



**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-2018-833	Date October 19, 2018
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Application No. CENAP-OP-R-2018-833	File No. CENAP-OP-R-2018-833-85
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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 Natural Resources and Environmental Control (DDNREC)

AGENT: Moffatt & Nichol

WATERWAYS: Rehoboth Bay, Indian River Bay, Massey's Ditch and the Atlantic Ocean

LOCATION: Massey's Ditch Federal Navigation Channel from Rehoboth Bay to the Indian River Bay, east of the Long Neck Peninsula, Millsboro, Sussex County, Delaware (Lat. 38.620033° N/Long.75.088949° W).

ACTIVITY: The DDNREC has applied for a 10-year maintenance dredging permit to conduct hydraulic maintenance dredging of the federally authorized project commonly referred to as Massey's Ditch and Big Ditch, as well as new dredging north of Middle Island and north of Lynch Thicket Island. The federally authorized project provides for a channel -6.5 feet mean lower low water (MLLW) by 100 feet wide for approximately 2.7 miles connecting the Rehoboth Bay to the Indian River Bay. The entire federal channel will not be dredged, rather the channel will be dredged as needed to reach the authorized channel depth and is expected to result in the removal of approximately 50,000 cubic yards of accumulated sediment. The new dredging north of Middle Island (8.5 acres) and north of Lynch Thicket Island (2.7 acres) will be over-dredged to -7.5 feet MLLW and is expected to result in the removal of approximately 50,000 cubic yards of accumulated sediment as well. Based off of a laboratory analysis dated August 15, 2018, sediment samples indicate that approximately 95% of the sediment to be dredged is sand, while the other 5% is silt. As such, the applicant is proposing to hydraulically pump the dredged material to the Delaware Seashore State Park, just north of the Indian River Inlet for beach nourishment. The applicant proposes to discharge the dredged material along 4,000 linear feet of the coast within the surf zone to allow the sediment to naturally disperse and support littoral drift. The locations and limits of construction are indicated on the attached plans prepared by Moffatt & Nichol, 13 sheets.

The federally authorized navigation channel was completed in 1957. Maintenance dredging by the Corps was last completed in 1980 and resulted in the removal of approximately 39,000 cubic yards of accumulated sediment. Subsequent maintenance dredging has been completed by the DDNREC in 1987 (10,000 cubic yards), 1990 (15,000 cubic yards), 1991 (7,000 cubic yards) and 2002 (30,000 cubic yards).

PURPOSE: The purposes of the project are to maintain safe navigable depths within the high vessel traffic areas between the Rehoboth Bay and the Indian River Bay and provide for beach nourishment along the Delaware Seashore State Park.

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 maintenance dredging will not exceed previously authorized dredging depths and will provide for safe navigable depths within the high vessel traffic areas between the Rehoboth Bay and the Indian River Bay. The dredged material disposal location experiences increased erosion due to the presence of the Indian River Inlet jetty which blocks littoral drift. Disposal of the dredged material at this location prevents sediment from being removed entirely from the system into a confined disposal site and serves as a sediment source for long shore drift along the Atlantic Ocean beaches. Furthermore, laboratory analysis indicates that the dredged material is comparable with that of the beach sediment. 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 a result, consultation with NOAA Fisheries and the US Fish and Wildlife 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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ABBREVIATIONS

- APPROX - APPROXIMATE
- BL - BASELINE
- CL - CENTERLINE
- CF - CUBIC FEET
- CY - CUBIC YARD
- DMCF - DREDGE MATERIAL CONTAINMENT FACILITY
- DNR - DEPARTMENT OF NATURAL RESOURCES
- DNR - DEPARTMENT OF ENVIRONMENTAL CONTROL
- ELEV. - ELEVATION
- MHW - MEAN HIGH WATER
- MHHW - MEAN HIGHER HIGH WATER
- MIN - MINIMUM
- MLW - MEAN LOW WATER
- MLLW - MEAN LOWER LOW WATER
- MLLW - MEAN LOWER LOW WATER
- N - NORTH
- NAVD88 - NORTH AMERICA VERTICAL DATUM OF 1988
- NGVD - NORTH GEODETIC VERTICAL DATUM
- NTS - NOT TO SCALE

GENERAL NOTES

- NOTES BELOW ARE NOT INTENDED TO REPLACE SPECIFICATIONS. SEE SPECIFICATIONS FOR REQUIREMENTS IN ADDITION TO GENERAL NOTES.
- VERTICAL DATUM IS REFERENCED TO MLLW HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83), DELAWARE STATE PLANE COORDINATE SYSTEM.

TIDAL DATUM	
MEAN HIGHER HIGH WATER (MHHW)	2.94 FEET
MEAN HIGH WATER (MHW)	2.67 FEET
NORTH AMERICAN VERTICAL DATUM (NAVD88)	1.82 FEET
MEAN LOW WATER (MLW)	0.15 FEET
MEAN LOWER LOW WATER (MLLW)	0.00 FEET

- THE SURVEY WAS OBTAINED FROM DNRREC-DIVISION OF SOIL AND WATER CONSERVATION ON JUNE 2018.
- THE CONTRACTOR SHALL ABIDE BY ALL APPLICABLE ENVIRONMENTAL PROTECTION STANDARDS, PERMITS, LAWS AND REGULATIONS. DISPOSAL OF DREDGED MATERIALS IN THE LITTLE RIVER IS NOT PERMITTED.
- ALL SAFETY REGULATIONS ARE TO BE STRICTLY FOLLOWED.
- CONTRACTOR SHALL TAKE ALL NECESSARY STEPS AND ACTIONS REQUIRED UNDER THE APPLICABLE SAFETY PRACTICES OF THE FOLLOWING REGULATORY AGENCIES INCLUDING, BUT NOT LIMITED TO: DELAWARE OFFICE OF OCCUPATIONAL HEALTH, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA), AND NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH (NIOSH).

PURPOSE: MASSEY'S DITCH DREDGING

GENERAL NOTES

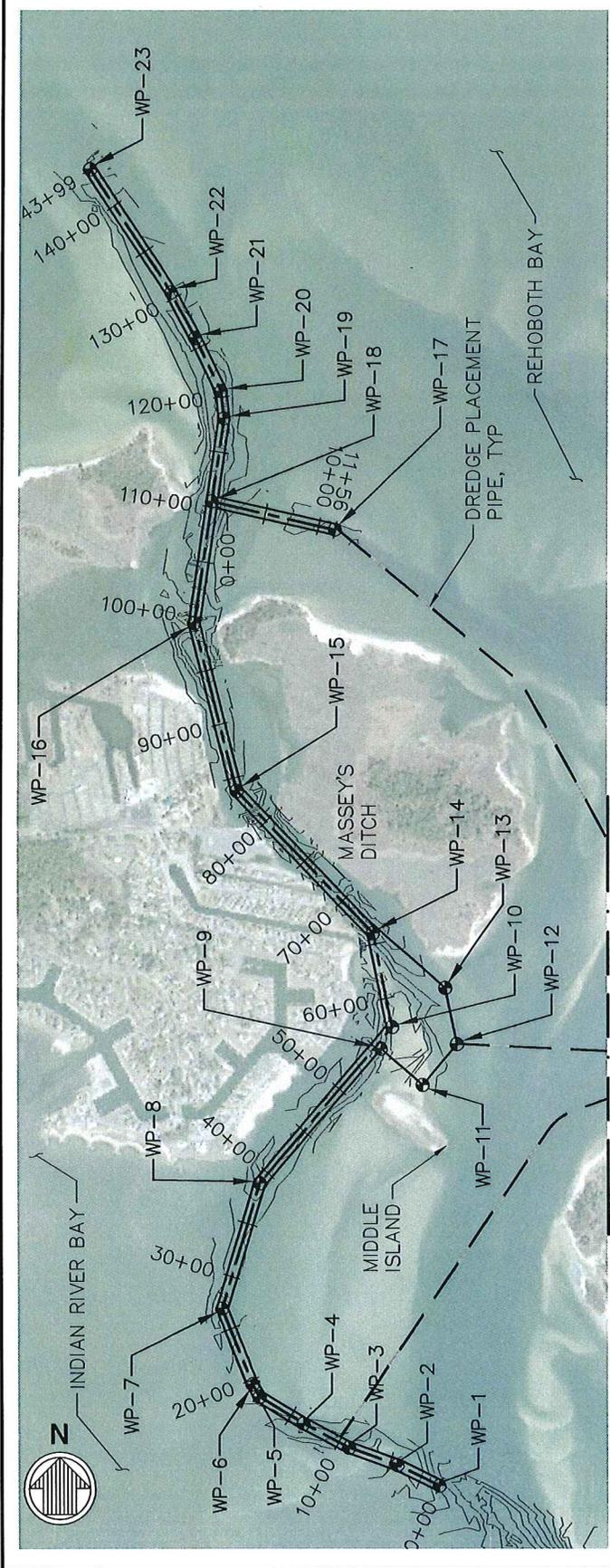
MASSEY'S DITCH DREDGING

DATUM: MLLW

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

APPLICATION BY: MOFFATT & NICHOL

SHEET 2 OF 13 DATE: SEPT 2018



FOR CONTINUATION SEE SHEET 4

CHANNEL COORDINATES			
PNT NO	STATION	NORTHING	EASTING
WP-1	0+00.00	222003.98	748381.00
WP-2	4+29.31	222190.35	747994.26
WP-3	8+97.05	222348.43	747554.04
WP-4	13+62.92	222565.39	747141.77
WP-5	18+30.66	222806.61	746741.03
WP-6	19+60.79	222920.32	746677.75
WP-7	27+00.22	223606.00	746401.00
WP-8	38+83.91	224738.00	746747.00

CHANNEL COORDINATES			
PNT NO	STATION	NORTHING	EASTING
WP-9	55+22.72	225946.76	747854.74
WP-10	57+37.37	226142.00	747957.00
WP-11	55+22.72	225620.34	748233.49
WP-12	57+37.37	225988.43	748550.72
WP-13	59+82.11	226493.63	748445.62
WP-14	66+01.49	226988.00	747781.00
WP-15	83+83.62	228268.00	746541.00
WP-16	99+42.50	229776.00	746146.00

CHANNEL COORDINATES			
PNT NO	STATION	NORTHING	EASTING
WP-17	11+54.41	230618.66	747433.11
WP-18	110+50.32	230872.18	746306.24
WP-19	118+09.13	231623.00	746416.00
WP-20	120+54.63	231866.96	746388.52
WP-21	125+91.65	232347.55	746148.90
WP-22	130+58.61	232757.97	745926.15
WP-23	143+98.88	233870.62	745178.94

PURPOSE: MASSEY'S DITCH DREDGING

DATUM: MLLW

PLAN - GENERAL ARRANGEMENT SHT 1 OF 2



SCALE: 1"=1500'
 DEPARTMENT OF NATURAL RESOURCES
 AND ENVIRONMENTAL CONTROL
 89 KINGS HIGHWAY, DOVER, DE 19901

MASSEY'S DITCH DREDGING

APPLICATION BY: MOFFATT & NICHOL

SHEET 3 OF 13 DATE: SEPT 2018



FOR CONTINUATION SEE SHEET 3

PURPOSE: MASSEY'S DITCH DREDGING

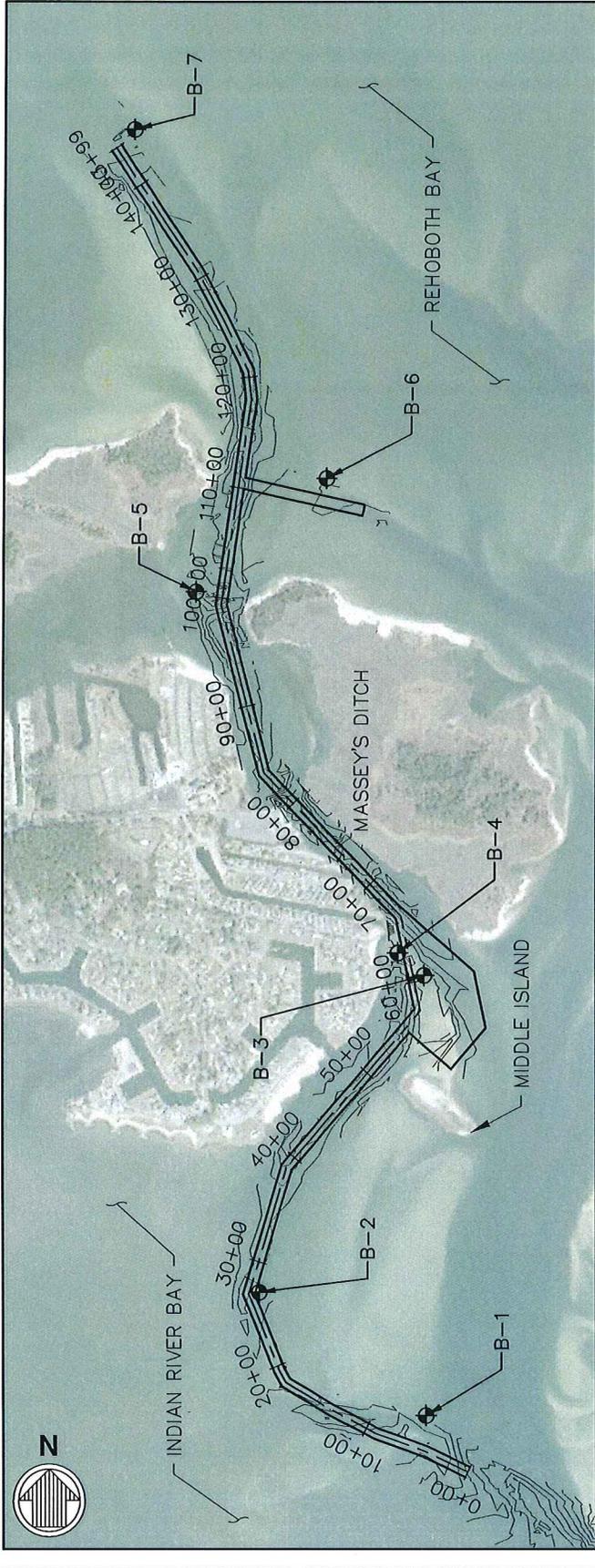
PLAN - GENERAL ARRANGEMENT SHT 2 OF 2

DATUM: MLLW

APPLICATION BY: MOFFATT & NICHOL
SHEET 4 OF 13 DATE: SEPT 2018

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

SCALE: 1"=1500'
0 750' 1500'



BORING LOCATIONS TABLE			
POINT NO.	NORTHING	EASTING	
B-1	222511.68	748005.81	
B-2	223619.28	746493.81	
B-3	226457.17	747992.00	
B-4	226658.67	747753.19	
B-5	229889.69	745916.73	
B-6	230905.46	747103.54	
B-7	234035.63	745347.13	

PURPOSE: MASSEY'S DITCH DREDGING

DATUM: MLLW

PLAN - BORING LOCATIONS

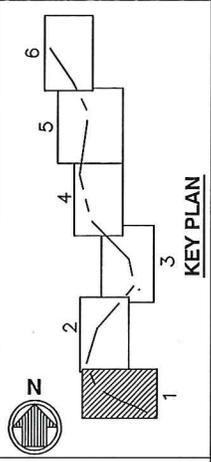
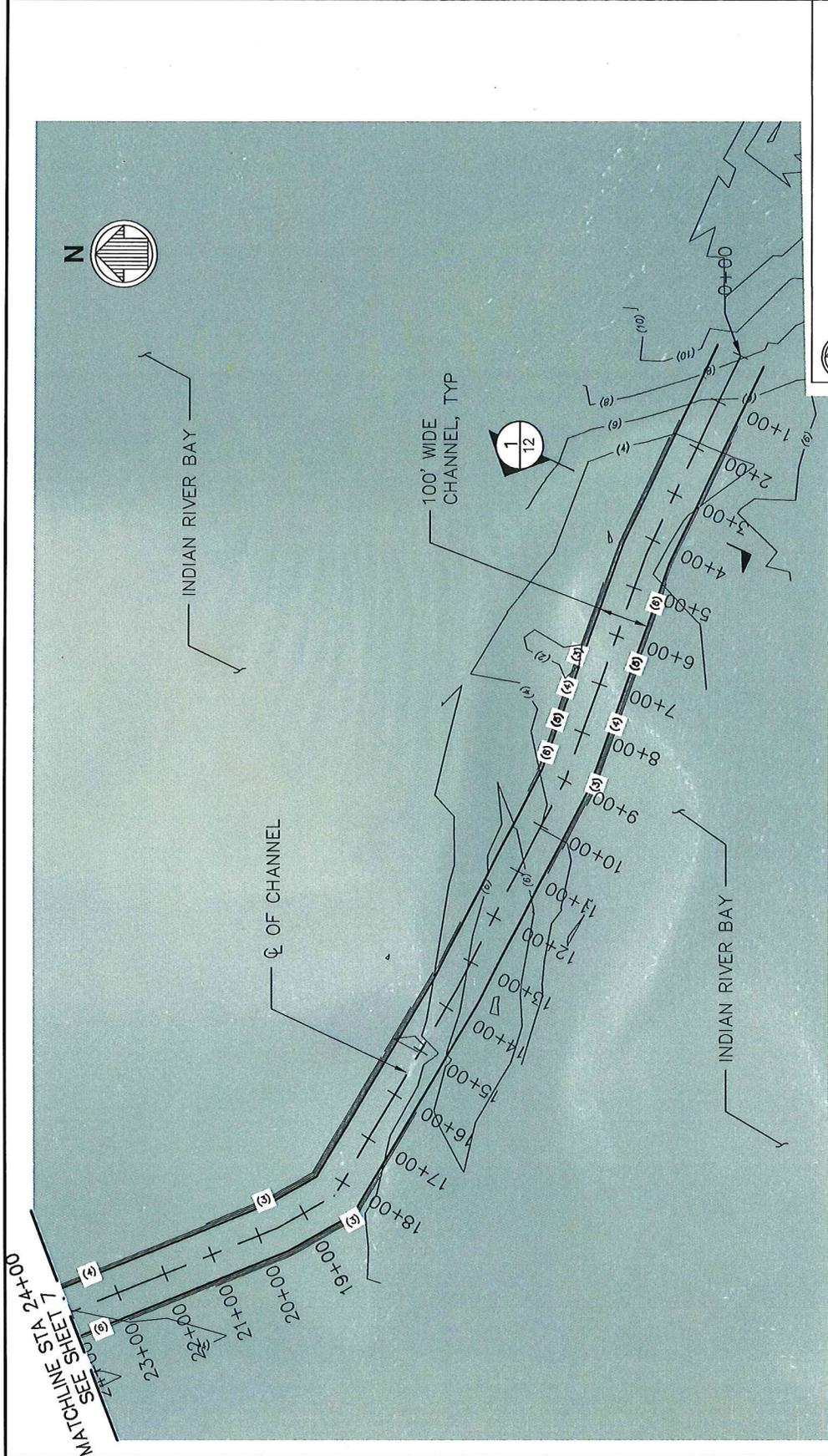


DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

MASSEY'S DITCH DREDGING

APPLICATION BY: MOFFATT & NICHOL

SHEET 5 OF 13 DATE: SEPT 2018



PURPOSE: MASSEY'S DITCH DREDGING

DATUM: MLLW

APPLICATION BY: MOFFATT & NICHOL

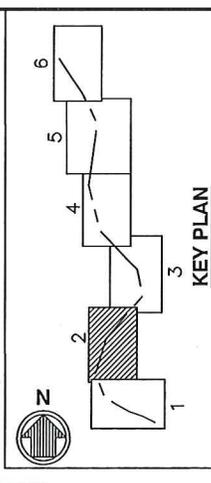
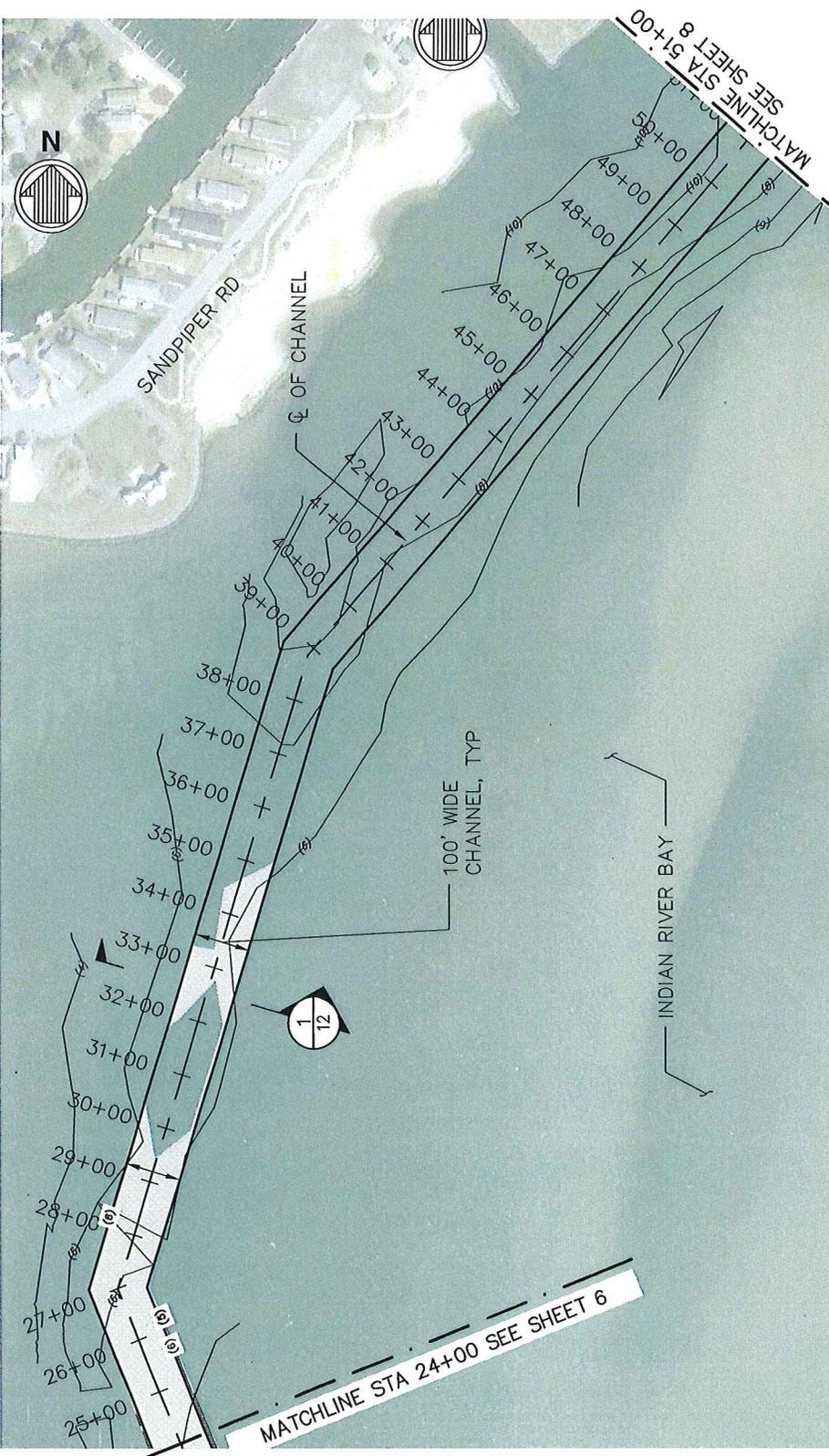
SHEET 6 OF 13 DATE: SEPT 2018

PLAN - CHANNEL DREDGING - SHEET 1 OF 6

SCALE: 1"=300'

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

MASSEY'S DITCH DREDGING



PURPOSE: MASSEY'S DITCH DREDGING

PLAN - CHANNEL DREDGING 2 OF 6

MASSEY'S DITCH DREDGING

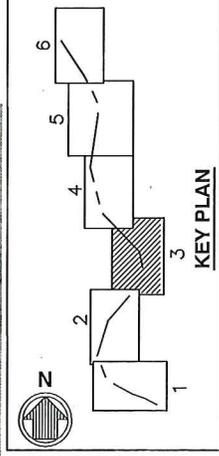
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SCALE: 1"=300'

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

APPLICATION BY: MOFFATT & NICHOL

SHEET 7 OF 13 DATE: SEPT 2018



PURPOSE: MASSEY'S DITCH DREDGING

DATE: SEPT 2018

OF 13

BY: MOFFATT & NICHOL

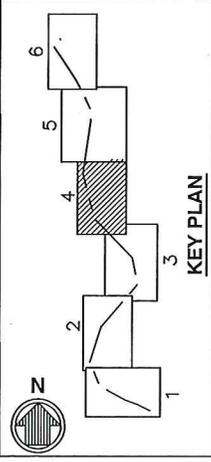
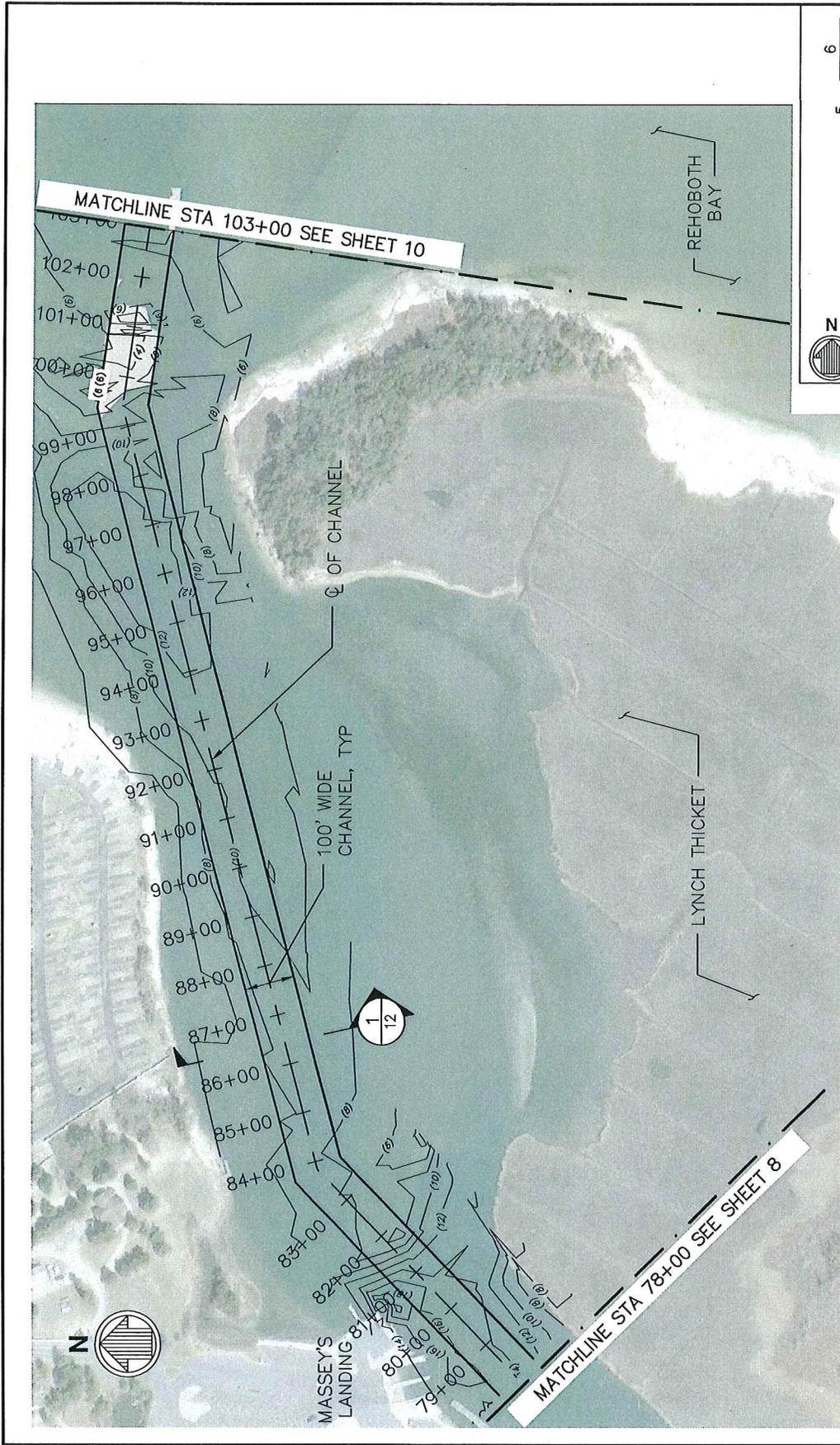
PLAN - CHANNEL DREDGING 3 OF 6

SCALE: 1"=300'

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

89 KINGS HIGHWAY, DOVER, DE 19901

DATUM: MLLW



PURPOSE: MASSEY'S DITCH DREDGING

DATUM: MLLW

APPLICATION BY: MOFFATT & NICHOL

SHEET 9 OF 13 DATE: SEPT 2018

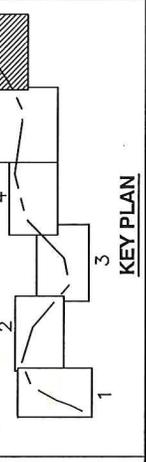
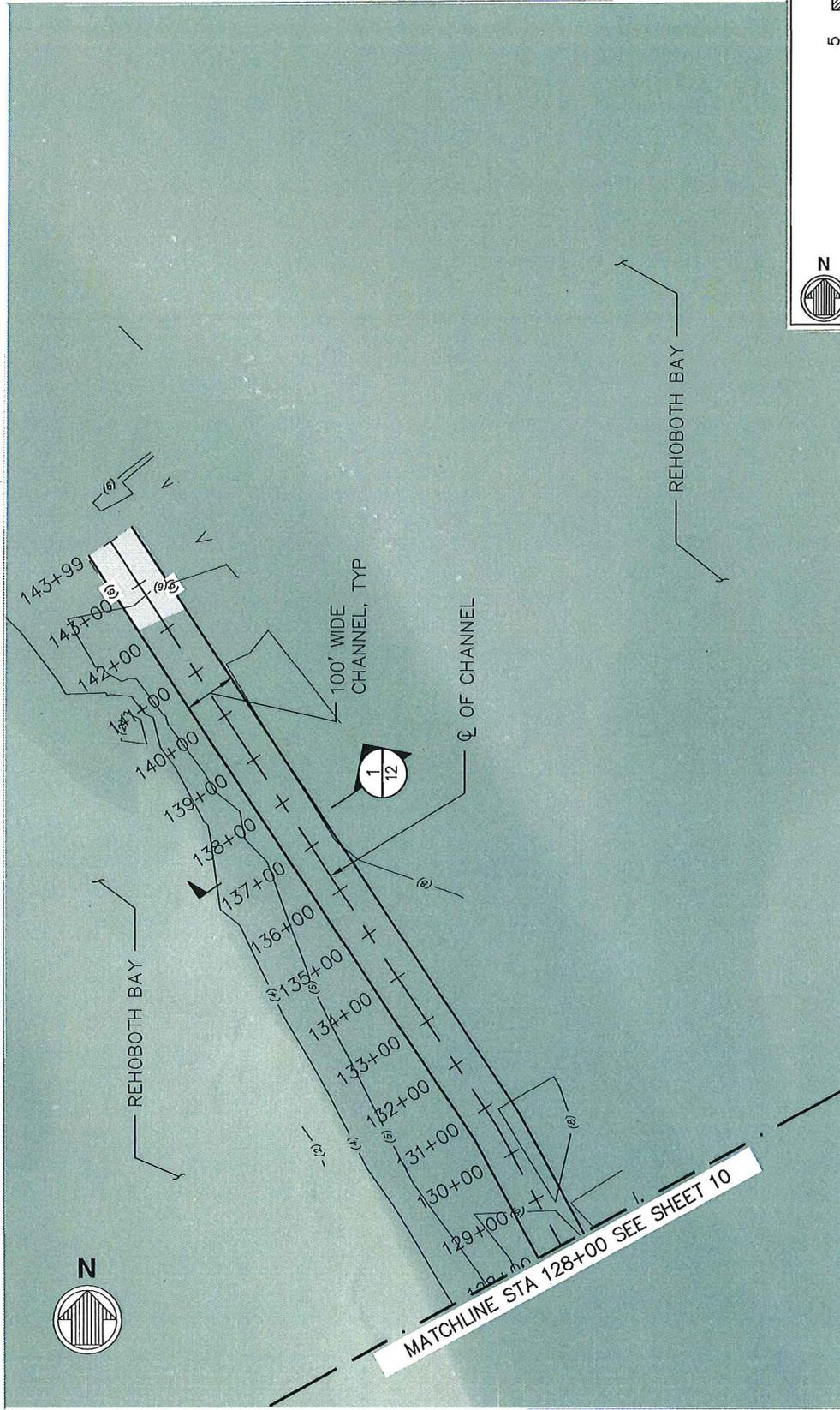
PLAN - CHANNEL DREDGING 4 OF 6

SCALE: 1"=300'

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

89 KINGS HIGHWAY, DOVER, DE 19901

150' 0' 150' 300'



MASSEY'S DITCH DREDGING

APPLICATION BY: MOFFATT & NICHOL

SHEET 11 OF 13 DATE: SEPT 2018

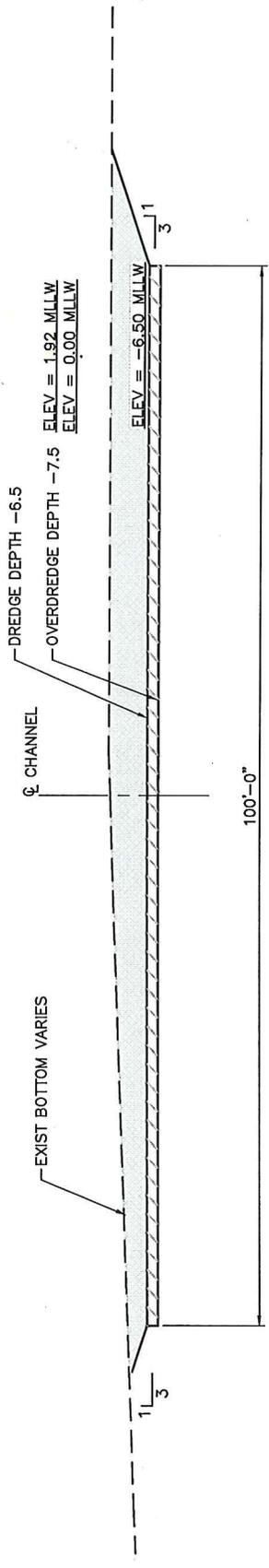
PLAN - CHANNEL DREDGING 6 OF 6

SCALE: 1"=300'

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

PURPOSE: MASSEY'S DITCH DREDGING

DATUM: MLLW



7,8,9,10,11

SECTION - TYPICAL DREDGING

SCALE: NTS

1/6

PURPOSE: MASSEY'S DITCH DREDGING

DATUM: MLLW

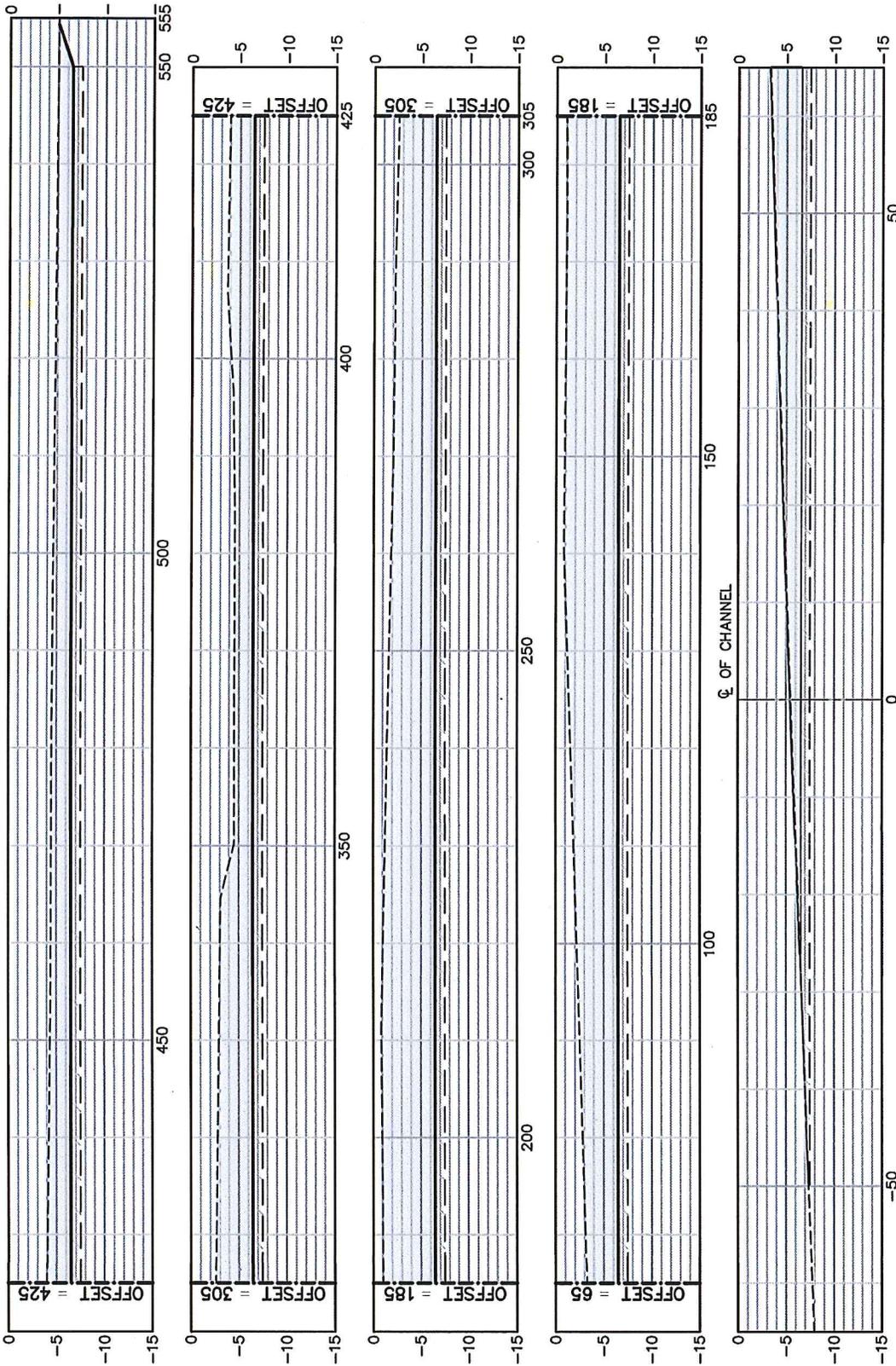
SECTION - 1 OF 2

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

MASSEY'S DITCH DREDGING

APPLICATION BY: MOFFATT & NICHOL

SHEET 12 OF 13 DATE: SEPT 2018



56+00

SECTION - DREDGING
SCALE: NTS

PURPOSE: MASSEY'S DITCH DREDGING

SECTION - 2 OF 2

MASSEY'S DITCH DREDGING

DATUM: MLLW

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
89 KINGS HIGHWAY, DOVER, DE 19901

APPLICATION BY: MOFFATT & NICHOL

SHEET 13 OF 13 DATE: SEPT 2018