



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

Special Public Notice

File Number: NAP-2024-00027-85
File Name: Delaware State Programmatic General Permit-20
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Reference is made to a Public Notice dated June 11, 2024, proposing the reissuance of the Department of the Army Delaware State Programmatic General Permit-20 (SPGP-20), initially issued on March 23, 1984. This general permit authorizes certain existing and proposed piers, docks, mooring piles, boat lifts, breakwaters, and the replacement of existing serviceable bulkhead structures in navigable waters of the United States within the geographic boundaries of the Philadelphia District Corps of Engineers in the State of Delaware.

After a complete review of our file and full consideration of the comments and recommendations, notice is hereby given of the reissuance and modification of SPGP-20. The revalidation and extension of this Department of the Army general permit has been conducted under the statutory authority of 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).

This general permit has been developed for certain clearly described categories of minor projects involving structures and fill that require Department of the Army and State of Delaware authorizations. The reissuance and modification of SPGP-20 was coordinated with other interested Federal agencies, the State of Delaware, and the general public.

The reissuance of SPGP-20 includes minor language changes and the following additional conditions to address the EFH provisions of Magnuson Stevens Act, EPA comments and National Park Service comments:

- A. Water based equipment associated with construction shall float at all stages of the tide.
- B. The permittee shall make every reasonable effort to construct the work in a manner that avoids and minimizes any adverse impacts on existing fish, wildlife and natural environmental values.
- C. Compensatory mitigation may be required to ensure that the adverse environmental effects are no more than minimal.
- D. All work shall be done in accordance with the State erosion and sediment control standards.

E. Piles shall not be driven within 5 feet of the edge of the wetland/open water interface.

F. Special Conditions 16 was updated to include the following sentence: Fill shall be composed of material and constructed in a manner that will not be eroded by expected high flows.

The full text of the reauthorization of SPGP-20 is attached to this notice.

Any person who wishes to perform work under the terms and conditions of this general permit need only apply to the Delaware Department of Natural Resources and Environmental Control, Wetlands and Waterways Section, 89 Kings Highway, Dover Delaware 19901. If the State determines the proposed work conforms to this general permit, a copy of such approval (SPGP-20) will be included with the State approval. No work under this general permit shall commence until verification from the Delaware Department of Natural Resources and Environmental Control, Wetlands and Waterways Section is received.

The reauthorization of SPGP-20 will remain in effect until the general permit expires on December 31, 2029. At that time, an assessment of this general permit will be done to determine if it should be reissued. Any questions concerning this general permit should be addressed in writing to Mr. Michael D. Yost at 1203 College Park Drive, Suite 103, Dover, Delaware 19904, by email at michael.d.yost@usace.army.mil or by telephone at (267) 240-5278.

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