

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.	Date	
CENAP-OP-R-2018-822		October 26, 2018
Application No. CENAP-OP-R-2018-822	File No.	CENAP-OP-R-2018-822-85
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: Delaware Department of Transportation

AGENT: McCormick Taylor, Incorporated

WATERWAY: Nonesuch Creek

LOCATION: The SR 141, I-295 and I-95 Interchange, 0.5 mile South of Newport, New

Castle County, Delaware

(Lat. 39.699948°N/Long.75.604308°W).

ACTIVITY: The applicant has applied for a Department of the Army permit to discharge fill material into waters of the United States in order to improve the operational, congestion and safety deficiencies located at the SR 141, I-295 and I-95 Interchange, 0.5 mile South of Newport, in New Castle County, Delaware. The proposed project is funded through the Federal Highway Administration (FHWA) and has received categorical exclusion concurrence from the FHWA.

The I-95 and SR 141 interchange experiences congestion during the morning and afternoon peak hours. Both northbound and southbound SR 141 have deficient arterial levels of service for existing and future conditions. In addition, there are weaving, merging and diverging levels of service deficiencies throughout the interchange. The improvements includes:

- Widening northbound SR 141 and southbound SR 141 to provide an additional lane in each direction at the SR 141 and Commons Boulevard intersection;
- Remove the signal at Airport Road and SR 141 southbound;
- Replace Bridges 1-676 and 1-677 with larger new structures;
- Realign I-295 southbound to become adjacent but separated from I-95 southbound at its current location to allow I-295 southbound to merge with I-95 further south of the interchange; and
- Construct several overhead and cantilever sign structures.

These transportation improvements will result in 2.67 acres of permanent wetland impacts, 0.25 acre of permanent open water impacts, 0.79 acre of temporary wetland impacts and 0.07 acre of temporary open water impacts. The impact areas are degraded as a result of the adjacent transportation infrastructure and surrounding development and offer minimal wildlife value. As a result of the impacts and unsuitable areas for on-site compensatory mitigation, the applicant is proposing off-site compensatory mitigation at the Russell Peterson Urban Wildlife Refuge located 3 miles northeast of the proposed project by way of restoration and enhancement of 8.03 acres of wetlands. The location and extent of work for the infrastructure improvements and compensatory mitigation are indicated on the attached plans.

PURPOSE: The purpose of the project is to improve safety and traffic operations.

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 to the aquatic environment to the maximum extent practicable. Super silt fence will be utilized to identify the limits of construction to reduce additional impacts to surrounding resources. Retaining walls along the ramps were incorporated into the design in order to minimize the footprint of on/off ramps. Compensatory mitigation for unavoidable impacts is proposed at the Russell Peterson Urban Wildlife Refuge.

The Russell Peterson Urban Wildlife Refuge is approximately 225 acres, of which approximately 190 acres are tidally influenced freshwater wetlands. Much of these wetlands have been significantly altered in the past for agriculture, industry and road and railroad construction. As a result, these wetlands have restricted tidal exchange and a monoculture of *Phragmites*. Mitigation for other federally authorized projects has occurred within the refuge resulting in the restoration/enhancement of approximately 31 acres of wetlands. As such, additional restoration and enhancement activities within the refuge will improve the overall quality of existing tract of wetlands.

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 a result, consultation with the United States Fish and Wildlife Service or the National Marine Fisheries Service pursuant to Section 7 of the ESA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. The

Philadelphia District will evaluate the potential effects of the proposed actions on EFH and will consult with NOAA Fisheries as appropriate. Consultation will be concluded prior to the final decision on this permit application.

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.

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 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

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.

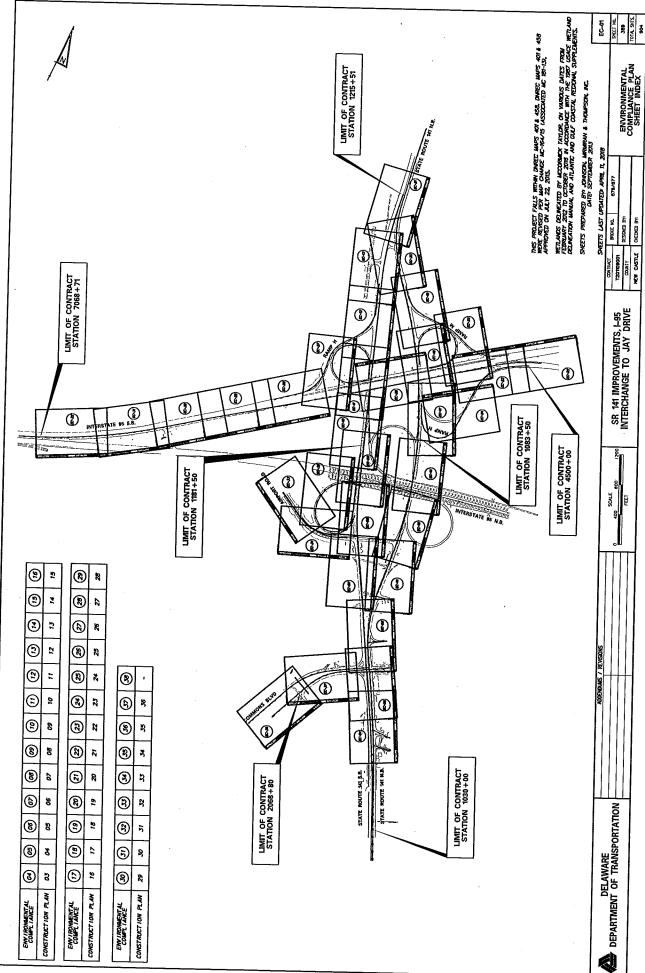
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

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 Michael D. Yost at (267) 240-5278, by email at michael.d.yost@usace.army.mil, or by writing this office at the above address.

Edward E. Bonner Chief, Regulatory Branch



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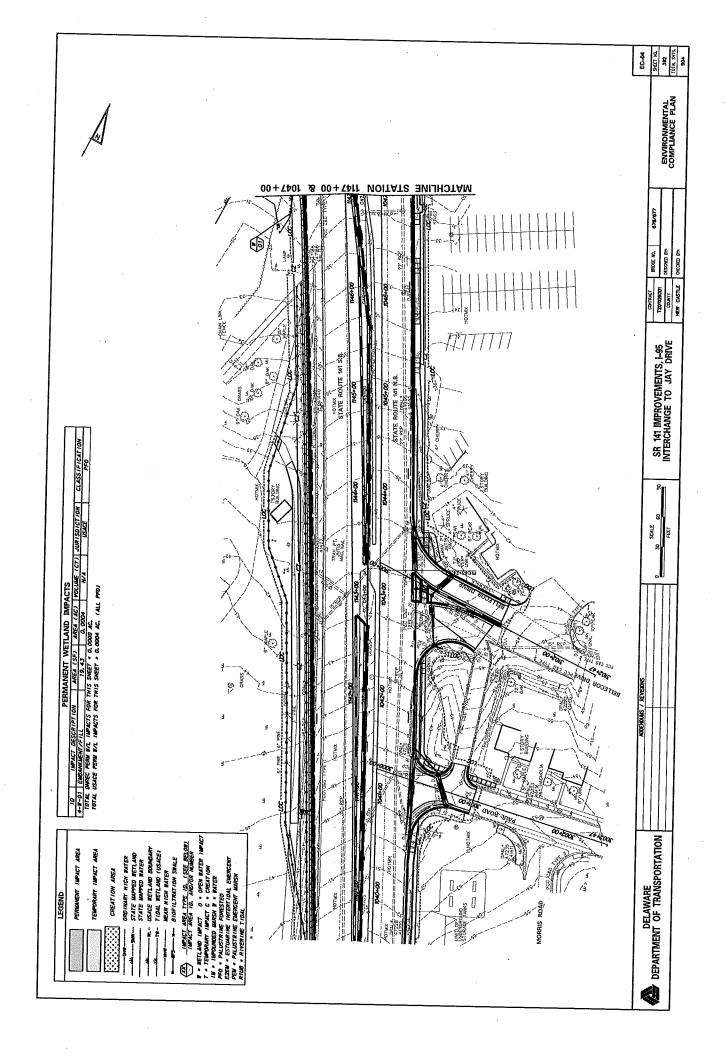
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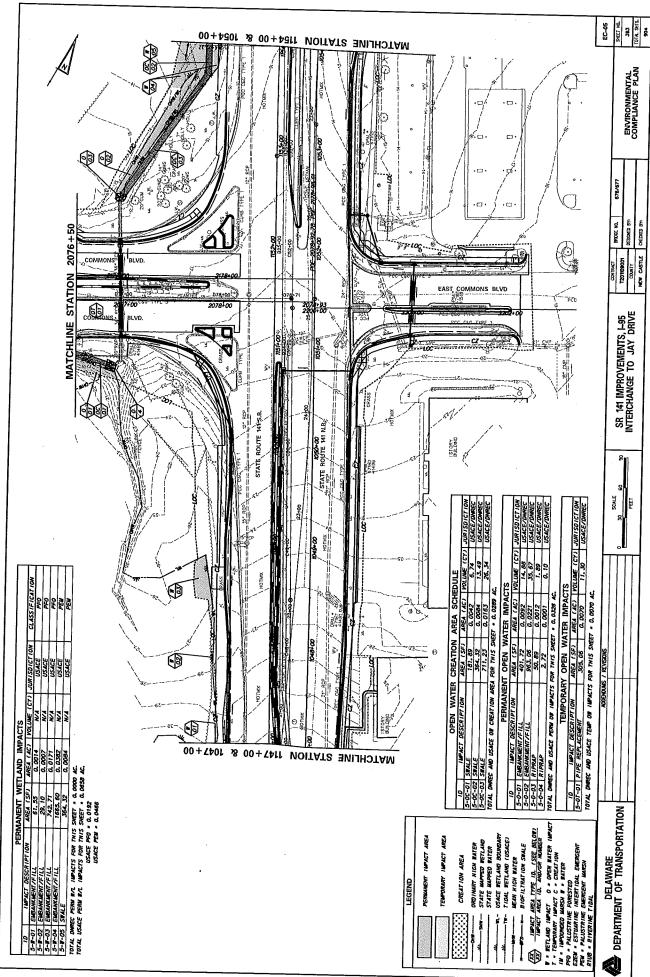
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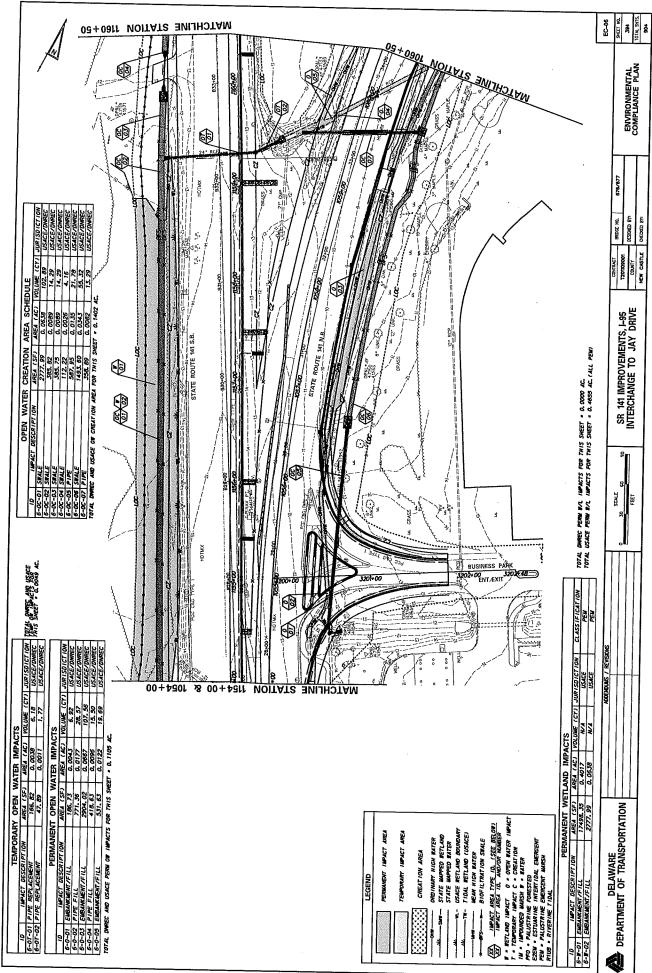
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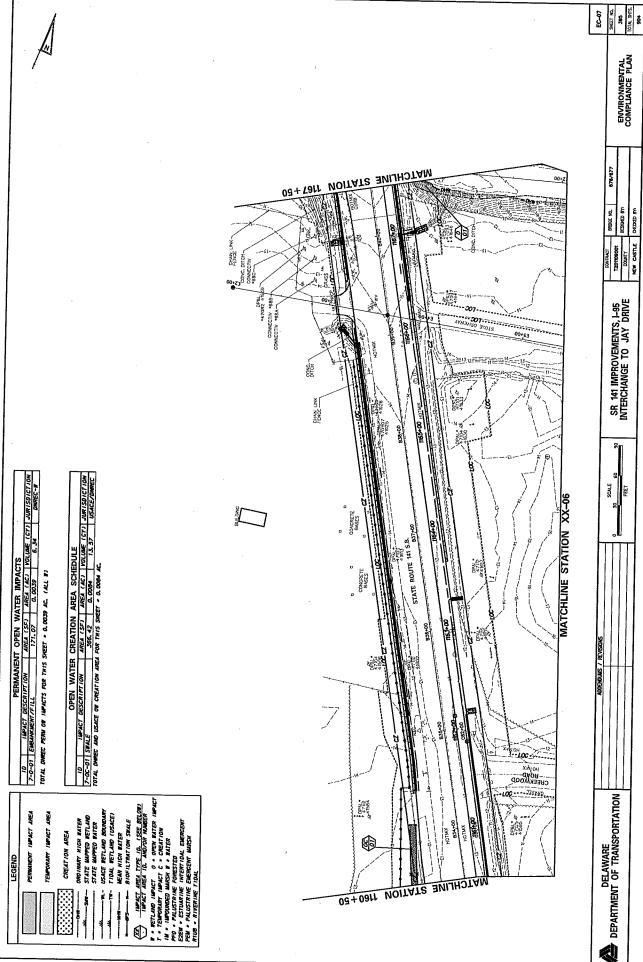
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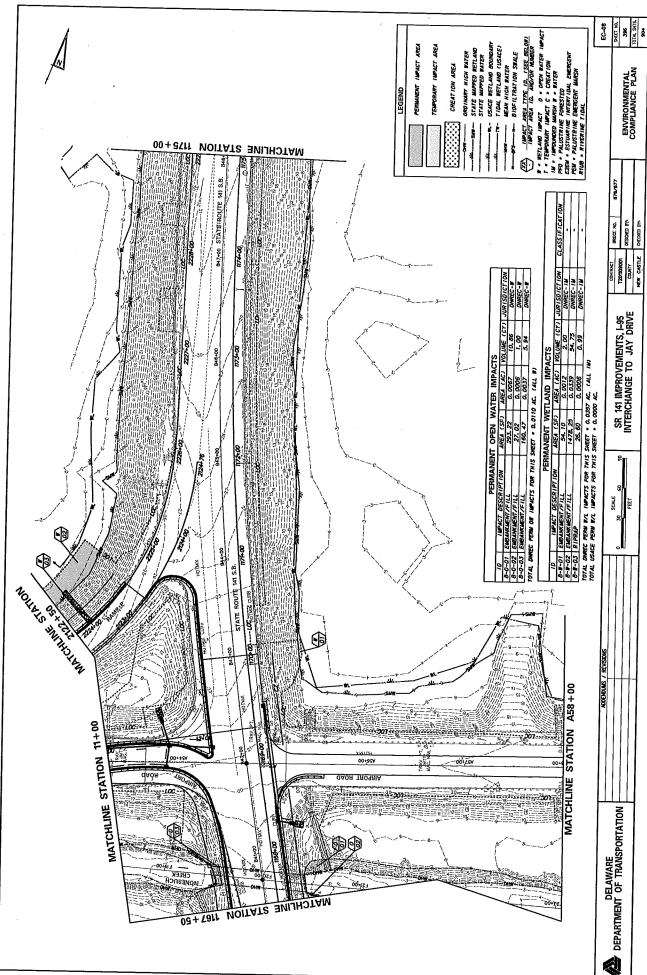
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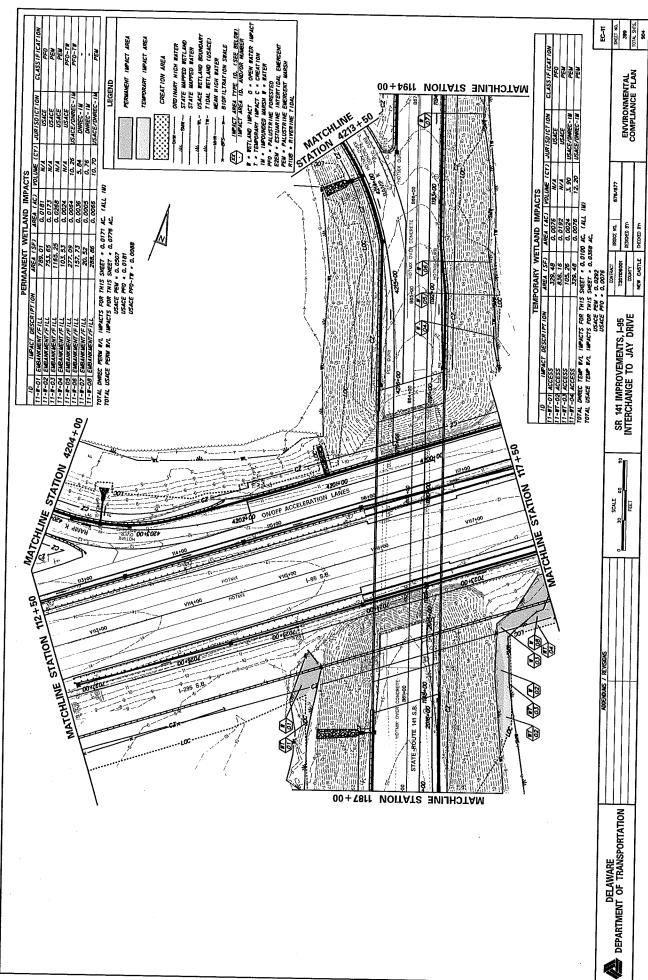
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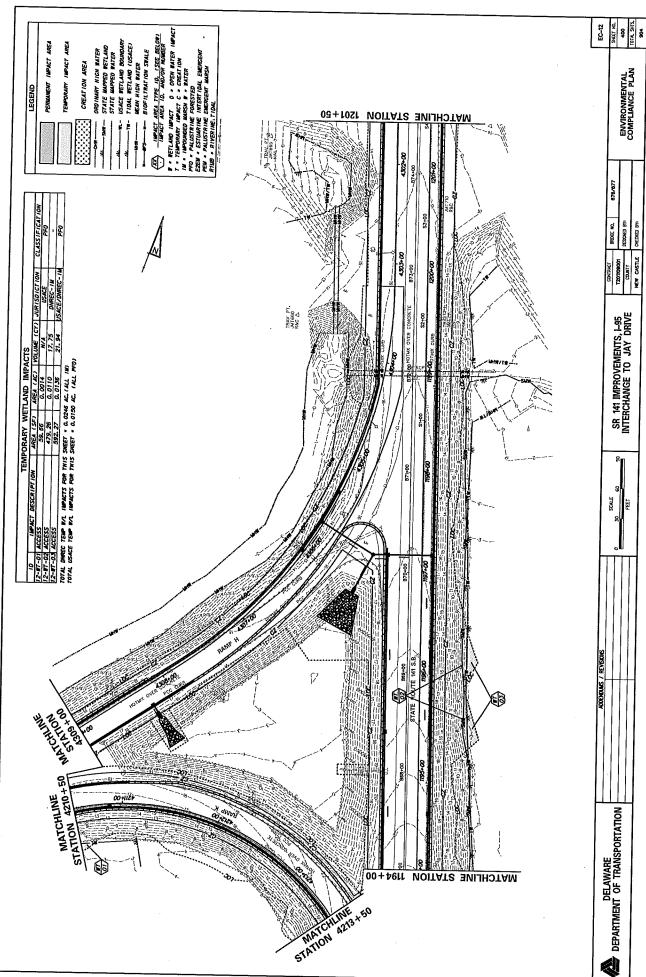
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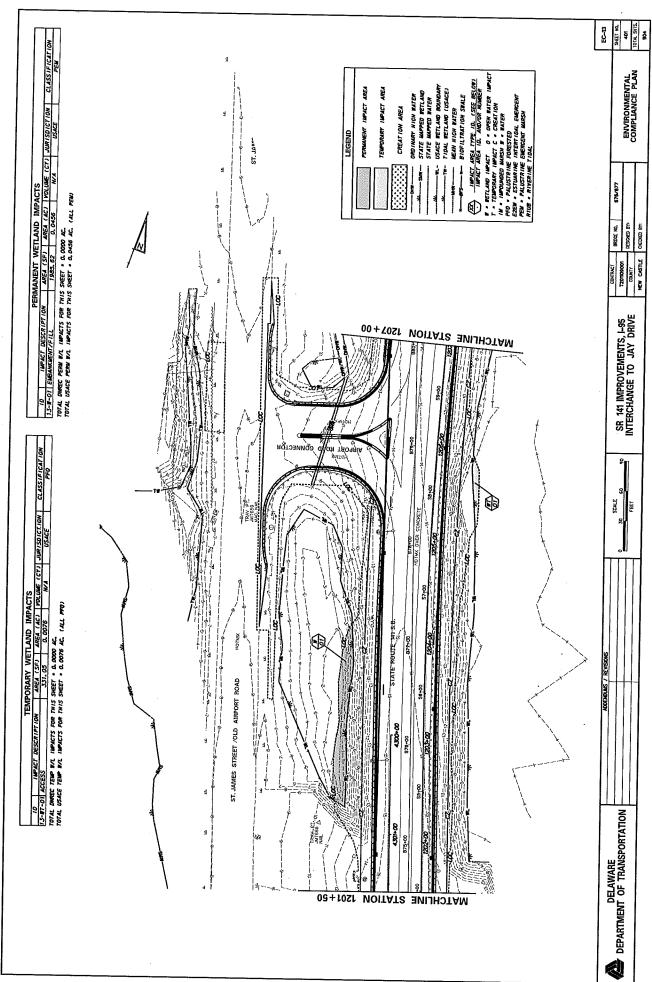
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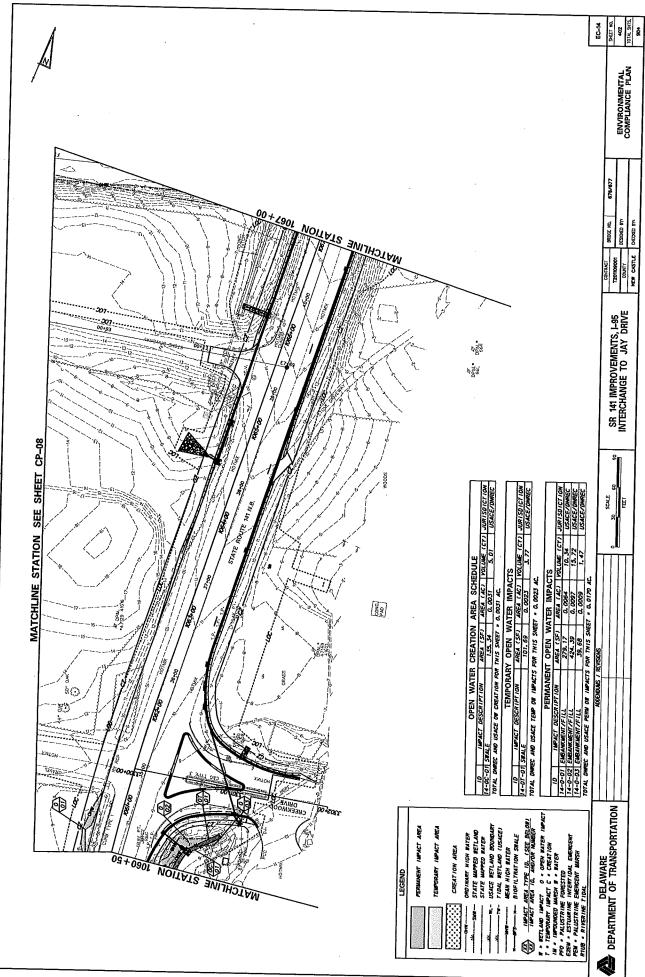
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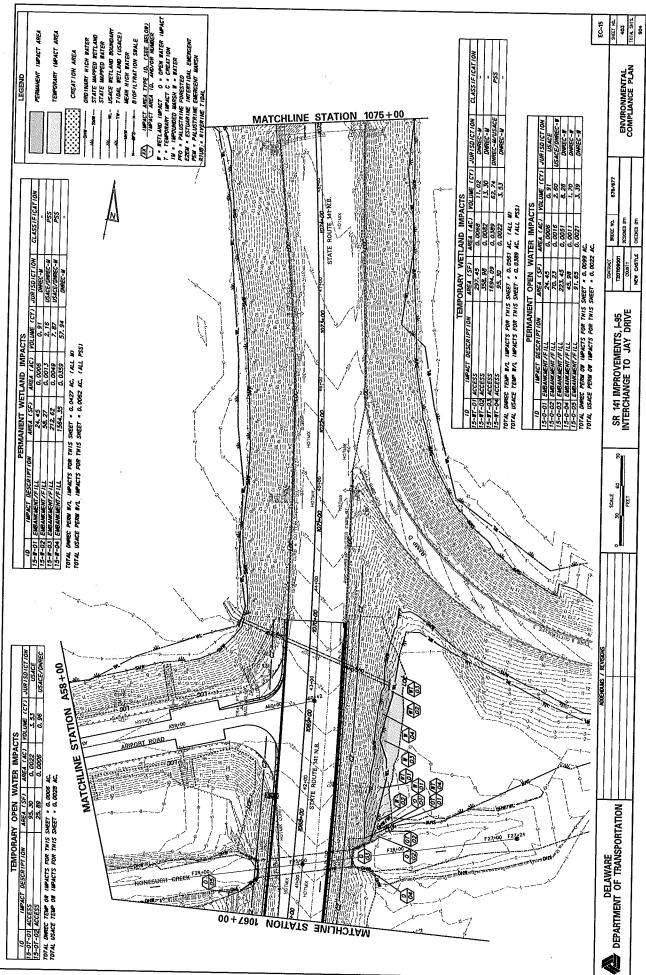
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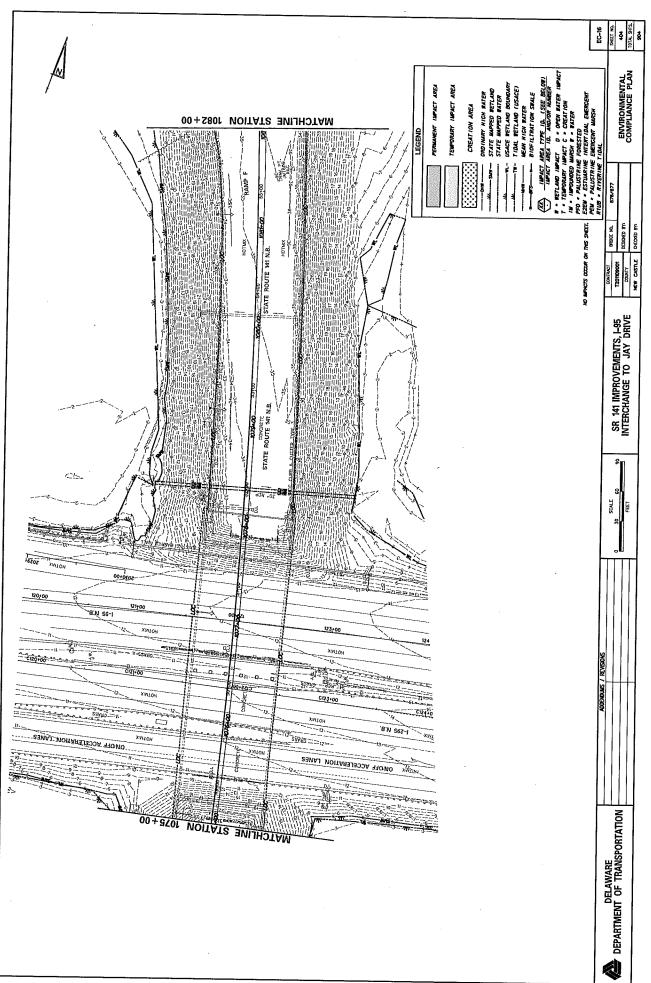


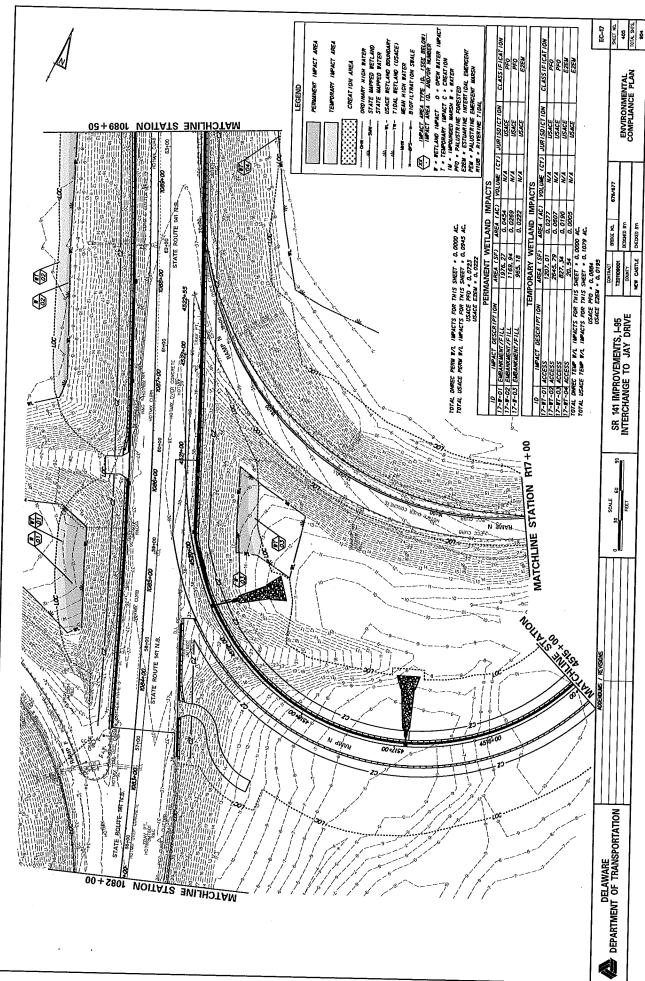


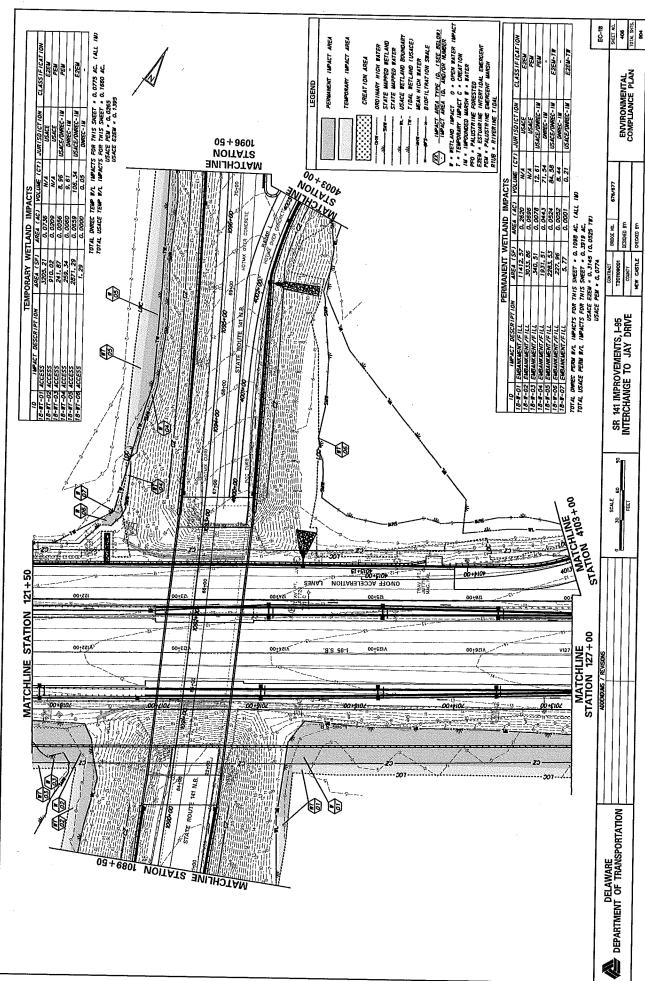


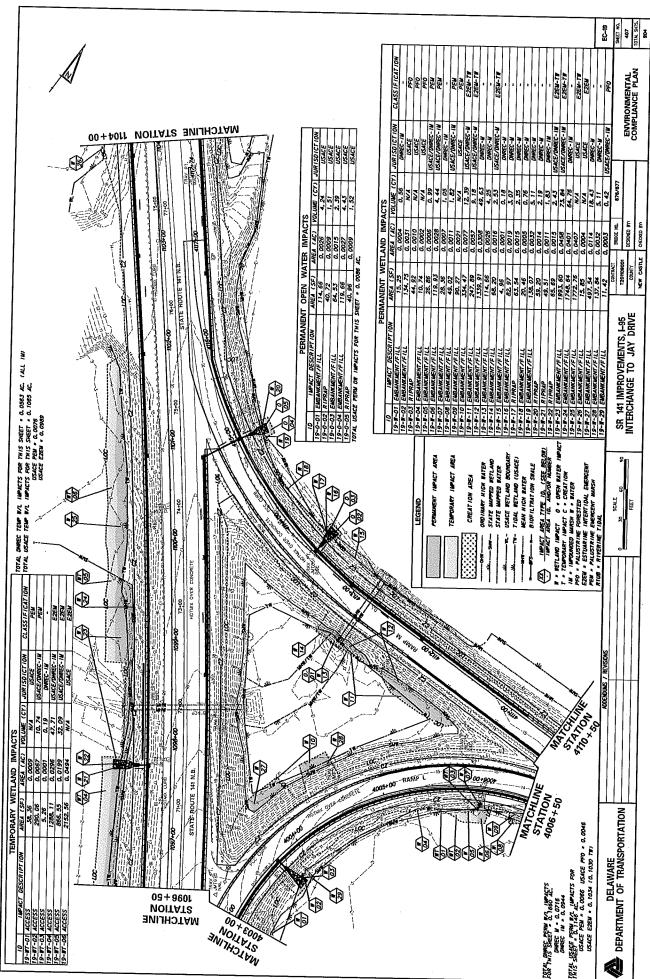


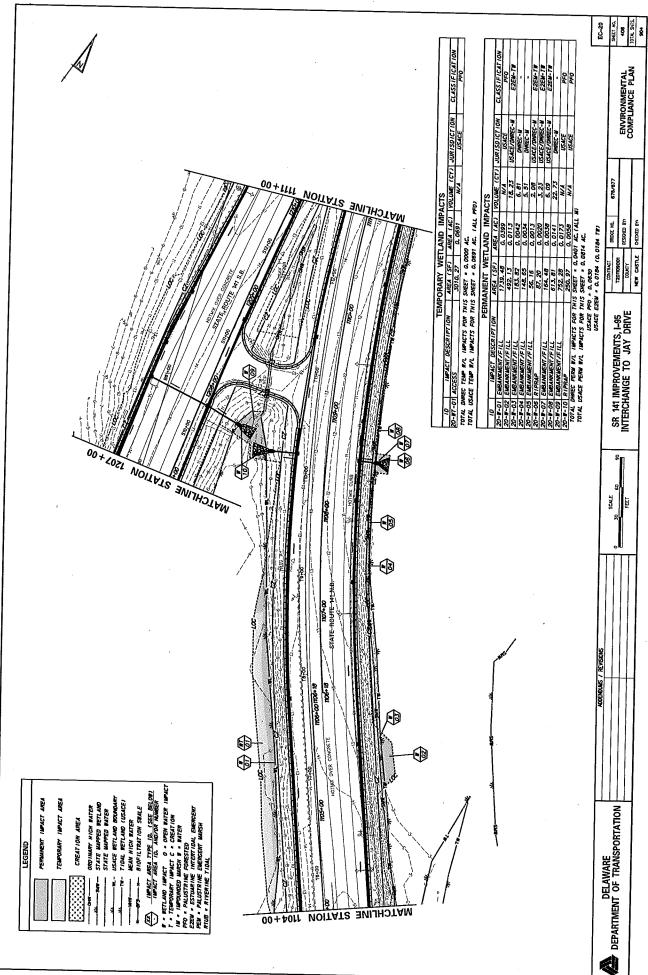


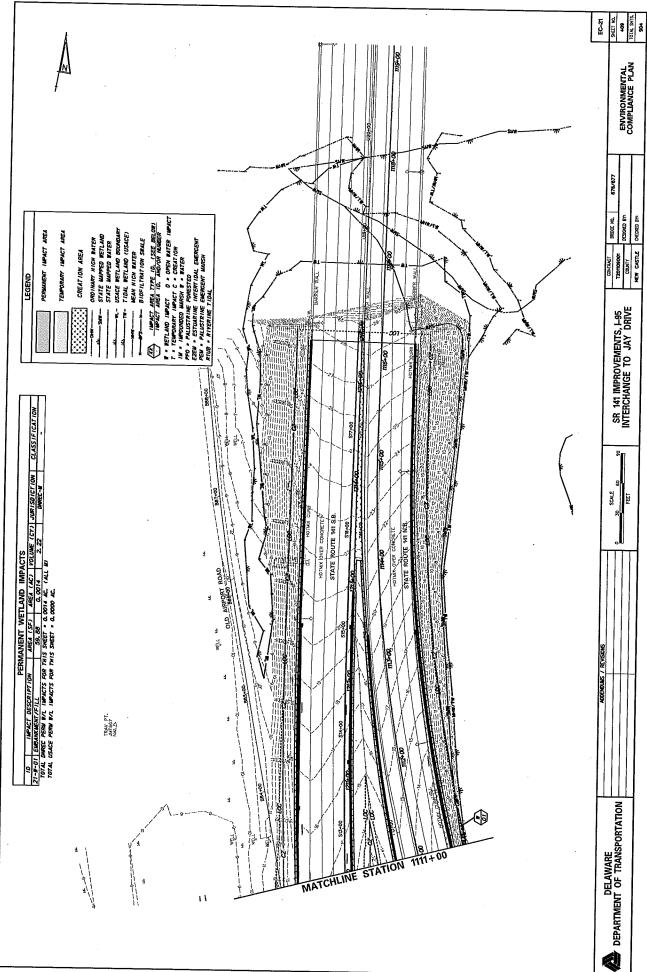




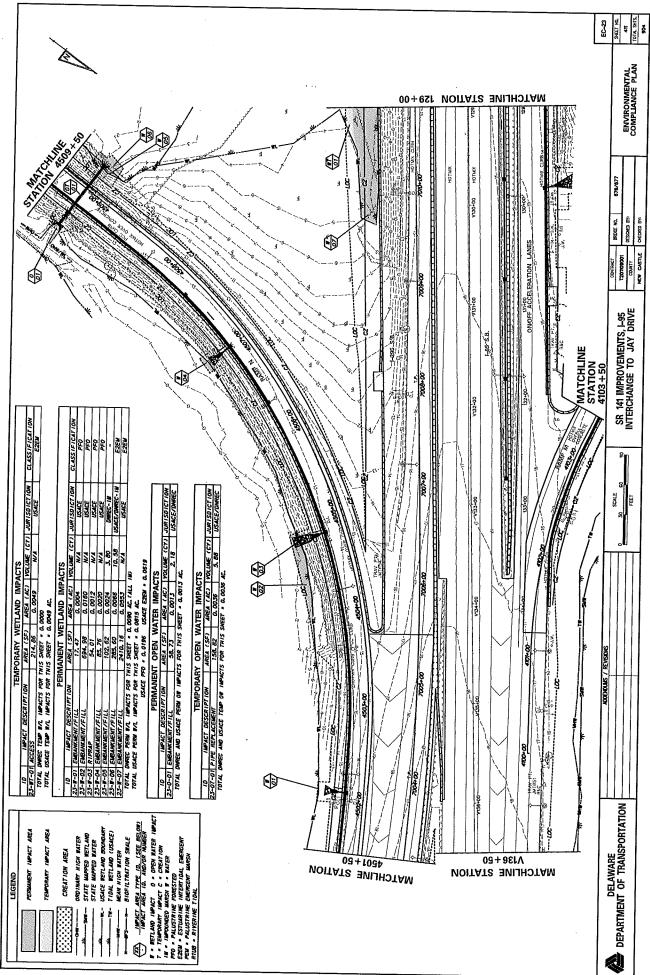


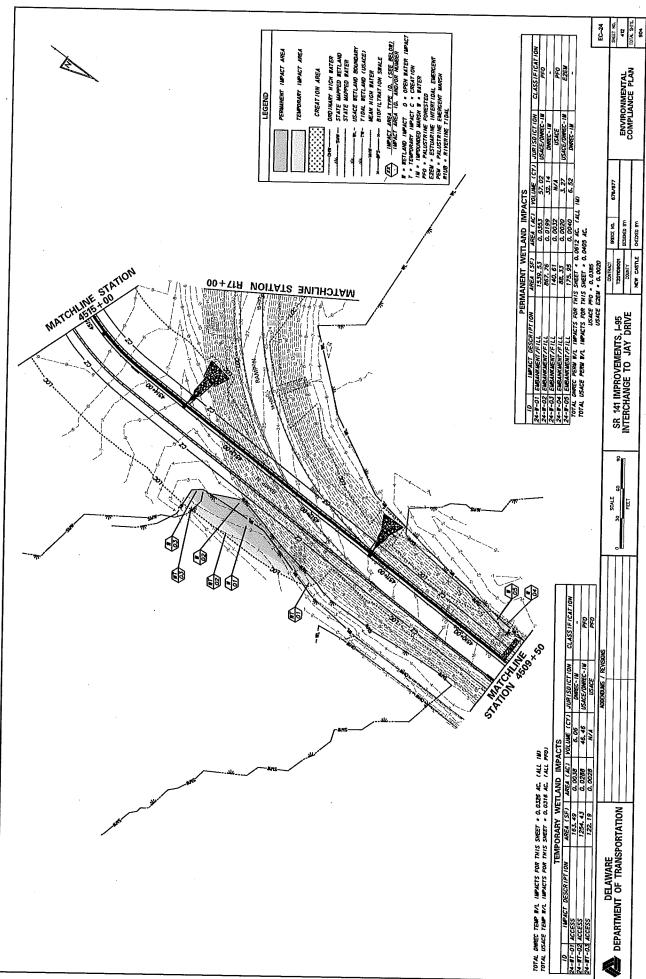


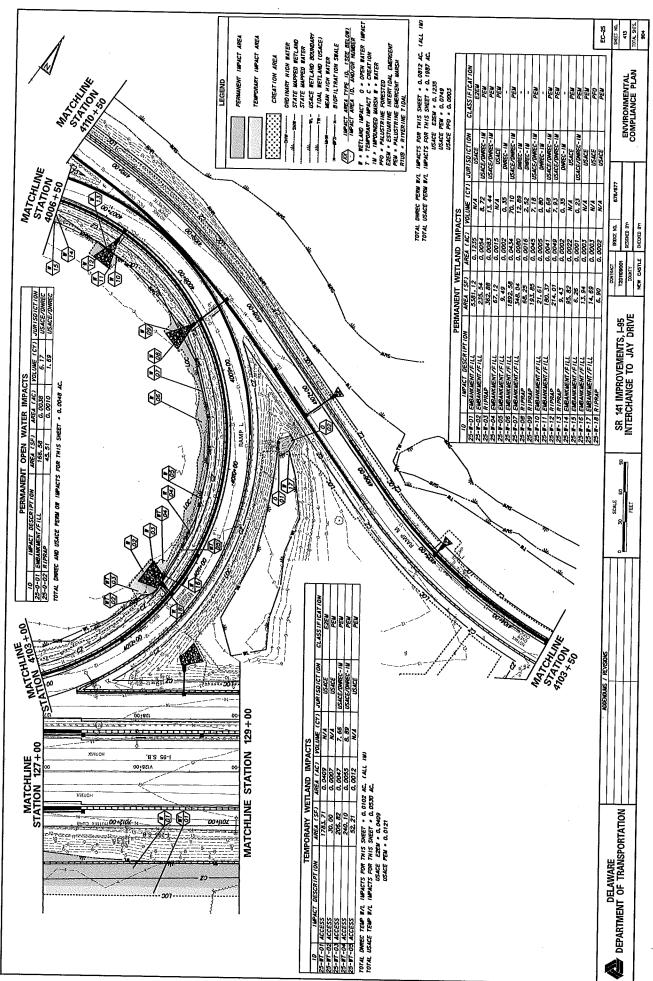


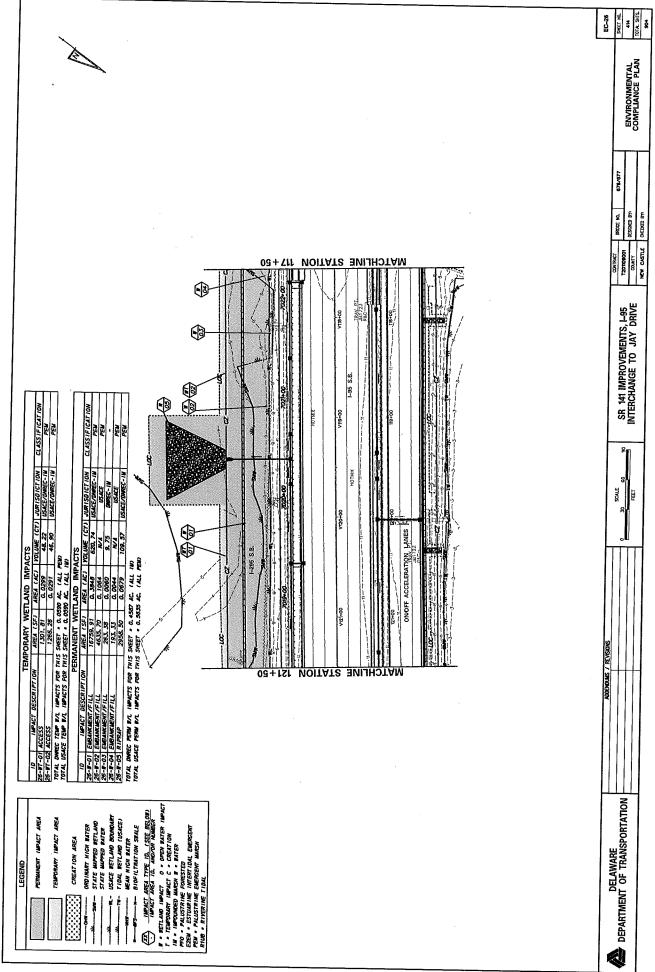


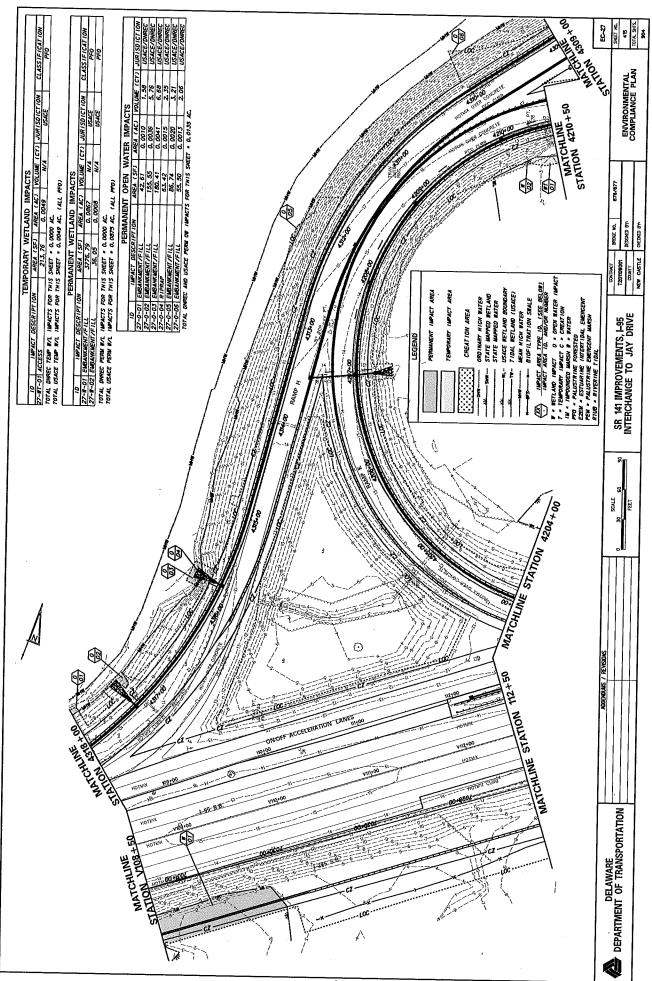
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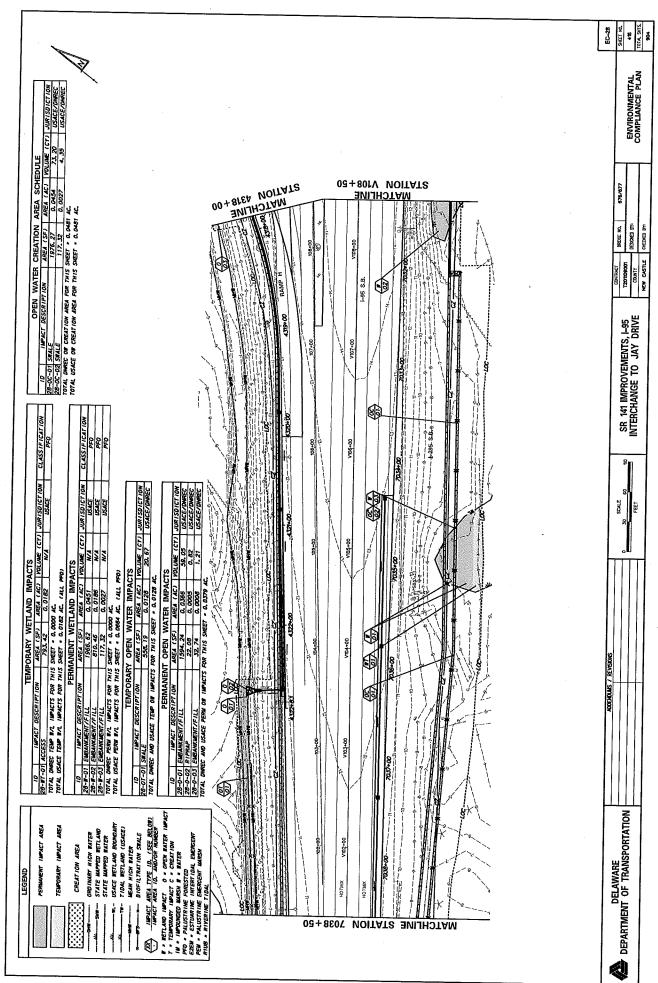


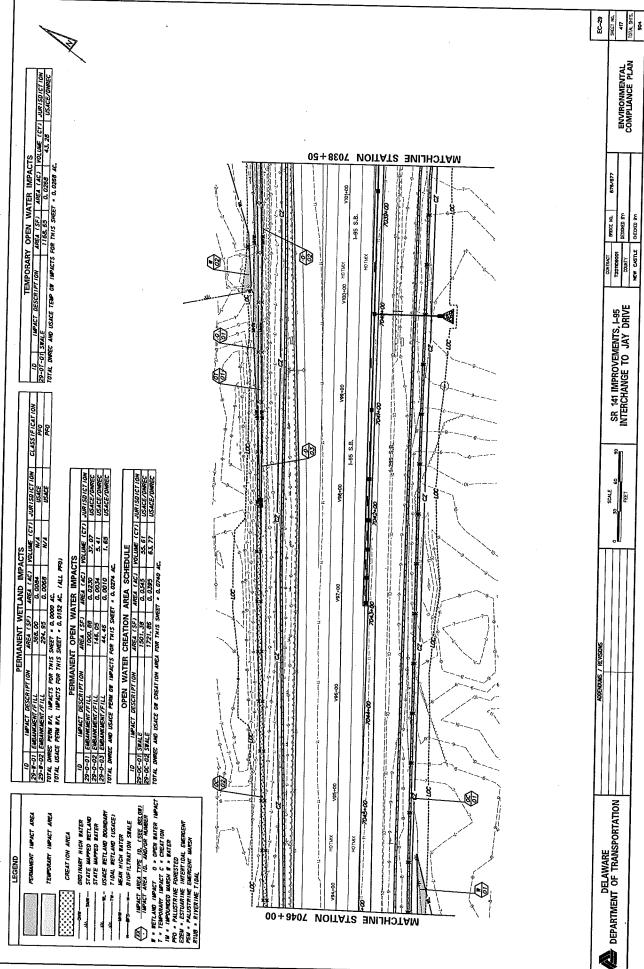






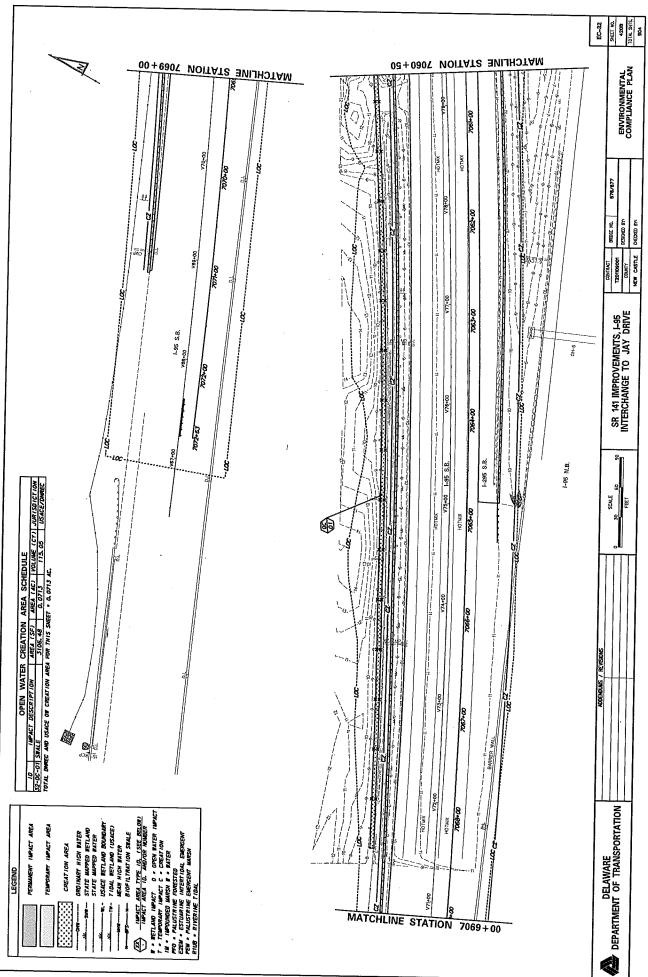


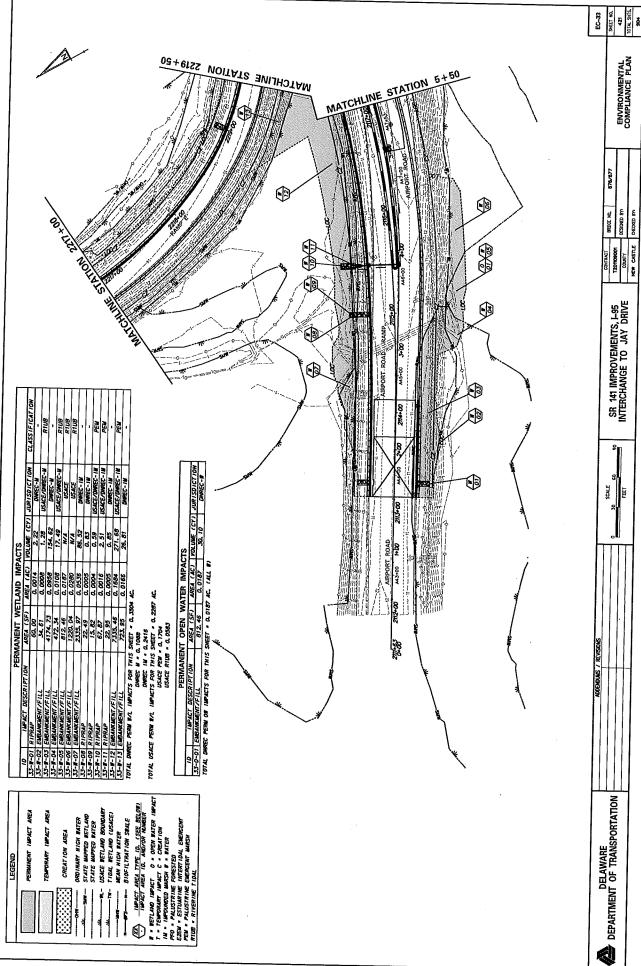


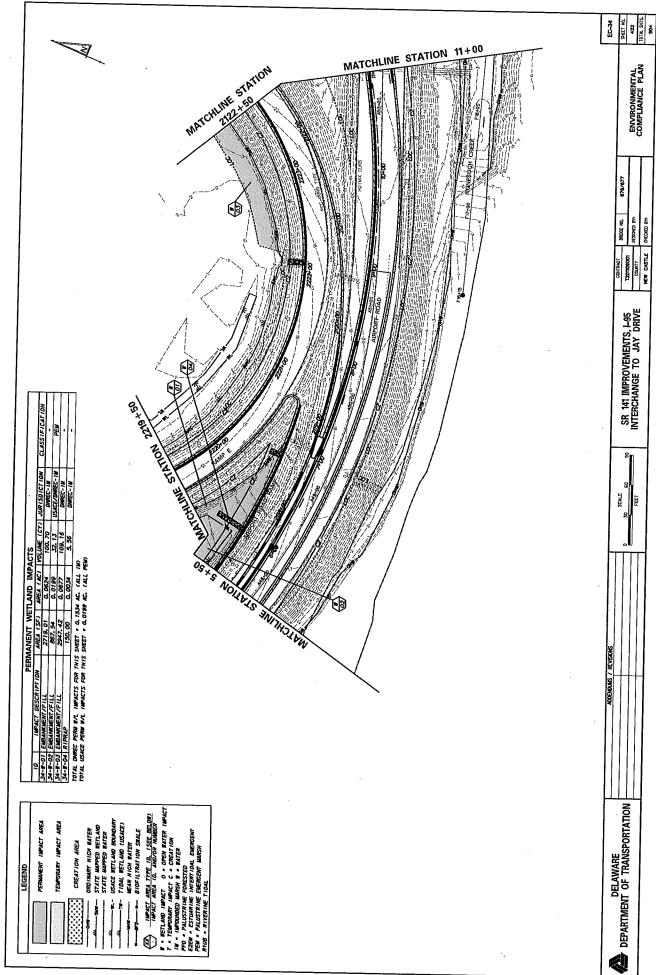


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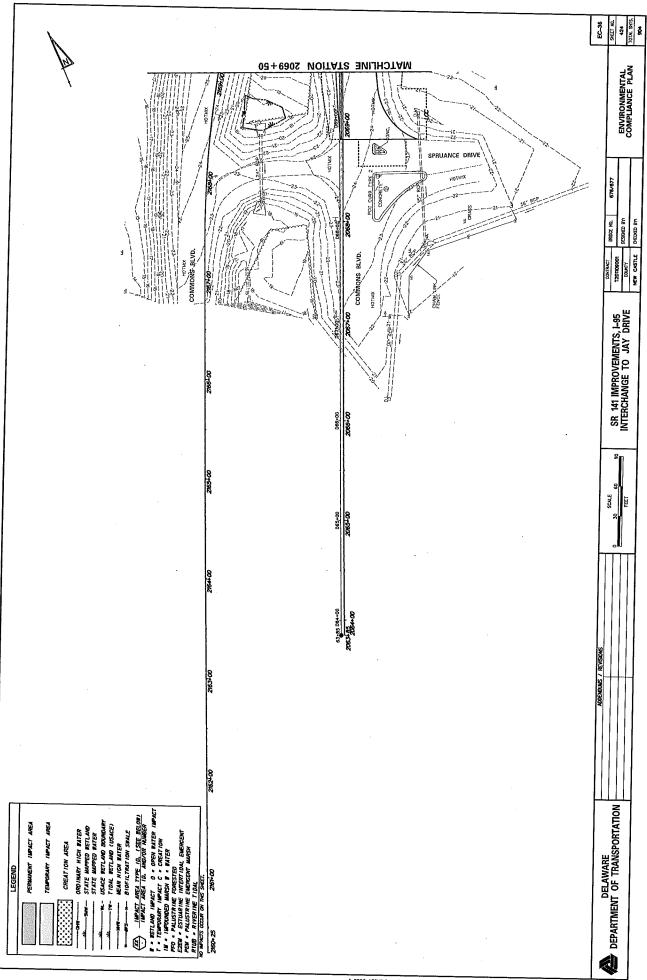
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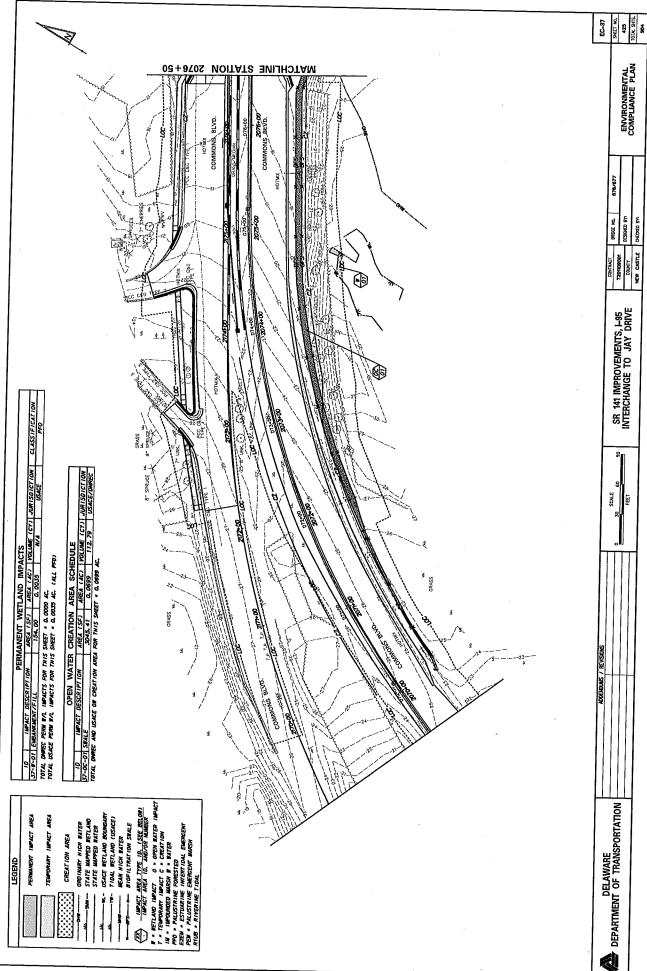






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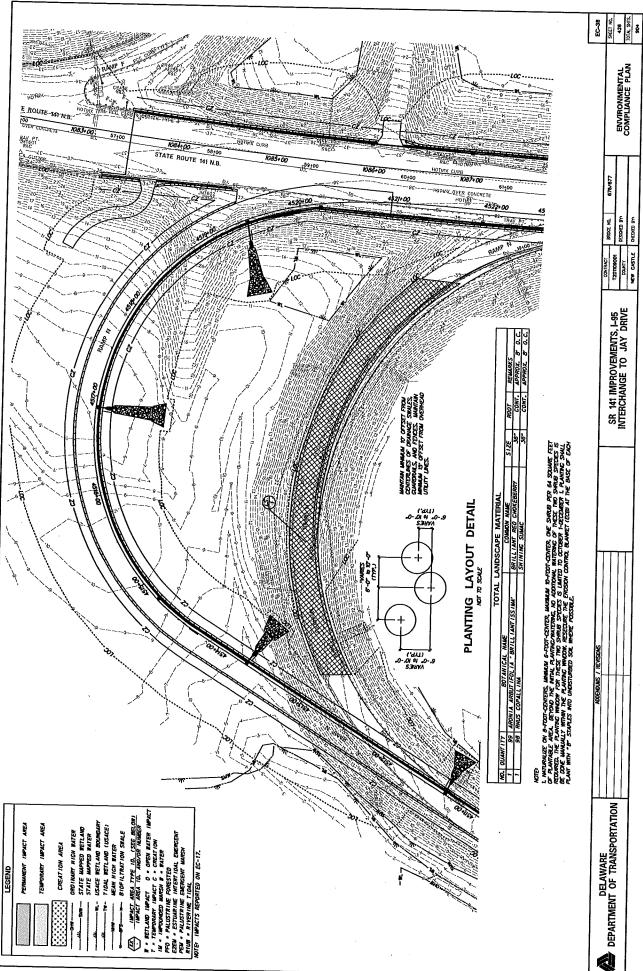
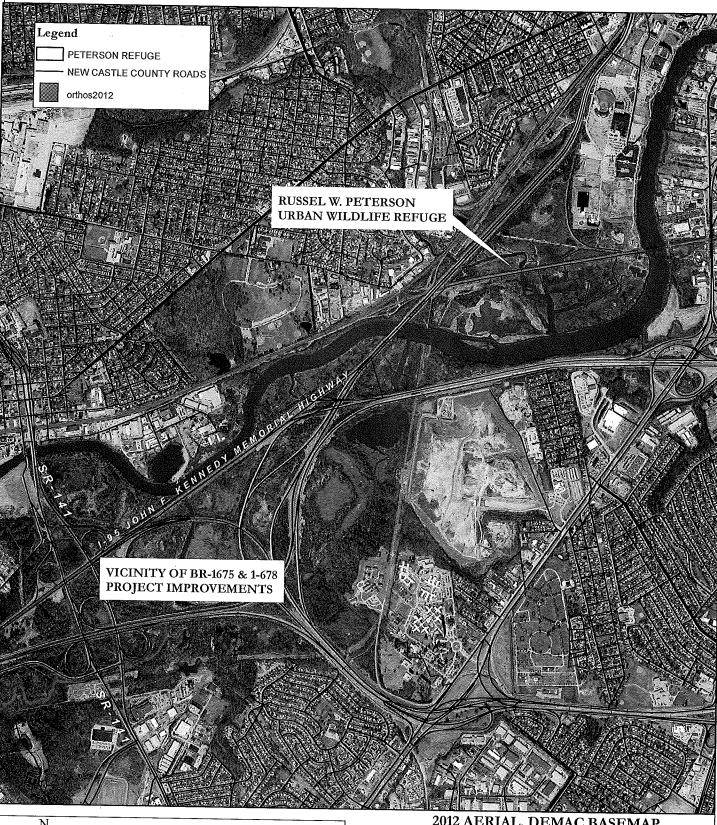


FIGURE 1: I-95 IMPROVEMENTS AND PETERSON REFUGE LOCATIONS





SCALE: 1 inch = 2,000 feet

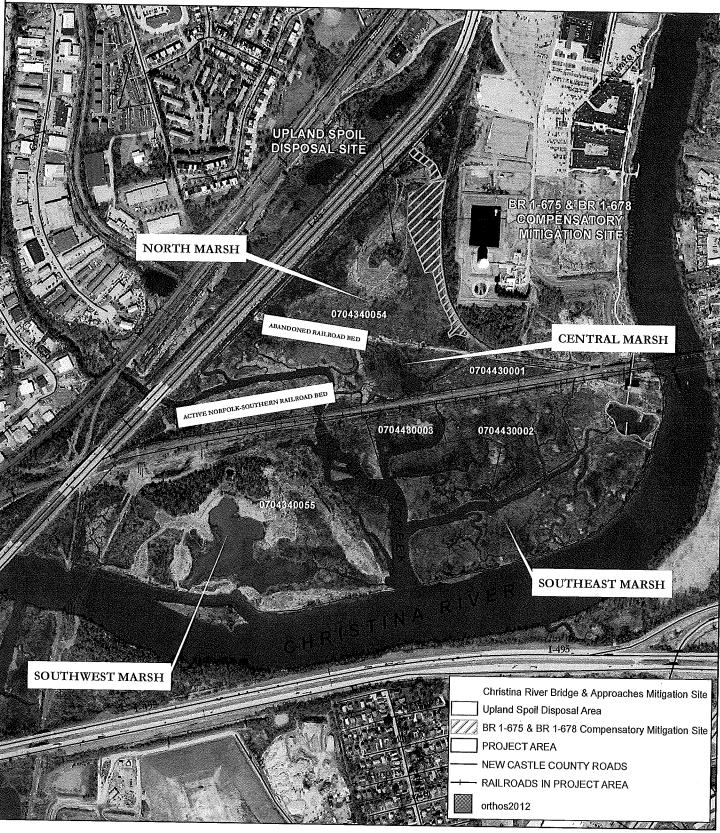
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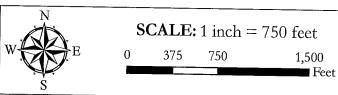
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2012 AERIAL, DEMAC BASEMAP RUSSELL W. PETERSON URBAN WILDLIFE REFUGE SOUTH WILMINGTON QUADRANGLE NEW CASTLE COUNTY, DELAWARE

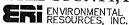


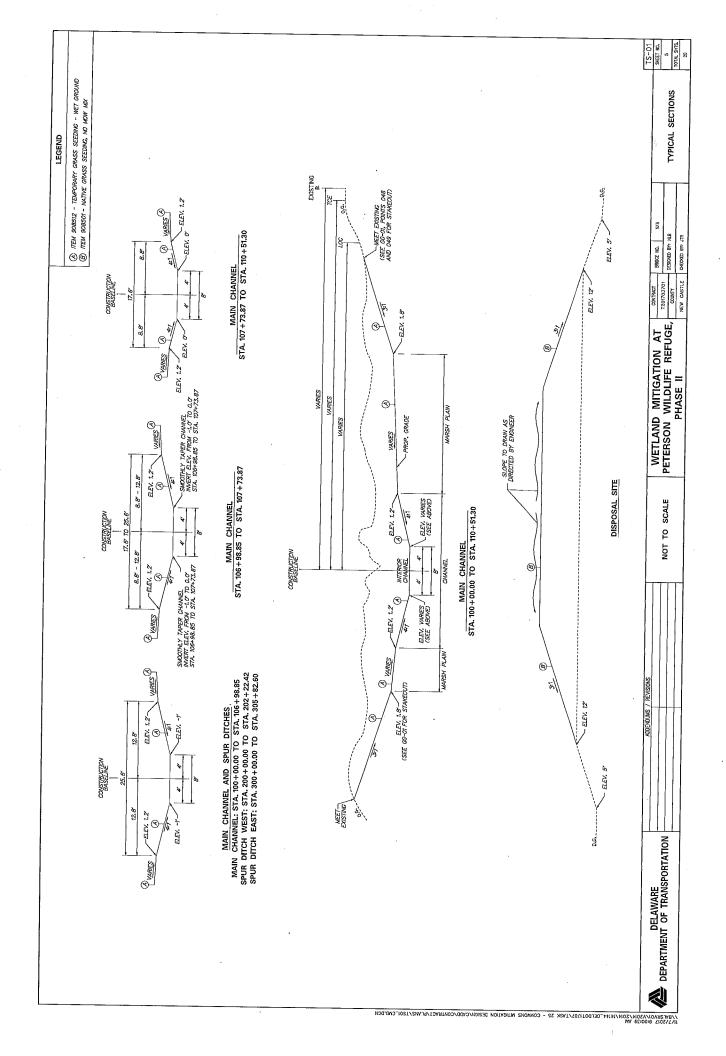
FIGURE 2: REFERENCE DIAGRAM FOR THE PETERSON REFUGE





2012 AERIAL, DEMAC BASEMAP RUSSELL W. PETERSON URBAN WILDLIFE REFUGE SOUTH WILMINGTON QUADRANGLE NEW CASTLE COUNTY, DELAWARE





ENVIRONMENTAL COMPLIANCE NOTES

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 - 2 PROTECTION OF RESOURCES
 - A. PERWIT REQUIREMENTS / APPROVALS*

USACE MATOWING PERMIT 27 - PENDANCADINGER TRUE WETANOUS PERMIT - PENDANCADINGER CAN ROC - PENDANG (ISSUED WITH MAN 2734MEN CASTLE COUNTY (LODGILLAM MPRISONAL - PENDANCAMEN CASTLE COUNTY (LODGILLAM MPRISONAL - PENDANCA-

- THE PROMITY CAPRONES LESTED ARE THOSE REQUIRED FOR THE PROJECT. THE ENVIRONMENT STRESS
CONSTRUCTION RESTRICTIONS

ENDANGERED SPECIESY NOVE FISHERIESY NOVE MORATORY BIRDSY NOVE

- PROTECTION OF RESOURCES
- KETO CLANIO N. NETANO AREAS TO A LIMMAM ABSOLITELY RECESSARY FOR CONSTITUEIDY ACCESS.
 ALL EGAINAGEN TO THRETISHOW ELITALISA AND SELECCIOSIS LAUD SHILLE EL OU RECONOCINICATOR PRESSURE
 CROAN-CONTINUENT ON MAIL EN ADMINISTRATION BY ALLE BENCHMENT OF THE RECONOCINICATOR PRESSURE
 CROAN-CONTINUENT OF MAIL EN ADMINISTRATION AND AND SEED WITH TEXT DESCRIPE TREPORTER DESCRIPE TO GROUNG.
 - CONTRACTOR ACCESS BEYOND THE LOC IS STRETLY PROHIBITIZE LOC LIMITS SYALL BE FLAGGED IN AREAS WHERE SUPER SILT FENCE AND TURBIDITY CURTAIN ARE NOT UTLIZED.

2. CULTURAL RESOURCES

TABLES FOR ENTIRE PROJECT

	TEMPORAR	TEMPORARY WETLAND IMPACT AREA SCHEDIILE	IMPACT A	SEA SCHED	2 =
01	IMPACT DESCRIPTION	SCRIPTION	AREA (CE)	1001	-
2-117-01	2-WT-01 CONSTRUCTION ACCESS CAS	ACCECCY ERC	10244	אמבא יארי	ANCH LALL JUNISUICI ION
2-WT-02	CONCTOUNT LOW	1000000	13011.00	1. 1320	USACE/DNREC
10 1	ME OF CONSTRUCTION ACCESS/ E&S	ACCESS/ ERS	4, 819, 40	0.1106	USACE
2-111-03	Z-WI-US CONSTRUCTION ACCESS/ E&S	ACCESS/ E&S	900, 20	0.0207	//CACE/ONIDER
2-111-04	2-WT-04 CONSTRUCTION ACCESS/ E&S	ACCESS/ E&S	222.02	0.0051	2000
2-117-05	2-WT-05 CONSTRUCTION ACCESS/ E&S	ACCESS/ E&S	15.07	0.0003	LOACE.
2-WT-06	2-WT-06 CONSTRUCTION ACCESS/ FAS	ACCESS/ FAS	21066 20	2,0,0	DONCE
7-WT-1	CONCTOURNET ON	200	27.000	0. 4039	USACE/DNREC
	" CONSTITUTE TON ACCESS/ E&S	ALLESS/ E&S	3, 270, 75	0.0751	DNREC
3-117-2	3-WT-2 CONSTRUCTION ACCESS/ E&S	ACCESS/ E&S	102.44	0 0024	207077
3-117-3	3-WT-3 CONSTRUCTION ACCESS/ FAS	ACCESS/ FRS	418 45	10000	USACE
3-11-4	3-WT-4 CONCTDUCTION ADDICE / TAG	400000	2,00	0.0000	USACE/DNREC
	אחו וחחשוניים	ACCESS/ E&S	23.58	0.0005	USACE
0-111-0	3-WI-5 CONSTRUCTION ACCESS/ E&S	ACCESS/ E&S	3, 963, 54	0.0010	101011
TOTAL TE	TOTAL TEMPORARY WETLAND IMPACT AREAS	IMPACT AREAS	80.842.55	1 8550	2000
TOTAL TEN	TOTAL TEMPOSARY WET! AUD 11/2010 100-10			2000	USACE
10.0	STORES NEST AND		74. 067. 26	1 7010	*******

.		AREA (AC) (IIIBIEDICEIO	מון וחומנים	CINTEL	DNREC	USACE	CONDE	O. Marie			
	SCHEDULE	AREA (AC)	╀	2000	0.0048	0	0. 1008			A SCHEDULE	
	ION AREA	AREA (SE)	5.878.89	200100	4, 024, 00	0	8, 703, 73			MENT ARE	
	WETLAND CREATION AREA SCHEDULE	DESCRIPTION	2-WC-O1 TIDAL WETLAND	2-WC-02 TIDAL WETLAND	4410 ODT-1-101 1011	TO AL METLAND LINEAL ION AREAS	TOTAL WETLAND CREATION AREAS			WETLAND ENHANCEMENT AREA SCHEDULE	100000000000000000000000000000000000000
		a/	2-WC-01 TI	2-WC-02 TI	TOTAL WET!	יסיאר שביר	TOTAL WETL				- 01

COMPER	SATORY MIT	IGATION
	PROVIDED	
TYPE	USACE (AC)	DWREC (AC)
CREAT ION	0	0.1008
ENHANCEMENT	9.3046	9. 1048
TOTAL	9,3046	9, 3046

TABLE	PETERSON MITIGATION	2-WE-01 2-WF 01	2-WE-01, 2-WE-04	2-WE-02, 2-WE-03
USACE COMPENSATORY MITIGATION TABLE	IMPACTS (AC) RATIO MITIGATION	0.2385	1,0309	8.0352
SATOF	RAT 10	4:1	4:1	1 25
CE COMPEN	IMPACTS (AC)	0.0596*	0.2577	2.6784
USA	IMPACT LOCATION	CHRISTINA RIVER BRIDGE	CHRISTINA RIVER BRIDGE APPROACHES	SR 141, 1-95 JAY DRIVE 2. 6784

TABLE	IMPACT LOCATION IMPACTS (AC) RATIO MITIGATION PETERSON MITIGATION	LOCATION **	2-WC-01. 2-WE-04		1	*0-3M-0 00-0M-0
DNREC COMPENSATORY MITIGATION TABLE	MITIGATION	REQUIRED (AC)	4:1 0.1812		•	4, 5885
ISATORY	RAT 10		4:1			130
C COMPEN	MPACTS (AC)		0.0453	0		1.5295
DNRE	IMPACT LOCATION 1		CHRISTINA RIVER BRIDGE 0.0453	CHRISTINA RIVER BRIDGE	APPROACHES	SR 141, 1-95 JAY DRIVE 1. 5295

- CHRISTIAN RIVER BRIDGE LURACTS NUMBER EXCLUDES SHADING LURACTS.
 DUE TO DIFFERING USAGE AND DWREE WETLAND BONDMARIES, MITIGATION AREAS MAY PRESENT MULTIPLE IDENTIFIERS (E.G., 2-ME-OT AND 2-MC-OT ON EC-02)

DWREC MAP REVISION DATE: 12-2-2015

WETLANDS DELWEATED BY ERION 12-23-504 IN ACCHOMACE WITH THE US ARMY CORPS OF ENGINEERS YOURS OF ENGINEERS

ONGWAL SHEET PREPARED BY RIKK ON 08-29-2017. SHEET LAST UPDATED ON 4-19-2019.

ENVIRONMENTAL COMPLIANCE NOTES BRDGE NO. N/A T201703701 DESIGNED BY: NLB
NEW CASTLE CHECKED BY: JRR DESIGNED BY: N.B WETLAND MITIGATION AT PETERSON WILDLIFE REFUGE, PHASE II NOT TO SCALE DDENDUMS / REVISIONS DELAWARE DEPARTMENT OF TRANSPORTATION

