



Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN-09-23

In Reply to Application Number
NAB 2005-02860-P05 (Sunbury Riverfront Reconstruction)

Comment Period: May 8, 2009 to June 6, 2009

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

APPLICANT: City of Sunbury
225 Market Street
Sunbury, PA 17801

LOCATION: In the Susquehanna River at Sunbury, Northumberland County, Pennsylvania

PURPOSE: The applicant's stated purpose is to provide riverbank stabilization; to protect the existing floodwall levee and the existing (WPA) wall; and to provide the public with environmental, social, artistic recreational opportunities, including boating, fishing, hiking and walking, wildlife observation, and a central area for social and artistic outdoor events.

WORK: The applicant proposes to stabilize, fill, and develop over 4,250 linear feet of the Susquehanna River shoreline, in accordance with the attached plans. The work is proposed upstream of the Adam T. Memorial Inflatable Dam (fabridam) at Sunbury. The proposed work would result in the filling of approximately 3.23 acres of the Susquehanna River (area based on ordinary high water mark (OHWM) elevation when fabridam is inflated). Of the 3.23 acres of proposed fill below the OHWM, only 1.51-acres of the fill will occur below the normal water level that exists when the dam is deflated (dam typically deflated for approximately eight months of the year). The proposed riverfront development includes the following work below the OHWM:

1. Approximately 4,250-linear-feet of bank stabilization. The bank stabilization will consist of the placement of earthen fill and R-6 rip rap at a 3:1 slope. The distance of channelward encroachment, measured from the OHWM, for the fill and rip rap, varies along the 4,250 feet length of the project, but averages 30-feet (maximum encroachment of 78-feet in area of proposed amphitheater). Paved pedestrian trails, approximately 10-feet-wide, are proposed to be constructed on top of the earthen backfill. A 12-foot-wide riparian corridor will also run on top of the proposed fill, for approximately 4000 linear feet (see compensatory mitigation statement).
2. The repair/reconstruction of approximately 2,157-linear-feet of the existing Works Progress Administration wall (WPA) with existing stone material and some new stone if required. To provide additional protection to the WPA wall and the proposed riparian buffer they are proposing to construct approximately 2,042-linear feet of new pre-cast concrete walls. The new replacement walls will extend approximately 24-feet channelward of the existing WPA walls

and the area in between will be backfilled with clean suitable fill. Paved pedestrian trails, approximately 10-feet-wide, will be constructed on top of the suitable backfill.

3. To add 1-foot in height and 6-inches to the waterward face of the existing low concrete wall, located in front of the existing WPA wall, for a distance of 453-linear-feet.
4. Construction of a 16-slip marina, consisting of sixteen 8' x 20' floatable docks, extending 25 feet channelward of the OHWM, impacting approximately 7,514 square feet of open water.
5. A proposed 50-feet-wide by 68-feet-long amphitheater extending 78-feet channelward of the OHWM. Construction of the amphitheater would result in the permanent filling of approximately 0.44-acre of open water.
6. To construct a sand bag cofferdam along work area (4,250-linear-feet of shoreline) for the purpose of sediment and erosion control and to maintain a dewatered area for construction. The area below the OHWM that the cofferdam will encompass is 4.71 acres.

The applicant has reduced proposed impacts by moving the location of the amphitheatre, reducing the proposed open water fill by 0.77- acres, and by reducing the proposed channelward encroachment of 1,100-feet of bank stabilization at the northern end of the project by an average of 15-feet.

The applicant proposes compensatory mitigation through creation of a riparian area by planting native grasses and forbes for approximately 4,000 linear feet. The proposed riparian area would be 12-feet-wide. The applicant is also investigating, as part of their compensatory mitigation package, the funding of a multiyear American eel recovery program.

All work is proposed to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Ms. Marion Gall at (814)235-1761*.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

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. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, 1631 South Atherton Street, Suite #102, State College, PA 16801, with the comment period specified above.

The applicant is required to obtain a water quality certification in accordance with Section 404 of the Clean Water Act from the Pennsylvania Department of Environmental Protection through the issuance of a Section 105 permit or through direct application to the Regional Office in the area of the proposed project. The Section 404 certifying agency has a statutory limit of one year in which to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

The evaluation of the impact of this project on the public interest will include applications of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Ms. Marion Gall, 1631 South Atherton Street, Suite # 102, State College, PA 16801, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

FOR THE DISTRICT ENGINEER

WADE B. CHANDLER
Chief, Pennsylvania Section

Enclosure