



**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-2017-00086-46	14 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) 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, Philadelphia Water Department

AGENT: Mr. Evan Gosney
Anchor Consultants, Incorporated
1224 Baltimore Pike
Chadds Ford, Pennsylvania 19317

WATERWAY: Schuylkill River

LOCATION: Along the eastern bank of the Schuylkill River, immediately downstream of the Dr. Martin Luther King Jr. Drive (a.k.a. West River Drive) bridge, in the City of Philadelphia, Pennsylvania.

ACTIVITY: The proposed project would include the installation of approximately 5,400 square feet of Floating Classroom with an additional 960 square feet of floating docks tied to the south end of the Classroom. The Floating Classroom would be anchored with three (3) mooring clusters, consisting of two (2) – 16” diameter battered steel pipe piles and one (1) – 28” diameter plumb steel pipe pile fixed to bedrock by rock socketing. Piles would be filled with concrete resulting in a discharge of 19 cubic yards of concrete within 22 square feet of waterway below the high tide line. Two (2) floating access ramps would connect the Floating Classroom to an approximately 1,060 square foot platform adjacent to the Schuylkill River Trail on uplands. The platform on uplands would be supported on eight (8) 6” diameter micro piles. Additional work would include the installation of light poles on the Floating Classroom and Platform. Water depths in the areas that would be occupied by the floating classroom and associated floating docks is approximately 20 feet or greater.

The applicant has also indicated the following:

- The steel piles and rock sockets would be set using a rotary drill into bedrock, then

the rock will be drilled for installation of rock socket. Pile driving is not anticipated to involve use of impact hammer. The setting of piles with the rotary drill and elimination of use of impact hammer would minimize disturbances of wildlife and river bed.

- The floating classroom would be located at this site during the months of June through November (6 Months). During the months of December through May, each year, the floating classroom would be relocated to the Penns Landing enclosed basin and moored to existing structures. The applicant has also noted that no wetlands are present in the proposed project area and no dredging is proposed under this project.
- The Floating Water Workshop is an extension of the Fairmount Water Works and provides educational opportunities as well as public amenities to users. The workshop's proximity to the Fairmount Water Works is key to providing a high-quality visitor experience.

PURPOSE: The applicant has stated the project purposes are for education relating to water quality and the conservation, preservation of natural resources, and public access to the river. The purpose for the additional two (2) small floating docks is for presentations to large classes and to be used for local boaters to access the Floating Classroom.

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 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.

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.

The USACE Cultural Resource Specialist has reviewed the project for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places (NRHP) and has determined that a historic properties investigation has been conducted within the permit area. Historic properties eligible for or listed on the NRHP are within the permit area, but will not be affected by the proposed action.

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 the project may have an effect on EFH. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate.

Compensatory mitigation: Given the minor amount of fill below the high tide line for rock grouting and steel pile fill (approx. 22 square feet of aquatic resource loss), no compensatory mitigation is warranted.

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.

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

Edward Bonner,
Chief, Regulatory Branch