



**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-2007-226 (IP)	MAR 23 2007

Application No.	File No.
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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: DDNREC Soil & Water

AGENT: DDNREC Soil & Water

WATERWAY: Delaware Bay

LOCATION: Kitts Hummock, Kent County, Delaware

ACTIVITY: Replace lost sand from a 1,400 linear foot section of the Delaware Bay coastline. The activity will be achieved by using truckfill method to add approximately 8,700 cubic yards of clean, fine to coarse sand to the beach.

Total Fill Area: 371, 000 sq.ft.

Underwater Fill Area: (below MLW): None

Intertidal Fill Area: (between MHW & MLW): 224,000 sq.ft.

Subtidal Fill Area (below MHW): 224,000 sq.ft.

Supratidal Fill Area (between HTL & MHW): 56,000sq.ft.

Wetlands Fill Area: None

Sand shall be natural or manufactured sand, also known as concrete sand, as specified in ASTM C 33. The sand shall be clean and free from roots and other organic matter, trash or debris. In addition, the sand shall not contain minerals which may be potentially staining, e.g. iron, clay. The sand shall be white, pale, tan or light grey in color.

PURPOSE: Bank stabilization, reduce beach erosion and too provided public recreation.

As depicted on Enclosures [E1-E3] the applicant proposes to replace lost sand from a 1,400 linear foot section of the Delaware Bay coastline, Kitts Hummock, Kent County, Delaware.

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.

Essential Fish Habitat Assessment: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 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).

Effects of the Project on Essential Fish Habitat (EFH): The project is located in Essential Fish Habitat identified on Sheet 59 of Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, March 1999. The following managed species of fish have been listed in the above referenced guide as occurring in the vicinity of the project:

Bluefish (Pomatomus saltatrix), summer flounder (Paralichthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), spiny dogfish (Squalus acanthias), tilefish (Lopholatilus chamaeleonticeps), whiting (Merluccius bilinearis), surf clam (Spisula solidissima), ocean quahog (Artica islandica), long finned squid (Loligo pealei), short finned squid (Illex illecebrosus), Atlantic butterflyfish (Peprilus triacanthus), Atlantic mackerel (Scomber scombrus), king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), Atlantic cod (Gadus morhua), witch flounder (Glyptocephalus cynoglossus), American plaice (Hippoglossoides platessoides), yellowtail flounder (Pleuronectes ferrugineus), ocean pout (Macrozoarces americanus), haddock (Melanogrammus aeglefinus), silver hake (Merluccius bilinearis), pollock (Pollachius virens), winter flounder (Pleuronectes americanus), summer flounder (Paralichthys dentatus), windowpane flounder (Scophthalmus aquosus), redfish (Sebastes fasciatus), red hake (Urophycis chuss), white hake (Urophycis tenuis), Atlantic halibut (Hippoglossus hippoglossus), offshore hake (Merluccius albidus), Atlantic sea scallop (Placopecten magellanicus), Atlantic sea herring (Clupea harengus), Atlantic salmon (Salmo salar), monkfish (Lophius americanus), swordfish (Xiphias gladius), bluefin tuna (Thunnus rhynnus), bigeye tuna (Thunnus obesus), albacore (Thunnus alalunga), yellowfin tuna (Thunnus albacares), skipjack tuna (Katsuwonus pelamus), cobia (Rachycentron canadum), blue marlin (Makaira nigricans), white marlin (Tetrapturus albidus); and the following shark species: tiger (Galeocerdo cuvieri), scalloped hammerhead (Sphyrna lewini), sandbar (Carcharhinus obscurus), sand tiger (Odontaspis taurus), dusky (Carcharhinus plumbeus), basking (Cetorhinus maximus), silky (Carcharhinus falciformis), white (Carcharodon carcharias), Atlantic sharpnose (Rhizoprionodon terraenovae), Atlantic angel (Squatina dumerili), shortfin mako (Isurus oxyrinchus), longfin mako (Isurus paucus), porbeagle (Lamna nasus), thresher (Alopias vulpinus), and blue (Prionace glauca).

Analysis of the Effects:

The proposed beach nourishment work would occur in waters and on substrates that are in a naturally turbid, erosional state, exposed to high seasonal wave energy. In addition, much of the work would occur within the intertidal zone, between the high and low tide lines, an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larvae) of the listed species are not expected to be within the work area.

The proposed nourishment material is comprised of medium to coarse sand and gravel similar to the native beach material. Furthermore, the beach fill material would be spread in the intertidal zone at periods of low tide. Consequently, the project is unlikely to result in high turbidity or contamination.

The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding impacts associated with the work.

Corps of Engineers View: Based on the above analysis, the Corps of Engineers has determined that the proposed project would not have substantial direct, indirect, site-specific, or habitat-wide impacts on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively, or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH.

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.

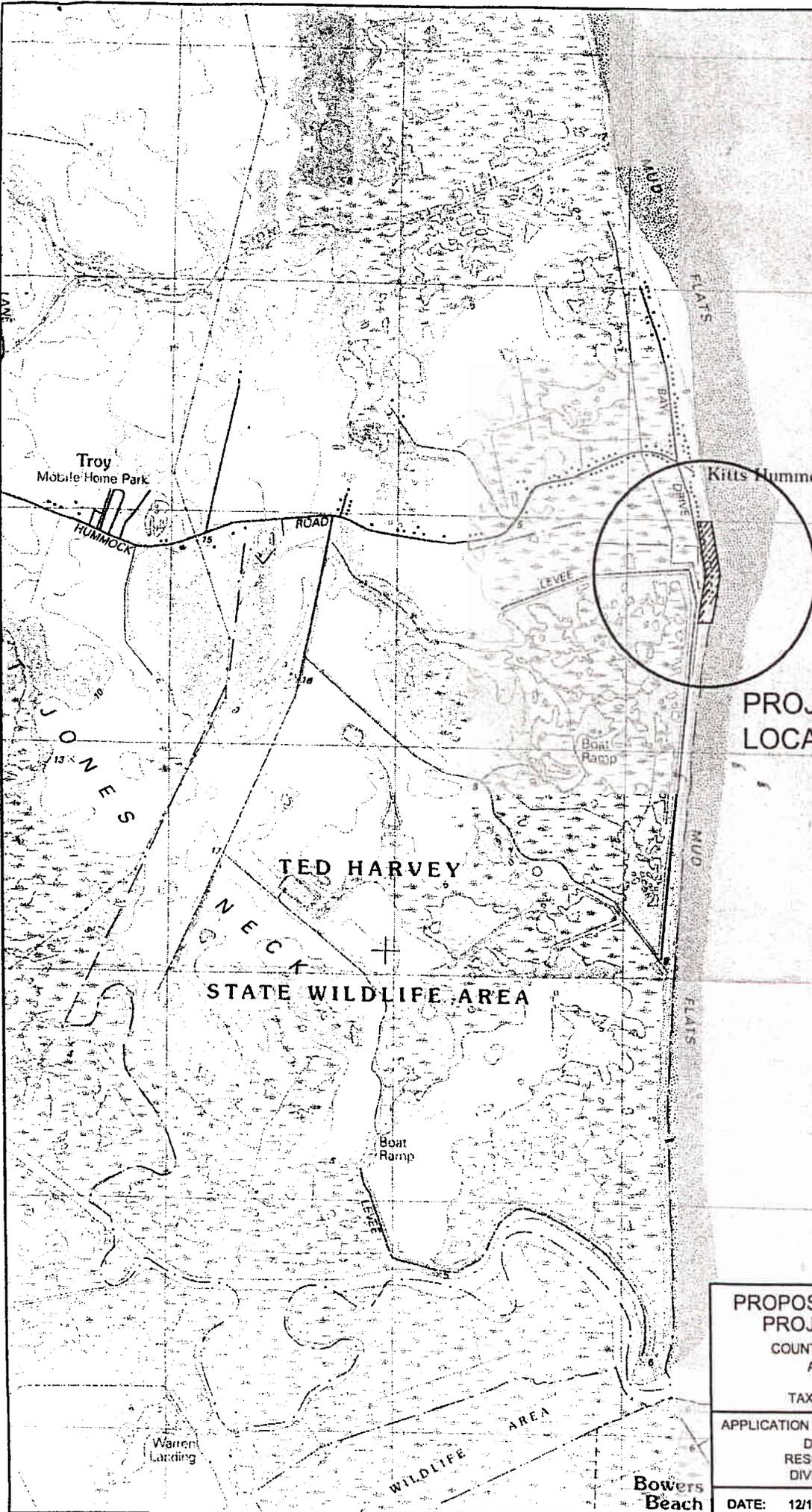
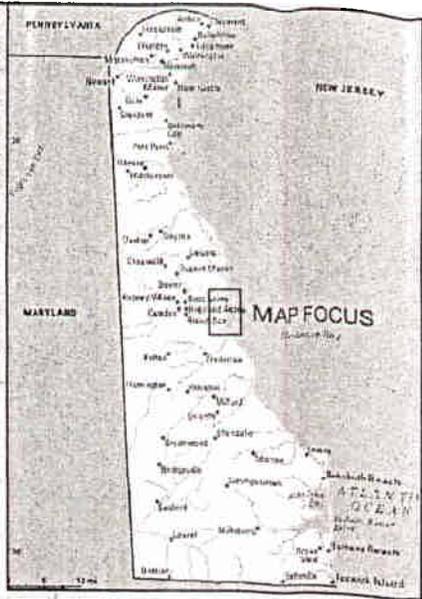
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 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



PROJECT SITE
LOCATION

E-1

**PROPOSED BEACH REPLENISHMENT
PROJECT AT KITTS HUMMOCK**
COUNTY OF KENT, STATE OF DELAWARE
ADJACENT TO DELAWARE BAY
EAST DOVER HUNDRED
TAX MAPS # ED 97.20 AND ED 106.00

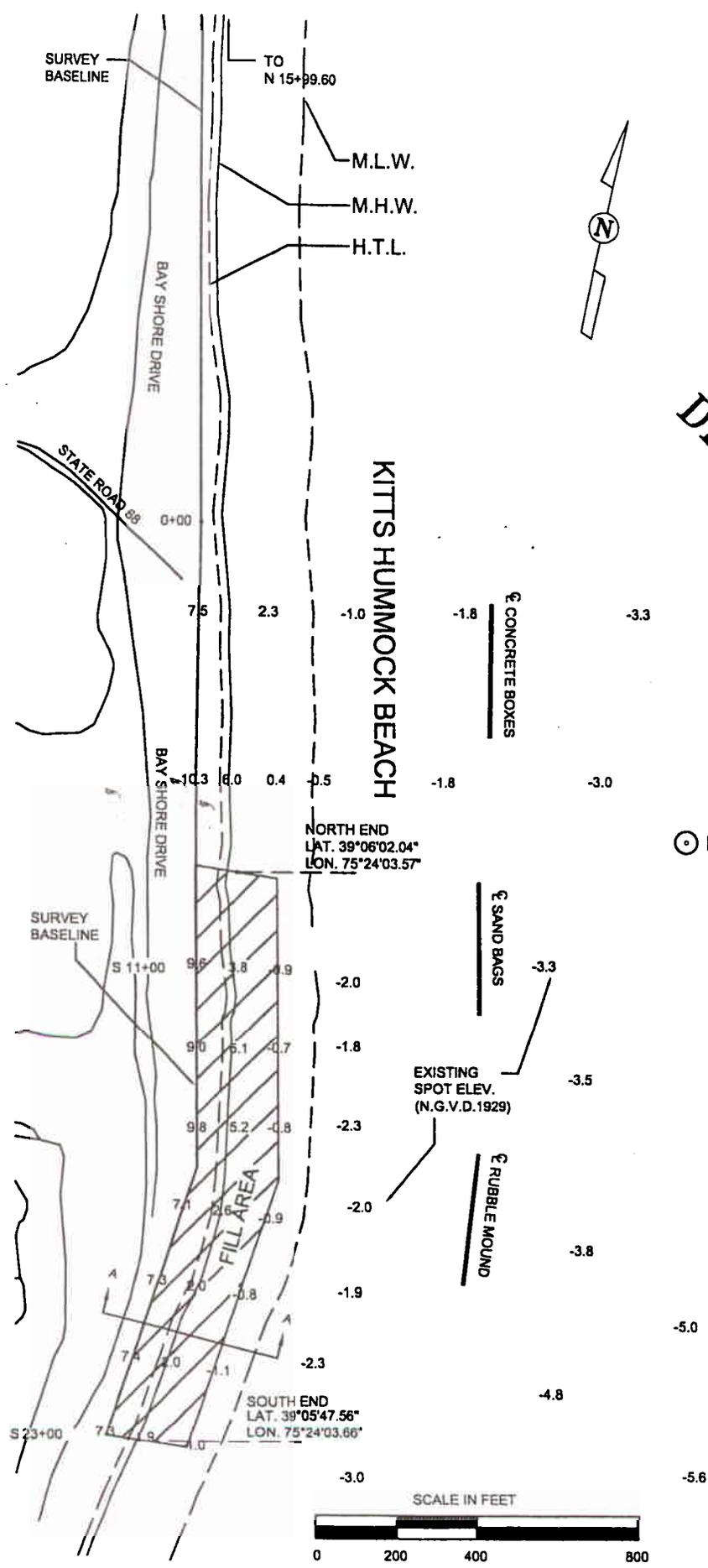
APPLICATION BY:
DELAWARE DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF SOIL & WATER CONSERVATION

LEGEND

- ⊙ KH-00 = ARCHAEOLOGICAL ANOMALIES
- ⊕ KH-0 = SOIL BORINGS



DELAWARE BAY



PURPOSE:
 REPLENISH RECREATIONAL BEACH AND
 PROVIDE EROSION AND STORM DAMAGE
 PROTECTION

E-2

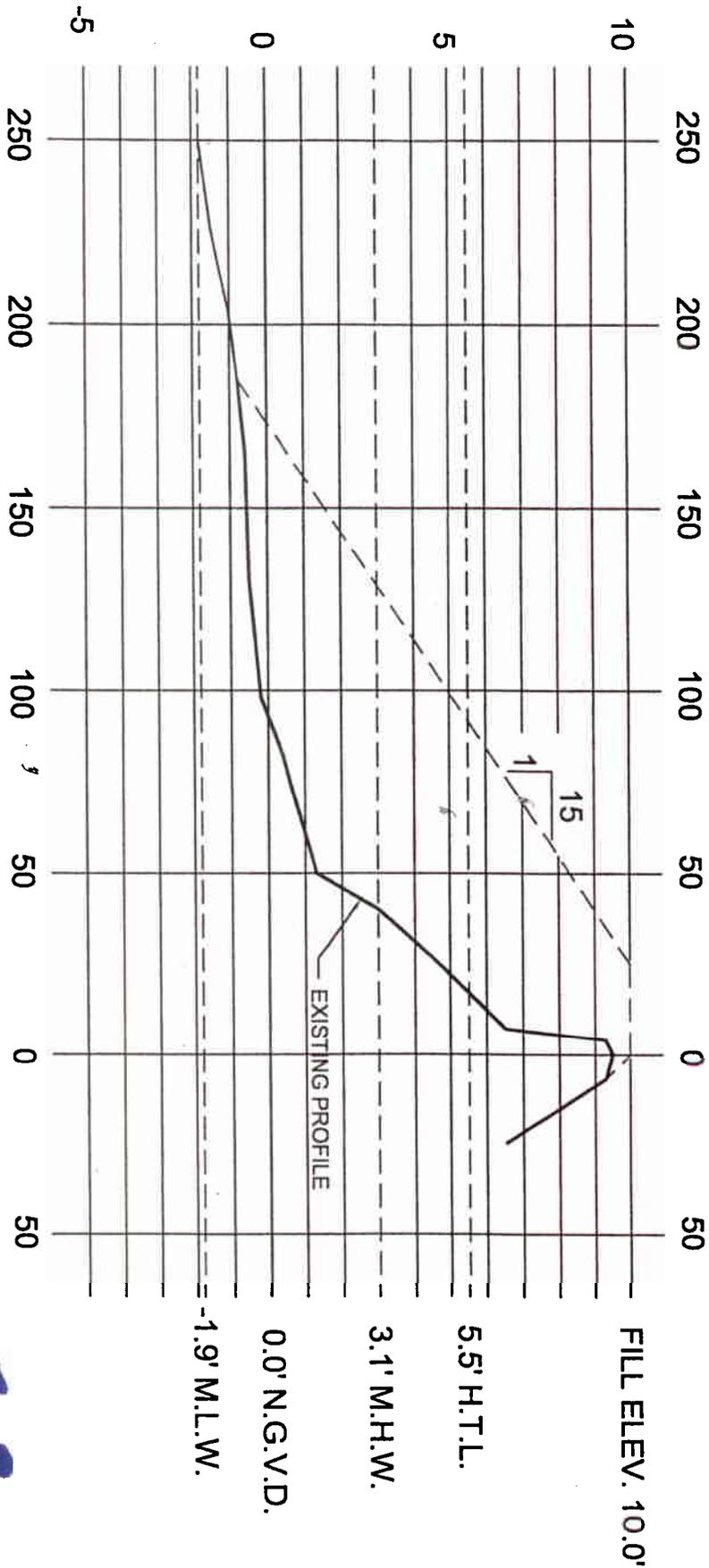
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APPLICATION BY:
 DELAWARE DEPARTMENT OF NATURAL
 RESOURCES AND ENVIRONMENTAL CONTROL
 DIVISION OF SOIL & WATER CONSERVATION

DATE: 12/14/2006

SHEET: 2 OF 3



A-A

TYPICAL FILL SECTION

VERTICAL DATUM = N.G.V.D. 1929

E-3

PROPOSED BEACH REPLENISHMENT
 PROJECT AT KITTS HUMMOCK
 COUNTY OF KENT, STATE OF DELAWARE
 ADJACENT TO DELAWARE BAY
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 TAX MAPS # ED 97.20 AND ED 106.00

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