

114TH CONGRESS
2D SESSION

H. R. 4858

To provide a declaration of nonnavigability for the central Delaware River,
Philadelphia, Pennsylvania, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2016

Mr. BRADY of Pennsylvania introduced the following bill; which was referred
to the Committee on Transportation and Infrastructure

A BILL

To provide a declaration of nonnavigability for the central
Delaware River, Philadelphia, Pennsylvania, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DECLARATION OF NONNAVIGABILITY, CEN-**
4 **TRAL DELAWARE RIVER, PHILADELPHIA,**
5 **PENNSYLVANIA.**

6 (a) AREA TO BE DECLARED NONNAVIGABLE.—Sub-
7 ject to subsection (c), unless the Secretary of the Army
8 finds, after consultation with local and regional public offi-
9 cials (including local and regional public planning organi-
10 zations), that there are substantive objections, those por-

1 tions of the Delaware River, bounded by the former bulk-
2 head and pierhead lines that were established by the Sec-
3 retary of War and successors and described as follows, are
4 declared to be nonnavigable waters of the United States:

5 (1) Piers 70 South through 38 South, encom-
6 passing an area bounded by the southern line of
7 Moore Street extended to the northern line of Cath-
8 erine Street extended, including the following piers:
9 Piers 70, 68, 67, 64, 61–63, 60, 57, 55, 53, 48, 46,
10 40, and 38.

11 (2) Piers 24 North through 72 North, encom-
12 passing an area bounded by the southern line of Cal-
13 lowhill Street extended to the northern line of East
14 Fletcher Street extended, including the following
15 piers: Piers 24, 25, 27–35, 35.5, 36, 37, 38, 39, 49,
16 51–52, 53–57, 58–65, 66, 67, 69, 70–72, and
17 Rivercenter.

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

1 (c) LIMITS ON APPLICABILITY; REGULATORY RE-
2 QUIREMENTS.—The declaration under subsection (a) shall
3 apply only to those parts of the areas described in sub-
4 section (a) that are or will be bulkheaded and filled or
5 otherwise occupied by permanent structures, including
6 marina and recreation facilities. All such work is subject
7 to all applicable Federal statutes and regulations, includ-
8 ing sections 9 and 10 of the Act of March 3, 1899 (30
9 Stat. 1151; 33 U.S.C. 401 and 403), commonly known
10 as the River and Harbors Appropriation Act of 1899, sec-
11 tion 404 of the Federal Water Pollution Control Act (33
12 U.S.C. 1344), and the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.).

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