

Selected List of Potentially Applicable Regulatory Programs and Anticipated Level of Effort to Meet the Applicable Legal Requirements for Proposed Port Expansions in Delaware

	Claymont/ EV/RAZ	Port of Wilmington	Riveredge		Notes
Government Level of Review & Authority					
Federal					
Archeological and Historic Preservation Act	L	L	M		New Castle Ice Breakers, Holcomb House (Buttonwood Mansion), Buttonwood Dike, Broad Dyke, Properties along Strand, New Castle Wharf, New Castle Riverfront
Clean Air Act	M-H	M-H	M-H		Increased Diesel Emissions
Clean Water Act	M	M	H		Quantity of Dredging, Frequency of O&M Dredging (sedimentation rate) Blasting Rock, etc.
Federal Coastal Zone Management Act	L-M	L	H		General Policy Impact, Specific Policies since 1972 to move POW to Delaware River
Endangered Species Act	M-H	M	H		Atlantic and Short nose Sturgeons, extent of habitat damage or blasting of rock.
Fish and Wildlife Coordination Act	M-H	M	H		Habitat Impacts & Species Impacts
National Historic Preservation Act	L	L	M		Proximity and Potential Impact to Historic Sites
National Environmental Policy Act	M	L-M	H		Based on Level of potential Impacts to environment (largely dredging and fill footprint)
Rivers and Harbors Act	M	M	H		Based on Level of potential Impacts to environment (largely dredging and fill footprint), also Wetlands Permitting for significant road crossing at riveredge site.
Watershed Protection and Flood Prevention Act	L	L	H		Based on need to re-enforce protective dikes in response to increased wakes and wave energy at Buttonwood Dike and Broad Dyke.
State					
Subaqueous Lands Act	L-M	L-M	H		Environmental Impacts vs. Public Interest Benefits Analysis
Tidal Wetlands Act	L	L	M		Acreeage Impacted by Dredging or fill. Also significant road crossing of tidal wetlands at Riveredge Site.
Sediment and Stormwater Act	M	M	M		Increased Impervious surface and runoff.
Air Quality Standards	M-H	M-H	M-H		Increased Diesel Emissions
CZMA Federal Consistency Policies	L-M	L	H		General Policy Impact. Existing Policies since 1972 to in support of Moving Port to Delaware River Front to guide descretionary decision making.
Delaware Coastal Zone Act	M	L	H		POW Exempt: Other industrial uses permitable (other than bulk transport, but must develop offsets that produce a "net improvement in environmental quality".
Hazardous Substance Clean-Up Act	M	M	L-M		Claymont and POW have known Brownfields Sites. Riveredge not sampled, but may have issues such as the former shooting range (lead contamination).
Local					
County and Municipal Land Use Codes	L-M	L-M	M		Level of Service/Transportation; Existing Zoning; Political

Estimated Challenge for Compliance

- L = Low (Some information will be needed and conditions must be met, but relative modest effort.)
- M = Medium (Significant Data Collection & Time Required; meeting some conditions will be challenging)
- H = High (Extensive Data Collection & Time Required; meeting conditions will be hard and in some cases may delay or stop project)



**Anticipated Studies Required for Proposed Port Expansion Projects in Delaware
(Selected Analysis, Not a Comprehensive List):**

Complete EIS for Riveredge, EIS or EA for POW & Claymont (depending on impacts)
Bathymetry/Hydrographic Survey
Subbottom Profiling of Submerged Lands (e.g. sonar, etc.)
Dredge Disposal Analysis and Expected Long Term Maintenance (O&M)
Benthic Community Assessment
Wake/Wave Energy Analysis of Impacts to Adjacent Areas
Detailed Hydrodynamic Modeling of Sediment Transport
Detailed Cost/Benefit Analysis in Accordance with NEPA Standards
Sediment Contamination (based on vibracore collection and stratified analysis)
Analysis of Mitigation/Compensation Alternatives for Wetlands/Subaqueous Lands Impacts
Development of Environmental Monitoring Plans
Development of Measureable Offsets for Delaware CZA Permits (Riveredge & Claymont)
Endangered Species Act, Section 7 Consultation & Monitoring (Sturgeon)
Geotechnical Evaluations
Analysis of likely improvement needed to mitigate wave/wake impacts to nearby lands (dikes, etc.).
Noise Impact to adjacent properties & Communities
Traffic Impact Studies



Anticipated Agency Coordination Requirements for Permitting (Selected List, Not Comprehensive)

Federal Agencies

U.S. Army Corps of Engineers
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
U.S. Coast Guard
NOAA/National Marine Fisheries Service

State Agencies

DNREC
Wetlands & Subaqueous Lands
Coastal Management Program
Air Quality Section
Water Quality Section
Watershed Stewardship/Sediment & Stormwater
Heritage Program (Rare & Endangered Species)
Fisheries Section
Delaware Historic Preservation Office
Delaware Department of Transportation
New Jersey DEP

Local Agencies

NCC Department of Land Use
City of Wilmington, Department of Planning
City of New Castle