



**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.	Date
CENAP-OP-R-2018-1087	December 21, 2018
Application No.	File No.
CENAP-OP-R-2018-1087	CENAP-OP-R-2018-1087-85

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: Delaware Department of Natural Resources and Environmental Control

AGENT: Delaware Department of Natural Resources and Environmental Control (DDNREC)

WATERWAY: Delaware Bay

LOCATION: Pickering Beach (Lat. 39.13598°N/Long. 75.40881°W) Dover, Kent County, Delaware

Kitts Hummock Beach (Lat. 39.10359°N/Long. 75.40171°W) Dover, Kent County, Delaware

Bowers Beach (Lat. 39.06239°N/Long. 75.439754°W) Frederica, Kent County, Delaware

ACTIVITY: The applicant has applied for a Department of The Army permit to conduct beach nourishment activities along 2,600 linear feet at Pickering Beach, 4,800 linear feet at Kitts Hummock and 2,200 linear feet at Bowers Beach, along the Delaware Bay east of Dover and Frederica, Kent County Delaware. Portions of Kitts Hummock were nourished in 2007 and 2014. A portion of Bowers Beach was nourished in 2017, while Pickering Beach was nourished in 2001. The applicant proposes to haul in via dump truck, 22,900 cubic yards of sand to Pickering Beach, 23,000 cubic yards of sand to Kitts Hummock and 20,000 cubic yards of sand to Bowers Beach from an inland borrow source. The sand will be placed utilizing off road hauling equipment and shaped with a bulldozer in accordance with the design template. The

extent of the beach nourishment activities are indicated on the attached plans prepared by the DDNREC identified as E-1 through E-9.

PURPOSE: These bay beach communities are subject to significant erosion from increased wave action during storm events. As such, the purpose of the project is to provide erosion and storm damage protection to infrastructure, as well as commercial and private structures and improve the beach for recreational use.

AVOIDANCE/MINIMIZATION/COMPENSATION STATEMENT:

On April 10, 2008, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency published a *Final Rule on Compensatory Mitigation for the Losses of Aquatic Resources* (33 CFR 325 and 332 and 40 CFR 230). The rule took effect on June 9, 2008. In accordance with 33 CFR Part 325.1(d)(7) of the rule, the applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable, and has further documented that compensatory mitigation is not necessary. The following aspects and features of the project demonstrate the applicant's efforts in this regard.

The project cannot be avoided entirely because it is, by its nature, a water-dependent activity. Because the project involves replenishing the beach with like-sized material within the footprint of what previously existed, the applicant is not proposing to conduct any compensatory mitigation for the work.

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. The ACOE will forward this PN to the US Fish and Wildlife Service or National Marine Fisheries Service with a request for technical assistance on whether any ESA listed species or their critical habitat maybe present in the area which would be affected by the proposed activity. The Philadelphia District will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with the respective agencies as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. The Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work. The Philadelphia District has determined that the proposed project is of such limited nature and scope that little likelihood exists for the proposed action to impact an historic property. The District has determined that the project will have no effect on properties eligible for or listed in the National Register of Historic Places.

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.

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.

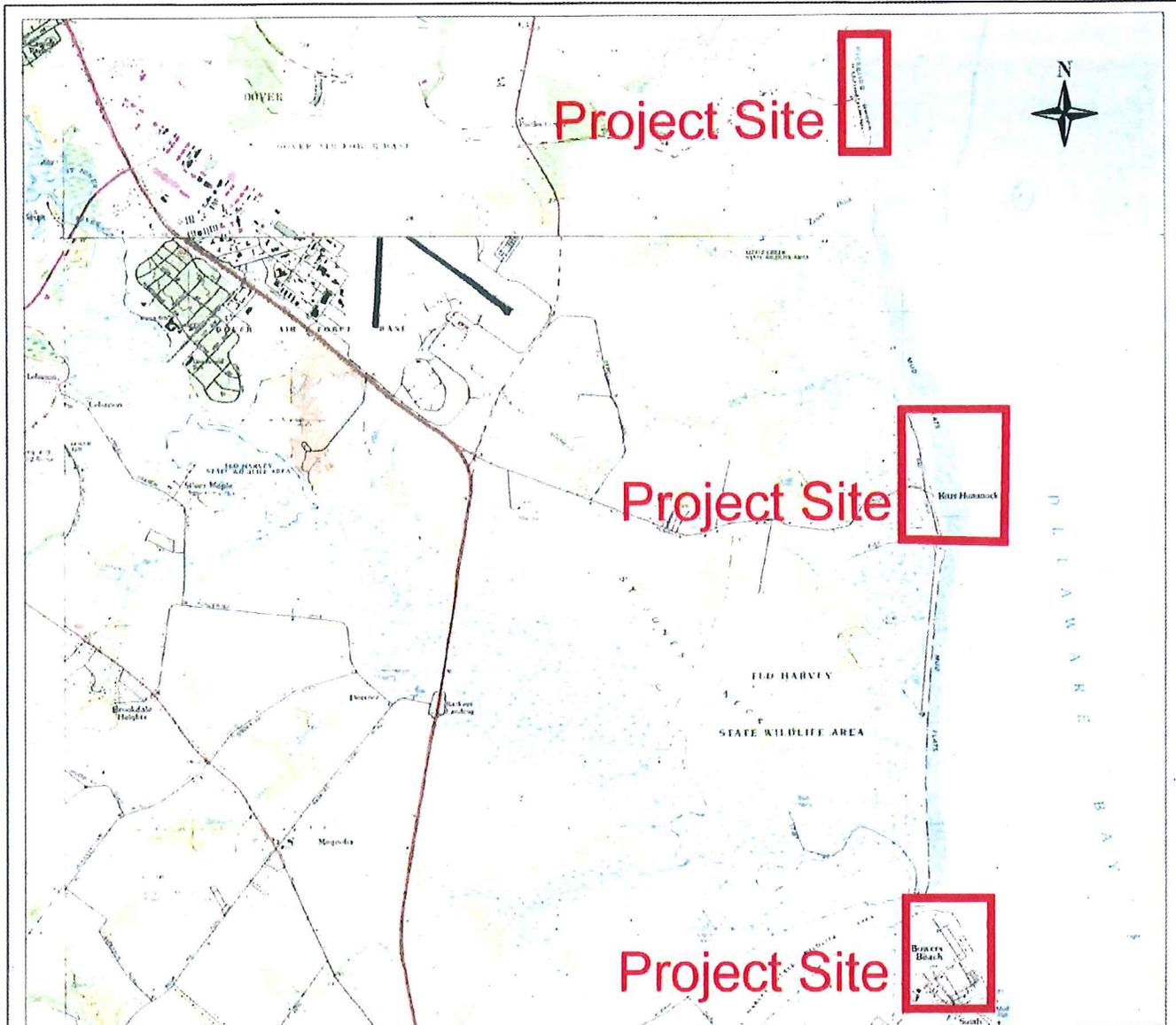
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request by 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 Michael D. Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil, or by writing this office at the above address.



Edward E. Bonner
Chief, Regulatory Branch



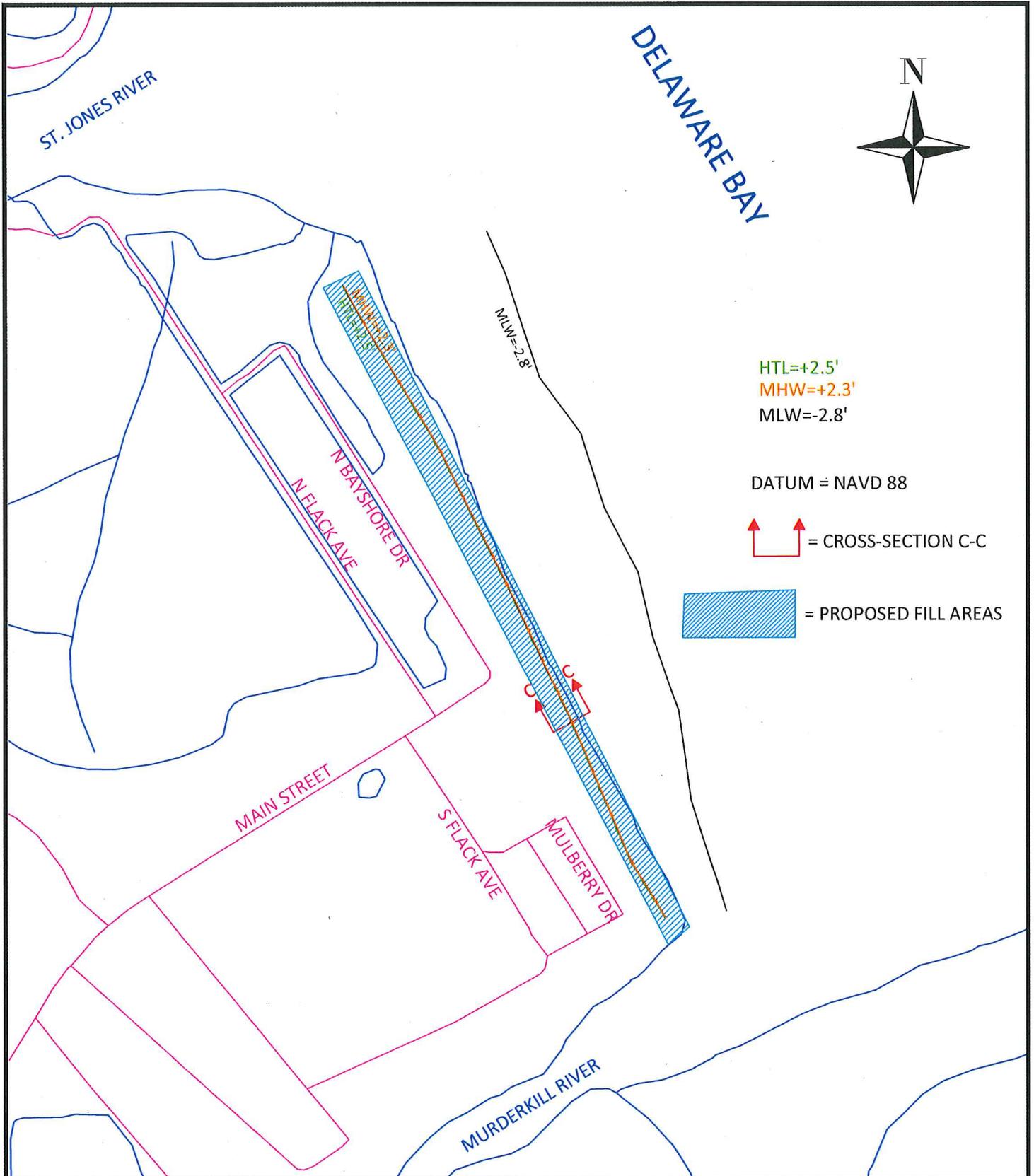
PROJECT VICINITY MAP



DELAWARE BAY BEACHES TRUCK FILL PROJECT
KENT COUNTY, DELAWARE
APPLICATION BY: DNREC - DIVISION OF
WATERSHED STEWARDSHIP
DATE: SEPTEMBER 2018

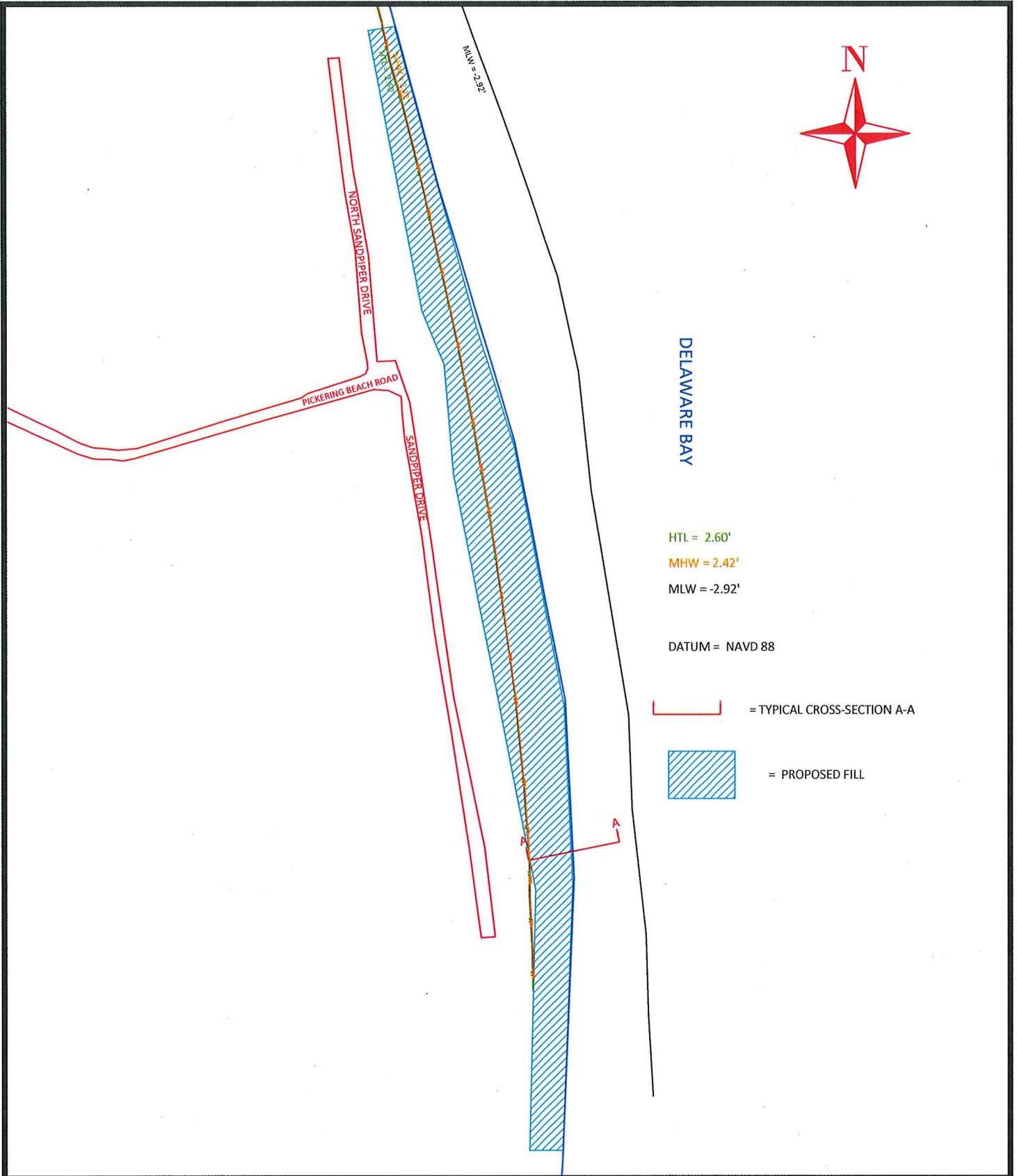
SHEET: 1 OF 8

F:\SURVEY CREW\Bay beaches Truck Fill Project 2018



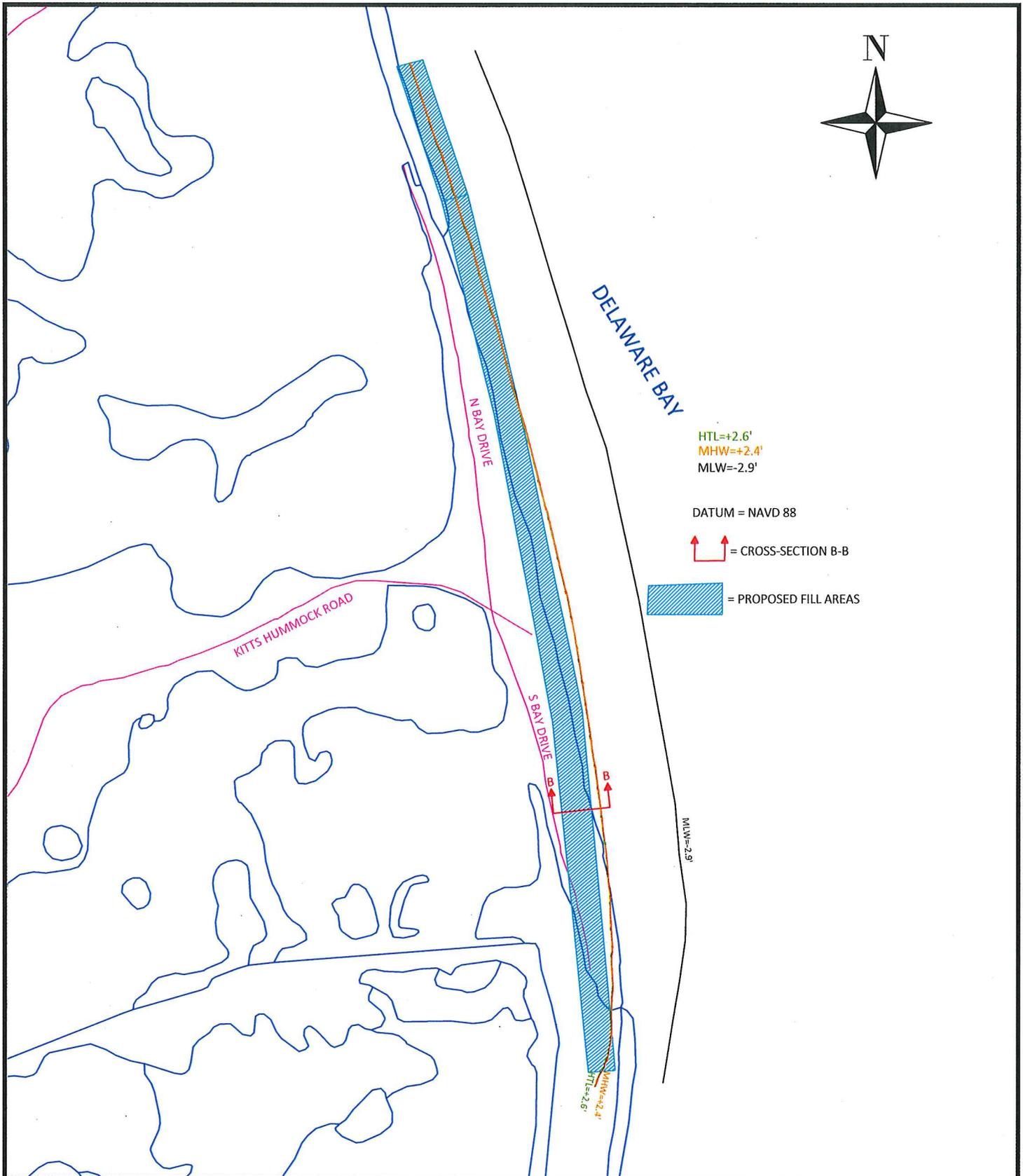
SHEET 2 OF 8
 SCALE: 1 INCH = 400 FEET
 DATE: SEPTEMBER 2018
 DRAWN BY: A. MACDONALD
 CHECKED BY: C. WILLIAMS

**BOWERS BEACH NOURISHMENT
 TRUCK FILL PROJECT**
 DELAWARE DEPARTMENT OF NATURAL
 RESOURCES AND ENVIRONMENTAL CONTROL
 DIVISION OF WATERSHED STEWARDSHIP



SHEET 3 OF 8
SCALE: 1 INCH = 300 FEET
DATE: SEPTEMBER 2018
DRAWN BY: A. MACDONALD
CHECKED BY: C. WILLIAMS

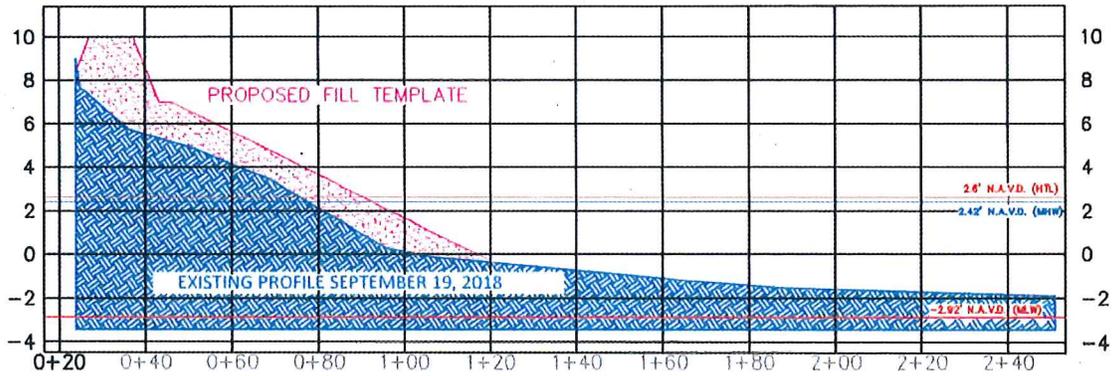
**PICKERING BEACH NOURISHMENT
 TRUCK FILL PROJECT**
**DELAWARE DEPARTMENT OF NATURAL
 RESOURCES AND ENVIRONMENTAL CONTROL**
DIVISION OF WATERSHED STEWARDSHIP



SHEET 4 OF 8
 SCALE: 1 INCH = 600 FEET
 DATE: SEPTEMBER 2018
 DRAWN BY: A. MACDONALD
 CHECKED BY: C. WILLIAMS

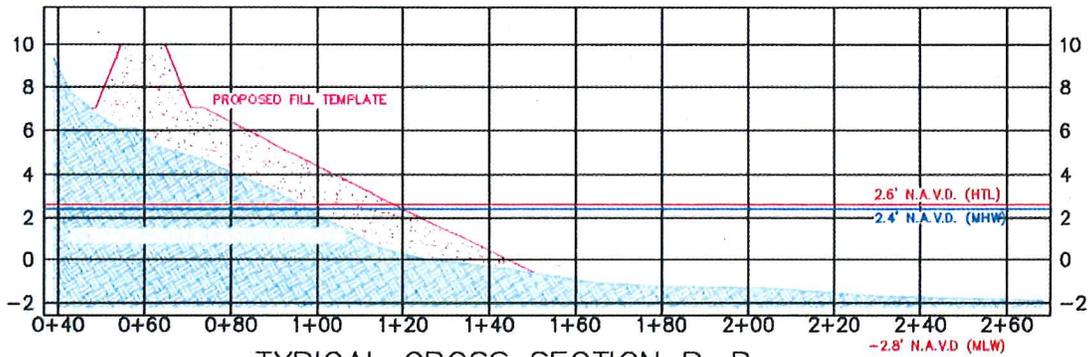
**KITTS HUMMOCK BEACH NOURISHMENT
 TRUCK FILL PROJECT**
 DELAWARE DEPARTMENT OF NATURAL
 RESOURCES AND ENVIRONMENTAL CONTROL
 DIVISION OF WATERSHED STEWARDSHIP

S 12+00 PICKERING BEACH



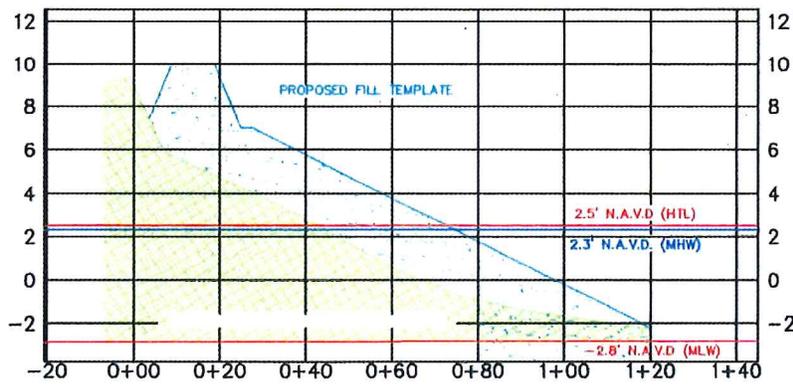
TYPICAL CROSS SECTION A-A

S 10+00 KITTS HUMMOCK



TYPICAL CROSS SECTION B-B

N 8+00 NORTH BOWERS BEACH



TYPICAL CROSS SECTION C-C



SHEET 5 OF 8
 SCALE: 1 INCH = 40 FEET
 DATE: SEPTEMBER 2018
 DRAWN BY: A. MACDONALD
 CHECKED BY: C. WILLIAMS

**BAY BEACH NOURISHMENT
 TRUCK FILL PROJECT**
 DELAWARE DEPARTMENT OF NATURAL
 RESOURCES AND ENVIRONMENTAL CONTROL
 DIVISION OF WATERSHED STEWARDSHIP

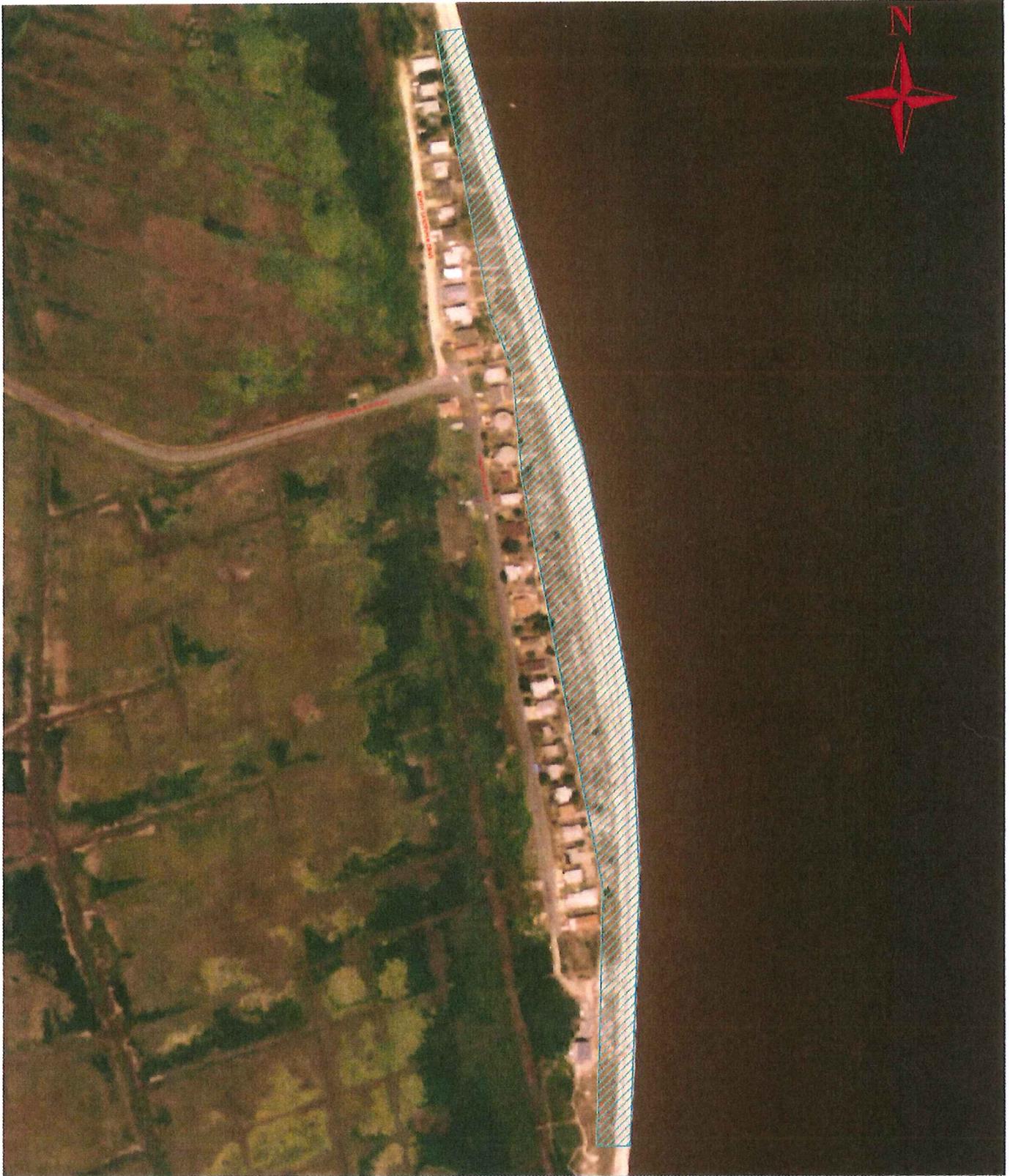


BOWERS BEACH NOURISHMENT TRUCK FILL PROJECT
AERIAL LOCATION MAP

SHEET 6 OF 8

SCALE: 1" = 300'

E-7



PICKERING BEACH NOURISHMENT TRUCK FILL PROJECT
AERIAL LOCATION MAP

SHEET 7 OF 8

SCALE: 1" = 300'

E-8



**KITTS HUMMOCK BEACH NOURISHMENT TRUCK FILL PROJECT
AERIAL LOCATION MAP**

SHEET 8 OF 8

SCALE: 1" = 600'

E-9