



December 19, 2022

U.S. Army Corps of Engineers (First Class mail and electronic)
District Engineer, U.S. Army Corps of Engineers
Philadelphia District, Wanamaker Building
100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

napregulatory@usace.army.mil

Attention: Mr. Todd Schaible, Chief, Regulatory Branch
Mr. Brian Anthony

Re: CENAP-OP-R-2018-00729-84/First Pennsylvania Resource LLC Cobbs Creek Mitigation Bank

Good Day,

The undersigned organizations respectfully request a new Public Notice be issued by the Corps, as well as a new and extended comment period (90-day) on the above captioned matter. This is a highly controversial project that will have substantial implications for the tens of thousands of people, property, and natural resources in the already highly flood-prone Darby and Cobbs Creek Watershed. Our request is based upon the following:

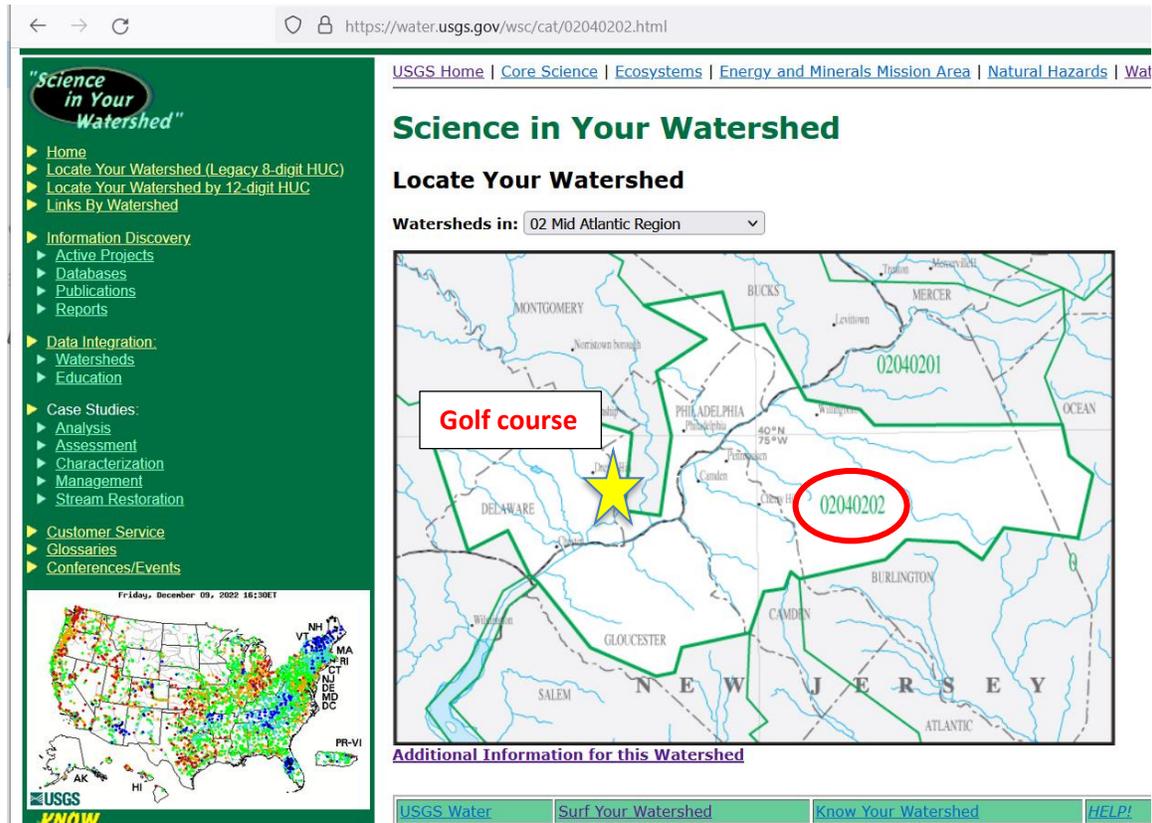
- The proposed streambank and wetland restoration plan might have the potential to mitigate some downstream flooding and sediment deposition, however, there is a newly proposed steep slope tree and ground cover clearing ([Zoning Bill No. 220918](#) entitled 'Cobbs Creek Golf Course Overlay District), on up-land sections at the golf course now under consideration by the City of Philadelphia. As you are already likely aware, the Darby/Cobbs is one of the most flood prone watersheds in SE Pennsylvania. The Army Corps Philadelphia District is assessing flood mitigation projects, including the construction of a berm, in Eastwick in an attempt to reduce the flooding from the Cobbs Creek that already poses a threat to Eastwick residents and the U.S. Fish and Wildlife John Heinz National Wildlife Refuge. Those communities located downstream of the golf course are largely designated as Environmental Justice communities and already suffer from chronic and catastrophic flooding. While it is true that the cleared 108-acre golf course site, which included the cutting of 500 large trees (24" DBH and larger), now absolutely requires the implementation of the streambank and wetland restoration, there is substantially more devastating clearing proposed and under consideration by the Philadelphia City Planning Commission (PCPC). The Army Corps should not approve this Mitigation Bank approval without all of the information to make a sound, scientifically-based decision. Without the full extent of what

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ecological impacts that new steep slope clearing can have on the proposed streambank and wetland restoration, the Corps cannot know if this streambank and wetland restoration plan will be sufficient to manage the volume and velocity of runoff because the clearing of more trees could easily add more stormwater to the system. The Corps must base their decision on the total and cumulative impacts of the full-site clearing this developer and the City of Philadelphia is considering.

- As noted above, these substantial site development changes to the project scope are being considered by the PCPC – perhaps as early as their January 2023 meeting. Currently the PCPC is considering an ordinance overlay that will allow this developer to clear-cut mature trees from both steep slopes in and outside of the riparian zone and floodplain. The PCPC’s ordinance action reduces the opportunities for public input.
- The Corps’ determination regarding issuance of a mitigation bank permit should be based on the total and cumulative activities of the potential current and future environmental impacts of the golf course redevelopment project, both negative and positive. These impacts include, but are not limited to, the volume and velocity of stormwater runoff and sedimentation impacted by the current site clearing, but also plans for additional site work including the deposition of fill in onsite wetlands and planned and ongoing golf course management and use. The Corps must also evaluate the proposed bank service area, specifically whether it is occurring at a responsible distance, and how resources may be potentially impacted there.
- In testimony at the December 8, 2022 PCPC, the majority of the public comment drew into question the effectiveness of the public notification of the applicant’s attempts to hold public meetings to discuss the site clearing or the proposed restoration and mitigation plan. Many residents in the immediate area of the golf course, including a Philadelphia Block Captain, had not been notified. All of the residents from the downstream environmental justice Eastwick community that gave testimony to the PCPC had not been notified despite the fact that their community is routinely flooded by Cobbs Creek,
- The Corps’ Public Notice is deficient in that it is incomplete and contains errors. Specifically:
 - It refers to several affirmative statements of what the proposed mitigation project will accomplish but does not have the documentation for the community to fully understand and make informed comment. Specifically,
 - “...the restoration activities will buffer and capture stormwater runoff preventing nutrients and sediments from discharging directly into the watershed...in accordance to the mitigation design plan...” (**Activity Para #1**). The applicant’s Preliminary Resources Development Map (Figure 13A) does not provide the detail necessary for the public to make an informed comment. The Corps should at least provide these documentation resources as Attachments to the Public Notice or offer live weblinks to them online,
 - In **Activity Para #4**, it states “Existing resources are outlined on the two figures in E2.” There is no “E2” figure in this Public Notice. This element of the permit application seems critical since it helps the public understand the assessment of the compatibility of the on-site utility easements and those of the restored natural resources on the site,
 - In **Activity Para #5**, the Public Notice refers to the Service Area Map “E1.” However, the only Service Area Map in this Public Notice is depicted as “Figure 1A.” Is this the accurate map depicting the information that the community needs to make an informed decision? It is not clear and a new Public Notice – including a new comment deadline – should be prepared,

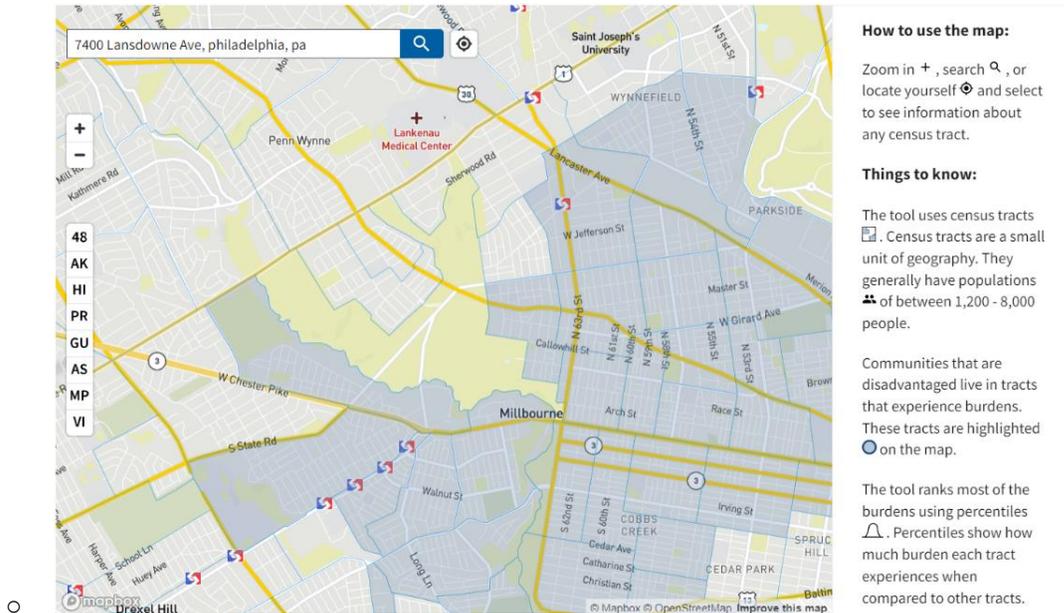
- Also in **Activity Para #5**, The Service Area depicted in the Attached Figure 1A indicates that the mitigation projects could be as far north as Allentown or south as far as the Maryland/Delaware border. However, according to our research of HUC 02040202 on the USGS website (see below), those mitigation projects could even be sited in New Jersey. This is contradictory to what the Public Notice states. The Public Notice must make sense for the community residents that you seek comment from. The information provided in the Public Notice does not mesh with the USGS website. This should be corrected in the revised Public Notice.



<https://water.usgs.gov/wsc/cat/02040202.html>

- In **Activity Para #7**, again, the Preliminary Resources Map is identified as “E2,” but the only one in the Public Notice is identified as “13A.” That too should be corrected for clarity.
- Realization of the project would be in direct conflict with high priority federal programs such as the currently active [Justice 40 initiative](#). The Justice 40 Initiative aims to deliver 40% of the overall benefits of climate, clean energy, affordable and sustainable housing, clean water, and other investments to disadvantaged communities that are marginalized, underserved, and overburdened by pollution and climate change pressures like increased flooding. Many of the covered programs are led by the Army Corps. Assistant Secretary of the Army for Civil Works Michael L. Connor himself said “I am committed to furthering the administration’s goals under the Justice40 Initiative to ensure that marginalized communities are supported by the Army Corps of Engineers with critical infrastructure that provides healthy ecosystems and helps them to reduce their flood risks.” The [Climate and Economic Justice Screening Tool](#) (CEJST) is a geospatial mapping tool used to identify disadvantaged communities that are marginalized, underserved, and overburdened by pollution to be targeted to receive Justice 40 Initiative benefits. The CEJST specifically identified neighborhoods surrounding the golf

course as Environmental Justice communities (see image below). Considering the facts presented above, it is crucial that the Army Corps remain committed to its mission of supporting the climate resiliency of environmental justice communities and grant a 90-day extension on the public commenting period. This would allow necessary community input and analyses by technical experts on the project to take place to ensure a socially responsible and ecologically sustainable future for communities neighboring and downstream of the Cobbs Creek Golf Course.



- The timing of this Corps permit comment period falls directly between the Thanksgiving, Christmas and Hanukkah holidays. With all of these important, but time-consuming issues taking place, concerned residents and organizations will not have the bandwidth to fully absorb, digest and prepare comment to meet the Corps' December 21, 2022 deadline.

For all of the reasons stated above, we are requesting the Corps' issue a revised Public Notice that incorporates accurate and complete information and an extended 90-day public comment period. Please contact Fred Stine, Community Action Coordinator, Delaware Riverkeeper Network (O 215.369.1188x113/M 856.816.8021 or email: fred@delawareriverkeeper.org). Thank you.

Sincerely,

Cobbs Creek Environmental Justice
 Cobbs Creek Park Ambassadors
 Darby Creek Valley Association
 Delaware Riverkeeper Network
 Eastwick Friends and Neighbors Coalition
 Eastwick United CDC
 Pennsylvania Sierra Club
 Philadelphia Mycology Club