

**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-2016-00323-84

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.

APPLICANTS: Sunoco Logistics Partners, LP (SXL) and Monroe Interstate Pipeline Company (MIPC)

AGENT: Mr. James Michael McGinley
STV Energy Service, Inc.
205 West Welsh Drive
Douglassville, Pennsylvania 19518

WATERWAY: Delaware River

LOCATION: The project is located on the Delaware River at approximate river mile 84. The project would extend from uplands adjacent to an existing Sunoco mooring facility along Hog Island Road in Tinicum Township, Delaware County, Pennsylvania along an existing right-of-way under the Delaware River for a distance of approximately 6500 linear feet to uplands in West Deptford Township, Gloucester County, New Jersey. Coordinates for the center point in the Delaware River are: Latitude 39.865432⁰N and Longitude 75.217877⁰W.

ACTIVITY: Sunoco Logistics Partners LP (SXL) owns and operates a 12 inch petroleum pipeline under the Delaware River and Monroe Interstate Pipeline Company (MIPC) owns and operates an 8-inch petroleum pipeline immediately adjacent and parallel. The applicants are proposing to replace these existing pipelines in the same general location. The proposed pipeline replacements would extend from uplands in Tinicum Township, Pennsylvania to uplands in West Deptford Township, New Jersey. The total distance of new pipelines would be approximately 6500 linear feet. The pipelines would be installed by horizontal directional drilling (HDD) method. The proposed pipelines would be located approximately 80 feet below mean low water elevation which would provide approximately 35 feet of clearance below the 45-foot Federal navigation channel, Philadelphia to the Sea. There would be no dredging or fill activities in the Delaware River associated with the proposed pipeline installation work.

Once the proposed pipelines are in place, a portion of the existing pipelines would be removed. The section of existing pipelines beneath the authorized navigation channel and additional sections on the Pennsylvania and New Jersey side of the channel measuring a total distance of approximately 1254 linear feet would be removed. These sections of existing pipeline are located between 5 and 10 feet below the authorized channel depth. A single trench measuring approximately 20-feet wide would be excavated along these existing pipelines by bucket dredge to expose the pipelines for removal. The dredged materials would be loaded onto barges for disposal at an authorized dredged material disposal area. The Whites Basin disposal area in Logan Township, Gloucester County, New Jersey has been identified as a tentative disposal location. Additional hand jetting may be required to adequately expose each pipeline for removal. Once each pipeline is exposed, sections of pipeline would be cut in to manageable sections with available underwater technologies such as reciprocating saws or torches and removed. The remaining sections of pipelines would be plugged and abandoned in place. Once the removal work is completed, the trench would be allowed to re-fill itself naturally with river sediments.

PURPOSE: The purpose of the proposed work is to provide adequate burial and clearance of submerged pipelines under the Federal navigation channel. The U.S. Army Corps of Engineers now requires pipelines under the Delaware River navigation channel, Philadelphia to the Sea, to be a minimum of 25 feet below the authorized channel depth with a minimum of 15 feet of cover to provide safety to the pipelines and any vessels transiting the Federal channel. The proposed work would satisfy this safety requirement.

The Delaware River is known to support Shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) from any one of five separate distinct population segments (DPS). It is also noted that the National Marine Fisheries Service (NMFS) has published a proposal to designate a portion of the Delaware River as critical habitat for the New York Bight DPS of Atlantic sturgeon. A preliminary review of this application indicates that the proposed work may affect but is not likely to adversely affect either of these two sturgeon species. This preliminary determination has also concluded that the proposed work is not likely to destroy or adversely modify any critical habitat for these species pursuant to Section 7 of the Endangered Species Act as amended. An informal consultation will be conducted with NMFS for concurrence with these determinations.

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.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

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 review 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, specifically page specifically page 107, the Delaware Bay mixing zone is described below.

The project site is located at approximately river mile 84. Based upon an estuary map previously developed by the NOAA the project is located in a portion of the Delaware River designated as the mixing zone where salinities may exceed 0.5 parts per thousand (ppt). However, the functional mixing zone is generally identified as those areas of the Delaware River where salinity levels meet or exceed 5.0 ppt. The upstream reach of this salinity level is driven by river flows which vary on a seasonal basis. Based upon a review of data gathered by the Delaware River Basin Commission (DRBC) salinity levels at the project site are less than 5.0 ppt with the exception of extreme drought conditions (<http://www.nj.gov/drbc/hydrological/river/salt/index.html>). The managed species described by the National Marine Fisheries Service for the Delaware River mixing zone are generally marine species that migrate into estuarine waters during the spring and summer months. During this general time frame water flows in the Delaware River are also higher resulting in lower salinity levels at this project site which would be below the salinity levels where the managed species would be expected to occur. As such, it has been determined that the proposed work would not affect any designated essential fish habitat. However, the Delaware River does support anadromous fisheries, specifically river herring (alewife and blue back herring) that are considered prey species for managed species. As such adverse effects to these prey species would be considered adverse effects to designated essential fish habitat located downstream of the project site.

The installation of the proposed pipelines through directional drilling (HDD) would not disturb any habitat within the Delaware River and as such would not affect any EFH resources. The dredging activities to expose and remove the existing pipelines would generate increased turbidity levels in the Delaware River within the general project vicinity. This disturbance

would be temporary while the pipelines are being removed. With the inclusion of appropriate seasonal restrictions for the proposed dredging and pipeline removal work impacts to anadromous fisheries migrations can be avoided and any adverse effects to EFH resources would be minor.

Compensatory mitigation: The applicant has not proposed any compensatory mitigation. The proposed work would not involve any filling or loss of wetland habitat or waters of the United States.

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.

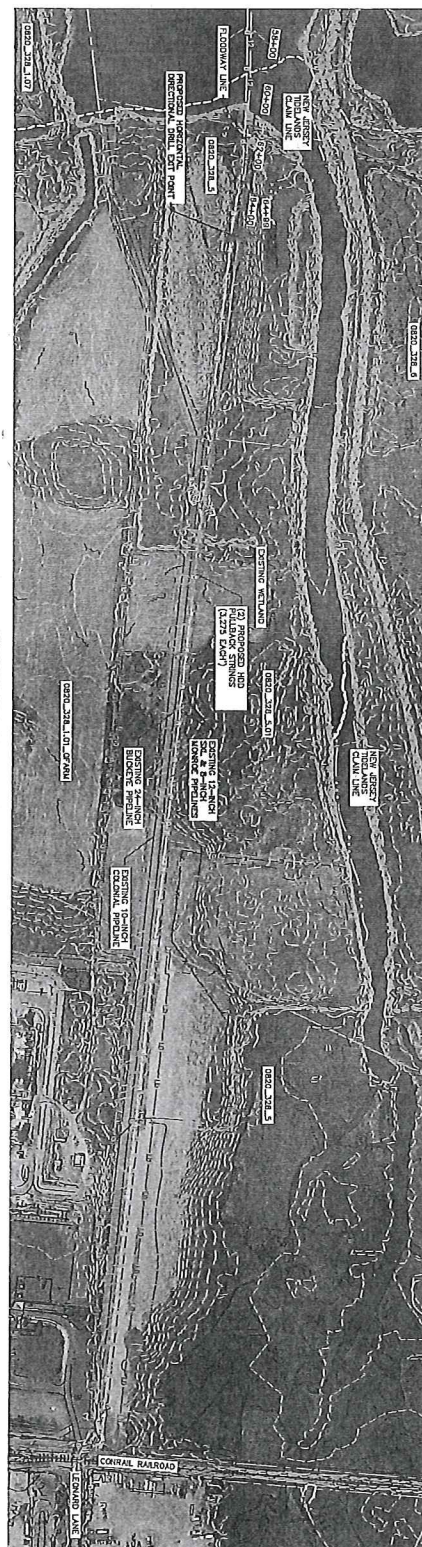
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to the States with a copy to this office.

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 Mr. Brian Anthony at 215-656-6725, via email at brian.r.anthony@usace.army.mil, or writing this office at the above address.


Edward E. Bonner
Chief, Regulatory Branch



PROPOSED HDD ENTRY AREA
SCALE: 1"=200'

GRAPHIC SCALE
200' 0 200' 400'
1"=200'

THE LOCATION OF THE PIPELINE FACILITIES AS SHOWN HEREON MUST BE CONSIDERED AS APPROXIMATE ONLY. BEFORE DIGGING OR FOR AN EXACT LOCATION PLEASE CONTACT YOUR STATES UNDERGROUND UTILITY LOCATION SERVICE.



CHRISTOPHER D. ANTON
PE-057385-E

HEATH KEARNEY
PROFESSIONAL ENGINEER
NEW JERSEY LIC. NO. 50000

ENGINEERING RECORD	
DRAWN BY	DJM
CHECKED BY	WMS
APPROVED BY	
DATE	04-12-16
SCALE	AS SHOWN

OLD DRAWING NO.

PRELIMINARY

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