



**US Army Corps
of Engineers**

Philadelphia District

Public Notice

Public Notice No.
CENAP-PL-E-24-03

Date
September 23, 2024

In Reply Refer to:
Environmental Resources Branch

DRAFT ENVIRONMENTAL ASSESSMENT DELAWARE CITY DREDGED MATERIAL PLACEMENT FACILITY NEW CASTLE COUNTY, DELAWARE.

In accordance with Section 102 of the National Environmental Policy Act, as amended, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act, notice is hereby given that the U.S. Army Corps of Engineers, Philadelphia District, is issuing a draft Environmental Assessment (EA) titled: *Delaware City Dredged Material Placement Facility New Castle County, Delaware*. The EA evaluates the existing environmental, cultural, and socio-economic conditions at the proposed project site within the Delaware City Dredged Material Placement Facility (DMPF). The EA also evaluates the effects of not placing dredged material within the Delaware City DMPF (No Action Alternative).

The USACE conducts routine maintenance dredging of the Delaware River, Philadelphia to Sea (DPS) Federal Navigation Channel (FNC) to maintain the 45-foot-deep navigation channel in the waterway. The USACE also conducts maintenance dredging of the Federally authorized 35-foot-deep Chesapeake and Delaware (C&D) Canal. Maintaining the DPS FNC supports the efficient transportation of containerized, dry and liquid bulk, break bulk, roll-on/roll-off, and project cargoes to and from the Delaware River ports. The C&D Canal navigation channel connects the Delaware River to the Chesapeake Bay and provides a continuous sea level channel connecting the Port of Baltimore to the ports of Wilmington, Philadelphia, and the northern trade routes. Conducting maintenance dredging removes critical shoaling to maintain safe navigation within the Federal navigation channels.

The primary objective of this project is to provide a long-term, safe, placement facility for dredged materials related to the DPS navigation maintenance project and the C&D Canal navigation maintenance project. The proposed placement of DPS FNC maintenance dredging material includes the Deepwater Point, Bulkhead Bar, and New Castle Ranges and from within the C&D Canal. The Delaware City DMPF project meets the need of providing the USACE with a long-term disposal site within pumping distance range (approximately five to six miles) from the locations identified above. The project as proposed involves the initial placement of approximately 900,000 to one million cubic yards of dredged materials from the DPS FNC within the Delaware City DMPF and subsequent placements of dredged material from future maintenance dredging, as needed. Placement of maintenance dredged material is expected to occur as early as the winter of 2025.

The Delaware City DMPF was last used as a placement facility in the 1970s. Since then, the site has not been utilized for the placement of dredged material but continues to be maintained by the USACE as a DMPF. Recently, increased shoaling in the DPS FNC has resulted in the increased use of the Reedy North and Reedy South DMPFs, which are located just east of the Delaware City DMPF. Both the Reedy Point North and Reedy Point South DMPFs do not have adequate capacity as currently constructed and maintained. Additionally, the Killcohook DMPF located on the New Jersey side of the Delaware River is undergoing maintenance work that precludes that area from being available for dredged material placement within the next few years. The Delaware City DMPF was identified as a suitable facility for the placement of the maintenance dredging materials because of three factors: location, current condition, and available capacity. For all alternatives, the potential effects were evaluated, as appropriate.

In addition to a "No Action" alternative, five (5) other alternatives were evaluated. Those alternatives include the Reedy Island North and South DMPFs, the Governor Bacon DMPF, the Biddles Point DMPF, the Killcohook DMPF, and the beneficial use of dredged material.

The recommended plan will result in unavoidable adverse impacts to approximately 108-acres of freshwater, impounded aquatic habitat that includes about 16 separate freshwater ponded areas, with the largest being approximately 85-acres and the smallest is approximately 690 square feet (0.016-acres) in size. The open water aquatic habitat areas are not jurisdictional Waters of the United States regulated under Section 404 of the Clean Water Act, nor are they wetlands regulated pursuant to Title 7 of the Delaware Code (§7212) and Section 6607 of the Wetlands Act of 1973 (Title 7 Delaware Code Ch. 66).

In accordance with the National Environmental Policy Act of 1969, a draft Environmental Assessment/Finding of No Significant Impact (EA/FONSI) has been prepared for this project, and is being circulated to the appropriate Federal, State, and local agencies, and the interested public. This document is available from the Philadelphia District website for download at:
<http://www.nap.usace.army.mil/Missions/CivilWorks/PublicNoticesReports.aspx>.

Water Quality Certification pursuant to Section 401 of the Clean Water Act will be obtained from the Delaware Department of Natural Resources and Environmental Control (DNREC) via concurrence from DNREC that the project meets the conditions associated with a Nationwide Permit 16 – Return Water from Upland Contained Disposal Area. All conditions of the Water Quality Certification shall be implemented in order to minimize adverse impacts to water quality.

In accordance with Section 307 (c) of the Coastal Zone Management Act of 1972, an activity affecting land or water uses in a State's coastal zone must comply with the State's Coastal Zone Management Program. A certification of compliance is being requested from the Delaware Department of Natural Resources and Environmental Control.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, a determination that the project may affect, but is not likely to adversely affect listed species or critical habitat was submitted to National Oceanic and Atmospheric Administration (NOAA) Fisheries Greater Atlantic Regional Field Office and U.S. Fish and Wildlife Service

(USFWS) for review. All terms and conditions of the Section 7 consultation with NOAA Fisheries and USFWS shall be implemented in order to minimize take or jeopardizing endangered species.

Review of the National Register of Historic Places determined that no registered properties, or properties listed as eligible for inclusion, would be impacted. The determination was submitted to the Delaware State Historic Preservation Office for review and concurrence.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 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 effects of the proposed action on Federally managed species and their life stages within this area indicates the project would not have significant adverse effects on EFH.

All practicable means to avoid or minimize adverse environmental effects have been incorporated into the recommended plan. The public and all agencies are invited to comment on this proposal. More detailed information on this work is available for public review at the Philadelphia District Office.

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 proposal. Requests for a public hearing shall state, in detail, the reasons for holding a public hearing.

All comments on the work described in this public notice should be directed to Mr. Adrian Leary ATTN: Environmental Resources Branch, by e-mail at PDPA-NAP@usace.army.mil or by mail at the address listed below by October 28, 2024.

ATTN: Environmental Resources Branch
U.S. Army Corps of Engineers, Philadelphia District
1650 Arch Street
Philadelphia, PA 19103-2004

FOR THE DISTRICT ENGINEER:

FOR
Adrian Leary
Chief, Planning Division
Philadelphia District
U.S. Army Corps of Engineers



Figure 1. Delaware City Dredged Material Placement Facility (DMPF), New Castle County, Delaware