



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
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WASHINGTON, DC 20314-1000

CECW-NAD

JUL 06 2017

MEMORANDUM FOR COMMANDER, NORTH ATLANTIC DIVISION

SUBJECT: Implementation Guidance for Section 1308 of the Water Resource Development Act of 2016 (WRDA 2016), Central Delaware River, Philadelphia, Pennsylvania

1. Section 1308 of WRDA 2016 establishes certain reaches of the western portion of the Delaware River, within the city of Philadelphia, as specifically identified in the provision, to be declared non-navigable unless the Secretary finds, after consultation with local and regional public officials, that there are substantive objections. Each non-navigable determination limits applicability to only those parts of the areas that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.
2. The Secretary shall make the public interest determination separately for each proposed project to be undertaken within the boundaries described in subsection (a), using reasonable discretion. Determinations under Section 1308 will be made in conjunction with applications submitted to the Philadelphia District Regulatory Branch under Section 10 of the Rivers and Harbors Act of 1899. The district regulatory branch must include appropriate local and regional government organizations (including local and regional planning organizations) in a public notice with respect to the application within 60 days of submission of a complete permit application.
3. The potential determination of non-navigability must be specifically noted in the public notice. Local and regional government officials will be given 30 days to provide comments. Objections from local and regional government organizations must be considered and a determination as to whether the objections raise substantive concerns must be communicated to applicants within 150 days of the date of a complete application. The non-navigability determination will be made immediately after the granting of any U.S. Army Corps of Engineers permits that may be required under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act.
4. Questions regarding this implementation guidance may be directed to Catherine Shuman, Deputy Chief, North Atlantic Division Regional Integration Team, at (202) 761-1379 or Catherine.M.Shuman@usace.army.mil.

Encl

A handwritten signature in black ink, appearing to read "J. Dalton".

JAMES C. DALTON, P.E.  
Director of Civil Works

**SEC. 1308. CENTRAL DELAWARE RIVER, PHILADELPHIA, PENNSYLVANIA.**

(a) AREA TO BE DECLARED NONNAVIGABLE. —Subject to subsection (c), unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that there are substantive objections, those portions of the Delaware River, bounded by the former bulkhead and pierhead lines that were established by the Secretary of War and successors and described as follows, are declared to be nonnavigable waters of the United States:

(1) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61–63, 60, 57, 55, 53, 48, 46, 40, and 38.

(2) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: Piers 24, 25, 27–35, 35.5, 36, 37, 38, 39, 49, 51–52, 53–57, 58–65, 66, 67, 69, 70–72, and Rivercenter.

(b) PUBLIC INTEREST DETERMINATION.—The Secretary shall make the public interest determination under subsection (a) separately for each proposed project to be undertaken within the boundaries described in subsection (a), using reasonable discretion, not later than 150 days after the date of submission of appropriate plans for the proposed project.

(c) LIMITS ON APPLICABILITY.—The declaration under subsection (a) shall apply only to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.