

URBAN WATERFRONT ACTION GROUP

July 24, 2007

Mid-Atlantic Hovercraft Operations (MAPHOPS) Pedestrian Bridge Linking Schuylkill River Park with Schuylkill Banks Smith and Windmill Islands

Attendees

Randy Brown	PADEP SERO	rabrown@state.pa.us
Ranjana Sharp	PADEP	rsharp@state.pa.us
Larry Toth	PADEP CZM	latoth@state.pa.us
Jim Butch	US EPA	butch.jim@epa.gov
Martine Decamp	Philadelphia City Planning Comm.	martine.belanger@phila.gov
Chris Linn	DVRPC	clinn@dvrpc.org
Larry Slavitter	Army Corps of Engineers	lawrence.m.slavitter@nap.usace.army.mil
Alysa Suero	DRBC	alysa.suero@drbc.state.nj.us
Cindy Tibbot	US Fish & Wildlife Service	cindy_tibbott@fws.gov
Ben Ginsberg	Center City District	bginsberg@centercityphila.org
Francis Rapa	NJ Conservation Foundation	fran@njconservation.org
Maya Van Rossum	Delaware Riverkeeper	keepermaya@delawariverkeeper.org
John Anderson	MAHOPS	ingvarja@cwenj.com
Gardner Cadwalader	Windmill Keys	gardnercad@verizon.net
Andrea Reede	HNTB	areede@hntb.com
Frank Russo	HNTB	frusso@hntb.com
Peter Brennan	Urban Engineers	pbrennan@urbanengineers.com
Joe Musil	Urban Engineers	jfmusil@urbanengineers.com
Barbara Rich	Observer	brich@moorestown.nj.us
Roxanne Shinn	Observer	rcshinn1@aol.com

1. The meeting was called to order at 10:10 a.m.
2. Chris Linn of DVRPC chaired the meeting. UWAG members and the applicants introduced themselves.

Mid-Atlantic Hovercraft Operations

3. Mr. Linn introduced John Anderson, who gave a PowerPoint presentation describing his project – the establishment of Mid-Atlantic Hovercraft Operations (MAPHOPS) on the Delaware River. Mr. Anderson explained that a typical hovercraft is 30 feet wide. Mr. Anderson stated that MAPHOPS wants to set up landing/berthing sites at numerous potential locations along the tidal Delaware River,

and he was seeking out information on permitting requirements for doing so. Some of these sites include Bristol, Bensalem, the Hyatt at Penn's Landing, the airport, the Schuylkill River, the police impoundment yard, and League Island, as well as sites in Burlington, Beverly, Cinnaminson, and at Riverwinds and the Port of Salem in New Jersey. Mr. Anderson stated that hovercrafts are advantageous compared to other craft because they don't leave much of a wake.

4. Mr. Brown explained that with regard to Neshaminy State Park in Bensalem, it would be best to use existing facilities. Mr. Anderson agreed, but added that the state does not like concessionaires in the park.
5. Mr. Slavitter explained what the Corps has jurisdiction over. The Corps regulates the discharge of fills waterward of the mean high water line. The Corps regulates structures, such as lights and piers, that break the plane of mean high water. Mr. Slavitter runs the pre-application meetings in Trenton once a month with USFW, NMFS, EPA and DEP. Mr. Slavitter instructed Mr. Anderson to contact him if he was interested in attending one of those meetings to discuss his projects on the NJ side of the river. The Corps also has jurisdiction over the C&D canal.
6. Mr. Slavitter stated that the Corps would be concerned with the impacts of forced air from hovercrafts on vegetated wetlands. Mr. Anderson will need to perform jurisdictional determinations on land to determine if there are wetlands present at any proposed landing site and how hovercraft operations would impact those wetlands. Mr. Slavitter reiterated that any fill waterward of the high tide line will require a permit from the Corps. Mr. Slavitter suggested that Mr. Anderson refer to the Corps webpage for more information on permitting.
7. Ms. Tibbot asked Mr. Anderson what his market would be. Mr. Anderson replied that his market would consist of commuters, tourists, casino workers, and freight. Ms. Tibbot asked if the hovercraft service could conceivably reduce traffic congestion. Mr. Anderson surmised that it could.
8. Mr. Ginsberg asked what Mr. Anderson envisioned at Penn's Landing. Mr. Anderson thought he would pull hovercrafts up to the bulkhead. Mr. Ginsberg asked if Mr. Anderson had had any talks with the proposed casino operators along the waterfront.
9. Mr. Toth explained that the PA CZM program does not issue any permits that apply to the activities in question. The CZM program does review state and federal permits. Mr. Toth stressed that if Mr. Anderson's operations remain landward of the mean high water he will have fewer permitting requirements. CZM would be concerned with the impacts of the project on T&E species.
10. Mr. Slavitter stated that the Atlantic Sturgeon is about to be listed as an endangered species. The Corps wants all projects to "avoid and minimize impacts to the aquatic environment to the maximum extent possible."
11. Ms. DeCamp asked about the noise impacts of the hovercrafts. Mr. Anderson stated that from 350 feet away a hovercraft would sound like a Mack truck going 35 m.p.h. up the river. The hovercrafts would not run at full throttle near Philadelphia. Ms. DeCamp asked if the hovercrafts would run at night. Mr. Anderson said they would as long as the Coast Guard is not opposed. Mr. Anderson

acknowledged that nighttime operations would raise new issues with regard to noise, aesthetics, and permitting.

12. Mr. Butch asked Mr. Anderson if he had done an environmental assessment under NEPA for this project. Mr. Butch stated that he wasn't clear on exactly what Mr. Anderson was proposing, particularly with regard to the location and number of landing sites. Mr. Butch stated that the project seemed to him to be "grandiose." Mr. Butch said he wasn't clear on how to get his "hands around the project." Mr. Butch suggested that one possible way to make the project clearer would be to do an environmental assessment with a couple of landings. Mr. Butch thought it was going to be difficult to get all the permits in place for all the proposed landing sites at one time.
13. Mr. Toth added that once Mr. Anderson had developed a more concrete proposal and identified his landing sites more specifically he might want to come back to UWAG.

Pedestrian Bridge Linking Schuylkill River Park with Schuylkill Banks

14. Mr. Russo gave an overview of the proposed project: a pedestrian bridge over the CSX tracks connecting Schuylkill River Park with the Schuylkill River Trail. The project is located approx. at 25th & Locust/Spruce Sts. The project team includes the HNTB Corporation and Joe Musil from Urban Engineers. The team is working for SRDC. The bridge will eventually become a Fairmount Park Commission administered structure. HNTB is working under a court order as a result of the settlement of a lawsuit between the City and CSX over access to the waterfront. The bridge must be constructed and open for use by October 2009.
15. Mr. Russo explained the current configuration of Schuylkill River Park (SRP) and described the location for one of the landings of the bridge, which is an abandoned street hockey court area. On the river side of the tracks, the bridge landing area is located on fill which is in the 100-year floodplain. According to Mr. Russo, almost the entire project site, on both sides of the tracks, is in the 100-year floodplain, which is a concern with regard to permitting and what activities can or cannot take place.
16. Mr. Russo reported that there is not much space available to get 25 feet in the air, the height required for the pedestrian bridge. For the ramps to be ADA compliant, they must be 375 feet long.
17. The preliminary engineering for the project is privately funded by the Pew Charitable Trusts. Later studies will have matching funds. The project has to be functional and aesthetically pleasing, but not exorbitantly expensive.
18. Any regrading will require "fill in the floodplain" because the whole site is in the floodplain. HNTB wants to stay out of the river to the maximum extent possible. They don't want to construct foundations on the river side of the bulkhead. It is likely though that there will be barges in the river to facilitate construction. Mr. Russo showed some sketches illustrating preliminary design concepts for the bridge. The sketches highlighted the challenge of "gaining elevation" for the bridge.
19. HNTB must choose a preferred option by December 2007 and then advance the preferred option to final preliminary engineering plans by Feb. 2008. Final design will be done between March and

October 2008. Bidding will be in November and a contractor will have notice to proceed by the beginning of 2009. Due to their tight schedule, HNTB needs to be sure that whatever option they advance as the preferred option meets all the permitting requirements within their specified time frame.

20. Mr. Slavitter asked if construction of the bridge was dependent upon receiving a permit to build the “boardwalk” that would extend the trail southward. Mr. Russo stated that the projects are independent of one another. When asked if there are wetlands on the site, Mr. Russo replied negatively. Even so, Mr. Slavitter suggested someone go out to confirm this assertion. Unless there are wetlands on the site, the Corps will not have any significant involvement with this project. If the project extends out over the river (i.e. the bulkhead), then a Corps permit will be required.
21. In response to a question from Ms. DeCamp regarding floodplains, Mr. Russo stated that Ms. Reede has had contact with the Water Department and L&I.
22. Mr. Cadwalader asked if it would make more sense to site the bridge near Walnut St. Mr. Russo replied that they must work under the directive of the court ordered settlement, which specifies that the bridge must use city-owned right-of-way. The most convenient opportunity to do this is to use SRP. In addition, a pedestrian bridge in SRP is part of the Schuylkill River Park master plan.
23. Mr. Brown instructed Mr. Russo to contact Sharon Moore of DEP’s Southeast Regional Office to ask her about an NPDES permit.
24. Mr. Toth stated that DEP SERO will have to determine if an encroachment permit is required under Chapter 106. CZM would review an encroachment permit as well as a NPDES permit. A consistency review would be triggered by the issuance of an ACOE permit or by the use of federal funds such as HUD funds or FHWA funds. The consistency review would look to verify if the project has an encroachment permit and a NPDES permit.
25. Ms. Reede asked what sort of analyses they might need to perform to determine if they need a 106 permit. Mr. Toth was not sure, but stated that “highway” and “utility” projects triggered a 106. Mr. Brown said HNTB should contact Sharon Moore. Mr. Brown stated that they would only need a 105 permit if the project were to extend into the floodway. Mr. Linn asked where the boundary between the floodway and the floodplain was located. Ms. Reede stated that the bulkhead was the boundary of the floodway.

Smith and Windmill Islands

26. Mr. Cadwalader gave an overview of the proposed project. Mr. Cadwalader pointed out that there have been many ideas and efforts over the years to improve and capitalize upon Philadelphia’s waterfront location for recreation and commerce. Mr. Cadwalader presented his project – the restoration of Smith and Windmill Islands – as a way to take these efforts to another level. The restoration of the islands would also provide a convenient solution to the problem of what to do with all the dredge spoils that come out of the river, particularly during the proposed deepening process.

27. Mr. Cadwalader described how the original Smith and Windmill islands were dredged away in the 1890s to connect League Island to the rest of south Philly. The total dredge was 21 million cubic yards. Mr. Gardner proposed to restore the islands as a way to enliven the river and restore the social and ecological amenities the islands offered. Mr. Gardner showed photos of the original islands. The “restored islands” would be located outside of the ship channel. A conceptual sketch of the islands was shown depicting hotels, condos and marinas all tying into the tram that has been partially constructed. It may also be possible to site windmills on the islands.
28. Mr. Cadwalader stated he understood that the project faces huge permitting “issues.” He informed UWAG that he had been in communication with PRPA about his potential need for 20 million cubic yards of dredge materials. Mr. Cadwalader did not know the exact timeframe for his project, but surmised the full scope could unfold over a 25-year time period or more.
29. Mr. Toth asked what state the islands would be located in. Mr. Cadwalader did not know, but stated that it depends upon where the state boundary technically lies. Most maps show the boundary directly in the middle of the river. Mr. Toth explained that the project was not “water dependent,” and therefore, a submerged lands license cannot be issued unless it is granted by an act of the General Assembly. Mr. Toth explained that the bed of the river is owned by the Commonwealth of Pennsylvania. Mr. Brown reiterated that projects that are not water dependent cannot get a submerged lands license. Mr. Toth listed examples of “water dependent” uses to Mr. Cadwalader, such as marinas, shipping, wetlands, etc. Mr. Toth stated that the resource agencies would be concerned about the quality of any dredge materials used for this project. The applicant would have to test the materials and document those tests for the agencies’ review.
30. Mr. Toth stated that compensatory mitigation would be required for an open river fill. Mr. Cadwalader pointed out that he is proposing to put an amount of material into the river that is approx. equal to the amount of material contained in the original islands. Mr. Brown replied by saying the islands are not grandfathered, and despite their existence in the 1800s, this project would be considered “new fill” and would be subject to DEP’s Chapter 105 regulations. Mr. Slavitter added that the islands would also be considered “new fill” from the Corps’ viewpoint .
31. Mr. Brown stated that the applicant must obtain an act of the General Assembly to use public trust lands for a “non-water dependent” use. Mr. Toth added that pursuing this “act” would be a logical first step, because permits cannot be issued for a project such as this without an act of the General Assembly.
32. Mr. Cadwalader asserted that dredge analyses and studies have already been performed for the dredge materials that would be produced by Delaware River deepening. Mr. Toth replied that this is an issue to take up with the resource agencies’ water quality people. Ms. Rossum cautioned those present that they should not assume the dredge materials are “clean.” In addition, the proposed deepening process assumes that the dredge materials will not be placed back in the river.
33. Mr. Slavitter characterized Mr. Cadwalader’s acknowledgment that he is entering a “thicket” with regard to the permitting process as a gross understatement. Rather, he thought a thicket with “killer bees’ nests” to be a more accurate metaphor. There are many reasons for this, such as the applicant’s need to demonstrate that there are no viable upland alternatives for uses such as hotels and

amusements. With regard to turbines, the area might not be optimal due to the turbulence generated by urban buildings. There are also general navigation issues, viewshed issues, water quality issues, endangered species impacts issues and potential impacts to the port in Camden. Due to all these issues, the ACOE would require the applicant to perform an Environmental Impact Statement (EIS). The applicant would have to pay for such a study, which can be extensive, as demonstrated by the scope of the Cape Cod wind turbine farm EIS. Mr. Slavitter informed Mr. Cadwalader that he has the right to go through the permitting process, but his forecast for the project's likely success could best be characterized as the "arctic in the middle of winter during a blizzard." Mr. Cadwalader acknowledged the difficulties faced by the project, but asserted that if an idea is good enough, it will prevail.

34. Mr. Slavitter stated once again that the proposed islands present significant viewshed, water quality and navigation issues. Mr. Butch concurred with Mr. Slavitter's assessment, and specifically emphasized the "water-dependency" issue. Mr. Butch stated that if the ACOE were to issue a permit for a project of this magnitude, it could trigger Section 404C of the Clean Water Act. Section 404C is an EPA override of the Corps' decision to issue a permit. Section 404C is triggered because a project does not pass "environmental muster."
35. Ms. Tibbot added that if the USFWS service recommended denial of the permit and the Corps' issued a permit over their recommendations, the USFWS could "elevate" the project. Elevation is a process whereby the permit is sent to higher levels of the USFWS. Eventually, the permit could wind up in Washington for a decision by the heads of the various federal resource agencies.
36. With regard to the project generally, the USFWS would ask why the proposed developments could not take place elsewhere, such as on one the many brownfields within Philadelphia. If the project did move forward to an EIS, the EIS would need to assess the quality of the fish habitat in the river and document which fish use the habitat that would be filled. In addition, the water quality implications of putting dredge materials back into the river would need to be studied.
37. Mr. Linn reported on Karen Green's comments from the National Marine Fisheries Services. These comments echoed many of the same concerns stated by the other resource agencies including the loss of habitat, impacts on T&E species, navigation issues, justification for the project location, and compensatory mitigation. Compensation for an open-river fill would need to occur in the form of habit replacement or enhancement.
38. The meeting adjourned at 12:40