

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Middlesex Beach Association Inc. – Middlesex Beach Renourishment Project sited at the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project in the Town of Bethany Beach, Sussex County, Delaware

PUBLIC NOTICE IDENTIFICATION NUMBER: 408-NAP-2025-0021

PUBLIC NOTICE COMMENT PERIOD:

Begins: **24 November 2025**

Expires: **24 December 2025**

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work at or near a federal project of the United States, as described below and shown on attached figures. Written comments are being solicited from anyone having an interest in the requested alteration. Comments will become part of the U.S. Army Corps of Engineers' (USACE's) administrative record and will be considered in determining whether to approve the request. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are all welcome.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply USACE endorsement of the project as described.

1. REQUESTER: In compliance with 33 USC 408 (Section 14 of the Rivers and Harbors Act of 1899; hereinafter Section 408), the Middlesex Beach Association has requested permission to renourish a portion of Atlantic Ocean shoreline fronting the Middlesex Beach Association's private residential community via dredge removal of sediment from offshore sand borrow areas "E" and/or "Fenwick Island". Middlesex Beach is located within the footprint of the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project.

2. LOCATION: Atlantic Ocean shoreline fronting the Middlesex Beach Association's private residential community in the Town of Bethany Beach, Sussex County, Delaware; Approximate Center Coordinates: 38.522803, -75.053006.

3. LOCATION MAP(S)/DRAWING(S): Please see attached Project Plan Sheets 1 through 12.

4. REQUESTER'S PROPOSED ACTION: The proposed action entails renourishment of a 1,950.0-linear foot portion of Atlantic Ocean shoreline fronting the Middlesex Beach Association's private residential community in the Town of Bethany Beach, Sussex County, Delaware, via hydraulic dredge removal of approximately 103,000.0-cubic yards of sediment per event from offshore borrow areas "E" and/or "Fenwick Island". All dredged material would be transported via temporary pipeline for placement along the shoreline both above and below the High Tide Line. Dredging and sediment placement activities would coincide with federal beach nourishment events for the adjacent Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project or when the shoreline is in need of renourishment, such as after a major storm event or after persistent and severe beach erosion. The Middlesex Beach Association's beach template is proposed to match the Bethany Beach/South Bethany Beach federal design templates.

The proposed beach renourishment project is being evaluated for its potential to occupy and/or alter USACE's ability to maintain the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project.

5. REGULATORY AUTHORITY: This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). A requestor has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344) and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). Any Section 10/404/103 permit decision associated with the proposed alteration is separate from and will not be included in the Section 408 permission decision. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

6. ENVIRONMENTAL COMPLIANCE: A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the Philadelphia District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. Based on information provided by the applicant to date, current Corps regulations governing NEPA implementation, and/or the contents of existing NEPA documentation if available, it is likely that the proposed action will be determined to be categorically excluded from the need to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). This determination will be finalized following completion of agency coordination and prior to issuance of the Section 408 Permission Decision.

7. EVALUATION: As part of its evaluation, USACE will first make a determination that the submittal from the requestor is complete. The Philadelphia District is working closely with the requestor to ensure that all required technical plans, maps, drawings, and specifications are provided and are complete. Once the package is complete, a District-led review will be conducted to determine, in accordance with Engineering Circular (EC) 1165-2-216, whether

the proposed alteration will impair the usefulness of the USACE Project or be injurious to the public interest, as follows:

- A. *Impair the Usefulness of the Project Determination.* The Philadelphia District's Section 408 review team will determine if the proposed alteration will limit the ability of the federally authorized project to function as authorized, or will compromise or change any authorized project conditions, purposes or outputs.
- B. *Injurious to the Public Interest Determination.* Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

8. SOLICITATION OF COMMENTS: The USACE 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 the proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are considered in making a final determination whether the proposed action will be categorically excluded from the need to prepare further NEPA documentation. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

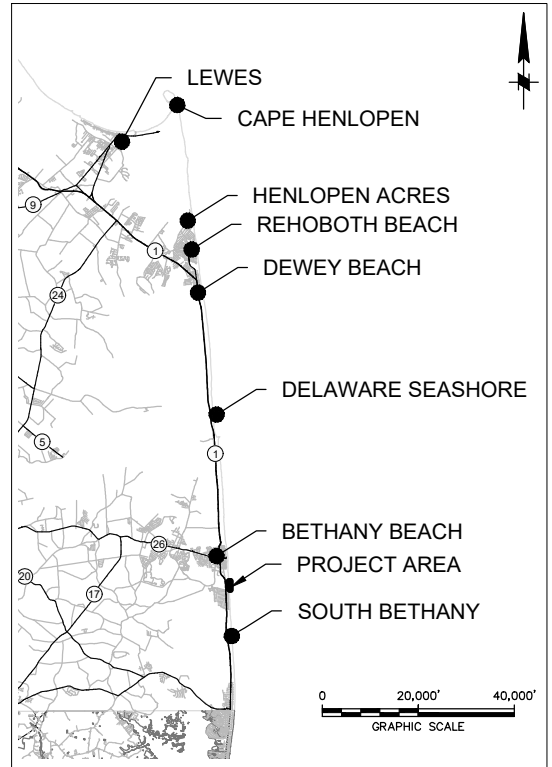
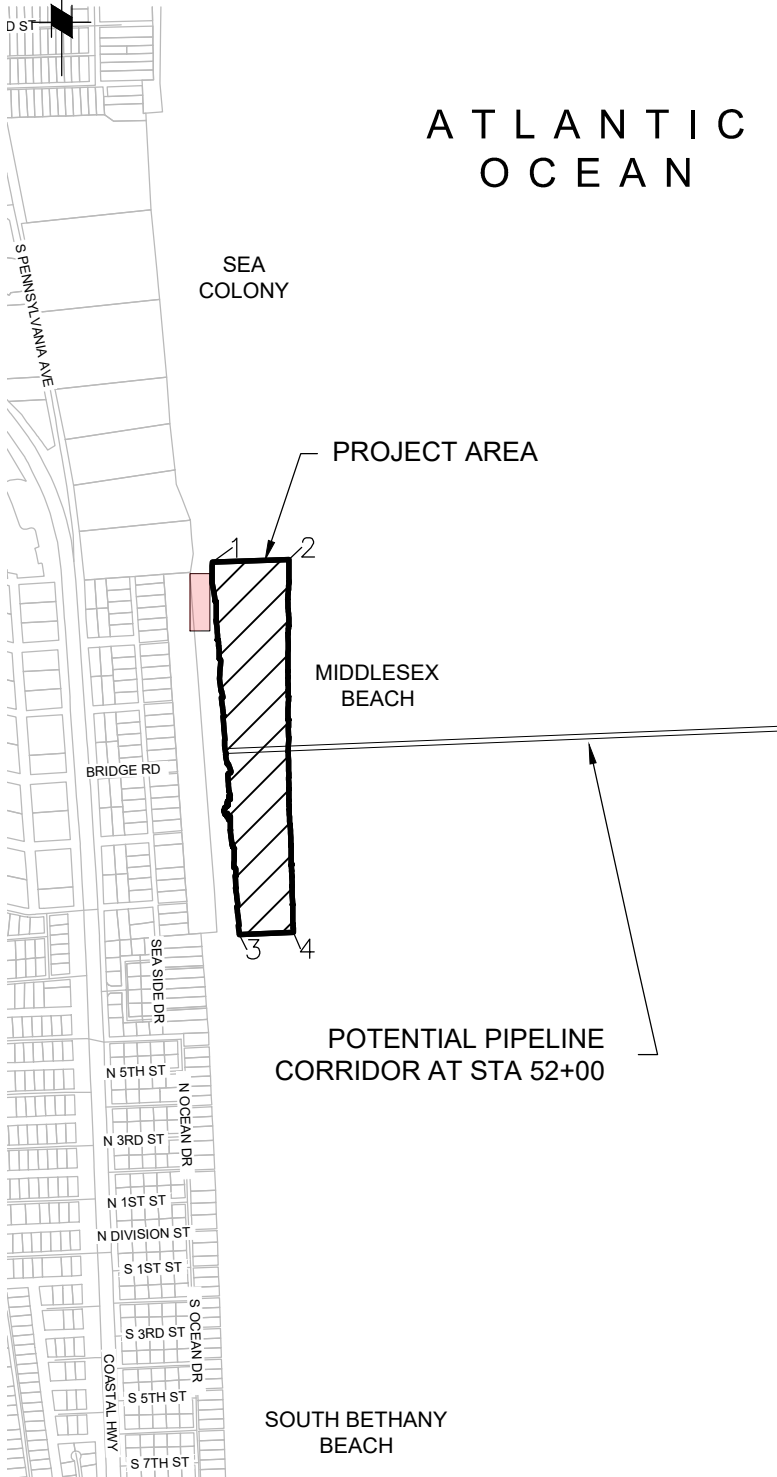
- A. It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to the Philadelphia District Corps of Engineers, Office of Counsel to obtain copies of said materials under the FOIA.
- B. It is presumed that all parties viewing this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

9. COMMENT SUBMISSION AND ADDITIONAL INFORMATION: Written comments on the described work should reference the USACE Public Notice Identification Number found on the first page of this notice. Comments must reach this office no later than the stated expiration date of the Public Notice to become part of the record and be considered

in the decision. Comments or requests for additional information should be mailed or emailed to the following address:

Email: Bishel.Baby@usace.army.mil
U.S. Army Corps of Engineers
Philadelphia District
Attn: Bishel B. Baby
1650 Arch Street, 7th Floor
Philadelphia, PA 19103-2004

MIDDLESEX BEACH BEACH REPLENISHMENT PROJECT



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

- NOTE:**
1. PROJECT AREA LENGTH = ±1950 LF
 2. PROJECT AREA SIZE = 15 ACRES
 3. SEE NOTES SHEET 7.

LEGEND:
STAGING AREA



DELAWARE STATE PLANE COORDINATE SYSTEM, ZONE 0700 (NAD83, US SURVEY FT)		
	EASTING	NORTHING
1	760238.194	191540.251
2	760635.253	191553.533
3	760377.659	189600.405
4	760659.652	189612.210

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BEACH REPLENISHMENT PROJECT

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

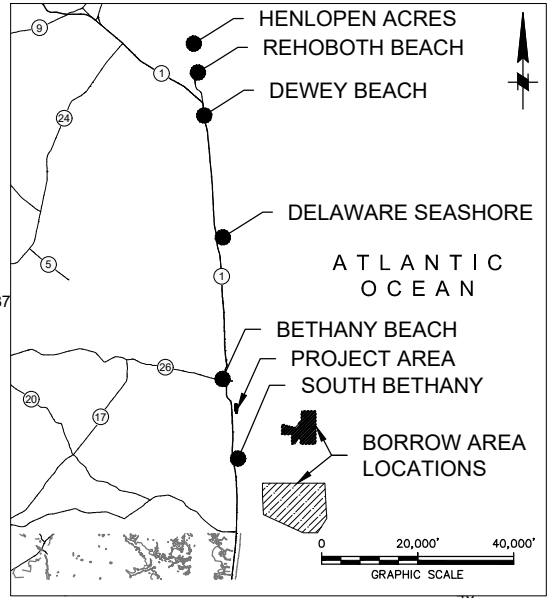
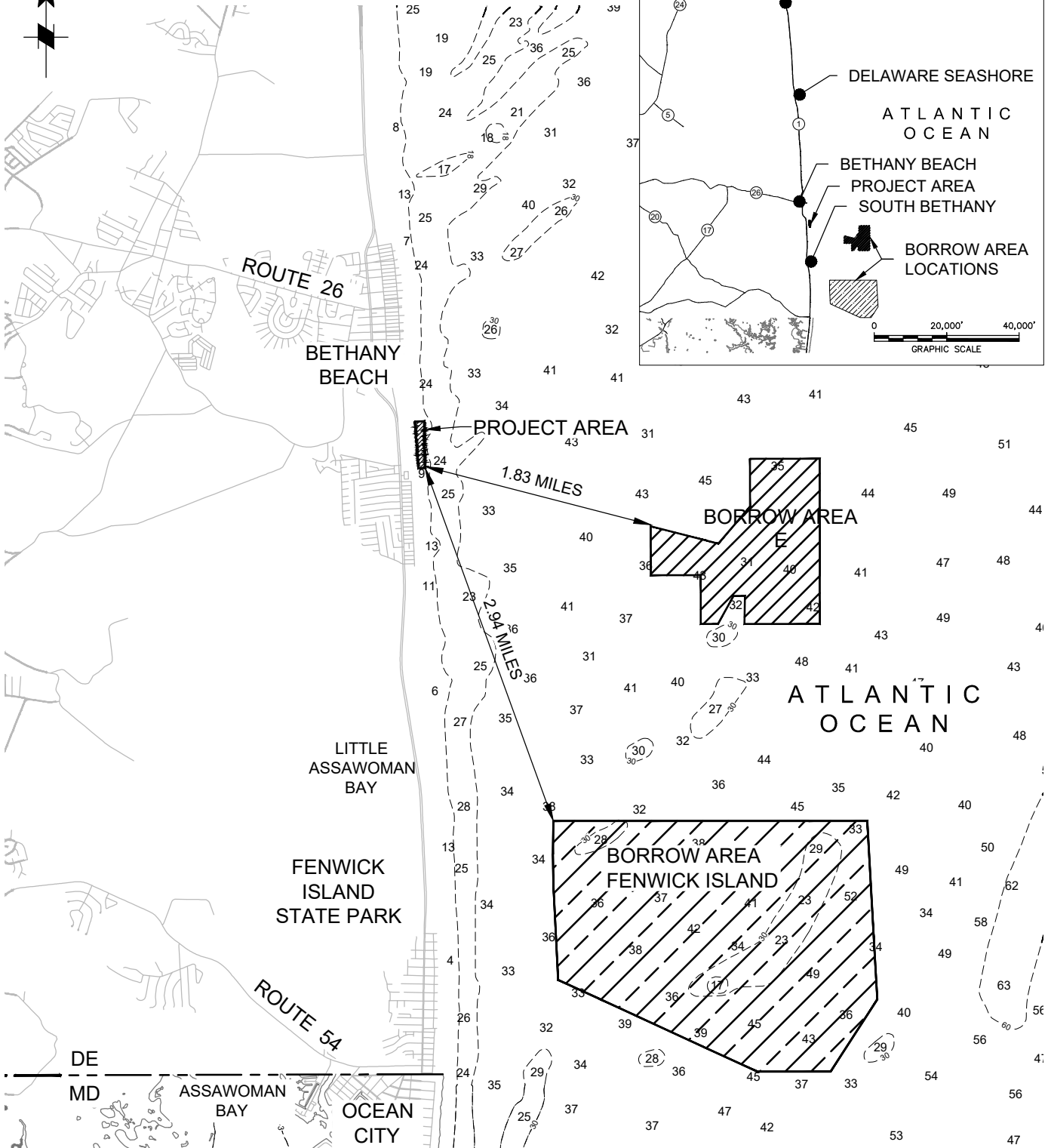
APPLICATION BY:
MIDDLESEX BEACH ASSOCIATION, INC.
P.O BOX 584
BETHANY BEACH, DELAWARE 19930

GBA
ENGINEERS ★ SURVEYORS
295-A N. Green Meadows Dr.
Wilmington, NC 28405
Phone (910) 313-3338

DATE: 10/03/25

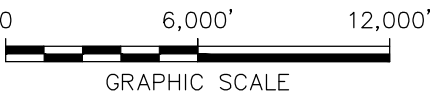
SHEET 1 OF 12

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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BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

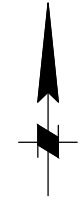
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BETHANY BEACH, DELAWARE 19930



DATE: 10/03/25

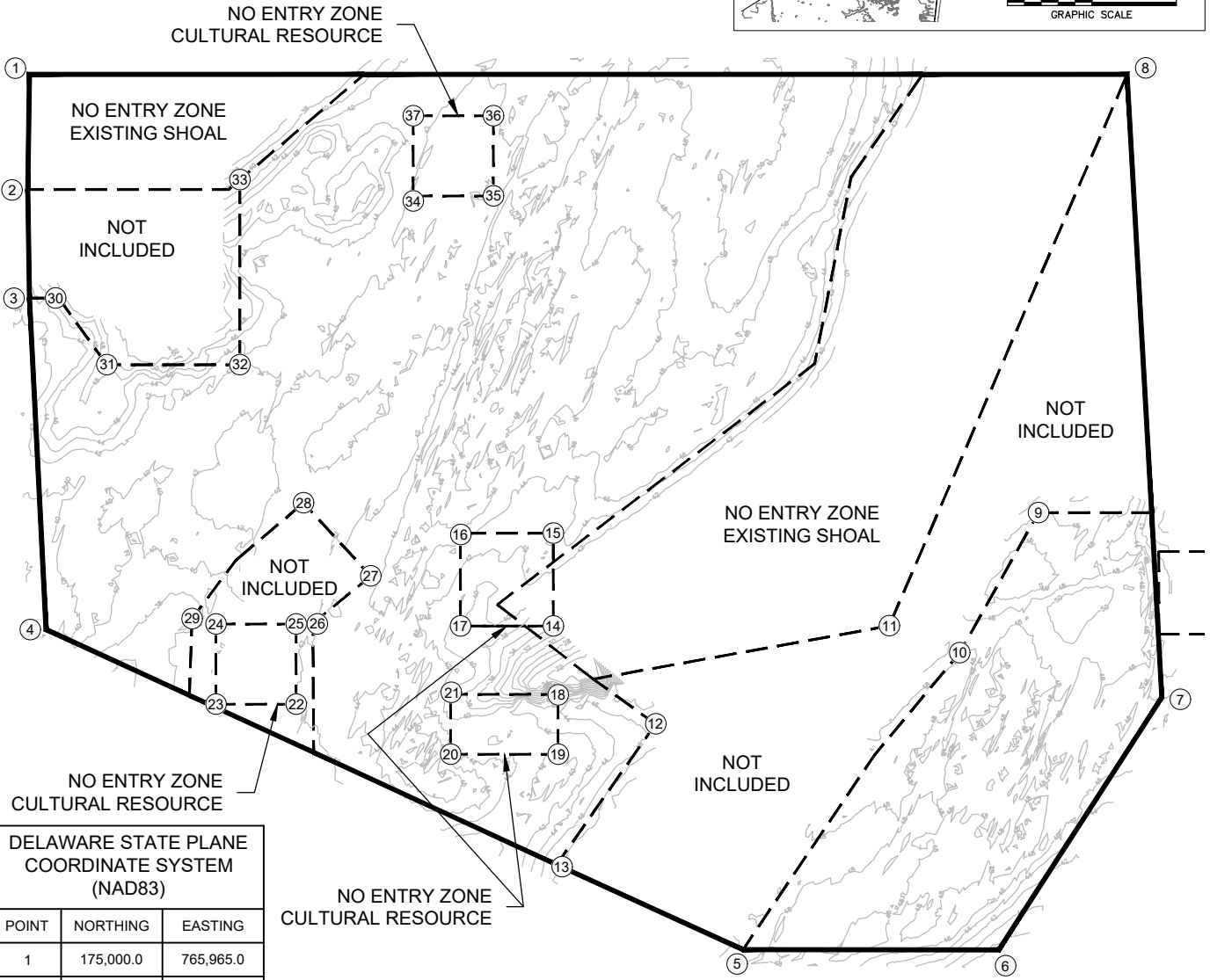
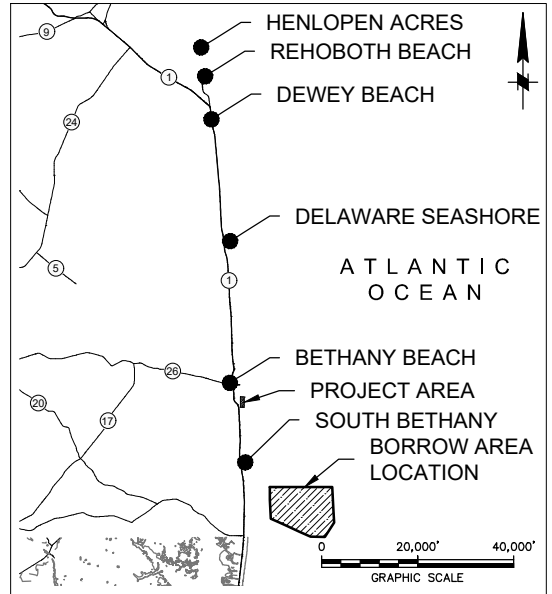
SHEET 2 OF 12

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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**BEACH REPLENISHMENT PROJECT
IN ATLANTIC OCEAN**

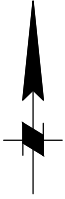
AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

APPLICATION BY:
MIDDLESEX BEACH ASSOCIATION, INC.
P.O. BOX 584
BETHANY BEACH, DELAWARE 19930

GBA
ENGINEERS ★ SURVEYORS
295-A N. Green Meadows Dr.
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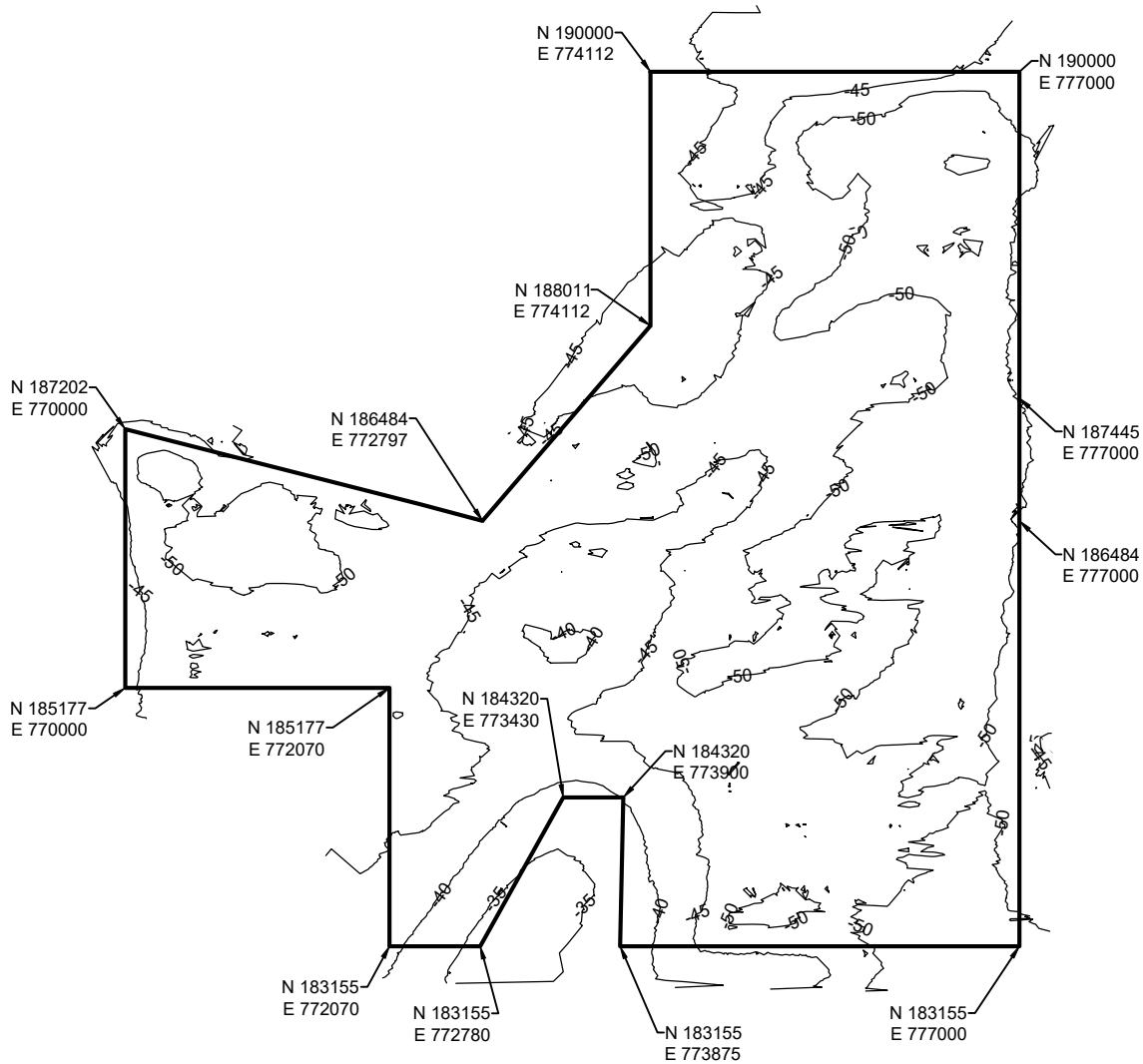
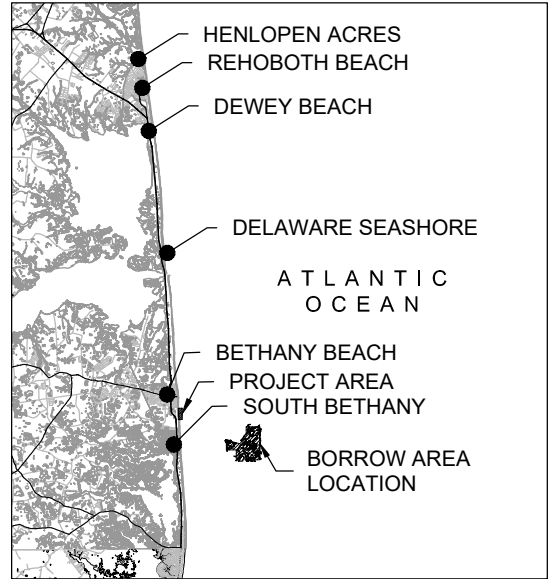
DATE: 10/03/25 SHEET 3 OF 12

LIMITS OF BORROW AREA AREA E

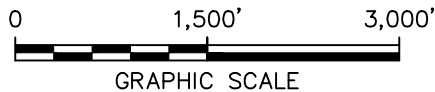


NOTES:

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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BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

APPLICATION BY:
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P.O. BOX 584
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SHEET 4 OF 12

MIDDLESEX BEACH BEACH REPLENISHMENT PROJECT



LEGEND:

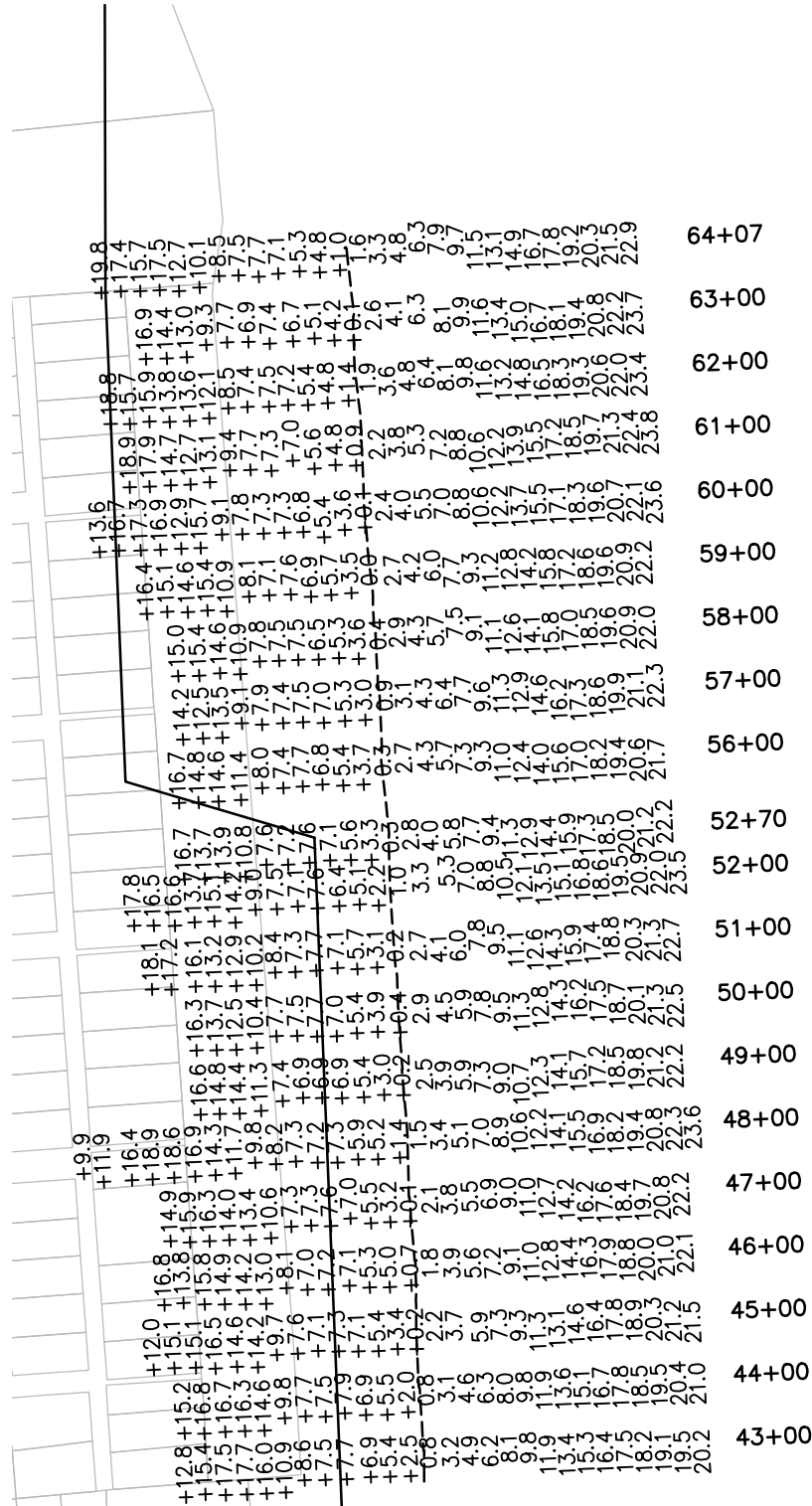
MEAN HIGH WATER

BASELINE

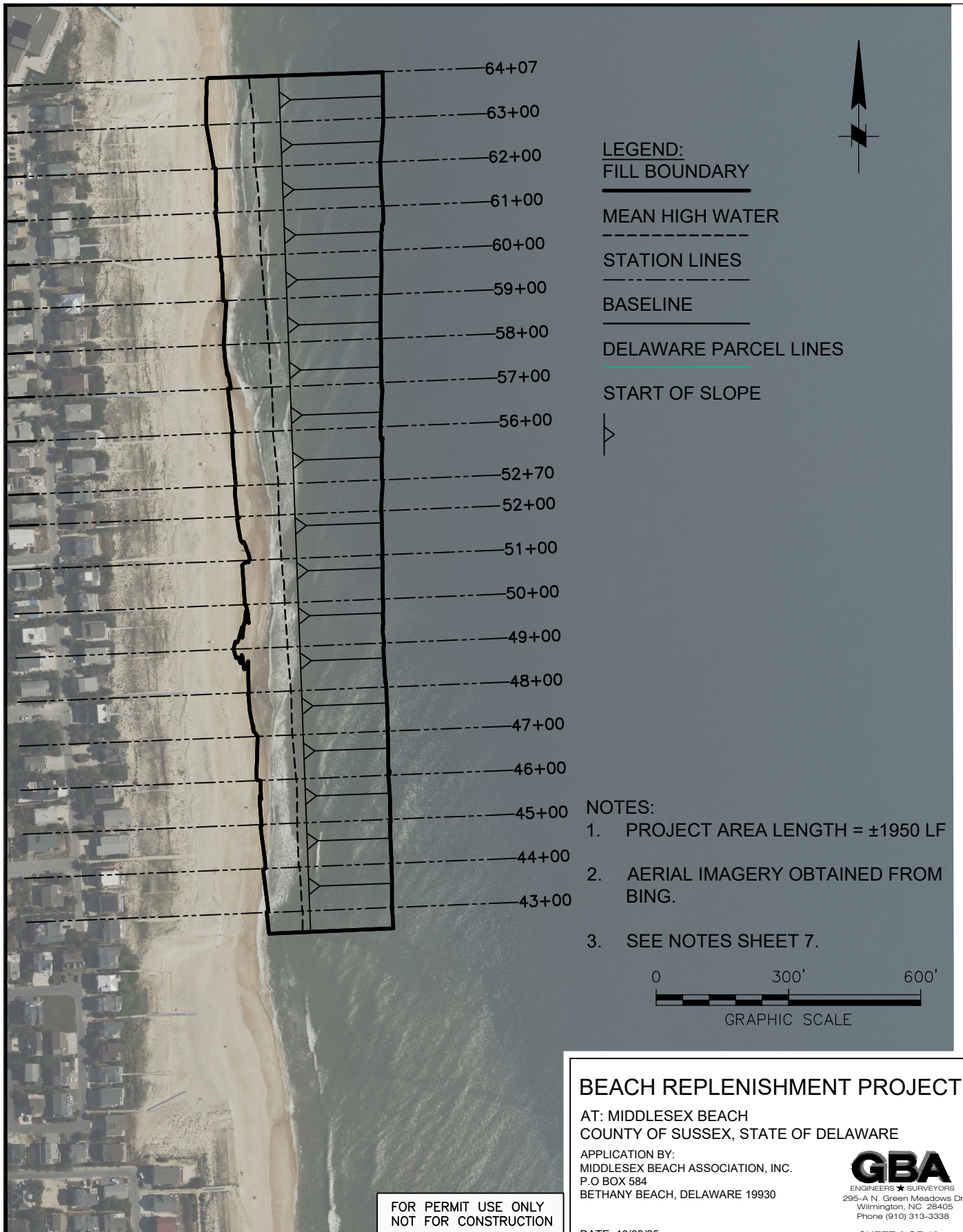
DELAWARE PARCEL LINES

NOTES:

1. PROJECT AREA LENGTH = ±1950 LF
2. SURVEY DATA SHOWN WAS COLLECTED ON AUGUST 13, 2025 BY GAHAGAN & BRYANT ASSOCIATES(GBA) AND IS REFERENCED TO NAVD88. SOUNDINGS PRECEDED BY A "+" ARE ABOVE THE REFERENCE PLANE.
3. SEE NOTES SHEET 7.



MIDDLESEX BEACH BEACH REPLENISHMENT PROJECT



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BEACH REPLENISHMENT PROJECT

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

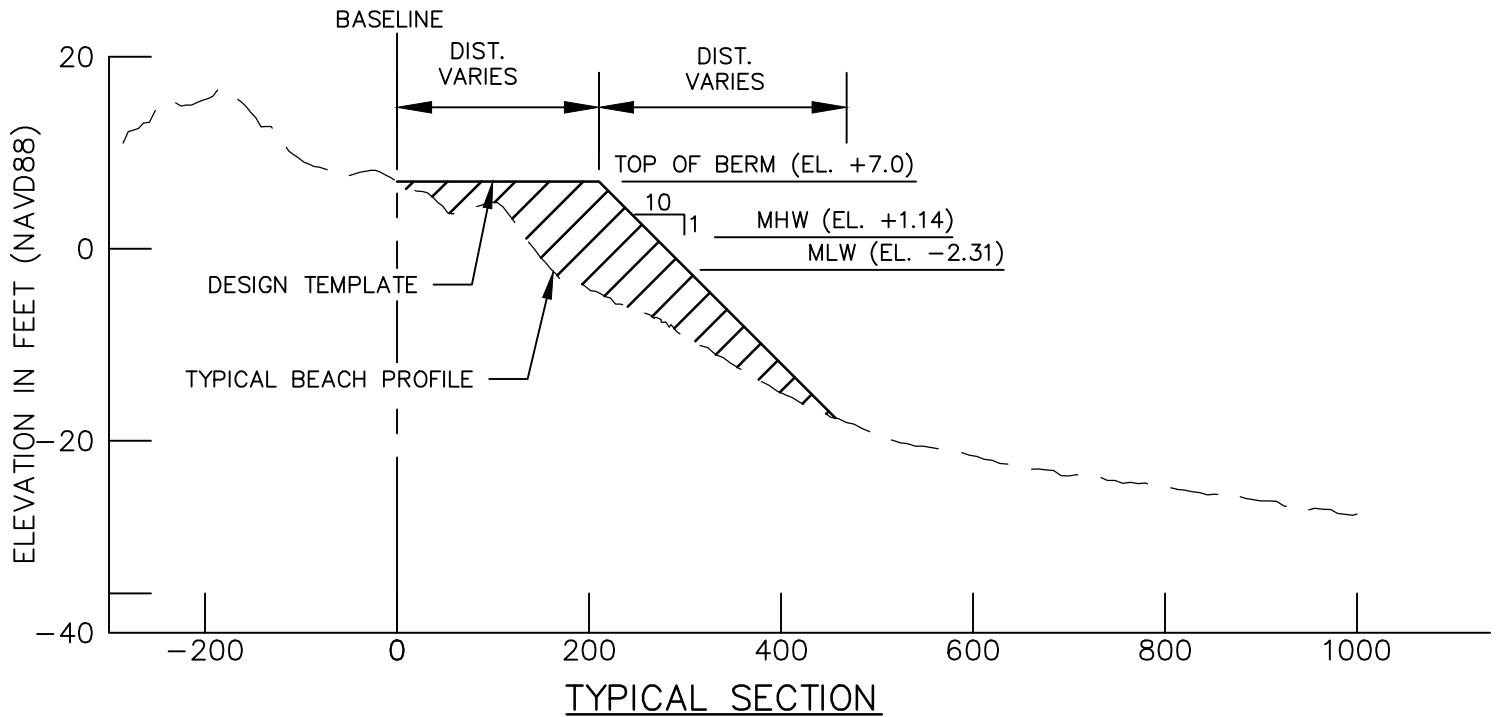
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Phone (910) 313-3338

DATE: 10/03/25

SHEET 6 OF 12

MIDDLESEX BEACH DESIGN FILL SECTION



NOTES:

1. RANGE OF TIDE INFORMATION OBTAINED FROM NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA) VDATUM TRANSFORMATION PROGRAM, VERSION 4.6.1 AT THE PROJECT MIDPOINT.
2. SOUNDING DATA DEPICTED IN THESE PLANS IS REPRESENTATIVE OF A LARGER DATA SET WHICH WAS COLLECTED USING AN ECHOSOUNDER (ODOM CV200) AT A FREQUENCY OF 200 HERTZ. THE DATA SET WAS REDUCED FOR CLARITY AND CORRECTED IN REAL TIME VIA REAL TIME KINEMATIC (RTK) CORRECTIONS.
3. THE INFORMATION DEPICTED IN THESE PLANS REPRESENT THE RESULTS OF SURVEYS CONDUCTED ON AUGUST 13, 2025 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
4. BEACH FILL TEMPLATE AND FILL EXTENTS SHOWN IN THESE PLANS IS FOR PERMITTING PURPOSES ONLY AND THE TEMPLATE WAS OBTAINED FROM 2022 USACE BEACH NOURISHMENT PROJECT INCLUDING SOUTH BETHANY BEACH (SOLICITATION NO:W912BU22B0017). MIDDLESEX INTENDS TO MAINTAIN THE SAME TEMPLATE AS THE USACE PROJECT. CONSTRUCTION BEACH FILL TEMPLATE WILL BE DETERMINED BY USACE DURING THE NEXT NOURISHMENT CYCLE AND BY EXISTING BEACH CONDITIONS AT THE TIME OF THE EVENT.
5. ONCE A FEDERAL NOURISHMENT PROJECT IS ANNOUNCED, MIDDLESEX WILL CONDUCT A SURVEY OF THE BEACH AND PROVIDE COMPLETE CONSTRUCTION PLANS WITH REVISED TEMPLATES TO DNREC FOR APPROVAL.

+1.14 MHW

0.0 NAVD88

-2.31 MLW

DATUM ELEVATION (FT)
NOT TO SCALE

BEACH REPLENISHMENT PROJECT

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

APPLICATION BY:
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P.O BOX 584
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Phone (910) 313-3338

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DATE: 10/03/25

SHEET 7 OF 12

BEACH CROSS SECTIONS IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX,
STATE OF DELAWARE

APPLICATION BY:
MIDDLESEX BEACH ASSOC., INC.
P.O. BOX 584
BETHANY BEACH, DELAWARE
19930

DATE: 10/03/25



ENGINEERS & SURVEYORS
295-A N. Green Meadows Dr.
Wilmington, NC 28405
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SHEET 8 OF 12

NOTES:

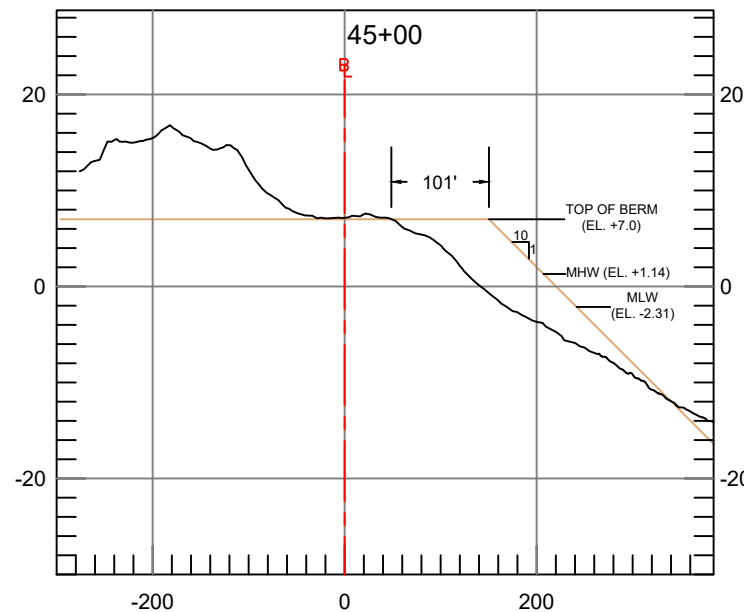
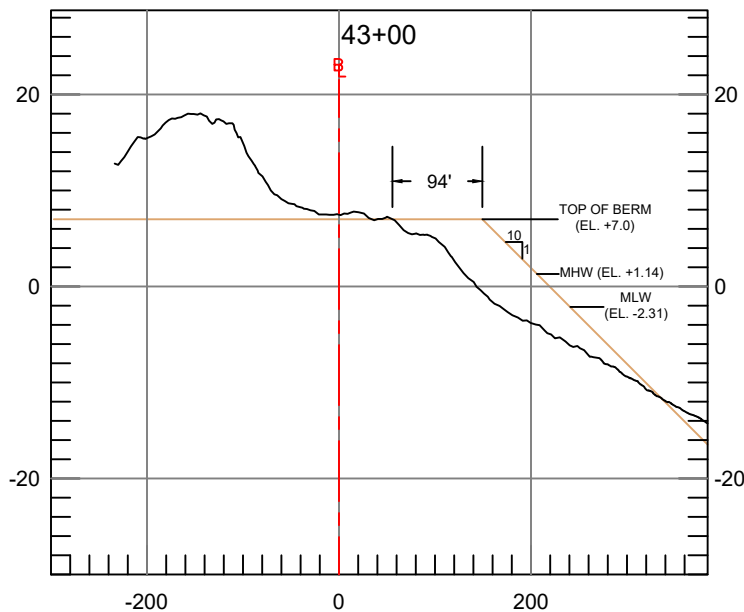
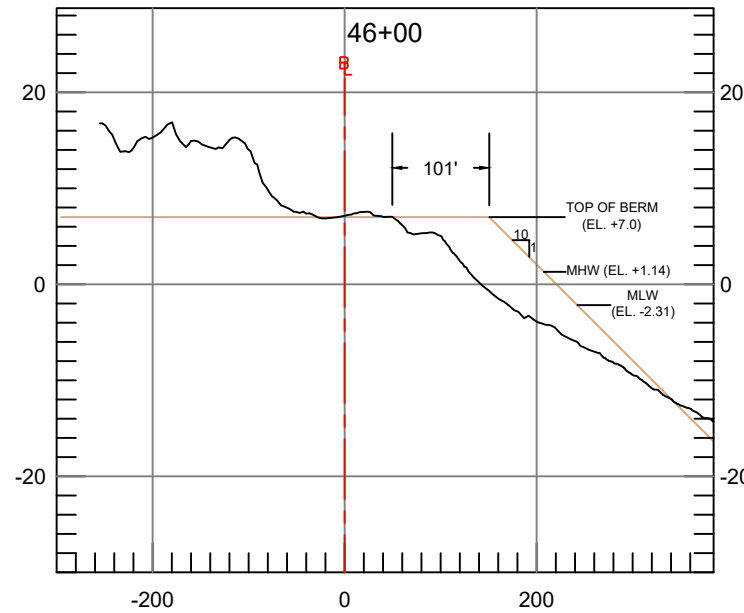
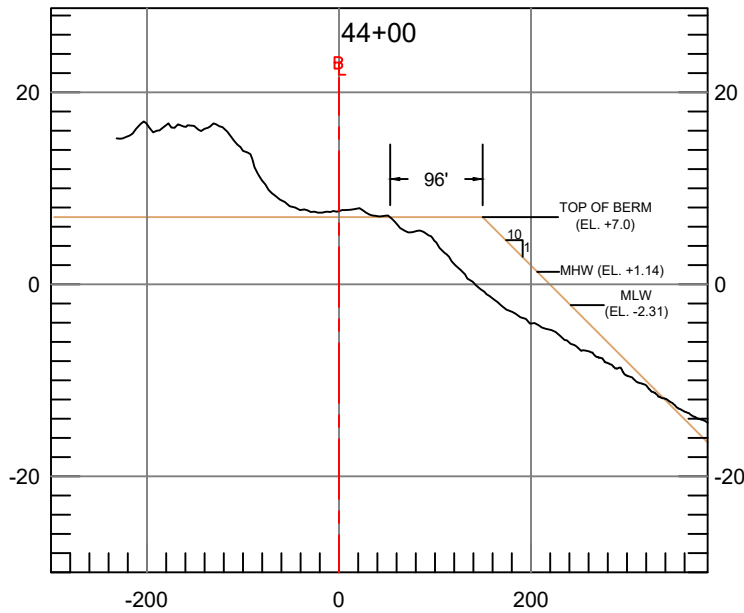
1. SURVEY DATA SHOWN WAS COLLECTED ON AUGUST 13, 2025 BY GAHAGAN & BRYANT ASSOCIATES (GBA).
2. VERTICAL DATUM IS REFERENCED TO NAVD88.
3. HORIZONTAL DATUM IS REFERENCED TO NAD83.
4. BASELINE IS ONLY SHOWN AT STATIONS 43+00 TO 52+70 DUE TO THE LANDWARD SHIFT OF ALIGNMENT AT 52+70.
5. SEE NOTES SHEET 7.

LEGEND:

SURVEY DATA

BEACH FILL TEMPLATE

BASELINE



H Scale : 1" = 200' V Scale : 1" = 20'

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BEACH CROSS SECTIONS IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
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DATE: 10/03/25



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SHEET 9 OF 12

NOTES:

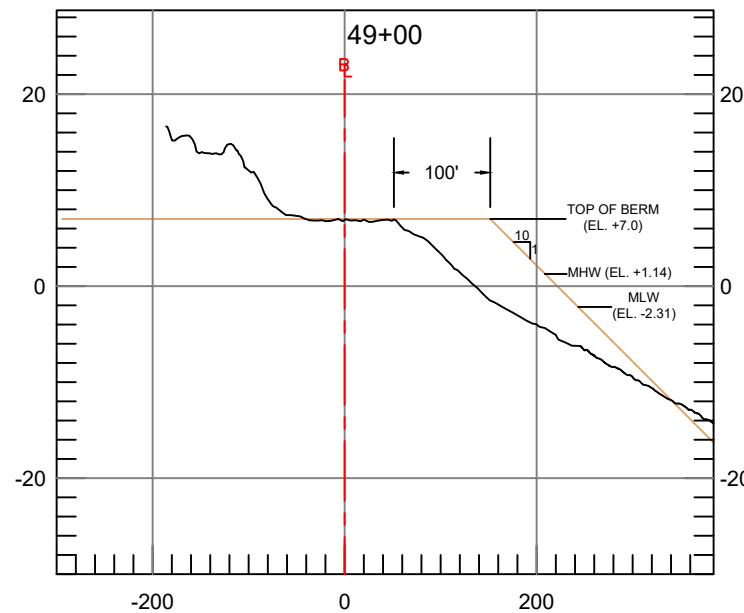
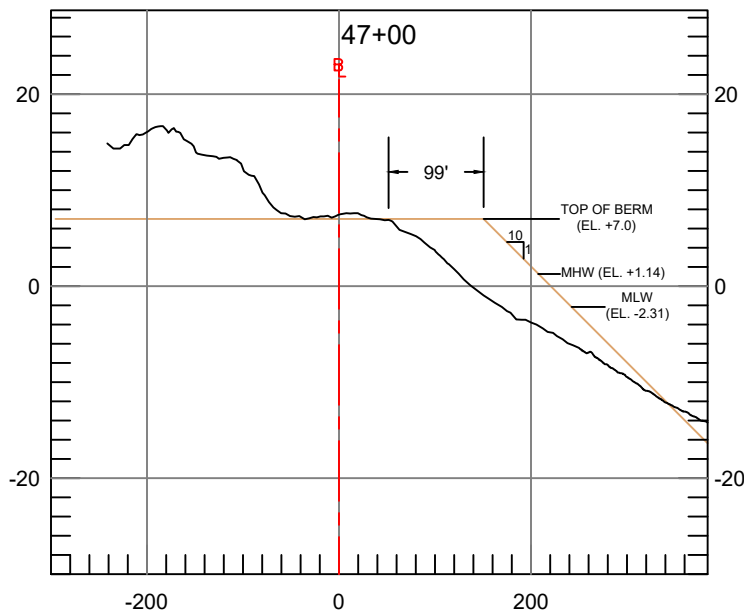
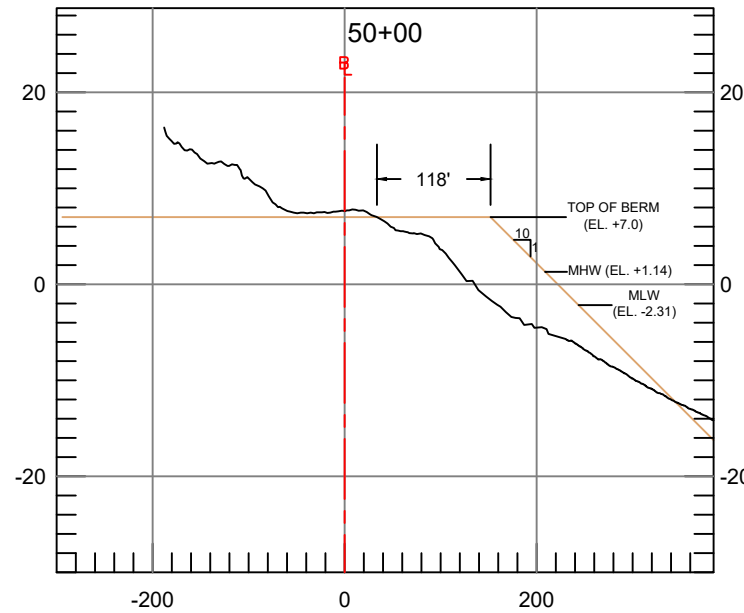
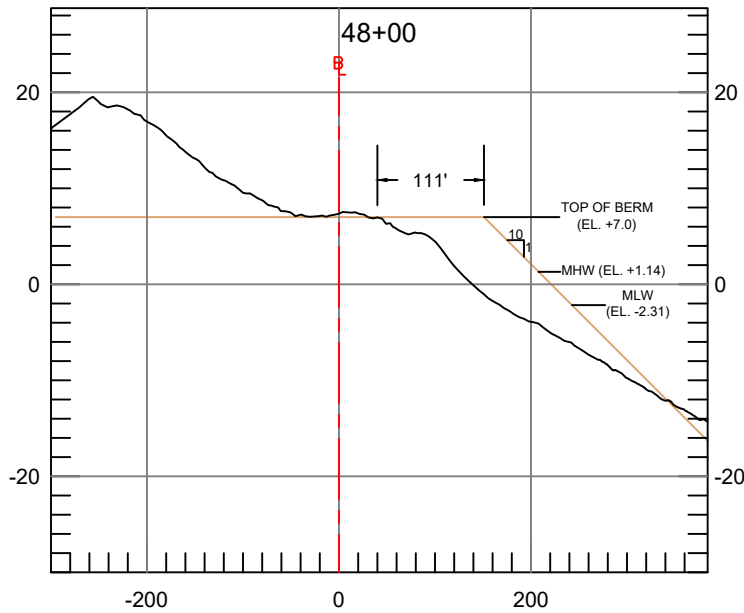
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SURVEY DATA

BEACH FILL TEMPLATE

BASELINE



H Scale : 1" = 200' V Scale : 1" = 20'

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BEACH CROSS SECTIONS IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX,
STATE OF DELAWARE

APPLICATION BY:
MIDDLESEX BEACH ASSOC., INC.
P.O BOX 584
BETHANY BEACH, DELAWARE
19930

DATE: 10/03/25



SHEET 10 OF 12

NOTES:

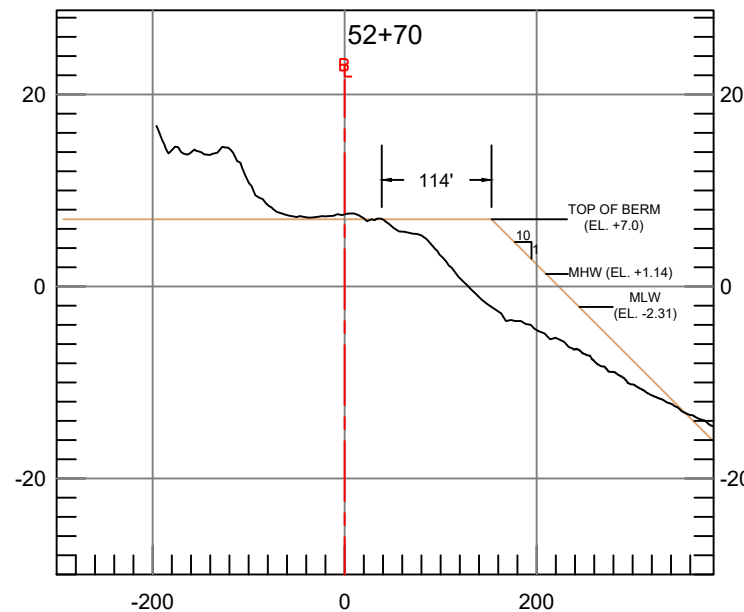
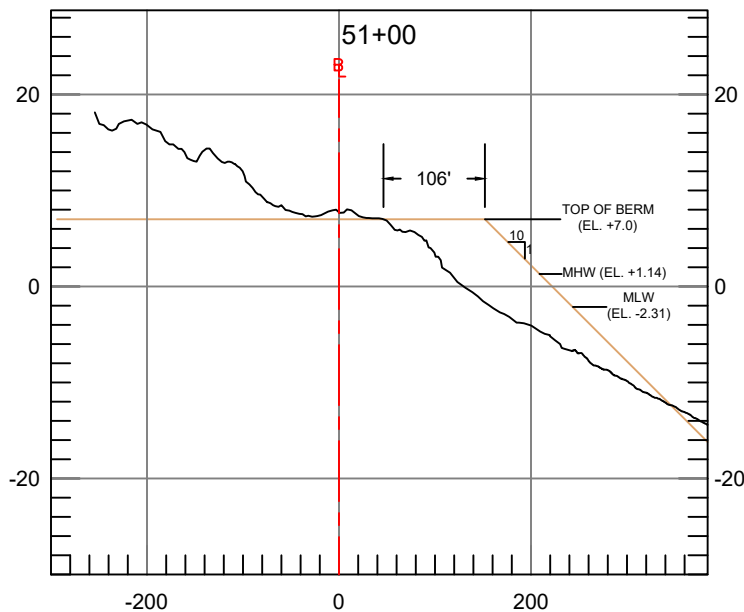
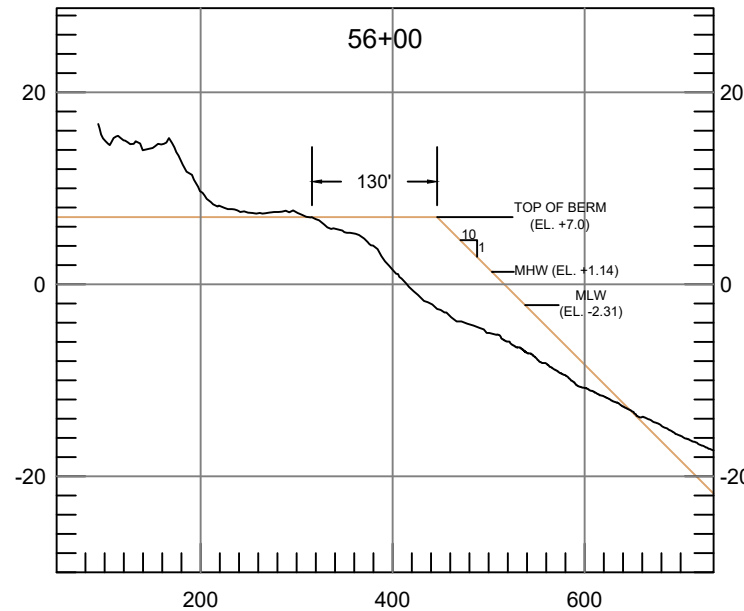
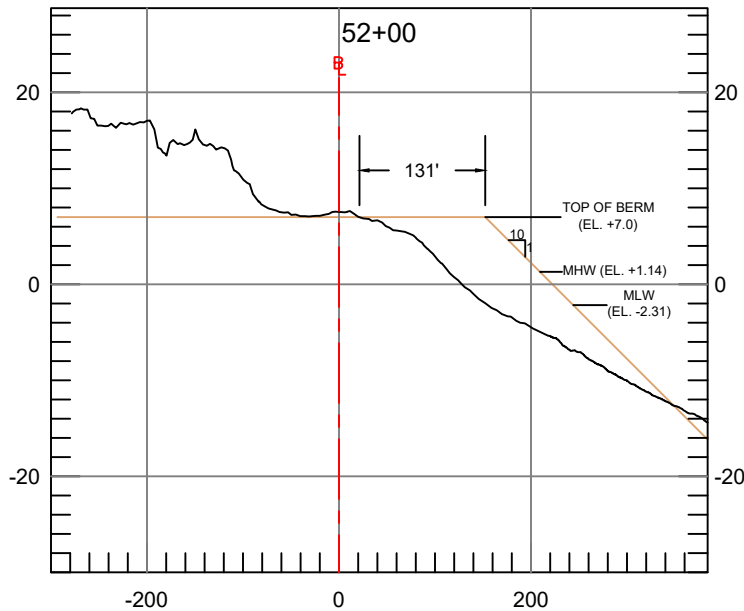
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SURVEY DATA

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BASELINE



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SHEET 11 OF 12

NOTES:

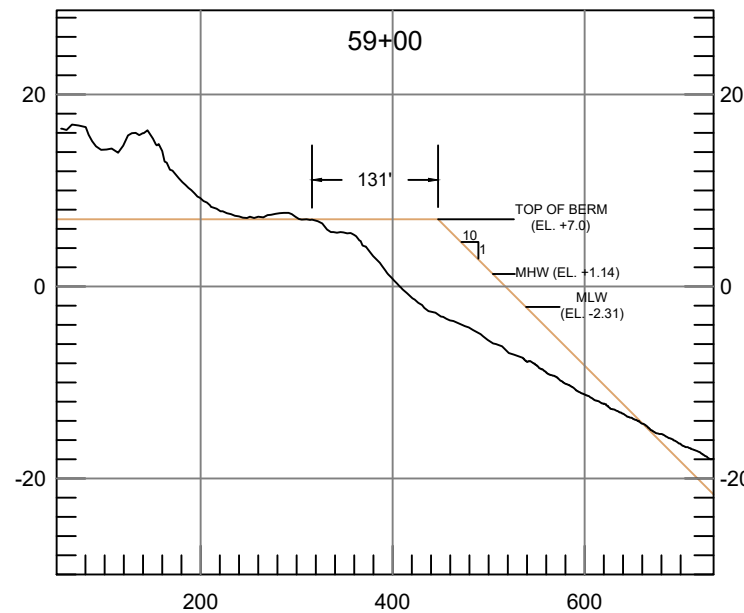
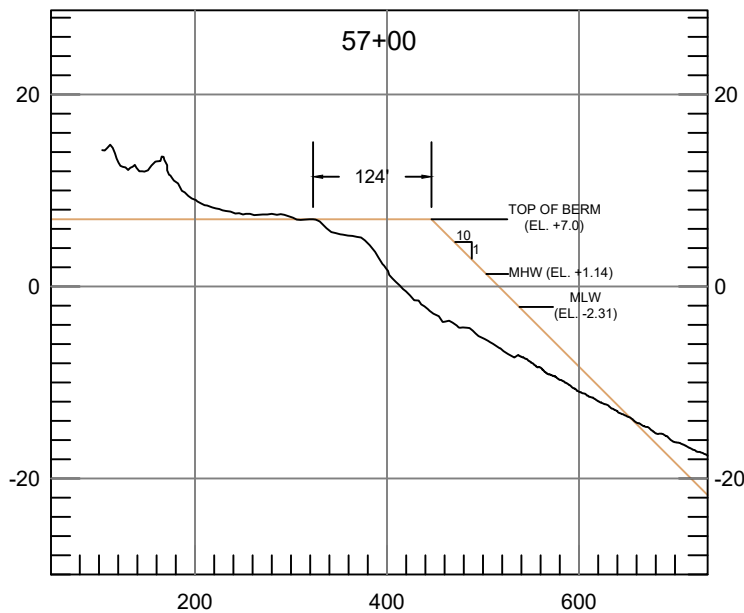
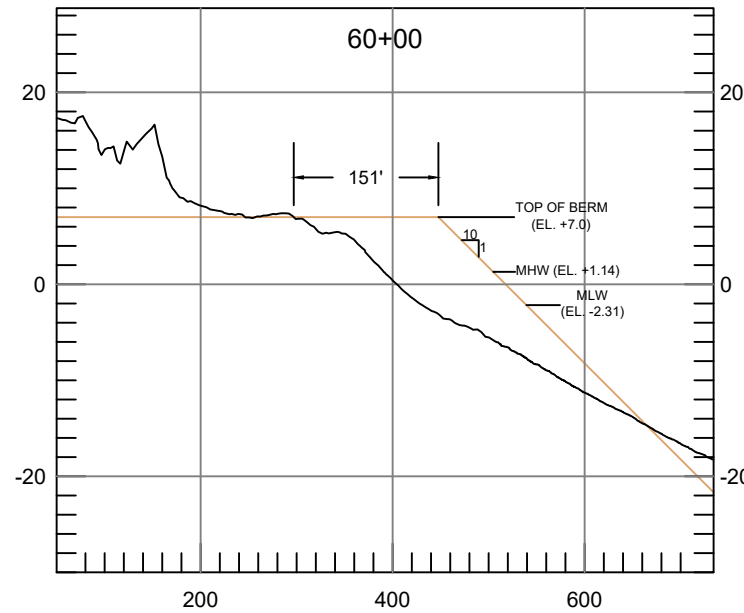
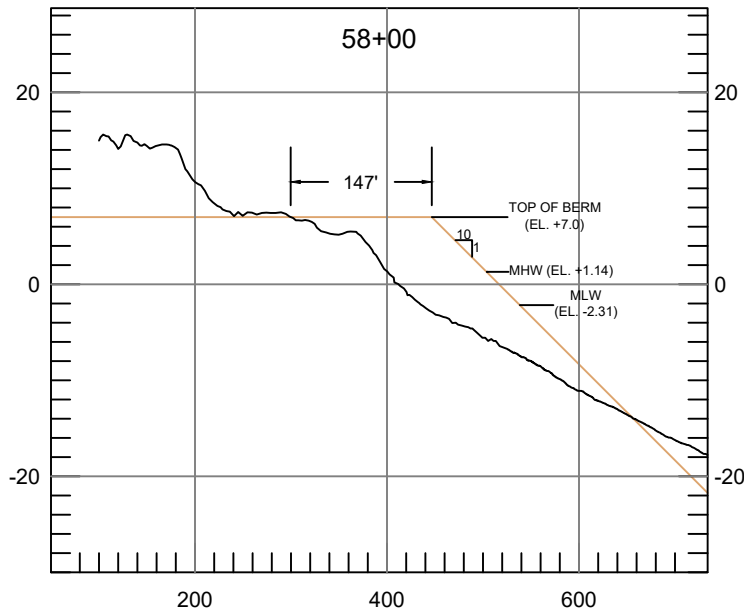
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4. BASELINE IS ONLY SHOWN AT STATIONS 43+00 TO 52+70 DUE TO THE LANDWARD SHIFT OF ALIGNMENT AT 52+70.
5. SEE NOTES SHEET 7.

LEGEND:

SURVEY DATA

BEACH FILL TEMPLATE

BASELINE



H Scale : 1" = 200' V Scale : 1" = 20'

FOR PERMIT USE ONLY NOT
FOR CONSTRUCTION

BEACH CROSS SECTIONS IN ATLANTIC OCEAN

AT: MIDDLESEX BEACH
COUNTY OF SUSSEX,
STATE OF DELAWARE

APPLICATION BY:
MIDDLESEX BEACH ASSOC., INC.
P.O BOX 584
BETHANY BEACH, DELAWARE
19930

DATE: 10/03/25



SHEET 12 OF 12

NOTES:

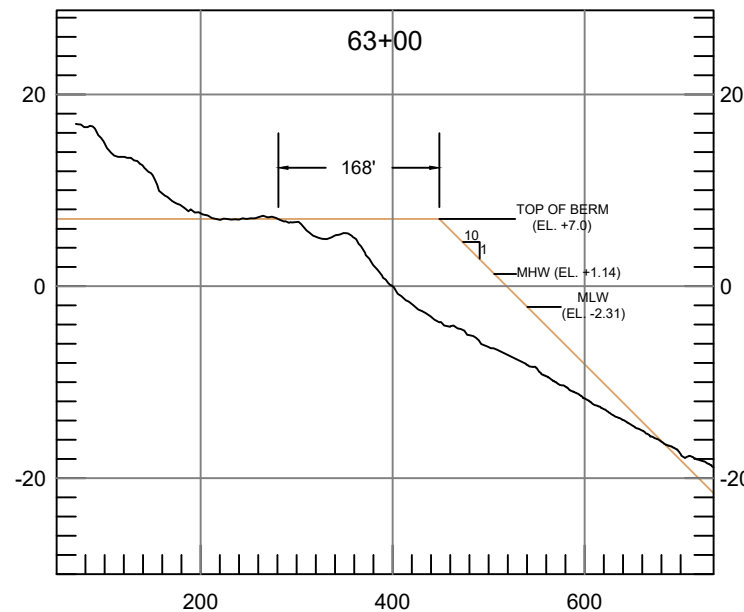
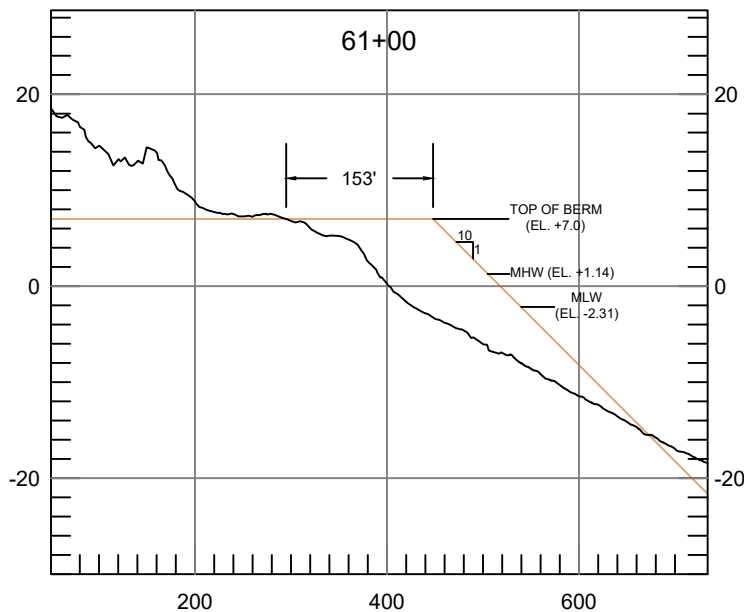
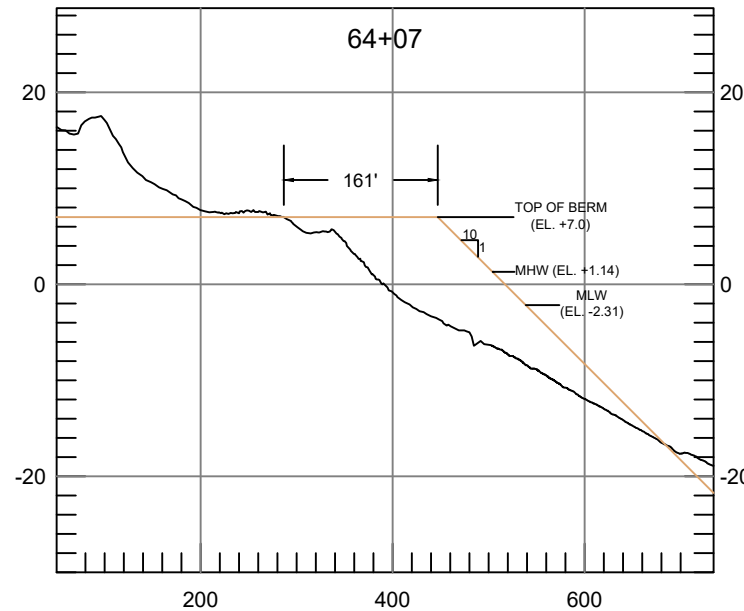
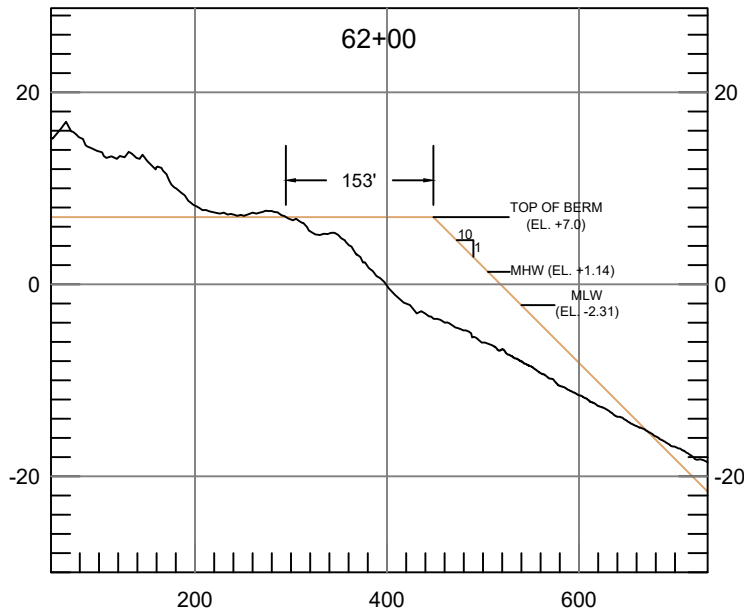
1. SURVEY DATA SHOWN WAS COLLECTED ON AUGUST 13, 2025 BY GAHAGAN & BRYANT ASSOCIATES (GBA).
2. VERTICAL DATUM IS REFERENCED TO NAVD88.
3. HORIZONTAL DATUM IS REFERENCED TO NAD83.
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LEGEND:

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