



**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-2006-6381-60

Date  
**MAR 03 2007**

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 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 Transportation

**AGENT:** Ms. Joy Ford  
Delaware Department of Transportation  
800 Bay Road, Box 778  
Dover, DE 19903-0778

**WATERWAY:** Red Clay Creek

**LOCATION:** The project site would be located approximately 75' east of the temporary bridge connecting Foxhill Lane and Rolling Mill Road situated in New Castle County, Delaware.

**ACTIVITY:** The applicant is proposing to temporarily fill 0.044 acre and permanently fill 0.015 acre of waters of the United States associated with the replacement of Bridge 137 (Wooddale Covered Bridge) on Foxhill Lane over the Red Clay Creek. The proposed one lane covered bridge would have a 50-foot clear span, and a 16-foot wide lane. The applicant proposes to temporarily place sandbag cofferdams within the Red Clay Creek to dewater the work areas. Upon completion of the proposed bridge, the applicant would remove the temporary bridge. A description of the proposed work is shown on the attached plans E-1 through E-5

It is noted that the applicant had applied for Nationwide Permit # 23 verification for the above referenced activities. The resource agencies have reviewed and provided comments for the proposed work.

**PURPOSE:** On September 15, 2003 the Wooddale Covered Bridge was completely destroyed due to flooding associated with the remnants of Tropical Storm Henri. The bridge replacement is necessary as it is the only access route to the community of Wooddale.

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.

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 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 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 are no designated EFH area in the vicinity of the proposed work.

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 Richard Fonorow at (215) 656-5957 or writing to this office at the above address.



Frank J. Cianfrani  
Chief, Regulatory Branch

DELAWARE DEPARTMENT OF TRANSPORTATION

CONTRACT NUMBER: 22-074-14

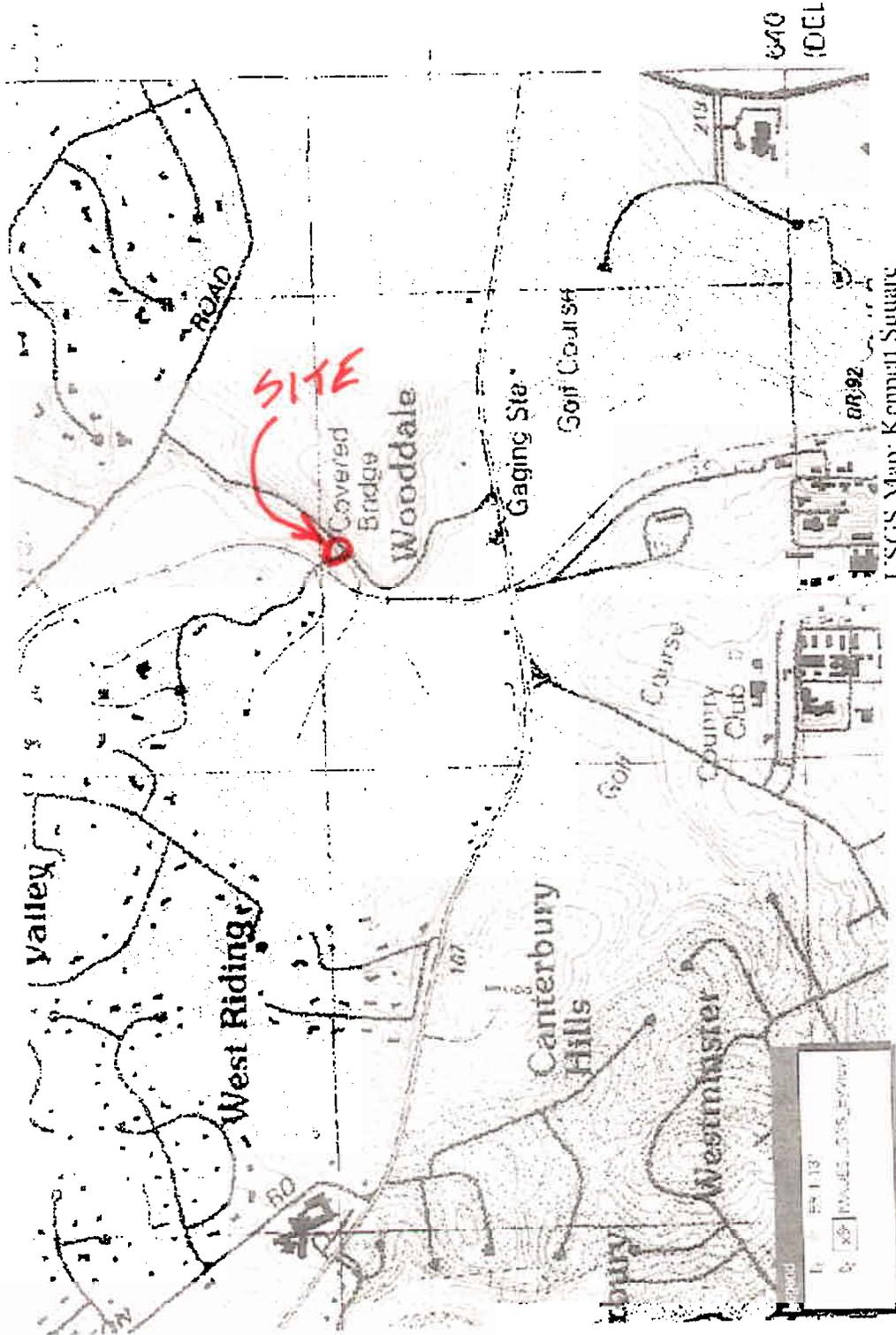
COUNTY: NEW CASTLE

PAGE 1 OF 5

TITLE: BRI-137 ON FOXHILL LANE OVER RED CLAY CREEK

2/21/27

AND ROLLING MILL ROAD RETAINING WALL



22-074-14

USGS CONTOUR MAP

CADD:

DESIGN:

CHD. I

E-1

**DELAWARE DEPARTMENT OF TRANSPORTATION**

CONTRACT NUMBER: 22-074-14

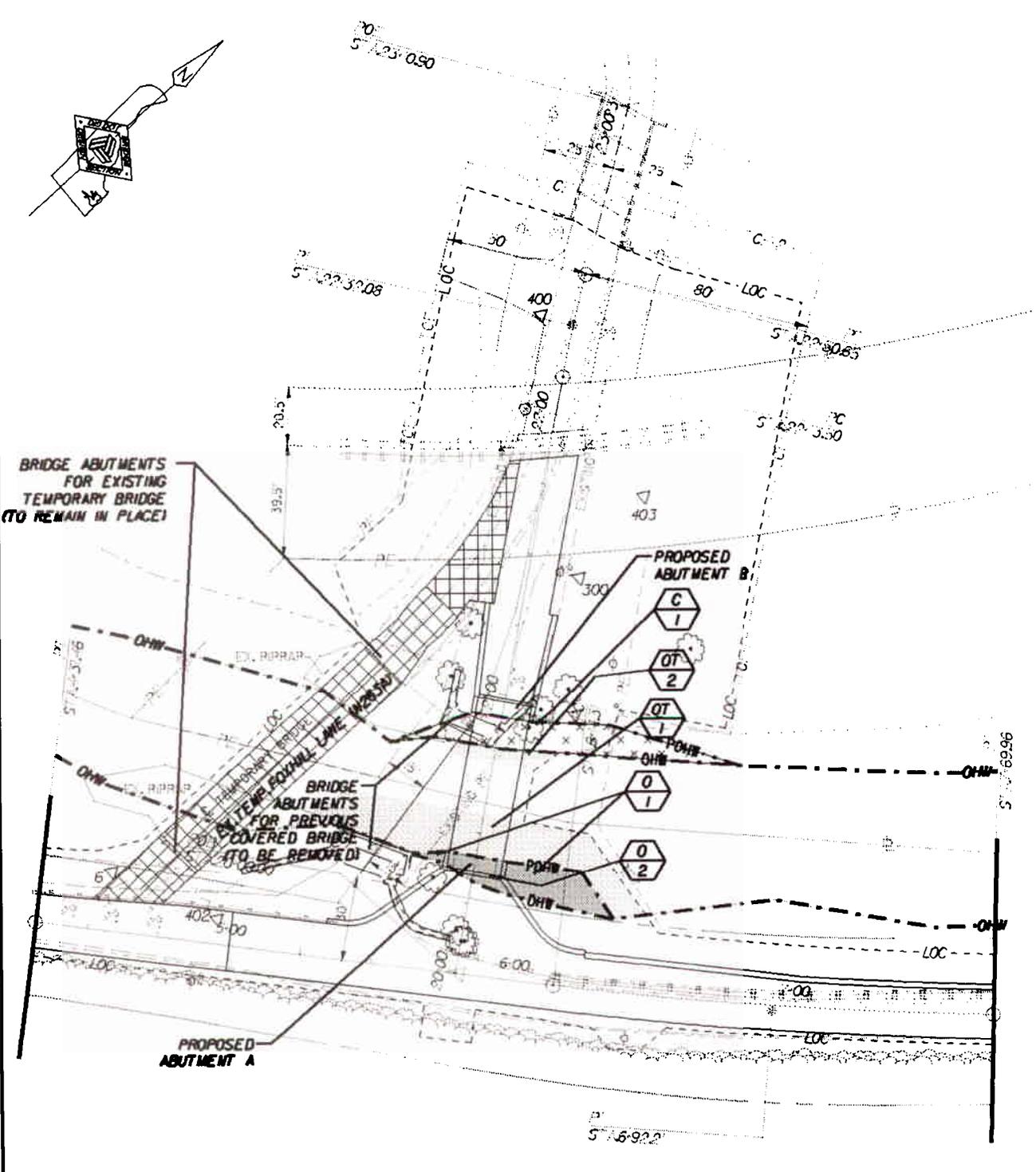
COUNTY: NEW CASTLE

PAGE 2 OF 5

TITLE: BR 1-137 ON FOXHILL LANE OVER RED CLAY CREEK

2/21/07

AND ROLLING MILL ROAD RETAINING WALL



FEET/10/100

ENVIRONMENTAL COMPLIANCE PLAN (1" = 50')	CADD:	DESIGN:	CHKD.:
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E-Z

DELAWARE DEPARTMENT OF TRANSPORTATION

CONTRACT NUMBER: 22-074-14

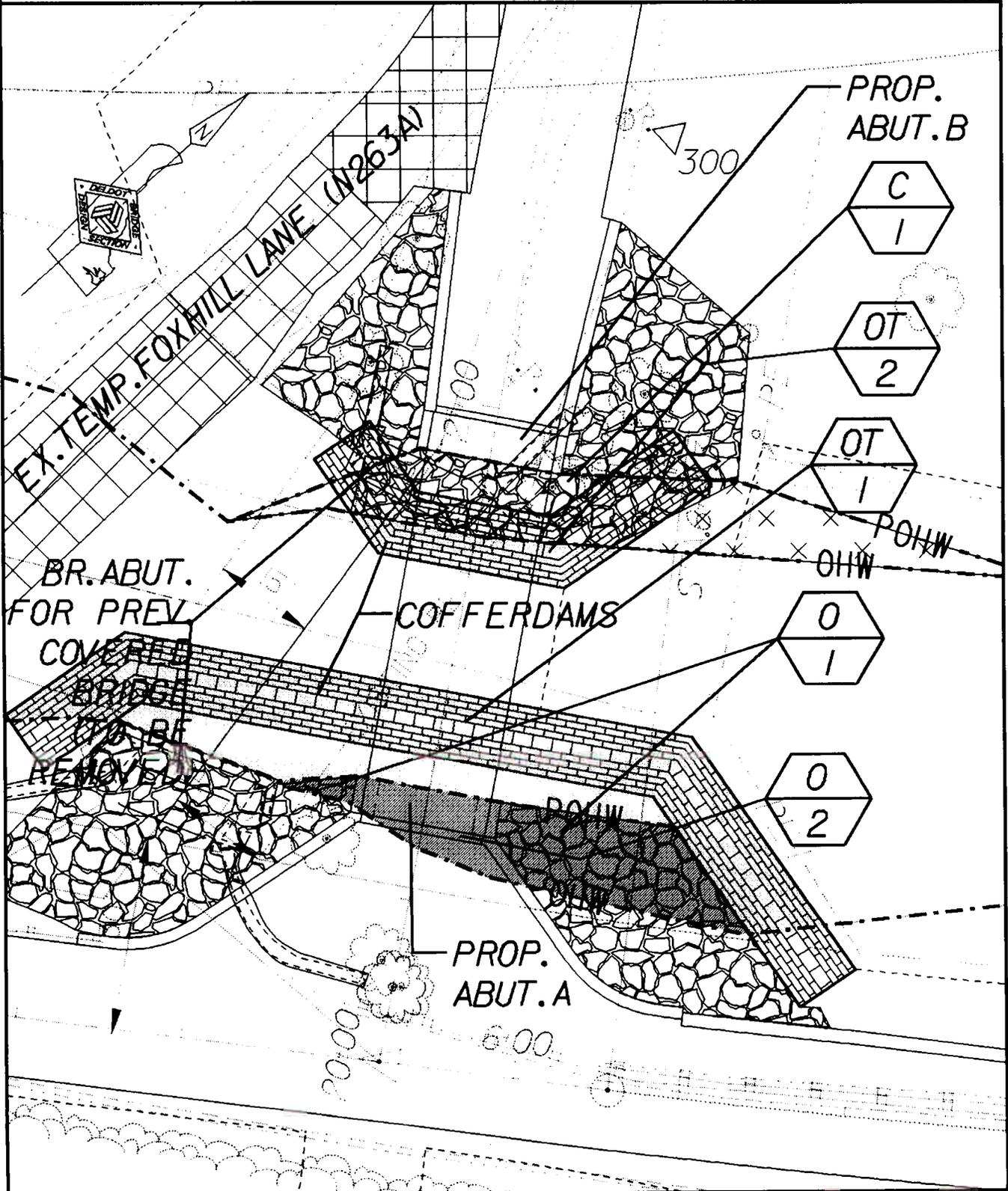
COUNTY: NEW CASTLE

PAGE 3 OF 5

TITLE: BR 1-137 ON FOXHILL LANE OVER RED CLAY CREEK

2/21/07

AND ROLLING MILL ROAD RETAINING WALL



FEET/10/100

IMPACT AREA DETAIL (1" = 20')

CADD:

DESIGN:

CHKD.:

E-3

**DELAWARE DEPARTMENT OF TRANSPORTATION**

CONTRACT NUMBER: 22-074-14

COUNTY: NEW CASTLE

PAGE 4 OF 5

TITLE: BR 1-137 ON FOXHILL LANE OVER RED CLAY CREEK

2/21/07

AND ROLLING MILL ROAD RETAINING WALL

SHEET PREPARED BY: JASON HASTINGS  
 DELAWARE DEPT. OF TRANSPORTATION  
 BRIDGE DESIGN SECTION, 2/21/07  
 NO WETLANDS PRESENT WITHIN PROJECT  
 LIMITS AS DEPICTED ON THIS PLAN SHEET.

LEGEND	
	PERMANENT IMPACT AREA
	TEMPORARY IMPACT AREA
	RIPRAP
	COFFERDAM
	CREATION AREA
	ORDINARY HIGH WATER
	PROPOSED ORDINARY HIGH WATER
	IMPACT AREA TYPE IDENTIFIER (SEE BELOW)
	IMPACT AREA IDENTIFIER AND/OR NUMBER
O	OPEN WATER IMPACT
T	TEMPORARY IMPACT
C	CREATION AREA

TABLE OF IMPACT AREAS			
AREA	AREA ( FT <sup>2</sup> )	AREA ( ACRES )	VOLUME ( yd <sup>3</sup> )
<b>TEMPORARY</b>			
FILL AREA 'OT-1'	1697.41	0.039	125.73
FILL AREA 'OT-2'	196.91	0.005	18.23
<b>SUBTOTAL</b>	<b>1894.32</b>	<b>0.044</b>	<b>143.96</b>
<b>PERMANENT</b>			
RIPRAP AREA 'O-1'	434.15	0.010	32.16
FILL AREA 'O-2'	206.75	0.005	15.31
<b>SUBTOTAL</b>	<b>640.90</b>	<b>0.015</b>	<b>47.47</b>
<b>TOTAL</b>	<b>2535.22</b>	<b>0.059</b>	<b>259.71</b>

TABLE OF CREATION AREAS			
AREA	AREA ( FT <sup>2</sup> )	AREA ( ACRES )	VOLUME ( yd <sup>3</sup> )
CREATION AREA 'C-1'	906.46	0.021	67.15
<b>TOTAL</b>	<b>906.46</b>	<b>0.021</b>	<b>67.15</b>

FEET/10/100

ENVIRONMENTAL COMPLIANCE LEGEND AND IMPACTS

CADD:

DESIGN:

CHKD.:

DELAWARE DEPARTMENT OF TRANSPORTATION

CONTRACT NUMBER: 22-074-14

COUNTY: 22-074-14

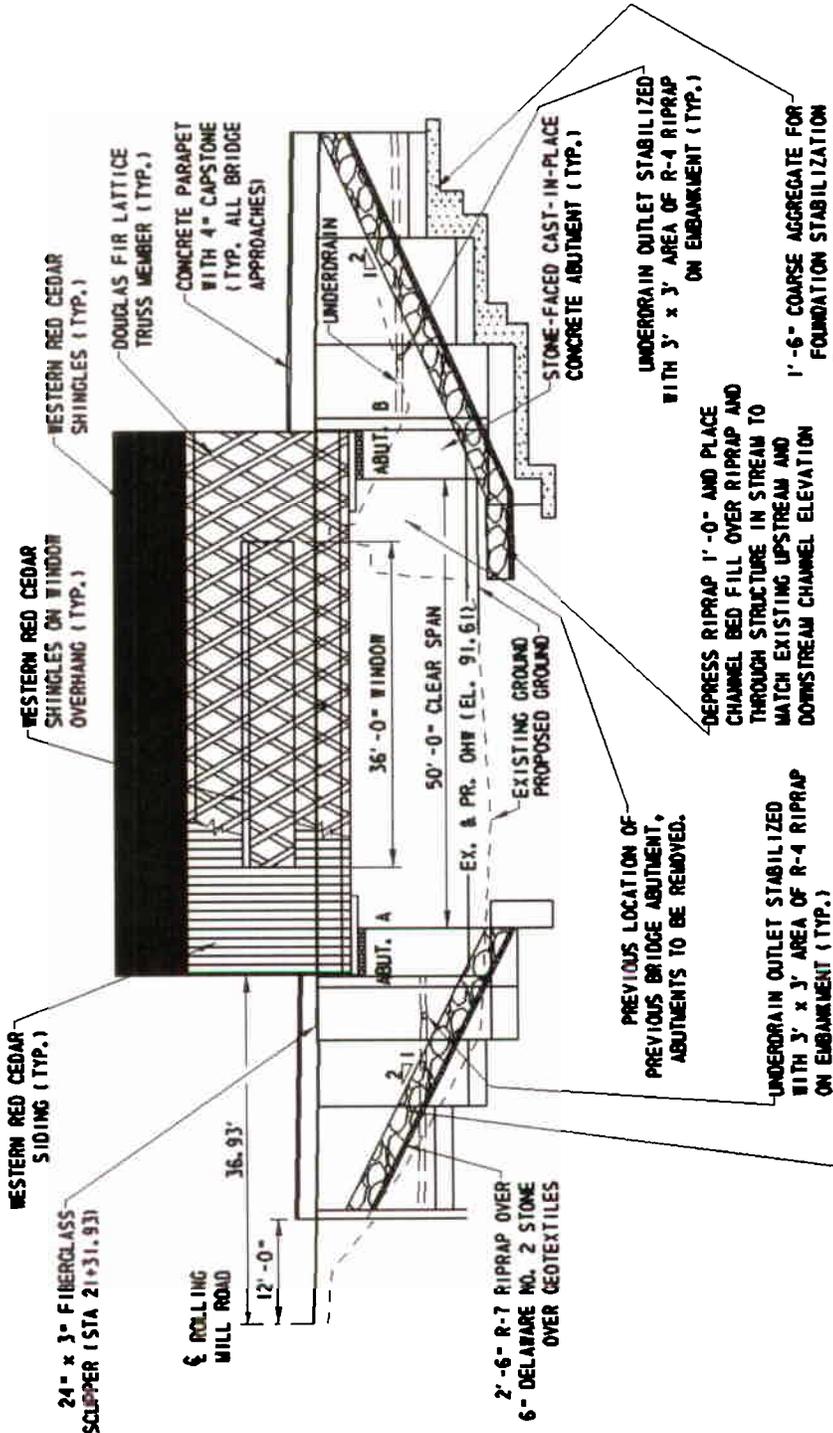
PAGE 5 OF 5

TITLE: BR 1-137 ON FOXHILL LANE OVER RED CLAY CREEK

2/21/07

AND ROLLING MILL ROAD RETAINING WALL

NOTE:  
STONE VENEER NOT  
SHOWN FOR CLARITY



ALL RIPRAP ON THE STREAM BANK, OUTSIDE OF THE CHANNEL BED, SHALL BE FILLED WITH TOPSOIL, SEEDING, AND COVERED WITH SOIL RETENTION BLANKET MULCH TYPE 3. SOIL FILLING SHALL BE ACCOMPLISHED BY FILLING ALL OF THE VOIDS IN THE RIPRAP WITH TOPSOIL AND PLACING 2 INCHES OF TOPSOIL ON TOP OF THE RIPRAP. PERMANENT GRASS SEEDING, WET GROUND, SHALL BE USED UP TO 2 FEET ABOVE THE ORDINARY HIGH WATER LINE, ABOVE WHICH PERMANENT GRASS SEEDING, DRY GROUND, SHALL BE USED. PAYMENT FOR ALL OF THIS WORK SHALL BE MADE UNDER THE RESPECTIVE PAY ITEMS (#732500 - TOPSOIL, #735533 - SOIL RETENTION BLANKET MULCH TYPE 3, #734015 - PERMANENT GRASS SEEDING, WET GROUND, #734013 - PERMANENT GRASS SEEDING, DRY GROUND).

FEET/10/100

BRIDGE ELEVATION (1" = 20')

CADD:

DESIGN:

CHKD.:

E-5