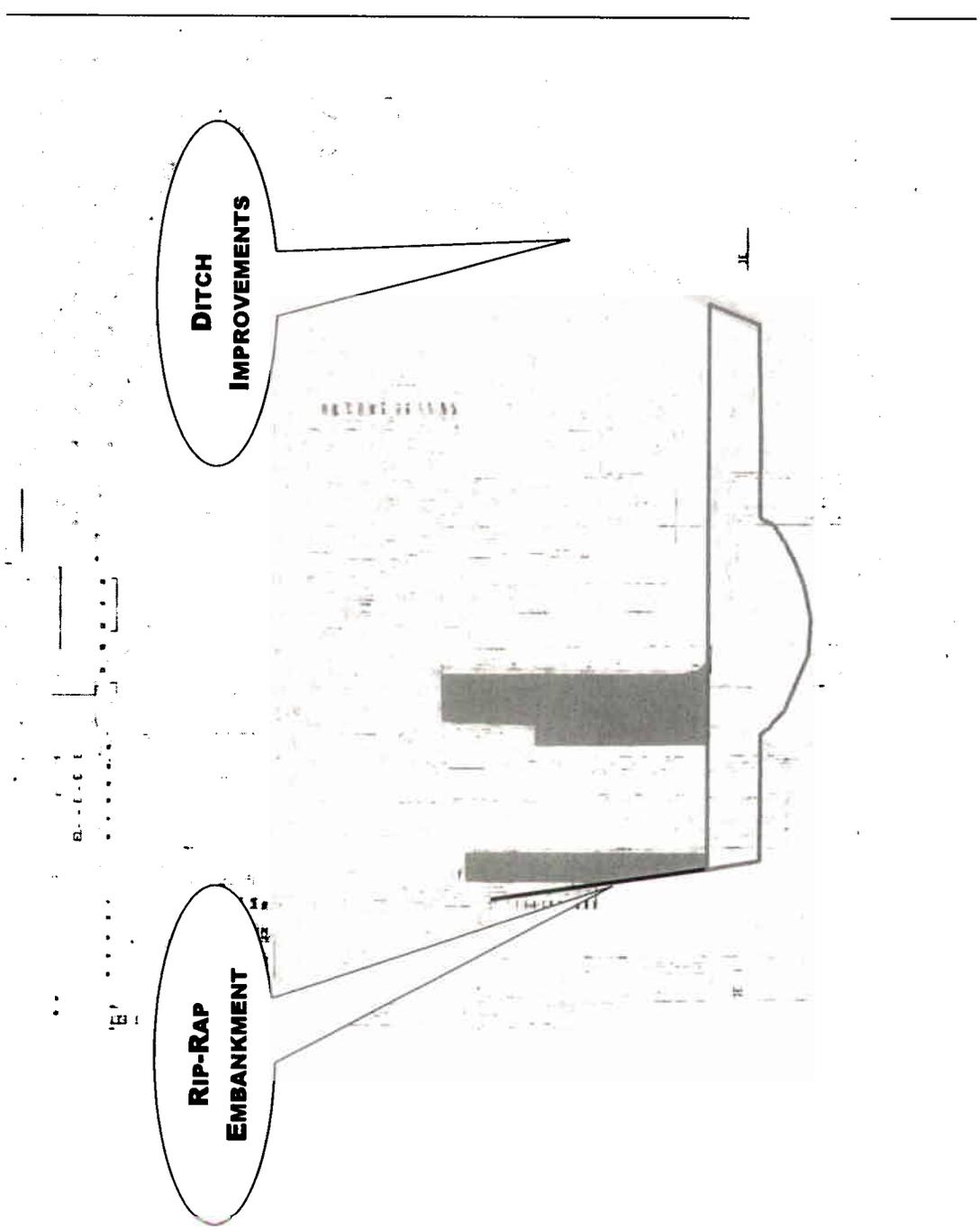
SITE : 039° 57' 48.1" N, 075° 07' 57.2" W

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-  Unpermitted fill areas circa 1980 by previous owner
-  Area to be dredged to -14.0 Feet for CSO outfall
-  Upland areas to be removed

SugarHouse Casino – Figure 1
Interim Phase
120607

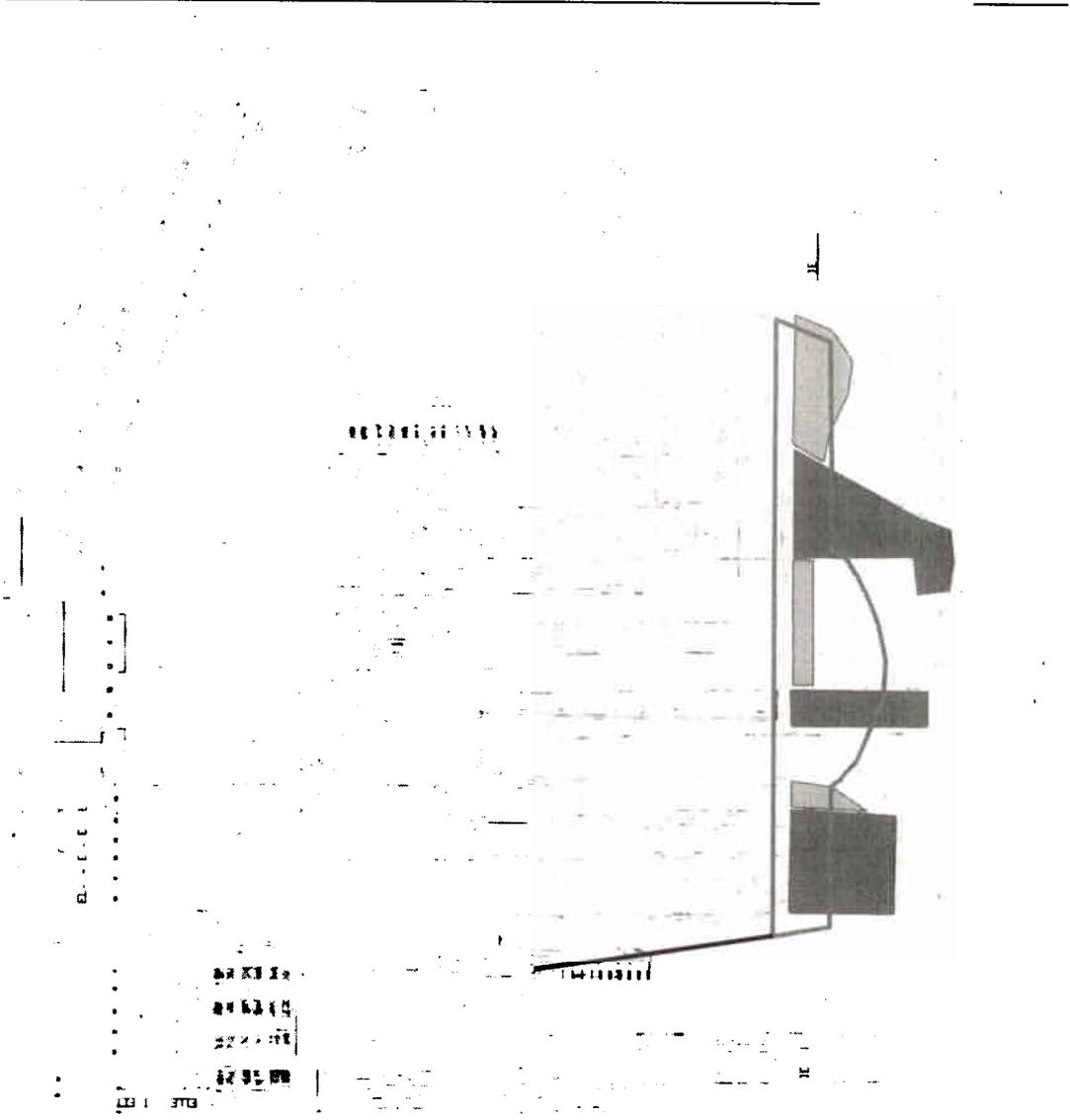


**RIP-RAP
EMBANKMENT**

**DITCH
IMPROVEMENTS**

- Areas of new fill under Phase I
- Pile Support Public Promenade with open waters beneath it
- Widening of the Shackamaxon Street Drainage Ditch

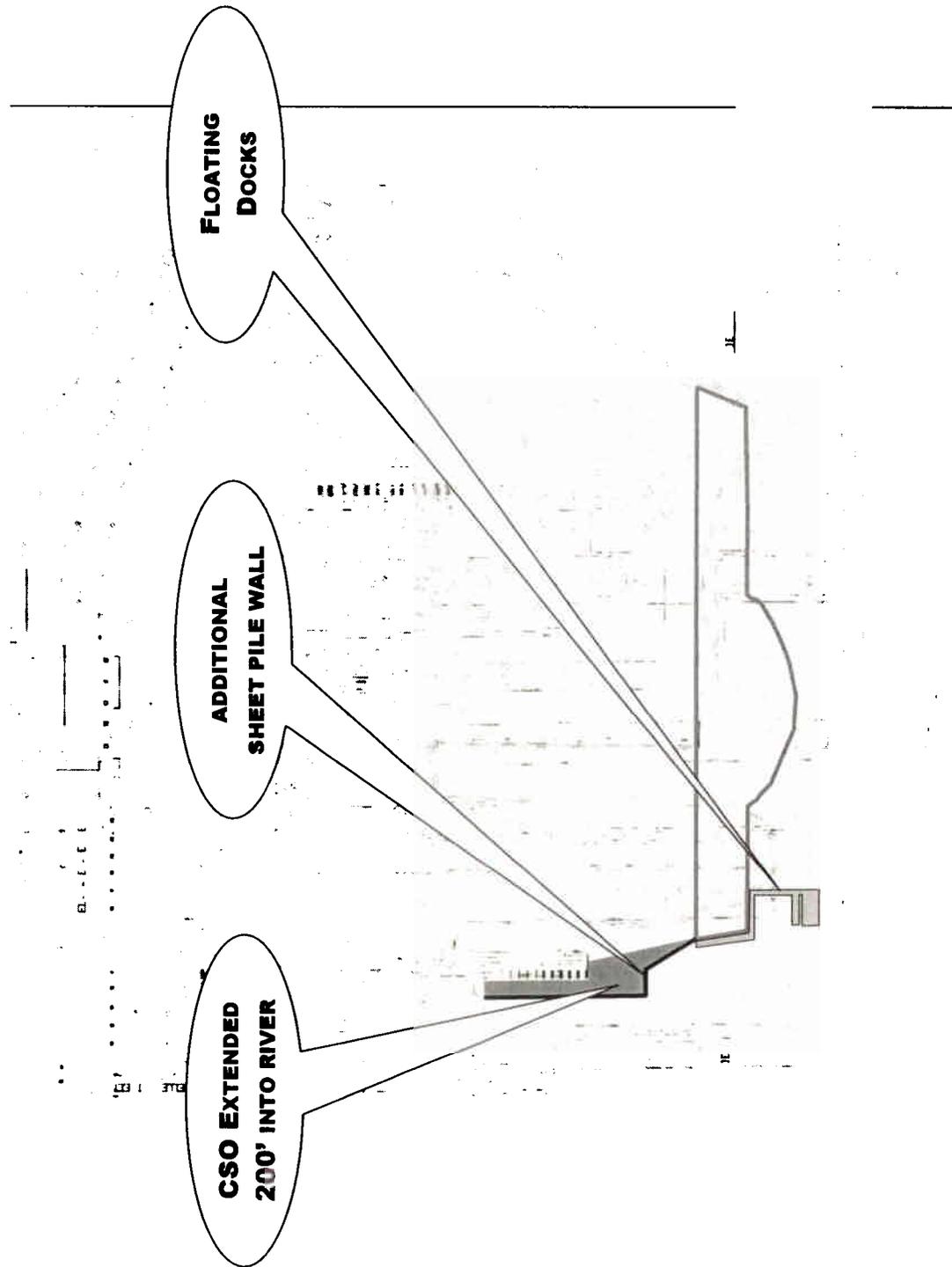
SugarHouse Casino – Figure 2
Interim Phase - New Fill
120607



- Existing timber piles, cribbing and decks to be removed to -9.0 Feet
- Existing fill to be removed to -9.0 Feet
- Pile Support Public Promenade with open water beneath it



SugarHouse Casino – Figure 3
Interim Phase - Open Waters to be Restored
120607

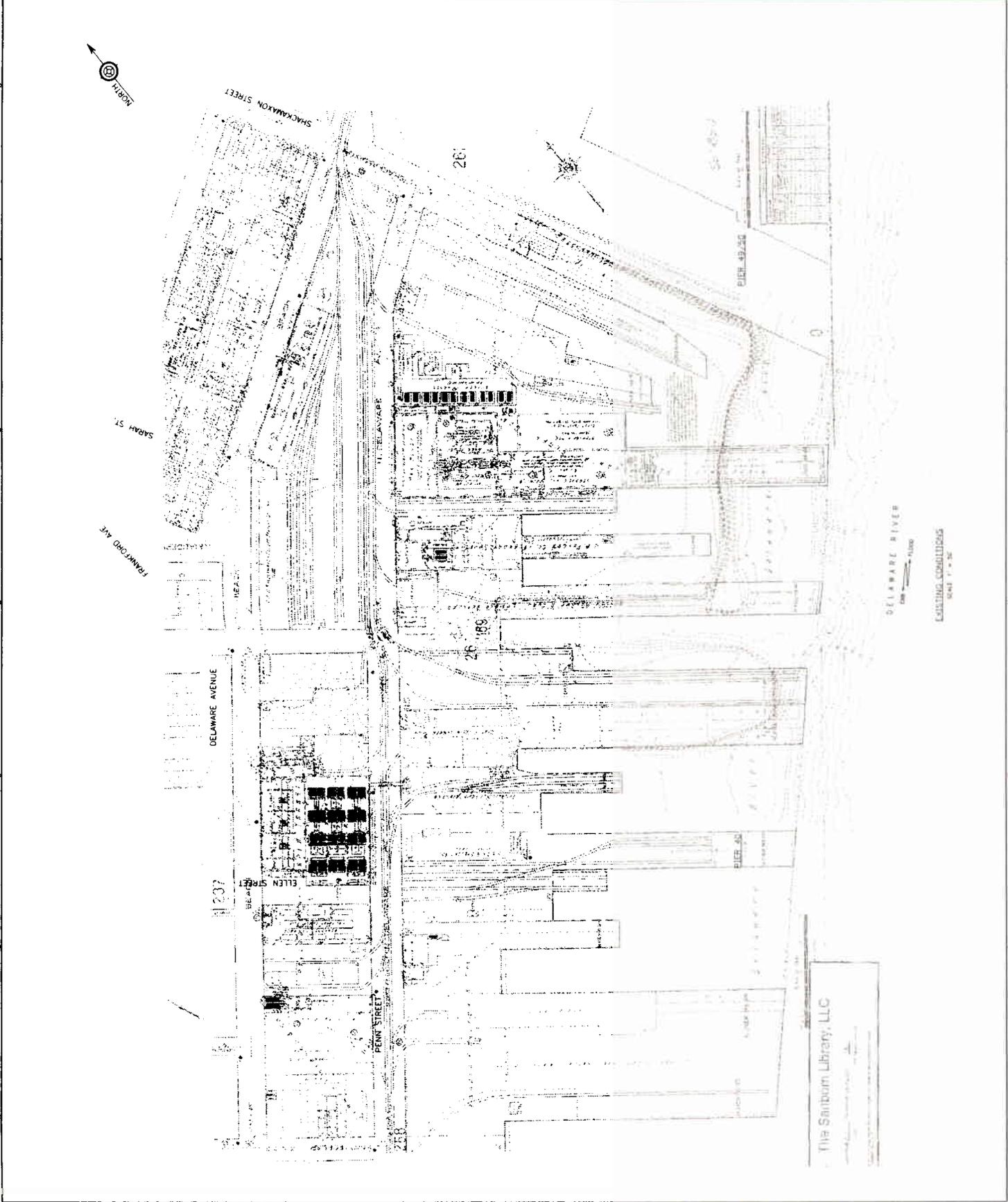


SugarHouse Casino – Figure 4
 Phase II - New Bulkhead and Fill
 120607

- Area of new fill under Phase II
- Pile Support Public Promenade with open waters beneath it
- Pile Supported Floating Docks for River Ferry and River Taxi

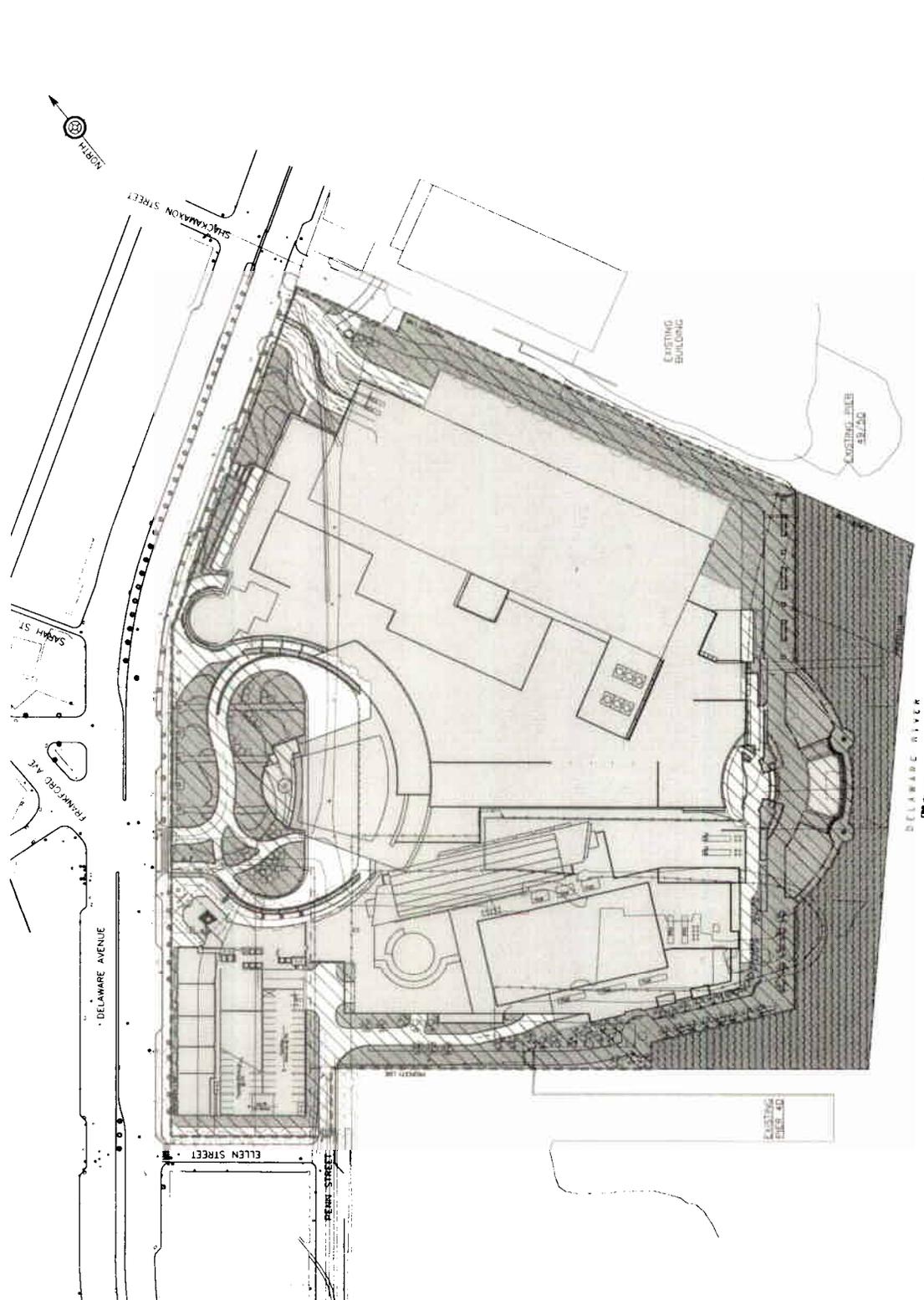


DATE	BY	SCALE



DELAWARE RIVER
Flow
EXISTING CONDITIONS
SCALE: 1" = 50'

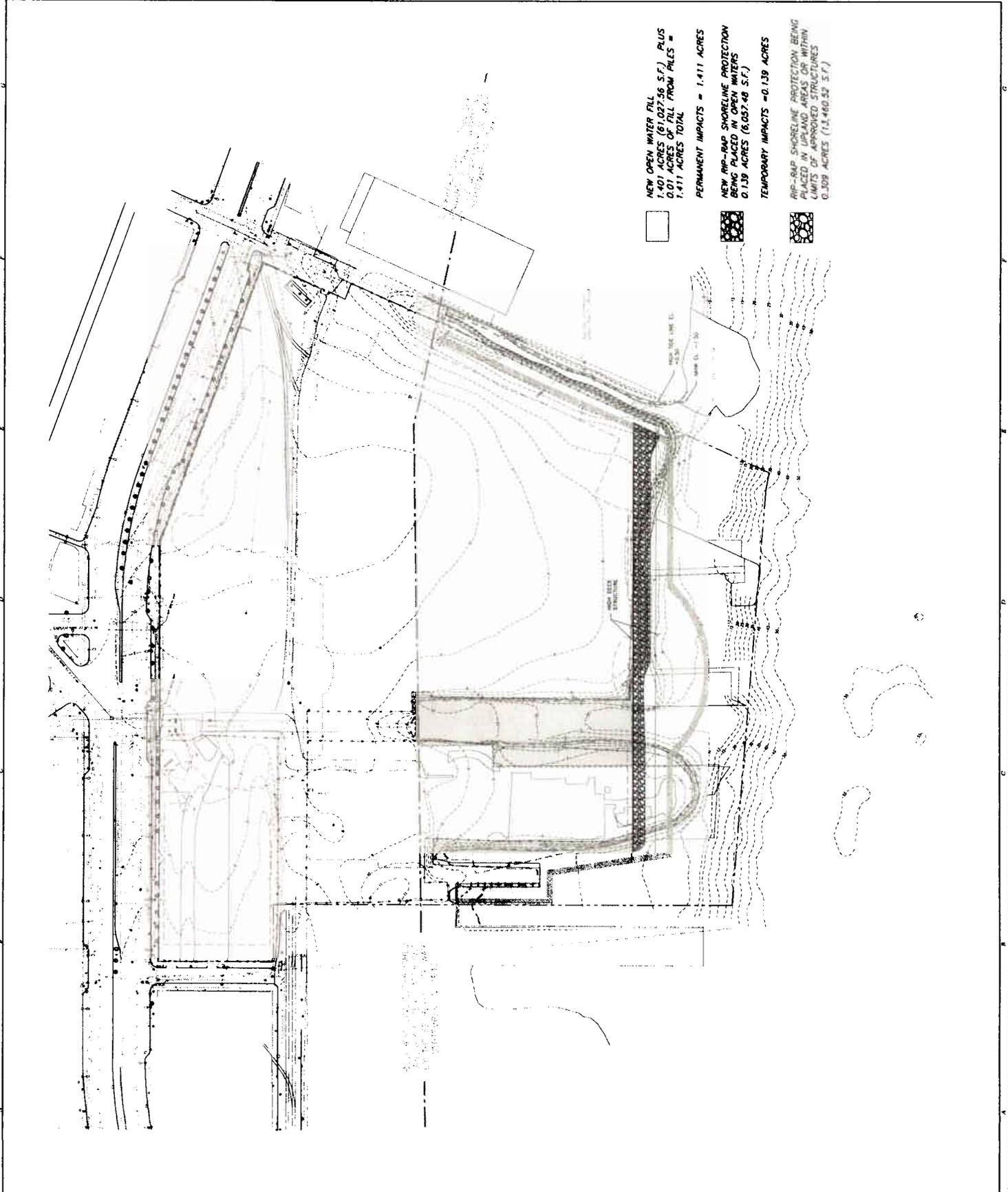
The Sanbom Library, LLC



KEY:

[Pattern]	DEVELOPABLE AREA = 20.38 ACRES
[Pattern]	OPEN SPACE = 6.57 ACRES
[Pattern]	ROOFTOP AREAS = 13.76 ACRES
[Pattern]	PAVING, GARDEN AND LANDSCAPING AREAS = 3.71 ACRES
[Pattern]	POROUS PAVEMENT AREAS = 1.48 ACRES
[Pattern]	OPEN WATER AREA = 2.30 ACRES
[Pattern]	WATER FEATURE AREA = 0.19 ACRES

DELAWARE RIVER
 DELAWARE RIVER FLOOD
LAND DEVELOPMENT PLAN
 SCALE 1" = 50'



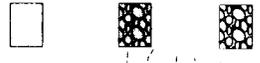
NEW OPEN WATER FILL
1.401 ACRES (6,027.56 S.F.) PLUS
0.01 ACRES OF FILL FROM PILES =
1.411 ACRES TOTAL

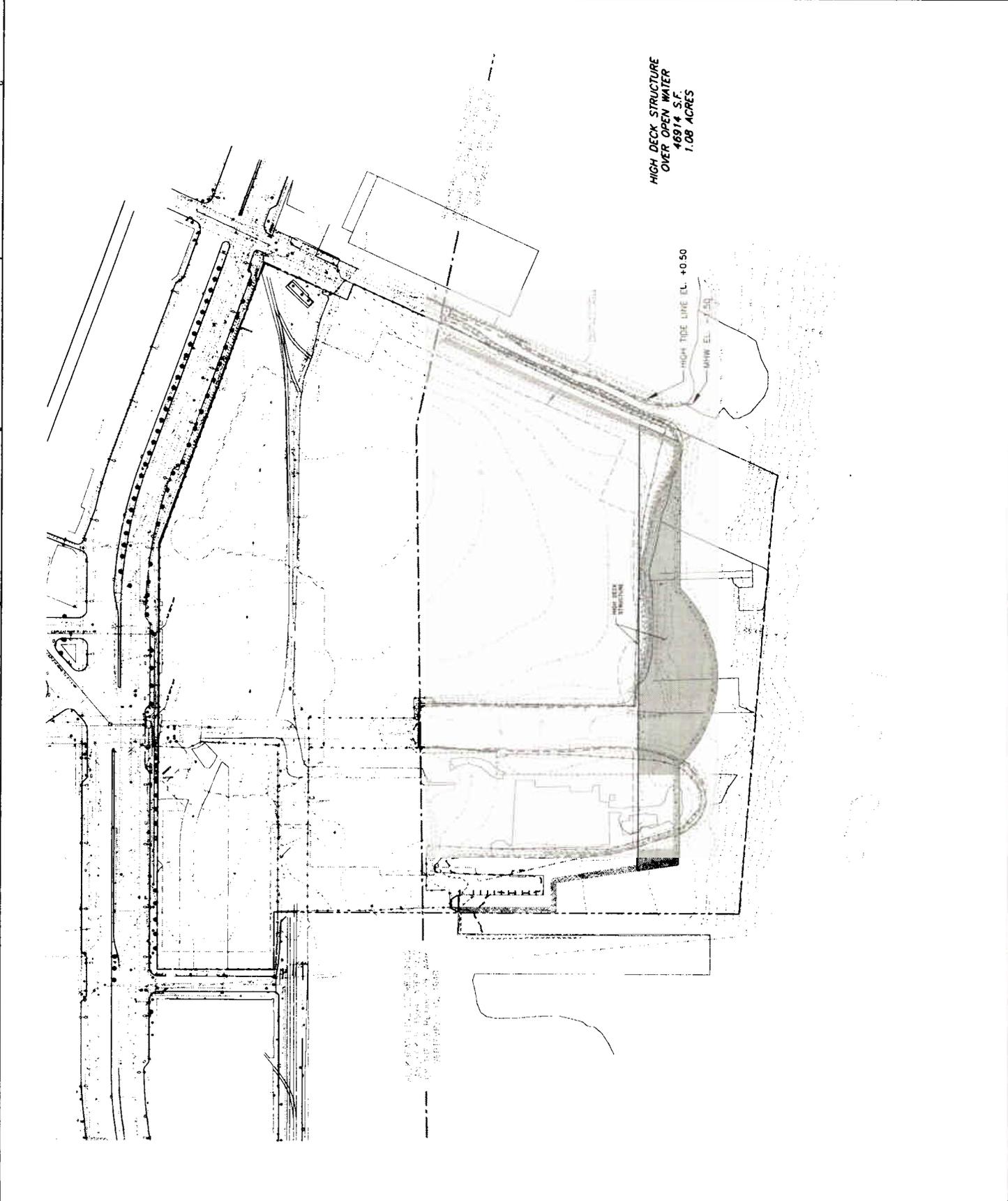
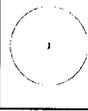
PERMANENT IMPACTS = 1.411 ACRES

NEW RIP-RAP SHORELINE PROTECTION
BEING PLACED IN OPEN WATERS
0.139 ACRES (6,057.48 S.F.)

TEMPORARY IMPACTS = 0.139 ACRES

RIP-RAP SHORELINE PROTECTION BEING
PLACED IN UPLAND AREAS OR WITHIN
LIMITS OF APPROVED STRUCTURES
0.309 ACRES (13,440.57 S.F.)



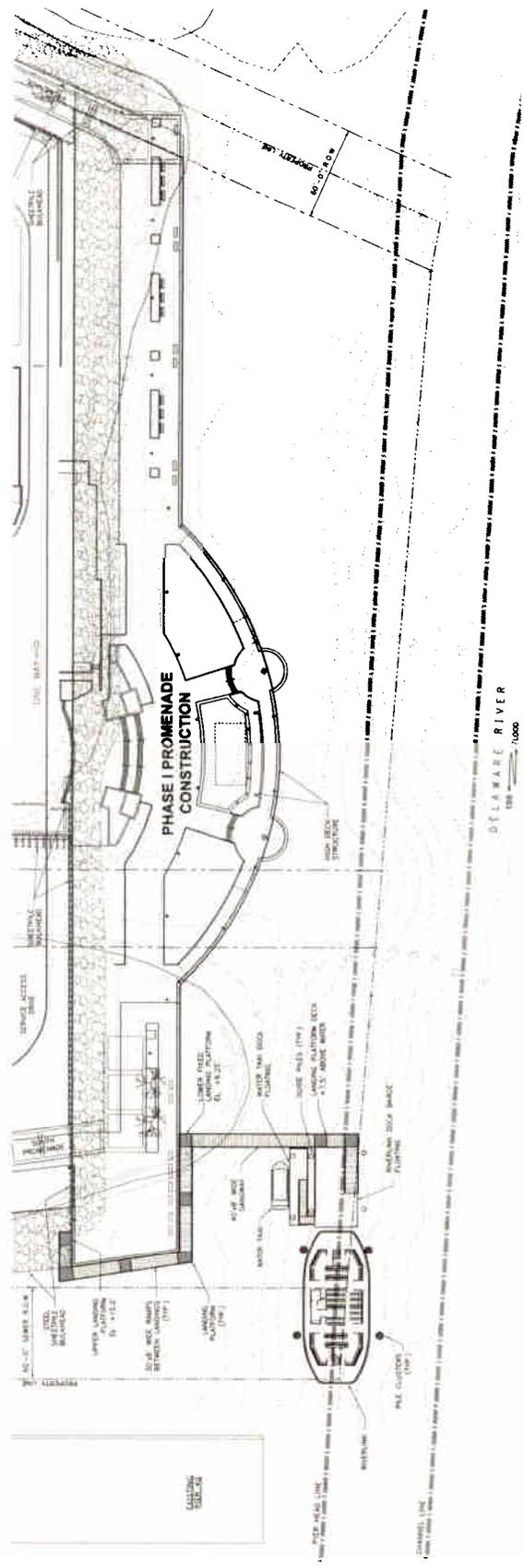
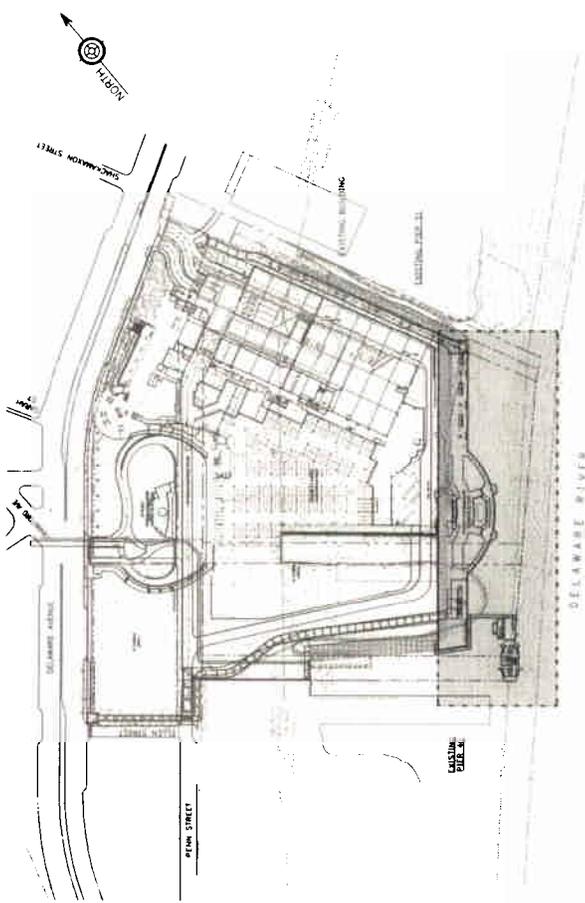


**HIGH DECK STRUCTURE
OVER OPEN WATER
46914 S.F.
1.08 ACRES**

HIGH TIDE DIKE EL. +0.50
MHW EL. -7.50

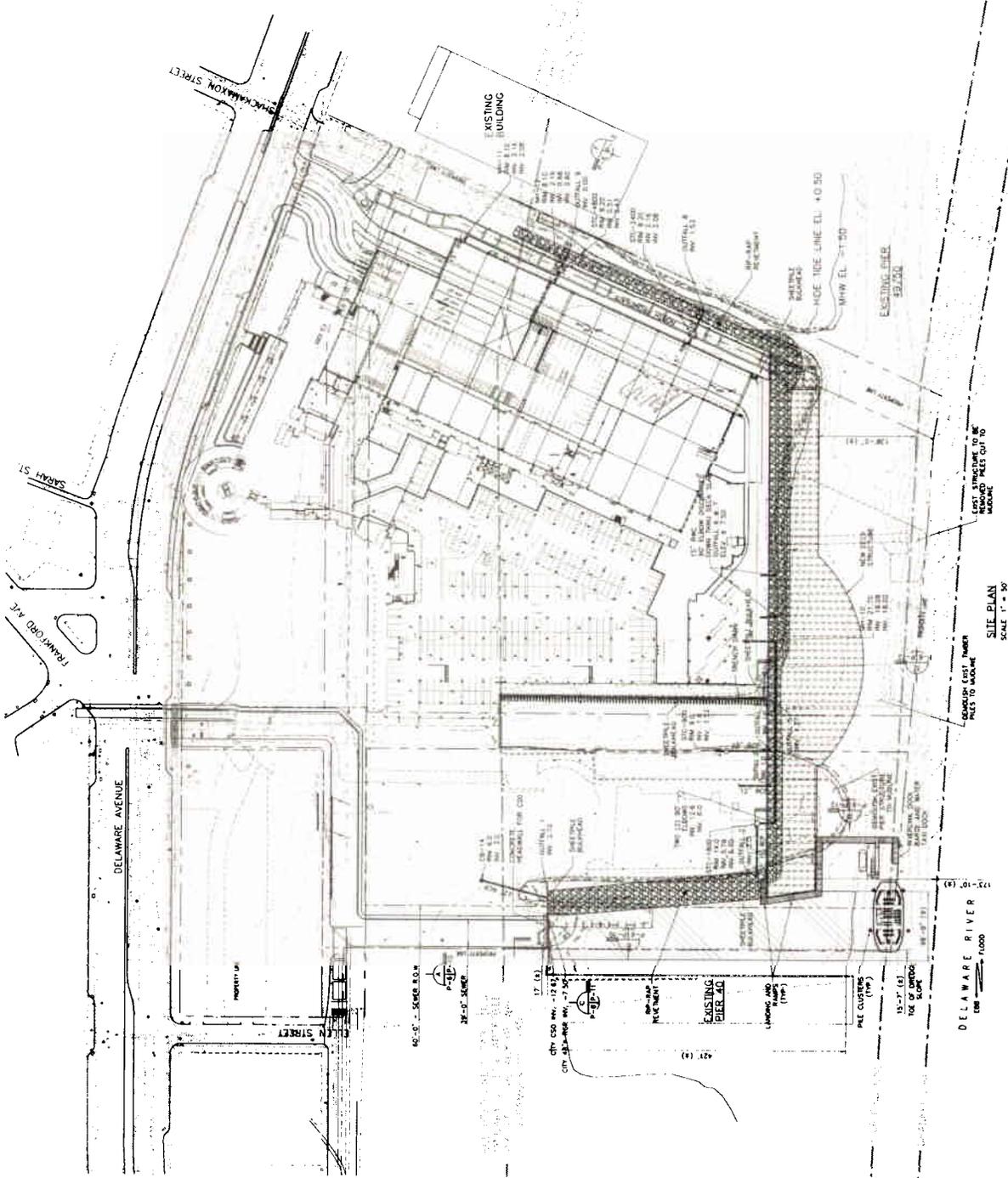
HIGH DECK STRUCTURE

PHILADELPHIA
UNIVERSITY CITY
SUGARHOUSE
GAMING CENTER
PHILADELPHIA, PA
19102



NOTE:
1 ALL ELEVATIONS SHOWN ARE IN FEET AND REFERRED TO THE CITY OF PITTSBURGH DATUM.

WATERSIDE DETAILS
SCALE 1" = 20'



LEGEND

APPROXIMATE UNDESIGNED
AREA = 8,488 SQ
FOOT
DESIGNED AREA = 1,300 SQ
FOOT
TOTAL EL. = 10.00

NOTE

1. ELEVATIONS SHOWN ARE IN
FEET AND REFERENCED TO THE
CITY OF PHILADELPHIA DATUM

SITE PLAN
SCALE 1" = 50'

DELTAWARE RIVER
Elev. 10.00
FLOOD

CONDUIT CIST. MARK
PLCS TO MATCH

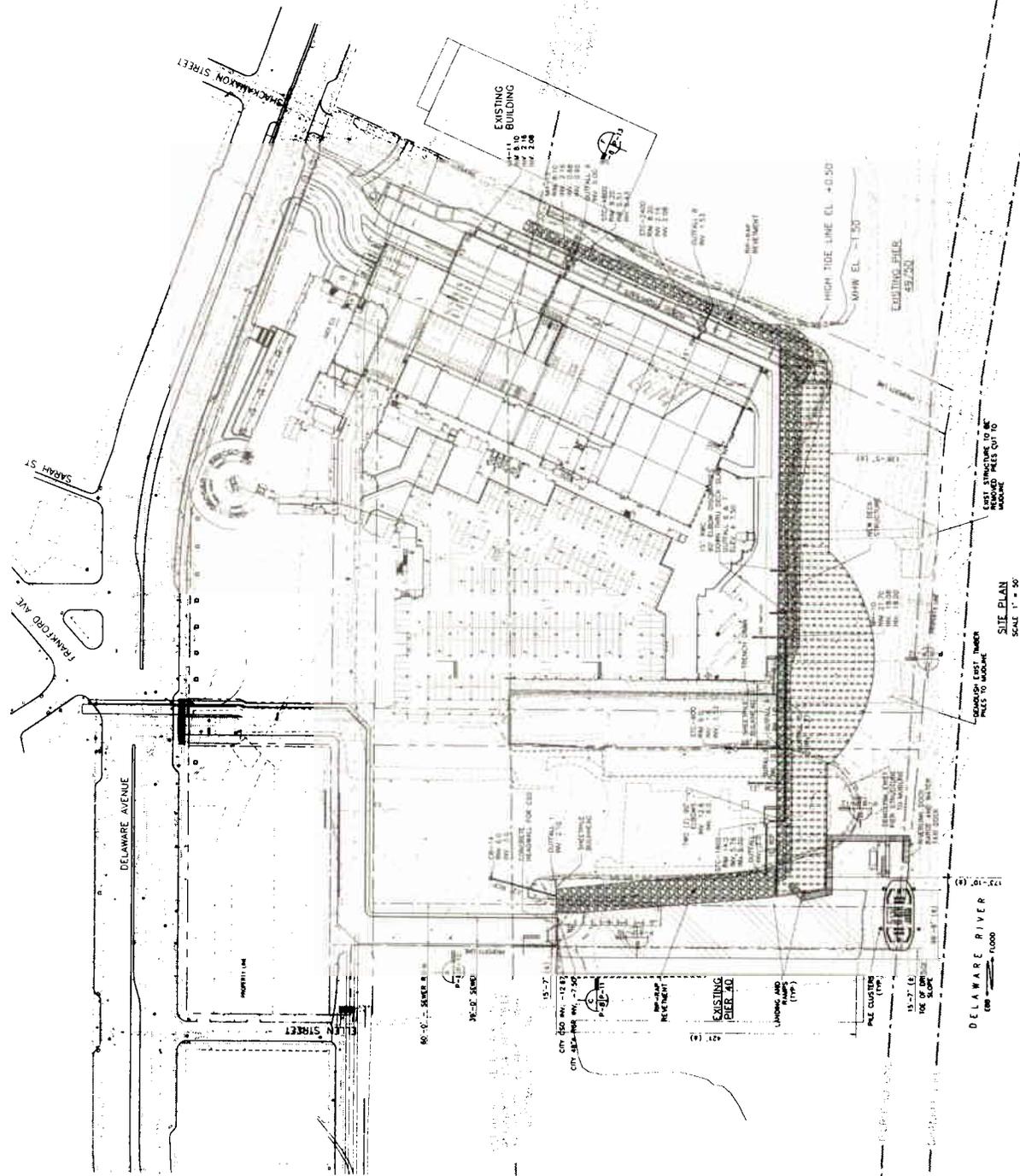
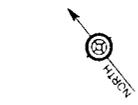
REWORKED PILE CUT TO
MATCH

EXISTING BEER AD

EXISTING BUILDING

DELTAWARE RIVER

DELTAWARE RIVER



NOTE:
1. ALL ELEVATIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. CITY OF PHILADELPHIA DATA.



SITE PLAN
SCALE 1" = 50'

DELAWARE RIVER
ELEV. 10.000

REVISION LIST, MARK
PAGES TO LOCATIONS

15-7 (4)

15-7 (3)

15-7 (2)

15-7 (1)

15-7 (0)

15-7 (0)

15-7 (0)

15-7 (0)

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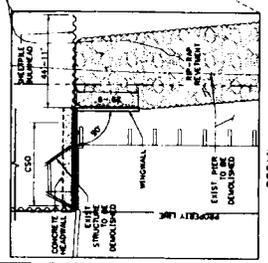
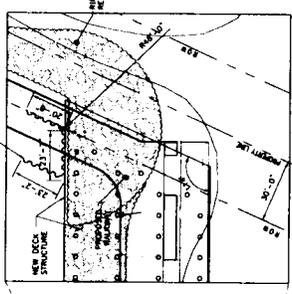
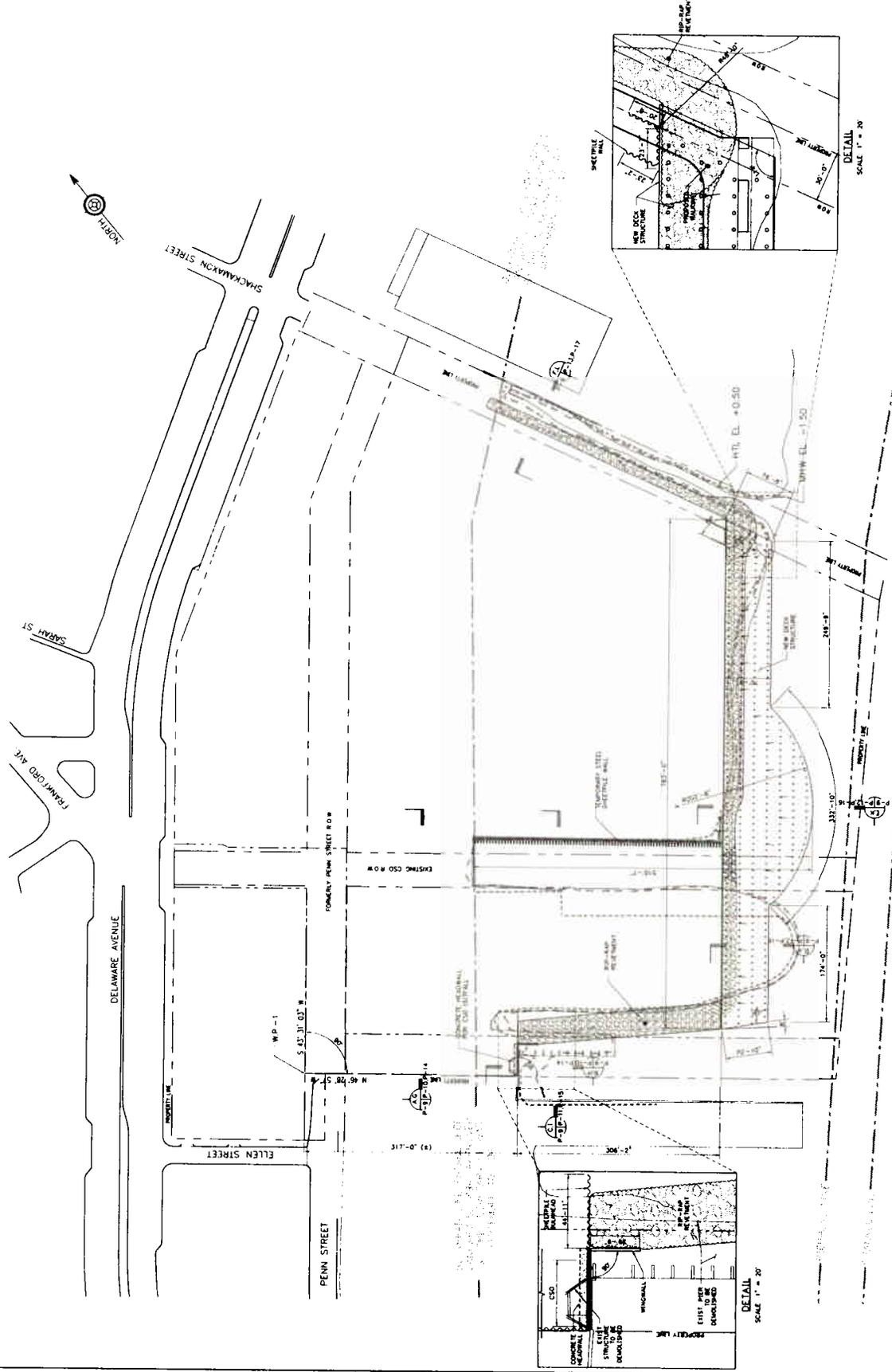
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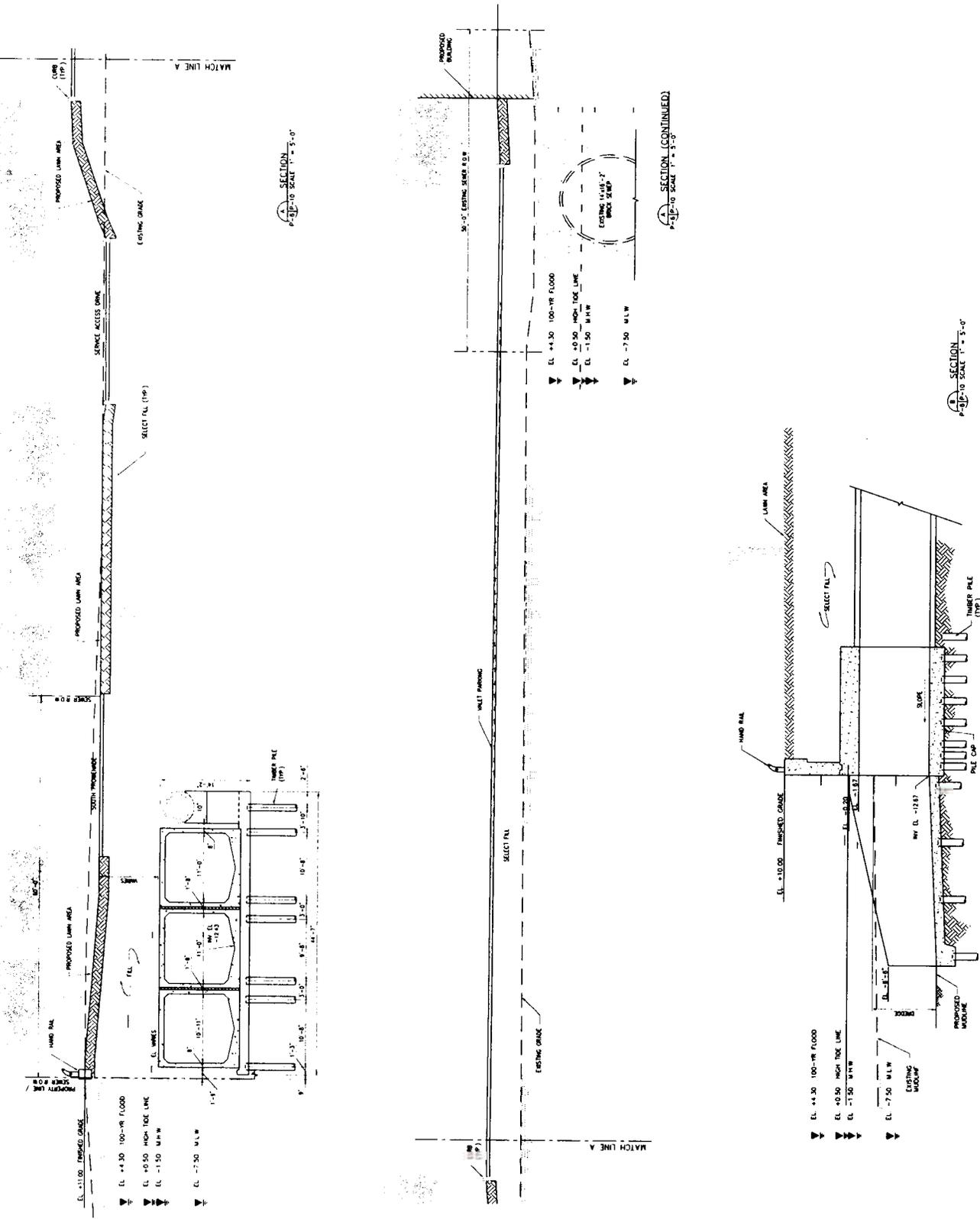


LEGEND
 O PLUMB PILE
 X BATTER PILE

NOTE
 ALL ELEVATIONS SHOWN ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
 CITY OF PHILADELPHIA DATA

WATERFRONT LAYOUT
SCALE 1" = 50'

DELAWARE RIVER
ENR 10000



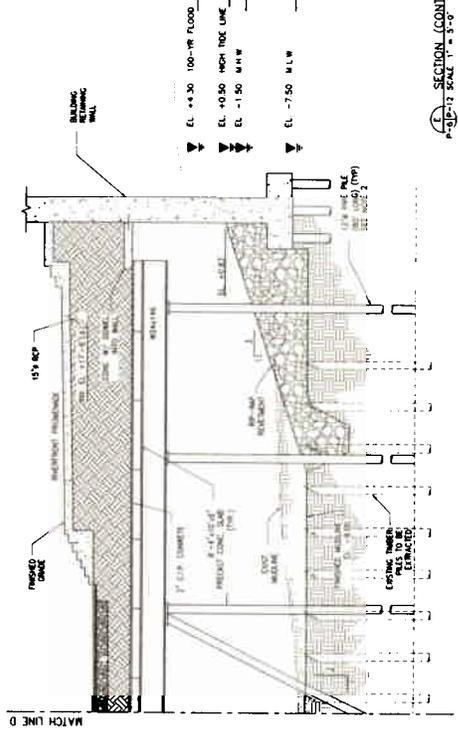
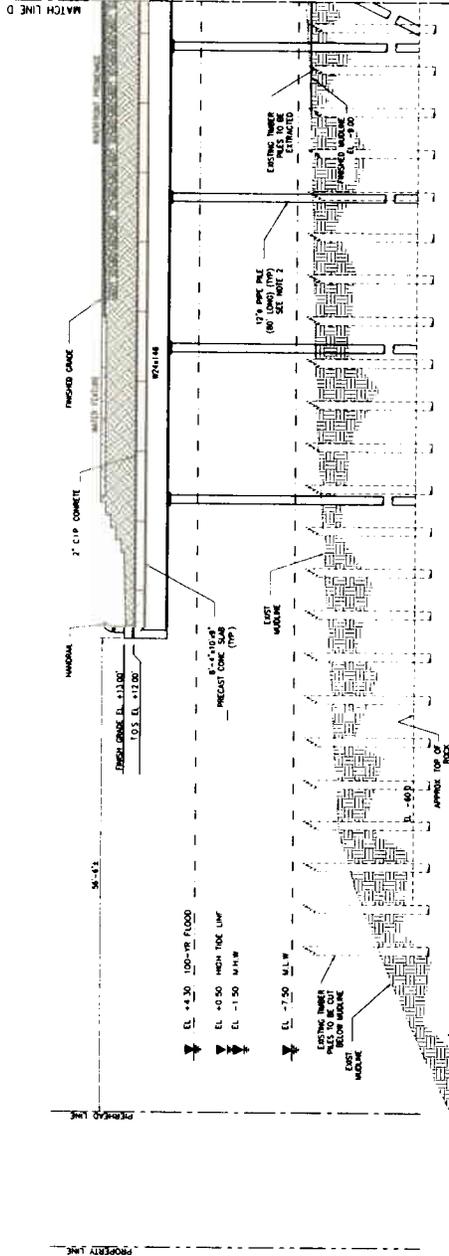
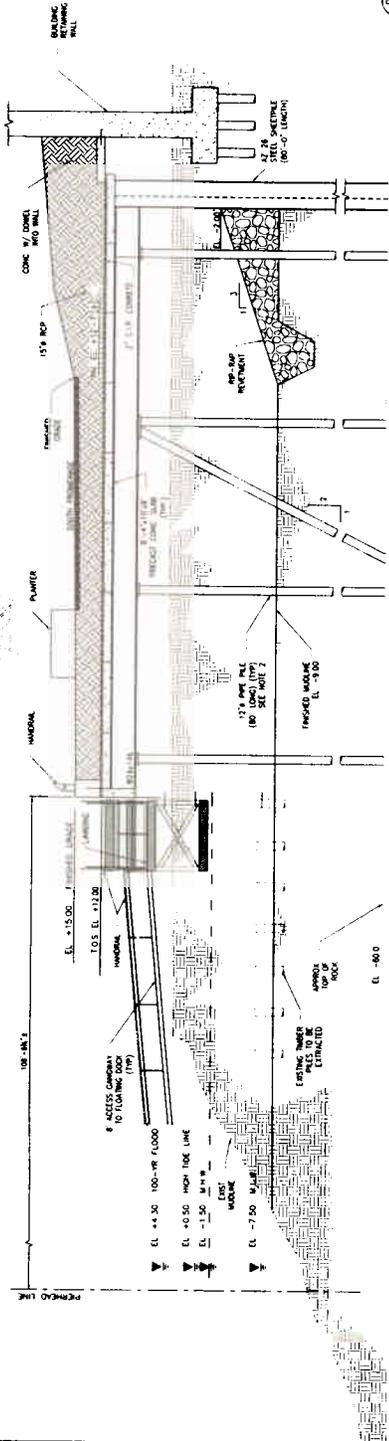
NOTE
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED TO THE CONTRARY.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PHILADELPHIA ORDINANCES.

NOTE

1. EXISTING CONDITIONS AS SHOWN ARE REFERENCED TO THE CITY OF PHILADELPHIA DRAWN.
2. MOST LOCATIONS HAVE A MASONRY ROCK FOUNDATION. FOUNDATION PILES LOCATIONS AND FOOTING DEPTHS TO BE DETERMINED BY GEOTECHNICAL ENGINEER. LIGHTNING PILING SET AS REQUIRED.

**SECTION
A-A @ P-12 SCALE 1" = 3'-0"**

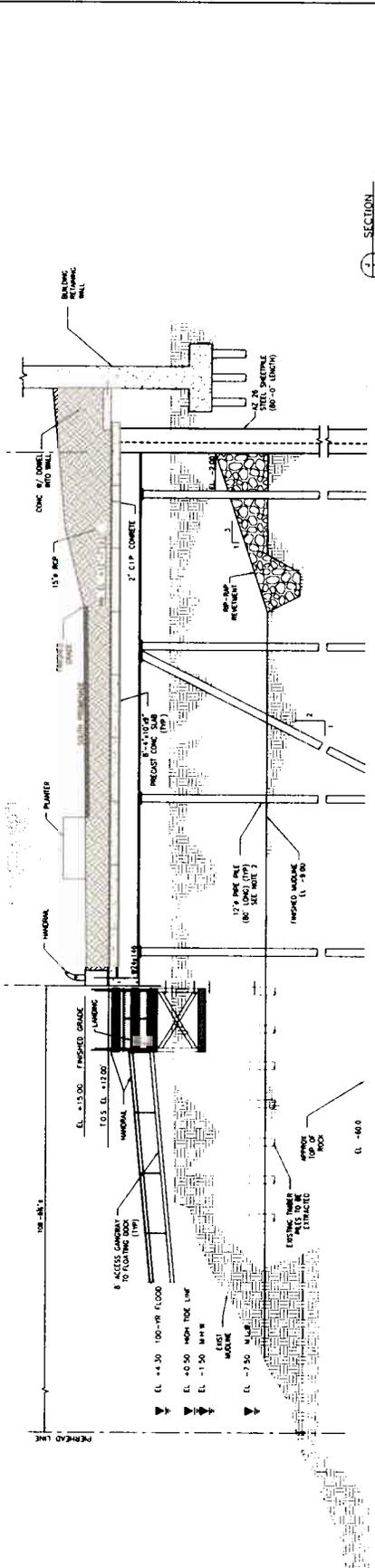
**SECTION
B-B @ P-12 SCALE 1" = 3'-0"**



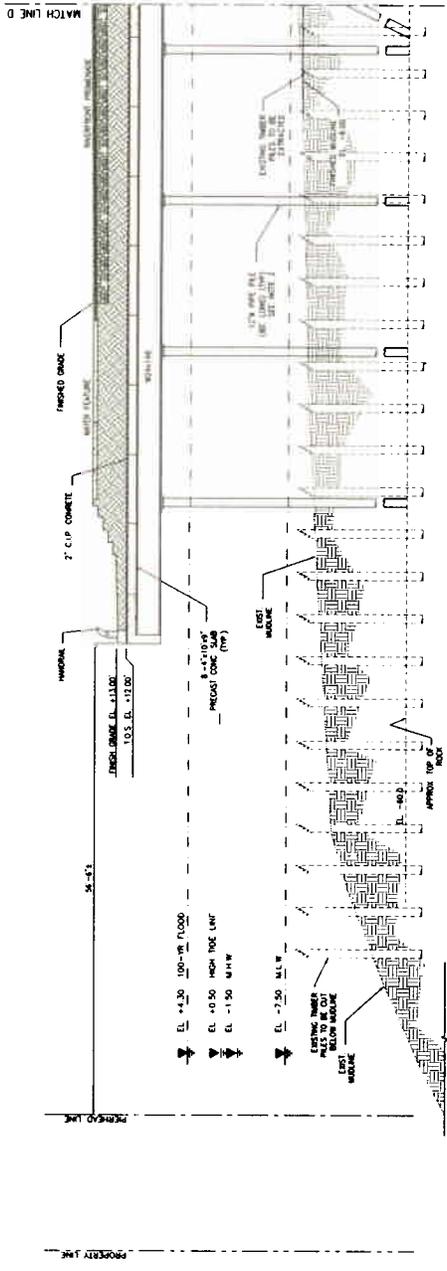
**SECTION (CONTINUED)
A-A @ P-12 SCALE 1" = 3'-0"**

EL. +4.30 100-YR FLOOD
EL. +0.50 HIGH TIDE LINE
EL. -1.50 M.H.W.
EL. -7.50 M.L.W.

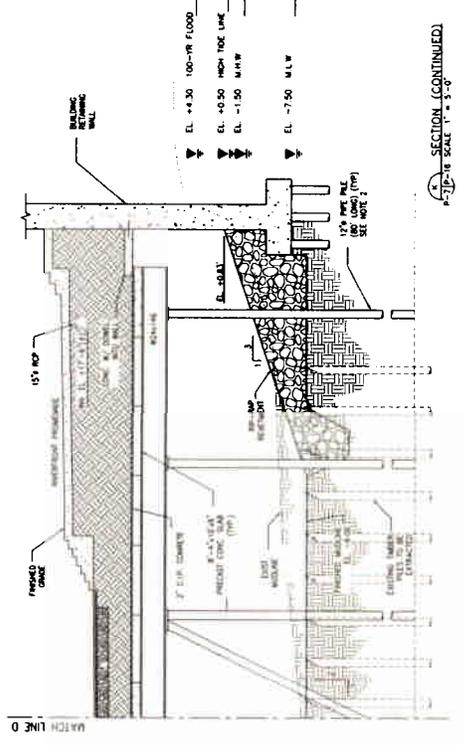
Project No.	100-000000
Sheet No.	P-16
Date	08/14/18
Scale	1" = 3'-0"
Author	JL
Checker	JL
Engineer	JL



SECTION J-18
SCALE 1" = 3'-0"

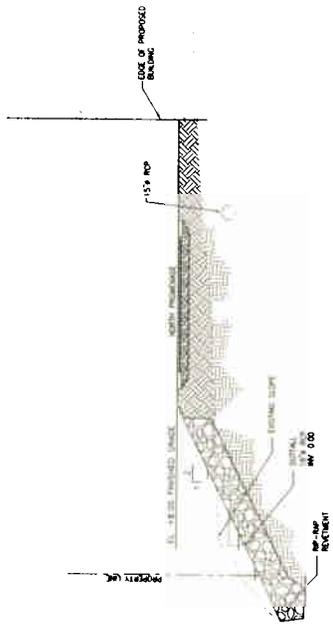


SECTION K-18
SCALE 1" = 3'-0"



SECTION (CONTINUED)
SCALE 1" = 3'-0"

- NOTE**
1. ALL ELEVATIONS SHOWN ARE IN (FEET AND INCHES) UNLESS OTHERWISE NOTED AND REFERENCED TO THE CITY OF PHILADELPHIA DATUM.
 2. EXISTING CONDITIONS ARE AS SHOWN ON THE 2017/10/10 P.L. RECORD & PERMITS. EXISTING CONDITIONS FOR THIS PROJECT ARE AS SHOWN ON THE 2017/10/10 P.L. RECORD & PERMITS. EXISTING CONDITIONS FOR THIS PROJECT ARE AS SHOWN ON THE 2017/10/10 P.L. RECORD & PERMITS.



- ▲ EL. +4.30 100'-10" FLUOROPOLYMER
- ▲ EL. +0.50 HIGH TIDE LINE
- ▲ EL. -1.50 M.H.W.
- ▲ EL. -7.50 M.L.W.

SECTION L
SCALE 1/8" = 1'-0"

NOTE:
ALL ELEVATIONS SHOWN ARE IN FEET AND REFERENCED TO THE CITY OF PHILADELPHIA DATUM

OFF-SITE
PROPOSED
MITIGATION

BEVERLY U.S.C.S. QUAD.

260 000 FEET
(PA.)



10807

40°00'
75°00'

501 CAMDEN (COURTHOUSE) 9 MI. 502

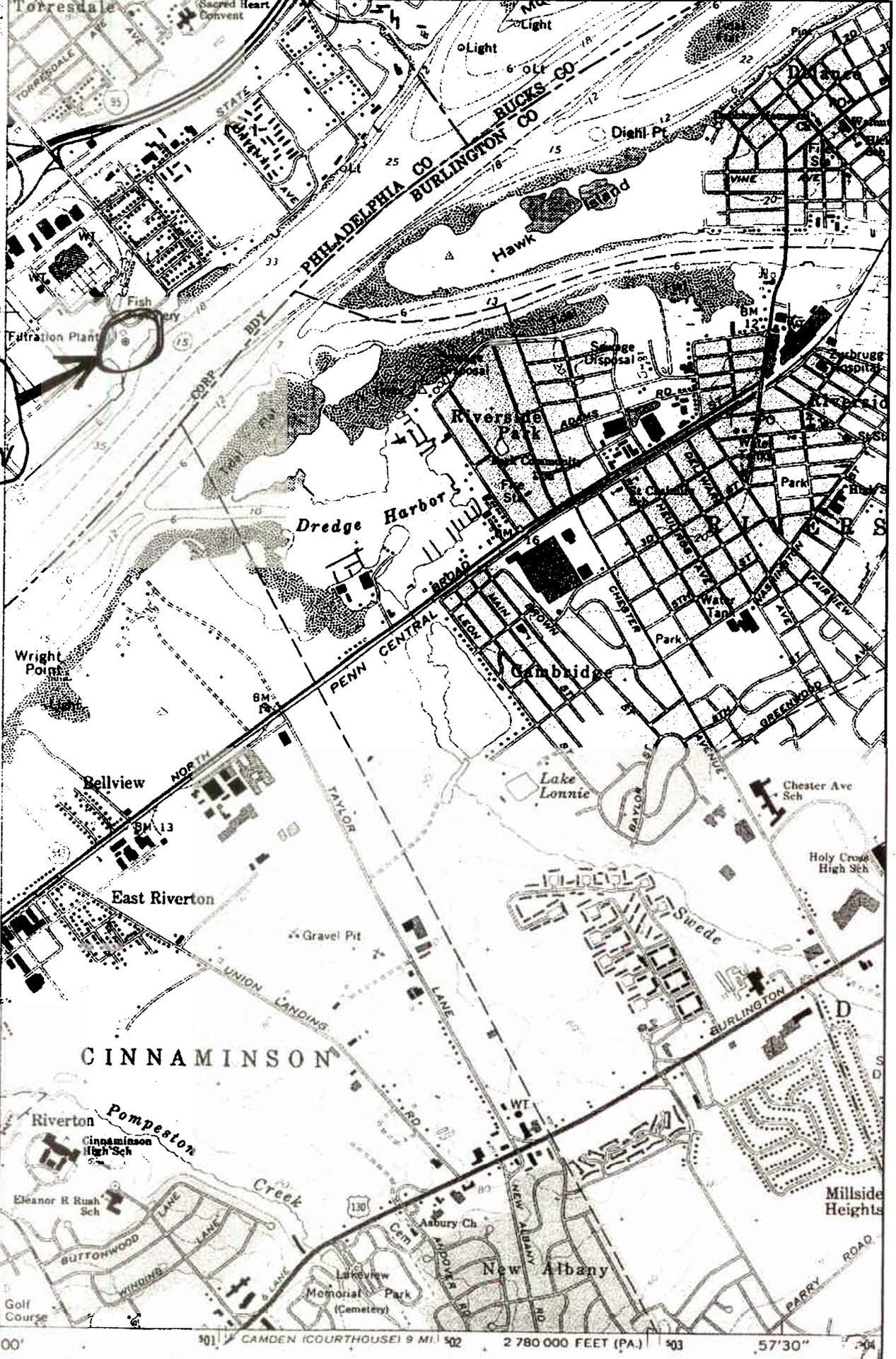
2 780 000 FEET (PA.)

503 57'30"

Mapped by the Army Map Service

- 040° 02' 25.8" N, 074° 59' 37.1" W

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HABITAT AND MITIGATION PLAN		PROJECT NO: 513900	APPROVED BY: JLM
BUNYHOUSE CASINO		DRAWN BY: MAM	DESIGNED BY: JLM
PHILADELPHIA, PA		DATE: 12/18/07	SHEET: 1 OF 1
HSP GAMING, LP		URBAN ENGINEERS, INC. 128 WEST 38TH ST, PHILADELPHIA, PA 19104 PHONE (215) 922-0000 FAX (215) 922-0000	
REV	DESCRIPTION	DATE	BY
A	REVISED PER PAVC COMMENTS	12/20/07	MAM



LEGEND

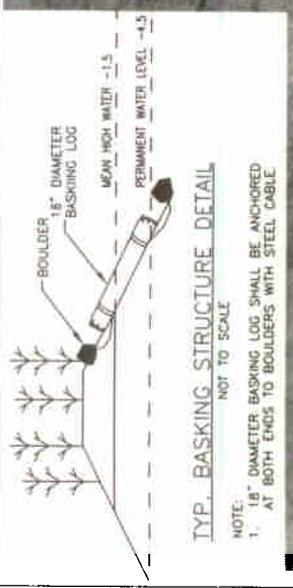
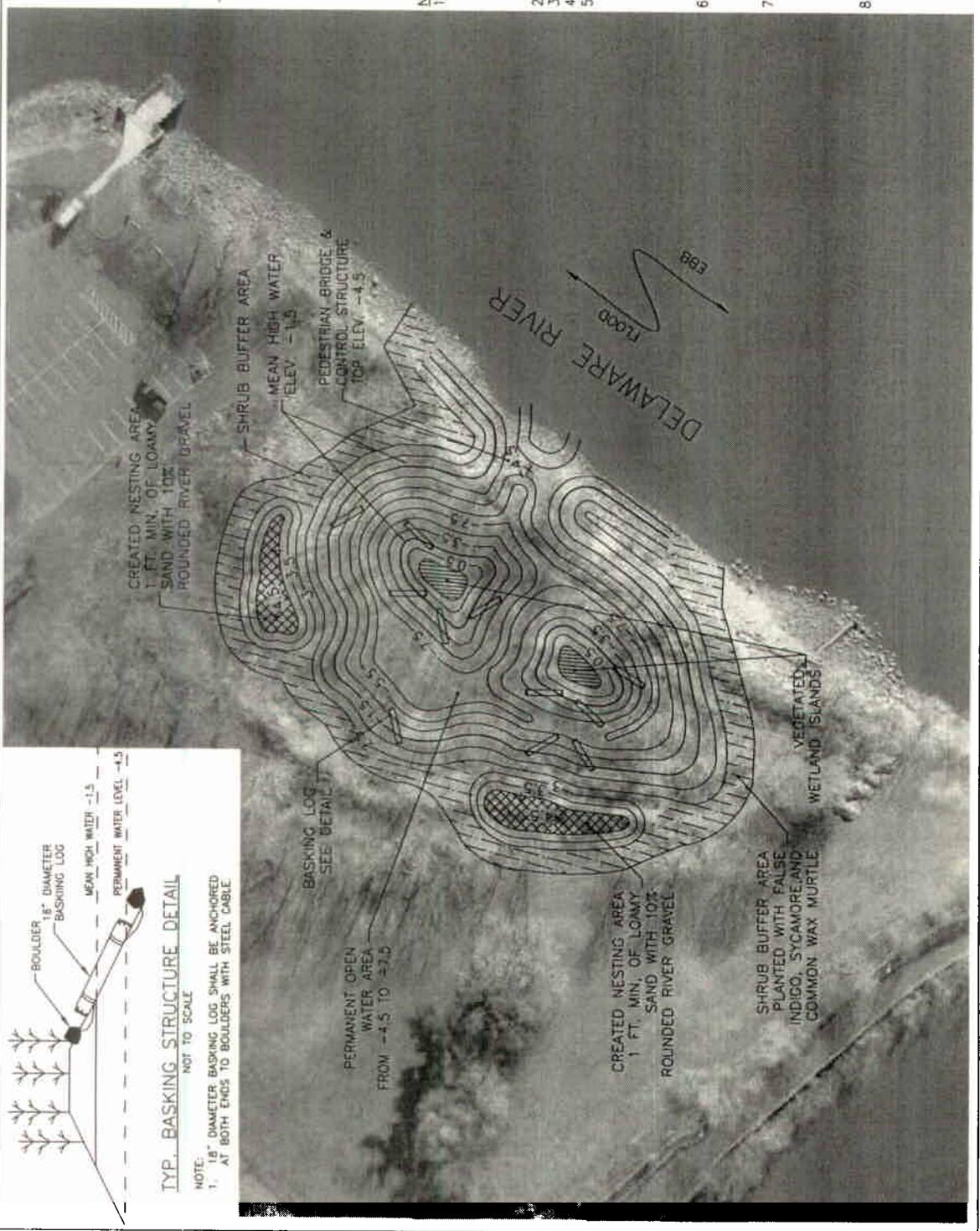
- 0.5 — PROPOSED GRADE CONTOUR
- SHRUB BUFFER AREA
- VEGETATED WETLAND ISLANDS
- CREATED NESTING AREA

NOTES:

1. SITE IS LOCATED AT THE PHILADELPHIA WATER DEPARTMENT BAXTER WATER TREATMENT PLANT LOCATED BETWEEN PENNYPACK AVE. AND LINDEN AVE., PHILADELPHIA, PA.
 - 2. +0.5 FT. = HIGH TIDE LINE
 - 3. -1.5 FT. = MEAN HIGH WATER
 - 4. -7.5 FT. = MEAN LOW WATER
 - 5. NESTING AREAS WILL BE CREATED WITH A MINIMUM 1 FT. OF LOAMY SAND WITH 10% ROUNDED RIVER GRAVEL.
 - 6. NESTING AREAS WILL BE PLANTED WITH NATIVE BUNCH GRASSES.
 - 7. SHRUB BUFFER AREA WILL BE PLANTED WITH FALSE INDIGO, SYCAMORE, AND COMMON WAX MYRTLE.
 - 8. AREA WITHIN ELEVATION -1.5 AND -4.5 SHALL BE A CREATED VEGETATED TIDAL WETLAND. PLANTS INCLUDE SPATTERDOCK, AMERICAN THREE-SQUARE RUSH, AND SWEET FLAG.
 - 9. THE AREA BETWEEN ELEVATION -4.5 TO -7.5 SHALL BE PERMANENT OPEN WATER.



GRAPHIC SCALE



TYP. BASKING STRUCTURE DETAIL

- NOTE:
1. 18" DIAMETER BASKING LOG SHALL BE ANCHORED AT BOTH ENDS TO BOULDERS WITH STEEL CABLE.