



**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-2007-1004 (IP)	Date OCT 01 2007
Application No. CENAP-OP-R-2007-1004	File No. CENAP-OP-R-2007-1004
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 Transportation

AGENT: Delaware Department of Transportation

WATERWAY: Nanticoke River

LOCATION: Woodland Ferry

ACTIVITY: The replacement of the current vessel which carries 3 vehicles across the Nanticoke River with a new vessel that will carry six vessels to Woodland and Ferry Road, (CR-78), Woodland, Sussex County, Delaware.

As depicted on Enclosures 1-7, the proposed project will take the existing ferry out of service, remove the existing vessel, and replace the existing fendering and ramp systems on both sides of the Nanticoke River. New concrete will be poured over the existing concrete ramps and riprap will be placed along the inside and outside faces of the new fendering system to protect it from scouring. A temporary sheet pile coffer dam will be utilized to upgrade the ramps. Once the ramps and fendering systems are completed, the new six vehicle vessel will be delivered and put into service.

No dredging will be performed and no wetlands will be impacted as a result of the proposed work.

PURPOSE: Replace the current vessel which carries 3 vehicles across the Nanticoke River with a new vessel that will carry six vessels.

Due to the nature of the activity the applicant, Delaware Department of Transportation, has coordinated the project with many state and federal resource agencies prior to submission of their Department of the Army permit application. The result of their coordination process is as follows:

1. U.S. Fish & Wildlife Service, Annapolis, Maryland, by letters dated August 16, 2006 and August 15, 2007, found that except for occasional transient individual species, no proposed or federally listed endangered or threaten species are know to exist within the project area. As such, the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended
2. U.S. National Marines Fisheries Services, Highlands, New Jersey, by e-mail dated August 21, 2007, that NMFS has no objection to the proposed work provided that the permit be conditioned to include a construction timing restriction (April 1 thru June 15) to protect anadromous fish. No threatened or endangered species under the NMFS jurisdiction are in the project area.
3. DDNREC, Delaware Natural Heritage Program, Smyrna, Delaware, by letters dated September 22, 2006 and July 25, 2007 stated six state rare species were identified, however, DELDOT, standard construction methodologies for sediment and erosion control will negate any impact to these species.
4. DDNREC, Delaware Fish and Wildlife – Fisheries Section, Dover, Delaware, by Memorandum dated July 27, 2006, requested that the permit be conditioned to include a construction timing restriction (April 1 thru June 15) to protect anadromous fish.
5. Delaware State Historic preservation Office, Dover, Delaware – A Phase I archaeology study of the project area is currently on-going.
6. Delaware state wetlands and sub-aqueous lands/water quality permits are pending approval as well as DDNREC Costal Zone Consistency Certification.

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 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; other 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.

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.

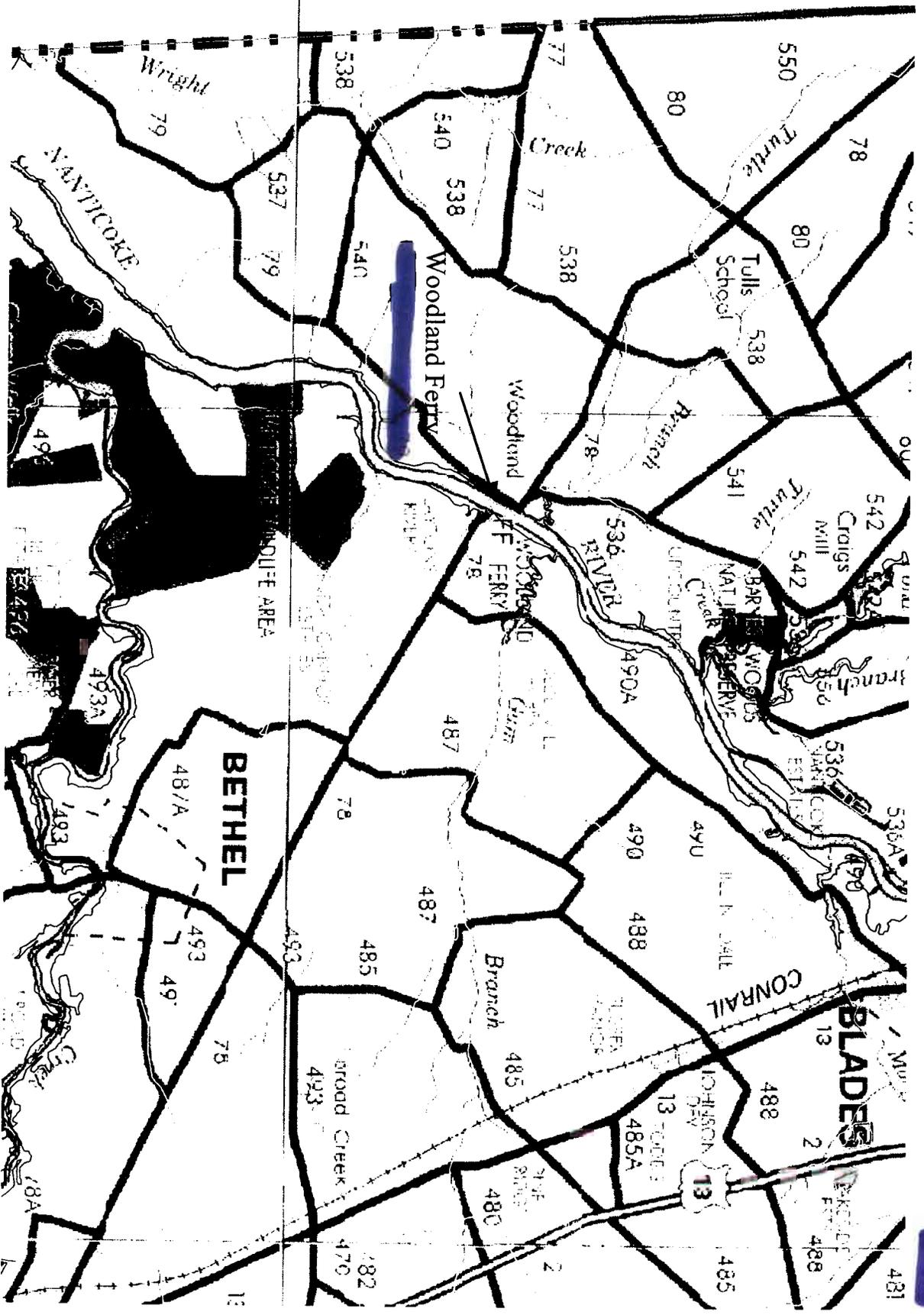
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

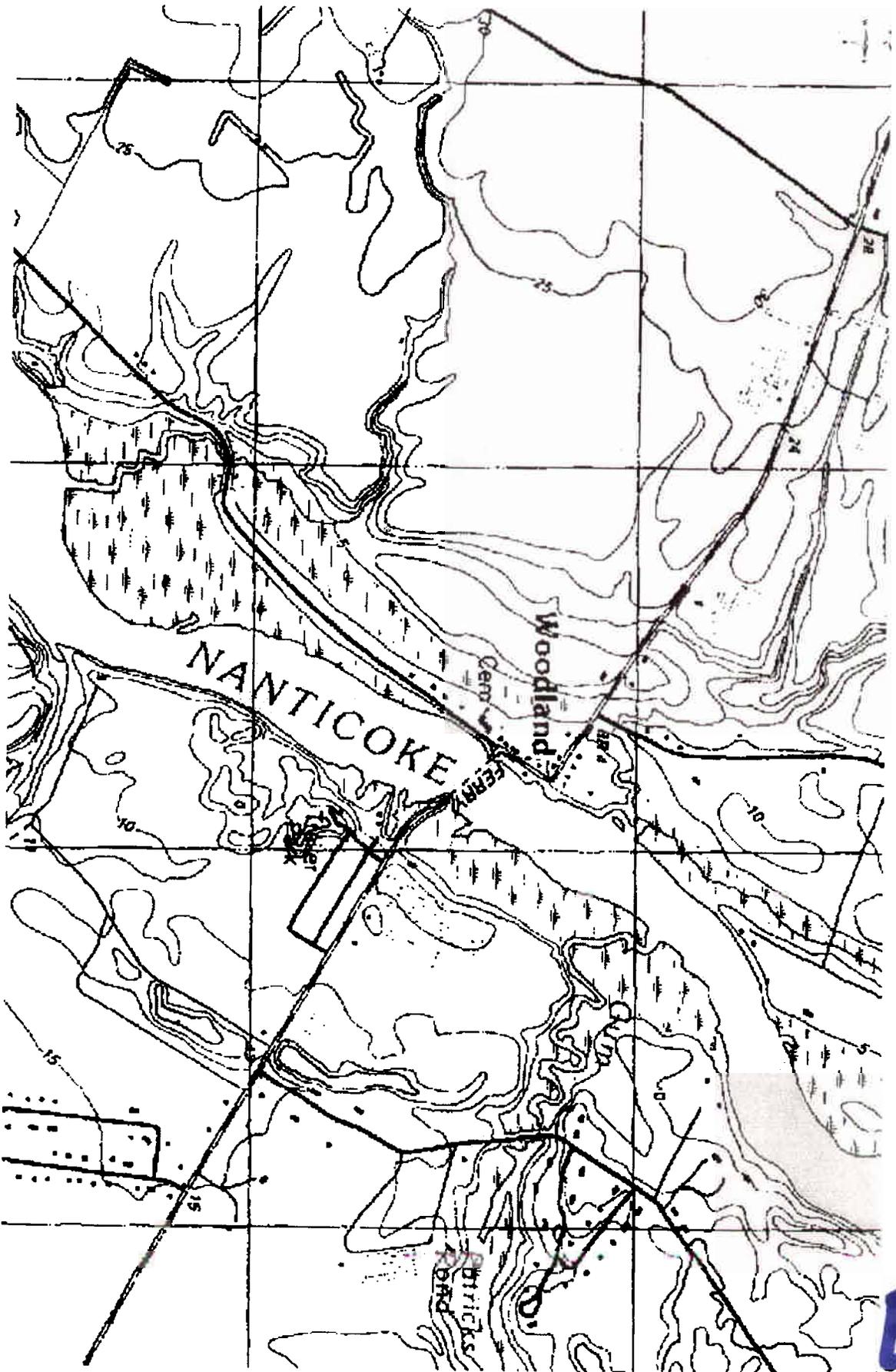
Additional information concerning this permit application may be obtained by calling Kevin E. Faust at 302-736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch

F A N D



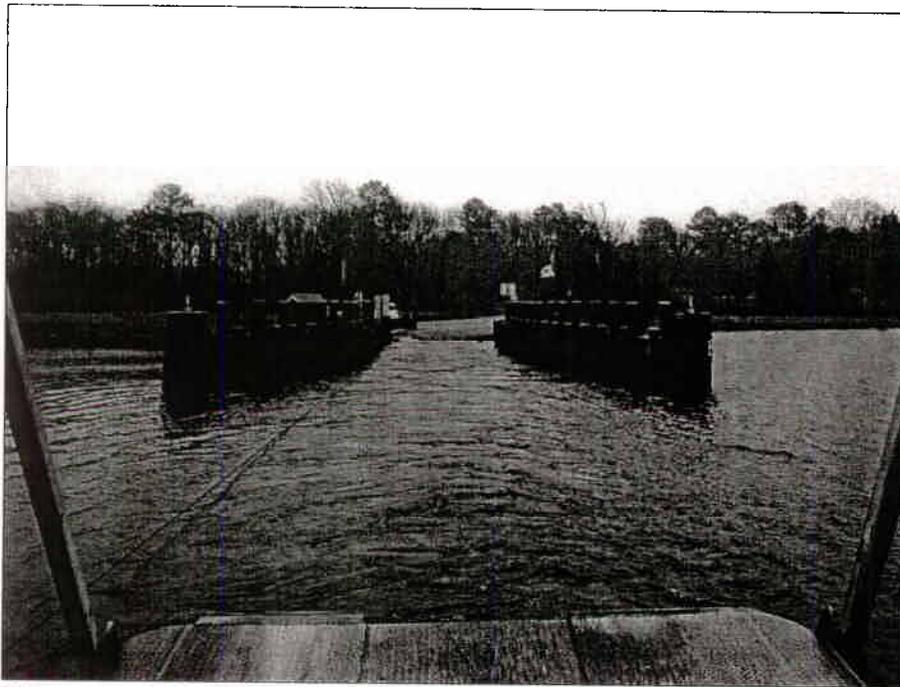


USGS-Seaford West

E-2



Photograph 1: View from Ferry looking northwest at the existing dolphin and fendering system towards the town of Woodland. (DeIDOT 2004)



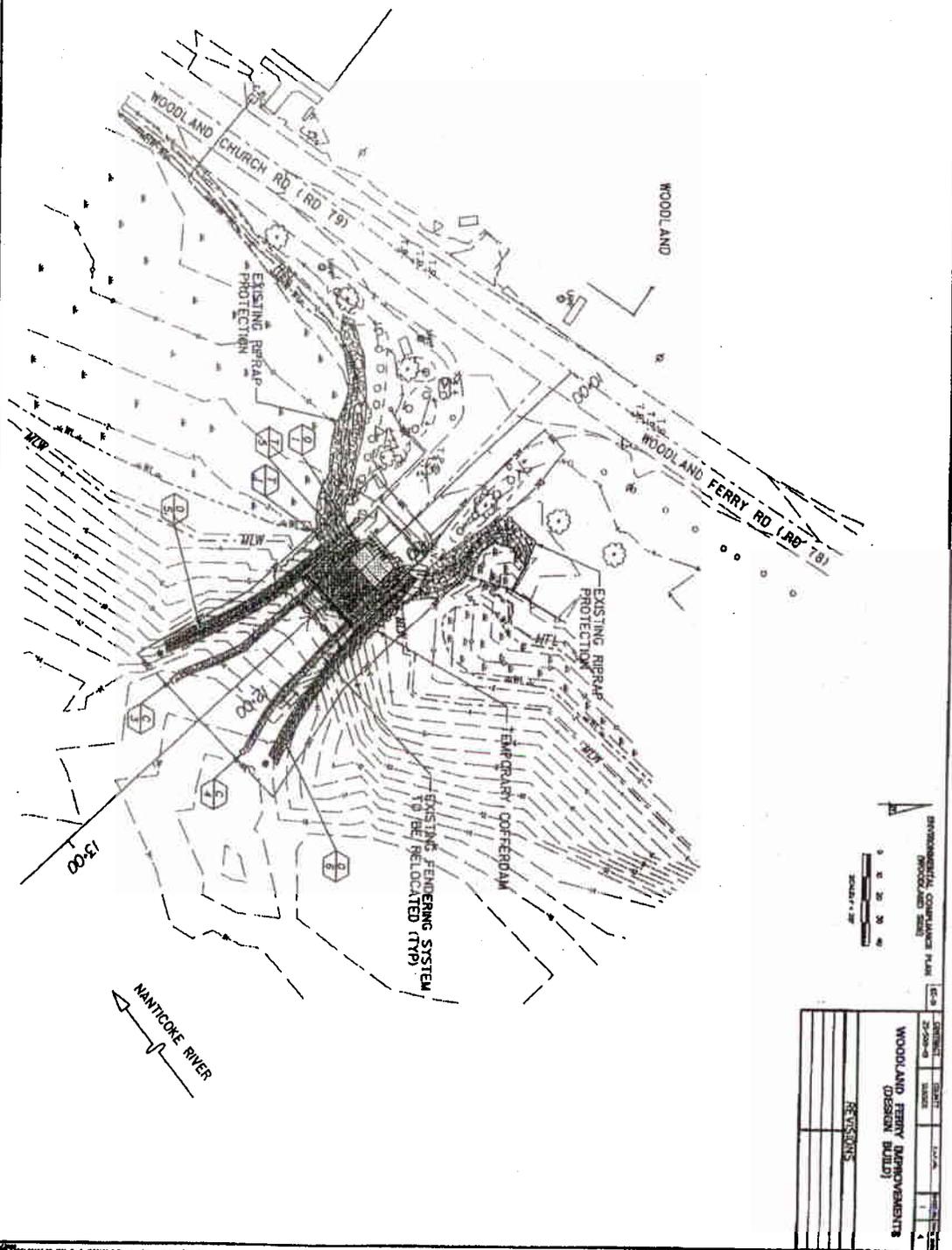
Photograph 2: View from Ferry looking southeast at the existing dolphin and fendering system towards the town of Bethel. (DeIDOT 2004)

*Woodland Ferry over the Nanticoke River
Contract # 25-500-49
Sussex County, Delaware*

E-3

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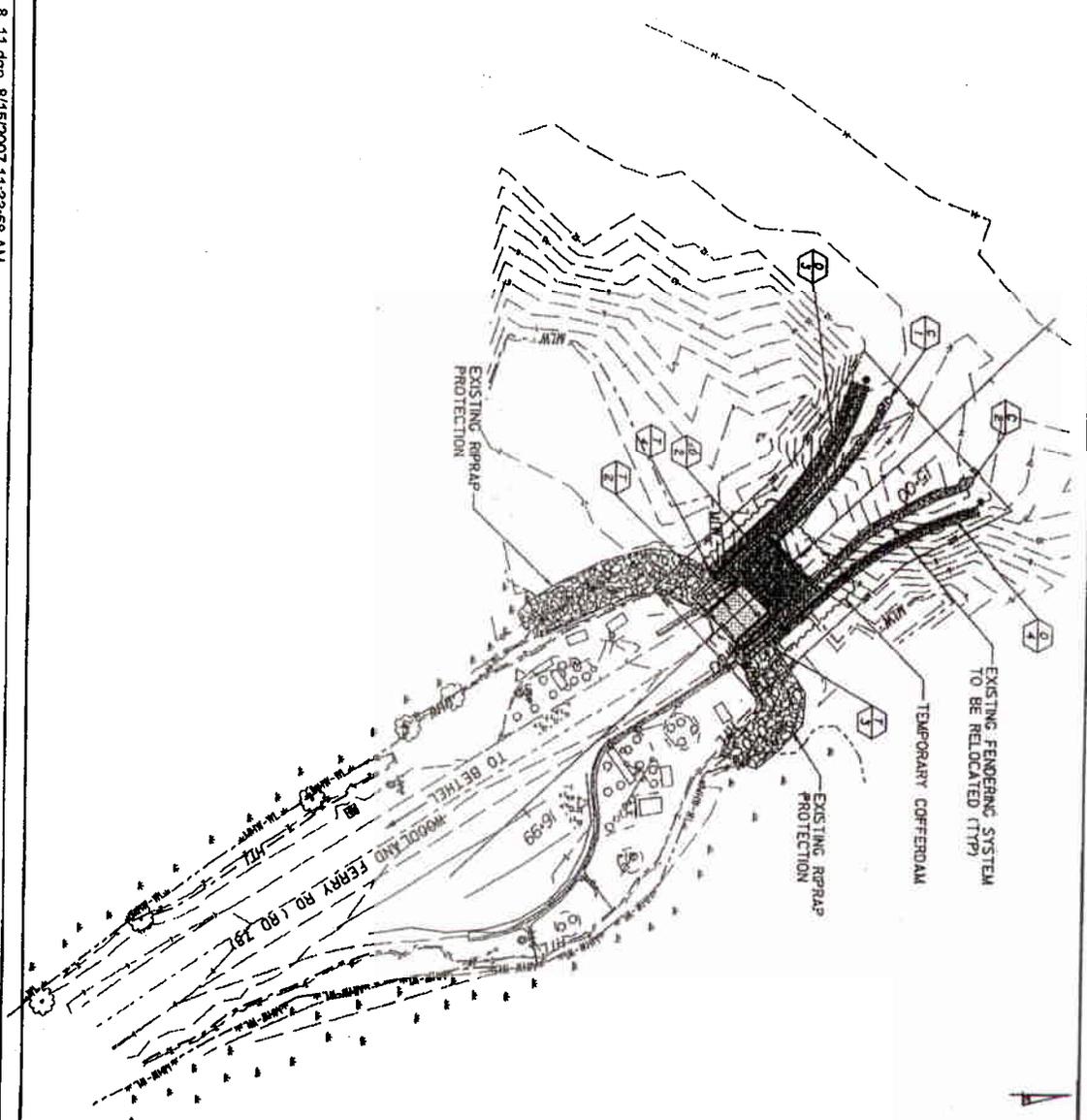
PANEL: WACW DESIGN: CON:



E.4

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PANEL TRACKS DESIGN CADD



ENVIRONMENTAL COMPLIANCE PLAN
SHEET NO. 5 OF 5
SCALE: 1" = 30'

NO.	DATE	BY	DESCRIPTION
1			REVISIONS

WOODLAND FERRY IMPROVEMENTS
(DESIGN BUILD)

E-5

E.6

SHEETS PREPARED BY: CENTURY ENGINEERING INC.
DATE: 8/14/07

WETLANDS DELINEATED BY CENTURY ENGINEERING INC.
IN APRIL 2007 IN ACCORDANCE WITH THE 1981
CORPS OF ENGINEERS MANUAL.

- EXISTING TIMBER PILES
- PROPOSED TIMBER PILES
- BORING LOCATION
- PROPOSED TIMBER PILE DOLPHIN
- LIMIT OF CONSTRUCTION
- HTL --- HIGH TIDE LINE (EL. +2.6)
- MW --- MEAN HIGH WATER (EL. +1.5)
- MLW --- MEAN LOW WATER (EL. -3.26)
- WML --- WETLAND MEAN HIGH WATER - WETLAND LINE

- PERMANENT IMPACT AREA
- TEMPORARY IMPACT AREA
- CREATION AREA
- IMPACT AREA TYPE IDENTIFIER (SEE BELOW)
- - OPEN WATER IMPACT T - TEMPORARY IMPACT
- C - CREATION IMPACT

TABLE OF IMPACT AREAS

AREA	AREA (1+ 2)	AREA (ACRES)	VOLUME (YD 3)
PERMANENT IMPACTS			
01 - FILL CONC. RAUP	694.51	0.0259	43
02 - FILL CONC. RAUP	87.75	0.0054	54
03 - FILL CONC. RAUP	87.56	0.0054	81
04 - FILL CONC. RAUP	87.72	0.0054	82
05 - FILL CONC. RAUP	78.06	0.0074	70
06 - FILL CONC. RAUP	812.56	0.0087	76
PERMANENT TOTAL	4926.07	0.0237	406
TEMPORARY IMPACTS			
11 - EX. CONC. RAUP	201.5981	0.0048	13
12 - EX. CONC. RAUP	202.8865	0.0060	16
13 - EX. RAUP	46.6918	0.0001	5
14 - EX. RAUP	103.3018	0.0025	12
15 - EX. RAUP	46.2975	0.0001	5
TEMPORARY TOTAL	675.4986	0.0095	31
CREATION			
C1 - EX. PILES	189.5284	0.0000	"
C2 - EX. PILES	187.5160	0.0029	"
C3 - EX. PILES	60.2979	0.0005	"
C4 - EX. PILES	231.6278	0.0053	"
CREATION TOTAL	569.4599	0.0057	"

1. GENERAL NOTES

- A. THE PURPOSE OF THIS SHEET IS TO IDENTIFY THOSE ITEMS ASSOCIATED WITH ENVIRONMENTAL COMPLIANCE IMPACT CALCULATIONS ARE FOR AGENCY PERMIT REPORTING PURPOSES ONLY AND ARE NOT TO BE USED FOR BIDDING PURPOSES.
- B. IF A DEPARTURE FROM THE APPROVED PLANS WOULD AFFECT ANY NATURAL AND/OR CULTURAL RESOURCES IS NECESSARY THE ENVIRONMENTAL STUDIES SECTION SHALL BE CONTACTED AT (410) 765-2424 TO ALLOW THEM TO COORDINATE WITH THE APPROPRIATE RESOURCE AGENCIES FOR APPROVAL.
- C. USE OF THIS SHEET DOES NOT ALLEViate THE CONTRACTOR'S RESPONSIBILITY TO COMPLY WITH ALL CONDITIONS SET FORTH IN THE ENVIRONMENTAL STATEMENT AND PERMITS.

2. NATURAL RESOURCE ISSUES

- A. PERMIT REQUIREMENTS / APPROVALS: CORPS OF ENGINEERS - INDIVIDUAL PERMIT (IP) - DNRDC - SUBAQUATIC LANDS PERMIT - DNRDC - KIN WATER QUALITY CERTIFICATION - U.S. COAST GUARD - 30 DAY ADVANCED COORDINATION / APPROVAL - THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH AND OBTAINING APPROVAL FROM THE U.S. COAST GUARD (SEE ITEM 4 FOR FURTHER DETAILS). THE ENVIRONMENTAL STUDIES SECTION IS RESPONSIBLE FOR COORDINATING/OBTAINING THE OTHER PERMITS/APPROVALS.
- B. THE CONTRACTOR MUST ENSURE THAT THESE PERMITS/APPROVALS ARE IN THEIR POSSESSION PRIOR TO THE BEGINNING OF CONSTRUCTION IN ON-SITE DURING THE ENTIRE CONSTRUCTION PERIOD.

B. CONSTRUCTION RESTRICTIONS

- FISHERIES - OTHER THAN BEHIND THE COFFERDAMS, NO IN-WATER WORK FROM APRIL 1 - MAY 15TH (INCLUSIVE), ANY YEAR. COFFERDAMS MUST BE IN PLACE ENDANGERED SPECIES - NONE
- MIGRATORY BIRDS - NONE

C. PROTECTION OF WETLANDS

- SILT FENCE OR CONSTRUCTION FENCING SHALL BE USED ALONG THE LIMITS OF CONSTRUCTION (LOC) IN AREAS WHERE WETLANDS EXIST. CONTRACTOR ACCESS BEYOND LOC IS STRICTLY PROHIBITED.

3. CULTURAL RESOURCES ISSUES

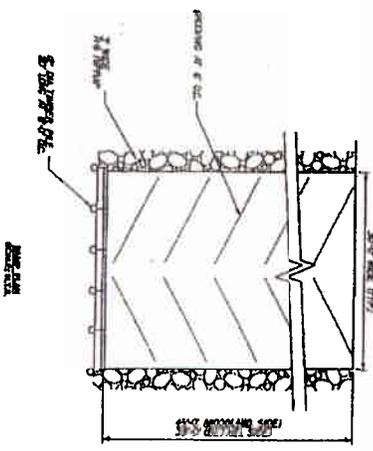
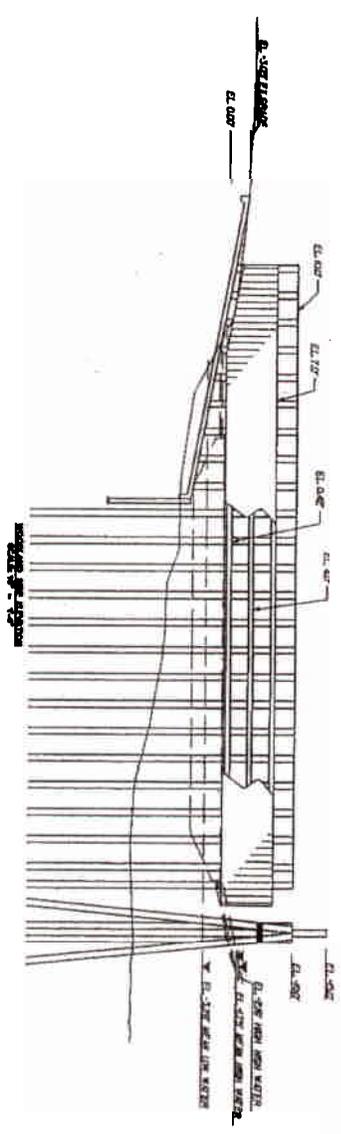
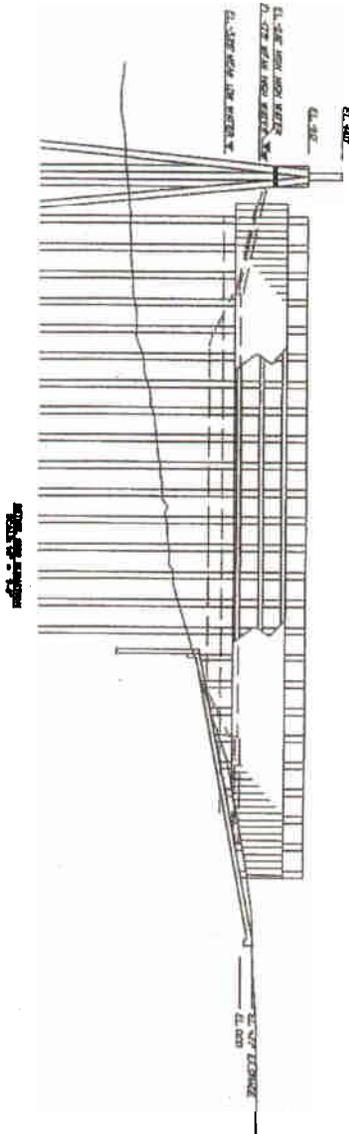
- THE CULTURAL RESOURCE ISSUES ARE BEING IDENTIFIED AND ADDRESSED AT THIS TIME AND FURTHER INFORMATION WILL BE KNOWN AT THE END OF AUGUST.

4. U.S. COAST GUARD 30-DAY ADVANCED COORDINATION/APPROVAL

- THE WATERWAY OWNER IS A NAVIGABLE WATERWAY. THE CONTRACTOR SHALL PROVIDE THE WATERWAY OWNER WITH THE WORK AREAS FOR THE WATERWAY USERS AND SHALL MAINTAIN THE PASSAGEWAY OPEN AND MARKED. PAYMENT IS INCLUDED UNDER P&W ITEM 0252. COAST GUARD SPECIFIC CONDITIONS. ANY CONTRACTOR ACTIVITY WHICH WILL RESULT IN THE SHORT-TERM RESTRICTION OF THE WATERWAYS WHICH WILL AFFECT THE OPERATION OF THE WATERWAYS WITH THE U.S. COAST GUARD AND BE IN CONVICTION WITH THE U.S. COAST GUARD SPECIFIC CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS/APPROVALS FROM THE U.S. COAST GUARD PRIOR TO BEGINNING WORK AND BE IN CONVICTION WITH THE U.S. COAST GUARD SPECIFIC CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS/APPROVALS FROM THE U.S. COAST GUARD PRIOR TO BEGINNING WORK AND BE IN CONVICTION WITH THE U.S. COAST GUARD SPECIFIC CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS/APPROVALS FROM THE U.S. COAST GUARD PRIOR TO BEGINNING WORK AND BE IN CONVICTION WITH THE U.S. COAST GUARD SPECIFIC CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS/APPROVALS FROM THE U.S. COAST GUARD PRIOR TO BEGINNING WORK AND BE IN CONVICTION WITH THE U.S. COAST GUARD SPECIFIC CONDITIONS.

PROJECT:	DATE:	SCALE:
WOODLAND FERRY IMPROVEMENTS		
(DESIGN BRN)		

PREL. TRACKS DEMON. CHG.



ENVIRONMENTAL COMPLIANCE DETAILS
SCALE AS SHOWN

WOODLAND FERRY IMPROVEMENTS
(DESIGN BUILD)

REVISIONS

NO.	DATE	DESCRIPTION

1. FERRY SHOW AT LOW TIDE POSITIVE

E-7