THIS IS NOT A PAID ADVERTISEMENT

Public Notice

US Army Corps of Engineers
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice No. **CENAP-OPR-2016-00173-46**
Date **March 17, 2022**
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: City of Philadelphia – Division of Aviation

AGENT: C&S Engineers and Jacobs Engineering

WATERWAY: Long Hook Creek

LOCATION: The proposed project location is within the western end of the Philadelphia International Airport and encompasses the recently acquired western properties including the former Henderson parcel. The project area is bounded by Cargo City to the east, Fourth Avenue, Long Hook Creek to the west, and the railroad right-of-way (ROW) to the north, in Tinicum Township, Delaware County, Pennsylvania.

ACTIVITY: This public notice (PN) is supplemental to a public notice issued jointly by this office and the Federal Aviation Administration (FAA) on September 9, 2020. That PN was issued to seek comments from the public and interested parties on the proposed expansion of the existing cargo handling area (known as "Cargo City") at the Philadelphia International Airport. Comments received were used by the FAA in the preparation of a final EA, dated April 29, 2021, and a Finding of No Significant Impact (FONSI). The project would result in the loss of approximately 30 acres of aquatic resources for the West Cargo Development (WCD) and re-location of Tinicum Island Road (TIR). Specifically, the TIR project would impact 2.09 acres of, largely Phragmites-dominated wetlands, and 0.191 acre of open waters. The WCD project would involve impacts to 15.6 acres of, largely Phragmites-dominated wetlands, and 11.8 acres of open waters associated with site grading, stormwater management, parking facilities, aircraft taxiway extensions, aircraft de-icing facilities, associated infrastructure, and building pad development. Compensatory mitigation for the TIR project impacts is proposed at the WCD site along Long Hook Creek while compensatory mitigation for WCD impacts is proposed at an off-site location in the City of Philadelphia's Franklin Delano Roosevelt ("FDR") Park. Franklin Delano Roosevelt Park is situated southwest of the intersection of South Broad Street (State Route 0611) and Pattison Avenue, in the City of Philadelphia. Further project specifics are

described in the above-mentioned public notice found at https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/Article/2340940/2016-00173-46-faa-announcement/ .

The primary goal for the compensatory mitigation design is to provide compensation for unavoidable impacts to wetlands and waters from the development of the initial phases of the WCD project and proposed future phases of the WCD project. To achieve this goal, the final design targets a freshwater tidal wetland complex dominated by freshwater tidal marsh with sinuous channels and fringed by tidally influenced coastal plain forest. The final design analysis was informed by reference ecosystems and the design was approached in a stepwise and iterative fashion. First, a one-dimensional hydrologic and hydraulic model was used to determine the tidal prism or volume of water discharged from the tidal storm drain during a typical tidal cycle. A tidal basin that maximized the available footprint was then graded and evaluated with a two-dimensional hydraulic model to determine the tidal range within the basin. The grading design was iterated with the hydrology and hydraulic modeling to establish zones where the depths and durations of tidal inundation were suitable to support the development of the targeted freshwater tidal wetland complex dominated by tidally influenced, coastal plain forest. Wetland creation (tidal emergent and tidally influenced forest) would total 28.6 acres and would be supported by 3.54 acres of upland buffer enhancement.

This public notice addendum is issued in order to further the Corps of Engineers public interest and NEPA reviews for the construction of the compensatory mitigation site associated with the project at the FDR Park location.

PURPOSE: The applicant's stated purpose for the proposed work is to accommodate current and forecasted cargo operation demands at the Philadelphia International Airport.

The FAA, lead Federal agency for the WCD/TIR project, coordinated with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act. The FAA determined that the WCD and TIR projects will have no effect on listed species under the purview of the USFWS as no species are within the action area. Furthermore, the FAA determined that the project will not have any direct effects on anadromous fisheries listed under ESA and under purview of the NMFS. Such determinations can be found in the final environmental assessment located at https://www.phl.org/west-cargo-ea. With regard to the development of the FDR Park compensatory mitigation site, a preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, maybe present in the action area. The ACOE will forward this PN to the US Fish and Wildlife Service and/or National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat maybe present in the area which would be affected by the proposed activity. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with NOAA Fisheries as appropriate. 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 will be granted unless the District Engineer determines that it would be contrary to the public interest.

It should be noted the U.S. Army Corps of Engineers, Philadelphia District was a Cooperating Agency in the preparation of the FAA's EA. The EA process included the solicitation of 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. The draft EA, including notification of pending Department of the Army permit application and required Section 404(b)(1) assessment. A copy of the final EA and FONSI/ROD can be found at www.phl.org/west-cargo-ea. Draft EA comments relevant to wetlands permitting may be considered by this office in the evaluation of the permit application. An addendum to the FAA's EA record of decision will be prepared by this office in order to determine NEPA compliance with the development of the FDR Park compensatory mitigation site.

Comments on the work proposed in the permit application should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390. All comments to this public notice are used by this office to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

With regard to Section 106 of the National Historic Preservation Act, a comprehensive study was made of the WCD/TIR project area as part of the EA. The EA findings determined that the project would have no effect on historic properties. This determination was concurred with by the Pennsylvania State Historic Preservation Office (PASHPO). Please see www.phl.org/west-cargo-ea for further information on this decision. With regard to the FDR Park compensatory mitigation site, the Philadelphia District Cultural Resource Specialist/Tribal Liaison (CRSTL) has determined that although a recorded archaeological site is in the vicinity, the project will have no adverse effect to such resource as the applicant would successfully avoid impacts to the site through a site avoidance plan. This plan would be enforced as a special condition to any permit issued for the subject work. The PASHPO, in a letter dated July 6, 2021 is in concurrence with the USACE determination.

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). The FAA, in their NEPA record of decision regarding the WCD/TIR projects determined the project will have no direct effects on anadromous fisheries as documented at

www.phl.org/west-cargo-ea . A preliminary review of this application indicates that EFH may be present within the FDR Park project area. 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.

Compensatory mitigation: Pursuant to 33 CFR 332, the applicant has noted that the project would require compensatory mitigation for losses to aquatic resources as a result of the proposed project. As noted above, the proposed compensatory mitigation would consist of both on-site wetland creation/enhancement associated with Long Hook Creek for the TIR project and off-site creation/restoration of wetlands and tidal waters associated with both Shedbrook and Hollander Creeks as well as the Schuylkill River at the FDR Park for the WCD project .

TIR – *Compensatory Mitigation:* The proposed resource types that will be created include 3.6 acre of non-tidal palustrine forested wetland (PFO) and enhancement of 0.74 acre non-tidal palustrine emergent wetland (PEM) along Long Hook Creek within the restored floodplain area. The adjacent upland area along the roadway embankment will consist of a vegetated landscape buffer between the proposed roadway and wetland mitigation area. It is anticipated that the connectivity of the proposed wetland creation area with other existing resources will magnify the value of those existing resources. Local water quality improvement is expected through improved land cover and use, reduced erosion, and improved hydraulic connection between Long Hook Creek, the associated wetlands, and groundwater. These practices will address historic losses of ecosystem services in the watershed, such as loss of floodplain wetlands and deforestation.

WCD – *Compensatory Mitigation:* The primary goal for the compensatory mitigation design is to provide compensation for unavoidable impacts to wetlands and waters from the development of the initial phase of the WCD project and proposed future phases of the WCD project. To achieve this goal, the final design targets a freshwater tidal wetland complex dominated by freshwater tidal marsh with sinuous channels and fringed by tidally influenced coastal plain forest. The final design analysis was informed by reference ecosystems and the design was approached in a stepwise and iterative fashion. First, a one-dimensional hydrologic and hydraulic model was used to determine the tidal prism or volume of water discharged from the tidal storm drain during a typical tidal cycle. A tidal basin that maximized the available footprint was then designed and evaluated with a two-dimensional hydraulic model to determine the tidal range within the basin. The grading design was combined with the hydrology and hydraulic modeling to establish zones where the depths and durations of tidal inundation were suitable to support the development of the targeted freshwater tidal wetland complex dominated by tidally influenced, coastal plain forest. Wetland creation (tidal emergent and tidally influenced forest) would total 28.6 acres and would be supported by 3.54 acres of upland buffer enhancement.

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 and has applied for CZM approval. 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.

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 Mr. David J. Caplan at 215-605-7029 or 215-656-6731, via email at David.J.Caplan@usace.army.mil, or by writing this office at the above address.

Glenn Weitknecht

Digitally signed by Glenn R. Weitknecht
Date: 2022.03.17 10:33:08 -04'00'

FOR: Todd A. Schaible
Chief, Regulatory Branch