



**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.	Date
CENAP-OP-R-2007-1184-46	24 April 2020

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) .

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: United States Navy

CONTACT: Ms. Nicole Stilwell
Department of the Navy
Naval Facilities Engineering Command, Mid-Atlantic
9324 Virginia Avenue
Norfolk, Virginia 23511-3095

WATERWAY: Delaware River

LOCATION: Pier 4, Philadelphia Naval Yard Annex, Broad Street, City of Philadelphia, Philadelphia County, Pennsylvania.

ACTIVITY: The applicant proposes to mechanically perform maintenance dredging of approximately 150,000 cubic yards of sediment from the west berth (downstream) of Pier 4 to a maximum depth of 39 feet below mean lower low water (37' design depth with allowance for two feet of over-dredging). A total area of 9.2 acres of riverbottom adjacent to the Pier 4 would be dredged. Historically, the site was authorized for dredging by this office under Department of the Army permits CENAP-OP-R-197400631, -198700122 (expired 12/31/98) and -2007-1184 (expired 12/31/11). Dredged material is comprised of approximately 93% to 97% silt and/or clay.

The applicant has requested approval for two (2) different disposal options.

A) Mechanically dredged materials may be transported by barge to the Weeks Marine Whites Rehandling Basin, located in Logan Township, Gloucester County, New Jersey. General dredged material disposal, operation, and maintenance of Whites Basin was approved by this office under Department of the Army permit CENAP-OP-R-2013-0696-46.

B) Mechanically dredged materials may be placed on barges and hydraulically un-loaded at the Waste Management Corporation Biles Island disposal facility located in Morrisville, Bucks County, Pennsylvania.

The applicant has stated that A) they request a 10-year dredging allowance to potentially remove up to an additional 150,000 cubic yards of dredged material in the future and B) no other work is proposed for the completion of the project.

PURPOSE: The applicant's stated purpose for the dredging is to maintain appropriate water depths for the maneuvering and berthing of naval vessels.

A preliminary review of this application indicates that the proposed work may affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. The United States Navy, as the lead Federal agency, has initiated Section 7 consultation with the National Marine Fisheries Service.

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, by e-mail, within 30 days to Mr. David J. Caplan of this office at David.J.Caplan.usace.army.mil.

With regard to Section 106 of the National Historic Preservation Act, this office has noted that a historic properties investigation has been conducted within the permit area. Historic properties eligible for or listed on the National Register of Historic Places (NRHP) are within the permit area but will not be affected by the proposed action. A determination of “**No Effect**” will be coordinated with the SHPO.

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). The United

States Navy, as the lead Federal agency, has initiated consultation with the National Marine Fisheries Service under the subject Act.

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) Programs of New Jersey and Pennsylvania. 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 States' Offices of Coastal Zone Management. It should be noted that the Commonwealth of Pennsylvania has issued its concurrence on April 16, 2020. Additionally, the State of New Jersey issued its concurrence on April 20, 2020.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is necessary from the State government in which the work is located for disposal in Whites Basin. 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. It should be noted that the State of New Jersey issued its WQC on April 20, 2020.

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 215-605-7029 or by e-mailing Mr. David Caplan of my office at David.J.Caplan@usace.army.mil.

Edward E. Bonner
Chief, Regulatory Branch