



**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-2007-935-IP**

Date  
**NOV 02 2007**

Application No.  
**CENAP-OP-R-2007-935**

File No.  
**CENAP-OP-R-2007-935**

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:** Magellan Terminals Holdings, L.P.  
One Williams Center, MD 30-1  
Tulsa, Oklahoma 74172

**AGENT:** Whitney, Bailey, Cox & Magnani, LLC  
849 Fairmount Avenue, Suite 100  
Baltimore, Maryland 21286

**WATERWAY:** Delaware River (unvegetated mudflat)/Christina River

**LOCATION:** New Castle County, Delaware at the Confluence of the Christina and Delaware rivers, just east of the Port of Wilmington, Delaware wharf, New Castle County Tax Parcel number 2606700003.

**ACTIVITY:** The applicant proposes to expand the existing marine terminal ship berthing facility to allow increased bulk unloading/fuel transfer capabilities by constructing a new fire pump platform (20 feet by 20 feet), a pipe manifold platform, a.k.a. unloading platform (47 feet by 85 feet), pipes and pipe rack (approximately 975 by 12 feet), a barge breasting dolphin (1.33 feet by 14 feet) and breasting dolphin (20 feet by 30 feet). Additionally the applicant proposes to construct an open-grated steel catwalk (approximately 975 feet by 6 feet) adjacent to the pipeline to provide access from shore to the dock platforms. The product pipelines and catwalk will be located on elevated support structures that traverse from the existing ship berthing facility across an unvegetated mudflat to dry land. Platforms will be supported by concrete filled, steel pipe piles. The pipe manifold platform, breasting dolphins and fire pump platform will be positioned between existing platforms on the channel-ward (deep water) side of an existing bulkhead, in the Christina River. No dredging or channel encroachment will be required for this project.

The product pipelines will traverse the un-vegetated mudflat, supported by elevated structures. These structures (bents) will consist of concrete-filled, steel pipe piles (84 piles), a

concrete cap and steel beams. The bents will be placed at 25 foot intervals. The pipeline will be equipped with expansion loops located at approximately 200 foot intervals.

The proposed pipe rack would extend for approximately 975 linear feet from land to the loading platform and would require 84 piles and 148 square feet (0.0034 acre) of concrete fill below the high tide line. The proposed catwalk and piping would shade 18,000 square feet (0.42 acre) of un-vegetated mudflat.

A work barge would be used to drive the above noted piles for the elevated structures. This barge would be floated out over the mudflat during high tide and, the tide would ebb, and the barge would sink down approximately 2 feet into the mudflat. The barge is estimated to be 40 feet wide and it will traverse approximately 975 feet (length of the pipe rack) during construction. This would result in the temporary impact to an area of approximately 40,000 square feet and temporarily displace sediment (estimated to be approximately 2,963 cubic yards).

An existing revetment on the channelward side of the existing dock will be cut to drive piles (62 piles). After the piles are driven, the revetment will be patched. The area of temporary impact is approximately 760 square feet.

Permanent impacts, including shading and fill, would be to an area of 22,594 square feet (0.518 acre). This area includes the pipe rack, breasting dolphin, unloading platform, pump platform and barge breasting dolphin.

Fill material placed below the high tide line would be 4,977 cubic feet (184 cubic yards) for piles.

**PURPOSE:** To construct improvements to allow for increased bulk liquids/fuel transfer capabilities at the existing Port of Wilmington, Magellan Terminal, New Castle County, Wilmington, Delaware. Fuel products including gasoline, ethanol, natural gas and vapor/sump drainage would be transferred between the ship berthing facility and existing storage tanks at the inland terminal.

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.

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 the project is located in Essential Fish Habitat (EFH) [Bio Salinity Tidal Fresh Zone according to Appendix I, "Maps of ELMR estuaries (no page #'s)" and tables of ELMR Estuary Summaries, page 107], indicates that the proposed project, as described in this public notice, may have an adverse effect on the EFH of winter flounder (Pseudopleuronectes americanus). This determination is made based on the fact that the method to be used for construction of the pipe rack involves sinking a barge in a limited area of the mudflat. While the adults and juveniles are highly motile, and would be able to avoid the equipment being used at the project site, eggs and larvae of this species may be affected. Any Department of the Army permit issued for the proposed work may include a seasonal restriction on placement of pilings or other activities, in order to ensure that impacts resulting from the project would not be more than minimal. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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, Magellan Terminals Holdings, L.P. coordinated with the State of Delaware, Department of Natural Resources and Environmental Control to obtain a Coastal Zone Act (CZM) Status Decision, prior to submission of its' application to the Corps. The CZM Status Decision was rendered on April 19, 2006. The decision stated, in part, "this fuel storage and

transfer activity at the Port of Wilmington is not a regulated land use by virtue of the 'Regulations Governing Delaware's Coast Zone', Sections E.11 and E.17."

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.

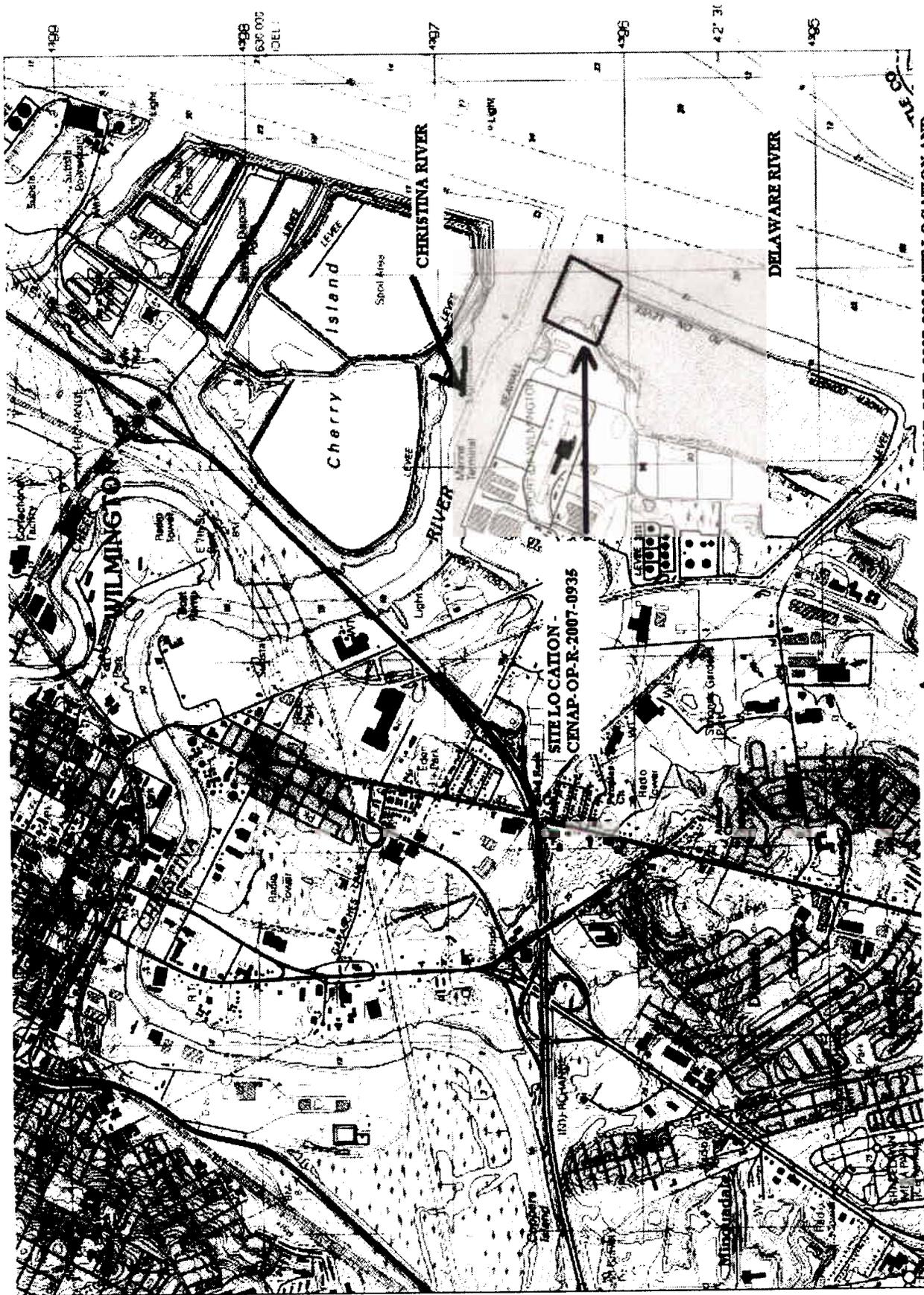
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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 Michael F. Green at 215-656-6836 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

  
Frank J. Cianfrani  
Chief, Regulatory Branch



CENAP-OP-R-2007-0935 SITE LOCATION AND VICINITY ON PORTION OF USGS TOPOGRAPHIC QUADRANGLE, WILMINGTON, SOUTH



AERIAL PHOTOGRAPH

600 yds

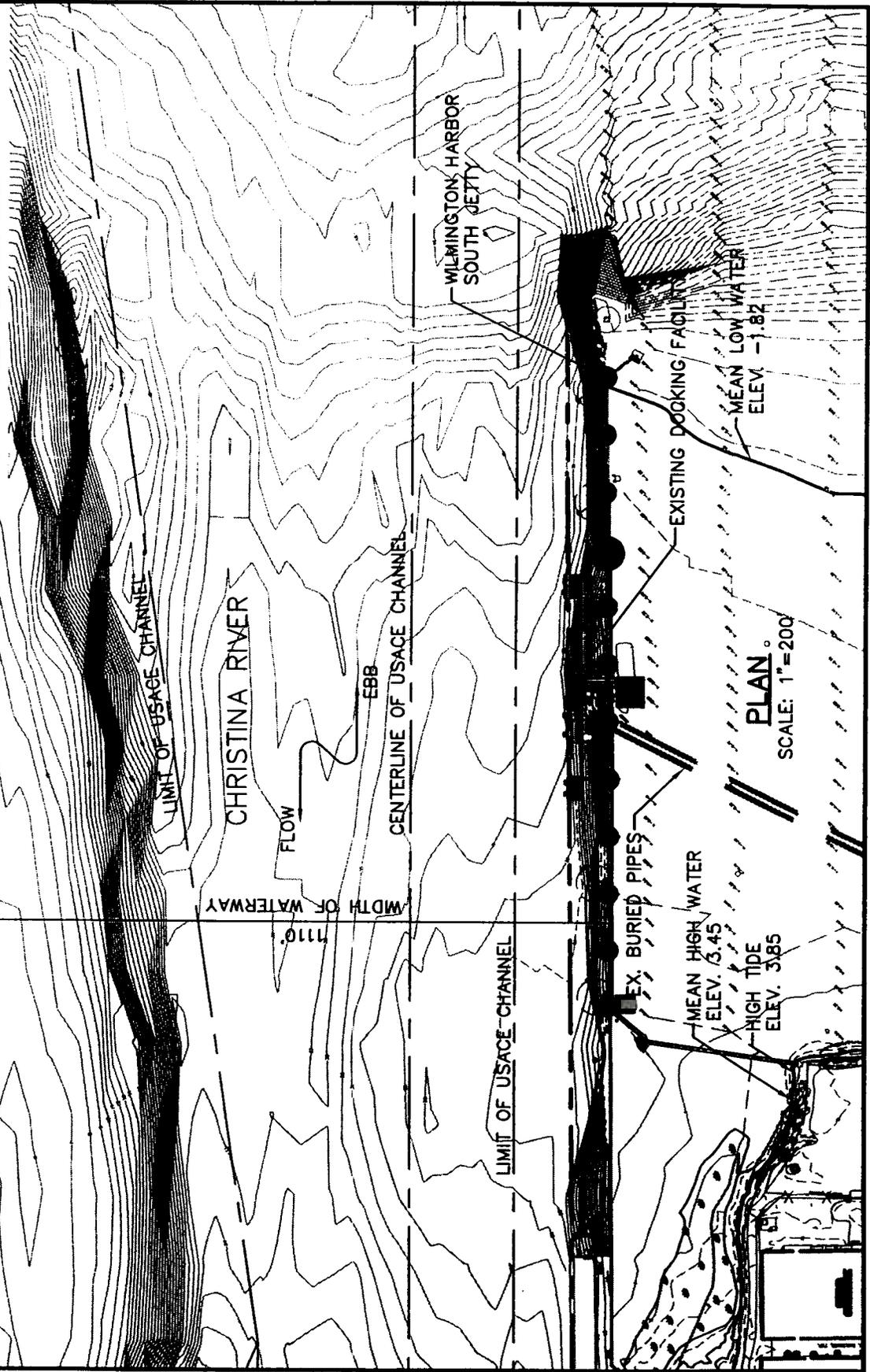
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SHORELINE

CHRISTINA RIVER

**GENERAL NOTES:**

1. MEAN HIGH WATER ELEV. (NGVD 1929) = +3.45
2. MEAN LOW WATER ELEV. (NGVD 1929) = -1.82
3. HIGH TIDE (NGVD 1929) = +3.85
4. LOW TIDE (NGVD 1929) = -2.02
5. AVERAGE WIDTH OF WATERWAY = 1110'
6. BATHYMETRIC CONTOURS SHOWN TAKEN FROM USACE CHANNEL EXAMINATION DATED 12-02-04.
7. CHRISTINA RIVER VERTICAL DATUM IS 3.162 FEET LOWER THAN NGVD 1929 DATUM.
8. TAX PARCEL NUMBER 2606700003



PLAN  
SCALE: 1"=200'

**ENGINEERS:**  
  
**Consulting Engineers**  
 849 Fairmount Avenue (410) 512-4500  
 Baltimore, Maryland 21286 (410) 324-4100 (FAX)  
**WHITNEY, BAILEY, COX, & MAGNANI, LLC**

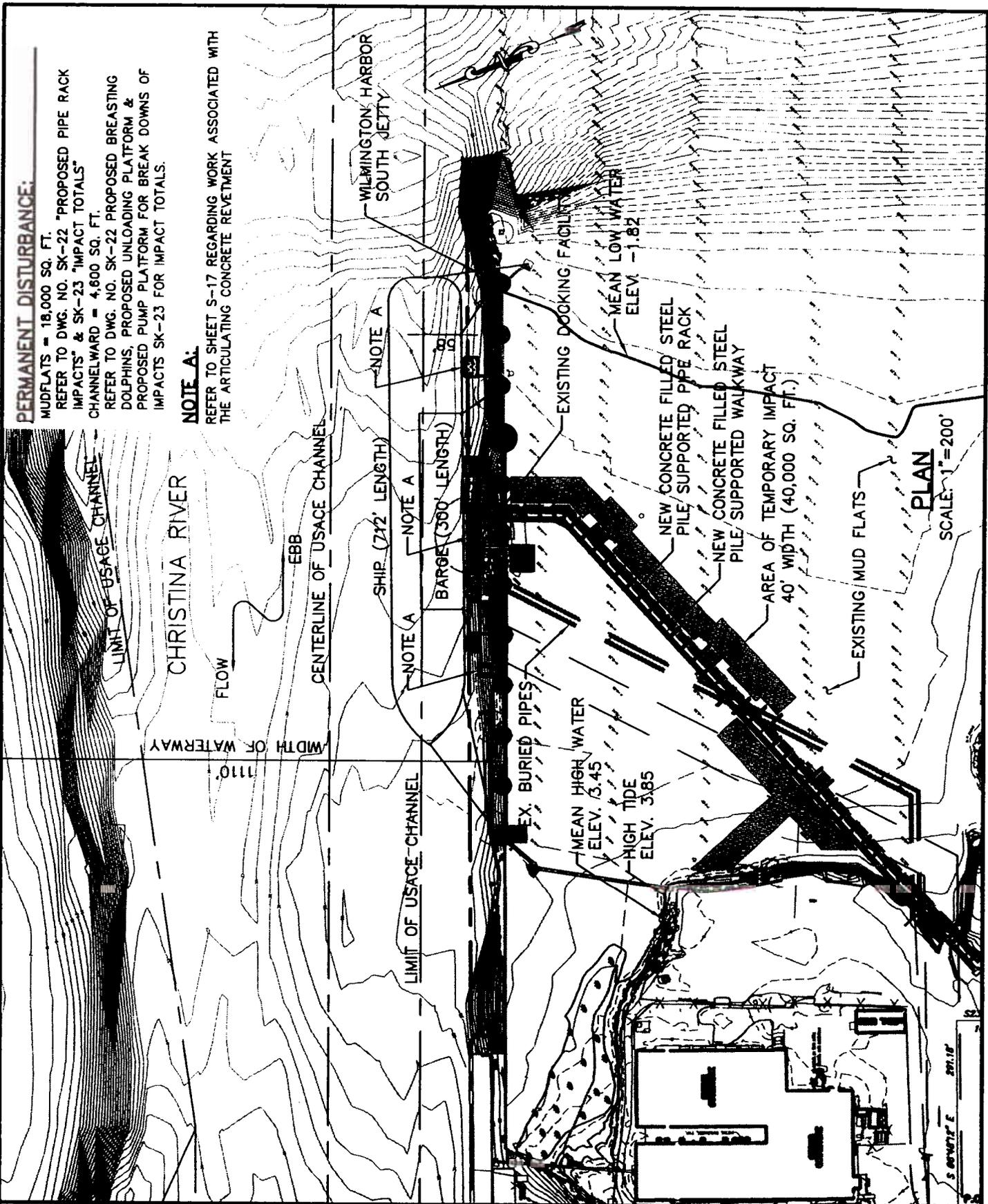
**EXISTING  
CONDITIONS PLAN**

**MAGELLAN TERMINAL  
DOCK IMPROVEMENTS**

10/12/07  
DATE:

**C-1**  
DRAWING NO:

Oct 11, 2007 7:07am User: DEFOX



**PERMANENT DISTURBANCE:**

MUDFLATS = 18,000 SQ. FT.  
 REFER TO DWG. NO. SK-22 "PROPOSED PIPE RACK IMPACTS" & SK-23 "IMPACT TOTALS" CHANNELWARD = 4,600 SQ. FT.  
 REFER TO DWG. NO. SK-22 PROPOSED BREASTING DOLPHINS, PROPOSED UNLOADING PLATFORM & PROPOSED PUMP PLATFORM FOR BREAK DOWNS OF IMPACTS SK-23 FOR IMPACT TOTALS.

**NOTE A:**

REFER TO SHEET S-17 REGARDING WORK ASSOCIATED WITH THE ARTICULATING CONCRETE REVETMENT

**PLAN**

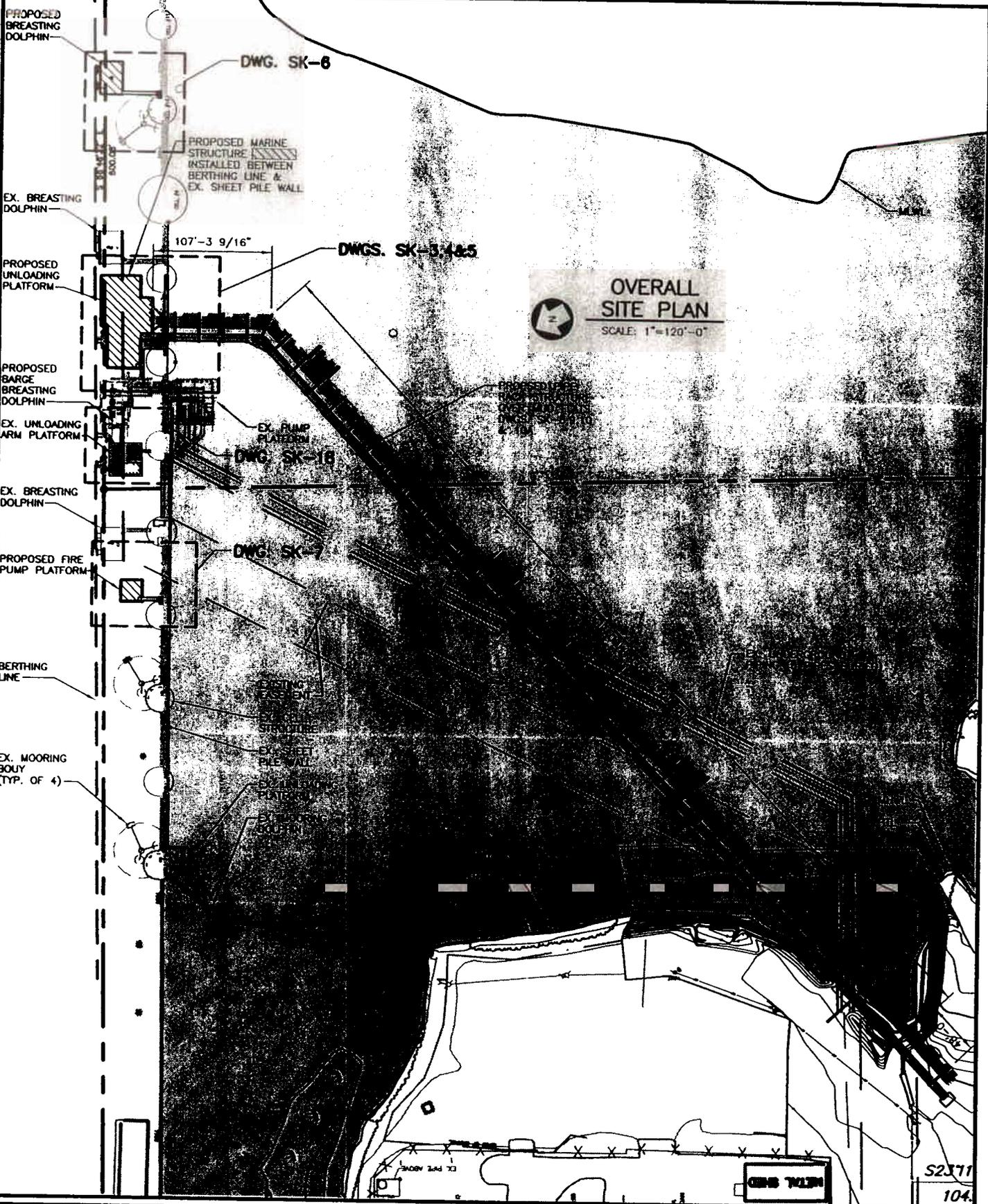
SCALE: 1"=200'

**ENGINEER:**  
  
**Consulting Engineers**  
 849 Fairmount Avenue (410) 512-4500  
 Baltimore, Maryland 21286 (410) 324-4100 (FAX)  
**WHITNEY, BAILEY, COX, & MAGNANI, LLC**

**LAYOUT PLAN**

**MAGELLAN TERMINAL DOCK IMPROVEMENTS**

10/12/07  
 DATE:  
**C-2**  
 DRAWING NO:



**OVERALL  
SITE PLAN**  
SCALE: 1"=120'-0"

Oct 11, 2007 7:37am User: DEFOX

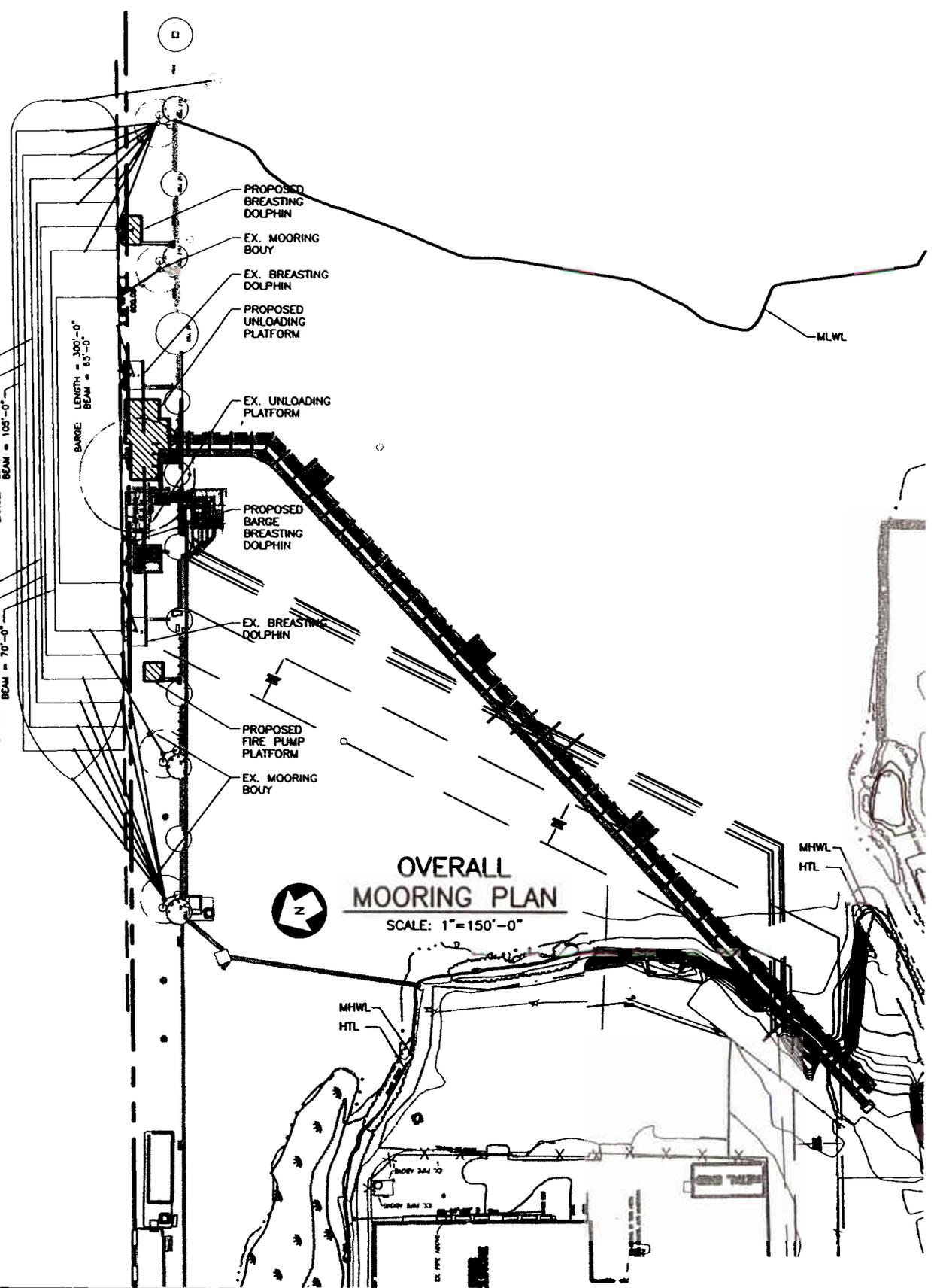
**ENGINEERS:**  
  
**Consulting Engineers**  
 849 Fairmount Avenue (410) 512-4500  
 Baltimore, Maryland 21286 (410) 324-4100 (FAX)  
**WHITNEY, BAILEY, COX, & MAGNANI, LLC**

**OVERALL  
SITE PLAN**

**MAGELLAN TERMINAL  
DOCK IMPROVEMENTS**

10/12/07  
DATE:  
**SK-1**  
DRAWING NO:

BARGE: LENGTH = 350'-0"  
 BEAM = 90'-4"  
 BARGE: LENGTH = 800'-0"  
 BEAM = 96'-0"  
 BARGE: LENGTH = 650'-0"  
 BEAM = 105'-0"  
 BARGE: LENGTH = 300'-0"  
 BEAM = 83'-0"  
 BARGE: LENGTH = 500'-0"  
 BEAM = 84'-0"  
 BARGE: LENGTH = 450'-0"  
 BEAM = 80'-0"  
 BARGE: LENGTH = 400'-0"  
 BEAM = 70'-0"



**OVERALL  
MOORING PLAN**

SCALE: 1"=150'-0"

Oct 11, 2007 - 8:37am User: DEFOX

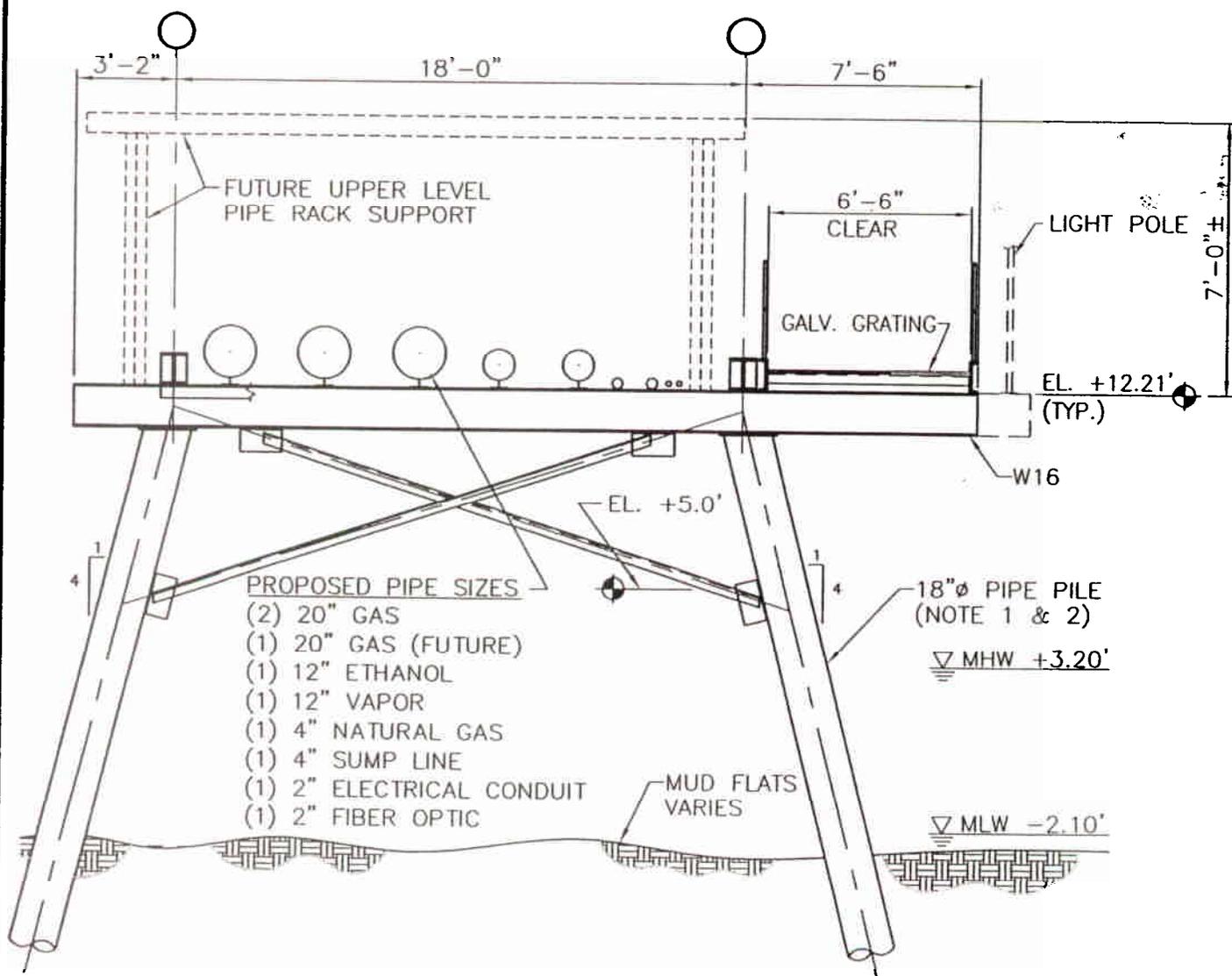
**ENGINEERS**  
  
**Consulting Engineers**  
 849 Fairmount Avenue (410) 512-4500  
 Baltimore, Maryland 21286 (410) 324-4100 (FAX)  
**WHITNEY, BAILEY, COX, & MAGNANI, LLC**

**OVERALL  
MOORING PLAN**

**MAGELLAN TERMINAL  
DOCK IMPROVEMENTS**

10/12/07  
DATE:

**SK-2**  
DRAWING NO:



- PROPOSED PIPE SIZES
- (2) 20" GAS
  - (1) 20" GAS (FUTURE)
  - (1) 12" ETHANOL
  - (1) 12" VAPOR
  - (1) 4" NATURAL GAS
  - (1) 4" SUMP LINE
  - (1) 2" ELECTRICAL CONDUIT
  - (1) 2" FIBER OPTIC

**SECTION THROUGH  
PIPE RACK PILE BENT**

SCALE: 3/16"=1'-0"

- NOTE: 1) FILL PIPE PILE W/CONCRETE FILL DOWN TO ELEVATION -20 FT.
- 2) PILE FILL AREA AND VOLUME OF FILL REFER TO IMPACT FACT SHEET ON SK-22 & 23.

Oct 11, 2006 d:38am User: DEFOX

ENGINEERS:



**Consulting Engineers**  
 849 Fairmount Avenue (410) 512-4500  
 Baltimore, Maryland 21286 (410) 324-4100 (FAX)

**WHITNEY, BAILEY, COX, & MAGNANI, LLC**

PIPE RACK PILE BENTS SECTION

MAGELLAN TERMINAL  
DOCK IMPROVEMENTS

10/12/07  
DATE:

**SK-15**  
DRAWING NO: