



**US Army Corps
of Engineers**
Philadelphia District

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

Public Notice

Public Notice No.
CENAP-OP-R-2015-493

Date
JUL 13 2015

Application No.
CENAP-OP-R-2015-493

File No.
CENAP-OP-R-2015-493-85

In Reply Refer to:
REGULATORY BRANCH

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: Perdue Agribusiness, LLC.

AGENT: Dr. Evelyn M. Maurmeyer, Coastal & Estuarine Research, INC.

WATERWAY: Nanticoke River

LOCATION: 1001 Nanticoke Avenue Seaford, Sussex County, Delaware
Tax Map Parcel 5-31-13-30.00 and 33.00 (Lat. 38.63111/Long. -75.61888).

ACTIVITY: The applicant, Perdue Agribusiness, has applied for a Department of the Army Individual Permit to construct a new 28' x 54' wide pier and a 99' x 27' wide dock; placement of 6 new 19 pile timber dolphins and 1 new 12 pile timber dolphin; repair/replacement of one steel dolphin; and installation of 520 linear feet of stone revetment on the Nanticoke River in Seaford, Sussex County, Delaware. The project location is indicated on the attached plans identified as Exhibit 1 through Exhibit 10.

PURPOSE: The purpose of the pier, dock, and dolphins is to provide berthing/mooring facilities for barges, while the purpose of the stone revetment is to provide bank stabilization.

AVOIDANCE/MINIMIZATION/COMPENSATION STATEMENT:

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 proposed docking facility and associated dolphins are necessary for barges to access the Perdue site to offload grain for processing. The proposed stone revetment is necessary to stabilize the existing bank. 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). A preliminary assessment indicates that the project is not located in Essential Fish Habitat, identified in the Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, dated March 1999.


Corps of Engineers View: The Nanticoke River stock of shad is considered depleted and is undergoing a long-term restoration program. Pending comments from State and other Federal agencies, time of year restriction may be imposed.

Proposed Mitigation: Special conditions, such as time of year restrictions, may be imposed as to not degrade water quality or deter anadromous fish migration and/or spawning pending comments from State and other Federal agencies.

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.

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 Michael Yost at 302-736-9763, by email at michael.d.yost@usace.army.mil or by writing this office at the above address.


Frank J. Cianfrani, Chief
Regulatory Branch

E-1

2015-493

SEAFORD

PROPOSED CONSTRUCTION OF A NEW 28' X 54' PIER AND 99' X 27' DOCK; PLACEMENT OF SIX NEW 19-PILE TIMBER DOLPHINS AND ONE NEW 12-PILE TIMBER DOLPHIN; REPAIR/REPLACEMENT OF ONE STEEL DOLPHIN; AND INSTALLATION OF 520' OF STONE REVETMENT

IN Nanticoke River

AT: Perdue Agribusiness, LLC, 1001 Nanticoke Avenue

Seaford, Sussex County, DE 19973

Tax Map Parcel #5-31-13.00-30.00 and 33.00

APPLICANT: Perdue Agribusiness LLC

DATE: May 29, 2015

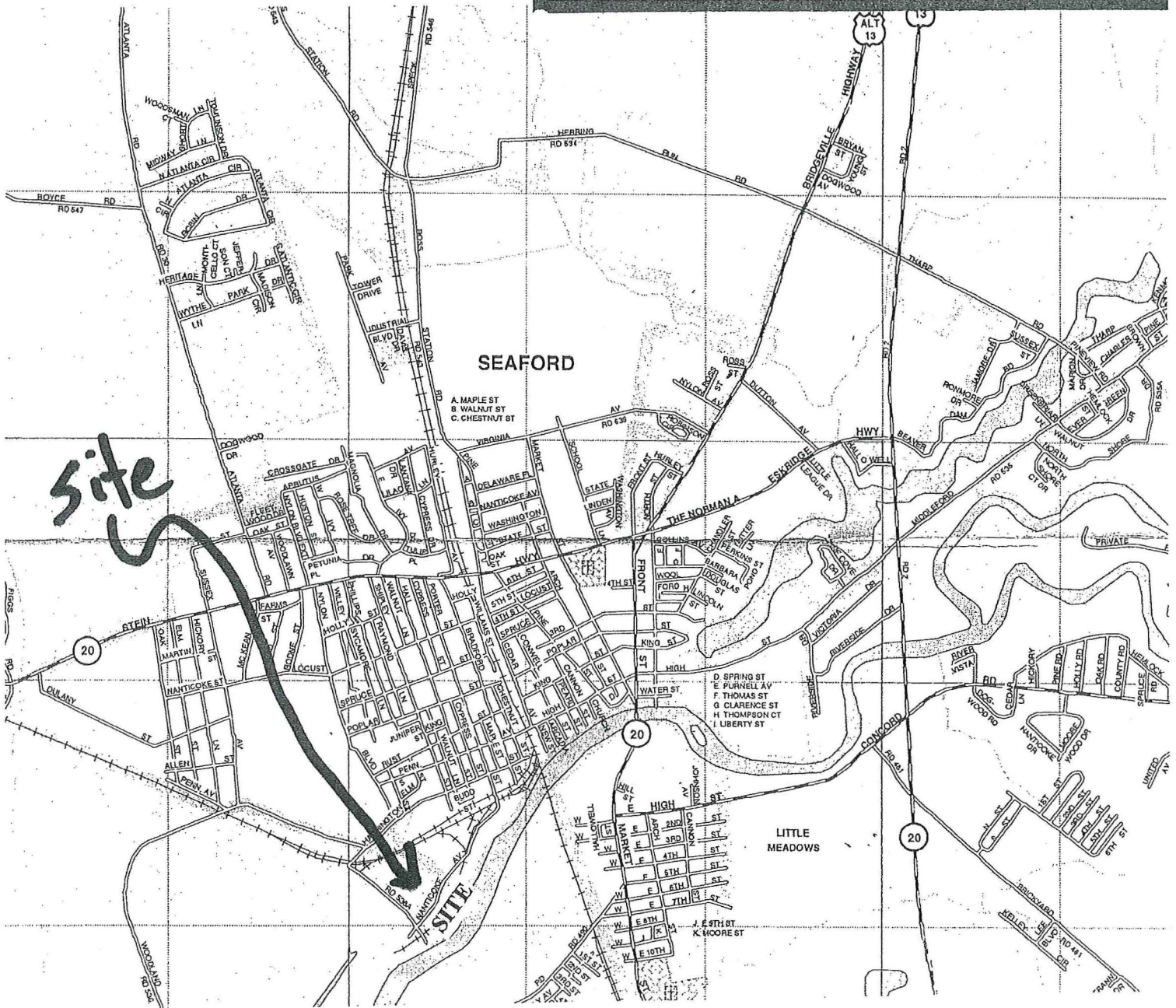


Figure 2.

Map of Seaford, Sussex County, Delaware, showing project site, Perdue Agribusiness, LLC, 1001 Nanticoke Avenue. Directions to site (from Dover, DE): Route 13 southbound to Seaford; right onto Middleford Road (becomes Pennsylvania Avenue); continue on Pennsylvania High Street, then becomes Pennsylvania Avenue; left onto Nylon Blvd.; right onto Harrington Street; first left onto No Name Road (at Perdue sign); right onto Nanticoke Avenue; follow signs to Perdue Office (small white building by grain elevators). Also see Figure 3.

LANDS OF
GRANER - GIBSON
DB 3986-189

**PROPOSED CONSTRUCTION OF A NEW 28' X 54' PIER AND
99' X 27' DOCK; PLACEMENT OF SIX NEW 19-PILE TIMBER
DOLPHINS AND ONE NEW 12-PILE TIMBER DOLPHIN;
REPAIR/REPLACEMENT OF ONE STEEL DOLPHIN;
AND INSTALLATION OF 520' OF STONE REVETMENT**

IN Nanticoke River

AT: Perdue Agribusiness, LLC, 1001 Nanticoke Avenue
Seaford, Sussex County, DE 19973

Tax Map Parcel #5-31-13.00-30.00 and 33.00

APPLICANT: Perdue Agribusiness LLC

DATE: May 29, 2015

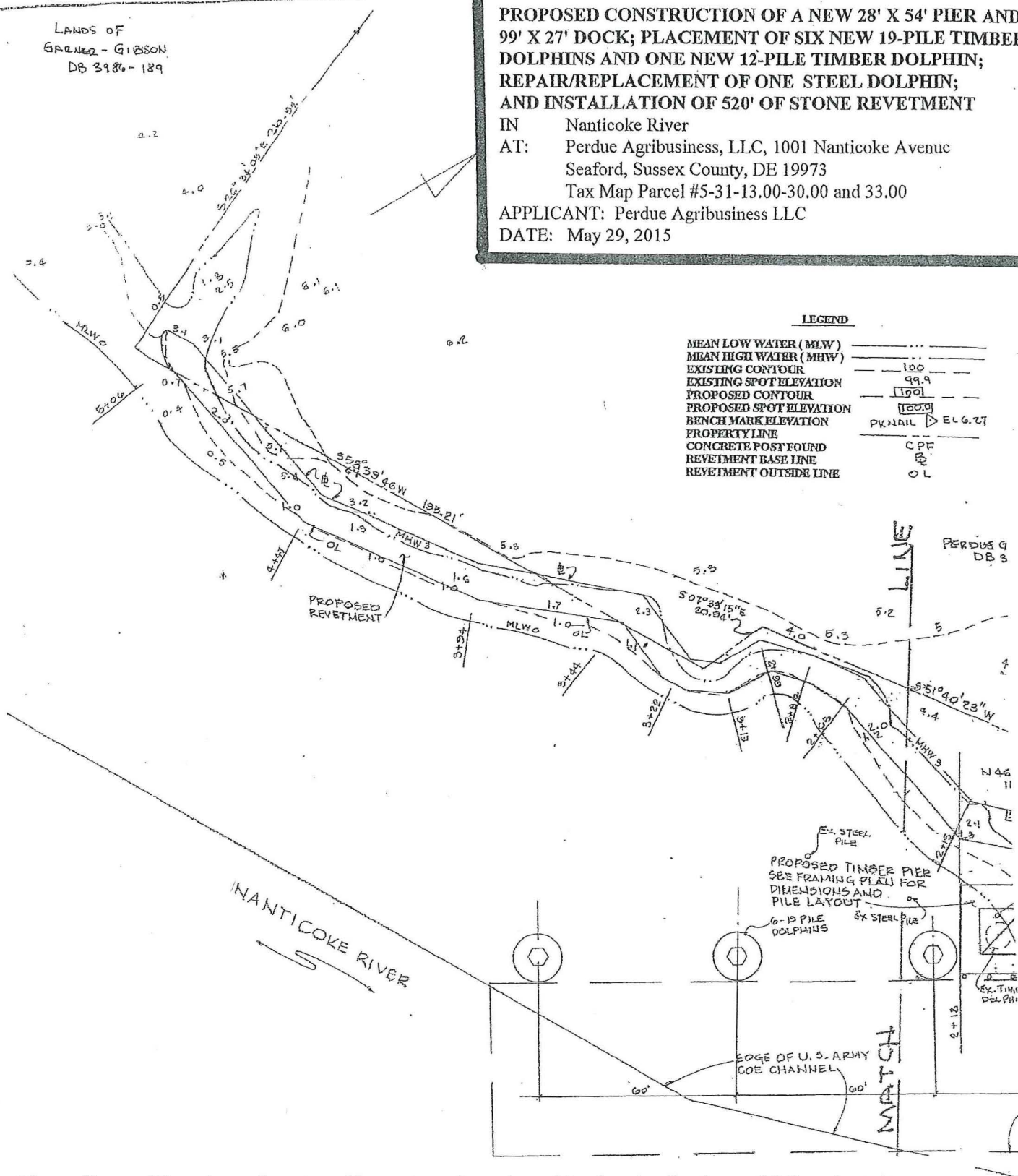


Figure 9b. Plan view of western (downstream) section of Perdue Agribusiness, LLC project site.

E-3
2015-493

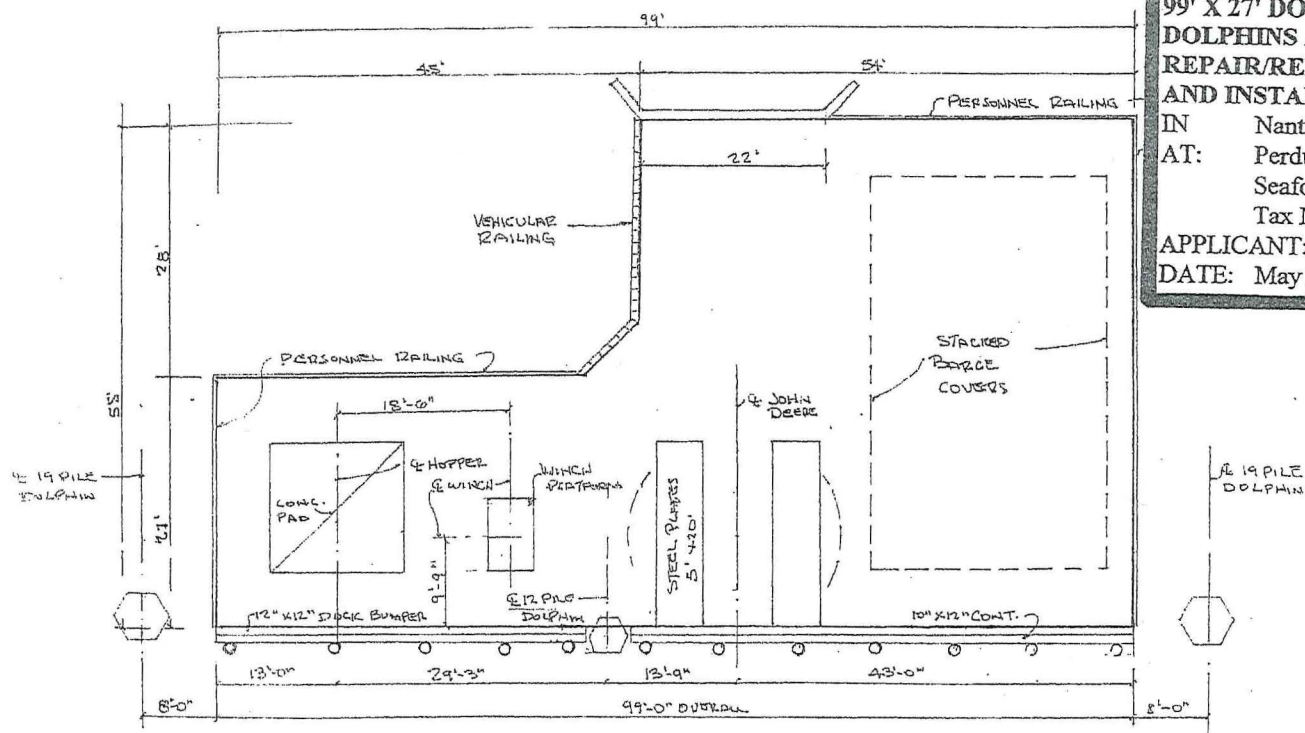
SITE PLAN
SCALE: 1" = 40'

Applicant: Perdue Grain & Oil Seed, Inc.
Waterway: Nanticoke River
Town/City: Seaford
County/State: Sussex, Delaware
Date: April 18, 2015
Sheet No.: 2077

DATE: May 29, 2015



Figure 9c. Plan view of eastern (upstream) section of Perdue Agribusiness, LLC project site.



DECIC PLAN
SCALE: 1" = 20'

PROJECT DESCRIPTION

New timber pier 4,400 Square Feet ; 2,990 SF seaward of MHW
89 pier piles; 70 piles seaward of Mean High Water (MHW)
12 fender piles; each seaward of MHW
6-19 pile timber dolphins; each seaward of MHW
Stone revetment 520LF

Figure 10. Plan view of proposed new 28' long x 54' wide pier and a 99' long x 27' wide dock.

Applicant: Purdue Grain & Oil Seed, Inc.
Waterway: Nanticoke River
Town/City: Seaford
County/State: Sussex, Delaware
Date: April 13, 2015
Sheet No.: 4 of 9

E-5
2015-493

E-6
2015-493

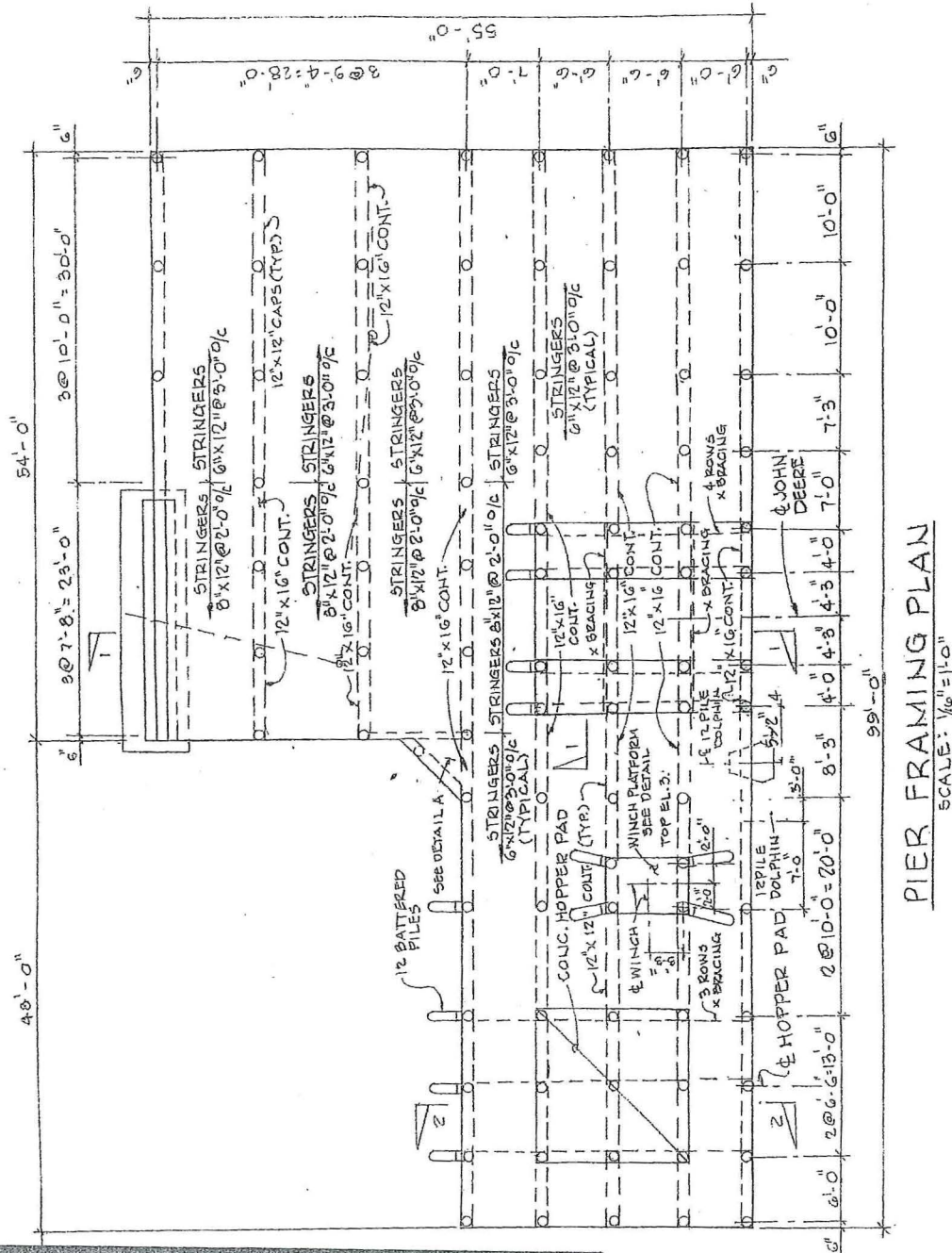


Figure 11. Framing plan, 28' long x 54' wide pier and a 99' long x 27' wide dock.

PROPOSED CONSTRUCTION OF A NEW 28' X 54' PIER AND 99' X 27' DOCK; PLACEMENT OF SIX NEW 19-PILE TIMBER DOLPHINS AND ONE NEW 12-PILE TIMBER DOLPHIN; REPAIR/REPLACEMENT OF ONE STEEL DOLPHIN; AND INSTALLATION OF 520' OF STONE REVETMENT

IN Nanticoke River

AT: Perdue Agribusiness, LLC, 1001 Nanticoke Avenue
Seaford, Sussex County, DE 19973

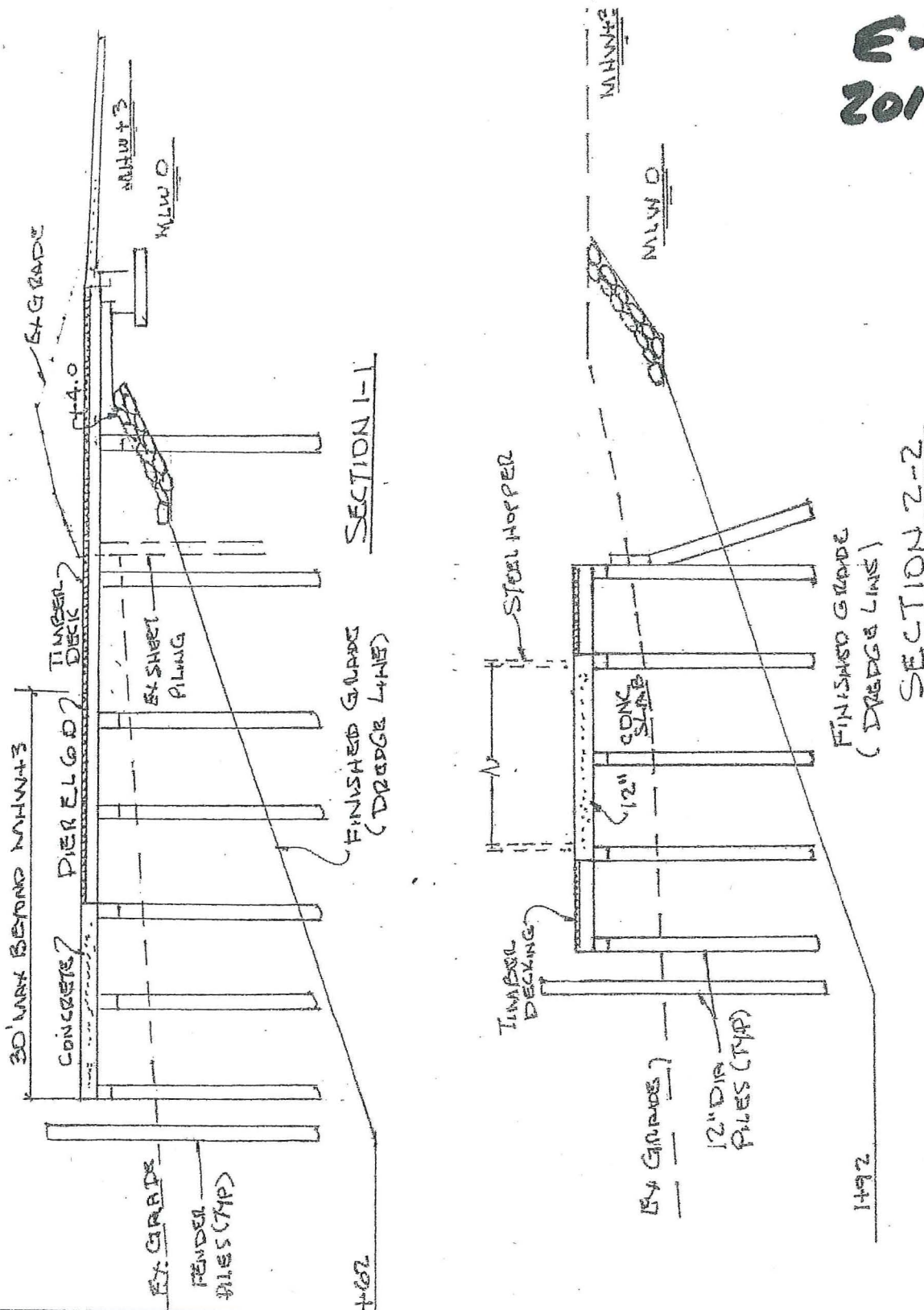
Tax Map Parcel #5-31-13.00-30.00 and 33.00

APPLICANT: Perdue Agribusiness LLC

DATE: May 29, 2015

Applicant: Perdue Grain & Oil Seed, Inc.
Waterway: Nanticoke River
Town/City: Seaford
County/State: Sussex, Delaware
Date: April 13, 2015
Sheet No.: 5 OF 24

E-7
2015-493



PIER SECTIONS
SCALE: 1"=20'

Figure 12. Cross-sections of proposed pier and dock.

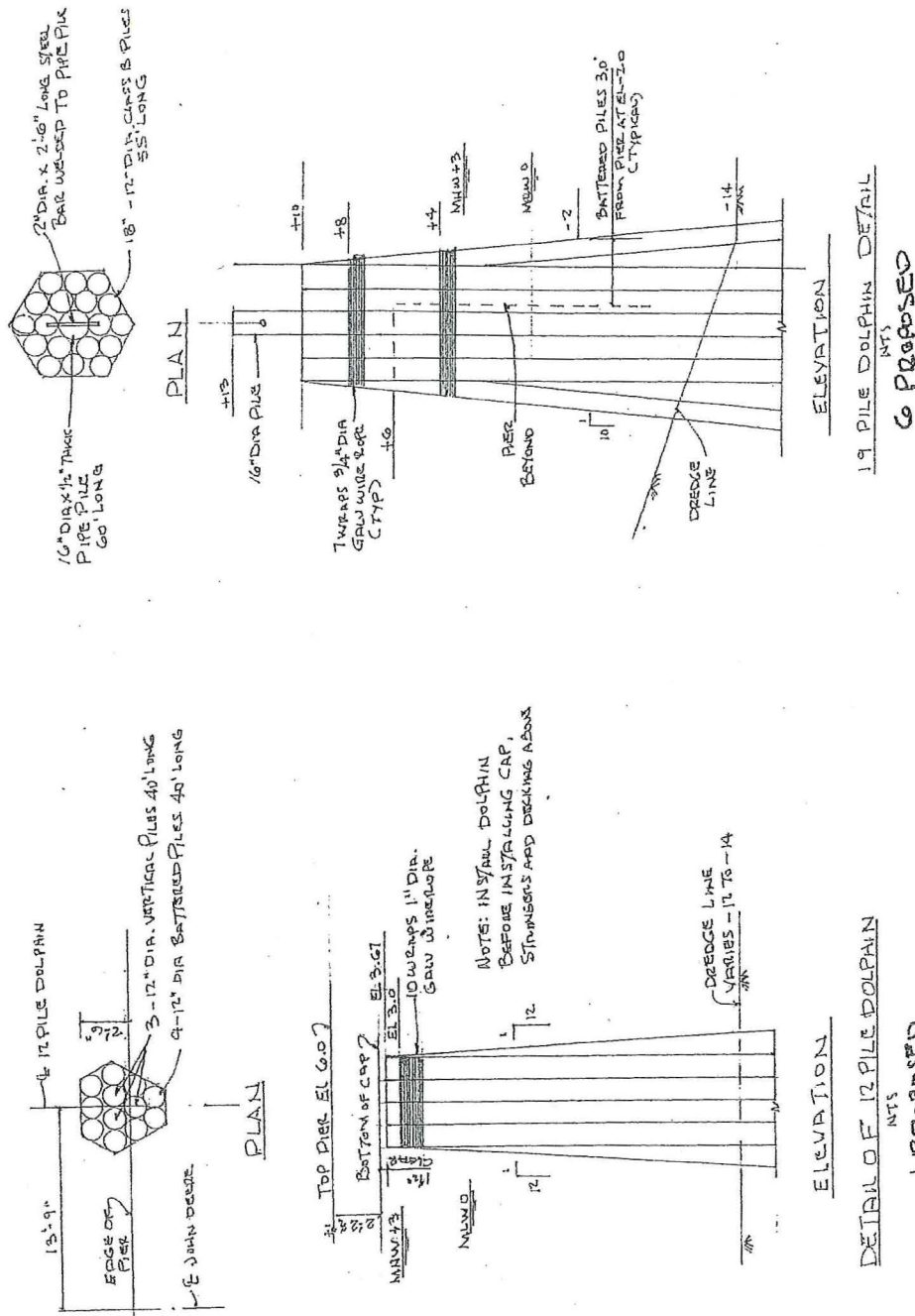
PROPOSED CONSTRUCTION OF A NEW 28' X 54' PIER AND
99' X 27' DOCK; PLACEMENT OF SIX NEW 19-PILE TIMBER
DOLPHINS AND ONE NEW 12-PILE TIMBER DOLPHIN;
REPAIR/REPLACEMENT OF ONE STEEL DOLPHIN;
AND INSTALLATION OF 520' OF STONE REVETMENT
IN Nanticoke River

AT: Perdue Agribusiness, LLC, 1001 Nanticoke Avenue
Seaford, Sussex County, DE 19973
Tax Map Parcel #5-31-13.00-30.00 and 33.00

APPLICANT: Perdue Agribusiness LLC
DATE: May 29, 2015

Applicant: Perdue Grain & Oil Seed, Inc.
Waterway: Nanticoke River
Town/City: Seaford
County/State: Sussex, Delaware
Date: April 13, 2015
Sheet No.: 6 OF 9

E-8
2015-493



DOLPHIN DETAILS

Figure 13. Plan view and cross-section details of proposed (one) new 12-piling timber dolphin and (six) new 19-piling timber dolphins.

PROPOSED CONSTRUCTION OF A NEW 28' X 54' PIER AND 99' X 27' DOCK; PLACEMENT OF SIX NEW 19-PILE TIMBER DOLPHINS AND ONE NEW 12-PILE TIMBER DOLPHIN; REPAIR/REPLACEMENT OF ONE STEEL DOLPHIN; AND INSTALLATION OF 520' OF STONE REVETMENT
 IN Nanticoke River
 AT: Perdue Agribusiness, LLC, 1001 Nanticoke Avenue
 Seaford, Sussex County, DE 19973
 Tax Map Parcel #5-31-13.00-30.00 and 33.00
 APPLICANT: Perdue Agribusiness LLC
 DATE: May 29, 2015

Applicant: Perdue Grain & Oil Seed, Inc.
 Waterway: Nanticoke River
 Town/City: Seaford
 County/State: Sussex, Delaware
 Date: April 18, 2015
 Sheet No.: 7 OF 9

**PROPOSED CONSTRUCTION OF A NEW 28' X 54' PIER AND
99' X 27' DOCK; PLACEMENT OF SIX NEW 19-PILE TIMBER
DOLPHINS AND ONE NEW 12-PILE TIMBER DOLPHIN;
REPAIR/REPLACEMENT OF ONE STEEL DOLPHIN;
AND INSTALLATION OF 520' OF STONE REVETMENT**

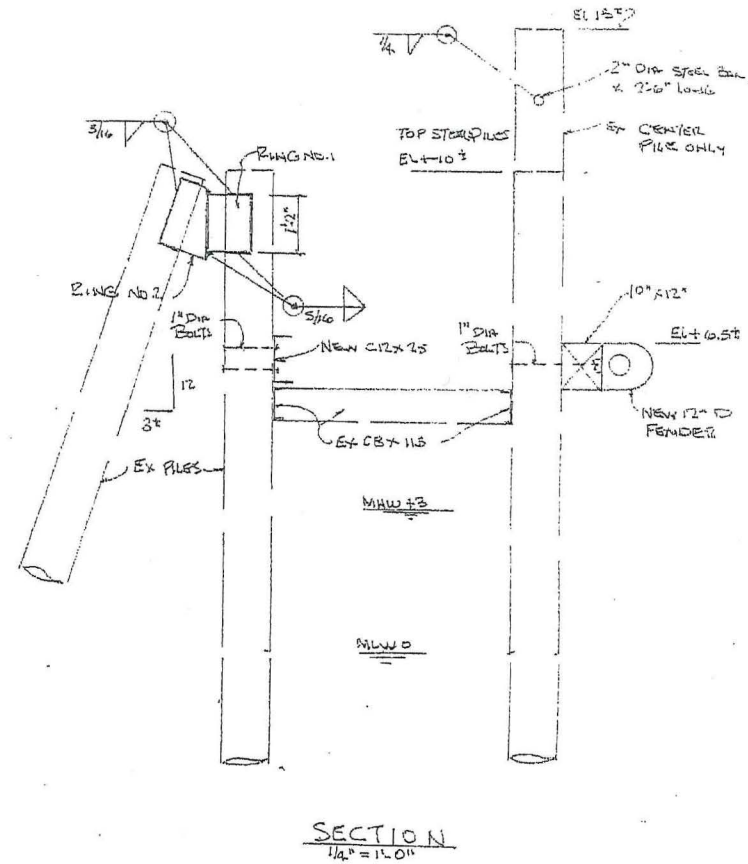
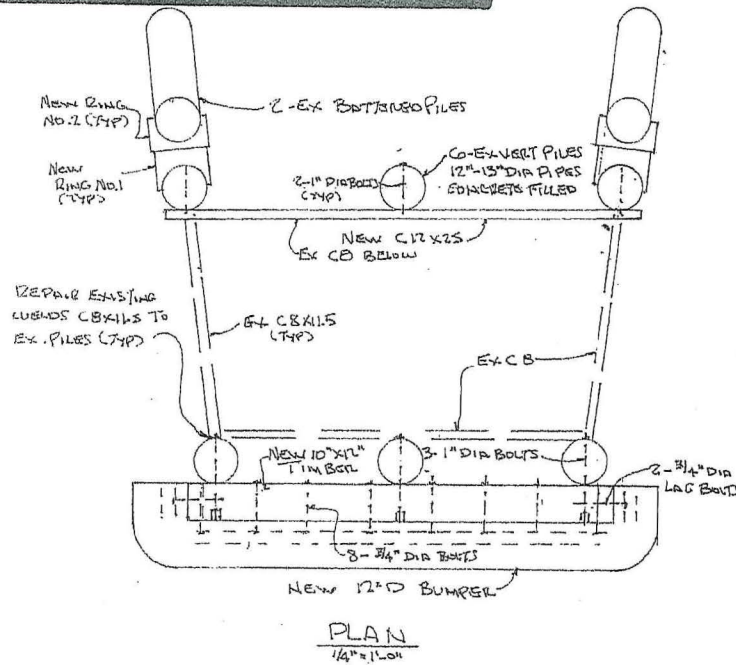
IN Nanticoke River

AT: Perdue Agribusiness, LLC, 1001 Nanticoke Avenue
Seaford, Sussex County, DE 19973

Tax Map Parcel #5-31-13.00-30.00 and 33.00

APPLICANT: Perdue Agribusiness LLC

DATE: May 29, 2015

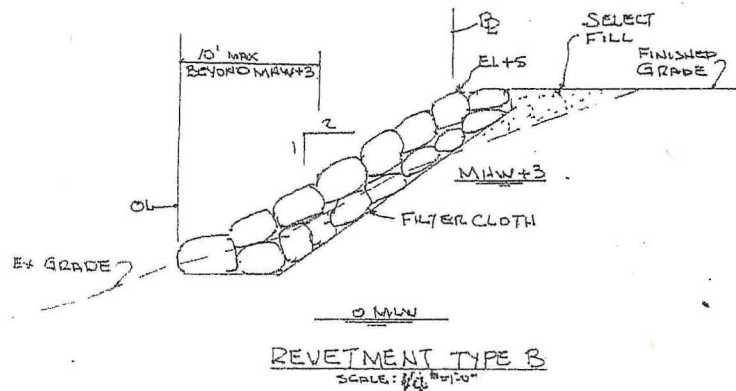
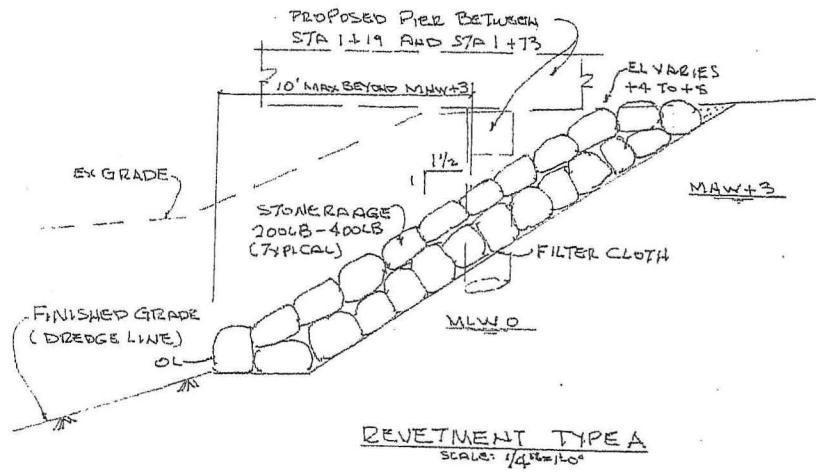


Applicant: Perdue Grain & Oil Seed, Inc.
Waterway: Nanticoke River
Town/City: Seaford
County/State: Sussex, Delaware
Date: April 13, 2015
Sheet No. 1 of 9

REHAB STEEL DOLPHIN

Figure 14. Plan view and cross-section details of proposed repair/replacement of one steel dolphin.

E-9
2015-493



REVETMENT CONSTRUCTION NOTES

1. Install stone revetment as show on sheet I, SITE PLAN and as described herein.
2. Stone shall be non-sedimentary quarry stone, range 200 pounds to 400 pounds. Chinking stone shall vary from 25 pounds to 50 pounds in size.
3. Filter cloth shall be Carthage 6% as manufactured by Carthage Mills.
4. Select fill shall be a clean sandy material from a stockpile on site.
5. Prior to grading the back slope of the revetment, remove all vegetation, stones, boards and other items that would interfere with the proper installation of the revetment. Existing stone that meets project requirements may be incorporated into the work. Dispose of off site all removed materials that are not useful to the Owner.
6. Install revetment type A from beginning to station 1+09 with top at elevation +5. Transition top to elevation +4 at station 1+19. Maintain top elevation at +4 to station 1+73. Transition top elevation to +5 at station 1+88 and keep top at +5 until end of type A at station 2+15. Transition to type B revetment with top elevation at +5 at station 2+25. Install revetment type B to station 5+06. Install flank at station 5+06 as shown.
7. Place larger stones at bottom and smaller stones at top. Slope shall be of a well graded mixture of the stone range with voids chinked.

TOTAL LENGTH 520 LF

PROPOSED CONSTRUCTION OF A NEW 28' X 54' PIER AND 99' X 27' DOCK; PLACEMENT OF SIX NEW 19-PILE TIMBER DOLPHINS AND ONE NEW 12-PILE TIMBER DOLPHIN; REPAIR/REPLACEMENT OF ONE STEEL DOLPHIN; AND INSTALLATION OF 520' OF STONE REVETMENT

IN Nanticoke River

AT: Perdue Agribusiness, LLC, 1001 Nanticoke Avenue
Seaford, Sussex County, DE 19973

Tax Map Parcel #5-31-13.00-30.00 and 33.00

APPLICANT: Perdue Agribusiness LLC

DATE: May 29, 2015

REVETMENT DETAILS

Figure 15. Cross-section details of proposed stone revetment.

Applicant: Perdue Grain & Oil Seed, Inc.
Waterway: Nanticoke River
Town/City: Seaford
County/State: Sussex, Delaware
Date: April 13, 2015
Sheet No.: 9 of 9

E-10
2015-493