



**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-2018-0455-24	August 2, 2019

Application No.	File No.
CENAP-OP-R-2018-0455-24	

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to 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: PhilaPort (The Port of Philadelphia)
(formerly known as Philadelphia Regional Port Authority)

AGENT: Weston Solutions, Incorporated
P. O. Box 2653
West Chester, PA 19380

WATERWAY: Delaware River

LOCATION: Decimal Latitude: 39.889898° North; Longitude: -75.156230° West
The project site is located within the former Philadelphia Naval Shipyard property, situated on the south side of Kitty Hawk Avenue, approximately 2,000 feet east of League Island Boulevard, in the City of Philadelphia, Pennsylvania. A site location map is included with this notice.

ACTIVITY: The applicant proposes to construct a temporary storage facility for imported/exported automobiles (i.e. roll-on/roll-off cargo) as a part of the Southport Marine Terminal. The project is known as the "Auto Port Site 2" within the Southport Auto Terminal facility. In order to construct the development, the applicant proposes to discharge fill material into 2.81 acres of federally regulated wetlands. A project site plan showing the location and extent of the existing wetland to be filled is included with this notice.

The applicant has stated the following as their position with regard to avoidance/minimization of impacts to aquatic resources and compensatory mitigation for such impacts:

"The Site 2 project provides critical support for the adjacent AutoPort and the total area of Wetlands C must be filled to meet the project purpose and need. Unavoidable impacts to the isolated 2.81-acre wetland existing on the site will be mitigated by construction of approximately four acres of tidal marsh habitat along the Delaware River in Neshaminy State Park, Bucks County, PA."

The proposed compensatory mitigation site is located within Neshaminy State Park, at 3401 State Road, in Bensalem Township. A location map and concept plan for the proposed compensatory mitigation project is included with this notice.

On October 23, 2018, the Pennsylvania Department of Environmental Protection (PA-DEP) issued a State Water Obstruction and Encroachment Permit (PA-DEP File Number E51-283). This State authorization included a Section 401 Water Quality Certification (WQC). However, it did not include a concurrence that the proposed work is consistent with Pennsylvania's approved Coastal Zone Management Program. The applicant has requested such consistency certification from the PA-DEP.

PURPOSE: The applicant's purpose, as stated in their application, is to "provide necessary parking and vehicle processing for roll on-roll off cargo being delivered to the new AutoPort facility at the former Philadelphia Naval Shipyard."

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 a result, consultation with NOAA Fisheries pursuant to Section 7 of the ESA is not necessary. 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 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

We have been informed by the Pennsylvania State Historic Preservation Office (PA-SHPO) that the project site includes a former Seaplane Hangar (Building # 653), which is a contributing resource to the National Register-listed Philadelphia Naval Shipyard Historic District. Compliance with Section 106 of the National Historic Preservation Act, including consultation with the PA-SHPO, is ongoing as part of this Regulatory Branch permit application review.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) 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. As a result, consultation with NOAA Fisheries pursuant to the EFH provisions of the MSA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

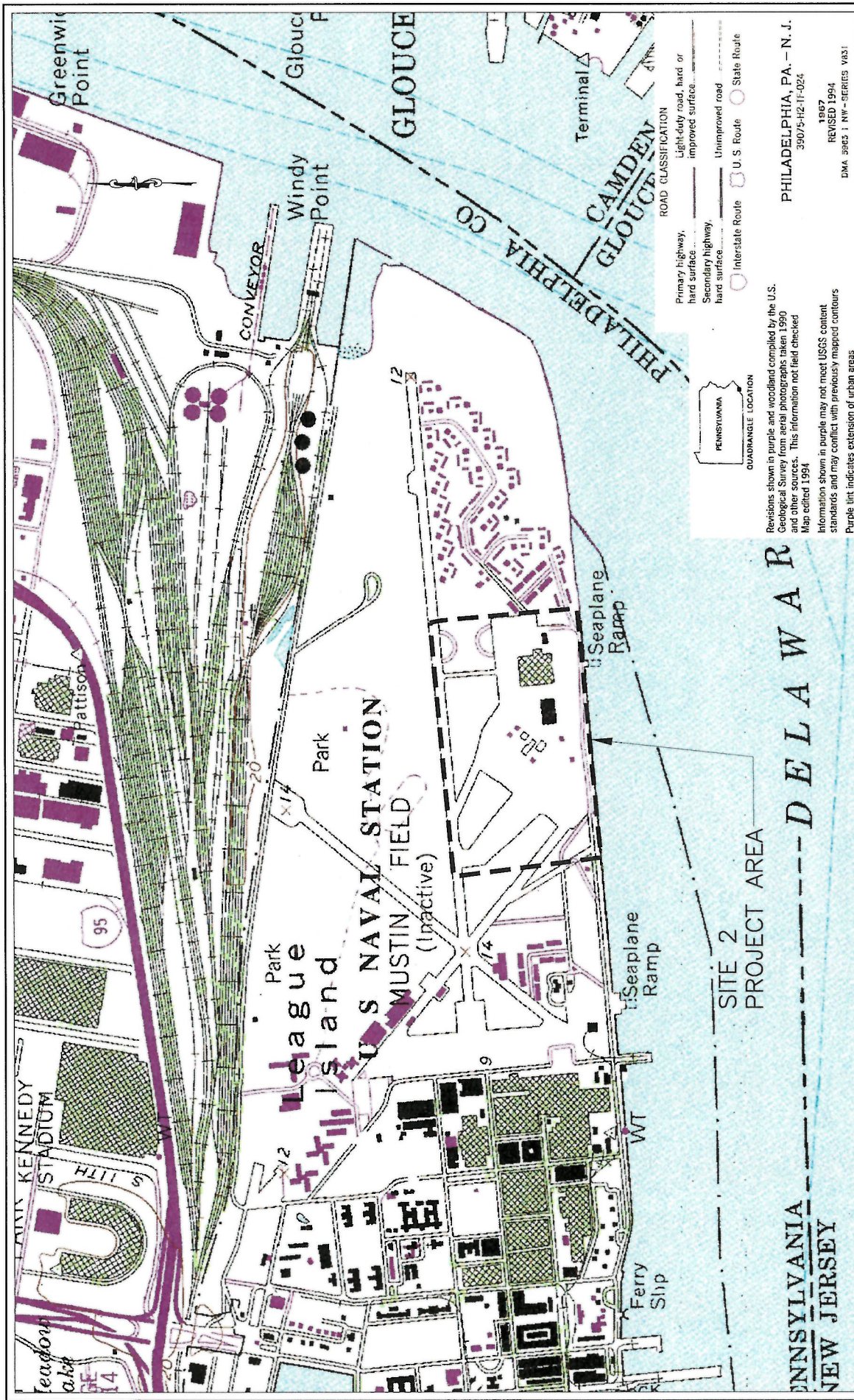
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program.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

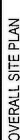
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing. Additional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



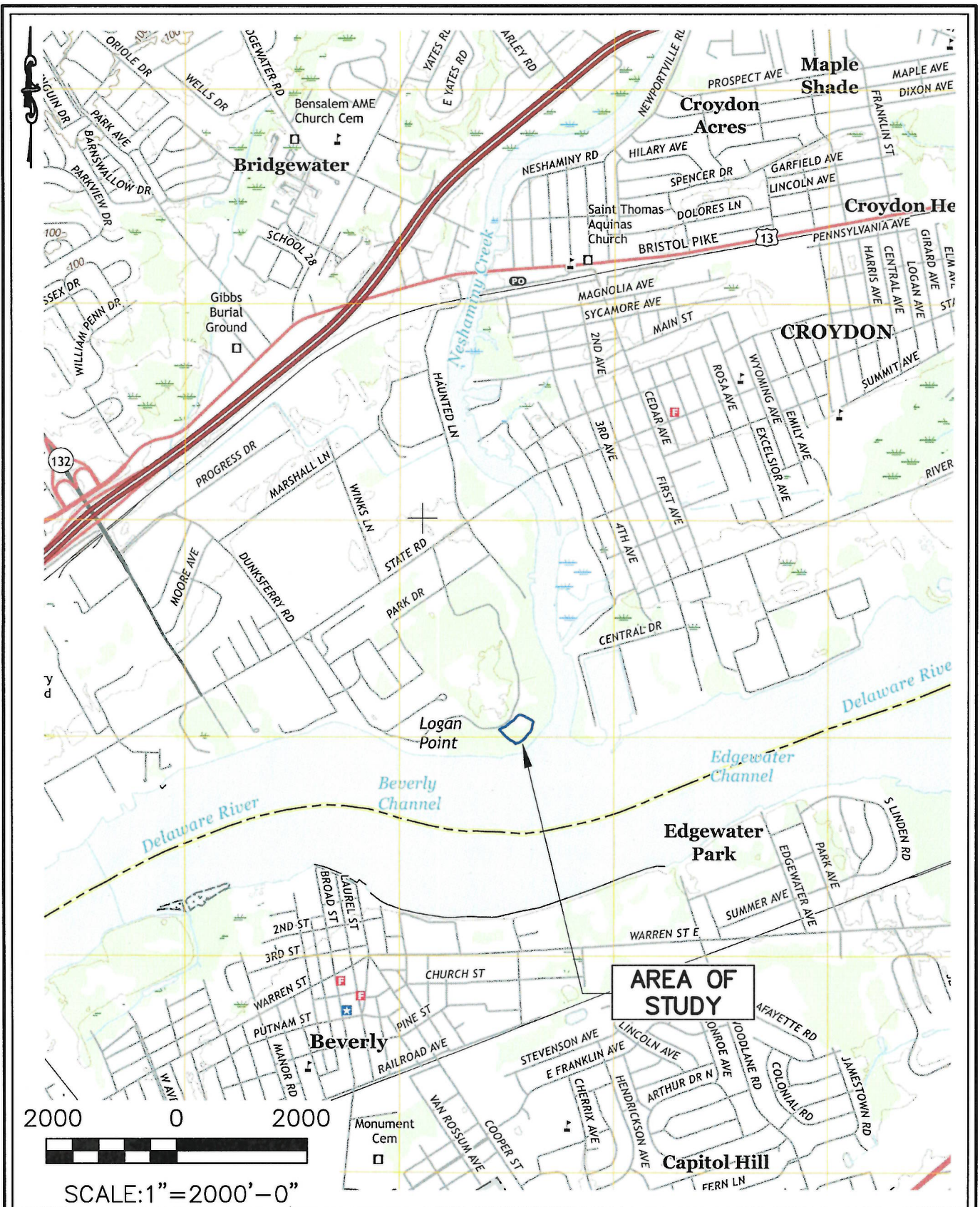
Edward E. Bonner
Chief, Regulatory Branch



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**PHILAPORT
AUTOPORT WETLANDS MITIGATION
AT NESHAMINY PARK**



**FIGURE 1
LOCATION MAP**

