



**US Army Corps
of Engineers**
Philadelphia District

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

Public Notice

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| Public Notice No. | Date |
| CENAP-OP-R-2018-1013-39 | 10 September 2020 |

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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) 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: JPC Group, Incorporated
228 Blackwood Barnsboro Road
Blackwood, NJ 08012

AGENT: Paul Ferry
S. T. Hudson Engineers, Incorporated
900 Dudley Avenue
Cherry Hill, New Jersey 08002

WATERWAY: Schuylkill River

LOCATION: 2600R Penrose Ferry Road, in the City of Philadelphia, Philadelphia County, Pennsylvania.

ACTIVITY: The applicant proposes to reconfigure an existing port facility by filling in a lagoon that was formed after a previously existing bulkhead failed, install a reverse “Z” shaped high deck, install 6 breasting/mooring dolphins, 2 turning dolphins and remove an existing earthen pier. Approximately 0.43 acres of open water, created from erosion when the previously existing bulkhead failed in mid 1990s, would be filled with clean material. A reverse “Z” high deck would be constructed along the existing and new fill, using reinforced concrete. A 219 linear foot deck would be constructed parallel to the river, facing north. An approximately 480’ section of deck would be constructed perpendicular to the river in a southerly direction. A 198 foot section of deck would be constructed towards the west. Approximately 5,625 square feet of the deck would overhang the lagoon. Approximately 510 eighteen inch concrete filled piles would be installed waterward of mean high water to install the deck. The 6 breasting dolphins would have steel sheet facing supported on six 18 inch concrete filled piles each and the 2 turning dolphins would be supported on ten 18 inch concrete piles each. All piles would be installed using both vibratory and impact hammers. Both land based and barge mounted

equipment would be used to install the new structures. The work would abut the Federal navigation channel within the Schuylkill River during the work to remove the earthen pier.

To compensate for the open water fill, the existing structure known as Pier 3 will be removed, reclaiming approximately 0.46 acre of open water habitat. The existing earthen fill and low deck will be removed and disposed of as required by the Commonwealth of Pennsylvania. Approximately 650 linear feet of existing low deck structures will be removed from under the proposed high deck structure.

PURPOSE: The applicant's stated purpose is to create an updated port facility for the use as a marine construction yard and dock facility; and for loading and unloading of bulk materials and equipment.

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, may be present in the action area. The ACOE will forward this PN to the US Fish and Wildlife Service 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.

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 Philadelphiadistrictregulatory@usace.army.mil or the District Engineer, U.S. Army Corps of

Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires Federal agencies to take into account the effects of their undertakings on historic properties. An initial review of the Corps' permit area suggests that the permit area has been so extensively modified that little likelihood exists for the proposed project to impact a historic property.

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 EFH is present within the 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: According to Federal regulation located at 33 CFR 325.1(d)(7) and 33 CFR 332.4 (b)(1), applicants wishing to discharge fill material into waters of the U.S. must include a statement on how they have avoided and minimized impacts as well as how they intend to compensate for unavoidable impacts. The applicant has avoided/minimized impacts to the aquatic environment by incorporating engineering/construction procedures into the process that will substantially reduce impacts to aquatic resources. Additionally, the applicant states that they will remove Pier 3, creating new open water habitat. There would be a net gain of 0.03 acre of open water habitat. As such, compensatory mitigation is not required for the project to not be contrary to the public interest.

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. An application has been submitted to the Pennsylvania Department of Environmental Protection for the necessary State approvals, which would include the required CZM consistency concurrence.

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 Lawrence Slavitter at 215-656-6734, via email at: lawrence.m.slavitter@usace.army.mil, or writing this office at the above address.

Todd A. Schaible
Chief, Regulatory Branch