

Urban Waterfront Action Group (UWAG) Meeting Notes
Tuesday, March 24, 2020

Participants:

Applicant and Consulting Teams

South Wetlands Park

Chris Dougherty, DRWC; Evan McNaught, Michael Miller, Cindy Sanders, OLIN; Jessie Buckner, Mike McGraw, AES; Bethany McClanahan, Nicole Kapasakis, Kaitlyn Frega, McLaren

Graffiti Park

Karen Thompson, DRWC; Ashley Ludwig, Sara Zewde, Studio Zewde; Miwa Ng, Sherwood Design Engineers

Agencies

Randy Brown, Pennsylvania Department of Environmental Protection / Coastal Zone Management Program (PA DEP / CZM; Jim Boyer, U.S. Army Corps of Engineers (USACOE); Jamie Davis, U.S. Environmental Protection Agency, Region 3; Karen Greene, National Marine Fisheries Service (NMFS); David Kovach, Delaware River Basin Commission (DRBC), Josh Lippert, City of Philadelphia, Matt Waldron, PA DEP / CZM; Lizzie Woods, DRWC; Sean Greene, DVRPC

Meeting Summary:

This was online meeting. Project descriptions, conceptual drawings, and location maps of the project areas were provided to the committee in advance of the meeting.

1. South Wetlands Park

Michael Miller, Olin, gave a review of the existing conditions and conceptual overview of the proposed plan for the South Wetlands Park. The site is located between piers 64 and 70 in South Philadelphia in the vicinity of Tasker Street. Plans for the park include the restoration of submerged and emergent wetlands and the installation of public trails and potentially kayak paths in the area of the degrading piers. The site was identified as part of a larger Wetlands Park within the Master Plan for the Central Delaware, adopted by the City of Philadelphia in 2012.

Michael reviewed the existing evaluations of the site that have taken place to date which include underwater inspections of the piers, a desktop coastal analysis of wave and wake impacts, a Phase II Environmental Site Assessment (awaiting report), a review of existing floodplain delineations and sea level rise projections, an upland habitat survey performed by AES, and a benthic and submerged aquatic vegetation studies provided by the Philadelphia Water Department.

Michael explained the conceptual plan to grade the 16-acre site which would result in a net fill of approximately 13,000 - 24,000 ft³ of river and intertidal zone in order to establish wetland habitat that would accommodate and evolve with rising sea-levels. Michael explained that the existing piers would not be rehabilitated but portions would be incorporated into the design of the park for use as breakwaters to enable wetland planting establishment and to anchor boardwalk walking trails through the site for public access.

Josh Lippert, City of Philadelphia asked if a topographic survey was conducted to confirm the 100-year floodplain. Michael responded that the elevations were LIDAR readings but that a topographic survey would be conducted before any construction began. Josh also asked about plans to perform a structural analysis of the existing piers. Bethany McClanahan, McLaren, indicated that a structural analysis will only be performed on the piers that are expected to be used for public access. Michael noted that remediation of the degrading piers will be addressed when the project goes to construction. Josh asked about site ownership and the existence of Submerged Land Licenses (SLL). Lizzie Woods, DRWC explained that DRWC owns the site and has experience obtaining SLL from the Commonwealth for small recreational and restoration sites under 25 acres.

Jim Boyer, ACOE noted that this project will require an Individual Permit from the Corps, along with all of the requisite agency concurrence documents, including NMFS concurrence on impacts to anadromous fishes. The projects will require a 404.(b)(1) review regarding the needs and purpose of the project, and an evaluation of alternatives to minimize the impacts to the aquatic environment and provide for compensation for unavoidable impacts. The final project alternative should seek to minimize the impacts on the aquatic habitat while meeting the project's needs and purpose.

Chris Dougherty, DRWC, mentioned that DRWC has approached the ACOE Planning Division, to discuss a partnership in this project. Jim was not aware of these discussions and in the case of a partnership, ACOE would perform the environmental permitting. Matt Waldron, PA DEP, cautioned partnering with the ACOE on the project would fall under Subpart C (Federal Activity Review) of the Individual Permit regulations as opposed to Subpart D (Federal License and Permit review) if DRWC was the project sponsor. Subpart C permits have a 60-day review time, as opposed to 180 days for Subpart D, so DRWC would need to have all the required studies and information completed before applications was submitted.

Karen Greene, NMFS, asked what studies had been conducted on the aquatic habitats? Karen noted this project is proposing to convert aquatic habitat into wetland and upland habitat and that is a net loss for aquatic communities. Karen also explained that a NEPA analysis would be required for the project regardless of whether DRWC sponsored the project or partnered with the ACOE. Under the NEPA analysis full aquatic community studies will be required to determine the existing aquatic communities before any work on the project proceeds. The required information should include benthic, submerged aquatic vegetation, fish habitat, and endangered and threatened aquatic species (Atlantic and Short-nosed Sturgeon) habitat surveys.

Mike reiterated that a project goal is to improve environmental conditions and create habitat for anadromous and catadromous fish as well as foraging and basking habitat for PA Threatened reptile species (eastern redbelly turtle). Mike noted that timing of construction will be planned to minimize and avoid impacts to species of concern. Jessie Buckner, AES, reported on the data obtained from Philadelphia Water Department on the existing aquatic communities. Jessie and Mike will provide data and species lists to Karen and discuss further data needs.

Randy Brown, PA DEP, echoed Karen's concerns about loss of aquatic habitat. Chris Dougherty, DRWC, explained that the project is planning for habitat enhancement under sea-level rise scenarios and Randy explained that this project will be an aquatic habitat loss in the short term and those losses will require habitat compensation.

Randy also explained that this project will require a Joint Permit from the state and will require concurrence letters from the state resource agencies (Fish and Boat Commission, DCNR, Game Commission, etc.). The Joint Permit will require a final assessment of the uses and values of the project

Josh Lippert listed a need of mapping requirements, including the mean high-water line and the FEMA Limit of Wave Action Line. Josh and Bethany McClanahan had a discussion on the need for FEMA Letters of Map Revision for the project. This discussion will be continued. Josh forward an email of city floodplain regulations to Sean Greene after the meeting and this email was shared with the project team.

David Kovach, DRBC emailed the following comments for consideration:

1. DRBC regulatory review thresholds under Section 3.8 of our Compact can be found in 18 CFR 401.35(a) &(b)
2. As the project is located in the tidal portion of the Delaware River DRBC's floodplain regulations and permitting thereunder do not apply.
3. New dredging projects do require review and approval from the DRBC; however, maintenance dredging and temporary encroachments (cofferdams, etc.) to facilitate construction on permanent structures are not reviewable projects.
4. Draining, filling, or otherwise altering wetlands requires DRBC approval only when the affected acreage is greater than 25 acres.

Jim Boyer concluded the discussion of this project stating that further discussion about this project is required and he recommend another meeting as the project moves forward.

2. Graffiti Park

Ashley Ludwig, Studio Zedwe, gave the presentation on the current conditions and project plans for the former Conrail Piers 18 and 20, near the terminus of Cumberland Street in Port Richmond. Pier 18 is known as Graffiti Pier. Currently the piers and surrounding property are being used by the community as a place for graffiti art and waterfront access.

Ashley reviewed the conditions of the existing pier structures and the current topography and relevant floodplain, tide, and benchmark waterlines. Ashley also described the public outreach efforts conducted by DRWC about the future of this property.

Ashley then described to plans for the site, which includes walking trails in the upland portion of the site, rehabilitation of Pier 18 to support people and continued space for graffiti art, and tidal marsh restoration on the mudflats adjacent to Pier 20.

Lizzie explained that DRWC has an agreement of sale with Conrail for the 6-acre property, that encompasses both piers. The project is further behind the South Wetland Park in development and may be built in phases, but the project is currently in conceptual design, so phasing is unclear.

Jim explained the ACOE jurisdiction with relation to the proposed project. Jim explained that the ACOE does not have jurisdiction in the upland section of the project but anything below the High Tideline is within the Section 404 jurisdiction. Jim noted that based on the presentation, work on the piers may qualify for a National Permit (NP) 3 for maintenance activities and the marsh restoration may qualify for an NP 27 for wetland enhancement. Jim recommended consultation with the NFMS regarding threatened and endangered species impacts.

Randy explained that the work on Pier 18 would qualify for a General Permit (GP) 11 or the full site, including the marsh restoration could be permitted under one Joint Permit. The state has no preference.

Lizzie confirmed that if the site was permitted under the Joint Permit, then construction could proceed in phases.

Randy responded that final plans for the first phase would be required with the permit application.

Karen noted the need for a full analysis on the existing conditions of the aquatic habitat, including habitat for Threatened and Endangered species. Randy recommended that a PNDI search be conducted on the whole site even if construction will be staged. Karen pointed out that a PNDI search will not include aquatic species.

Matt explained that the PA CZM consistency findings was dependent on whether the ACOE required a NP or Individual permit. NP's do not require CZM consistency determination.

Jim responded that the decision between Individual and National Permits would require more information on the design of the project and recommended meeting again as those plans develop.

Josh sent an email about floodplain regulations that may impact this project after the meeting. That email was forwarded to DRWC.

The meeting adjourned at 11:50 pm.