



**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-2018-0237-46	November 6, 2018

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) 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: Hueber Launch Services

AGENT: Kelly and Close Engineers
1786 Wilmington Pike, Suite 300
Glen Mills, Pennsylvania 19342

WATERWAY: Delaware River

LOCATION: 45 East Delaware Street, Marcus Hook Borough, Delaware County

ACTIVITY: to perform dredging and bank stabilization along the Delaware River. The work would involve the immediate dredging by mechanical method of 93 cubic yards of sediment (largely gravel and cobbles) from 315 square feet below the mean high water line to a maximum depth of 5 feet below mean low water (3 feet design depth and 2 further feet of over-dredging allowance). However, the applicant also requests approval for dredging every 2 years over a 10 year period for maintenance dredging to same depth within a 0.1 acre template. All materials would be temporarily stockpiled on uplands at the site and de-watered within a sandbag and Jersey barrier enclosure for de-watering. Ultimately, the dredged materials would be spread over uplands on the site and stabilized. Furthermore, for bank stabilization, the applicant would place 49 cubic yards of rip-rap along 60 linear feet of bank within 663 square feet (0.015 acre) of open water below the high tide line. To minimize sedimentation of the adjacent waterway from dredging and filling, a turbidity curtain would be deployed during dredging and filling operations below the high tide line.

PURPOSE: The applicants stated purpose for dredging is to establish and maintain proper depth to safely and properly conduct business for operation of their launch service. The stated purpose for rip-rap placement is to stabilize an eroding bank.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as

amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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 15 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 is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties.

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 affect Essential Fish Habitat (EFH). This determination is based upon the project location.

Analysis of the Effects: This office has determined that the site is above the mixing zone of the Delaware River and so above waters typically used by species of concern in essential fish habitat. The proposed work should have no effect on species of concern in essential fish habitat but may have effects on their prey species.

Pursuant to 33 CFR 332, no compensatory mitigation is currently proposed as the project will only involve the potential loss to a minimal area (0.015 acre) of disturbed open waters for bank stabilization.


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.

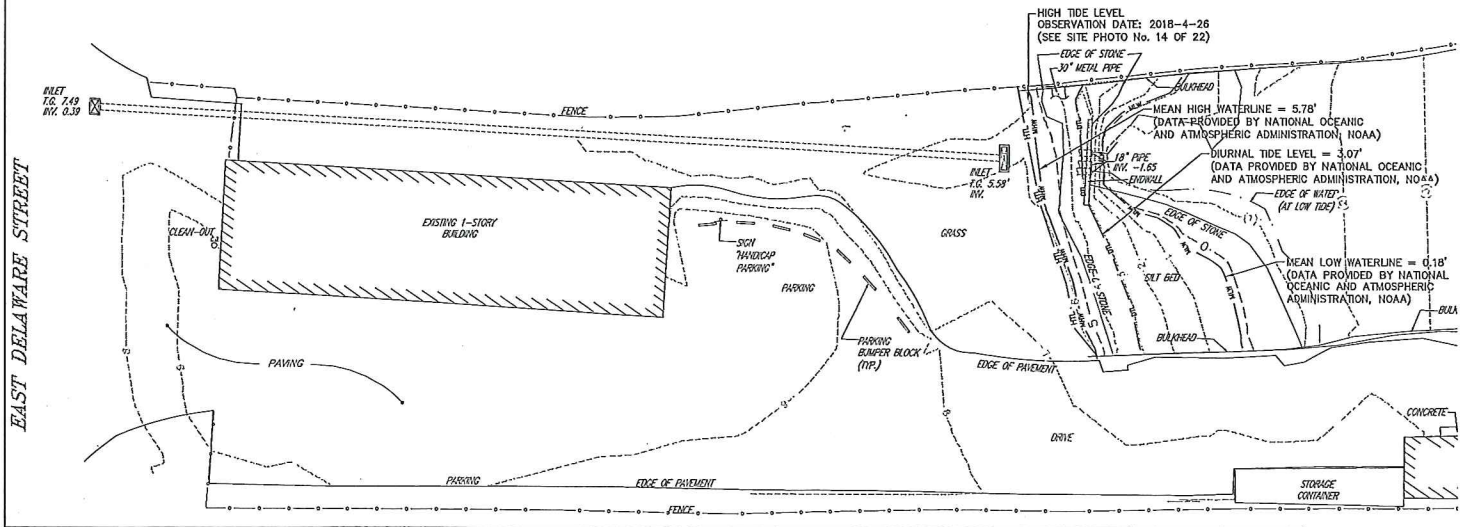
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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.

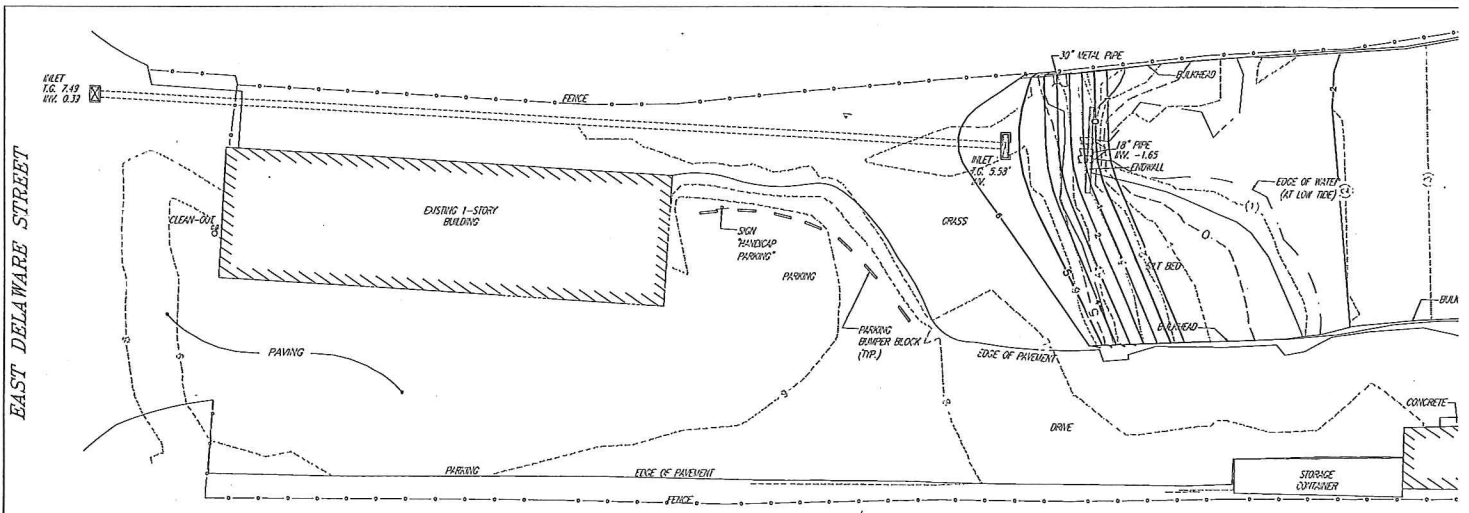
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling David J. Caplan at 215-656-6731 or via email at David.J.Caplan@usace.army.mil, or by writing to this office at the above address.

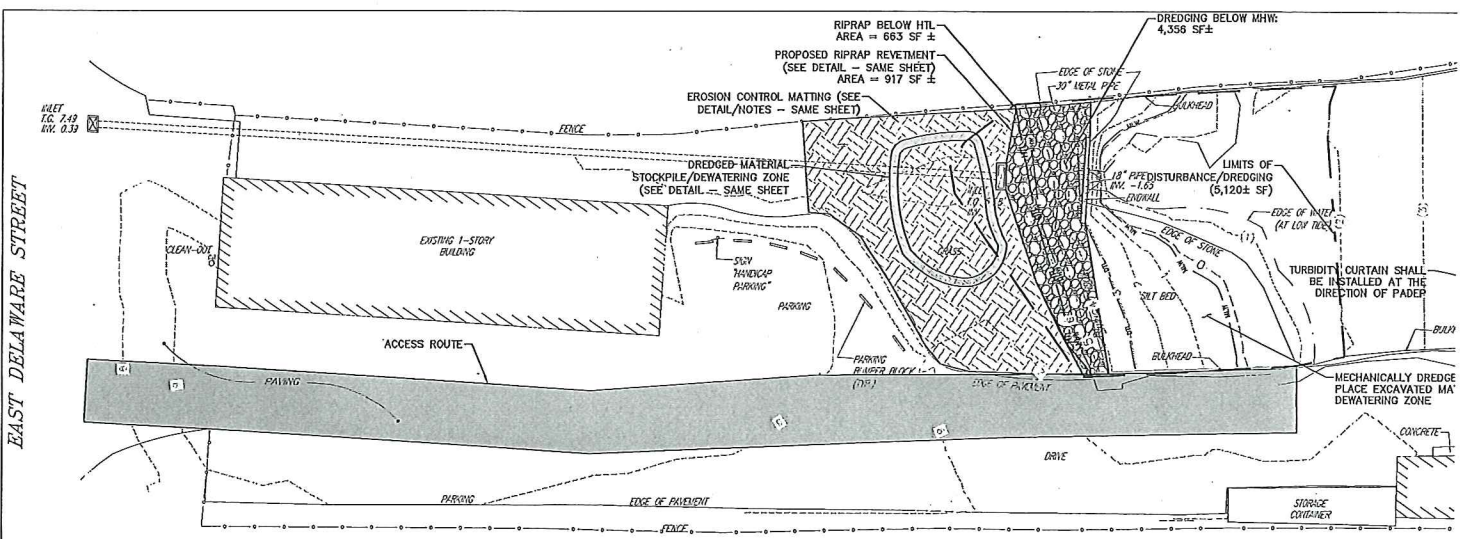

for Edward E. Bonner
Chief, Regulatory Branch



EXISTING CONDITIONS



PROPOSED GRADING



EROSION CONTROL

Cut/Fill Summary

Name	Cut Factor	Fill Factor	Area	Cut	Fill	Net
Bueber Launch	1.00	1.50	4405.32 SF	93 CY	93 CY	0 CY<Cut/Fill>
Services Boat Dock						
Totals			4405.32 SF	93 CY	93 CY	0 CY<Cut/Fill>

CONSTRUCTION NOTES:

- CONTRACTOR SHALL BE REQUIRED TO SECURE ALL NECESSARY PERMITS AND APPROVALS FOR ALL OFF-SITE MATERIAL SOURCES AND DISPOSAL FACILITIES. CONTRACTOR SHALL SUPPLY A COPY OF APPROVALS TO ENGINEER AND OWNER PRIOR TO INITIATING WORK.
- THE CONTRACTOR SHALL BE FAMILIAR WITH AND RESPONSIBLE FOR ANY/ALL CERTIFICATIONS, INSPECTIONS, ETC. REQUIRED BY ALL COVERING JURISDICTIONAL AGENCIES DURING AND AFTER CONSTRUCTION FOR CLOSE-OUT OF THE PROJECT, INCLUDING BUT NOT LIMITED TO PROCUREMENT OF SERVICES, SCHEDULING OF FIELD OBSERVATIONS AND COORDINATION WITH REPRESENTATIVES OF THE APPROPRIATE PARTIES.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE APPLICABLE GOVERNING AGENCIES.
- THESE PLANS ARE BASED ON INFORMATION PROVIDED TO KELLY & CLOSE ENGINEERS AND SURVEYORS AT THE TIME OF PREPARATION. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS AND NOTIFY THE OWNER AND KELLY & CLOSE ENGINEERS AND SURVEYORS IF ACTUAL SITE CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLAN, OR IF THE PROPOSED WORK WOULD BE IMPAIRED BY ANY OTHER SITE FEATURES.
- ALL DIMENSIONS SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY OWNER AND ENGINEER IN WRITING IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE RE-DONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH INFORMATION HAS NOT BEEN GIVEN.
- PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS BY ALL OF THE PERMITTING AUTHORITIES.
- CONTRACTOR IS TO EXERCISE EXTREME CARE WHEN PERFORMING ANY WORK ADJACENT TO PAVEMENT, STRUCTURES, ETC. TO REMAIN. CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING THE APPROPRIATE MEASURES AS NECESSARY TO ENSURE THE STRUCTURE SAFETY OF SUBWAYS AND TUNNELS TO REMAIN AND TO PROVIDE A SAFE WORK AREA.
- CONTRACTOR IS RESPONSIBLE FOR REPAIRING THE DAMAGE DONE TO ANY EXISTING ITEM DURING CONSTRUCTION SUCH AS BUT NOT LIMITED TO DRAINAGE UTILITIES, PAVEMENT, STAIRS, CURB, ETC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND SHALL REPLACE ALL DISAL INTERCONNECT CABLE, CONDUITS AND ANY UNDERGROUND ACCESSORY EQUIPMENT DAMAGED DURING CONSTRUCTION. REPAIR SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS. CONTRACTOR IS RESPONSIBLE TO DOCUMENT ALL EXISTING DAMAGE AND NOTIFY OWNER PRIOR TO CONSTRUCTION START.
- NEITHER THE PROFESSIONAL ACTIVITIES KELLY & CLOSE ENGINEERS AND SURVEYORS, NOR THE PRESENCE OF OWNER OR KELLY & CLOSE ENGINEERS AND SURVEYORS OR ITS EMPLOYEES AND SUBCONTRACTORS AT THE CONSTRUCTION/PROJECT SITE, SHALL RELIEVE THE CONTRACTOR OF ITS OBLIGATIONS, DUTIES AND RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION MEANS, METHODS, SEQUENCE, TECHNIQUES OR PROCEDURES NECESSARY FOR PERFORMING, SUPERVISING AND COORDINATING THIS PROJECT IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND ANY HEALTH AND SAFETY PRECAUTIONS REQUIRED BY ANY REGULATORY AGENCIES. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOBSITE SAFETY. TOWNSHIP AND KELLY & CLOSE ENGINEERS AND SURVEYORS SHALL BE INDIVIDUALLY AND JOINTLY RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR DEATH OF ANY PERSONS OR DAMAGE TO ANY PROPERTY, COMPENSATION AND PUNITIVE DAMAGES AND COSTS OF ANY NATURE RESULTING THEREFROM.
- KELLY & CLOSE ENGINEERS AND SURVEYORS SHALL REVIEW AND APPROVE OR TAKE OTHER APPROPRIATE ACTION ON THE CONTRACTOR SUBMITTALS, SUCH AS SHOP DRAWINGS, PRODUCT DATA, SAMPLES, AND OTHER DATA, WHICH THE CONTRACTOR IS REQUIRED TO SUBMIT, BUT ONLY FOR THE LIMITED PURPOSE OF CHECKING FOR CONFORMANCE WITH THE DESIGN CONCEPT AND THE INFORMATION SHOWN, NOT CONSTRUCTION MEANS OR METHODS. COORDINATION OF THE WORK WITH OTHER TRADES, OR CONSTRUCTION SAFETY PRECAUTIONS, ALL OF WHICH ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR, KELLY & CLOSE ENGINEERS AND SURVEYORS. REVIEW SHALL BE CONDUCTED WITH REASONABLE PROMPTNESS WHILE ALLOWING SUFFICIENT TIME TO PERMIT ADEQUATE REVIEW. REVIEW OF A SPECIFIC ITEM SHALL NOT INDICATE THAT KELLY & CLOSE ENGINEERS AND SURVEYORS HAS REVIEWED THE ENTIRE ASSEMBLY OF WHICH THE ITEM IS A COMPONENT. KELLY & CLOSE ENGINEERS AND SURVEYORS SHALL NOT BE RESPONSIBLE FOR ANY CONFLICTS OR OMISSIONS FROM THE CONSTRUCTION DOCUMENTS NOT BROUGHT TO THE ATTENTION OF KELLY & CLOSE ENGINEERS AND SURVEYORS IN WRITING BY THE CONTRACTOR. KELLY & CLOSE ENGINEERS AND SURVEYORS SHALL NOT BE REQUIRED TO REVIEW PARTIAL SUBMITTALS OR THOSE FOR WHICH SUBMITTALS OF CORRELATED ITEMS HAVE NOT BEEN RECEIVED.
- IF THE CONTRACTOR DEVIATES FROM THE PLANS AND SPECIFICATIONS, INCLUDING THE NOTES CONTAINED THEREON, WITHOUT FIRST OBTAINING PRIOR WRITTEN AUTHORIZATION FOR SUCH DEVIATIONS FROM THE TOWNSHIP AND ENGINEER, IT SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL COSTS TO CORRECT ANY WORK DONE, ALL FINES OR PENALTIES ASSESSED WITH RESPECT THERETO AND ALL COMPENSATORY OR POSITIVE DAMAGES RESULTING THEREFROM. THE CONTRACTOR SHALL INDemnIFY AND HOLD THE OWNER AND ENGINEER HARMLESS FROM ALL SUCH COSTS TO CORRECT ANY SUCH WORK AND FROM ALL SUCH FINES AND PENALTIES, COMPENSATION AND PUNITIVE DAMAGES AND COSTS OF ANY NATURE RESULTING THEREFROM.
- THE OWNER OR THE OWNER'S CONSTRUCTION REPRESENTATIVE RESERVES THE RIGHT TO INSPECT ANY PORTION OF THE WORK AND REQUEST CORRECTION TO THE OWNERS SATISFACTION FOR ALL WORK NOT COMPLETED IN ACCORDANCE WITH THE SPECIFICATION AND DRAWINGS. DEFICIENCIES OR SITE OBSERVATIONS OF WORK BY THE ENGINEER DOES NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITY OF CONFORMING TO THE DRAWINGS AND SPECIFICATIONS FOR ALL CONSTRUCTION.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE ADEQUATE AND COMPETENT SUPERVISION ON THE PROJECT AT ALL TIMES AND MAINTAIN THE HIGHEST QUALITY OF WORKMANSHIP POSSIBLE. IF AT ANY TIME WORKMANSHIP IS UNSATISFACTORY, IT SHALL MEAN IMMEDIATE REMOVAL AND REPLACEMENT OF SUCH WORK AT THE SOLE EXPENSE OF THIS CONTRACTOR, WHO SHALL ALSO BE HELD RESPONSIBLE FOR SUCH TIMELY DELAY.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH AND IN COORDINATION WITH THE CONSTRUCTION MANAGER'S SCHEDULE. CONTRACTOR UNDERSTANDS THAT THIS WILL REQUIRE CONTINUOUS PRODUCTION AND THE UTILIZATION OF MULTIPLE CREWS PERFORMING VARIOUS PORTIONS OF WORK SIMULTANEOUSLY.

SURFACE STABILIZATION CRITERIA:

NOTE: THE FOLLOWING SPECIFICATIONS ARE GENERAL IN NATURE, AND ARE ACCEPTABLE FOR MANY SOIL TYPES. HOWEVER, IT IS RECOMMENDED THAT SOIL EVALUATION / TESTING BE DONE PRIOR TO SEEDING AND MULCHING TO DETERMINE THE PROPER SOIL AMENDMENTS AND APPLICATION RATES FOR THE PROPOSED SEED MIXTURES.

TEMPORARY COVER: FOR EXPOSURE PERIODS UP TO 12 MONTHS.

- SEED - RATES BASED ON PURE LIVE SEED
FROM MARCH 15 TO OCTOBER 15: ANNUAL RYEGRASS AT 10 LBS/ACRE (0.23 LB/1,000 SF)
PERENNIAL RYEGRASS AT 15 LBS/ACRE (0.34 LB/1,000 SF)
FROM OCTOBER 16 TO MARCH 14: ANNUAL RYEGRASS AT 10 LBS/ACRE (0.23 LB/1,000 SF)
- 10-10-10 FERTILIZER: 500 LB/ACRE (12.5 LB/1,000 SF)
- AGRICULTURAL LIME: 1 TON/ACRE (40 LB/1,000 SF)
- MULCH - REFER TO MULCH SPECIFICATIONS

PERMANENT COVER: FOR EXPOSURE PERIODS OVER 12 MONTHS

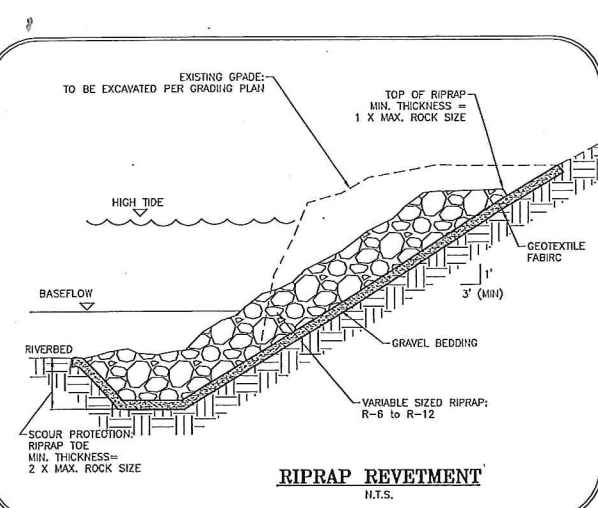
- SEED - RATES BASED ON PURE LIVE SEED
FROM MARCH 15 TO MAY 31 & AUGUST 15 TO OCTOBER 15:
KENTUCKY BLUEGRASS AT 25 LBS/ACRE (0.57 LB/1,000 SF)
PERENNIAL RYEGRASS AT 15 LBS/ACRE (0.34 LB/1,000 SF)
NOTE: FROM JUNE 1 TO AUGUST 14 AND OCTOBER 16 TO MARCH 14, USE TEMPORARY COVER AND RESEED WITH PERMANENT COVER FROM MARCH 15 TO MAY 31 AND AUGUST 15 TO OCTOBER 15.
- 10-10-20 FERTILIZER: 1,000 LB/ACRE (25 LB/1,000 SF)
- AGRICULTURAL LIME: 6 TONS/ACRE (240 LB/1,000 SF)
- MULCH - REFER TO MULCH SPECIFICATIONS
- SOD - INSTALL WHERE SPECIFIED ON THE PLANS AND/OR WHERE DESIRED. FOR SPECIFICATIONS AND INSTALLATION PROCEDURES, REFER TO PENNDOT PUBLICATION 408, SECTION 609.

EROSION CONTROL MATTING SPECIFICATIONS:

NOTE: ALL EROSION CONTROL MATTING SHALL BE AS MANUFACTURED BY TENSAR NORTH AMERICAN GREEN (N.A.G.) OR AN APPROVED EQUAL. BLANKET, INCLUDING STAPLE PATTERN, SHALL BE INSTALLED PER THE MANUFACTURER'S SPECIFICATIONS.

SLOPES 4:1 (H:V) OR STEEPER: BASIN BOTTOM: OTHER AREAS AS SHOWN ON THE PLAN:

11A.G. **STRAW**
NETTING: 0.5 LB/YD² STRAW FIBER
STITCHING: 9.3 LB/1,000 FT² LEVO WOVEN 100% BIODEGRADABLE NATURAL ORGANIC FIBER
STITCHING: BIODEGRADABLE THREAD



SURVEY NOTES:

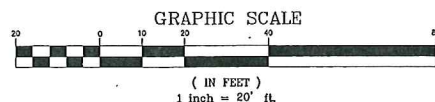
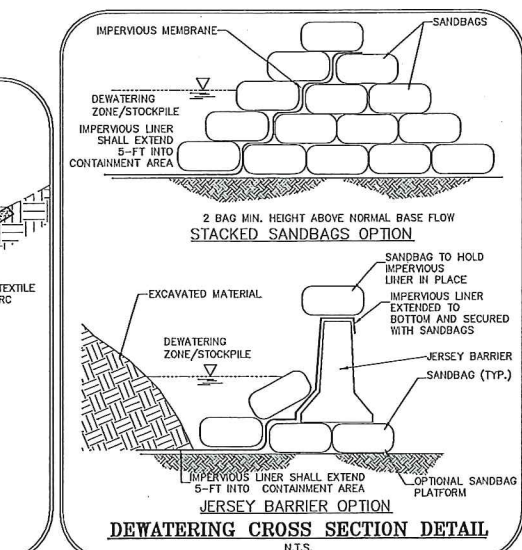
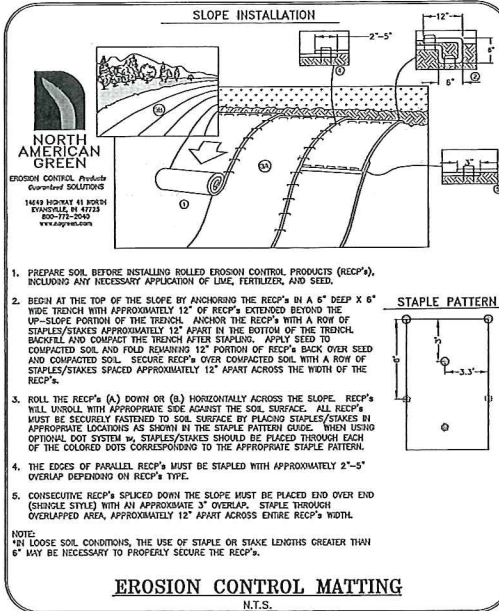
BEING TPN #24-00-00155-00

ADDRESS: 45 E. DELAWARE ST
MARCUS HOOK BORO
DELAWARE COUNTY, PA

- OWNER OF RECORD/APPLICANT:
MARINE INVESTORS/HUEBER LAUNCH SERVICES
P.O. BOX 29408
PHILADELPHIA PA, 19125
- ELEVATION BASED UPON NAD83 DATUM.
- SOILS: SITE CONSISTS OF: Ma - MADE LAND, GRAVELLY MATERIALS
W - WATER
- EXISTING FEATURES DATA SHOWN HEREON IS BASED UPON A FIELD SURVEY BY KELLY & CLOSE ENGINEERS AND LAND SURVEYORS PERFORMED IN DECEMBER 2017.
- LIMITS OF WORK IS PER CONTRACTOR AGREEMENT. NO BOUNDARY SURVEY WAS PERFORMED. ADDITIONAL UTILITIES EXIST WITHIN RIGHT-OF-WAY AREA OF DELAWARE STREET.

PROJECT NOTES:

- OWNER IS REQUIRED TO SUBMIT A WRITTEN NOTIFICATION TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (PADEP) PRIOR TO DREDGING.



KELLY & CLOSE ENGINEERS & SURVEYORS
CONSULTING ENGINEERS & SURVEYORS
The Summit at Brandywine
1786 Wilmington Pike, Suite 300
Wilmington, DE 19806
TEL: 610.358.9343 FAX: 610.358.9376
www.kellyandclose.com

DATE	BY	REVISION
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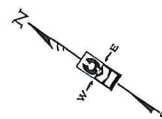
45 E. DELAWARE STREET
MARCUS HOOK BOROUGH
DELAWARE COUNTY, PENNSYLVANIA

HUEBER LAUNCH SERVICES

Grading Plan & Details

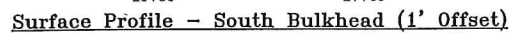
SHEET 1 of 2

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(Sta. 20+00 to 21+20)
Scale: 1"=20'

R LEVEL
IDE LEVEL
R LEVEL



(Sta. 19+50 to 22+00)

Scale:
1" = 20' Horizontal; 1" = 2' Vertical



**KELLY & CLOSE ENGINEERS
CONSULTING ENGINEERS & SURVEYORS**
The Summit at Brandywine
1786 Wilmington Pike/Suite 300
Glen Mills, Pennsylvania 19342
610 358-9363 fax 610 358-9376

[illegible]

date:	2018-4-17
scale:	1"=20'
drawn by:	M.J.B.
checked by:	J.P.K.
dwg. name:	F-Profile.dwg
project no.:	2018-004

HUEBER LAUNCH SERVICES

45 E. DELAWARE STREET
MARCUS HOOK BOROUGH
DELAWARE COUNTY, PENNSYLVANIA

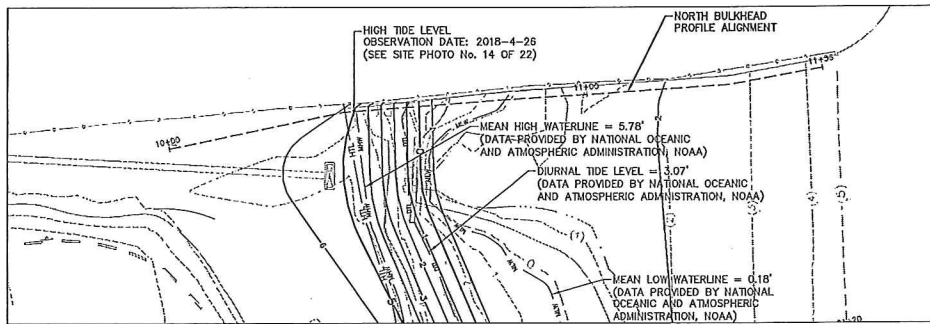
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Profile Plan

SHEET

2

Of

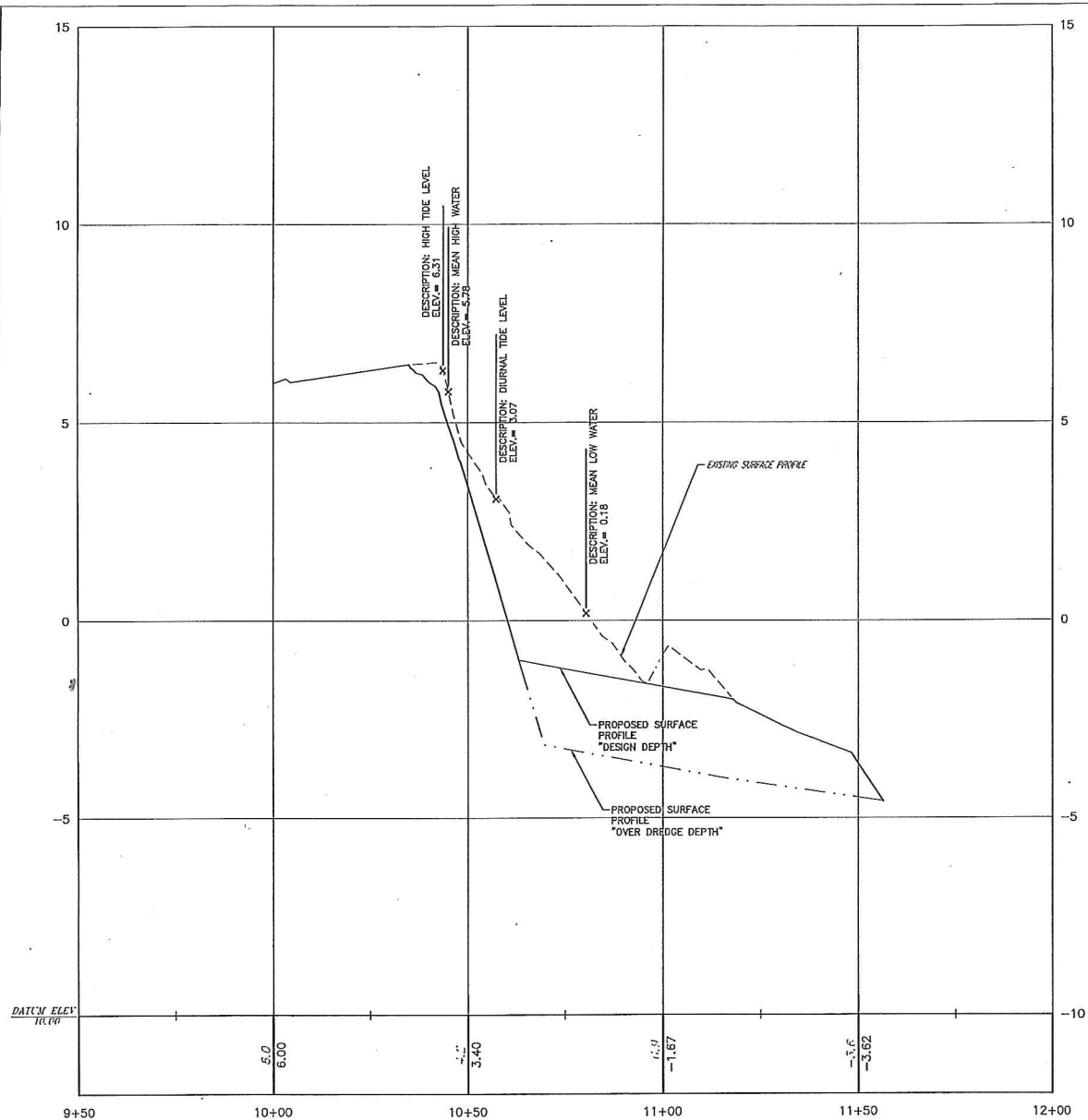


Plan View - North Bulkhead

(Sta. 10+00 to 11+55)
Scale: 1"=20'

LEGEND:

—	WLM	M
—	DTL	M
—	MLW	M
—	MTL	H



Surface Profile - North Bulkhead (1' Offset)

(Sta. 9+50 to 12+00)

Scale:

1" = 20' Horizontal; 1" = 2' Vertical