



**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. CENAP-OP-R-2019-0288-83	Date August 2, 2019
Application No. CENAP-OP-R-2019-0288-83	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: Desert Diamond 34, L.P., c/o Ensemble Investments
444 West Ocean Boulevard
Suite 1108
Long Beach, CA 90802

WATERWAY: Delaware River

LOCATION: The Pier 34/35 South Project (Project) will redevelop Piers 34 South (Pier 34) and 35 South (Pier 35). The sites are located at 735 South Christopher Columbus Boulevard along the west bank of the Delaware River in Philadelphia, PA; [Latitude: 39.938403° North; Longitude: -75.141508° West at RM 99].

ACTIVITY: Desert Diamond 34, L.P., a Pennsylvania Limited Partnership, c/o Ensemble Investments, LLC, is seeking Department of the Army authorization to construct a 22-story residential building (Tower) with mixed use space on the ground floor and a parking garage (Garage) within a portion of the existing footprint of Pier 34 and a public access park and walkway (Park) with in-water habitat enhancements within a portion of the original Pier 35 footprint and interpier area between Piers 34 and 35 (plans enclosed).

Tower and Parking Garage

The Project will remove approximately 8,625 square feet (0.2 acres) of collapsed and partially collapsed low deck portion of Pier 34 at the outboard end of the pier. All removed material will be transported offsite for proper disposal or recycling. Granular fill will be reused onsite as structural fill, as appropriate. Construction of a new sheet pile bulkhead supported by plumb and spur H-piles will be placed around the remaining 33,200 square foot (0.76 acres) portion of the pier. The existing earthen fill, along with the concrete seawall and timber decking within the new sheet pile will be removed prior to installing new fill within the same footprint. New pipe piles topped with a pre-cast concrete pile cap and concrete roadway U-beams will be installed over approximately 14,890 square feet (0.34 acres) of water/mudflat, creating a high deck

structure between Piers 34 and 35 that will physically support the Plaza. When complete, the residential building will result in 1,500 square feet (0.03 acres) of overwater coverage from the portion of the roof that overhangs the Delaware River on the north side of Pier 34.

Pier 35 Park (elevated walkway)

The proposed Pier 35 Park will be comprised of an elevated walkway partially constructed over the original Pier 35 footprint, extending toward, but remaining inside, the historic Pierhead Line. The elevated walkway will result in approximately 6,052 square feet (0.14 acres) of new (i.e., 12 feet wide) overwater structures designed to minimize shading impacts to aquatic habitat of the Delaware River. The Pier 35 elevated walkway will be a steel structure supported by (146) one hundred and forty-six 16" D (diameter) steel pipe piles; each pile will be cut to the proper elevation and filled with approximately 0.45 cubic yards (CY) of flowable concrete per pile (65.7 cubic yards in sum total). Once the piles are in place, the walkway will be constructed using structural steel spanning each pile, with a surface consisting of steel grating or wood planks and a steel railing. A breakwater panel, the bottom of which will remain above the mudline, will be installed at the outer edge of the elevated walkway in order to protect the proposed in-water habitat enhancement area. The park will allow for pedestrian connections to Christopher Columbus Boulevard and the Delaware River Trail, providing an area for outdoor public recreation with visual and physical access to the riverfront.

Habitat Enhancements

The Project will include in-water habitat enhancements in the open interpier area between the reconstructed Pier 34 and the elevated walkways of the Park. Enhancement measures being considered include: (1) Floating wetlands designed to provide emergent marsh habitat without the use of fill; (2) Rootwads driven into the mud at varying elevations, which would dissipate flow, promote sedimentation, and provide perches for wildlife; and (3) Cylindrical biohuts attached to the vertical pilings of the elevated walkway to create protected habitat for juvenile fish and benthic organisms.

PURPOSE: The applicant's stated purpose is for the redevelopment of two vacant and derelict piers in order to provide for residential and mixed-use development.

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**. 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.

The USACE Cultural Resource Specialist has preliminarily reviewed the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A review of this application, the Cultural Resources Review Report that was prepared for the project by RGA Cultural Resources Consultants, and review of the National Register of Historic Places, indicate that historic resources may be present within or near the project area. Pier 34 is eligible for listing on the National Register of Historic Places (NRHP); however, the proposed action will not constitute an Adverse Effect to the historic property. Pier 35 is potentially eligible for listing on the NRHP and additional archaeological investigations will be needed in order to determine eligibility and potential for effects. The U.S. Army Corps of Engineers will be coordinating with the SHPO and the Tribes to ensure that any action taken by this office will not adversely affect any historic property or archaeological resource if present.

A preliminary review of this application by this office indicates that species listed under the Endangered Species Act (ESA) or their critical habitat pursuant to Section 7 of the ESA, as amended, may be present in the action area and the proposed work is not likely to adversely affect those listed species. Within the Delaware River, the two species of fish that occur or have the potential to occur within the action area include the shortnose sturgeon (Acipenser brevirostrum) and Atlantic sturgeon (Acipenser oxyrinchus). Designated Critical habitat for the Atlantic sturgeon is located within the project's action area. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended, requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on 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. However, it is noted that prey species for managed EFH species may be present within the project site. As a result, USACE will be coordinating with the NMFS to ensure impacts to those aquatic resources will be minimized. In order to avoid or minimize impacts to those prey species and their habitats, the use of seasonal restrictions and additional conservation recommendations may be incorporated into this permit decision.

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 (PADEP) 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)(1) of the Clean Water Act.

COMPENSATORY MITIGATION: In accordance with Sections 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 impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts. The applicant has stated that since the project will restore 0.23 acres of aquatic habitat with the removal of debris from the river at the end of Pier 34 and will include in-water habitat enhancement in the interpier area between Piers 34 and 35, that no additional mitigation should be required.

Additional information concerning this permit application may be obtained by calling Mr. Robert M. Deems at (215) 656-5733, via email at Robert.M.Deems@usace.army.mil, or writing this office at the above address.

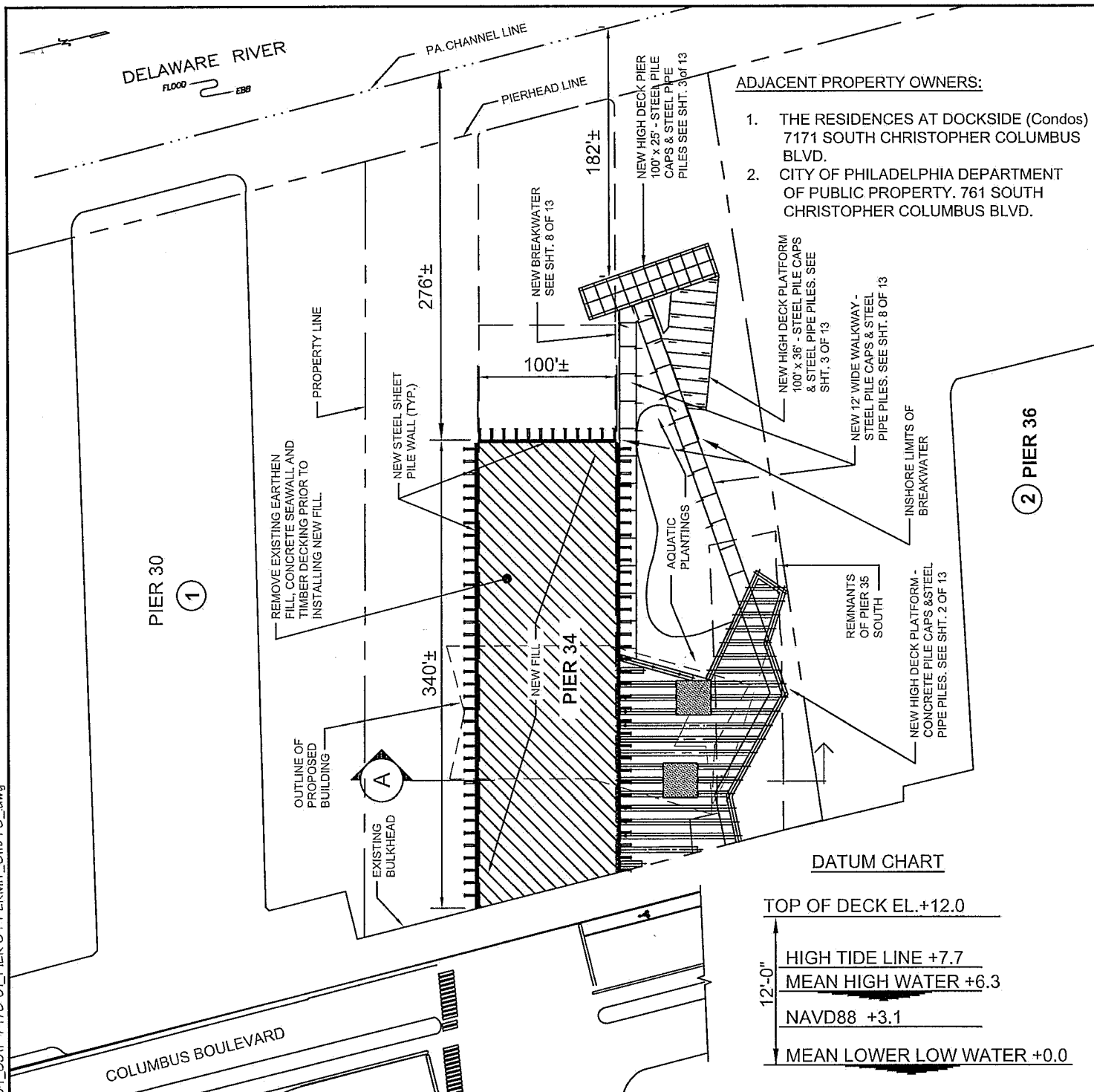


Edward E. Bonner

Chief, Regulatory Branch

Enclosure

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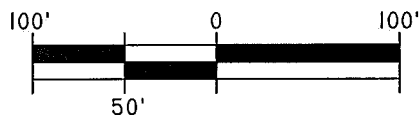


DATUM CHART

12'-0"	TOP OF DECK EL. +12.0
	HIGH TIDE LINE +7.7
	MEAN HIGH WATER +6.3
	NAVD88 +3.1
	MEAN LOWER LOW WATER +0.0

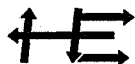
PLAN

SCALE: 1" = 100'



NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION. THIS DRAWING IS FOR PERMITTING PURPOSES ONLY.

S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS



900 Dudley Avenue
Cherry Hill, N.J. 08002
Phone 856-342-6600
Fax No. 856-342-8323

FILE No. E-2030
CONTRACT No. H-7478-01
DATE 06-12-19
SHEET No. 1 of 13

PROPOSED: PIER REHABILITATION
AT: CITY OF PHILADELPHIA
COUNTY OF: PHILADELPHIA
APPLICATION BY: DESERT DIAMOND 34 L.P.

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NOTE:
PRIOR TO INSTALLING THE NEW FILL
THE EXISTING EARTHEN FILL,
CONCRETE SEAWALL AND TIMBER
DECKING WILL REQUIRE REMOVAL.

NEW PRECAST CONCRETE
ROADWAY U-BEAMS (TYP.)

NEW
REINFORCED
CONCRETE
TOPPING

NEW 25'x25' SUPER COLUMN
FOR TOWER SUPPORT

BACK FILL

VARIES

100'±

ELEV. +12.0 ±

H.I.L. +7.7

M.H.W. +6.3

M.L.L.W. 0.0

M.L.L.W. 0.0

APPROXIMATE
MUDLINE

FOR NEW STEEL SHEET
PILING & "A" FRAME
SUPPORTS SEE SHT. 5 of 13

NEW PIPE
PILES (TYP.)

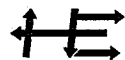
SECTION
A
SCALE: 1"=20'-0"



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Fax No. 609-342-8323

800 Hudson Square
P.O. Box 9106
Camden, N.J. 08101
609-342-6660

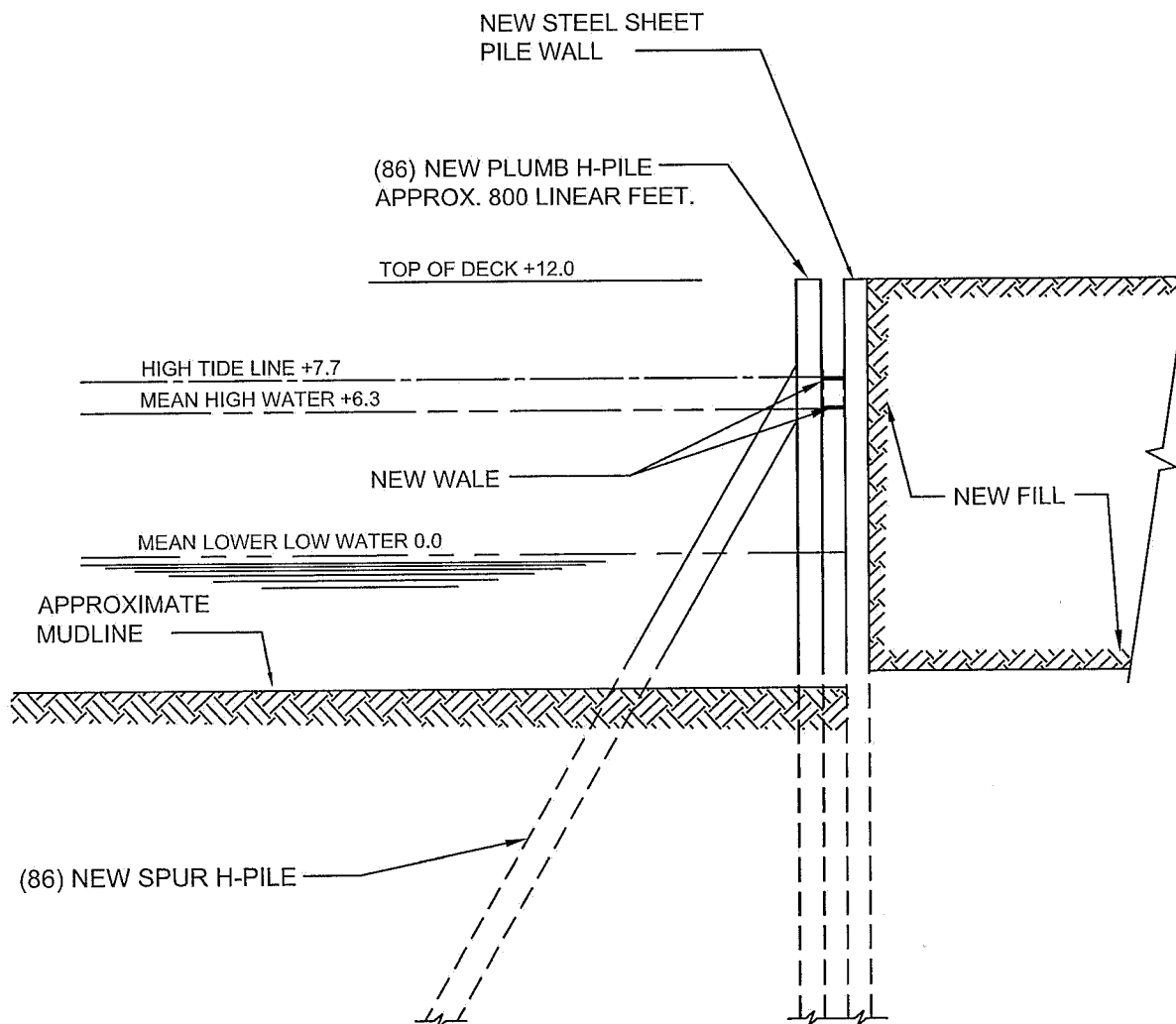
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CONTRACT No. H-7478-01
DATE 06-12-19
SHEET No. 4 of 13

PROPOSED: PIER REHABILITATION

AT: CITY OF PHILADELPHIA

COUNTY OF: PHILADELPHIA

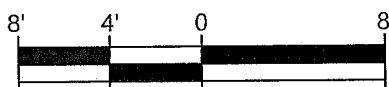
APPLICATION BY: DESERT DIAMOND 34,LP



SECTION

SCALE: 1/8"= 1'-0"

B



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Camden, N.J. 08101
609-342-660

FILE No. E-2030

CONTRACT No. H-7478-01

DATE 06-12-19

SHEET No. 5 of 13

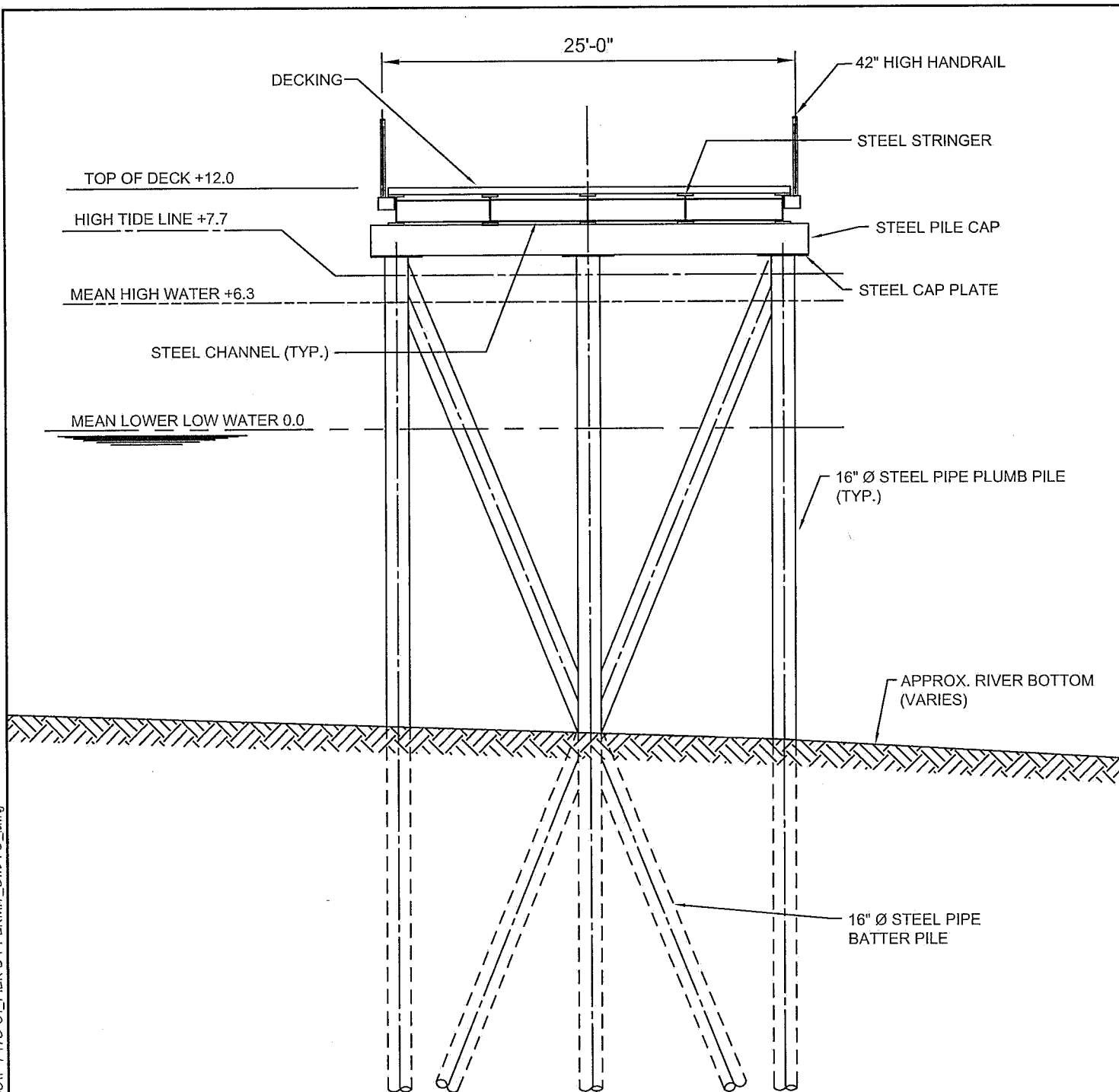
PROPOSED: PIER REHABILITATION

AT: CITY OF PHILADELPHIA

COUNTY OF: PHILADELPHIA

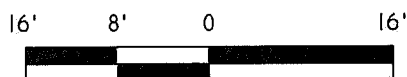
APPLICATION BY: DESERT DIAMOND 34 L.P.

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SECTION C

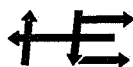
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DATE 06-12-19
SHEET No. 6 of 13

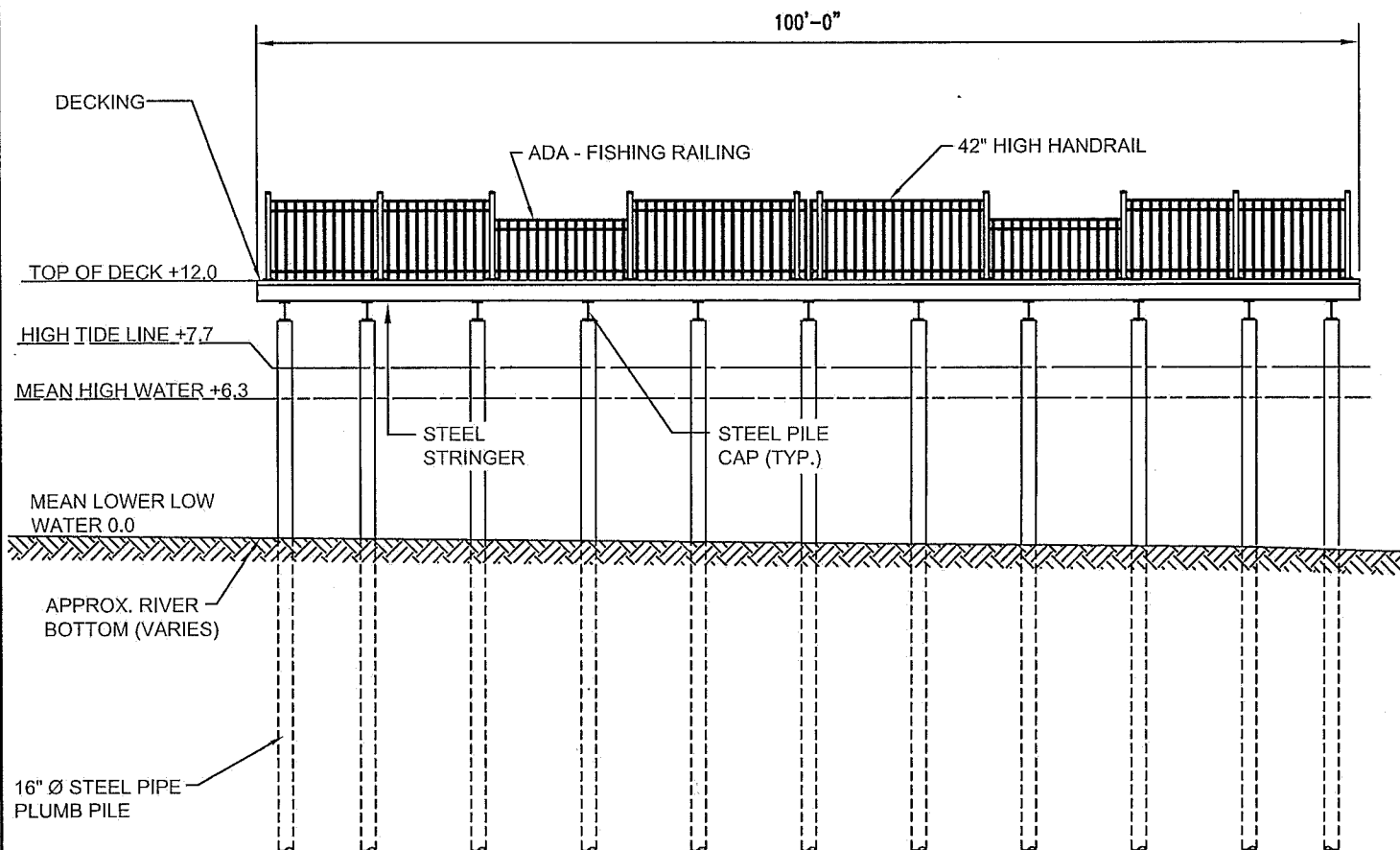
PROPOSED: PIER REHABILITATION

AT: CITY OF PHILADELPHIA

COUNTY OF: PHILADELPHIA

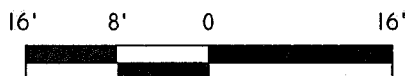
APPLICATION BY: DESERT DIAMOND 34 L.P.

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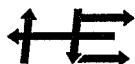
ELEVATION - HIGH DECK PIER

SCALE 1/16" = 1'-0"



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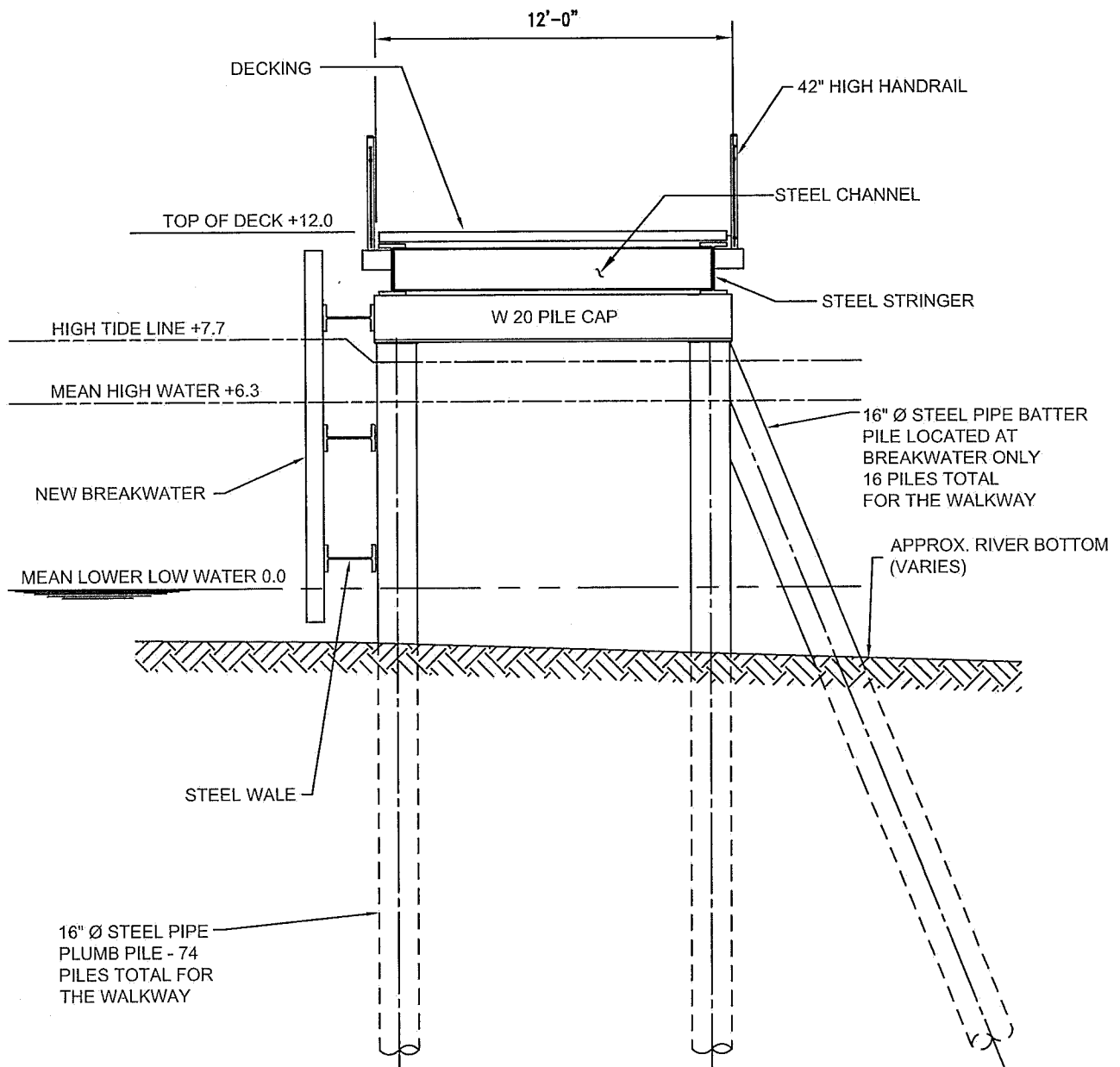
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CONTRACT No. H-7478-01
DATE 06-12-19
SHEET No. 7 of 13

PROPOSED: PIER REHABILITATION

AT: CITY OF PHILADELPHIA

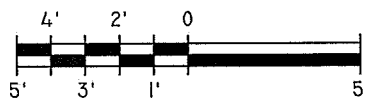
COUNTY OF: PHILADELPHIA

APPLICATION BY: DESERT DIAMOND 34 L.P.



SECTION D

SCALE: 3/16" = 1'-0"



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FILE No. E-2030
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DATE 06-12-19
SHEET No. 8 of 13

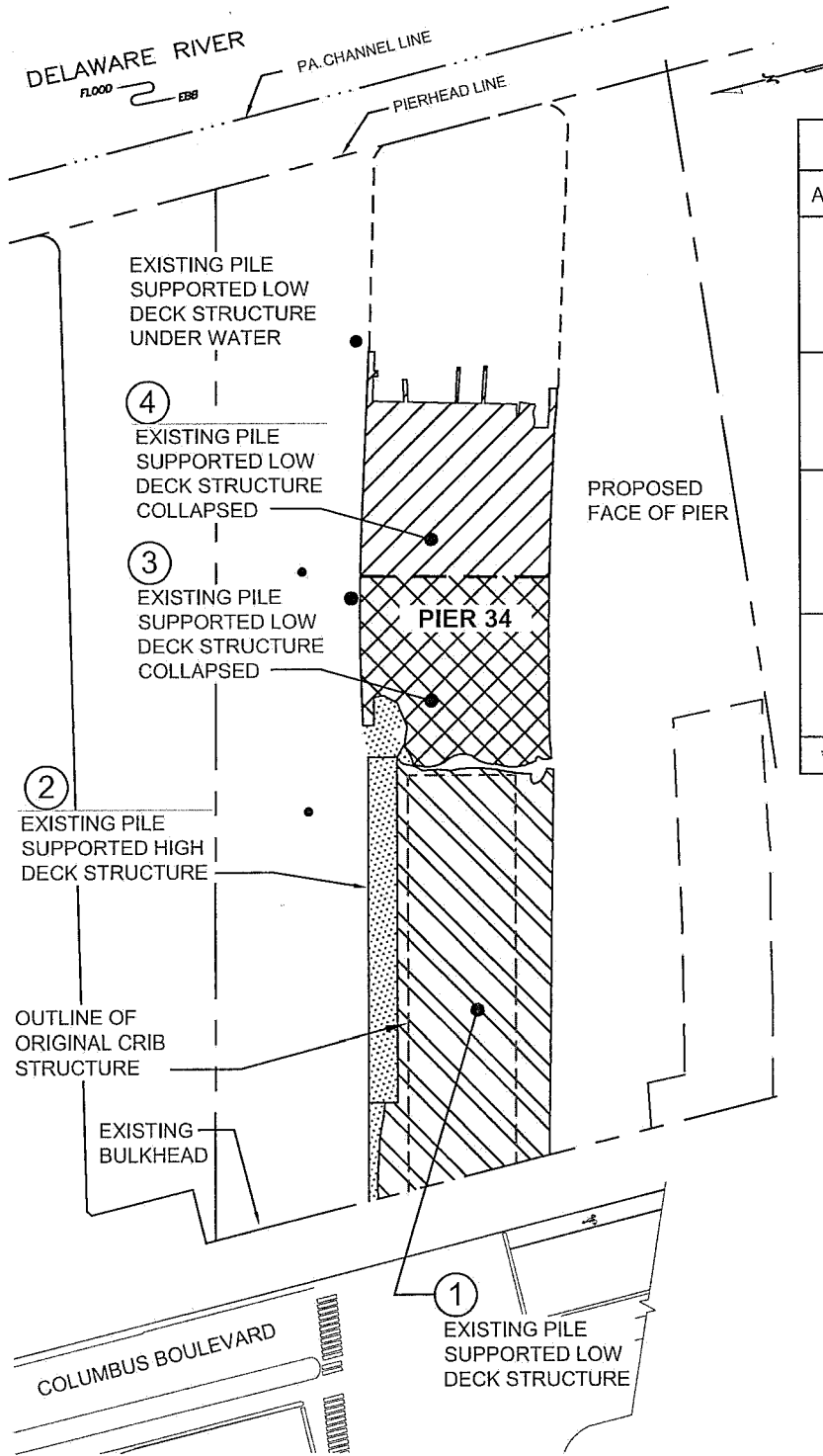
PROPOSED: PIER REHABILITATION

AT: CITY OF PHILADELPHIA

COUNTY OF: PHILADELPHIA

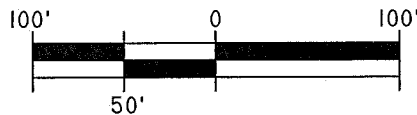
APPLICATION BY: DESERT DIAMOND L.P.

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PLAN

SCALE: 1"= 100'



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Fax No. 856-342-8323

FOOTPRINT & VOLUME OF FILL

AREA No.	SQUARE FEET	VOLUME	DESCRIPTION
①	22,300 S.F.	4,130 C.Y.	MATERIAL TO BE REMOVED AND BACK FILLED *
②	+ 3,900 S.F.	+ 1,011 C.Y.	AREA TO BE FILLED
③	11,050 S.F.	2,865 C.Y.	MATERIAL TO BE REMOVED AND BACK FILLED *
④	- 10,100 S.F.	- 2,619 C.Y.	MATERIAL TO BE REMOVED

* NO NET CHANGE

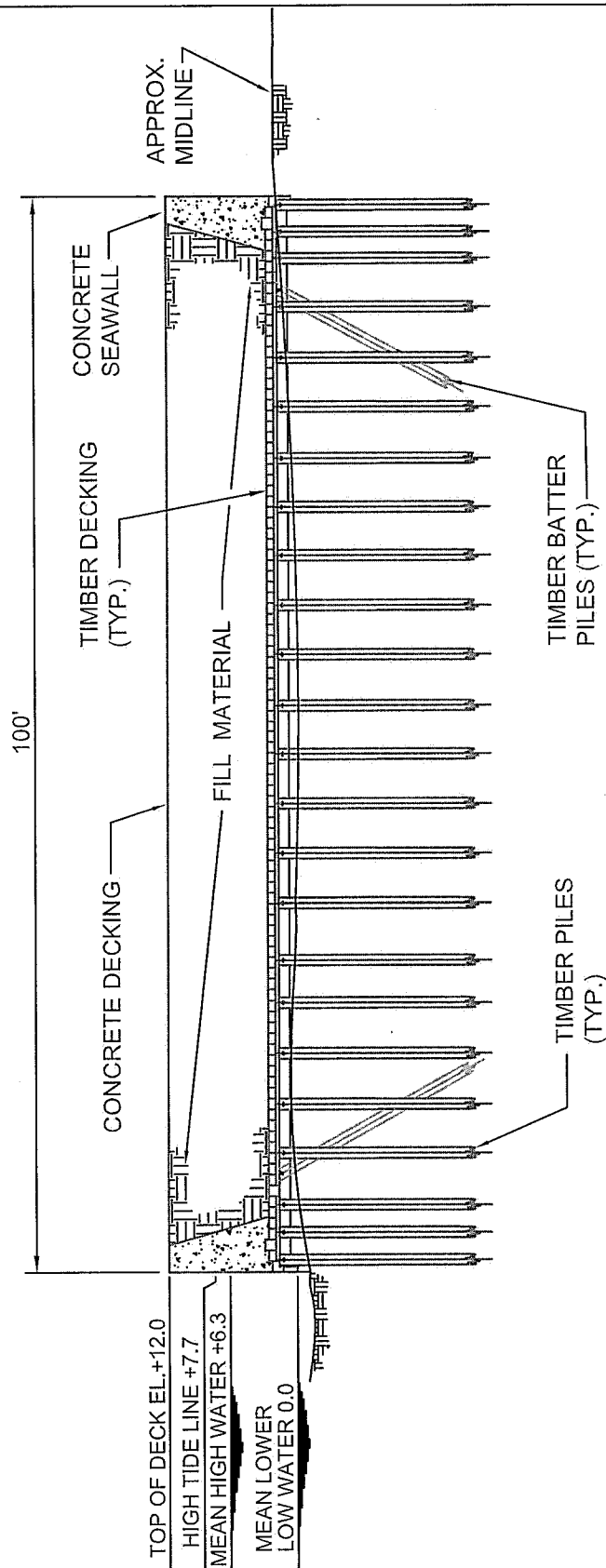
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CONTRACT No. H-7478-01
DATE 06-12-19
SHEET No. 10 of 13

PROPOSED: PIER REHABILITATION

AT: CITY OF PHILADELPHIA

COUNTY OF: PHILADELPHIA

APPLICATION BY: DESERT DIAMOND 34 L.P.



EXISTING SECTION E

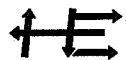
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SHEET No. 11 of 13

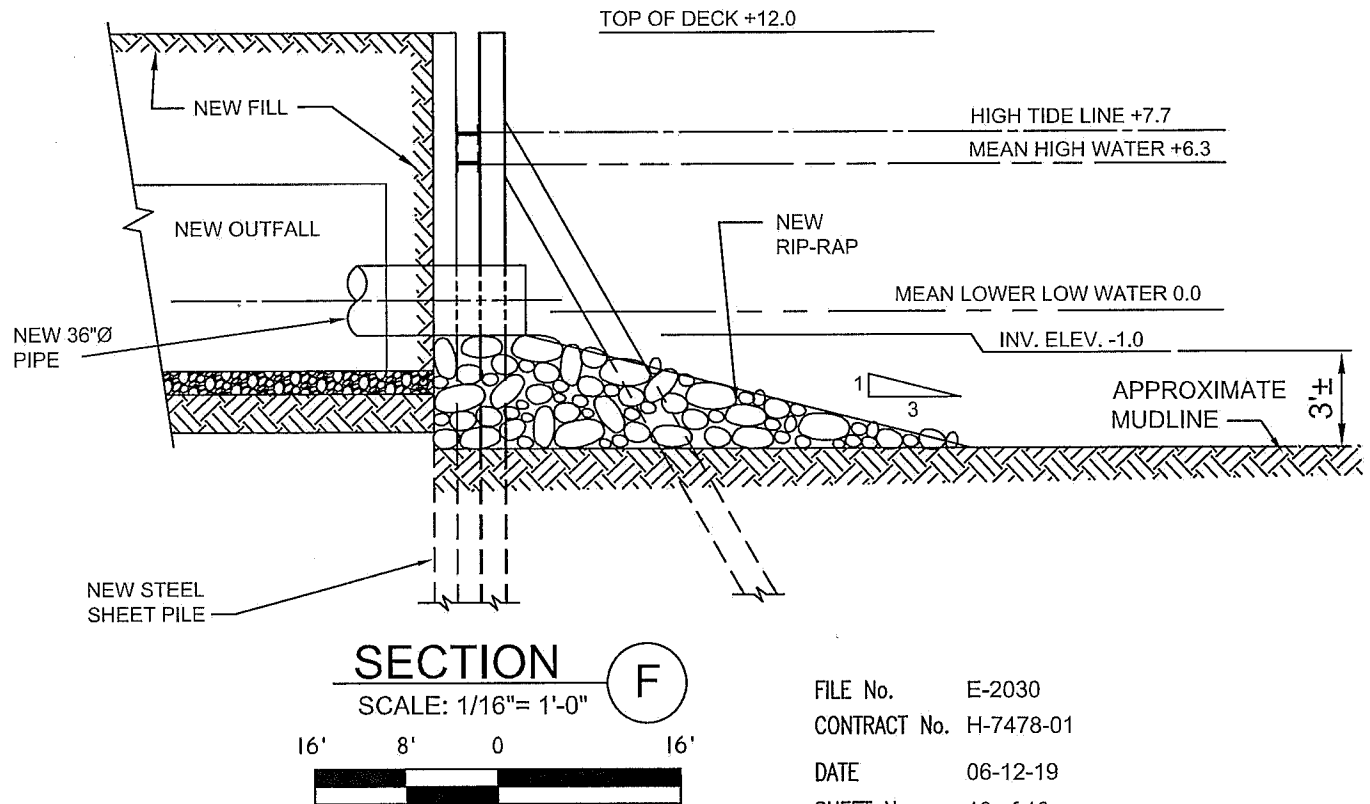
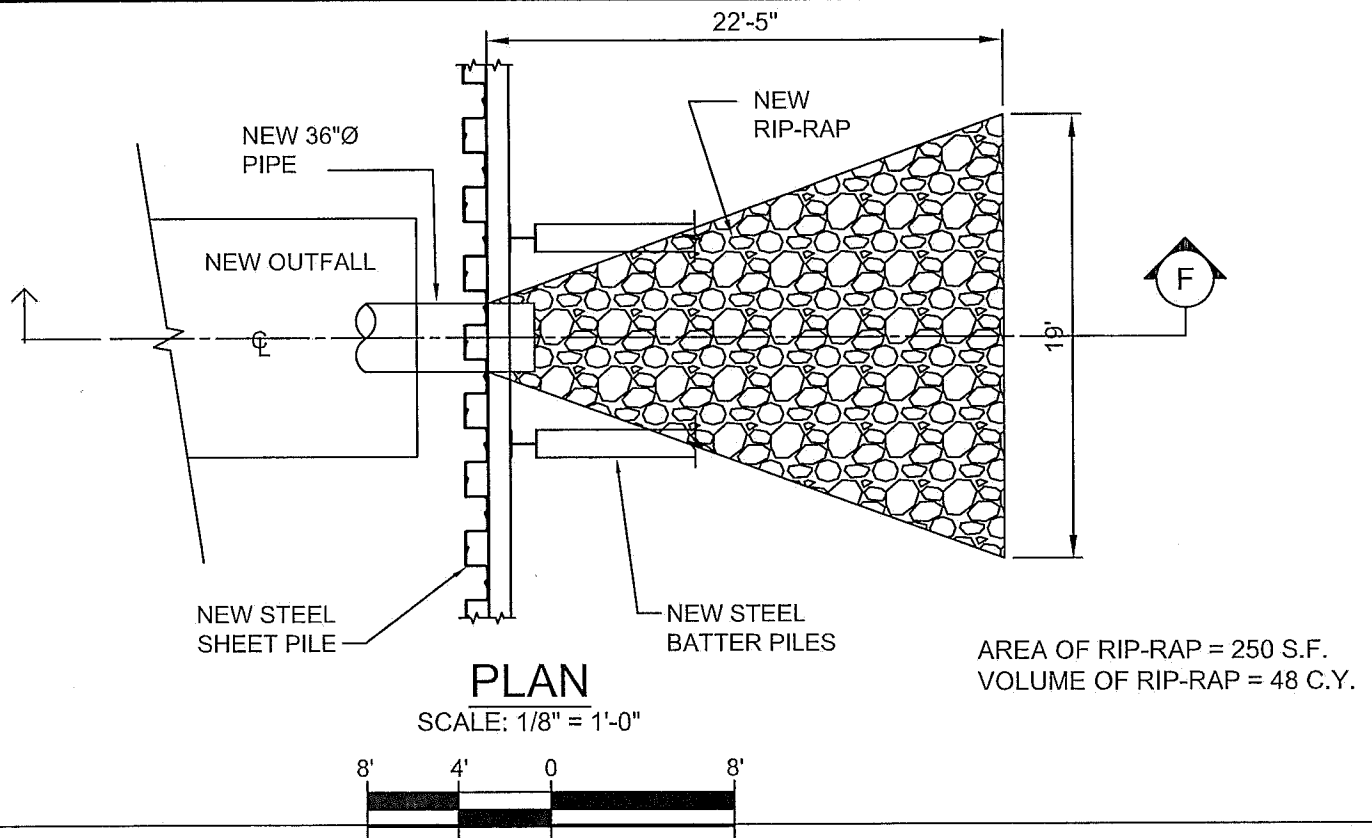
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COUNTY OF: PHILADELPHIA

APPLICATION BY: DESERT DIAMOND 34,LP

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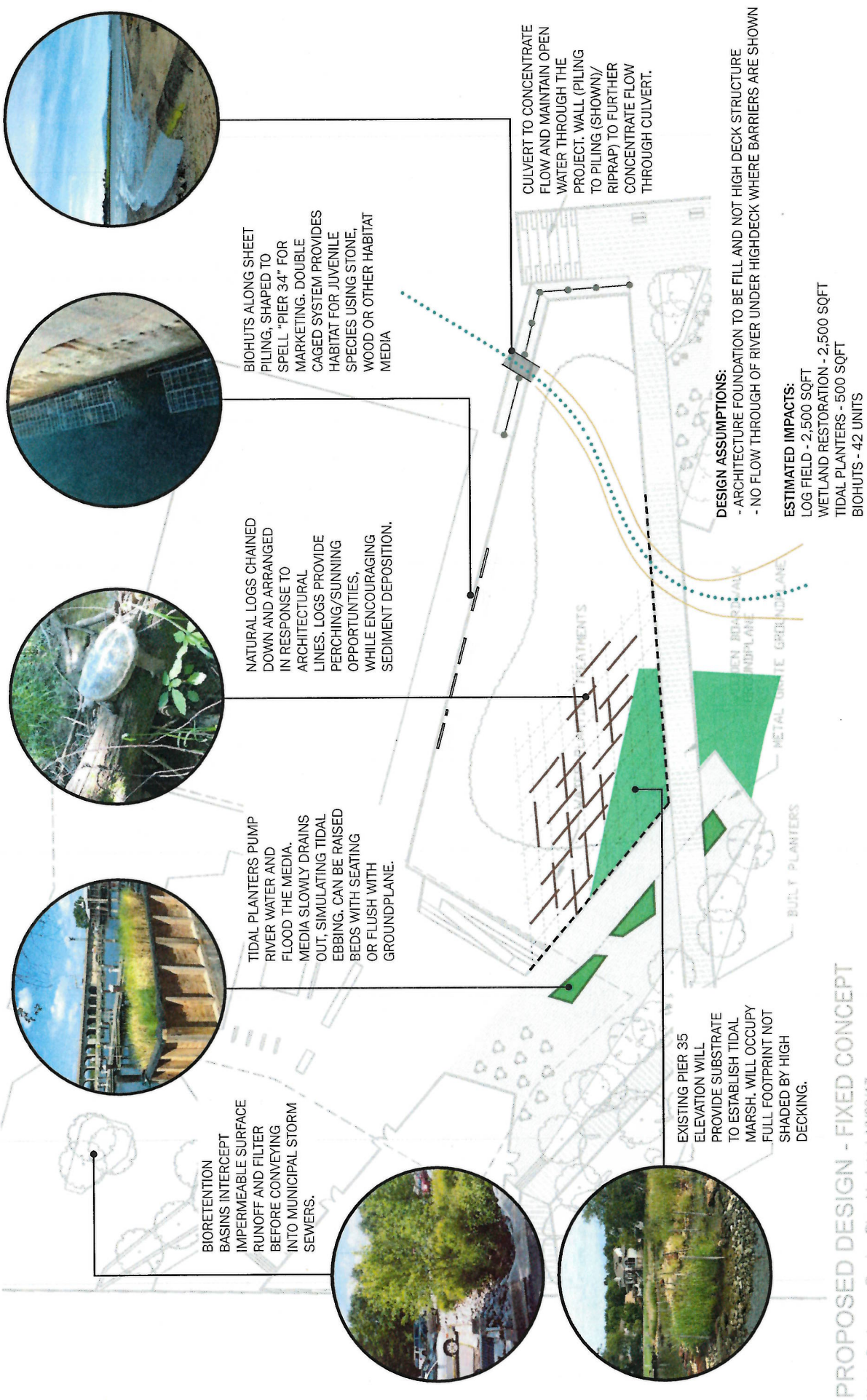
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COUNTY OF: PHILADELPHIA

APPLICATION BY: DESERT DIAMOND 34 L.P.





PROPOSED DESIGN - FIXED CONCEPT
 Not to Scale Design Plan Updated 10/23/17

PIER 34 & 35 | CONCEPT DEVELOPMENT | 20 NOVEMBER 2017