

**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-2016-0970-24

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).

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: Philly Shipyard

AGENT: Advantage Engineers, LLC
520 Fellowship Road, Suite A-106
Mt. Laurel, New Jersey 08054

WATERWAY: Delaware River

LOCATION: Decimal Latitude: 39.885263° North; Longitude: -75.191153° West. The location of the proposed dredging is within the Delaware River adjacent to the applicant's shipyard facility, along the north shore of the Delaware River, immediately up-river from the mouth of the Schuylkill River, within The Navy Yard campus in the City of Philadelphia, Philadelphia County, Pennsylvania. The proposed site for disposal of dredged material is the Whites Basin rehandling basin and associated upland confined disposal facility located on the north side of the Commodore Barry Bridge (U.S. Route 322), in Logan Township, Gloucester County, New Jersey. Location maps for the proposed dredging and disposal sites are included.

ACTIVITY: The applicant proposes to perform maintenance dredging of the entrance or access areas to their Dry Docks 4 and 5, including 10 years of maintenance dredging. Dredging would be by mechanical or bucket method, within an area encompassing a maximum of 1.411 acres (total for both areas). The proposed initial dredging volume would be 31,096 cubic yards, to a depth of -40.0' MLLW with an additional 2 feet of allowable over-dredge for a total proposed depth of -42.0' MLLW (-42.19 feet below mean low water). The applicant anticipates a maximum of three additional dredging events within 10 years (following the initial event), with no more than 50,000 cubic yards for each such event.

All dredged material would be transported by water-tight scows to the indicated disposal site. At the Whites Basin disposal facility in Logan Township, material would be bottom-dumped within the existing rehandling basin for subsequent hydraulic pumping to the adjacent upland confined disposal facility. Operation of the Whites Basin disposal facility is currently authorized under

CENAP-OP-R-2013-696-46. The applicant has stated that the sediments to be dredged are primarily comprised of silt/clay material with some sand.

This office previously issued a 10-year maintenance dredging permit to the previous owner of this facility on December 9, 2002 (Kvaerner Philadelphia Shipyard, Corps file CENAP-OP-R-2002-1625-1). Operation of the Whites Basin disposal facility is currently authorized under Corps permit CENAP-OP-R-2013-696-46.

The previous owner of this facility has previously (2001) received concurrence from the Commonwealth of Pennsylvania that proposed maintenance dredging of these areas is consistent with their Coastal Zone Management Program (PADEP file number E51-174). In addition, the applicant has applied to the New Jersey Department of Environmental Protection for a Section 401 Water Quality Certificate (WQC) for the discharge of the dredged material into the Whites Basin rehandling basin and the subsequent return water from the associated upland confined disposal facility (NJDEP file number 0000-16-0024.1).

PURPOSE: The applicant's stated project purpose is to ensure the continued successful operation of these two dry docks.

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 June 30, inclusive, of any year. 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 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 15 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 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 area. With the inclusion of a seasonal restriction prohibiting dredging between March 15 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 (i.e. New Jersey) in which any discharge of dredged material would take place (i.e. any disposal at Whites Basin). 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.

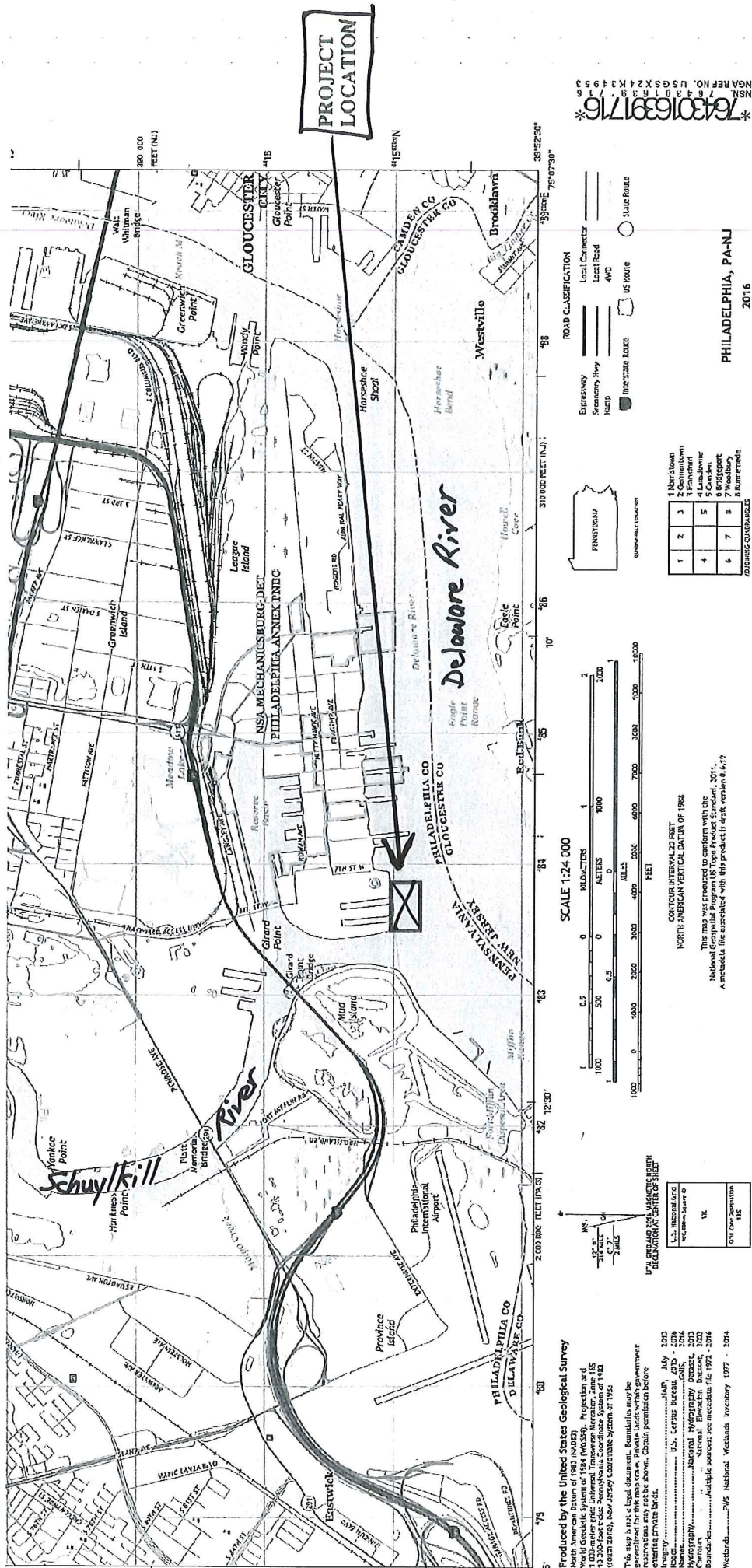
Compensatory Mitigation: The applicant is not proposing any placement of dredged or fill material in waters or wetlands at the dredging site. As such, compensatory mitigation has not been proposed and is not anticipated.

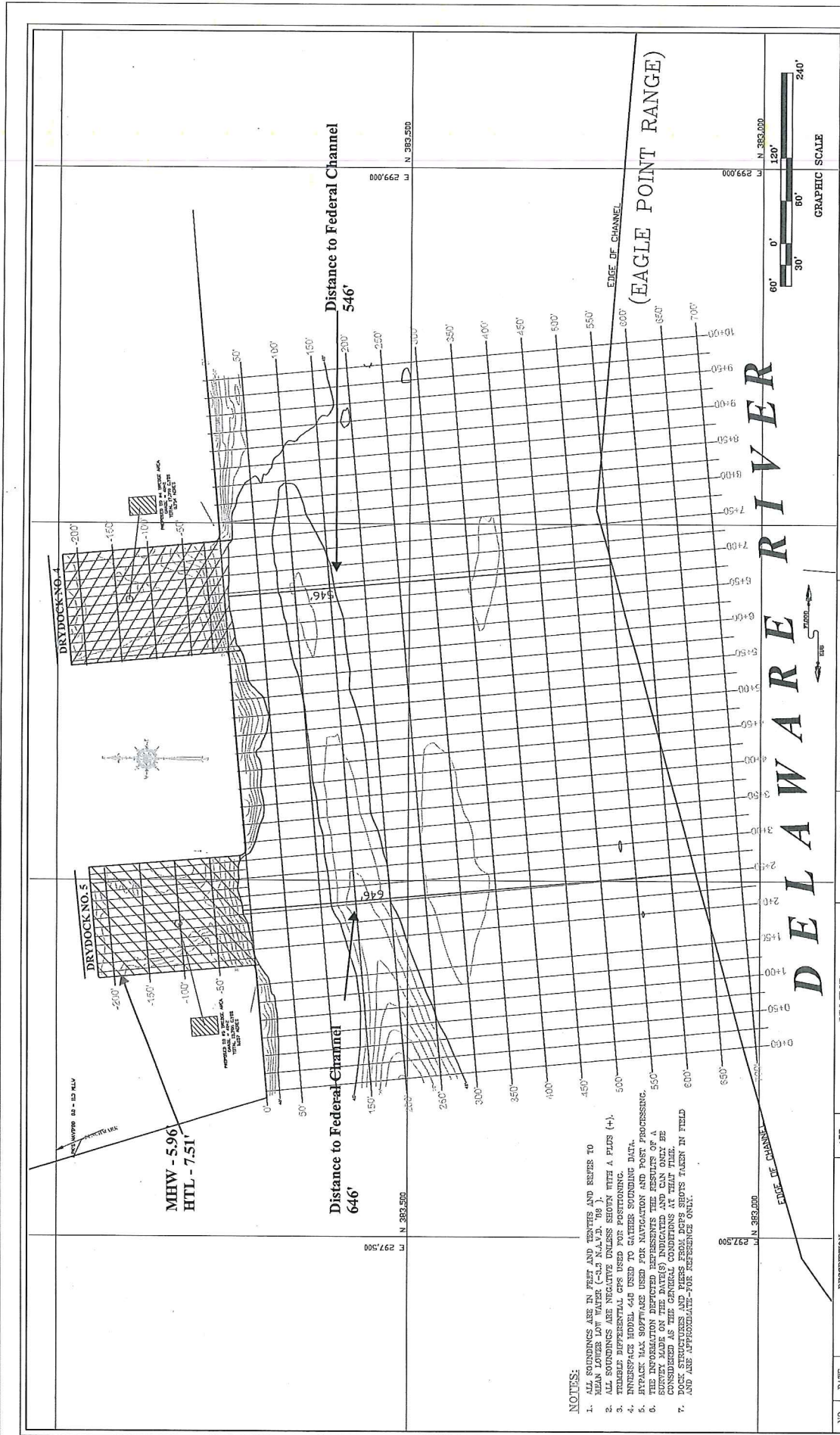
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

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, or by writing to this office at the above address.

Edward E. Bonner
Chief, Regulatory Branch

USGS TOPOGRAPHICAL QUAD PHILLY SHIPYARD DRY DOCKS 4 AND 5





NO.	DATE	DESCRIPTION	APR.
RI	12.01.10	ADD DREDGE AREA INFORMATION	JLS
		REVISION	

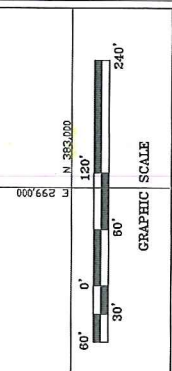
PROJECT:
DRY DOCKS 4 & 5
CONDITION SURVEY
25' X 5' GRID

PHOTOMETRIC SURVEY PREPARED FOR:
PHILLY SHIPYARD, INC.
 2100 KIFTY HAWK AVENUE
 PHILADELPHIA, PA. 19112

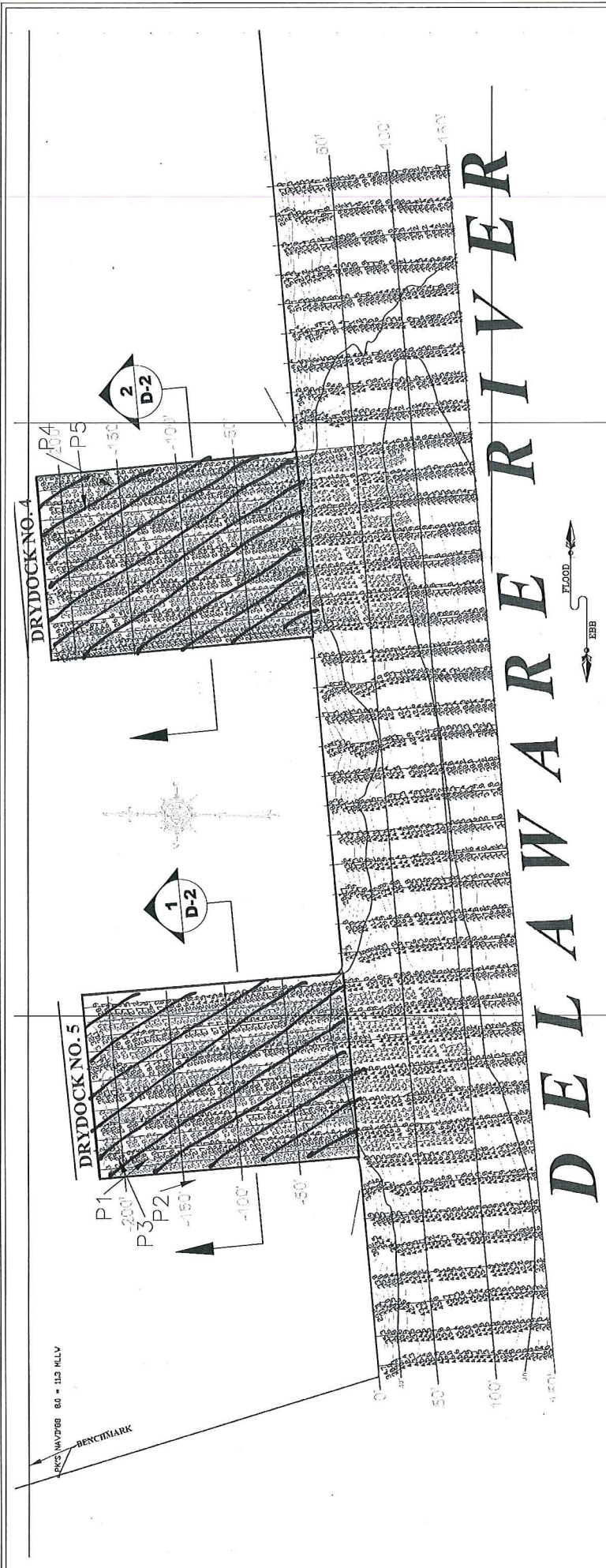
DRN. BY JLS
 CHK. BY MG
 APR. BY AWB
 SCALE: 1"=50'

HYDROGRAPHIC SURVEYS
 100 YEARS OF SERVICE
 1865-2015
 16-PHIL-16/000-9233-3725-R1

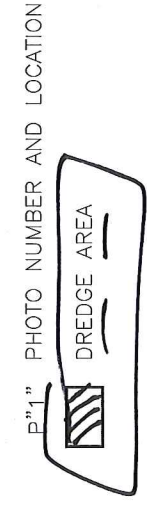
- NOTES:**
1. ALL SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO MEAN LOWER LOW WATER (S.L. N.A.V.D. '89).
 2. SOUNDINGS ARE SHOWN WITH A PLUS (+).
 3. STABLE REPRESENTATION OF SOUNDINGS FOR NAVIGATION.
 4. INTERSPACE MODEL 448 USED TO CATER TO SOUNDING DATA.
 5. HYDRAK MAX SOFTWARE USED FOR NAVIGATION AND POST PROCESSING.
 6. THE INFORMATION DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE ON THE DATE(S) INDICATED AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 7. ALL ARE APPROXIMATE - NOT REFERENCE ONLY.



DATE: MAY 25, 2016
 DRAWING NO. 16-PHIL-16/000-9233-3725-R1

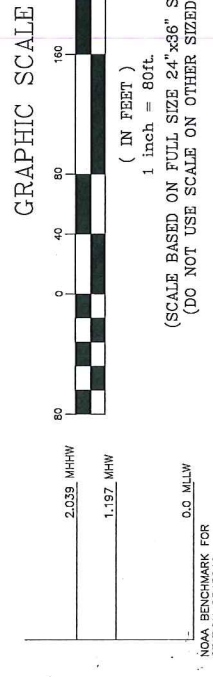


1 DREDGING PLAN
D-1 SCALE: 1" = 80'-0"



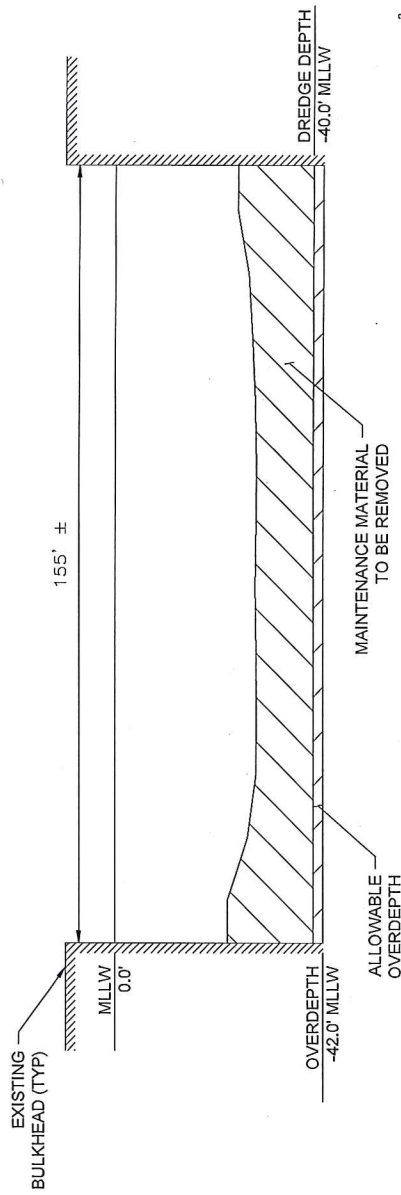
NOTES:
 1. THIS DREDGING PLAN WAS TAKEN FROM THE DRAWINGS KVAERNER CONDITIONS SURVEY PREPARED BY PHOTOGRAPHIC SURVEYS INCORPORATED AND DATED MAY 25, 2016. A FULL-SIZED COPY OF THE CONDITION SURVEY IS PROVIDED IN THIS PACKAGE.
 2. ALL SOUNDINGS ARE IN FEET AND REFER TO USACE MLLW.

ADJACENT PROPERTIES:
 1. DEPARTMENT OF THE ARMY USACE FORT MIFFLIN CDF.
 2. PHILADELPHIA NAVAL BUSINESS CENTER.
 3. SUNOCO, INCORPORATED (R&M) PHILADELPHIA REFINERY.



NGA BENCHMARK FOR STATION 6546240
 2.039 MHHW
 1.197 MHW
 0.0 MLLW

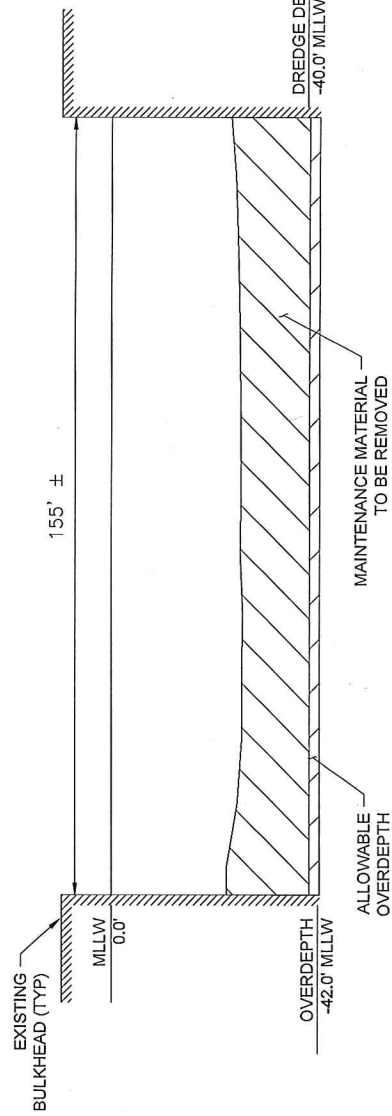
SCALE: AS SHOWN DATE: 01/12/17		DRAWN BY: J. WRIGHT CHECKED BY: S. BEIGER		SHEET NUMBER: 1 OF 2	
DRAWING SHEET: D-1 DREDGING PLAN		KVAERNER PHILADELPHIA SHIPYARD DREDGING PLAN PREPARED FOR PHILLY SHIPYARD INCORPORATED		PHILADELPHIA COUNTY PENNSYLVANIA	
JOB NUMBER: 1600624.010		<p>advantage engineers 250 FELLOWSHIP ROAD, SUITE 4104 MOUNT LAUREL, NJ 08054 PHONE (609) 251-9828</p>			



1
D-1
DRY DOCK #5 SECTION
SCALE: 1/2" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1/2 inch = 1 ft.

(SCALE BASED ON FULL SIZE 24"x36" SHEETS ONLY)
(DO NOT USE SCALE ON OTHER SIZED DRAWINGS)



2
D-1
DRY DOCK #4 SECTION
SCALE: 1/2" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1/2 inch = 1 ft.


(SCALE BASED ON FULL SIZE 24"x36" SHEETS ONLY)
(DO NOT USE SCALE ON OTHER SIZED DRAWINGS)

SCALE:	AS SHOWN
DATE:	01/12/17
DRAWN BY:	J. WRIGHT
CHECKED BY:	S. BEIGER
APPROVED BY:	S. BEIGER
SHEET NUMBER:	2 OF 2

DRAWING SHEET:
D-2
DREDGING SECTIONS

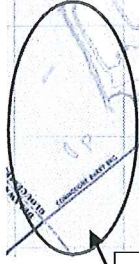
KVAERNER PHILADELPHIA SHIPYARD DREDGING PLAN
PREPARED FOR
PHILLY SHIPYARD INCORPORATED
PHILADELPHIA PHILADELPHIA COUNTY PENNSYLVANIA

JOB NUMBER:
1600624.010



advantage engineers
230 FELLOWSHIP ROAD, SUITE 410A
MOUNT LAUREL, NEW JERSEY 08054
PHONE: (609) 251-6688

White's Basin



White's
Basin

Produced by the United States Geological Survey
 1:24,000 Scale
 1987 Edition
 1:24,000 Scale
 1987 Edition
 1:24,000 Scale
 1987 Edition

SCALE 1:24,000
 1" = 200'

BRIDGEPORT, NJ-PA
 2016

UNITED STATES GEOLOGICAL SURVEY
 NATIONAL CENTER FOR GEOGRAPHIC INFORMATION

LEGEND

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97	98	99	100

POSSIBLE CLASSES

Contour Interval: 20 Feet
 Contour Interval: 10 Feet
 Contour Interval: 5 Feet
 Contour Interval: 2 Feet
 Contour Interval: 1 Foot

INDEX

1:24,000 Scale
 1987 Edition
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