



**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-2018-858-23	Date October 15, 2018
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Application No. CENAP-OP-R-2018-858	File No. CENAP-OP-R-2018-858
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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).

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: Sargio Corporation, c/o Mr. John M. Candeloro

AGENT: Coastal and Estuarine Research Inc. Lewes, Delaware

WATERWAY: Bay Vista Marina Basin, adjacent to the L&R Canal

LOCATION: The Bay Vista Marina Basin and access channel, located adjacent to the Lewes and Rehoboth Canal at Tax Map Parcel 3-34-19.16-23.02, Basin Street, Rehoboth Beach, Sussex County, Delaware

ACTIVITY: The applicant proposes to conduct mechanical maintenance dredging within the Bay Vista Marina Basin and access channel, located adjacent to, and leading to, the Lewes and Rehoboth Canal at Tax Map Parcel 3-34-19.16-23.02, Basin Street, Rehoboth Beach, Sussex County, Delaware. The marina is an artificially excavated basin (constructed prior to 1968) adjacent to the L&R Canal, providing slips for approximately 25 vessels, which are currently resting on the bottom. Existing depths range from 0' to 1.7' in the slips; typically 1.8' in the center of the basin; and 1.1' to 1.2' in the access channel (MLW). Such depths are insufficient for boaters to leave or enter their slips at lower stages of tide, limiting boating activities to periods of higher water. The adjacent L&R Canal has water depths of -6' MLW or greater.

The proposal is to remove by mechanical means approximately 3500 cubic yards of accumulated silty sediment to depths of -4' MLW and -6' MLW from the basin and its access channel, respectively. Dredging would occur from the uplands using a long reach excavator and also from a barge-mounted excavator. The dredged material would be placed in an on-site upland disposal area adjacent to the marina basin at Tax Map Parcel 3-34-19.16-23.02, which is also owned by the applicant.

PURPOSE: The project purpose is to restore and maintain navigable depths within the marina basin and its access channel, thereby providing access to the navigable waters of the L&R Canal for the purpose of navigation.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitats pursuant to Section 7 of the Endangered Species Act (ESA) as amended. As a result, consultation with NOAA Fisheries 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 15 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.

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, by email at john.g.brundage@usace.army.mil, or by writing to 1203 College Park Drive, Suite 103, Dover, Delaware 19904.

Edward E. Bonner
Chief, Regulatory Branch

**PROPOSED 3,500 C.Y. MECHANICAL MAINTENANCE
DREDGING TO -4' MLW (BASIN)/-6' MLW (CHANNEL),
WITH DISPOSAL AT ADJACENT UPLAND DISPOSAL AREA**

IN: Bay Vista Marina basin and access channel
AT: Basin Street, Bay Vista,
 Rehoboth Beach, Sussex County DE 10071
 Tax Map Parcel #3-34-19.16-25.03

APPLICANT: Sargio Corp.
DATE: August 7, 2018



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Figure 4. Site location on U.S.G.S. topographic map, Rehoboth Beach, Delaware 2018-858
 quadrangle. Site is adjacent to Lewes and Rehoboth Canal. Scale: 1" = 2,000'.

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Figure 7. State of Delaware DNREC wetland map #036 (1988 photobase) showing maintenance dredging (MD) site, Bay Vista Marina basin and access channel, adjacent to Lewes and Rehoboth Canal. Site is mapped W (water). Disposal area (DA) mapped O (other, uplands or non-tidal wetlands less than 400 acres). Scale: 1" = 300'.

E-2

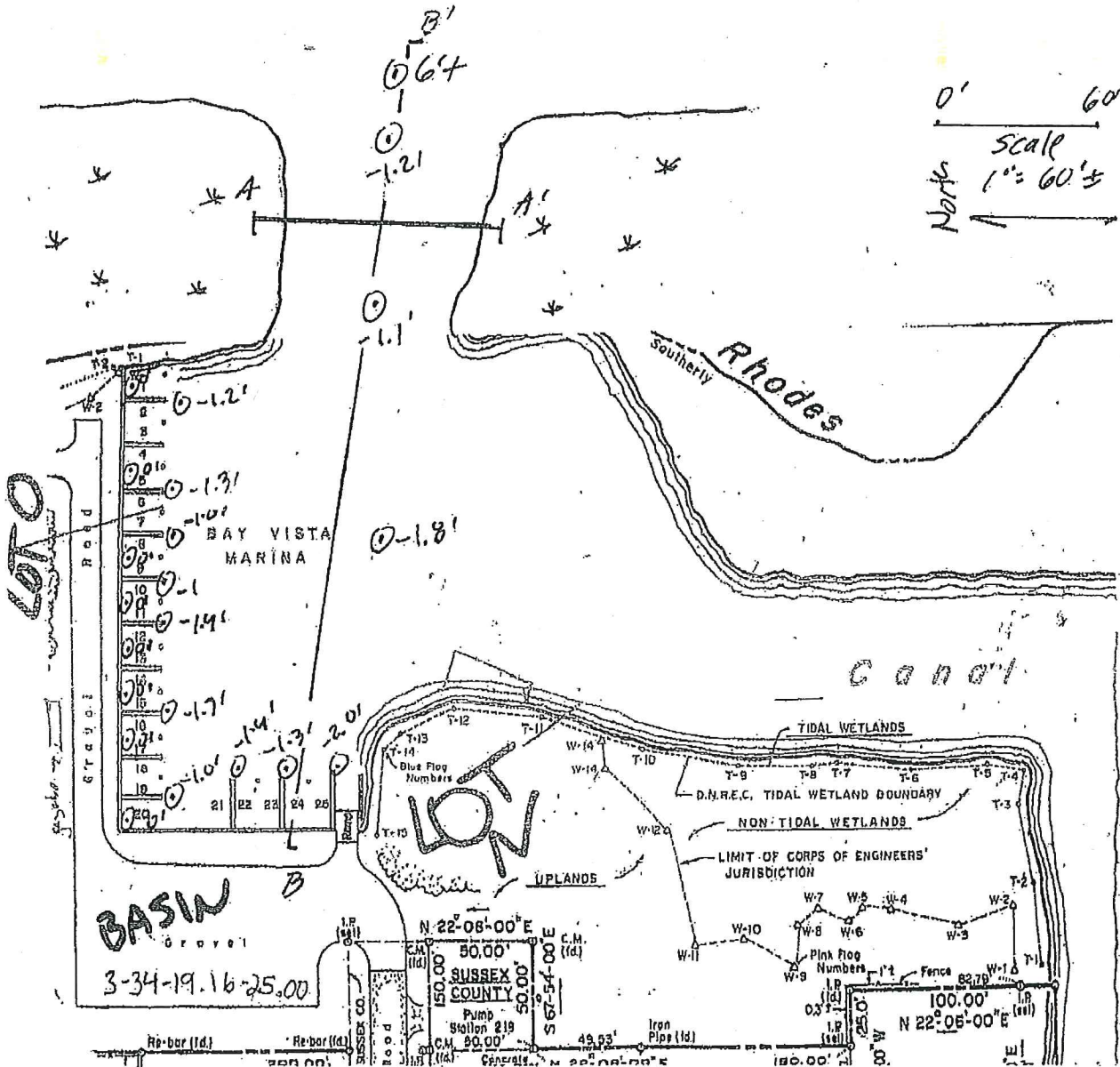
2018-858

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LEWES AND
 REHOBOTH CANAL Flood → Ebb



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2018-858

Figure 9,

Plan view sketch showing existing MLW depths, as measured on site by Evelyn Maurmeyer, CER, Inc., August 5, 2018.

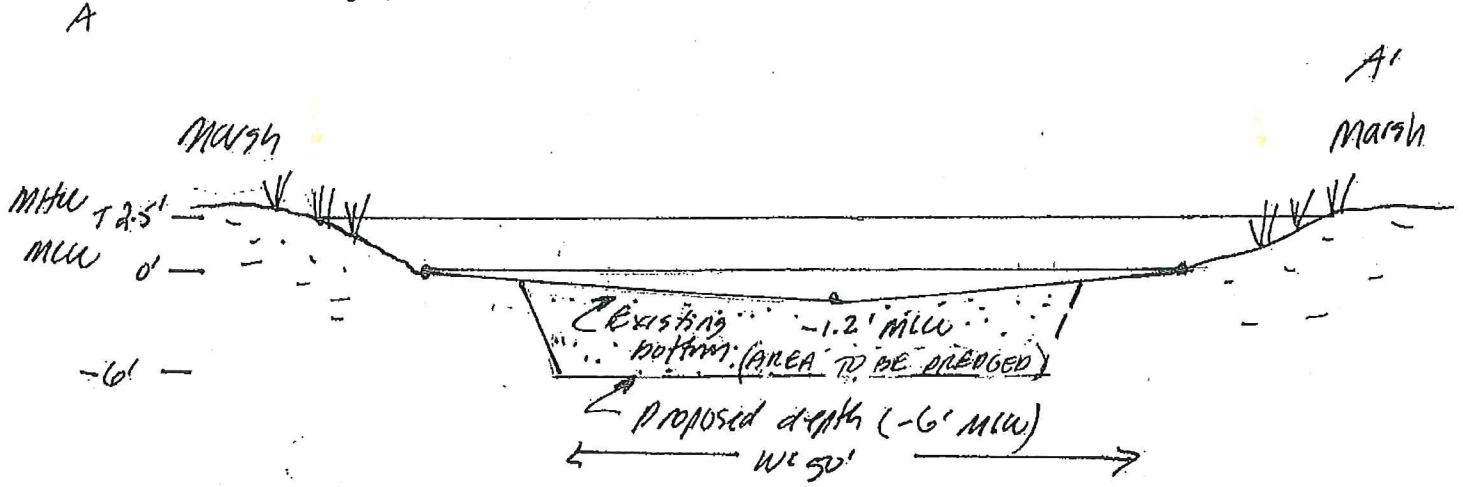
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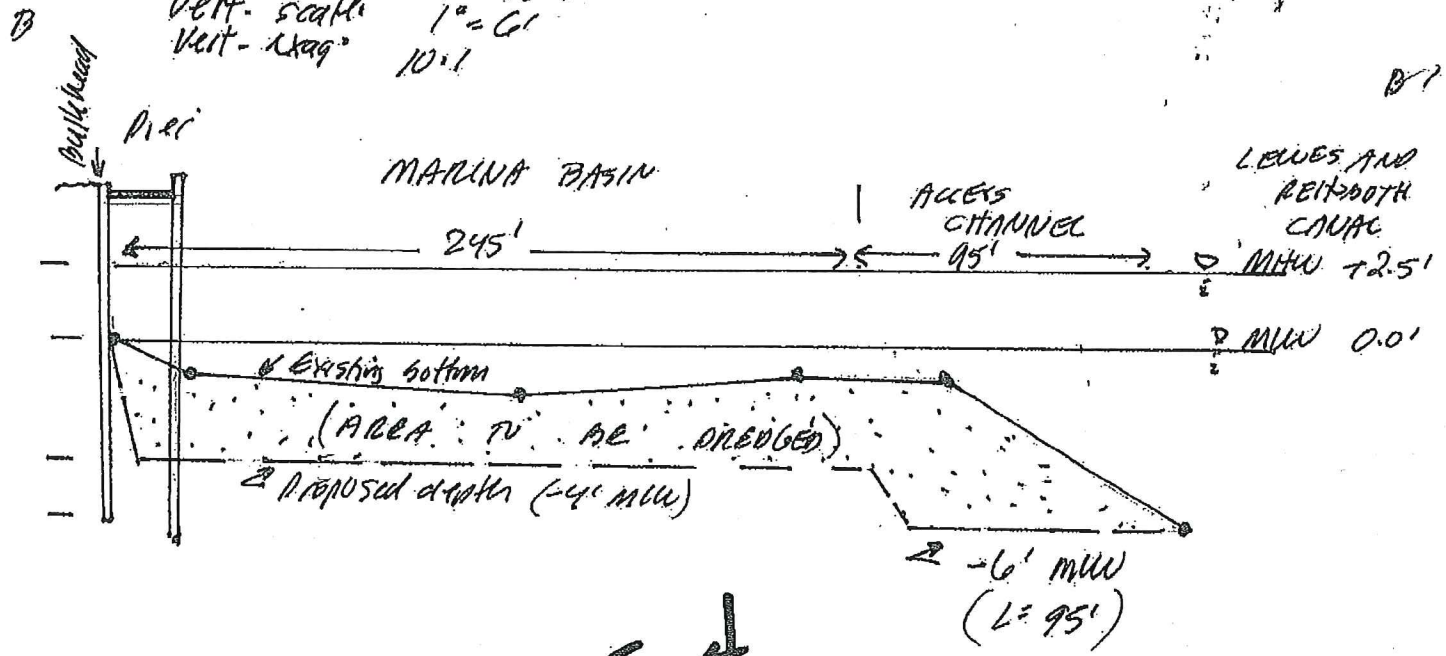
1) CROSS-SECTION: ACCESS CHANNEL

Horiz. scale: 1" = 20' ±
 Vert. scale: 1" = 10' ±
 Vert. exp. = 5:1



2) CROSS-SECTION: MARINA BASIN

Horiz. scale: 1" = 60' ±
 Vert. scale: 1" = 6'
 Vert. exp. = 10:1



E-4

2018-E58

Figure 10. Representative cross-section sketches showing existing and proposed depths.

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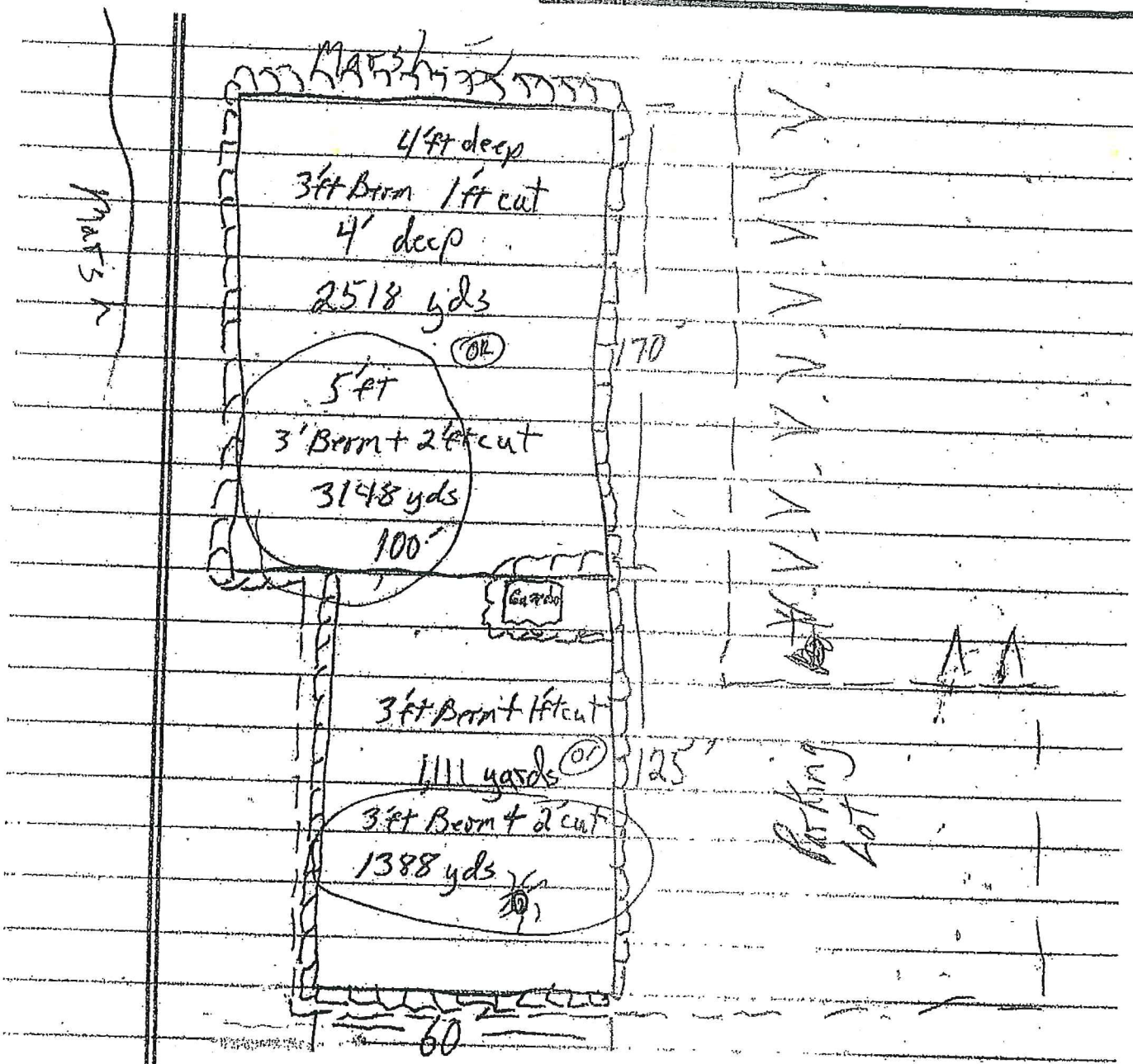
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3' Berm Plus 1'ft cut for 4'ft deep pit
Room for 3689 yds

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2018-858

Figure 14. Plan view sketch of proposed disposal area (prepared by George Apple, Apple Marine Construction, Inc., dredging contractor).