



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

JAN 27 2009

Regulatory Branch
Application Section I

SUBJECT: CENAP-OP-R 2008-884-61 PLYMOUTH DAM

Roderick A. Fletcher, P.E.
Director, Bureau of Abandoned Mine Reclamation
P.O. Box 8476
Harrisburg, PA 17105-8476

Dear Mr. Fletcher

This is in regard to the application for a Department of the Army permit to remove the Plymouth Dam across the Schuylkill River in Plymouth Township, Montgomery County, Pennsylvania.

A copy of the public notice of your application is enclosed for your information. You are reminded of your responsibility to obtain State approval from the Pennsylvania Department of Environmental Protection. If you have not done so already, it is requested that you contact the:

Pennsylvania Department of Environmental Protection
Southeast Regional Office
Soils and Waterways Section
2 East Main Street
Norristown, Pennsylvania 19401

When you receive your State Permit(s), it is requested that copies be furnished to this office.

If you should have any questions regarding this matter, please contact Brenda Schrecengost of my office at (215) 656-5866 or by writing to the above address.

Sincerely,

Frank J. Cianfrani
Chief, Regulatory Branch

Enclosure

RECEIVED
1-30-09



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-2008-884-61

Date

JAN 30 2009

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Pennsylvania Department of Environmental Protection
Bureau of Abandoned Mine Reclamation

AGENT: Pennsylvania Department of Environmental Protection
Bureau of Waterways Engineering

WATERWAY: Schuylkill River

LOCATION: Plymouth Dam, located at River Mile 18 of the Schuylkill River in Plymouth Township, Montgomery County, Pennsylvania
Latitude 40.0749, Longitude -75.3158
The location of the proposed project is shown on the enclosed map (E-1).

ACTIVITY: The project involves the removal of the remains of the partially-breached Plymouth Dam across the Schuylkill River at River Mile 18. Plymouth Dam is a timber crib dam constructed prior to 1816 that is eligible for listing on the National Register of Historic Places (see below for more information on potential affects to historical or archaeological resources). There will be a temporary causeway approximately 110' long by 20' wide (0.05 acre) constructed to allow equipment access on the western side of the river. A temporary causeway from the eastern shore is not necessary. No dredging or removal of sediments is proposed. The dam is comprised of wooden cribbing filled with rock. The wooden cribbing will be disposed of off-site, and the rock will be reused on site. The project will permanently impact 0.30 acre of waters of the United States by filling and stabilizing the eroded stream banks located immediately downstream of the existing dam abutments, which are to remain in place. An area approximately 90' long by 50' wide along the downstream western shore and an area of approximately 110' long by 50' wide on the eastern shore will be stabilized using rock fill. No wetlands are present on the site. A seasonal restriction will require that the work be completed between April and October for the protection of the red-bellied turtle. The dam is proposed to be removed during 2009 in accordance with the seasonal restriction. The proposed work is shown on the enclosed plans E-2 through E-3.

PURPOSE: The purpose of the project is to remove a public safety hazard and to restore the river to a free-flowing condition.

A preliminary review of this application indicates that the proposed work would not affect listed 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.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

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.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The Pennsylvania Historic & Museum Commission, Bureau for Historic Preservation (PHMC), has indicated that the Plymouth Dam will have an effect on properties (Schuylkill River Canal Navigation System (Schuylkill Canal)) listed in or eligible for the National Register of Historic Places. Furthermore, it is the opinion of the PHMC that this project will adversely affect the historic and architectural qualities that make the property eligible. Coordination with the PHMC and Advisory Council on Historic Preservation will be necessary to seek ways to avoid or reduce the effects on historic properties.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A

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preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, indicates that there is no EFH in the Schuylkill River in the area of the proposed project.

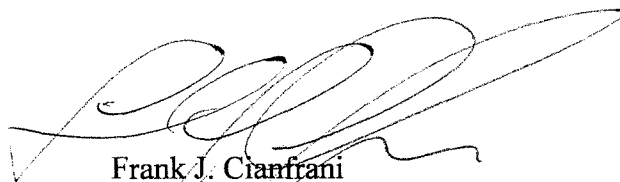
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Brenda Schrecengost at 215-656-5866 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch