

PUBLIC NOTICE

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

TITLE: Sea Colony Beach Association – Sea Colony 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: NAP-2023-408-02

PUBLIC NOTICE COMMENT PERIOD:

Begins: **24 July 2023**

Expires: **23 August 2023**

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 Sea Colony Beach Association has requested permission to renourish a portion of Atlantic Ocean shoreline along the Sea Colony beach via dredge removal of sediment from offshore Borrow Area "E" and/or Fenwick Shoal. The Sea Colony beach is located in a gap area between the Bethany Beach and South Bethany Beach federal beach templates which are part of the Bethany Beach/South Bethany Coastal Storm Damage Reduction Federal Civil Works Project.

2. LOCATION: Atlantic Ocean shoreline extending from the northern town limits of the private community of Sea Colony Beach, Sussex County, Delaware to the southern limits of Bethany Beach, Sussex County, Delaware (Approximate Center Coordinates: 38.529709, -75.053514).

3. LOCATION MAP(S)/DRAWING(S): Please see attached Project Plan Sheets 1 through 5.

4. REQUESTER'S PROPOSED ACTION: The proposed action entails renourishment of a 2,350.0-linear foot portion of Atlantic Ocean shoreline at the Sea Colony beach, extending from the northern town limits of the private community of Sea Colony Beach, Sussex County, Delaware to the southern limits of Bethany Beach, Sussex County, Delaware, via dredge removal of approximately 150,000.0-cubic yards of sediment per event from offshore Borrow Area "E" and/or Fenwick Shoal. 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. The Sea Colony beach template is proposed to match the Bethany Beach and 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: JuanCarlos.Corona@usace.army.mil

Mailing Address:

U.S. Army Corps of Engineers

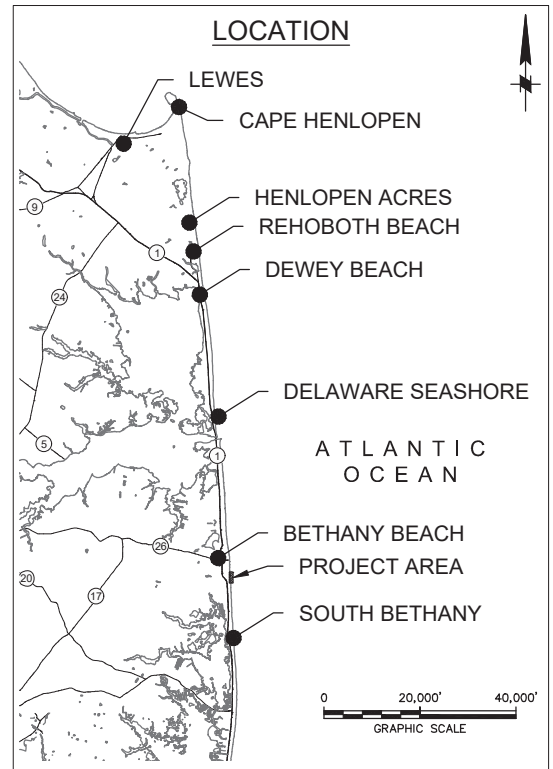
Philadelphia District

Attn: Juan Carlos Corona

1650 Arch Street

Philadelphia, PA 19103-2004

SEA COLONY BEACH BEACH REPLENISHMENT PROJECT



BETHANY BEACH

SEA COLONY

PROJECT AREA

MIDDLESEX BEACH

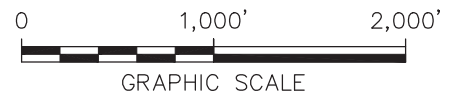
SOUTH BETHANY BEACH

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 |

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BEACH REPLENISHMENT PROJECT IN ATLANTIC OCEAN

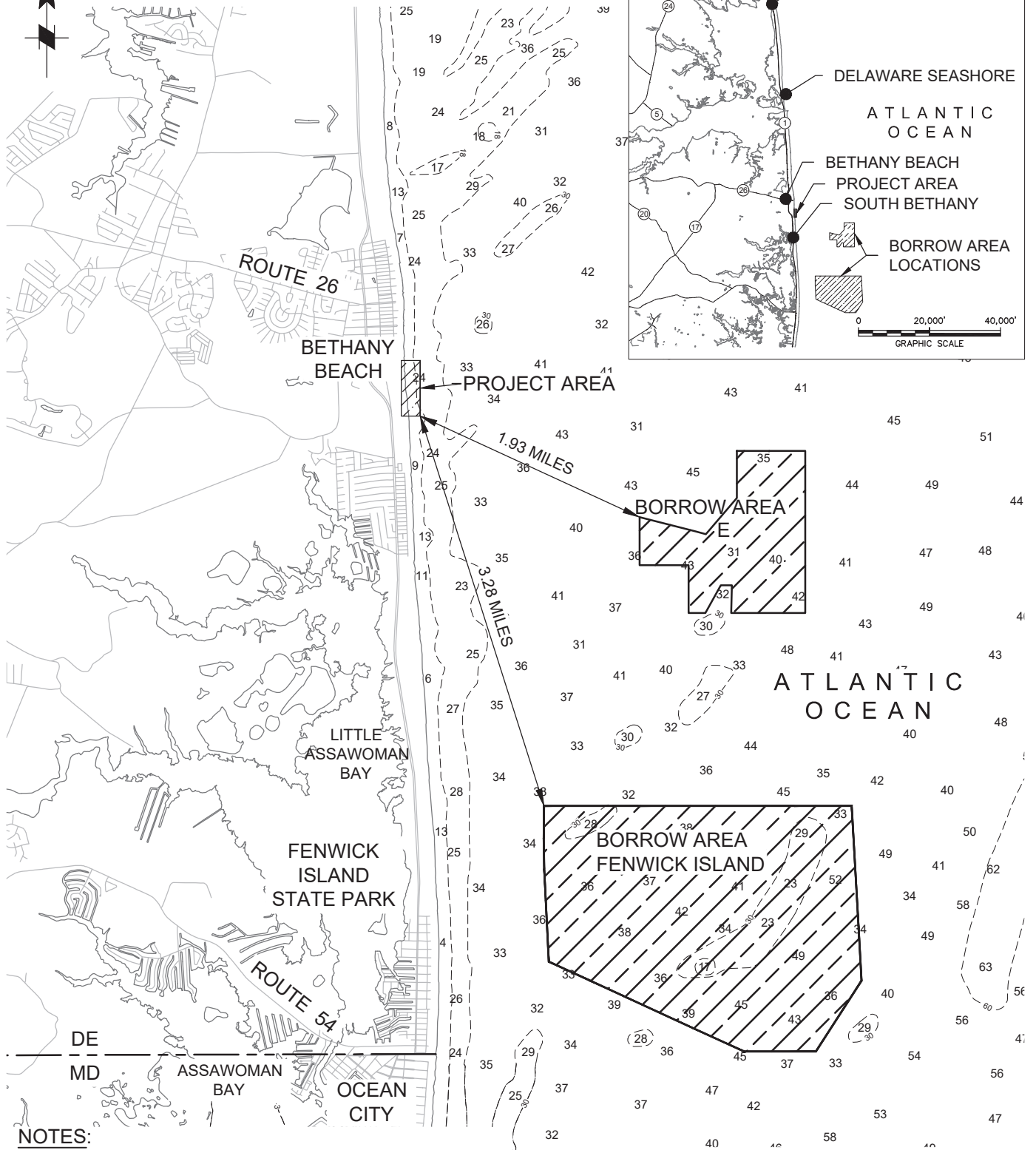
AT: SEA COLONY BEACH
COUNTY OF SUSSEX, STATE OF DELAWARE

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

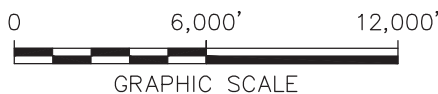
DATE: 02/23/23

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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DATE: 06/29/23

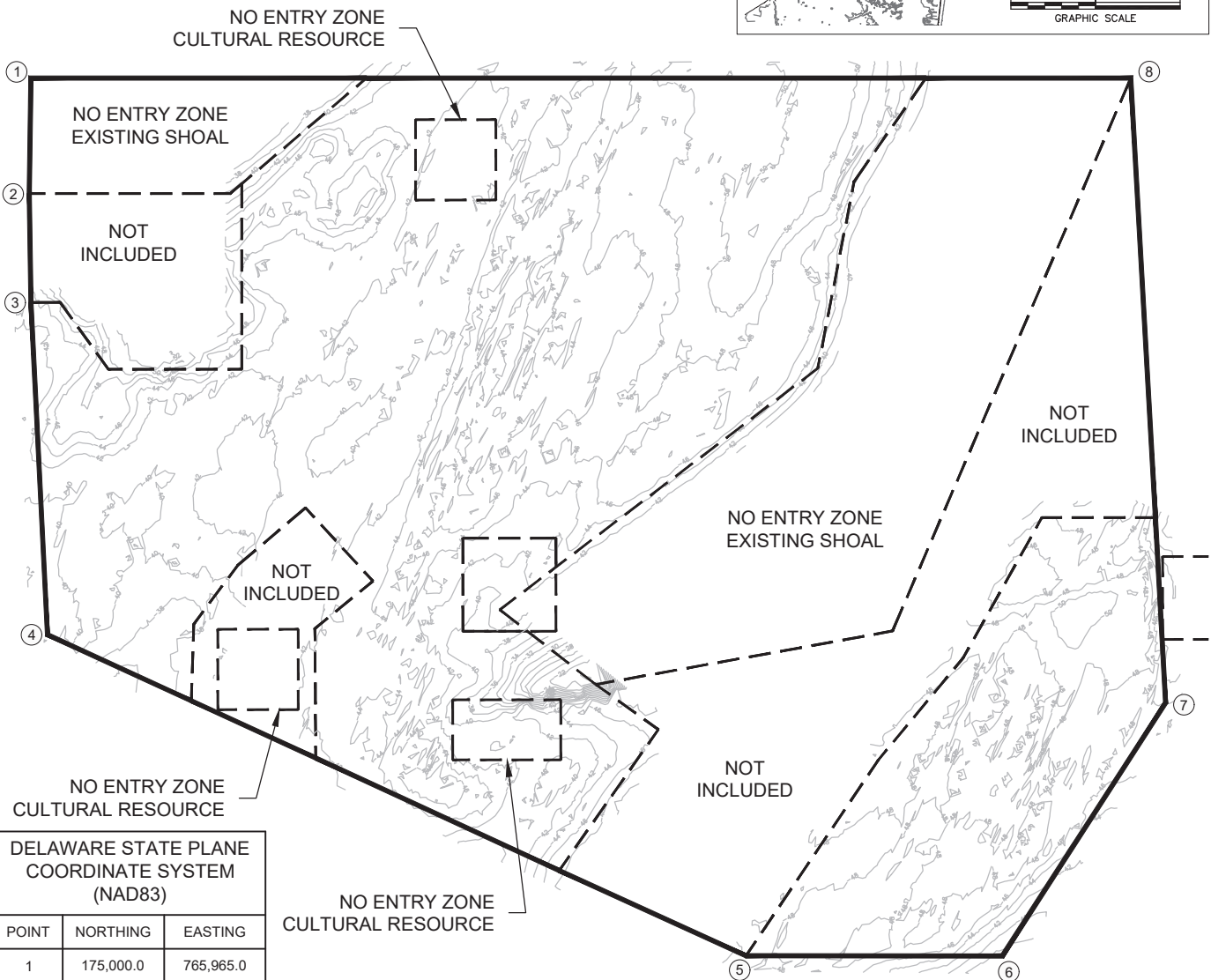
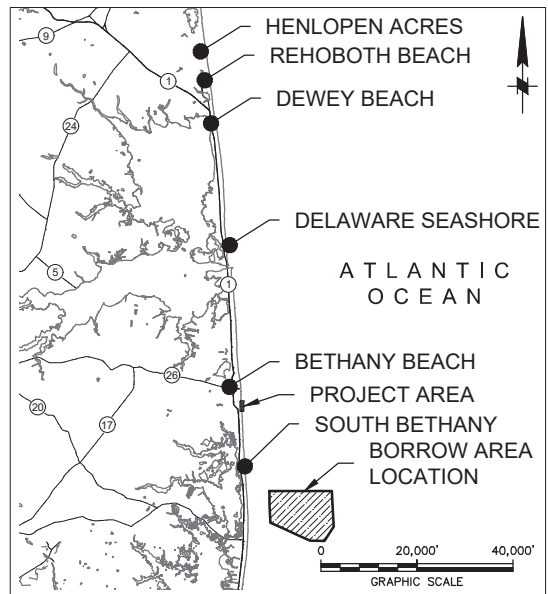
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LIMITS OF BORROW AREA FENWICK ISLAND



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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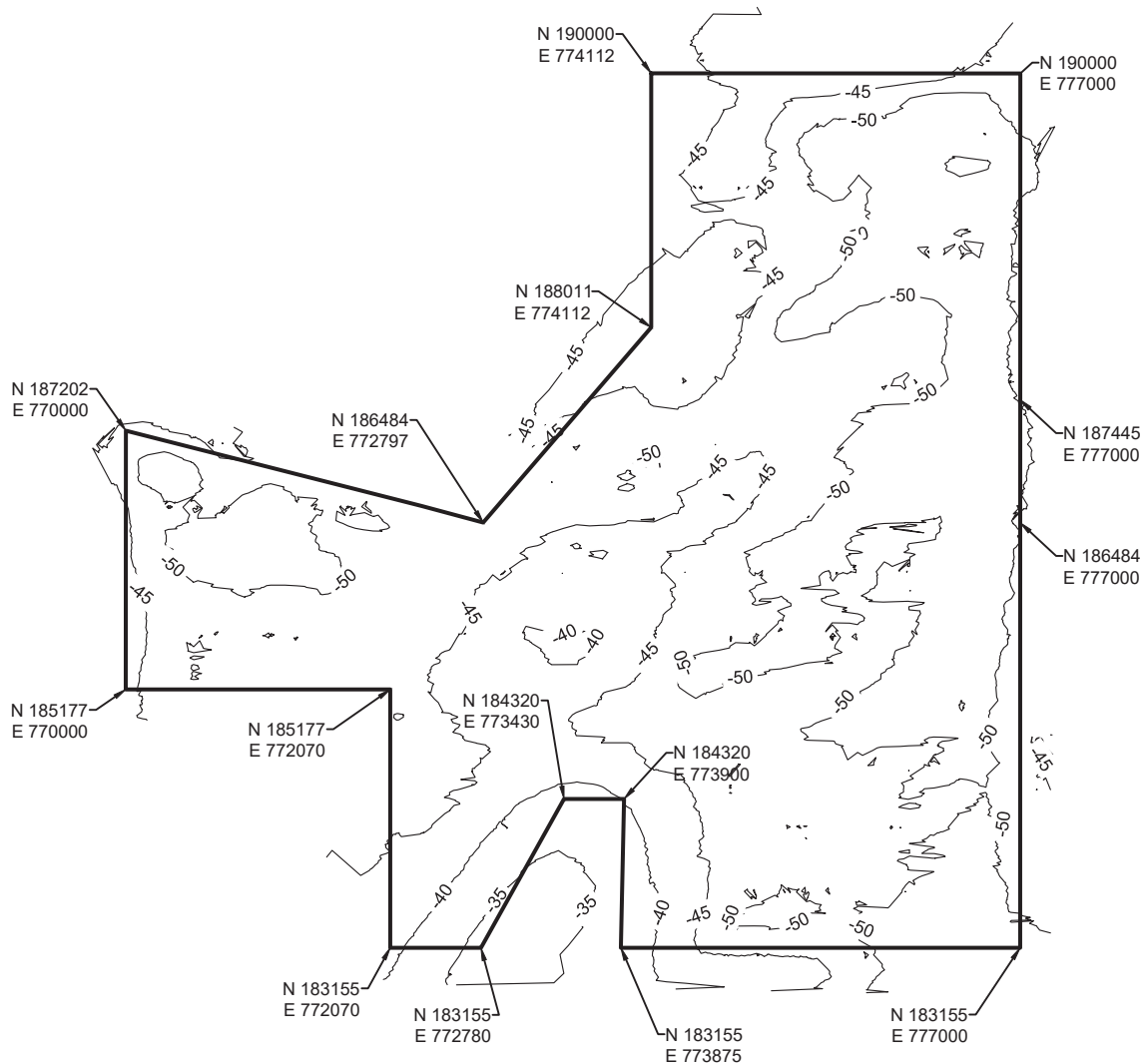
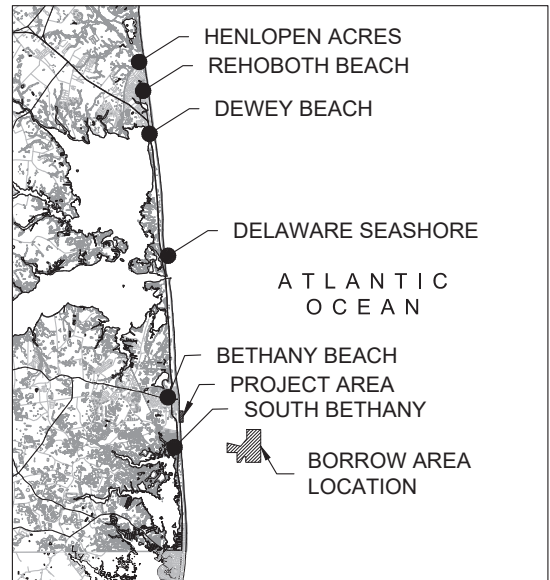
DATE: 02/23/23

LIMITS OF BORROW AREA AREA E

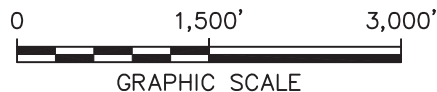


NOTES:

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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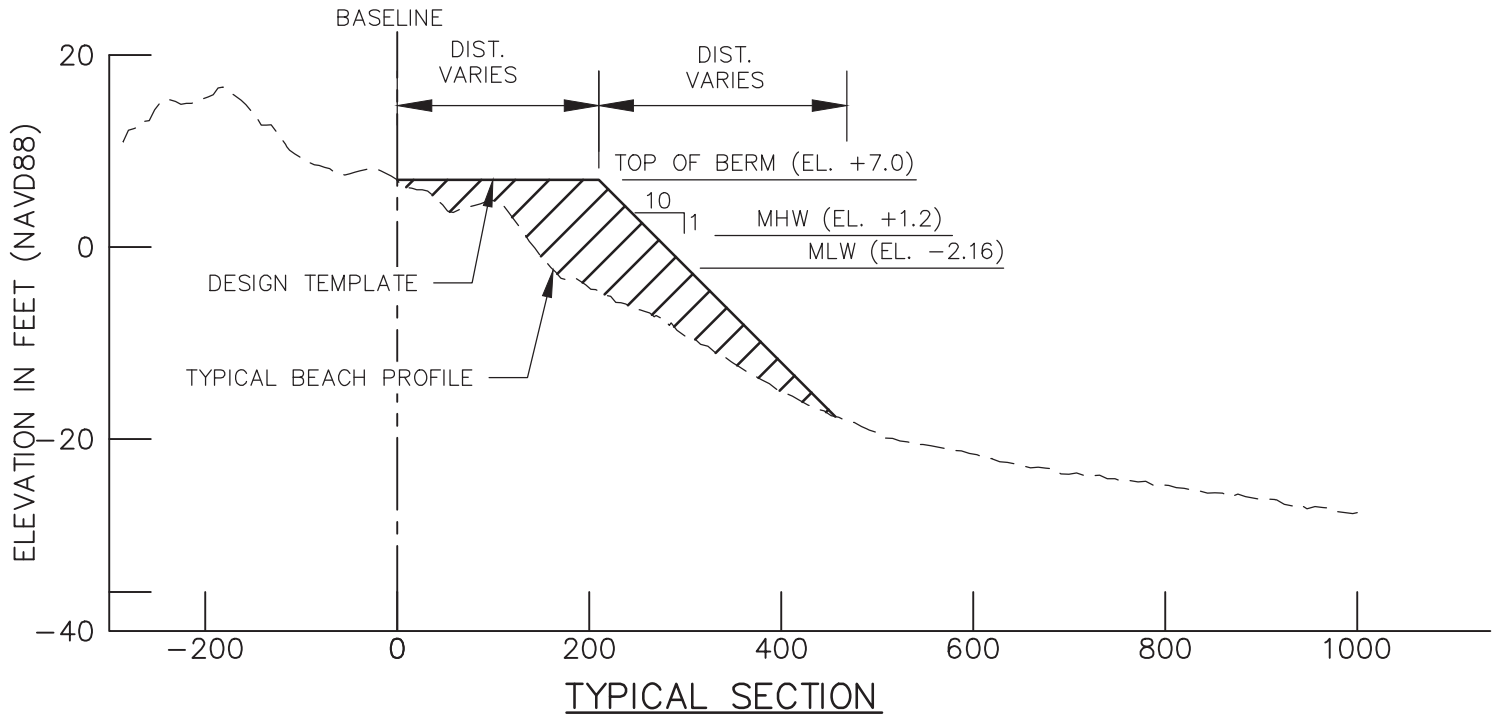
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SEA COLONY BEACH DESIGN FILL SECTION



NOTE:

1. 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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