



**US Army Corps
of Engineers**
Philadelphia District

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

Public Notice

Public Notice No. CENAP-OPR-2011-00128-24	Date SEPTEMBER 23, 2021
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Application No.	File No.
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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: Penn Terminals, LLC

AGENT: Urban Engineers, Incorporated
530 Walnut Street
Philadelphia, Pennsylvania 19106

WATERWAY: Delaware River

LOCATION: Latitude: 39.850354, Longitude: -75.339766.

The proposed project site is located in the Delaware River, at the applicant's existing marine terminal, approximately two miles upriver from the Commodore Barry Bridge (U.S. Route 322), at 1 Saville Avenue, in the Borough of Eddystone, Delaware County, Pennsylvania.

ACTIVITY: The applicant proposes to perform maintenance dredging, by mechanical or bucket method, within their existing ship berth area as previously authorized by this office under this same file number, NAP-2011-00128-24, issued September 20, 2011, and also under earlier prior permits NAP-2002-01681 and NAP-1990-00868. The current permit is scheduled to expire on December 31, 2021. The total area proposed to be authorized for dredging is approximately 11 acres in size. The applicant is planning to conduct initial dredging event upon issuance of a Corps permit, currently scheduled between October 1, 2021, and March 14, 2022.

The prior permit authorized dredging to a maximum depth of 36 feet below mean low water elevation (MLW), with allowance for 2 feet of over-dredging, for a total maximum depth of -38 feet MLW. The applicant has stated that berthing of vessels at Penn Terminals requires minor maintenance dredging to an elevation of -38 feet MLW (with a 2-foot over dredge allowance). To accommodate vessels in this area of the wharf, dredging of approximately 8,000 cubic yards of sediment is anticipated during the initial dredge event.

The applicant is requesting a 10-year maintenance dredge permit. Anticipated maintenance dredge events are anticipated to occur approximately every 2 years over a 10-year span. Up to 5,000 cubic yards of material would be dredged during each subsequent dredge event, following the initial event, for a maximum total volume of 33,000 cubic yards to be dredged over the 10-year span of the proposed permit (up to six total events). The dredging would be performed by mechanical clamshell method loading directly into dump scows. Dredging would extend a

maximum of 401 feet from the bulkhead, and no closer than 774 feet from the edge of the federal navigation channel. Removal of high spots via a “chisel barge,” or dropping a steel pipe to break up the material is also requested to be permitted. The dump scows will be transported to one of the following sites: a) Whites Basin in Logan Township, Gloucester County, New Jersey, where it would be unloaded by bottom-dumping into the rehandling basin, followed by hydraulic pumping to the upland confined disposal facility (see separate Corps permit NAP-2013-00696); or b) the Waste Management Biles Island disposal facility in Falls Township, Bucks County, Pennsylvania, where it would be hydraulically unloaded into the disposal facility.

The dredged material has been characterized by the applicant as a mixture of gravel, sand, silt and clay, with gravel the predominant component. Core samples indicate 70.4 to 99.8% gravel; 0.1 to 27.4% sand; and 0.1 to 2.2% silt and clay.

PURPOSE: The applicant's stated purpose for the project is "to allow ships to berth at Penn Terminals.”

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA), or their critical habitat, pursuant to Section 7 of the ESA, may be present in the action area. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species and will consult with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as appropriate pursuant to Section 7 of the ESA, as amended. Any such required ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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 (or modification) 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.

Due to the potential for extensive telework associated with the COVID-19 situation, all comments on the proposed work should be submitted, within fifteen (15) days, via email only to the District Engineer, U.S. Army Corps of Engineers - Philadelphia District at PhiladelphiaDistrictRegulatory@usace.army.mil.

In accordance with Section 106 of the National Historic Preservation Act, the USACE Cultural Resource Specialist has evaluated the project and determined that the proposed permit area has been previously impacted by prior episodes of maintenance dredging. Extending for further maintenance dredging for another 10-year period has little likelihood to impact historic properties, and the dredge material disposal areas are existing facilities. Therefore, the use of these facilities has little likelihood of impacting a historic property. The proposed permit actions will have no effect on historic properties.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that no EFH is present within the project area. The project location is within the "tidal fresh zone" of the Delaware River (i.e. less than 0.5 ppt even under low flow conditions). As such, it does not experience salinity levels within the general habitat parameters for any managed species. However, several prey species used by managed species would make use of this area. With the inclusion of a seasonal restriction prohibiting dredging between March 15 and June 30, inclusive, of any year, impacts to these prey species would not be more than minimal. Based upon the above analysis, the Corps of Engineers has determined that the proposed project would not have a direct, indirect, site-specific, or habitat-wide impact on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH, and no other conservation recommendations are proposed at this time. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

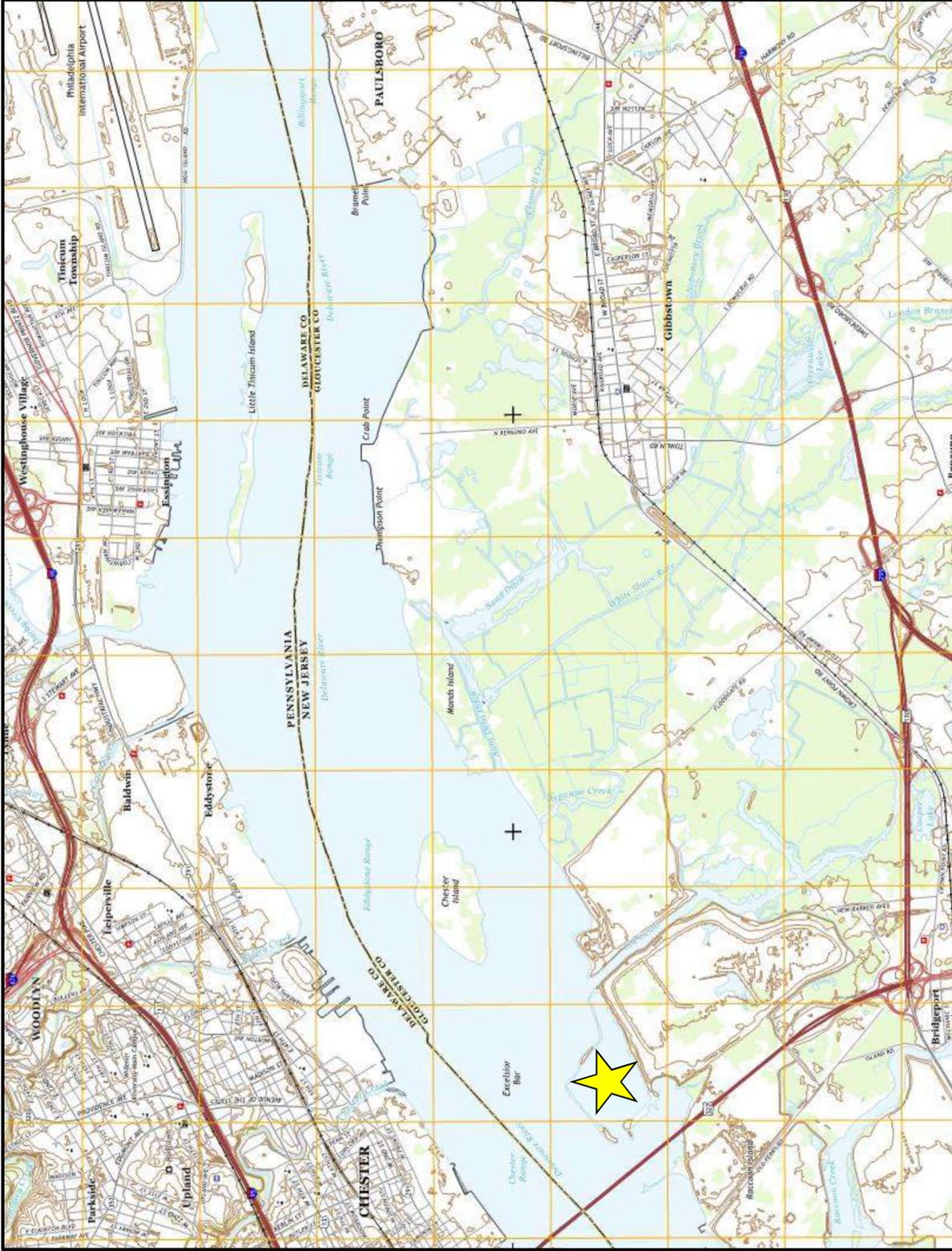
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. 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.

Compensatory Mitigation: The applicant is not proposing any placement of dredged or fill material in waters or wetlands at the dredging site. As such, compensatory mitigation has not been proposed and is not anticipated.

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, by electronic mail to James.N.Boyer@usace.army.mil, or by writing to this office at the above address.

Todd A. Schaible
Chief, Regulatory Branch



Source: USGS.gov

USGS Topographic Location of White's Basin Rehandling Facility

Bridgeport Quadrangle Map

Logan County, Gloucester Township, NJ

Latitude: 39.825894 N Longitude: -75.3583 W





Source: usgs.gov



USGS Location Map of Biles Island
Biles Island, Falls Township, PA
Latitude: 40.175322 N Longitude: -74.748614 W