



**US Army Corps  
of Engineers**  
Philadelphia District  
1650 Arch Street  
Philadelphia, PA 19103-2004  
Attn: CENAP-OPR

# Public Notice

**Comment Period Begins:** September 12, 2023  
**Comment Period Ends:** September 12, 2023  
**File Number:** NAP-2023-00828-85  
**File Name:** Sea Colony Beach Association Nourishment Project SX  
**Contact:** Michael D. Yost  
**Email:** michael.d.yost@usace.army.mil

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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:** Thomas Olson, Sea Colony Beach Association

**AGENT:** Tyler Littlefield, Gahagan & Bryant Associates

**LOCATION:** The Atlantic Ocean shoreline extending from the northern limits of the private community of Sea Colony Beach, Sussex County, Delaware to the southern limits of Bethany Beach, Sussex County, Delaware.  
Center Coordinates 38.528565°N, 75.052762°W

**PURPOSE:** Maintain the private recreational beach infrastructure protection.

**PROJECT DESCRIPTION:**

The applicant is proposing to nourish approximately 2,350 linear feet of Atlantic Ocean shoreline extending from the northern limits of the private community of Sea Colony Beach, Sussex County, Delaware to the southern limits of Bethany Beach, Sussex County, Delaware via cutterhead or hopper dredging of approximately 150,000 cubic yards of sand from Corps offshore Borrow Area E and/or Borrow Area Fenwick Island. Dredging and placement activities would coincide with federal nourishment events for the adjacent Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project. The Sea Colony beach is located in the gap area between the Bethany Beach and South Bethany Beach Federal beach templates. This work was previously authorized by the Corps in 2011. However, these permits have since expired, and the Sea Colony Beach Association is applying for a 10-year maintenance permit.

For additional project details, see the attached plans identified as: BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN AT: SEA COLONY BEACH COUNTY OF SUSSEX, STATE OF DELAWARE, prepared by Gahagan & Bryant Associates, dated February 23, 2023, 5 sheets.

## **MITIGATION**

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. Information provided in the application and on the plans indicates that compensatory mitigation is neither practicable nor feasible for the amount of dredged or fill material to be discharged into waters of the United States.

## **CORPS EVALUATION FACTORS**

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 these factors 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.

The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency if the project includes a discharge of dredge or fill material pursuant to Section 404 of the Clean Water Act.

## **ENDANGERED SPECIES**

A preliminary review of this application indicates that species and/or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) may be present in the action area. This office will forward this Public Notice to the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) with a request for technical assistance on whether any ESA-listed species or their critical habitat may be present in the area which would be affected by the proposed activity. This office will evaluate the potential effects of the proposed actions on ESA-listed species or their critical habitat and will consult with the USFWS and/or NMFS, as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this permit application.

## **CULTURAL RESOURCES AND TRIBAL TRUST**

The District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places and for potential issues concerning the Tribes. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties as necessary.

## **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the NMFS for 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. This office will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS, as appropriate. Consultation would be concluded prior to the final decision on this permit application.

## **WATER QUALITY CERTIFICATE**

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required 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.

## **COASTAL ZONE MANAGEMENT ACT**

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 (CZM) 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 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 on the State's coastal zone should be sent to this office with a copy to the State's CZM office.

## **SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST**

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

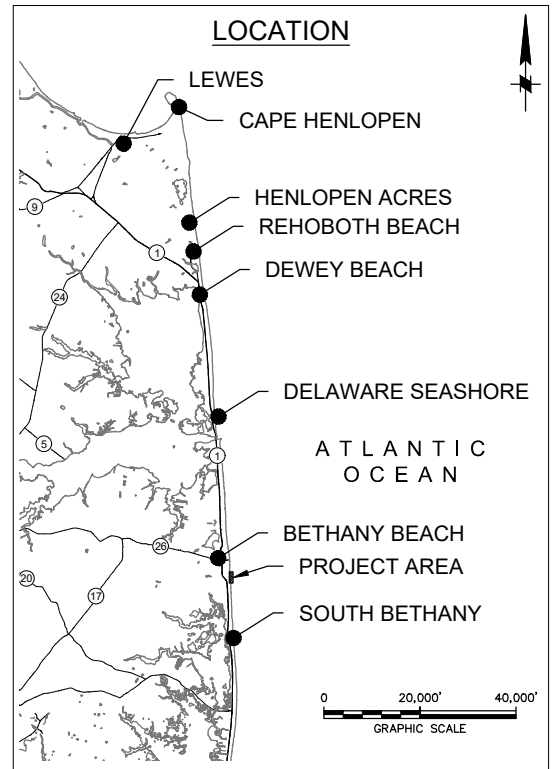
Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

<https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/>

FOR: Todd A. Schaible  
Chief, Regulatory Branch

# SEA COLONY BEACH BEACH REPLENISHMENT PROJECT



## ATLANTIC OCEAN

**PURPOSE:**  
RESTORE RECREATIONAL BEACH  
AREA AND PROVIDE EROSION AND  
STORM PROTECTION

### NOTE:

1. PROJECT AREA LENGTH =  
±2350 LF



### COORDINATES

	LATITUDE	LONGITUDE
NORTH END	38°31'54"N	75°03'14"E
SOUTH END	38°31'31"N	75°03'09"E

SOUTH BETHANY  
BEACH

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

## BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN

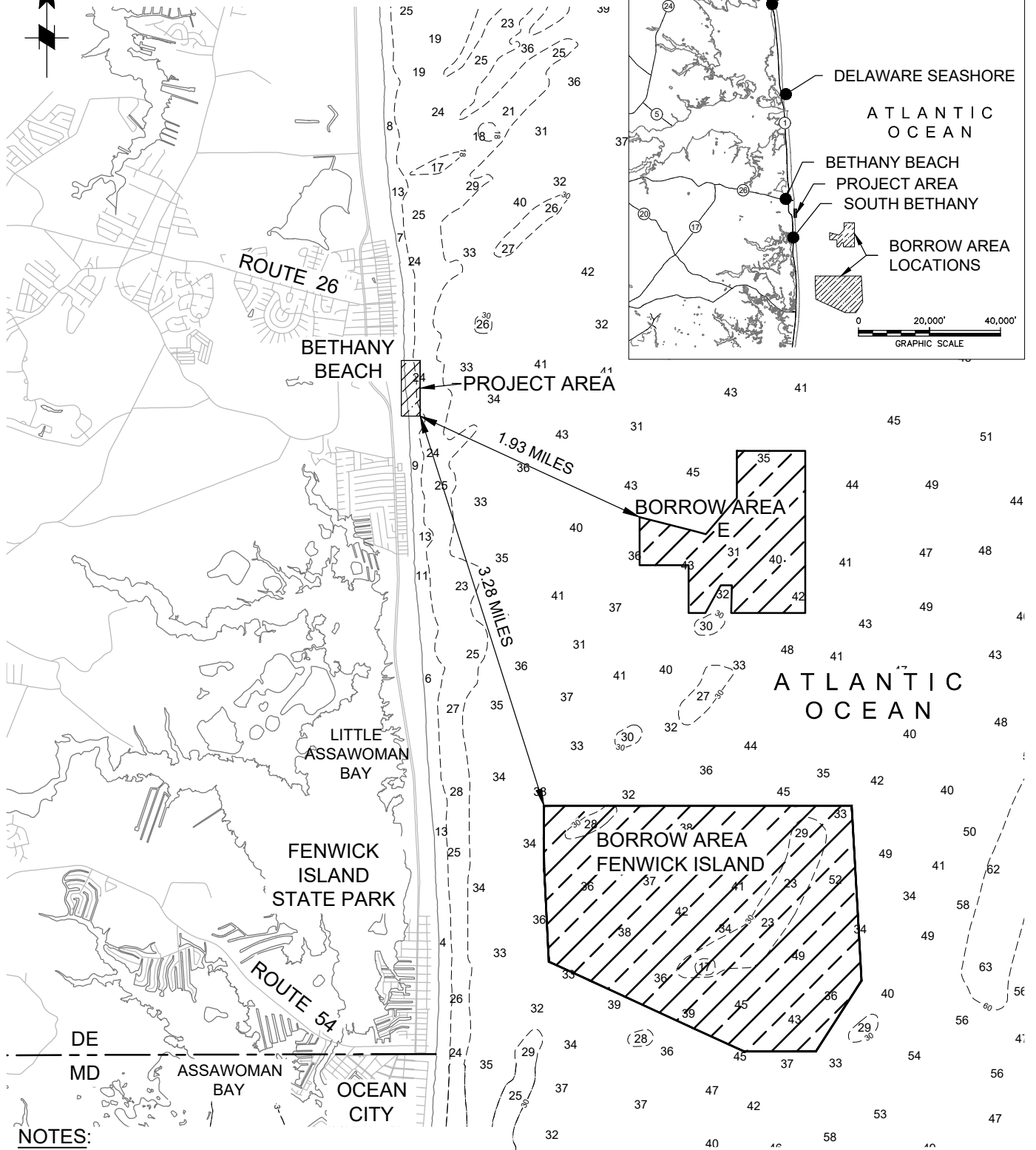
AT: SEA COLONY BEACH  
COUNTY OF SUSSEX, STATE OF DELAWARE

APPLICATION BY:  
SEA COLONY BEACH ASSOCIATION, INC.  
P.O BOX 480  
BETHANY BEACH, DELAWARE 19930

**GBA**  
ENGINEERS & SURVEYORS  
9008 Yellow Brick Rd. Unit O  
Baltimore, MD 21237  
Phone (410) 682-5595

DATE: 02/23/23

# PROPOSED FENWICK ISLAND & AREA E BORROW AREA LOCATIONS



## NOTES:

1. REFERENCE: NOAA CHART 12214 (51ST EDITION, MAR. 2019 LAST CORRECTION: 2/5/2020) & NOAA CHART 12211 (48TH EDITION, DEC. 2018 LAST CORRECTION: 4/22/2020)
2. DEPTH SHOWN IN FEET BELOW M.L.W

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AT: SEA COLONY BEACH  
COUNTY OF SUSSEX, STATE OF DELAWARE

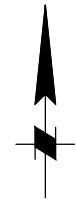
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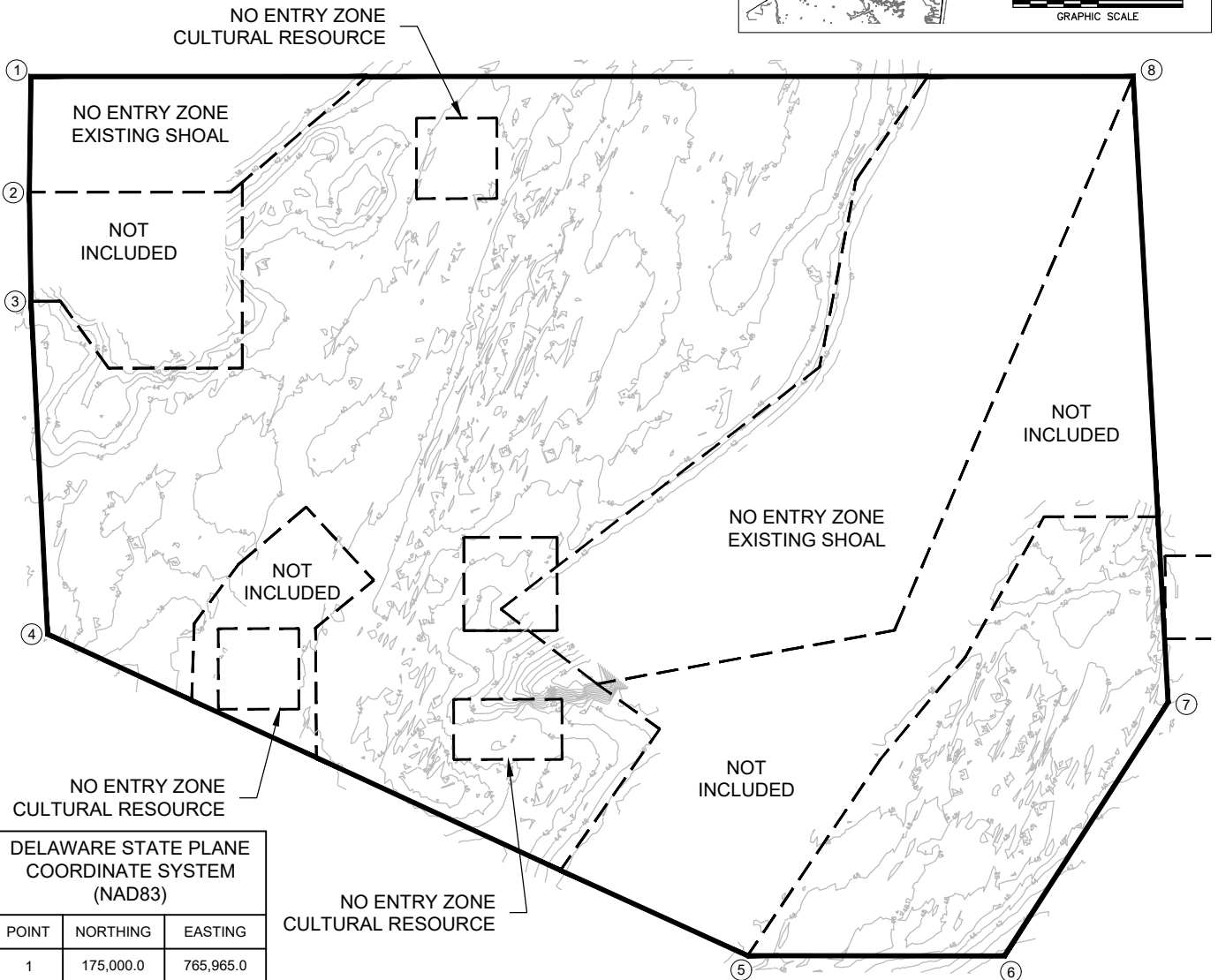
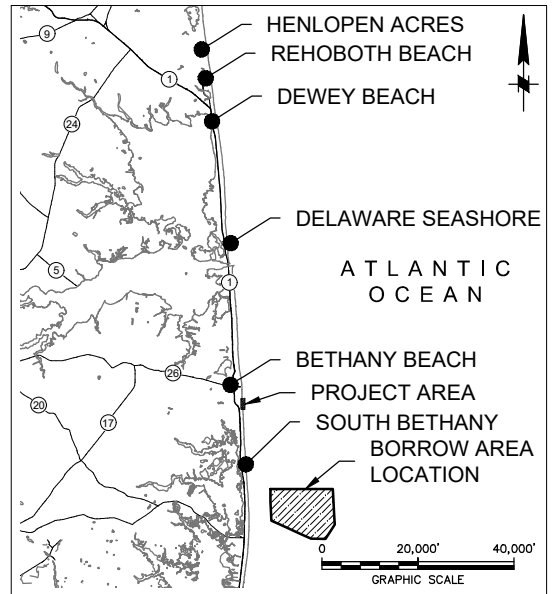
DATE: 06/29/23

# **LIMITS OF BORROW AREA FENWICK ISLAND**

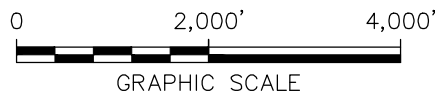


## **NOTES:**

1. BORROW AREA SIZE = 2,708 ACRES
2. CONTOURS SHOWN REPRESENT EXISTING CONDITIONS AT THE TIME OF SURVEY
3. SURVEY PERFORMED BY TRIANGLE SURVEYS ON SEPTEMBER 27, 2018
4. BORROW AREA DIMENSIONS AND SURVEY DATA FROM "FENWICK AFTER DREDGING BORROW AREA SURVEY" PERFORMED BY TRIANGLE SURVEYS, INC. SURVEY DATES: 08/10-08/11/2018



DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83)		
POINT	NORTHING	EASTING
1	175,000.0	765,965.0
2	173,634.1	765,945.6
3	172,349.0	765,967.0
4	168,421.8	766,161.8
5	164,626.9	774,416.1
6	164,625.9	777,446.4
7	167,616.0	779,377.4
8	175,000.0	778,964.6



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SEA COLONY BEACH ASSOCIATION, INC.  
P.O. BOX 480  
BETHANY BEACH, DELAWARE 19330

DATE: 02/23/23

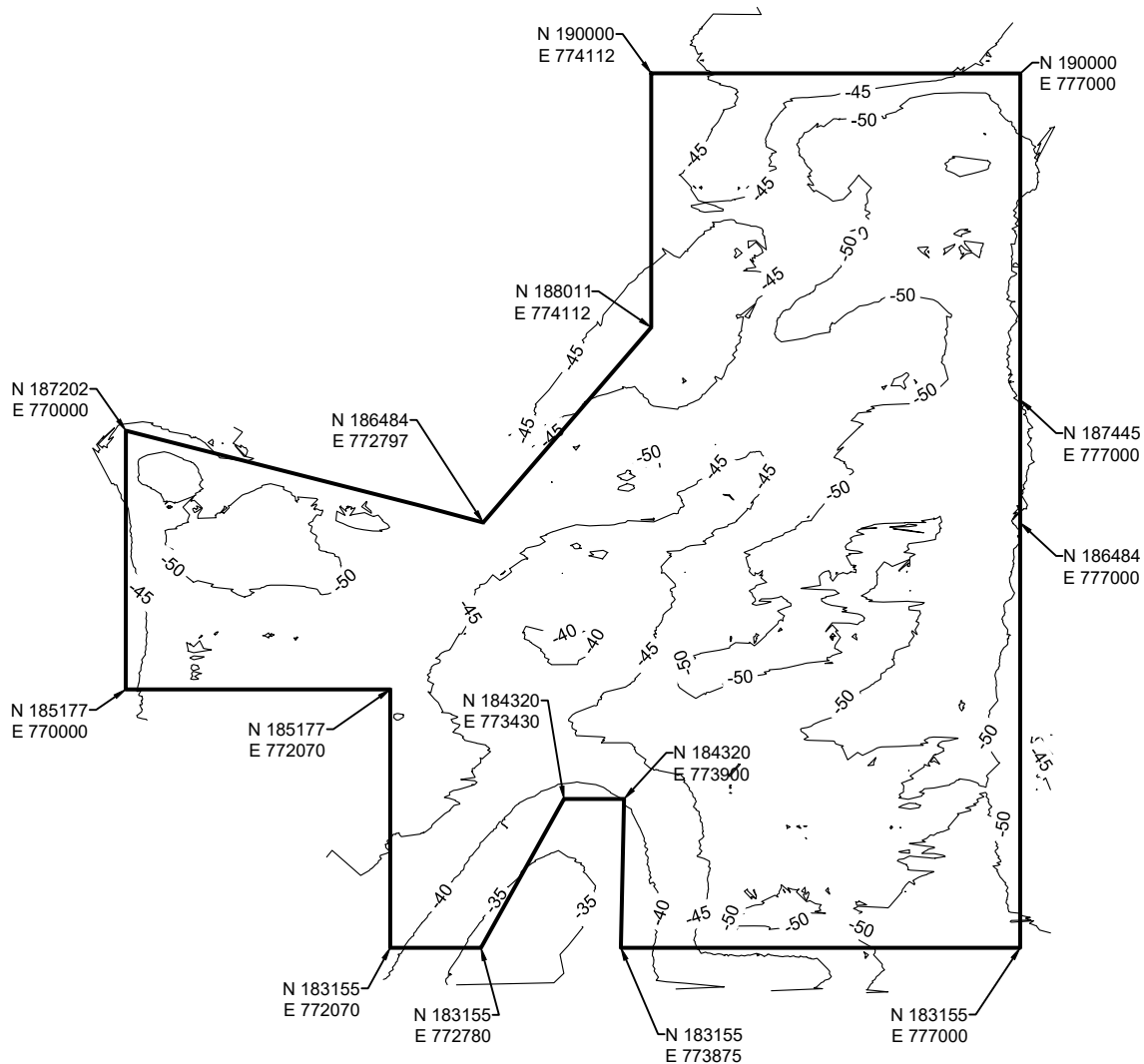
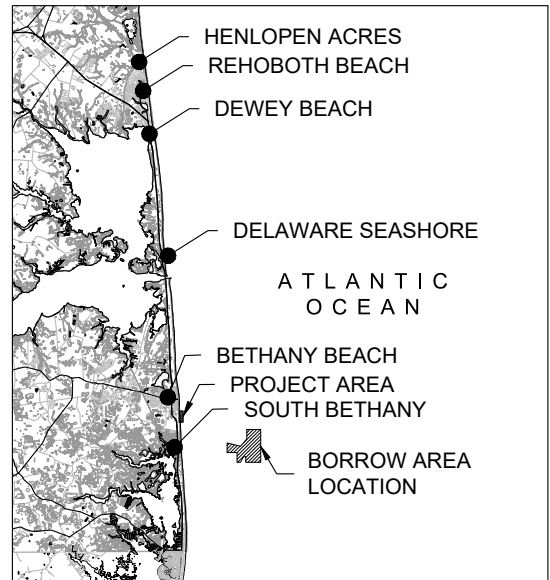
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# LIMITS OF BORROW AREA AREA E

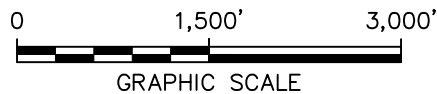


## NOTES:

1. HORIZONTAL COORDINATES REFERENCED TO NAD83 DELAWARE STATE PLANE, ZONE 0700, US SURVEY FOOT.
2. VERTICAL DATUM REFERENCED TO NAVD88.
3. BORROW AREA SIZE = 697 ACRES
4. CONTOURS SHOWN ARE FROM A SURVEY CONDUCTED BY GAHAGAN & BRYANT ASSOCIATES IN FEBRUARY 2021 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.



ATLANTIC  
OCEAN



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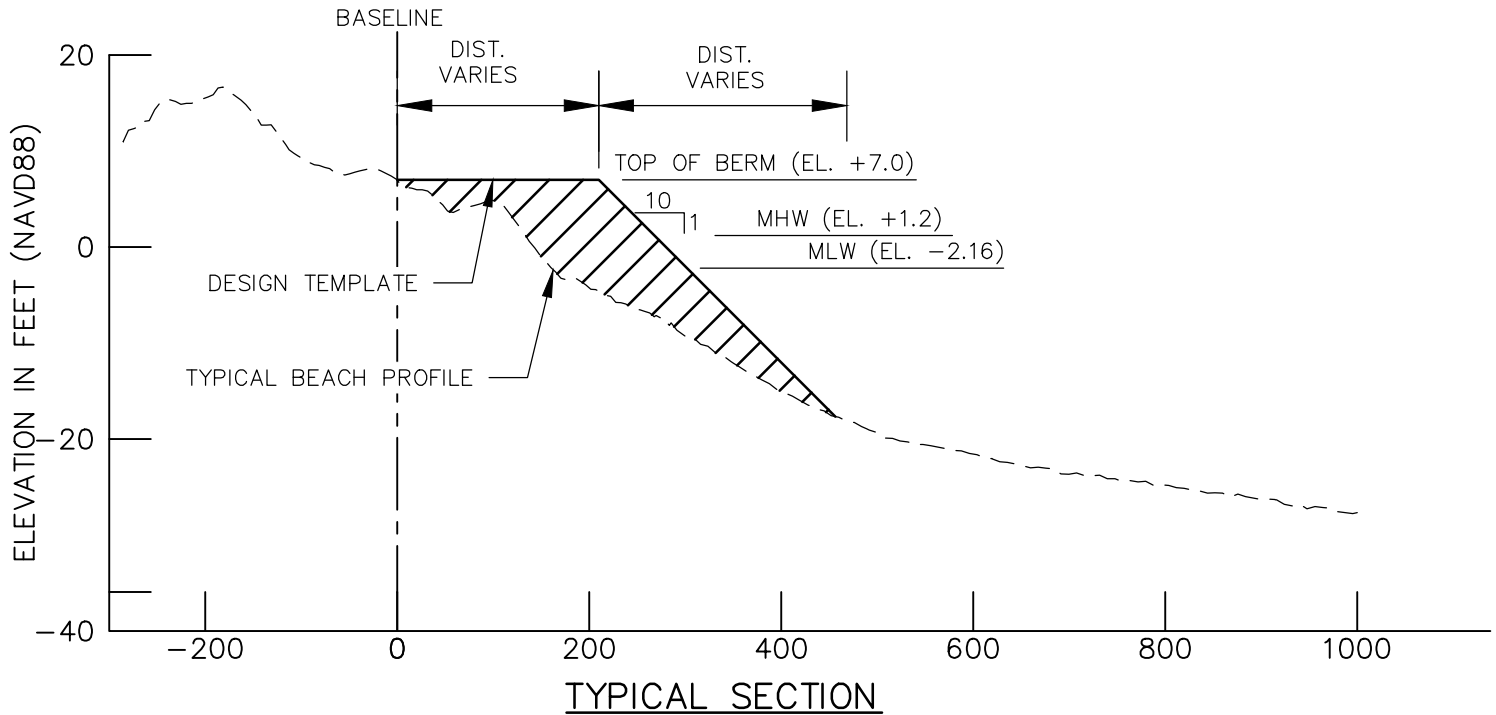
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# SEA COLONY BEACH DESIGN FILL SECTION



## NOTE<sub>A</sub>

.. TIDES WERE OBTAINED FROM NOAA TIDAL STATION 8570280, OCEAN CITY FISHING PIER.

+1.2 MHW

0.0 NAVD88

-2.16 MLW

DATUM ELEVATION (FT)  
NOT TO SCALE

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