



**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-2019-195**

Date  
**May 30, 2019**

Application No.  
**CENAP-OP-R-2019-195**

File No.  
**CENAP-OP-R-2019-195-23**

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:** Residences at River Place LLC

**AGENT:** Mr. Chris McCabe - Coastal Compliance Solutions, LLC, Post Office Box 66  
Fruitland, Maryland 21826

**WATERWAY:** Nanticoke River

**LOCATION:** Tax Map Parcels 4-31-5-314-314.01, -315, -316 and -317, City of Seaford, Sussex County, Delaware. (Latitude/Longitude: 38.641168° N / -75.608134° W (NAD 83))

**ACTIVITY:** Residences at River Place LLC has applied for a Department of the Army permit to develop a 25-slip marina within the Nanticoke River in the City of Seaford, Sussex County, Delaware.

The applicant proposes to redevelop an existing waterfront wharf into a 25-slip marina associated with the Residences at River Place Condominiums. Activities in waters of the United States associated with the project are described below. The project would not affect wetlands or other special aquatic sites.

**Timber Bulkhead Replacement.** An existing 150-foot long timber bulkhead lies along the project shoreline between existing concrete and steel bulkheads. Because portions of the timber bulkhead are in disrepair, the applicant proposes to replace it by driving a vinyl sheet pile bulkhead 18 inches water-ward of the damaged section, using 90 cubic yards of clean, earthen material and filling 595 square feet of open waters to accomplish the task.

**Rip Rap Embankment Repair.** Fifty five linear feet of existing rip rap embankment located at the center of the project site would be repaired by resurfacing with an additional 58 cubic yards of rip rap stone. This work would require the placement of rip rap into 440 square feet of open waters.

Waterfront Boardwalk. The applicant proposes to construct 590 linear feet of waterfront boardwalk, almost entirely over the upland shoreline edge. The six foot wide boardwalk would provide pedestrian access to the proposed marina piers and serve as a cap over the several bulkhead systems. The boardwalk would extend no more than one foot water-ward of the bulkhead face. The deck of the boardwalk would be three feet in height above the mean high water line.

Twenty Five Slip Marina. The project also calls for the construction of 13 mooring piers extending water-ward of the bulkhead to create 25 boat slips, each 14 feet wide. The length of the piers would vary from 29 to 47 feet. Forty three mooring pilings would be installed. A boat lift and utility pedestal is intended for each slip.

Community Recreational Dock and Pier. The proposal includes a community dock, as part of an upland community plaza, for the use of the residents of the River Place Condominiums. The dock would provide temporary mooring and a recreational fishing location for the residents and would serve as a marine sanitary pump-out station for the marina. A 36' x 5' pier would extend from the waterfront board-walk , and a 20' x 8' dock would be attached to the east side of the pier.

This project was previously advertised by the Corps of Engineers via Public Notices CENAP-OP-R-2006-1195 (Nov. 20, 2006) and CENAP-OP-R-2014-143 (March 7, 2014). Following those public notices, the project was authorized by the Corps of Engineers on June 5, 2007 under permit CENAP-OP-R-2006-1195 and on May 19, 2014 under permit CENAP-OP-R-2014-143.

PURPOSE: The purpose of the project is to redevelop an existing wharf into a marina and community dock providing access to navigable waters for recreational and navigational purposes.

#### 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. The project has been designed not only to entirely avoid dredging, but also has been designed to avoid impacts to wetlands and submerged aquatic vegetation. The proposed discharges of fill material into waters are small in size and intended to stabilize the shoreline, without which the shoreline would continue to erode, threatening the adjacent upland structures, including buildings and utilities. In addition, the structures have been designed to the minimum sizes necessary to support the vessels to be moored at the facility. Because the proposed activities

would not cause the loss of wetlands or other special aquatic sites, the applicant is not proposing compensatory mitigation.

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 (ESA) as amended. As a result, consultation with the National Oceanic and Atmospheric Administration (NOAA) Fisheries and the United States Fish and Wildlife Service pursuant to Section 7 of the ESA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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 not present within the project area. As a result, consultation with NOAA Fisheries pursuant to the EFH provisions of the MSA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary decision.

The USACE Cultural Resources Specialist is currently reviewing the proposed permit action for potential impacts to historic properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Officer, the tribes and other consulting parties.

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.

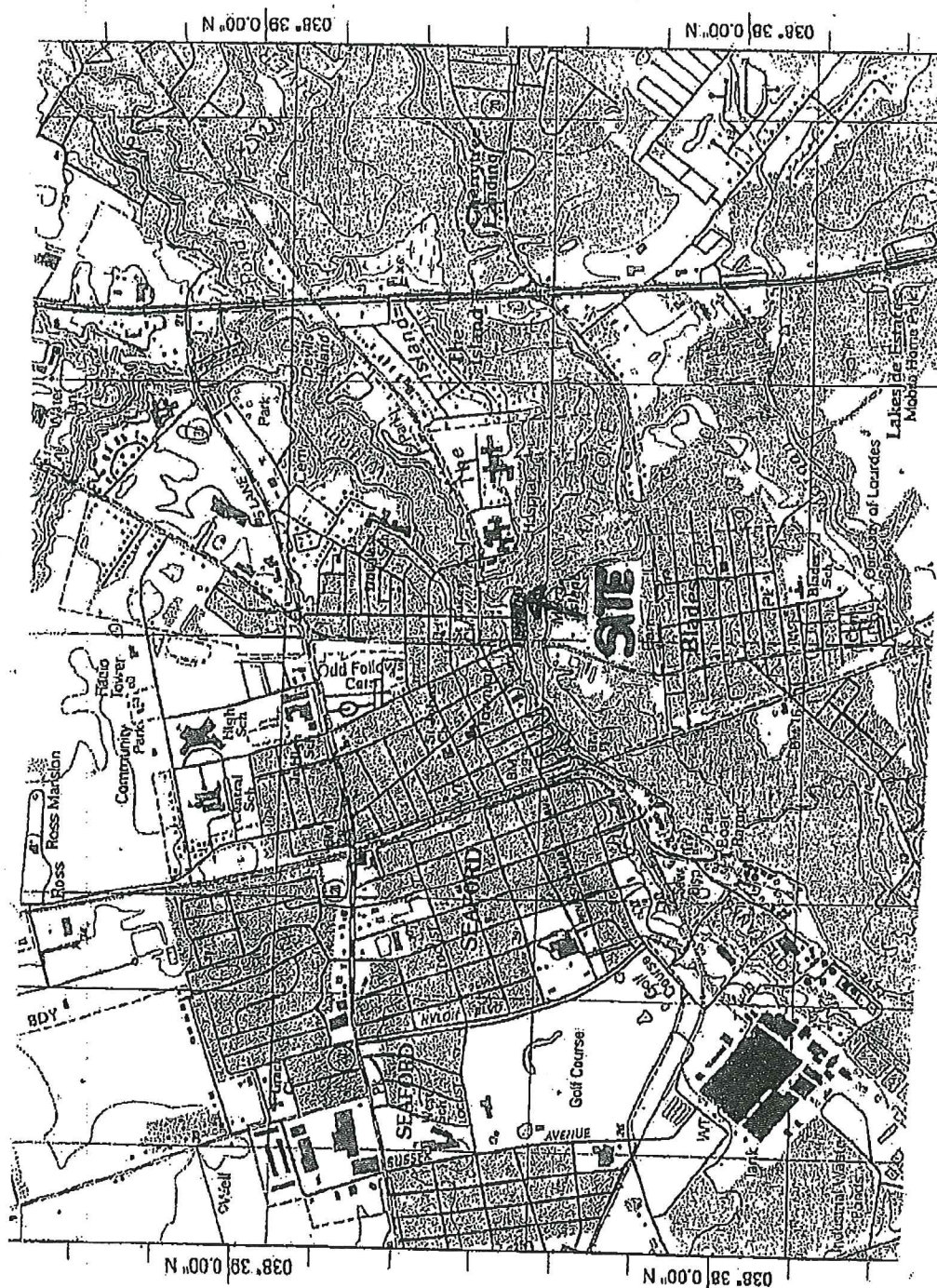
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling John Brundage at (302) 736-9764, by email at [john.g.brundage@usace.army.mil](mailto:john.g.brundage@usace.army.mil), or by writing to the above address.



Edward E. Bonner  
Chief, Regulatory Branch





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2019-195

VICINITY MAP  
SCALE: 1" = 2000'

NO. DATE REVISION

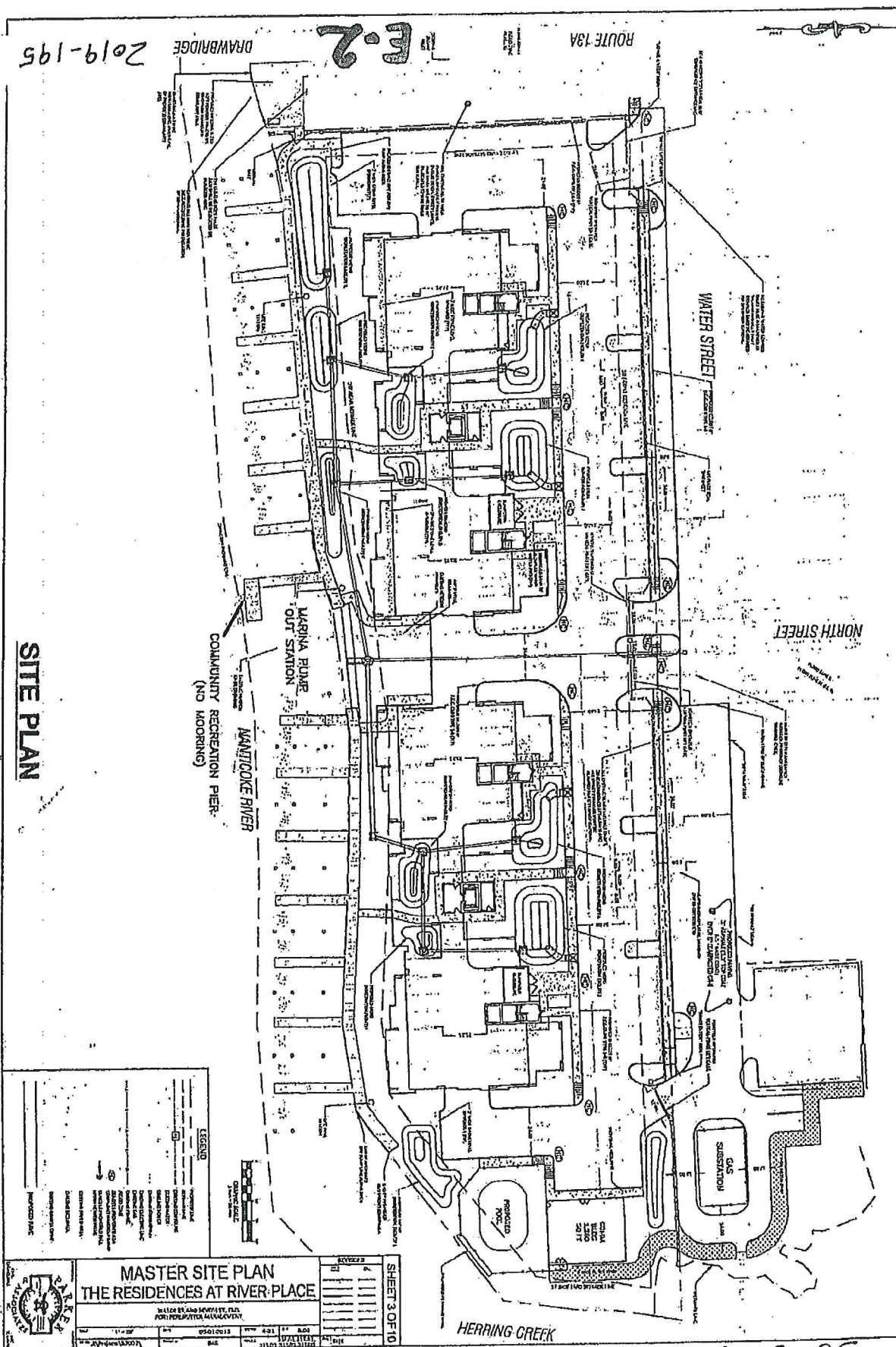
**RESIDENCES AT  
RIVER PLACE MARINA**  
(SUSSEX CO. TAX MAP 4-31-5, PARCELS 314, 314-01, 315, 316, 317 & 319)  
NANTICONE RIVER  
SEAFORD, DELAWARE 19773



**HICKORY  
ENVIRONMENTAL  
CONSULTING  
L.L.C.**  
508 GRAND VIEW COURT  
SALISBURY, MD 21804  
410-654-3850

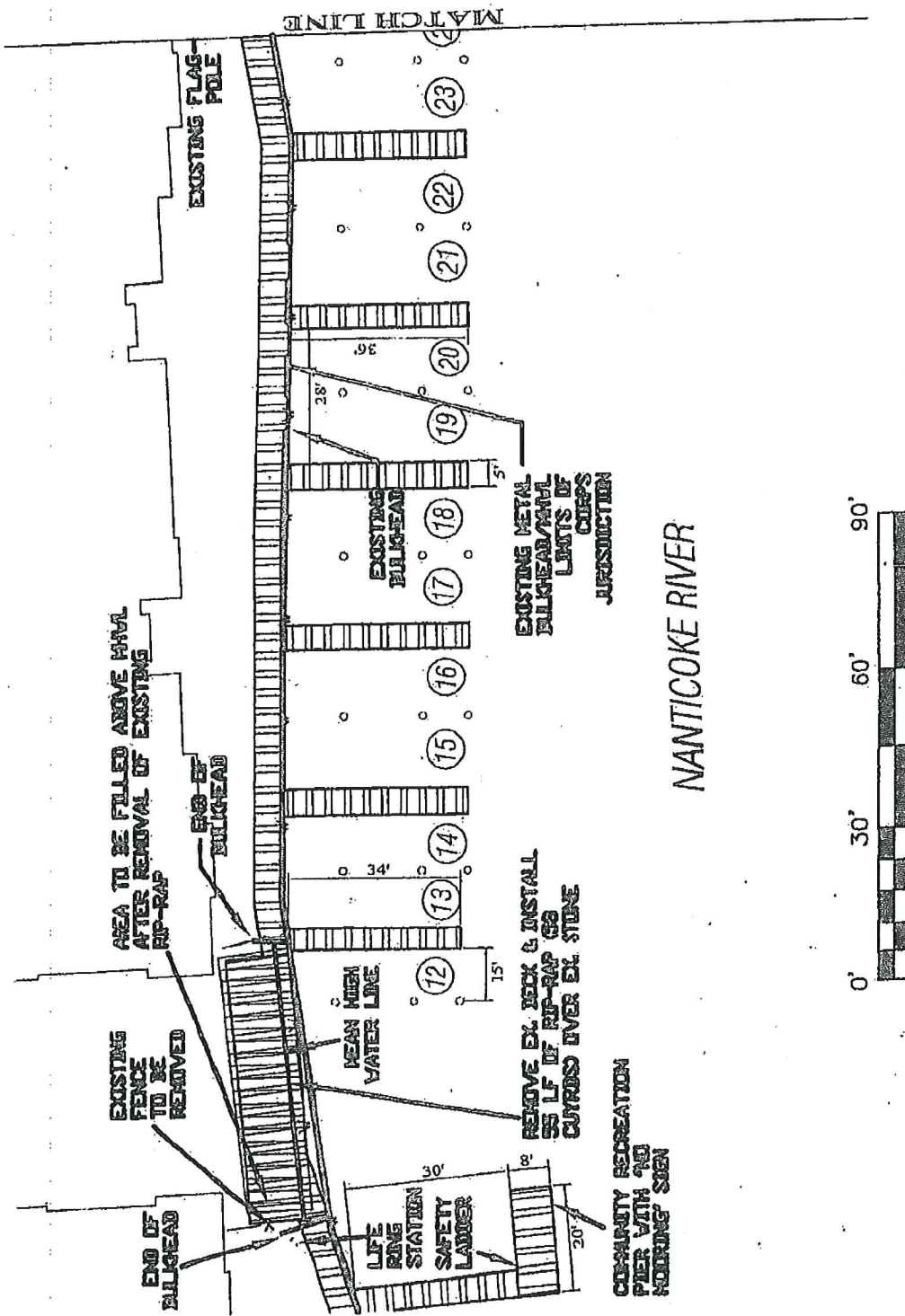
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SCALE	AS SHOWN
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SHEET	1 OF 9











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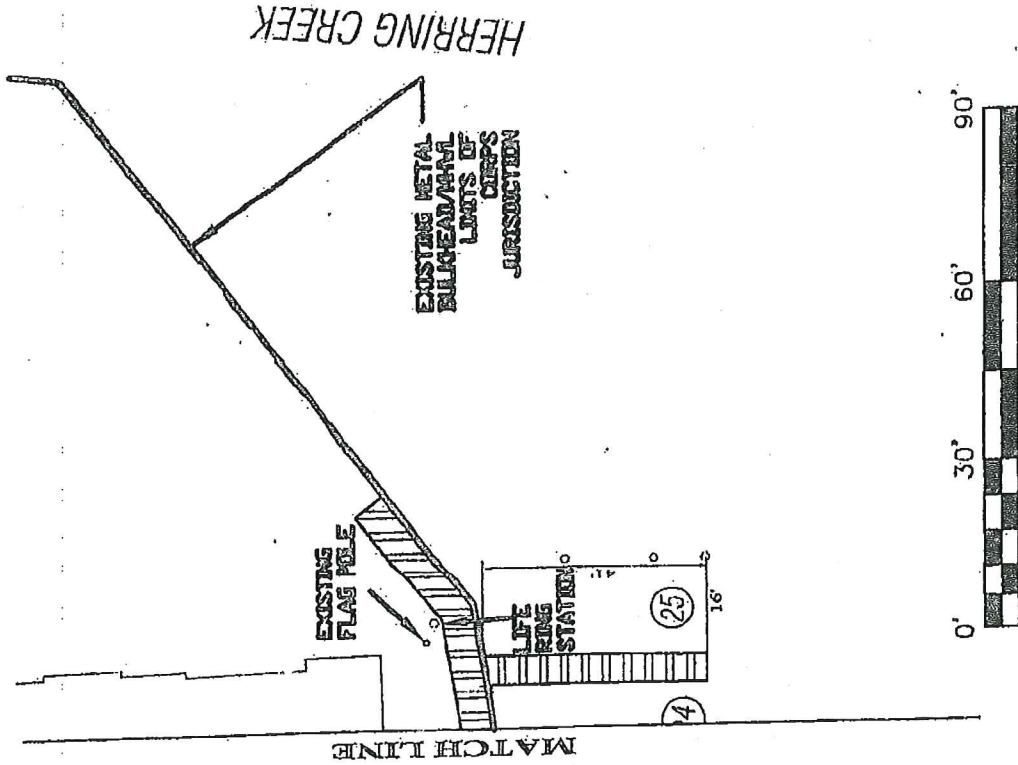
<b>SITE PLAN</b>		<b>RESIDENCES AT RIVER PLACE MARINA</b> (SUSSEX CO. TAX MAP 4-31-5, PARCELS 314, 314.01, 315, 316, 317 & 319) NANTICOKE RIVER SEAFORD, DELAWARE 19975		<b>HICKORY ENVIRONMENTAL CONSULTING L.L.C.</b> 508 GRAND VIEW COURT SALISBURY, MD 21804 443-61-3850	
NO.	DATE	REVISION	DATE	SCALE	DRAWN BY
			04/19/2013	1" = 30'	MRH
					SHEET
					<b>4 OF 9</b>





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2019-195



SITE PLAN

NO. DATE REVISION

RESIDENCES AT  
RIVER PLACE MARINA

(SUSSEX CO. TAX MAP 4-31-S, PARCELS 314, 314.01, 314.316, 317 & 319)  
NANTICOME RIVER  
SEAFORD, DELAWARE 19973



HICKORY  
ENVIRONMENTAL  
CONSULTING  
L.L.C.

506 GRANDVIEW COURT  
SALISBURY, MD 21804  
410-614-3850

DATE 04/19/2013

SCALE 1" = 30'

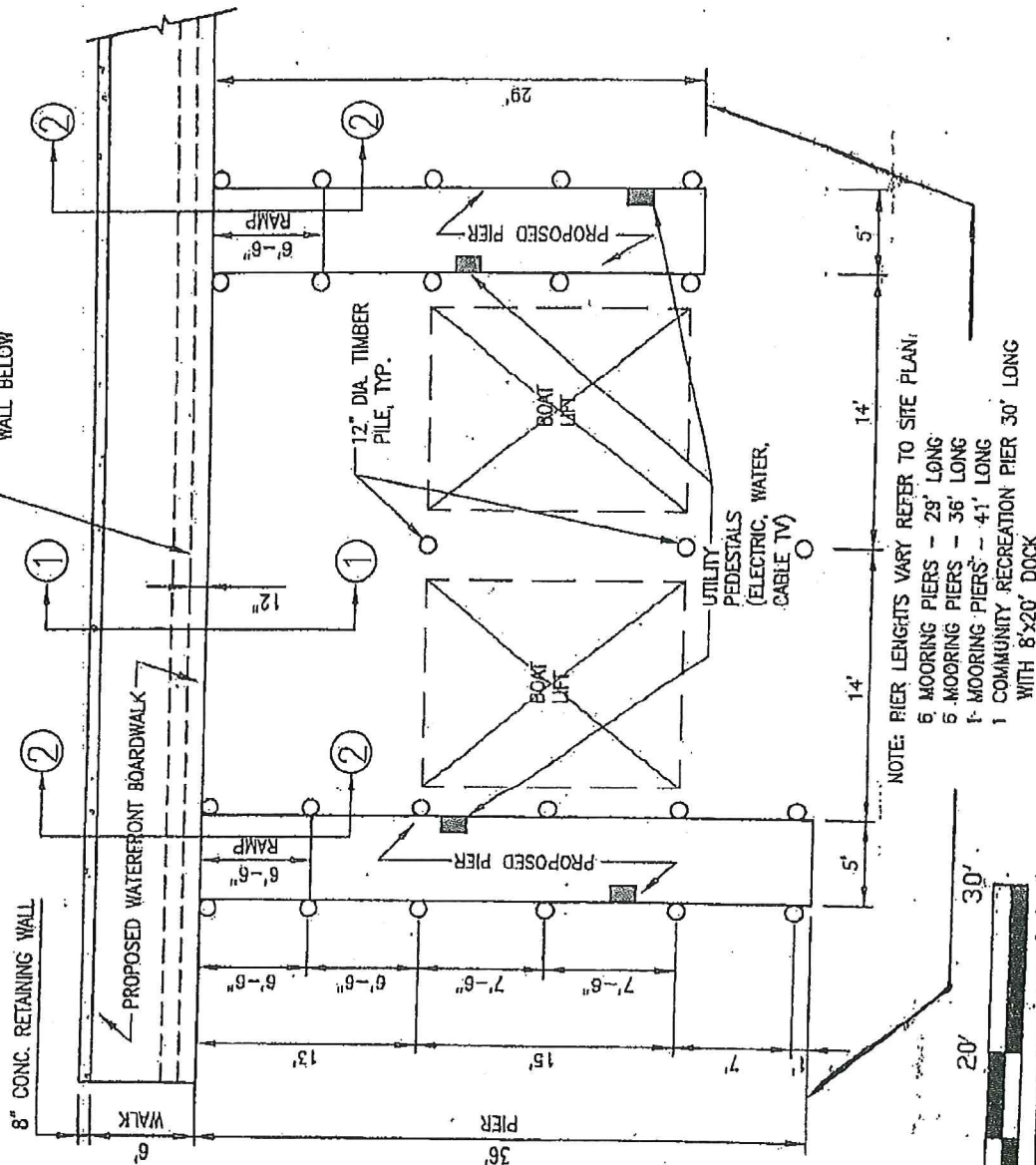
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SHEET

5 OF 9

TOP OF EXISTING BULKHEAD = 3.70±

EXISTING BULKHEAD  
WALL BELOW



NOTE: PIER LENGTHS VARY REFER TO SITE PLAN.

- 6 MOORING PIERS - 29' LONG
- 5 MOORING PIERS - 36' LONG
- 1 MOORING PIERS - 41' LONG
- 1 COMMUNITY RECREATION PIER 30' LONG WITH 8'x20' DOCK



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**TYPICAL PIER DETAIL**

NO.	DATE	REVISION

**RESIDENCES AT  
RIVER PLACE MARINA**  
(SUSSEX CO. TAX MAP 4-31-5, PARCELS 314, 314.01, 315, 316, 317 & 319)  
NANTICONE RIVER  
SEAFORD, DELAWARE 19973

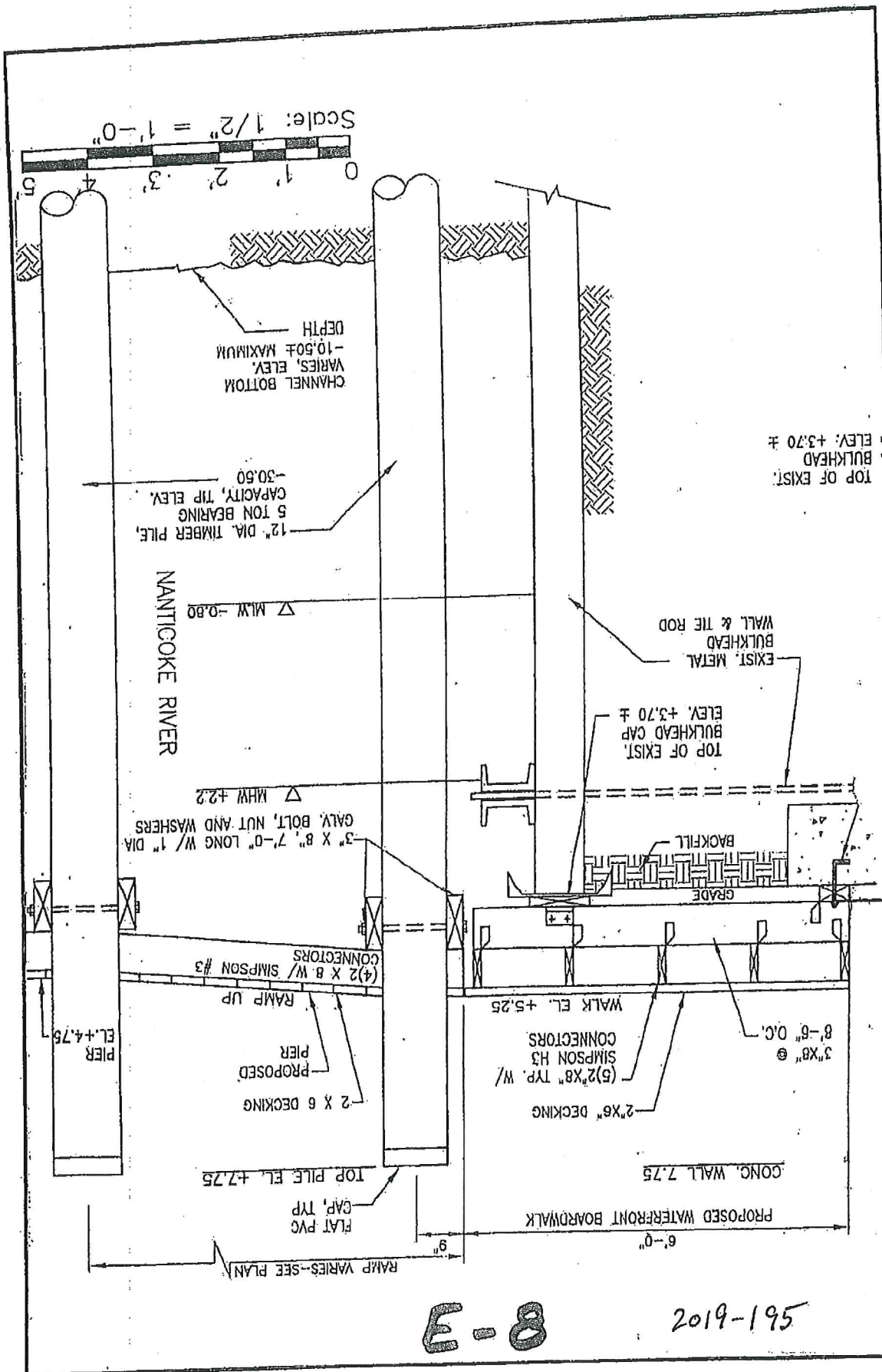


**HICKORY  
ENVIRONMENTAL  
CONSULTING  
L.L.C.**  
508 GRAND VIEW COURT  
SALESBURY, MD 21804  
410-614-3850

DATE	04/19/2013
SCALE	1" = 10'
DRAWN BY	ACR
SHEET	6 OF 9



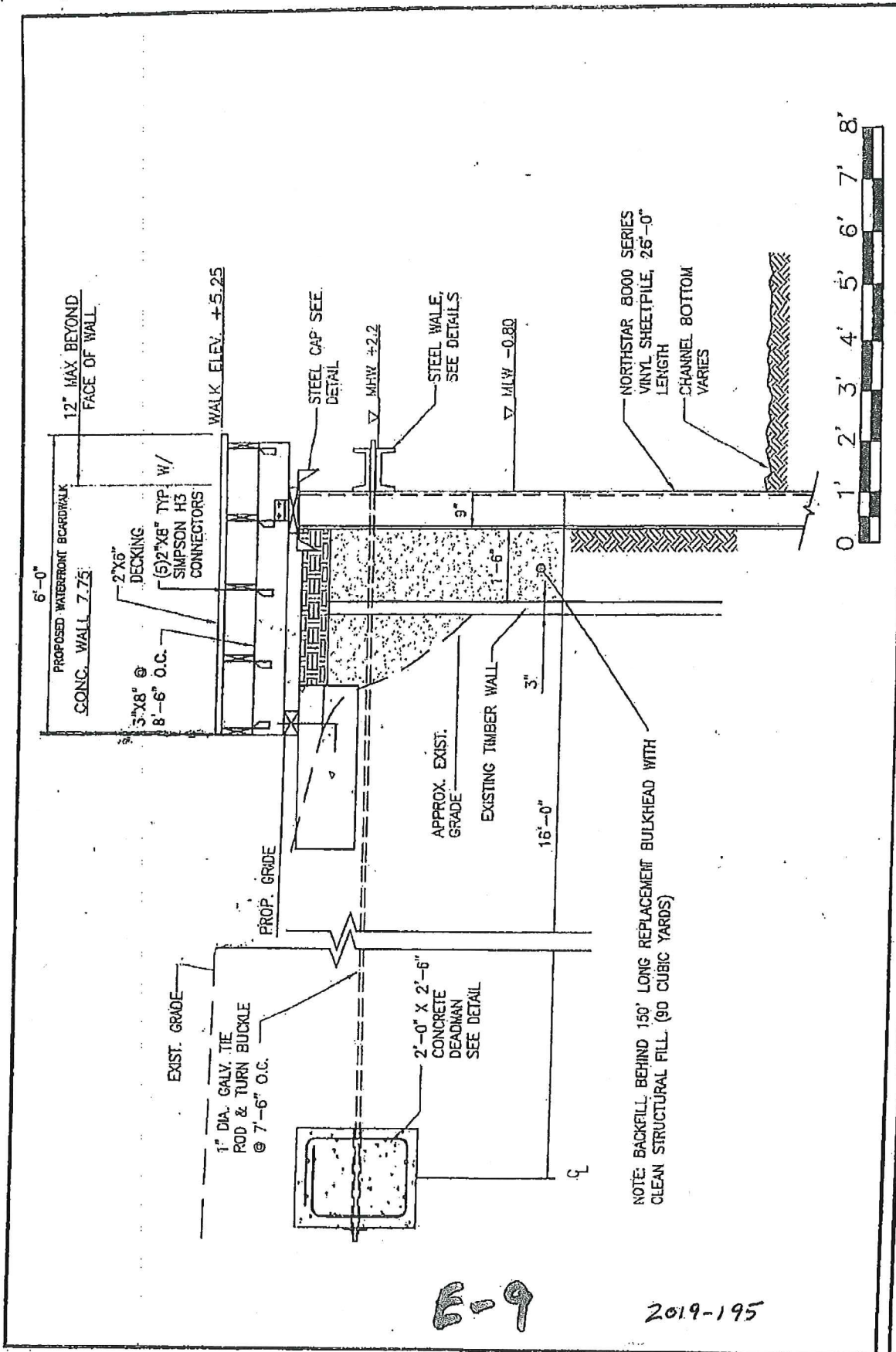




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CROSS SECTION 2		RESIDENCES AT RIVER PLACE MARINA (SUSSEX CO. TAX MAP 4-31-5, PARCELS 314, 315, 316, 317 & 319) NANTICOKE RIVER SEAFORD, DELAWARE 19973		HICKORY ENVIRONMENTAL CONSULTING L.L.C. 508 GRAND VIEW COURT SALISBURY, MD 21804 410-414-3800	
NO.	DATE	REVISION	DATE	SCALE	DRAWN BY
			04/19/2013	1/2" = 1'	MRR
					SHEET
					8 OF 9



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2019-195

CROSS SECTION 3			HICKORY ENVIRONMENTAL CONSULTING L.L.C.		
NO.	DATE	REVISION	508 GRAND VIEW COURT SALISBURY, MD 21804 410-514-3830		
			HICKORY ENVIRONMENTAL CONSULTING L.L.C. 508 GRAND VIEW COURT SALISBURY, MD 21804 410-514-3830		
			DATE	04/19/2013	SHEET
			SCALE	3/8" = 1'	9 OF 9
			DRAWN BY	NRH	