



**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-2005-647-24** Date **June 01, 2017**

Application No. 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:** All Seasons Marina (within Neshaminy State Park)  
1300 Second Avenue  
Croydon, Pennsylvania 19021

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

**WATERWAY:** Delaware River (a man-made tidal basin off the Delaware River)

**LOCATION:** Decimal Latitude: 40.076779° North; Longitude: -74.905728° West.  
The project site is located at the Neshaminy State Park Marina (known as "All Seasons Marina"), 1300 Second Avenue, in the Croydon section of Bristol Township, Bucks County, Pennsylvania. The marina basin (to be dredged) is located along the Delaware River, on the east (up-river) side of the mouth of Neshaminy Creek. The proposed disposal site is located immediately to the east of (up-river from) the marina basin and parking lot.

**ACTIVITY:** The applicant proposes to perform maintenance dredging, by hydraulic (cutterhead – pipeline) method, within an existing marina basin. The applicant is seeking a 10-year maintenance permit, with an initial dredging followed by up to three more dredging events over the ten years. The initial dredging would remove a maximum of 21,000 cubic yards to a design depth of -4 feet at mean low water (MLW), with up to 2 feet of allowable over-dredge, for a maximum dredging depth of -6 feet (MLW). The area initially proposed for dredging is approximately 2.73 acres out of the 13.9-acre basin. With up to 21,000 cubic yards dredged in each follow-up maintenance event within the basin, the maximum volume to be dredged over 10 years would be 84,000 cubic yards. The proposed disposal site is an existing 6.4-acre confined disposal facility (CDF) located on the property immediately to the east of the marina basin and parking lot. The CDF has a weir structure whereby water would be released via pipeline to the Delaware River after settling has occurred. The marina basin was originally excavated from land in the 1960s. This office issued a prior individual permit for structures and maintenance dredging at this marina in 2006 (same Corps file number).

The applicant has also submitted an application to the Pennsylvania Department of Environmental Protection (PADEP) for the maintenance dredging (PADEP file number E09-1013).

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

- a) "Impacts to waters of the United States will be minimized through the proper operation of the confined disposal facility. Water from the dredge area will flow into the confined disposal facility. Solids will settle as the water flows toward the weir. The weir will prevent water from being discharged until adequate holding time is reached, to ensure that solids have settled out. The applicant will comply with all measures set forth in the 401 Water Quality Certification to be issued by the Pennsylvania DEP; this includes the discharge water."
- b) "We do not offer any mitigation and feel none is needed as the impacts are minimal and temporary, only occurring during the act of dredging. Furthermore, there will be no filling or permanent loss of habitat associated with this project."

**PURPOSE:** The applicant's stated purpose is: "... to ensure continued operation of the marina for ingress and egress of vessels to and from the Delaware River."

A preliminary review of this application indicates that the proposed work is not likely to adversely affect the following federally listed (endangered) species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended: shortnose sturgeon (Acipenser brevirostrum) and Atlantic sturgeon, New York Bight Distinct Population Segment (Acipenser oxyrinchus oxyrinchus). This determination is based, in part, on a proposed inclusion of a seasonal restriction prohibiting dredging between March 15 and August 31, inclusive, of any year to protect potential Atlantic sturgeon spawning in the adjacent Delaware River. With the use of an appropriate turbidity barrier, there is the potential that dredging may occur during the months of July and August (following a separate seasonal restriction described below for other fish species, which would end June 30). As the evaluation of this application continues, including consultation with the National Marine Fisheries Service (NMFS), additional information may become available which could modify this preliminary determination.

The decision whether to issue (or modify) 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 (or modification) 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 proposed permit action is within an area that has been previously disturbed and within an existing dredged material disposal area. The proposed action has little likelihood to impact historic properties eligible for or listed on the National Register of Historic Places. No further work is recommended.

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). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware," dated March 1999, and the "National Estuarine Inventory Data Atlas, Volume 1: Physical and Hydrologic Characteristics," dated November 1985, indicates that the proposed work would not have a substantial adverse effect on any managed species. The project location is within the "tidal fresh zone" of the Delaware River (i.e. less than 0.5 ppt even under low flow conditions). As such, it does not experience salinity levels within the general habitat parameters for any managed species. However, several prey species used by managed species would make use of this reach of the Delaware River. With the inclusion of a seasonal restriction prohibiting hydraulic dredging between March 1 and June 30, inclusive, of any year, impacts to these prey species would not be more than minimal. Based upon the above analysis, the Corps of Engineers has determined that the proposed project would not have a direct, indirect, site-specific, or habitat-wide impact on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH, and no other conservation recommendations are proposed at this time.

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.

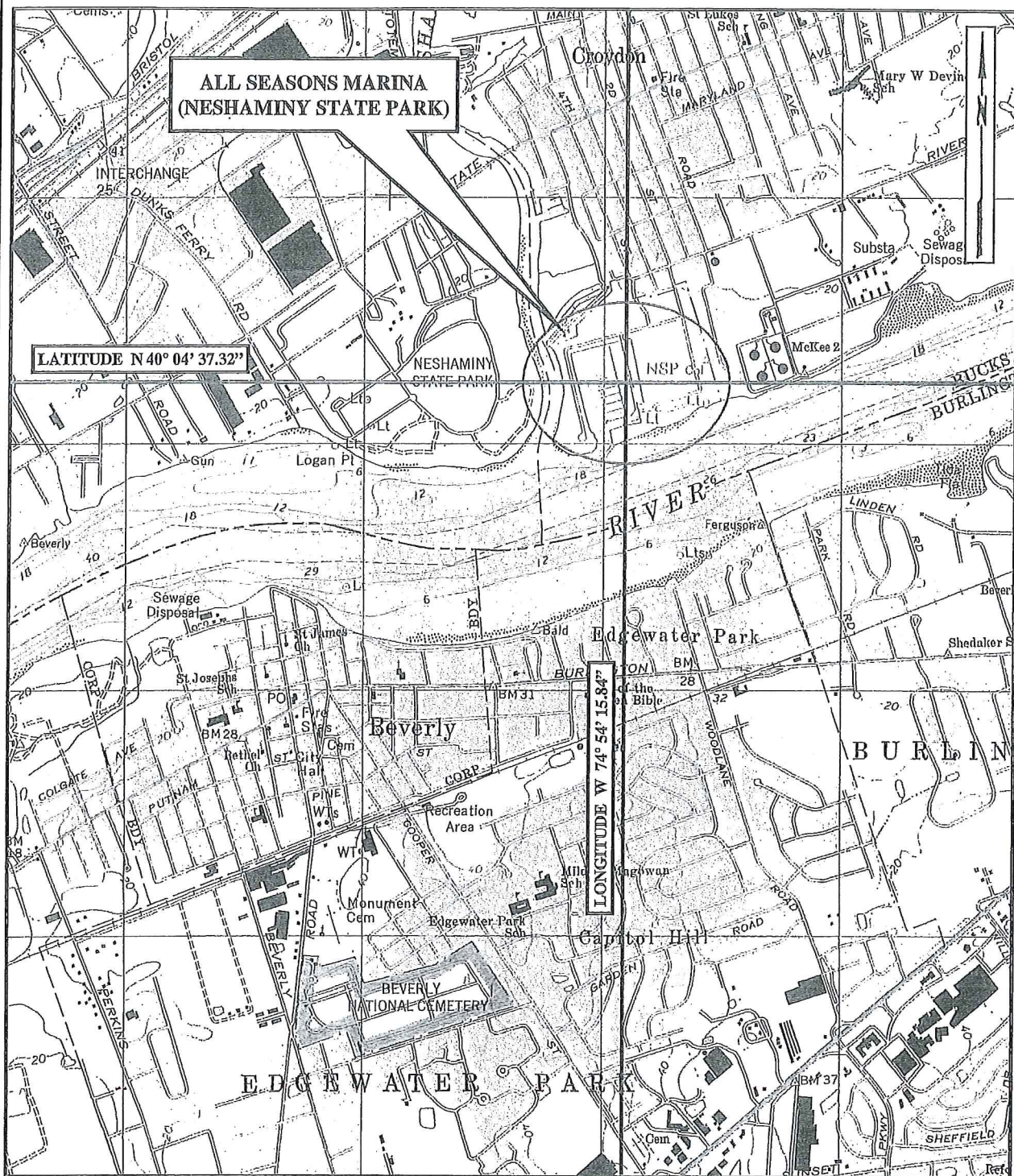
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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](mailto:James.N.Boyer@usace.army.mil), or by writing to this office at the above address.

Edward E. Bonner  
Chief, Regulatory Branch





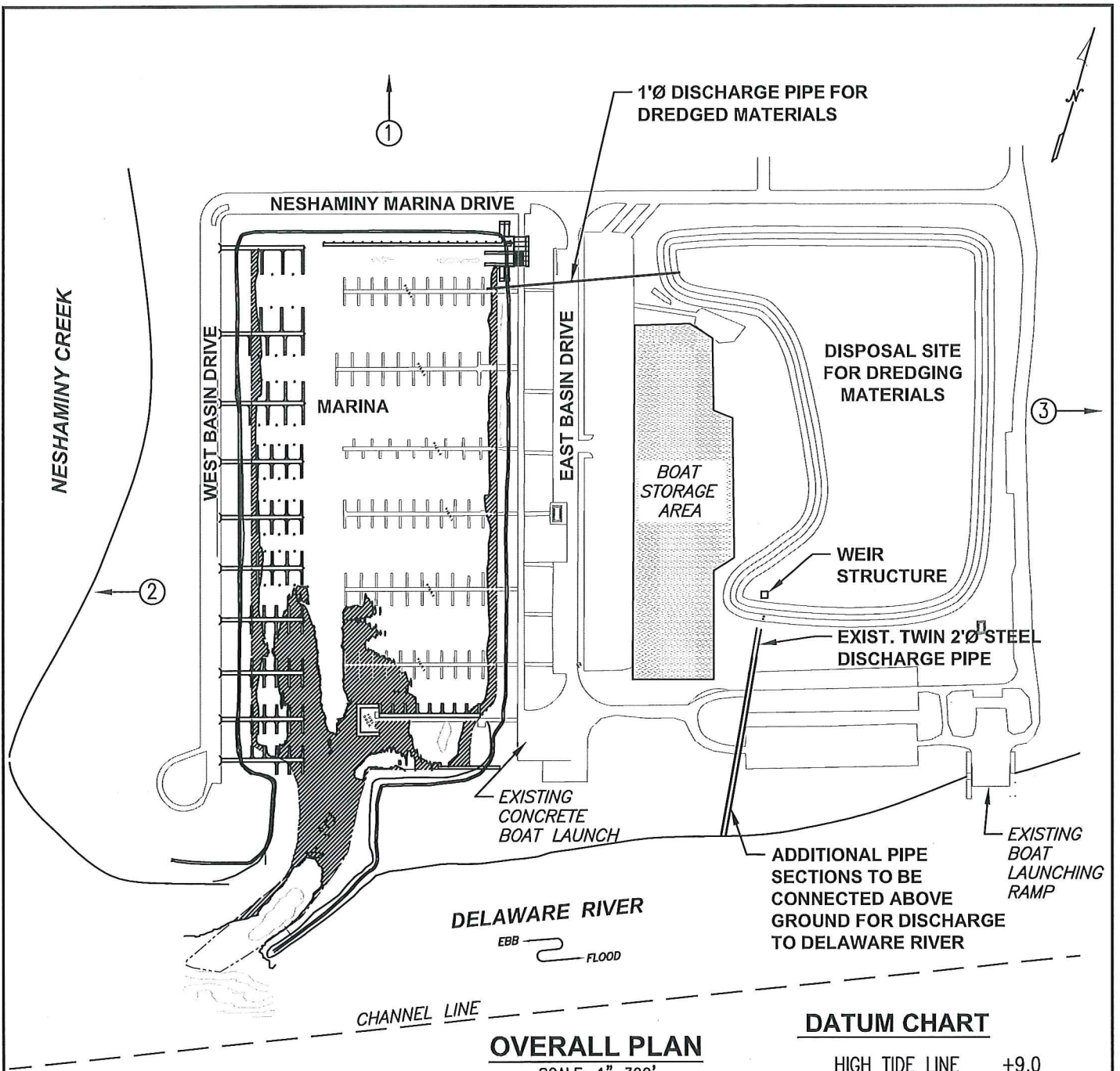
**PROJECT SITE LOCATION MAP**  
 UNITED STATES GEOLOGIC SURVEY QUADRANGLE  
 BEVERLY, NJ-PA  
 SCALE 1:24000

H-7290



S. T. HUDSON ENGINEERS, INC.





## OVERALL PLAN

SCALE: 1"=300'

### ADJACENT PROPERTY OWNERS:

① A. T. CHADWICK INC.  
100 DUNKSBERRY ROAD  
BENSALEM, PA 19020

③ CROYDON STATION  
PECO ENERGY  
2301 MARKET STREET  
PHILA. PA. 19101

② PHILADELPHIA REGIONAL PORT AUTHORITY  
3460 N. DELAWARE AVENUE  
PHILADELPHIA, PA. 19134

**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. 856-342-8323

### DATUM CHART

HIGH TIDE LINE +9.0

MEAN HIGH WATER +7.3

MEAN LOW WATER 0.0

FILE No. A-2086

CONTRACT No. H-7290

DATE 12/9/16

SHEET No. 1 of 5

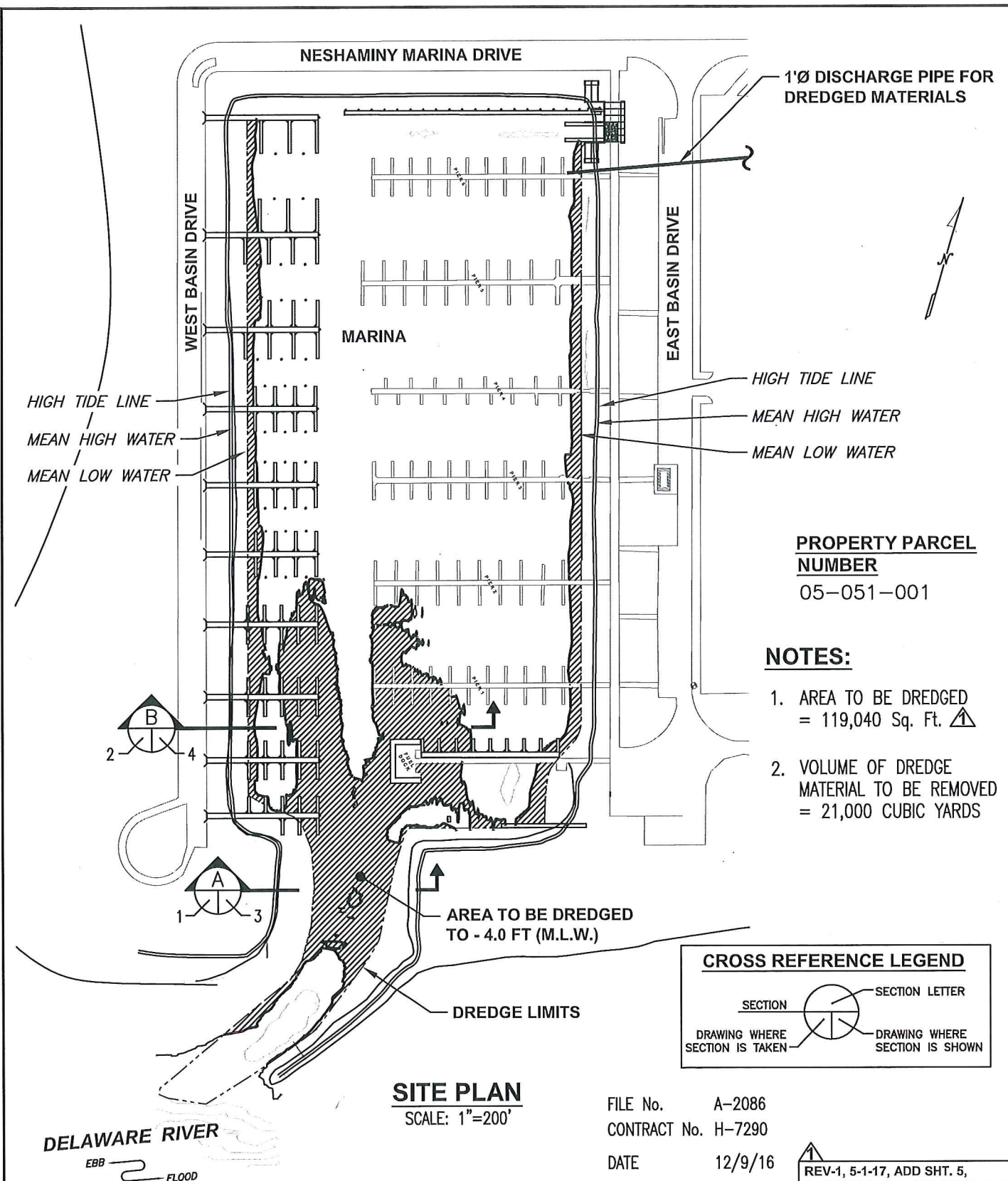
REV-1, 5-1-17, ADD SHT. 5  
& CHG PROPERTY OWNER

PROPOSED: MAINTENANCE DREDGING

AT: NESHAMINY STATE PARK  
CROYDON, PA

COUNTY OF: BUCKS COUNTY

APPLICATION BY: ALL SEASONS MARINA



### SITE PLAN

SCALE: 1"=200'

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FILE No. A-2086

CONTRACT No. H-7290

DATE 12/9/16

SHEET No. 2 of 5

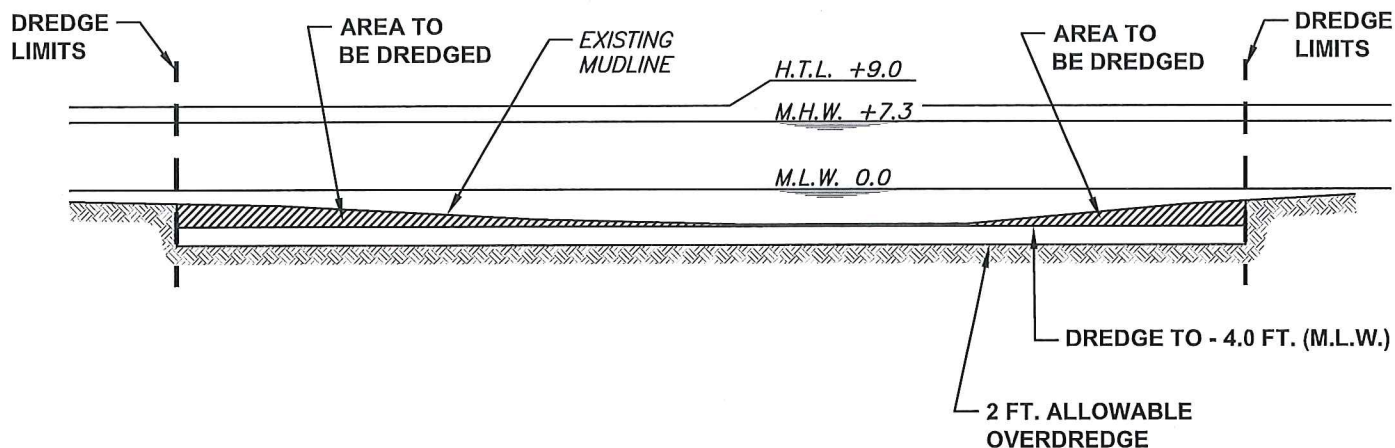
REV-1, 5-1-17, ADD SHT. 5,  
CHANGE SQ. FT. AREA NUMBER

PROPOSED: MAINTENANCE DREDGING

AT: NESHAMINY STATE PARK  
CROYDON, PA

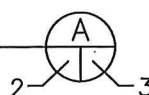
COUNTY OF: BUCKS COUNTY

APPLICATION BY: ALL SEASONS MARINA



# **SECTION**

SCALE: 1"=20'



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FILE No. N-2086

CONTRACT No. H-7290

DATE 12/9/16

SHEET No. 3 of 5

REV-1, 5-1-17, ADD SHT. 5

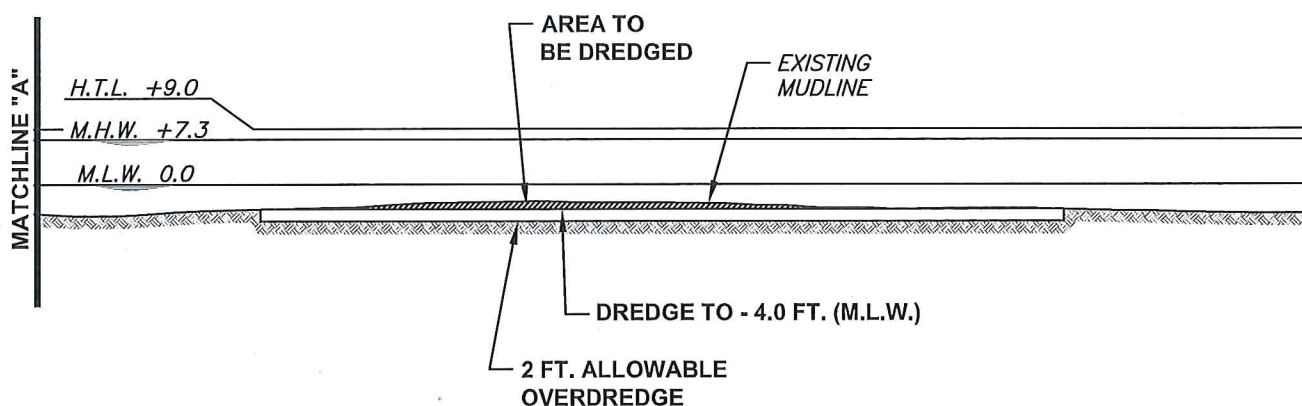
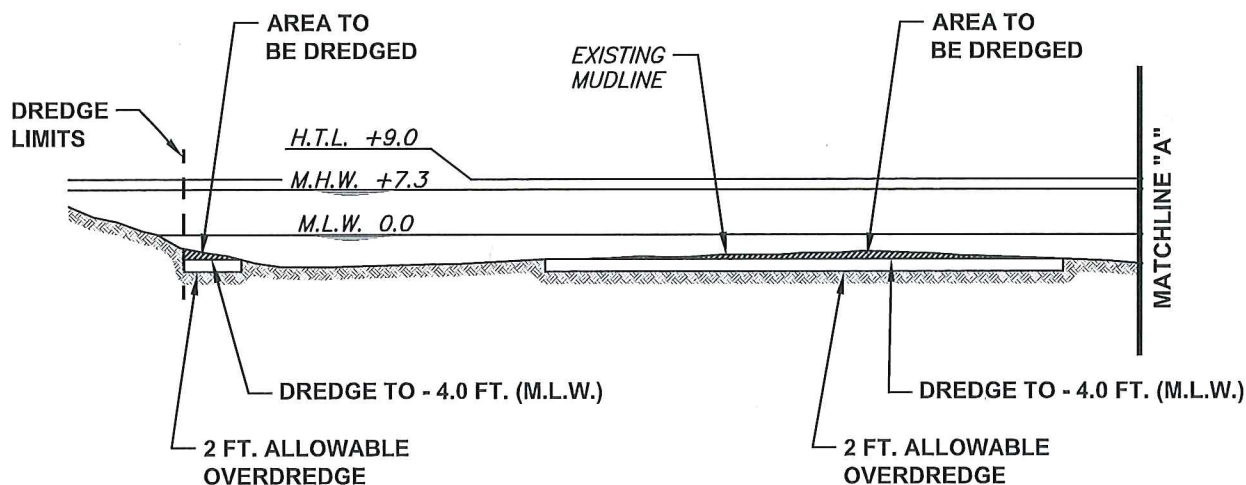
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AT: NESHAMINY STATE PARK  
CROYDON, PA

COUNTY OF: BUCKS COUNTY

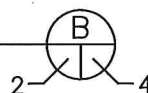
APPLICATION BY: ALL SEASONS MARINA





# SECTION

SCALE: 1"=30'



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Cherry Hill, NJ 08002  
Phone 856-342-6600  
Fax No. 856-342-8323

FILE No. A-2086

CONTRACT No. H-7290

DATE 12/9/16

SHEET No. 4 of 5

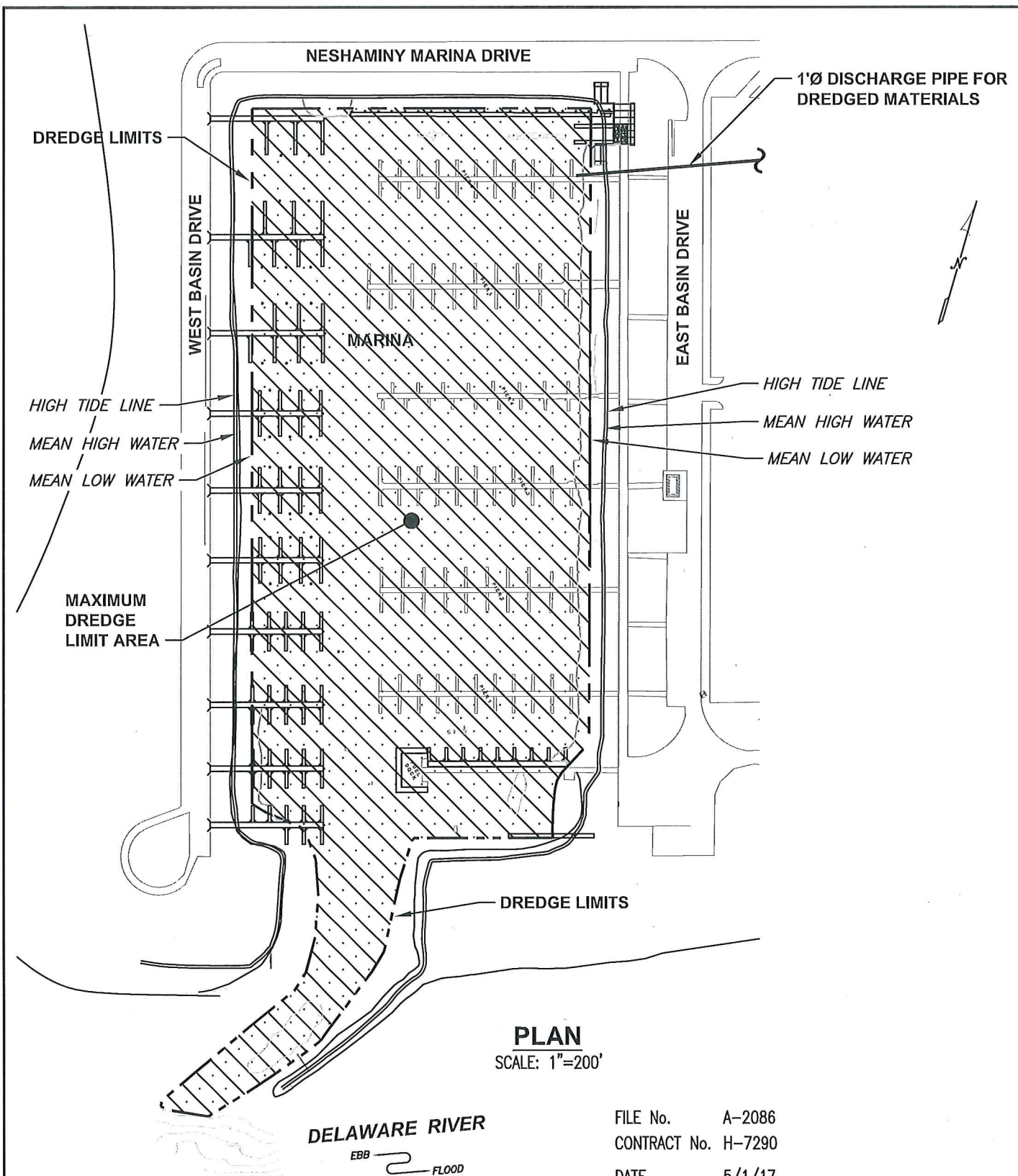
REV-1, 5-1-17, ADD SHT. 5

PROPOSED: MAINTENANCE DREDGING

AT: NESHAMINY STATE PARK  
CROYDON, PA

COUNTY OF: BUCKS COUNTY

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CONTRACT No. H-7290  
DATE 5/1/17  
SHEET No. 5 of 5

PROPOSED:	MAINTENANCE DREDGING
AT:	NESHAMINY STATE PARK CROYDON, PA
COUNTY OF:	BUCKS COUNTY
APPLICATION BY:	ALL SEASONS MARINA