



**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

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Public Notice No. <b>CENAP-OP-R-2014-127</b>	Date
Application No. <b>CENAP-OP-R-2014-127</b>	File No. <b>CENAP-OP-R-2014-127-23</b>
In Reply Refer to: <b>REGULATORY BRANCH</b>	

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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:** White House Beach Inc., c/o Mr. William H. Showell

**AGENT:** Evelyn M. Maurmeyer, Ph.D., Coastal and Estuarine Research, Inc.

**WATERWAY:** Lagoons connected to Indian River Bay

**LOCATION:** White House Beach Marina, located at 35266 Fisherman's Road, Millsboro, Sussex County, Delaware, Tax Parcel 2-34-30.00-6.00 (38.61028N/-75.11889W).

**ACTIVITY:** White House Beach, Incorporated has applied for a Department of the Army permit to hydraulically dredge approximately 24,700 cubic yards of material from six man-made lagoons to a depth of -4 feet below mean low water and to pump the dredged material via pipeline to geo-textile tubes at five separate upland locations at the White House Beach Marina, located on the Indian River Bay at 35266 Fisherman's Road, Millsboro, Sussex County, Delaware, Tax Parcel 2-34-30.00-6.00 (38.61028N/-75.11889W).

The material, a mixture of sand and silt, would be removed by hydraulic dredge and pumped via pipeline to five upland locations on the property and contained within geo-textile tubes where it would be allowed to de-water. The dried material would then be placed on uplands. The de-watering and disposal plan has been approved by the Sussex Conservation District. The dredging and de-watering areas are identified on the attached plans identified as E-1 through E-4. Dredging and disposal was previously authorized by the Corps of Engineers at this site in 1979 and 1991.

The project received authorization from the DDNREC, Subaqueous Lands Program on October 23, 2015 under permits SP-379/13 and WQ380/13. The project also received a Delaware Coastal Zone Consistency determination from the DDNREC, Coastal Program on October 19, 2015 (FC 2014.0019).

PURPOSE: The purpose of the project is to maintain navigable water depths within an active commercial marina.

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 is for the maintenance of navigable water depths only at a long-active marina. Absent the proposed dredging, the lagoons and entrance channels would continue to collect sediments, creating shoals which impede the ingress and egress of vessels berthed at the docking facility. The dredging depth has been minimized to the previously authorized depth of -4 feet MLW, which depth is necessary to accommodate the vessels using the facility. Furthermore, the project has been designed to entirely avoid discharges of dredged or fill material into waters of the United States. Because no wetlands or other special aquatic sites would be impacted by the project, the applicant is not proposing to conduct any compensatory mitigation for the work.

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 as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work. The Philadelphia District has determined that the proposed project is of such limited nature and scope that little likelihood exists for the proposed action to impact an historic property. The District has determined that the project will have no effect on properties eligible for or listed in the National Register of Historic Places.

Essential Fish Habitat: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH).

Effects of the Project: The project is located in Essential Fish Habitat identified on sheet 81 of the Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, dated March 1999. The following managed species of fish have been listed in the guide as occurring in the vicinity of the project: winter flounder (*Pleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), red hake (*Urophycis chuss*), bluefish (*Pomatomus saltatrix*), Atlantic sea herring (*Clupea harengus*), long finned squid (*Loligo pealei*), short finned squid (*Illex illecebrosus*), Atlantic butterfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristus striata*), surf clam (*Spisula solidissima*), ocean quahog (*Artica islandica*), spiny dogfish (*Squalus acanthias*), Atlantic mackerel (*Scomber scombrus*), king mackerel (*Scomberomerus cavalla*), Spanish mackerel (*Scomberomerus maculatus*), cobia (*Rachycentron canadum*), sandbar shark (*Carcharhinus obscurus*), sand tiger shark (*Odontaspis Taurus*), and dusky shark (*Carcharhinus plumbeus*).

Analysis of the Effects: The proposed work would occur primarily within active artificial tidal marina lagoons; waters which are subject to regular boating activity and substantial wake energy. It should also be noted that the site was previously dredged in 1979 and 1991. For these reasons the work area is an unlikely spawning or nursery area for the managed species. Consequently, concentrations of the sessile life stages (eggs and larva) of the listed species are not expected to be within the area under review. In addition, the work is limited to the removal of accumulated sediments and would not involve any discharges of dredged or fill material into waters of the US, nor would the work impact wetlands or aquatic vegetation. The pelagic adults and juveniles of the listed species are highly mobile and capable of avoiding such impacts as be associated with the work.

Corps of Engineers View: Based upon the above analysis, the Corps of Engineers has determined that the proposed maintenance project would not have substantial direct, indirect, site-specific, or habitat-wide impacts on EFH, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. The proposed project would not eliminate, diminish, nor disrupt the functions of EFH.

Proposed Mitigation: Because the impacts of the proposed work on EFH have been determined to be minor, the Corps of Engineers has determined that mitigative measures are not necessary.

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 302-736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

Frank J. Cianfrani  
Chief, Regulatory Branch

**W.S.L.S.  
APPROVED PLANS**

**PERMIT #** 57-379/13 WQ-38/13

**DATE** 10-21-15 TCB

(SEE PERMIT CONDITIONS)

**24,611 C.Y. HYDRAULIC MAINTENANCE DREDGING WITH CONTAINED, UPLAND, ON-SITE DISPOSAL**

**IN:** North Harbor, East Harbor, Pond Harbor, East Channel, Middle Harbor, and West Harbor (adjacent to Indian River Bay)  
**AT:** White House Beach, Long Neck, Millsboro, DE 19966  
 (Tax Map Parcel #2-34-30.00-6.00)  
**APPLICANT:** White House Beach, Inc.  
**DATE:** November, 2013

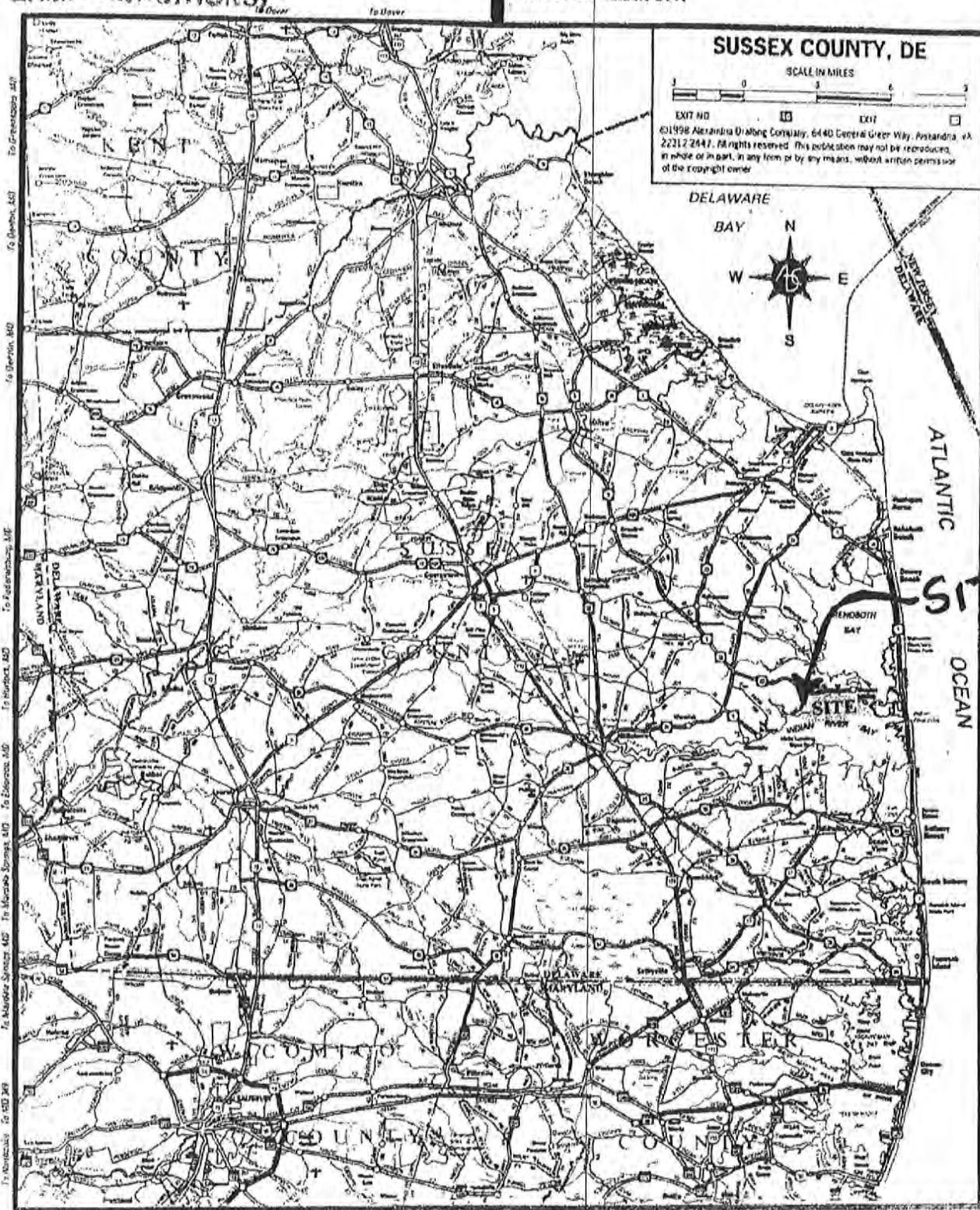
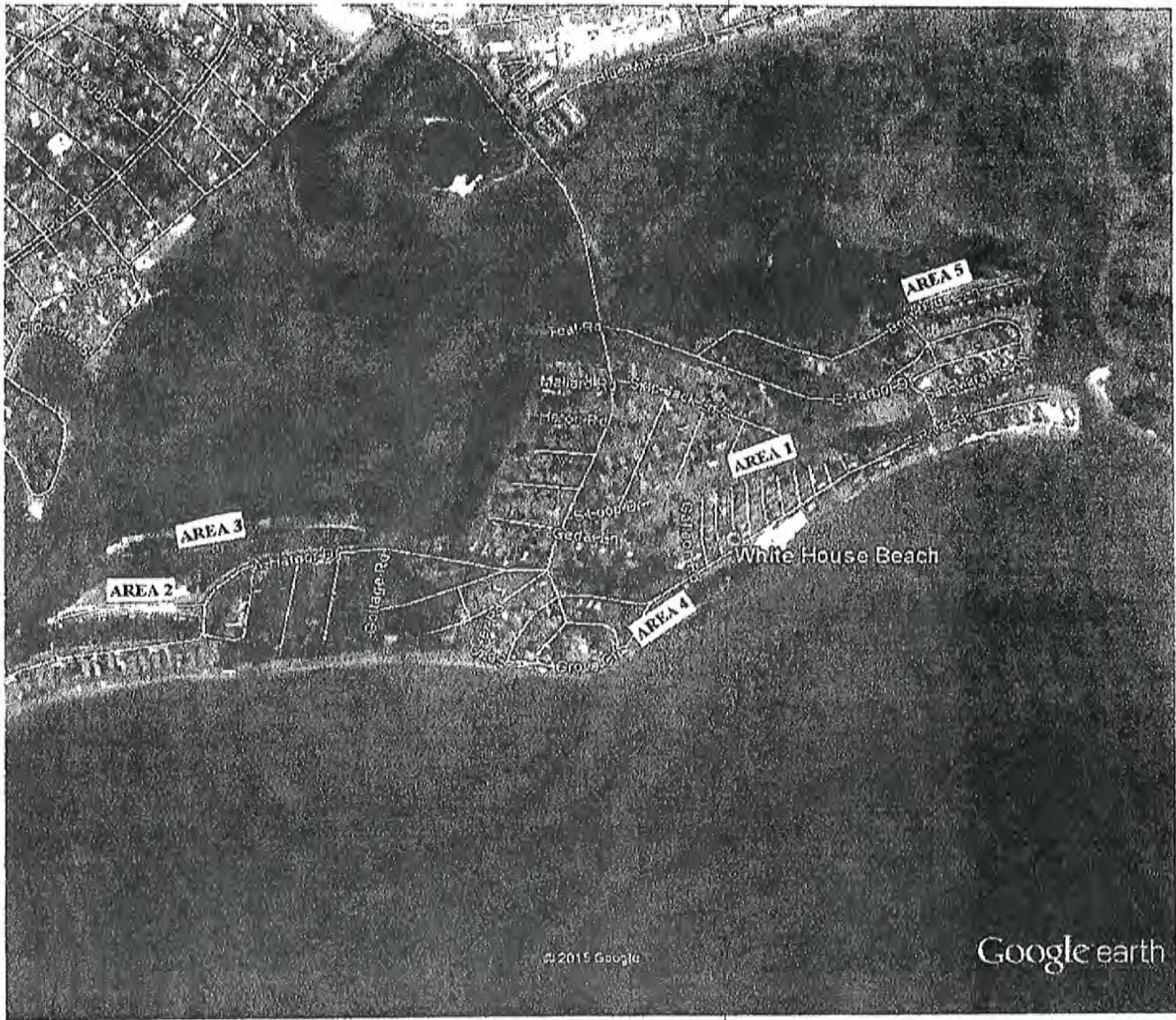


Figure 1. Map of Sussex County, Delaware showing site location, White House Beach, Long Neck, Millsboro. Scale as shown.

**E-1 2014-127**



Google earth



**WHITE HOUSE BEACH GEOTEXTILE TUBE/DISPOSAL AREAS**

- Area 1: South of Skipjack Lane South
- Area 2: West of West Harbor Drive
- Area 3: North of unnamed access road, north of West Harbor Drive
- Area 4: South of East River Drive, east of Grove Circle
- Area 5: North of Boat House Lane

SEP 11 2015

**W.S.L.S.**

**APPROVED PLANS**

PERMIT # SP-379/13 WVR-3480/13

DATE 10-21-15 TCB

(SEE PERMIT CONDITIONS)

**E-2**

2014-127

*White House Beach*

SIN

SEP 11 2015


**APPROVED PLANS**

W.S.L.S.

PERMIT # SC3M13 WA-30013

DATE 10-21-15 723

(SEE PERMIT CONDITIONS)

 **DREDGING SITES**

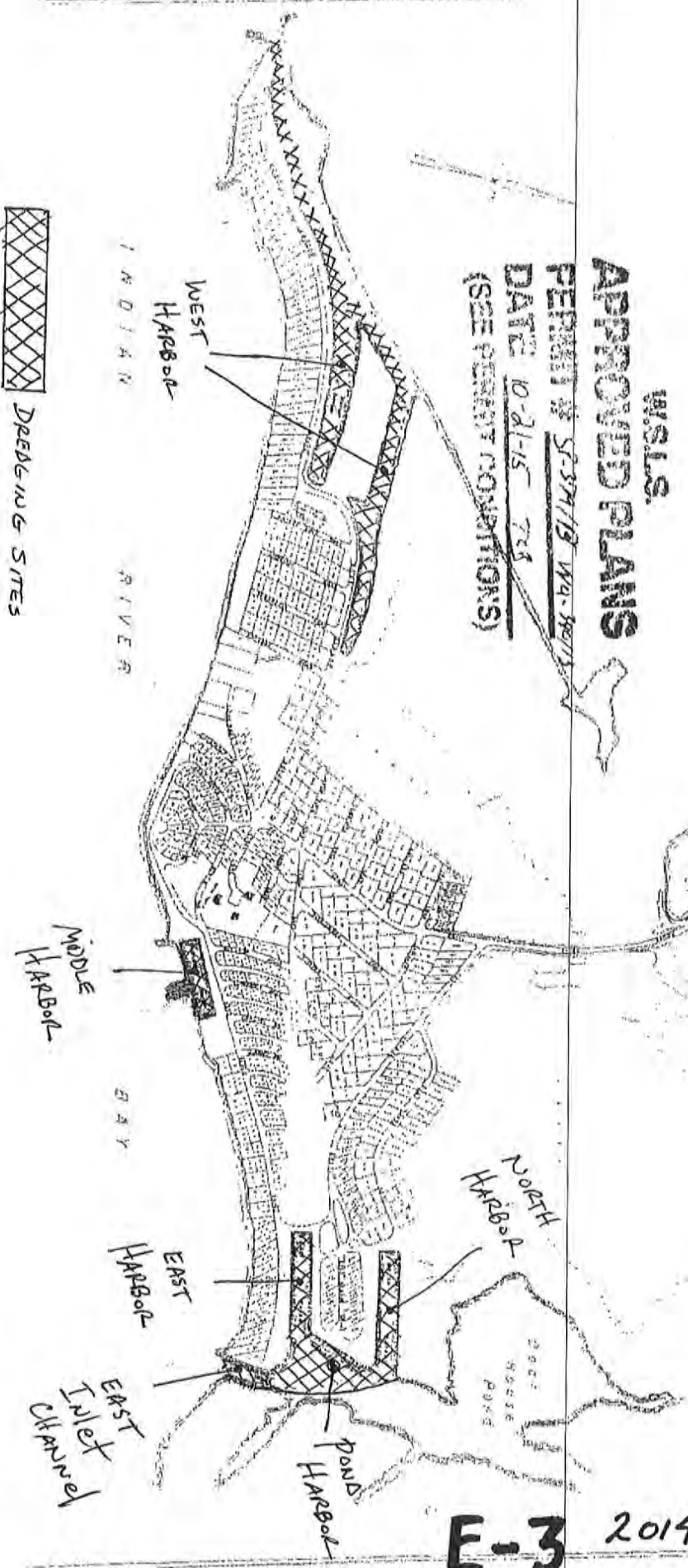


Figure 3. Map of White House Beach, Long Neck, Millsboro, Sussex County, Delaware, showing locations of maintenance dredging sites, North Harbor, East Harbor, Pond Harbor, East Inlet, Middle Harbor, and West Harbor.

24611 C.Y. HYDRAULIC MAINTENANCE DREDGING WITH CONTAINED, UPLAND, ON-SITE DISPOSAL  
 IN: North Harbor, East Harbor, Pond Harbor, East Channel, Middle Harbor, and West Harbor (adjacent to Indian River Bay)  
 A/E: White House Beach, Long Neck, Millsboro, DE 19966  
 (Tax Map Parcel #2-34-30-00-6-00)  
 APPLICANT: White House Beach, Inc.  
 DATE: November, 2013

**E-3 2014-127**

SCALE:

HORIZONTAL: 1" = 20'

VERTICAL: 1" = 10'

VERT. EXAG. 2:1

24,611 C.Y. HYDRAULIC MAINTENANCE DREDGING WITH CONTAINED, UPLAND, ON-SITE DISPOSAL

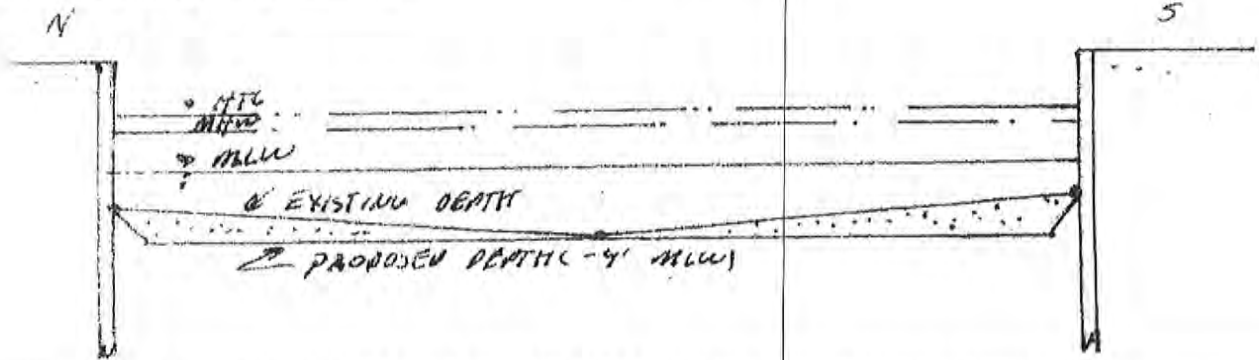
IN: North Harbor, East Harbor, Pond Harbor, East Channel, Middle Harbor, and West Harbor (adjacent to Indian River Bay)

AT: White House Beach, Long Neck, Millsboro, DE 19966 (Tax Map Parcel #2-34-30.00-6.00)

APPLICANT: White House Beach, Inc.

DATE: November, 2013

(a) NORTH HARBOR:



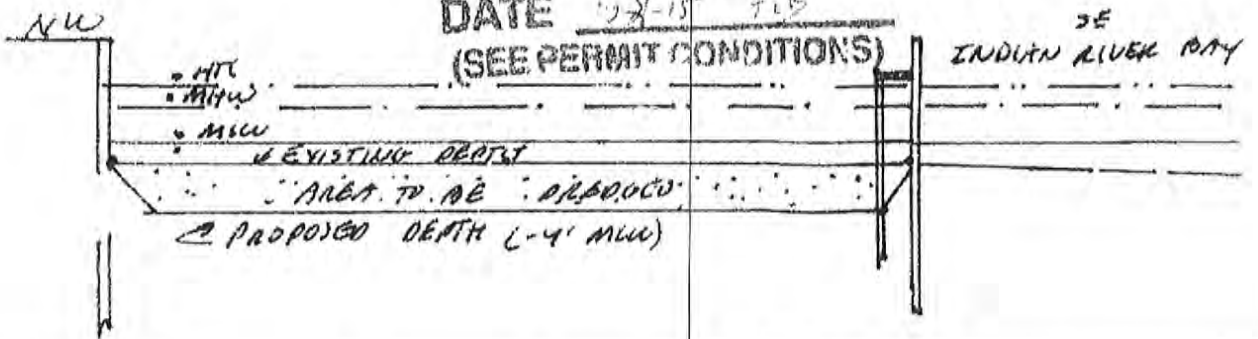
(b) MIDDLE HARBOR:

W.S.L.S. APPROVED PLANS

PERMIT # 2013-13 12-30-13

DATE 12-15-13 TLD

(SEE PERMIT CONDITIONS)



(c) WEST HARBOR:

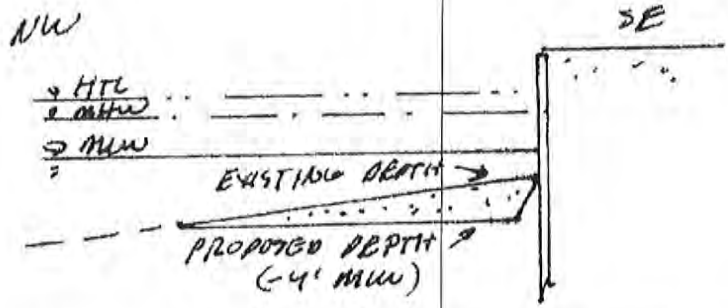


Figure 12. Representative cross-sections showing existing and proposed water depths, White House Beach waterways

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