

FINDING OF NO SIGNIFICANT IMPACT (FONSI)  
DELAWARE RIVER MAIN CHANNEL DEEPENING PROJECT  
DELAWARE BAY ECONOMIC LOADING,  
MECHANICAL DREDGING AND  
PLACEMENT OF DREDGED MATERIAL AT THE FORT MIFFLIN  
CONFINED DISPOSAL FACILITY

In 1992, the United States Army Corps of Engineers, Philadelphia District evaluated the environmental impacts associated with construction of the Delaware River Main Channel Deepening Project, and prepared a final Environmental Impact Statement (EIS). The project was authorized by Congress in October 1992 as part of the Water Resources Development Act of 1992. A final Supplemental Environmental Impact Statement (SEIS) was prepared in 1997 to report additional information and environmental analysis to more fully address environmental concerns. In 2009, an Environmental Assessment (EA) was prepared to evaluate the impacts of changes to the Congressionally authorized project as well as changes to the existing conditions in the project area from those described in the 1992 EIS and the 1997 SEIS, and to consolidate in one document the results of post-SEIS monitoring and data collection efforts. In 2011 an EA was prepared to address the listing of the New York Bight Distinct Population Segment of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) as a federally listed endangered species; the proposed listing of the northwest Atlantic Distinct Population Segment of loggerhead sea turtle (*Caretta caretta*) as a federally listed endangered species; changes to the Deepening Project construction schedule; and revisions to the dredged material disposal plan.

In compliance with the National Environmental Policy Act of 1969 and Council on Environmental Quality regulations, the Philadelphia District prepared a draft EA for public comment in 2013. The purpose of this EA is to address economic loading of hopper dredges and/or dredge scows in the Delaware Bay portion of the project, the use of mechanical dredging in project Reaches other than the rock removal area, and placement of dredged material in the existing Fort Mifflin Confined Disposal Facility (CDF).

The EA has determined that there is no evidence that economic loading of hopper dredges or dredge scows in portions of the Delaware Bay navigation channel with sediment greater than 90 percent coarse grained material would adversely affect water quality or aquatic life. The EA also determined that the practice of economic loading would have strong economic benefits. A final approval on an acceptable dredging window is being coordinated with the Delaware Department of Natural Resources and Environmental Control for construction of the Broadkill Beach project. This coordination will be completed and an acceptable window will be established prior to initiation of construction.

With regard to mechanical dredging the EA concluded that following Delaware River Basin Fish and Wildlife Management Cooperative, Fisheries Technical

Committee- recommended dredging restrictions for protection of fishery resources in the Delaware River and Bay would support the use of mechanical dredges to deepen the Delaware River Philadelphia to the Sea navigation channel in an acceptable manner. Finally, the EA concluded that the Fort Mifflin CDF is an existing, actively used site for placement of dredged material. As a result, continued use of the site would perpetuate existing vegetation and habitat for existing environmental resources. The site has sufficient capacity for the deepening project and continued maintenance of the Schuylkill River project. Results of sediment contaminant testing indicate that sediment to be placed in the site is clean and can be beneficially used according to Pennsylvania Department of Environmental Protection criteria. There would be no impact to cultural resources as all activities would take place within the existing dikes. As such, it is concluded that placing dredged material for the deepening project at the Fort Mifflin CDF is acceptable.

The public was invited to comment on the draft EA. A 30-day comment period was provided (20 February – 22 March 2013). Comments were received from the National Marine Fisheries Service, the New Jersey Department of Environmental Protection and the Delaware Riverkeeper Network. The Corps reviewed and appropriately considered all comments prior to finalizing the EA.

The overboard discharge of dredged material during economic loading of hopper dredges and hopper scows is a regulated discharge under Section 404 of the Clean Water Act. Therefore, it is necessary for the Corps to comply with Section 401 of the Clean Water Act (Water Quality Certification) in the states where these discharges may occur (New Jersey and Delaware). The New Jersey Department of Environmental Protection provided a 401 Water Quality Certificate for economic loading in Delaware Bay in a letter dated April 30, 2013. The Water Quality Certificate designates portions of the Delaware Bay channel where economic loading is acceptable, and requires a program to monitor and manage turbidity generated by economic loading operations. A monitoring and management plan has been developed in coordination with the NJDEP, and is provided as Appendix A in the Final EA. The Delaware Department of Natural Resources and Environmental Control has provided a draft Water Quality Certificate. A final certificate will be obtained prior to construction of the Broadkill Beach portion of the project. Coordination with the Delaware DNREC is currently on-going to establish an acceptable time of year dredging window.

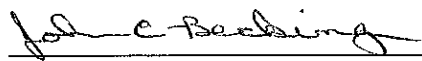
The discharge of return water into the Delaware River resulting from utilization of the Fort Mifflin CDF requires a Section 401 Water Quality Certification. By letter dated June 5, 2012 (from Kenneth Murin, Chief, Division of Wetlands, Encroachments and Training to William Seib, U.S. Army Corps of Engineers – Baltimore District Regulatory Branch), Pennsylvania DEP generically issued a section 401 water quality certification for all activities authorized by the 2012 U.S. Army Corps of Engineers Nationwide Permits. Nationwide Permit 16 specifically authorizes return water from upland confined disposal areas. Therefore, the June 5, 2012 Pennsylvania DEP letter serves as the water quality certification for the discharge of return water from the Fort Mifflin CDF resulting from the DRMCD Project.

Project changes discussed in this EA have been coordinated with the National Marine Fisheries Service regarding issues related to Section 7 of the Endangered Species Act of 1977 (16 U.S. C. 1531 et seq.) and Essential Fish Habitat pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments). In a letter dated October 17, 2013 NMFS stated that review of the project changes proposed in this EA by the NMFS Northeast Regional Office's Protected Resources Division has led to the determination that reinitiation of consultation pursuant to Section 7 of the Endangered Species Act is not required. All potential impacts of the proposed project changes on ESA-listed species under NMFS jurisdiction have already been considered in their 2012 Biological Opinion for the project.

In a letter dated September 26, 2013 the NMFS Northeast Regional Office's Habitat Conservation Division provided conservation recommendations pursuant to the Magnuson-Stevens Act. The Corps concurs and will follow these recommendations except NMFS' recommendation to not allow economic loading in May. Based on coordination with the States of New Jersey and Delaware, and study findings from a Delaware Bay field evaluation of economic loading conducted by the U.S. Army Engineer Research and Development Center, it is concluded that there is no evidence that economic loading in portions of the Delaware Bay navigation channel with sediment greater than 90 percent coarse grained material would adversely affect water quality or aquatic life.

Because the EA concludes that the changes to the Delaware River Main Channel Deepening Project do not constitute a major Federal action significantly affecting the human environment, I have determined that a Supplemental Environmental Impact Statement is not required.

25 November 2013  
Date

  
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John C. Becking, P.E.  
Lieutenant Colonel, US Army  
District Commander