

**US Army Corps
of Engineers**
Philadelphia District

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

Public Notice

Public Notice No. CENAP-OPR-2020-00764-86	Date November 18, 2020
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Application No.	File No.
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In Reply Refer to: REGULATORY BRANCH
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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: Eugene Bailey
Diamond State Port Corporation (Port of Wilmington)
1 Hausel Road
Wilmington, DE 19801

AGENT: Paul Ferry
S.T. Hudson Engineers, Inc.
900 Dudley Avenue
Cherry Hill, NJ 08002

WATERWAY: Christina River

LOCATION: The project is located on the Christina River at the Port of Wilmington Berths, 1-7. The address of the Port is 1 Hausel Road, Wilmington, DE 19801. Longitude and latitude of the Berths general location is (39.719978, -75.526553).

ACTIVITY: The applicant is requesting a 10-year maintenance dredging permit to conduct maintenance dredging at Berths 1-7 along the Christina River at the Port of Wilmington. The dredging will be conducted hydraulically to a depth of -38 feet Mean Low Water (MLW) for Berths 1-4 and -35 feet MLW for Berths 5-7, plus 2 feet of allowable over dredge. Total volume based upon previous depths and shoaling rates can be estimated at 75,000 cubic yards per year for 10 years. The Christina River navigational channel is dredged regularly by the U.S. Army Corps of Engineers and dredging for this project will occur concurrently with main channel dredging. The dredged material will be disposed of at the U.S. Army Corps of Engineers' Wilmington Harbor South and Pedricktown South confined disposal areas.

Wilmington Harbor South is an Army Corps of Engineers-managed confined disposal facility occupying 170 acres. It is located approximately one kilometer southeast of the dredge area along the Delaware River. Pedricktown South is also a confined disposal facility managed by the Army

Corps of Engineers. It occupies 497 acres approximately six kilometers northeast of the dredge area along the Delaware River. The Army Corps of Engineers will ensure that the required volume capacity is available at the two confined disposal sites to handle the volume of both projects simultaneously prior to the start of the project.

PURPOSE: The stated purpose off the proposed activity is to maintain adequate depth for the draft of incoming and outgoing vessels at Berths 1 -7.

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. This District will forward this Public Notice to the US Fish and Wildlife Service and/or National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat may be 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 US Fish and Wildlife Service and/or 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.

Due to COVID-19, comments on the proposed work are encouraged to be submitted, by email, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District at PhiladelphiaDistrictRegulatory@usace.army.mil. If it is necessary to provide a paper copy of your comments, they should be submitted by traditional mail within 30 days to: 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 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: Compensatory mitigation is not required by this office because the proposed project does not result in a loss of function and values of the waterbody.

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.

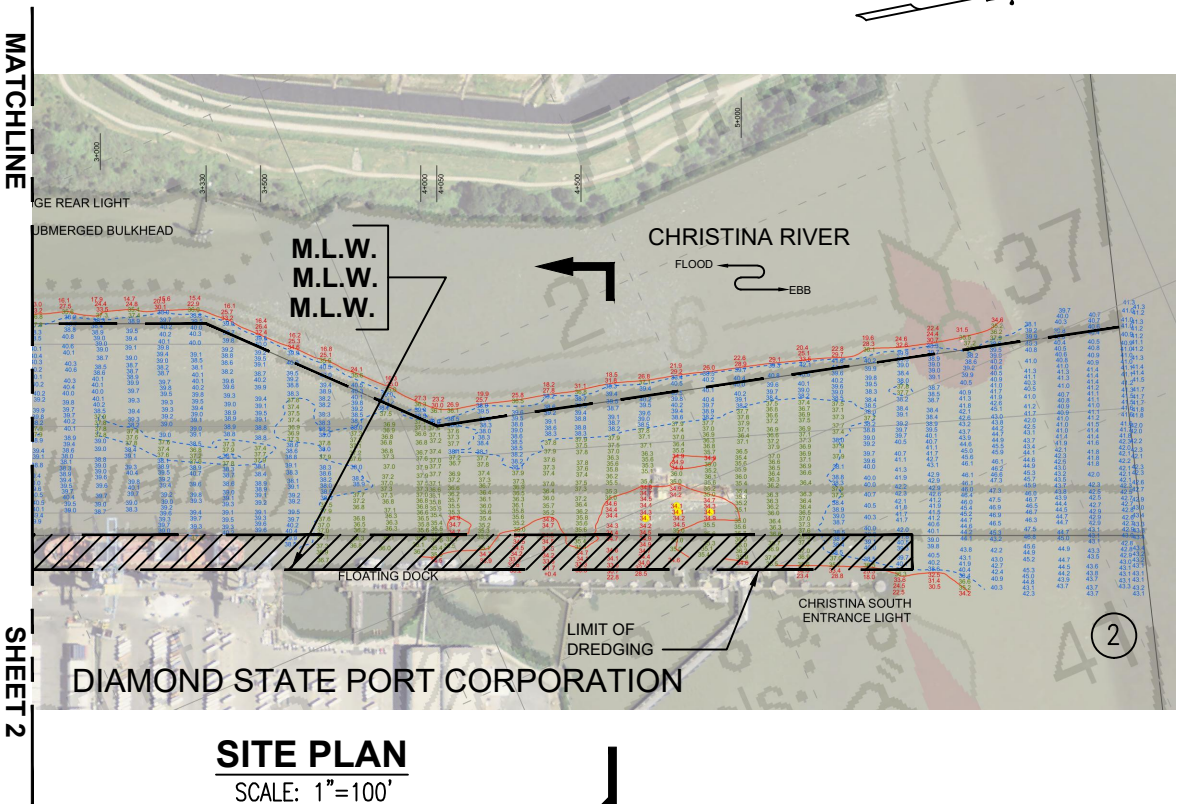
Due to COVID-19, any person may request, by email, to the District Engineer at the PhiladelphiaDistrictRegulatory@usace.army.mil, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing. If it is necessary to provide a written request by traditional mail, such request should be submitted within the comment period specified in this notice to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Additional information concerning this permit application, CENAP-OPR-2020-00764-86 may be obtained by emailing Genevieve Sarlo at Genevieve.T.Sarlo@usace.army.mil.

Todd A. Schaible
Chief, Regulatory Branch

**ADJACENT
PROPERTY OWNERS:**

- ① ALMA PROPERTIES LLC.
- ② NONE (DELAWARE RIVER)



SITE PLAN
SCALE: 1"=100'

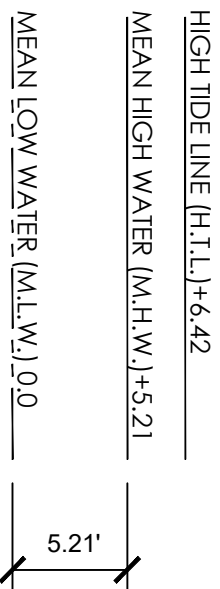
AREA TO BE DREDGED

476,150 SQUARE FEET

DREDGE QUANTITY

ESTIMATED 75,000 CUBIC YARDS
PENDING PRE-DREDGE SURVEY

DATUM CHART:



REFERENCE DRAWING:

- 1. PLAN TITLE: "WILMINGTON HARBOR, STA 0+00 TO STA 6+236.8 EXAMINATION+ BY: U.S. ARMY CORPS OF ENGINEERS FILE NO.: E-WH-08

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

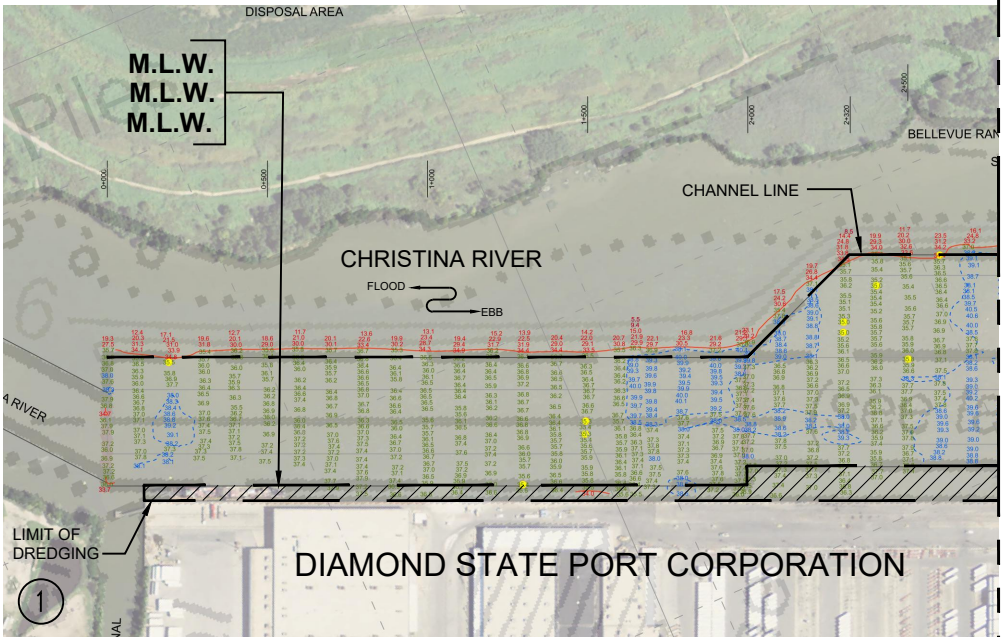
S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS
900 Dudley Avenue
Cherry Hill, NJ 08002
Phone 856-342-6600
Fax No. 856-342-8523

PROPOSED:	MAINTENANCE DREDGING
AT:	PORT OF WILMINGTON
COUNTY OF:	WILMINGTON
APPLICATION BY:	DIAMOND STATE PORT CORPORATION



MATCHLINE

SHEET 1

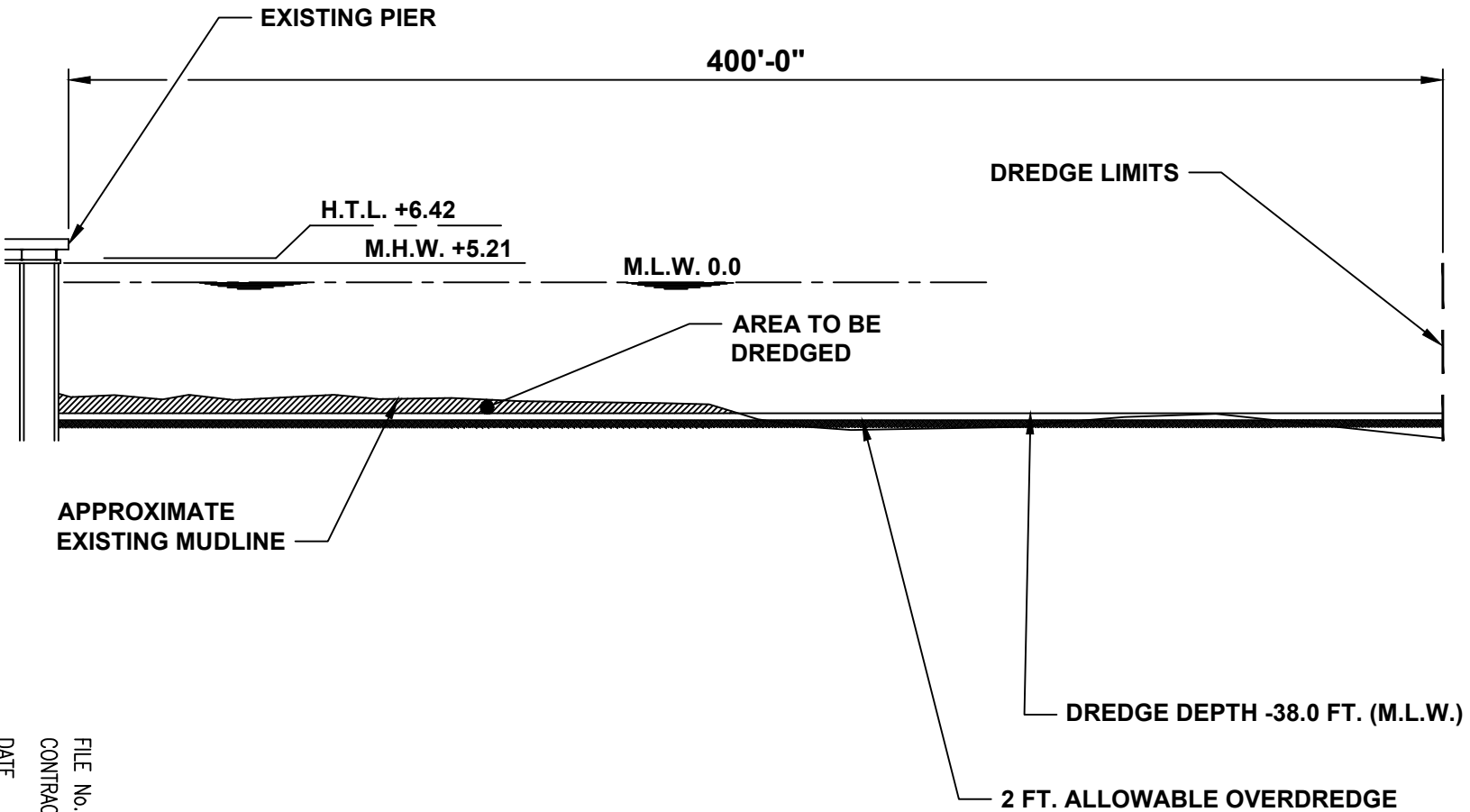


SITE PLAN
SCALE: 1"=100'

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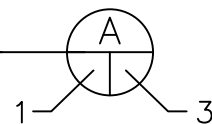
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FILE No.	G-2138
CONTRACT No.	H-7912
DATE	9/29/2020
SHEET No.	2 of 3
PROPOSED:	MAINTENANCE DREDGING
AT:	PORT OF WILMINGTON
COUNTY OF:	WILMINGTON
APPLICATION BY:	DIAMOND STATE PORT CORPORATION



SECTION

SCALE: 1"=50'



FILE No. G-2138
 CONTRACT No. H-7912
 DATE 9/29/2020
 SHEET No. 3 of 3

PROPOSED: MAINTENANCE DREDGING

AT: PORT OF WILMINGTON


COUNTY OF: WILMINGTON

APPLICATION BY: DIAMOND STATE
 PORT CORPORATION

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 PROFESSIONAL ENGINEERS & CONSULTANTS
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 Cherry Hill, NJ 08002
 Phone 856-342-6600
 Fax No. 856-342-8523





		ix	approval		S. T. HUDSON ENGINEERS, INC.																		
		approved by	for		PROFESSIONAL ENGINEERS & CONSULTANTS																		
		date			900 Dudley Ave																		
					Cherry Hill, NJ 08002																		
					Phone No. 856-342-6600																		
					Fax No. 856-342-8323																		
																							
		actual sample location			GT USA WILMINGTON, LLC.																		
		description			WILMINGTON MARINE TERMINAL																		
		seal			WILMINGTON, DELAWARE																		
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