

Urban Waterfront Action Group (UWAG) Meeting
Thursday, January 18, 2018

Participants:

Chris Blakelock, Cecil Baker Partners; Connie Bird, Philadelphia Water Department (PWD); James Boyer, Robert Deems, US Army Corps of Engineers (USACE); Randy Brown, Matthew Walderon, PA Department of Environmental Protection (DEP); Spencer Finch, Chris Hager, Langan Engineers; Shawn Greenwood; Joe Hohenstein, Candidate House District #177; David Kovach, Delaware River Basin Commission (DRBC); Liz Lankenau, Philadelphia Office of Transportation Infrastructure Systems (oTIS); Mike Mansolino, US EPA Region III; A. McFillin, Shovel Ready; Joseph Musil, Tyler Short, Urban Engineers; Sean Greene, Delaware Valley Regional Planning Commission

Meeting Summary:

Project descriptions and concept development plans for the two projects on the agenda were submitted to the committee in advance of the meeting.

1. Bridesburg Riverfront Park: Presented by Spencer Finch, Langan Engineers

Spencer Finch from Langan Engineers presented the existing conditions and preliminary site design plans for the future Bridesburg Waterfront Park on the Delaware River Waterfront. The proposed park is 10 acres of new riverfront parkland and will be owned by the Philadelphia Department of Parks and Recreation. The site is bounded by the North Delaware Avenue extension on the northwest and Orthodox Street on the south.

Notable existing conditions include:

- A hardened river shoreline created by the dumping of uncured concrete riverside of the historical bulkhead, for a period of years between 1930 and the mid-1980s,
- An elevated plateau created by demolition fill of unknown origins deposited in the 1990s and currently covered by vegetation,
- The site is approximately four feet above the mean high tide (MHT) line and the plateau area is approximately eight feet above MHT.

Planning and study efforts to date:

- The site was identified as the preferred alternative for a riverfront park during the NEPA Environmental Assessment (EA) of the Frankford Boat Launch project. An EA was performed on that project because it was funded with Land and Water Conservation Funds. This park is a mitigation site for that project.
- Phase I and II Environmental Site Assessments have been conducted. The Phase II showed contaminants slightly above the public health standards (Pb, As, and PAH). A risk assessment may be performed.
- A preliminary master site plan has been completed for the park.

Site improvements include:

- A parking lot,
- Performance and picnic pavilions,
- Terraced viewing area,
- Walking trails,
- Boardwalk for viewing the river.

All improvements are above the MHT line.

Discussion:

Elizabeth Lankenau, oTIS, asked if the design has been coordinated with the PWD. Spencer responded that coordination is underway.. PWD Collector Systems has engaged with the design team, to determine what types of structures and fencing can go on the Orthodox Street easement, whether directly atop the PWD sewer and CSO or not. In addition, the initial ERSA submission is scheduled to be submitted within the next few weeks.

David Kovach, DRBC, asked what contaminants were present. Spencer replied that the site contained Pb, As, and PAH but no PCB's and the plan does not call for any soil excavation. Spencer also noted that monitoring wells indicate elevated levels of vinyl chloride in one well that they believe is coming from off-site. Langan is currently working on delineating the source(s) of groundwater contamination.

Mike Mansolino, US EPA, asked if there would be fishing allowed from the proposed boardwalk and viewing area. Spencer replied no because of the nature of the deposited concrete, they do not want to encourage public use of that shoreline.

Randy Brown, PA DEP, asked if there was any history of permitting of the hardened bank on the riverside of the bulkhead line. Spencer indicated that there is no record of who dumped that concrete and that removing it would be cost prohibitive and open the possibility of releasing contaminants from the soil from historical industrial uses. The intent now is not to excavate the entire extent of the concrete hardened bank, but instead just small amounts to provide for adequate surface for placing planting soils and establishing a riparian vegetated buffer; all work will be landward of the mean high water line.

Randy recommended that when the applicant delineates the Phase II area that they should also submit the Chapter 105 general permit request for concurrent review. The project may need a PA Submerged Land License agreement as well.

Jim Boyer, US ACE, indicated that these plans probably do not trigger US ACE comment. The applicant will need to establish where federal jurisdiction lies on the site by delineating the Mean High Water Line (MHWL) and the High Tide Line (HTL). If there is no activity waterward of the MHWL, Section 10 of the Rivers and Harbors Act is not applicable. If there is no activity waterward of the HTL the Section 404 of the Clean Water Act is not applicable. Jim did recommend that the applicant review historical photos and data on the dumped concrete with the US ACE to be sure the corps will not require mitigation of the presumably illegally dumped concrete.

Jim asked if there were plans for new stormwater outfalls and if so that may trigger review by the National Marine Fisheries Service (NMFS). Spencer reported that there are no plans for new stormwater outfalls, and that the stormwater management strategy is proposed to use a strategy of disconnection, permeable pavement, and level spreaders to avoid concentrated flows and replicate a more natural drainage pattern. This approach will be reviewed by PWD, beginning with the ERSA submission.

Randy asked if a PA Natural Diversity Index (PNDI) search was conducted. Spencer responded that the PNDI search indicated possible Red bellied Turtle habitat; but that additional coordination with PA FBC and the PA DCNR had been conducted in 2014, and that the PA DCNR issued a letter dated August 19, 2014 that PNDI receipts were sufficient and no further information letter or survey request letter was required. Randy recommended coordination with the PA Fish and Boat Commission (PA FBC) regarding turtle habitat, and Langan responded they would follow up on the PA FBC coordination started in 2014. Matthew Walderon, PA DEP indicated that if US ACE jurisdiction was triggered then a federal consistency and Coastal Zone Management program review would be required.

Spencer noted that there would be no wetlands disturbed by the project.

David Kovach, DRBC, reported that DRBC did not anticipate any need for reviewing the plans as presented.

Committee members were provided with hard copies of Spencer's presentation.

2. Pier 25N: Presented by Joe Musil, Urban Engineers

Joe Musil, Urban Engineers, presented the existing conditions and development proposal for Pier 25N which is located north of the Ben Franklin Bridge, on the river side of Cavanaugh's restaurant at 417 N. Columbus Blvd.

Joe noted that at one time the length of the pier was served by rail but much of the pier had fallen into the river. A number of old pilings are still visible. The existing pier is a low deck structure of a timber deck on timber piles. The north side of the pier is a rock crib structure while the south side is timber crib filled with soil. The extent of the original pier is visible on aerial photos and largely delineated by the visible pilings.

Joe noted the Columbus Boulevard bulkhead line and reported that the bulkhead is being undercut by erosion and will need to be excavated and backfilled to stabilize the bulkhead. Joe also pointed out sedimentation evident along the pier on aerial photos. This sedimentation may require maintenance dredging.

Joe presented the preliminary plans for the site which includes a 13-story residential building, public access walkways, and potential boat slips.

Joe identified the following potential impacts on the waterway:

- 0.1 acres for public walkway extending over the water
- 0.05 acres for structures, including structures to support emergency vehicle access to the site.
- 0.1-0.2 acres to extend the existing pier structure into the river but within the foot print of the historic pier.

The new pier structure will be a high deck structure and all work will be conducted landside of the mean low water mark. Joe also mentioned that there is currently a 7'x16' combined sewer outfall on the existing pier that will have to be incorporated into the design.

Joe asked what would be the recommendation of the regulatory agencies for the existing wood pilings. Randy Brown responded that the PA FBC usually prefers that they remain for their habitat value but that was a preference not a rule. Joe indicated that at least some would need to be removed for boat access but that some can be incorporated in boat mooring design.

Both Randy and Jim Boyer asked about the nature of the new construction and Joe answered that the new pier would be all high deck, probably supported by pilings driven through the existing low deck structure. Jim asked and Joe confirmed that the expansion of the pier will all be high deck structure.

The conversation turned to an area of approximately 0.05 acres where the bulkhead will be excavated and backfilled. On the preliminary plans the drawings show a new building on this reconstructed area. The purpose of the fill was to support the new building. Robert Deems asked if this area can be separated from the Pier 25N plans and that this area would probably require a national permit.

Chris Blakelock, Cecil, Baker, and Partners, responded that these plans are preliminary at this time. Chris asked if the pier could be extended into the historic footprint without the expansion being considered a new structure. Jim answered that this structure has not been standing for years and that extending the pier would be most likely be considered new construction.

Jim explained that the US ACE granted an individual permit in 2007-2008 for Pier 25N extension but it is long expired. To the best of Jim's recollection, that permit included compensatory mitigation for the pier extension. Jim also cautioned that this permit was granted before current species habitat protections were in place and that this application will need to stand on its own merits. **Corrected:** Jim explained that pile-driving, regardless of whether it is in the same footprint of the existing deck (i.e. through it) or not, will likely require the Corps to consult with NMFS about listed species as well as anadromous fish as part of our permit process.

Robert explained that critical habitat for sturgeon will be the driving factor for permitting from the NMFS. Permits will probably include seasonal restrictions on construction to protect sturgeon, herring, and shad spawning and migration habitat. Robert asked about the status of the PWD study on shad and herring spawning and mentioned that conserving the low deck structure would preserve this habitat.

Randy reported that there would also be seasonal restrictions from the PA FBC to protect Red-belly Turtle habitat.

Joe mentioned the possibility of boat slip dredging. Robert cautioned about contaminant release from this activity and Randy noted a potential for compensatory mitigation for mud flat disturbance.

Liz Lankenau, oTIS, asked about parcel deliveries to the residential building. Chris assured her that space would be provided in the parking structure of the building for deliveries.

David Kovach, DRBC, explained that DRBC does not get involved in maintenance dredging issues or construction within and existing footprint but new pilings may trigger DRBC involvement. Joe asked if existing footprint was the 1930s footprint or what is there today. David indicated that most probably the existing footprint is what is standing today. High deck structure is less of a concern but extending Cavanaugh's structure may require DRBC review.

Robert asked if there were plans for new outfalls. Joe responded that there would be "through the deck" outfalls but was unsure of PWD's plans for the CSO.

Robert cautioned that outfalls are a big concern for NMFS.

Randy reported that this project would require a Joint Water Obstruction and Encroachment permit and a Submerged Lands License agreement from the state. Jim responded that it would require an Individual Permit from the federal agencies.

Joe responded that the design was in the very early stages.

The meeting adjourned at 11:20. The next scheduled UWAG meeting is Wednesday March 21, 2018 at 10:00 AM at the DVRPC offices.